

PLANNING COMMISSION MINUTES

REGULAR MEETING

AUGUST 28, 1984

MEMBERS PRESENT

JOHN LITTLEHALES  
DON TROTTER  
JOHN FOSTER  
BOB KNUDSON  
AL LIANE  
BETTY ROHOLT

STAFF PRESENT

LORI MASTRANTONIO-MEUSER,  
ASSOCIATE PLANNER  
STEVE HALL,  
PUBLIC WORKS DIRECTOR  
DEANNA ROBINSON,  
STENOGRAPHER

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

3.0 PUBLIC HEARINGS

3.1 APPLICANT: OR-AK CORP., Gordon Hobbs, President  
PROPERTY OWNER: Freeport Investment Co., W. J. Freeman,  
President.  
LOCATION: South of Hwy. 224, North of 39th Avenue and  
East of 38th Avenue  
PROPOSAL: The applicant is requesting approval of a  
modification of the final plan for a 25-house  
Planned Development (PD-84-1, Northridge  
Heights) originally granted in March 1982.  
This hearing was postponed from the August 14,  
1984 Planning Commission hearing at the  
applicant's request. The proposal includes  
variances to the side yard setback requirement  
and lot depth, width and area requirements  
(VR-84-13).

Mr. Trotter announced that he lives within 500 feet of the property and has received notification of the Public Hearing. He did not feel this would cause any conflict of interest on his part.

Mr. Littlehales noted that he had been involved with the previous hearing and had purchased a home further up Lake Road from the same owner. Mr. Littlehales claimed a clear conflict of interest and stepped down for this Public Hearing. Because Mr. Brown, the Vice Chairman, was absent, it was decided by consensus to have Mr. Trotter act as chairman.

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Lori presented the Staff Report adding that the proposed lot sizes range from a minimum of 5,000 square feet to approximately 16,000 square feet. Lori added "as per the specification of the Public Works Department" to the end of Condition No. 2.

Mr. Foster asked how the names of the roads were to be changed. Steve Hall explained that Northridge Street will be called Northridge Drive. Mr. Foster asked what the court will be called. Steve Hall said it had not been named at this point.

APPLICANT'S RESPONSE

SPEAKING: GORDON HOBBS, 13050 SW Forest Meadows Way, Lake Oswego.

Mr. Hobbs stated he had read the Staff Report and had no conflict regarding the recommendations.

Mr. Trotter explained that according to the code, there are five purposes the Commissioners are to consider when debating on a planned development zone and asked Mr. Hobbs how he feels this development applies to the following criteria:

1. To provide a more desirable environment that is possible through a strict application of the Zoning Ordinance requirements.

Mr. Hobbs responded that the site is unique in the way it is shaped and the steep topography. There are three or four building sites on that particular site which need flexibility of the zone standards to allow a planned development so that the allowable density can be achieved.

2. To encourage greater flexibility of design through new techniques and land development. Mr. Trotter asked what new techniques were being used.

Mr. Hobbs said they were not using any brand new techniques.

3. To provide a more efficient, aesthetic and desirable use of public and private common open space.

Mr. Hobbs responded that the land is now overgrown. The intention is to convert that land into individual lots which would each have landscaped open space, and to submit a landscaped plan as part of the final development.

4. To promote variety in the physical development pattern of the city.

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(4. cont.)

Mr. Hobbs didn't think there was any planned development in that particular area, but some of the houses sell at a lower cost, therefore adding variety.

5. To encourage a mix of housing types and to allow a mix of residential and other land uses.

Mr. Hobbs said there will be some two story and some single story houses, all to be detached.

Mr. Trotter asked if an individual would own each site. The applicant responded it would be all owned by individuals.

Mr. Trotter asked what the difference is between the applicant's proposal and a conventional subdivision. The applicant said the only difference is the flexibility in lot configuration and size. It is basically a single-family detached subdivision.

Mr. Trotter asked what the applicant believes the rationale is for considering the subdivision as a planned development. The applicant responded the only variation is in lot sizes and configurations.

Mr. Trotter asked how long after the project is approved does the applicant intend to have the street lights, etc., installed as is required by the ordinance. Mr. Hobbs stated that they intended to have that completed at the end of one year.

Mr. Foster asked if solar access would be considered. Mr. Hobbs said it would be up to the builder.

Mr. Trotter asked Mr. Hobbs to explain why the alternative that had already been approved was not a feasible alternative as was indicated in the narration. The applicant explained that it is very difficult to get loans on attached housing because they are not selling.

TESTIMONY IN OPPOSITION

SPEAKING: JIM LINDERMAN, 12122 SE 39th

Mr. Linderman explained that his property borders Lots 4,5, & 6. He said his position is more neutral than actually in opposition. Mr. Linderman raised the issues of availability of water lines to the property on the top of 39th; accessibility to 38th St. so that his family is not unaccessible to the rest of the community; and also the availability of a fire hydrant near his property.

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Mr. Linderman asked if this project will be developed by the same company that submitted the original project. The applicant responded that it will not.

Steve Hall responded to the water issue. He said water could be made available. There would have to be easements across the proposed lots. Water meters are located on Lake Road because of the private road situation and the City Water Division would have no objection to a meter on Northridge Drive if an easement could be arranged.

