

City of Milwaukie  
Planning Commission Regular Meeting  
June 27, 1978

The regular meeting of the Milwaukie Planning Commission was held on June 27, 1978, in the Council Chambers of City Hall. The meeting was called to order at 7:00 p.m. by Mark Landis, Chairman.

Members present: Mark Lankis Louie Monetti  
Tom Foeller Tom Bond  
Bob Gudgel Bob Kennedy

Jim Lotz arrived at 7:10 p.m.

Also present: Cy Nims, Planning Director Myer Avedovech, City Attorney  
Jon Stein, Assistant Planner Kay Gitchell, Secretary

The pledge of allegiance was recited by those present.

IT WAS MOVED by Kennedy, seconded by Foeller, to approve the minutes of the April 25 and May 23, 1978, regular meetings. MOTION CARRIED unanimously, and so ordered.

#### AUDIENCE PARTICIPATION

None

#### PUBLIC HEARING

C-78-6 The Murphy Company, applicant. The Murphy Company requests to use three gas dryers to dry green veneer at their property located at 3105 S.E. Harrison Street.

Public hearing opened at 7:05 p.m., with notices published and mailed as required, and mailed to residents of property within 250 feet of the subject property. No correspondence was received. Staff report, recommending continuation of application was given by Cy Nims.

Speaking in favor: John Murphy, 1036 Civic  
Chuck Dorn, Murphy Company employee.

Speaking against: None

Questions raised: John Palmer, 624 Aspen

Hearing was declared closed at 8:15 p.m. IT WAS MOVED by Kennedy, seconded by Foeller to continue C-78-6 as recommended by staff in order to gain required information. Staff to meet further with applicant and receive information pertaining to the thirteen questions raised in the Staff Report. Emphasis is to be placed on questions of noise and air pollution, vacation of public streets, housekeeping, traffic circulation, parking, public safety, buffering from residential areas, and landscaping. If information is received in time, the Planning Commission will consider the application at its July 11, 1978 work session. MOTION CARRIED unanimously, and so ordered.

June 27, 1978

VARIANCE REQUESTS (and related subdivisions)

VR-78-9                      Marvin Cohen, applicant. Request to allow a three lot Minor Land Partition with two flag lots at 11466 S.E. Linwood.

Staff report, recommending approval with conditions, was given by Jon Stein. Marvin Cohen, applicant, was present to discuss the application with the Commission. IT WAS MOVED by Foeller, seconded by Kennedy, to approve the variance, based on the staff report and testimony by Jon Stein, and attach staff recommendations which are three in number and add a fourth:

- 1) Improvements and other requirements set forth in Section 4 of Planning Commission Resolution PC-1-1978 to be as required by Public Works Dept.
- 2) Provide dedication for 63rd and 64th Avenues.
- 3) Clarify status of access to Lots II and III, to be approved by staff.
- 4) No further partitioning in parcel 3 take place until 63rd and 64th streets are improved.

Following discussion IT WAS MOVED by Gudgel, seconded by Bond, that the motion be amended to read "... 63rd or 64th streets ..." MOTION FAILED with Bond, Lotz, and Gudgel voting in favor; and Kennedy, Foeller, and Monetti voting against; and the Chairman choosing not to vote.

Question was called on original motion. MOTION CARRIED unanimously, and so ordered.

VR-78-11,                      Robert Larson, applicant. Request for preliminary plat  
S-78-4                      approval of proposed five lot subdivision with front yard  
                                 variance on lot four. Located at 5011 - 5053 S.E. King Road.

Staff reports, recommending approval for the variance and approval of preliminary plat with conditions, were given by Jon Stein. David Taschny, 13918 S.E. Estella, was present representing the applicant. Also speaking in favor was Marvin Cohen, 4629 S.E. Rockwood. IT WAS MOVED by Kennedy, seconded by Gudgel, that VR-78-11 be approved for reasons given in proposal and that the preliminary plat of S-78-4 be approved with the conditions stated in the staff report:

- 1) Proposals for street improvement and utilities to be approved by the Director of Public Works.
- 2) Approve configuration of lot 4 with variance in depth of front yard from required 20 feet to 8 feet and side yard from required 20 feet to seven feet. Reason: Insufficient distance exists between the two existing dwellings for a 40 foot street and yards of required width.

MOTION CARRIED with Lotz voting against, and so ordered.

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VR-78-12,  
S-78-5

Shirley, McCarter, applicant. Request for variance from lot width requirements in a proposed seven lot subdivision located east of Boss Lane, South of Licynta Lane, and north of Kellogg Creek; and request for preliminary plat approval for same subdivision.

Staff reports recommending approval with condition for VR-78-12 and approval with conditions for S-78-5 were presented by Jon Stein. Richard Drinkwater, 8095 S.W. Sears Drive, Beaverton, was present representing applicant.

Speaking in opposition: Frank Amato, 3611 S.E. Aldercrest  
Mrs. Clyde Basler, 3711 S.E. Aldercrest  
Al Jones, 11575 S.W. Greenberg Rd., Tigard

Speaking in favor: Miles Thieberg, 3822 S.E. Oatfield Court  
Winston Kirth, 1607 S.E. Fircrest Court  
Richard Drinkwater, 8095 S.W. Sears Drive, Beaverton

A petition against the approval of the variance and subdivision was presented by Mr. Amato. There were thirteen signers: Frank W. Amato, Gayle M. Amato, Terence J. O'Donnell, Karen L. O'Donnell, Tim Hughes, Clyde M. Basler, Essie N. Basler, Alden H. Jarvis, Jean P. Jarvis, A. J. Asti, Mrs. Katherine Asti, Arlunt Rinner, Norma L. Rinner. (See petition attached).

The Planning Commission recommended that, "if staff interprets 'self-created' difficulty in the manner stated during the meeting, eg. that the difficulty was not 'self-created' due to the fact that the owner did not set the original lot lines before subdividing, then there would be almost no 'self-created' difficulty in any land partition." The Commission commented that the difficulty was "self-created" due to the subdivision lot lines being self-drawn.

IT WAS MOVED by Gudge, seconded by Bond, to deny the variance request. MOTION CARRIED, with Kennedy voting against and Foeller abstaining. IT WAS MOVED by Gudge, seconded by Foeller, to continue S-78-5 until the next regular meeting of the Planning Commission. MOTION CARRIED unanimously, and so ordered.

VR-78-13

Omark Industries, applicant. Request to reduce parking lot setback from required 4 feet 6 inches to 2 feet 6 inches.

Staff suggested an alternative to applicant which eliminated any need for a variance. Applicant agreed with staff and decided to implement the alternative. For this reason there was no need for applicant to appear, or for the Commission to take action.

June 27, 1978

A-78-2

Jack and Catherine Trotters, applicants. Request consideration of annexation of 40,000 square foot parcel at Chelsea Street and Freeman Road. Also, request zone change from County R-10 to City R-10.

The staff report, recommending that the Planning Commission approve the petition for annexation and that the Planning Comm. initiate the zone change if and when the property is annexed to the city, was given by Jon Stein. IT WAS MOVED by Lotz, seconded by Foeller, to initiate proceedings and recommend annexation of the property to the City Council. MOTION CARRIED unanimously, and so ordered. IT WAS MOVED by Kennedy, seconded by Foeller, to initiate a zone change from County R-10 to City R-10 when and if the property is annexed to the City. MOTION CARRIED unanimously, and so ordered.

FF-78-3

Delmar McClure, applicant. Request review of plans for building extension to be added to existing structure in the Floodway Fringe north of Johnson Creek Blvd. and west of 55th Avenue.

Staff report recommending approval with conditions was given by Jon Stein. Delmar McClure, 9051 S.E. 55th Avenue, was present to answer questions and provide information for the Commission.

Speaking in favor: Claude Jones, 9101 S.E. 55th Avenue

IT WAS MOVED by Foeller, seconded by Monetti, that FF-78-3 be approved based on staff report and testimony presented and meet requirements of building in flood level and attach staff conditions: 1)

1) As amended by staff:

That portions of the buildings, parking and landscaping within the Floodway Fringe be floodproofed according to the provisions of Section 3.150 (2 b.2) (b) (e) of the Milwaukie Zoning Ordinance subject to approval of City Building Officials and in accordance with flood proofing methods allowed in such cases by the regulations of the U. S. Army Corps of Engineers.

2) The plans for Flood-proofing shall be approved by an engineer qualified to review plans for flood hazard requirements. Plans shall be reviewed and approved by the Public Works Department and shall be approved by the City Building Inspector.

3) Landscaping to be subject to staff review.

MOTION CARRIED unanimously, and so ordered.

June 27, 1978

S-78-2

S-78-2

Howard Pohrman & Associates, applicant. Request final plat approval for ten lot subdivision on 2.525 acre parcel in R-10 zone west of intersection of 17th Avenue and McBrod Avenue.

The staff report, recommending approval due to all prior conditions having been met, was given by Jon Stein. Bob Cook, 5207 S.E. Malden Avenue, was present representing applicants and to present the hardboard for signing. IT WAS MOVED by Kennedy, seconded by Gudgel, that the final plat of Waverly Terrace (S-78-2) be approved. MOTION CARRIED unanimously, and so ordered.

S-78-3

Carl Benson, applicant. Application for a 17 lot subdivision on a 3.75 acre tract located on the west side of Stanley Avenue approximately 250 feet north of Waymire Street.

The staff report recommending approval of the resubmitted preliminary plat with conditions was given by Jon Stein. Carl Benson, 8720 S.E. 36th Street, was present to speak to Commission members. IT WAS MOVED by Lotz, seconded by Kennedy, to continue the matter until the next regular meeting of the Planning Commission. MOTION CARRIED unanimously, and so ordered.