Mr. Trotter stated that his wife, and Mr. Linderman served on the school board together, but this fact would cause no conflict of interest.

SPEAKING: JIM YOUNG, 12121 SE 39th

Mr. Young stated he is not actually in opposition but expressed concerns about the water and the easement; if there could be fewer, larger lots; and about two-story houses causing a loss of privacy for the already existing homes.

SPEAKING: KATY YOUNG, 12121 SE 39th

Ms. Young said she had worked on the comprehensive plan when it was being formed. She raised the issue of how large the variance for setbacks to the side yards are. She explained that the spirit during the forming of the Comprehensive Plan was to allow open space, and yards were not considered open space. Lori responded that according to the Comprehensive Plan, open space does not include parking areas but may include private yards. She added that she believed the Commission should review this, as she believes that the intent of the Plan is not clear.

Ms. Young expressed concern about the privacy of the already existing homes in the neighborhood and the additional traffic that would be created on 38th.

Mr. Foster suggested adding a condition that a high hedge be required.

SPEAKING: JOHN LITTLEHALES, 12435 SE 43rd

Mr. Littlehales stated he is not in opposition in concept, but expressed concern about two items in the Staff Report. He would like to be assured that street lights are required, and that adequacy of the open space be required.

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QUESTIONS/COMMENTS

SPEAKING: MARK BLETSCHER, 3869 SE Lake Road

Mr. Bletscher asked if there is any planned future access along the street to the development. Steve Hall said there is not.

SPEAKING: JIM YOUNG

Mr. Young asked how much of 39th is to be taken with these lots. Steve Hall said 39th is an easement extending to Highway 224.

APPLICANT'S FINAL REMARKS

SPEAKING: GORDON HOBBS

Mr. Hobbs indicated that his company is willing to provide water easements.

Mr. Young asked Mr. Hobbs if he could put it between Lots 3 & 4. Mr. Hobbs said there may be a problem with width; the minimum width needs to be 10 feet. Mr. Hobbs said his company would also provide the tap up to the easement. In addressing open space, he said they could legally put in 28 units, but they were only proposing 25 units.

Mr. Foster asked about sewage. Mr. Hobbs said it goes to the property line and ties into the sewer system at 37th St. Ms. Roholt asked the applicant to address street lights and the maintenance of the common area. Mr. Hobbs said that PGE generally dictates how many street lights are needed and the City agrees. He added that all public improvements will be in when the plat is signed. As to maintenance, Mr. Hobbs said every individual owner will take care of his own yard.

Mr. Foster also indicated that a couple of the lots don't meet the 35-foot lot coverage requirement.

Mr. Trotter asked the applicant to address the feasible alternative of reducing the number of sites. Mr. Hobbs felt reducing the number of sites would not be feasible from a financial standpoint. Mr. Trotter also indicated that the peripheral yard requirement is not met on several of the lots.

The Public Hearing was closed at 7:35 p.m.

Don Trotter asked staff what the difference was between a stand-

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ard subdivision and this planned development. Lori replied that a standard subdivision involves the division of property which conforms to all or most of the underlying zoning standards (i.e. lot size, width, depth & setbacks). Generally, a planned development involves the division of property which varies from the underlying zoning requirements often due to sites with steep slopes, floodplains and/or hazardous areas. A planned development may involve cluster housing which includes attached dwelling units or detached units designed and built closer together or a combination thereof.

Mr. Trotter disagreed with Staff in their statement that there are no feasible alternatives other than reducing the number of units and pointed out that one of the variance criteria related to feasible alternatives.

Mr. Trotter made a Motion to disapprove the request for lot variances to Lots 1 thru 6 of Block 1 and all the lots of Block 2 except Lots 7, 8 and 19. Mr. Foster seconded the Motion.

Mr. Trotter said the finding on the Motion is that there are feasible alternatives to the requirement for the variance request for lot size, one being fewer lots, the other being a different mix of housing types, such as the P.D. previously approved for this site. Mr. Foster accepted the findings. The Motion carried 4 to 1, Mr. Knudson opposing.

Mr. Trotter made a Motion that the Hearing be continued in one month, September 25, to allow the applicant to come up with alternative proposals for the site. Ms. Roholt seconded the Motion. The Motion carried unanimously.

A recess was taken at 8 p.m.

Mr. Littlehales returned to the chair.

3.2 APPLICANT: Mr. & Mrs. Root  
PROPERTY OWNER: Same  
LOCATION: Southwest corner of Lake Road & Where Else Lane  
PROPOSAL: The applicant is requesting approval of a Major Partition to divide one lot into three lots. This request also includes the review and possible adoption of a Future Development Plan for the entire site. (M-84-5)

Lori presented the Staff Report adding that an adequate detention system shall be prepared and installed as per specification of the Public Works Department. Lori then passed out the utility plans (Exhibit #10) which were submitted by the applicant.

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Staff further explained that because of the creation of the new street, Hedgestone Lane, a condition of approval before any property can be developed would be that Hedgestone Lane will have to be constructed and the detention system and the storm drainage facility will also have to be constructed before any permits can be issued.