M-78-22

Walter Freeman, applicant. Request to create one lot in R-10; Single Family Residential, on S.E. 43rd Avenue between Pacific Highway East and Lake Road.

The staff report recommending approval with conditions was given by Jon Stein. Ray Bartel, 10952 S.E. 21st Street, was present representing applicant. Following discussion, IT WAS MOVED by Gudgel, seconded by Monetti, to continue the M-78-22 application until the next regular meeting. MOTION CARRIED with Landis, Foeller and Kennedy voting against, and so ordered.

#### CORRESPONDENCE AND OTHER

- a) Request from City Council for recommendation on Lord and LeBlanc Economic Report. No action taken.
- b) Discussion of Moratorium, referral from City Council.

Background information was presented by Myer Avedovech, City Attorney.

Speaking against: Irwin S. Adams, Executive Vice-president of North Clackamas County Chamber of Commerce, residence 2453 S.E. Lake Road.

Stephen T. Janik, Attorney, 900 S.W. 5th, representing Walter Freeman family.

Sam Allen, 8315 S.E. Stark, Portland.

Dick Smelzer, 475 S.W. Borlan, West Linn, representing self and Governmental Affairs for the Clackamas County Homeowners Association.

Ray Bartel, 10952 S.E. 21st.

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Comments: Myer Avedovéch, City Attorney

Rebuttal: Stephen T. Janik, 900 S.W. 5th.

- c) Discussion of subjects to be considered at joint Planning Commission/City Council meeting, June 28, 1978. No action taken.
- d) Review of Field Trip - Lake Road Planned Unit Development. No action taken.
- e) Consideration of Zoning Ordinance yard requirements. No action taken.

City of Milwaukie  
PLANNING COMMISSION REGULAR MEETING AGENDA  
June 27, 1978

1. Call to order - 7:00 p.m.  
Council Chambers, City Hall, 10722 S.E. Main Street

2. Minutes of April 25, 1978 and May 23, 1978

3. Audience Participation

4. PUBLIC HEARING

C-78-6            The Murphy Company, applicant. The Murphy Company requests to use three (3) gas dryers to dry green veneer at their property located at 3105 S.E. Harrison Street.

5. VARIANCE REQUESTS

VR-78-9           Marvin Cohen, applicant. Request to allow a three lot Minor Land Partition with two flag lots at 11466 S.E. Linwood.

VR-78-11          Robert Larson, applicant. Request for preliminary plat approval of five lot subdivision with front yard variance on lot four. Located at 5011 - 5053 S.E. King Rd.

VR-78-12          Request for variance from lot width requirements in a proposed seven lot subdivision located east of Boss Lane, south of Licynta Lane, and north of Kellogg Creek.

6. CONSIDERATIONS

A-78-2            Jack and Catherine Trotters, applicants. Request consideration of annexation of 40,000 square foot parcel at Chelsea Street and Freeman Road.

FF-78-3           Delmar McClure, applicant. Request review of plans for building extension to be added to existing structure in the Floodway Fringe north of Johnson Creek Blvd. and west of 55th Avenue.

7. ZONE CHANGE

- A-78-2      Zone Change Initiation: Jack and Catherine Trotters, applicants. Request zone change from County R-10 to City R-10.

8. SUBDIVISIONS

- S-78-2      Howard Pohrman & Associates, applicant. Request Final Plat approval for ten lot subdivision on 2.525 acre parcel in R-10 zone west of intersection of 17th Avenue and McBroc Avenue.
- S-78-3      Carl Benson, applicant. Application for a 17 lot subdivision of a 3.75 acre tract located on west side of Stanley Avenue approximately 250 feet north of Waymire Street.
- S-78-4      Robert Larson, applicant. Request for preliminary plat approval of proposed five lot subdivision in Zone R-7, Single Family Residential, located at 5011-5053 S.E. King Road.
- M-78-22     Walter Freeman, applicant. Request to create one lot in R-10, Single Family Residential, on S.E. 43rd Avenue between Pacific Highway East and Lake Road.

9. CORRESPONDENCE AND OTHER

- a) Request from City Council for recommendation on Lord and LeBlanc Economic Report.
- b) Discussion of Moratorium, referral from City Council.
- c) Discussion of subjects to be considered at joint Planning Commission/ City Council meeting, June 28, 1978.
- d) Review of Field Trip - Lake Road Planned Unit Development
- e) Consideration of Zoning Ordinance Yard requirements.

ADDITIONS

- S-78-5      Request for Preliminary plat approval of seven lot subdivision east of Boss Lane, south of Licyntra Lane, and north of Kellogg Creek. Shirley McCarter, applicant.
- VR-78-13    Omark Industries, applicant. Request to reduce parking lot setback from required 4 feet 6 inches to 2 feet 6 inches.