APPLICANT'S RESPONSE

SPEAKING: CAROL WRIGHT, Attorney for the applicant, Mr. & Mrs. Root, Suite 510, Mayer Building, 113 SW Morrison.

Ms. Wright felt that the major partition includes only two parcels. She said there is one small area where there is the existing house and barn that is not really on the site that is being partitioned. Ms. Wright then disagreed with Staff's planned requirement that the proposal for future plans has to be submitted, because at present it is based upon the assumption that the property is going to be divided more in the next year. She felt there is no evidence that this is true.

Ms. Wright felt it was premature to come up with a required plan for the development, but the applicant is willing to put in Hedgestone Lane and all of the improvements requested in the Staff Report.

Mr. Littlehales asked the attorney to explain what has happened to the land ownership with regard to Parcel 1. Ms. Wright explained that the seller has the legal title until the buyers pay what is owing. At that time the buyer can develop it however he wants.

Mr. Trotter asked if the Commission gave approval to the sketch map, would it carry over if there was a change in ownership. Lori said it would.

Mr. Littlehales expressed concern about not obligating future property owners with irreversible restrictions. Lori explained that both the City and future property owners would be protected under this plan as it would be part of the deed.

TESTIMONY IN OPPOSITION

SPEAKING: GEORGE MARIMAN, 1125 SE Rex

Mr. Mariman informed the Commissioners and Mr. Root's counsel that there is a suit pending against Mr. & Mrs. Root regarding this property.

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Mr. Foster asked at what stage the suit is now. Mr. Mariman said it was filed a week prior to the Hearing.

SPEAKING: MAX WAGENKNECHT, 4216 SE Lake Road

Mr. Wagenknecht addressed the problem of water drainage and storm sewer.

Mr. Foster asked Staff if Hedgestone Lane would take care of the water problems that have been described. Steve Hall said it should decrease the problems but not eliminate them.

SPEAKING: MILTON PALM, 4182 SE Lake Road

Mr. Palm said he has been a field engineer for many years and has served as an expert witness in the past. He then mentioned that not all of the plans are in the library. Mr. Palm addressed the issues of water drainage and detention system.

SPEAKING: H. T. BENSON, 12708 SE Vernie

Mr. Benson addressed the problem of drainage.

APPLICANT'S FINAL REMARKS

SPEAKING: CAROL WRIGHT, Attorney representing Mr. & Mrs. Root

Ms. Wright mentioned that she and her clients are unaware of any lawsuit. She did not think the drainage problem should be her client's obligation, but she said if approved, at least the problem would be improved.

The Public Hearing was closed at 9:25 p.m.

Steve Hall explained that the road grade falling toward Mr. Palm's property could be corrected quite simply by readjusting the road grades.

Mr. Trotter made a Motion to approve the proposed Major Partition and Future Development Plan subject to the four conditions listed in the Staff Report. Condition number 5, proposed by Staff shall read: To grade Hedgestone Lane so as to contain the natural drainage within the roadway, to provide an adequate detention system for the overall site development similar to that in the original subdivision as approved, to connect the existing agricultural drainage flowing east to west to Where Else Lane and be connected to that system and that the existing agricultural drain located on the west property line of the subdivision be reconstructed as an agricultural drain along the west property line of the proposed subdivisions.

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Condition #6 shall read: Staff shall insure the accurate location of Tax Lots 2100 & 2101 of Tax Map 2 2E 6BB. The fourth finding shall read: The future development plan is necessary to insure the adequate location and construction of the drainage retention system. Mr. Littlehales seconded the Motion.

Mr. Foster stated he is not in favor of the Motion. He does not agree with designating the arrangement of the lots.

The Motion carried 4 to 2, Mr. Liane and Mr. Foster opposing. Mr. Foster said he did not think the Commission should extend themselves into the future as they have done. Mr. Liane said he felt there was so much technical data concerning the drainage problem. He said that he could have opposed or abstained either one, but he really didn't fully understand the technical issues so he voted against the request.

Mr. Trotter requested that Staff and the applicant get together to change the previous subdivision proposal that the applicant requested in June 1984. If there is no appeal after 9/12/84, Staff will ask for a withdrawal of the application. Staff and the attorney for Mr. & Mrs. Root agreed to the request.

Ms. Roholt departed leaving a quorum of 5 members.

#### 6.1 Planning Commission Minutes:

July 24, 1984

Mr. Trotter moved that the chairman sign the minutes of July 24 subject to the correction on Page 4 after review of the tapes. Mr. Littlehales seconded the Motion. The Motion carried unanimously.

August 14, 1984

Mr. Knudson made a Motion to approve the minutes of the regular meeting of August 14, 1984. Mr. Liane seconded the Motion. The Motion carried 3 to 2, Mr. Foster abstaining because he left that meeting early and Mr. Trotter abstained because he was not present at that meeting.

#### 7.0 OLD BUSINESS

Lori announced that in the survey of the Central Church of God site, there appears to be gap of 3 to 5½ feet that apparently is not owned by anyone. The approval for that hearing was subject to a 4½-foot setback which includes the area within the gap.

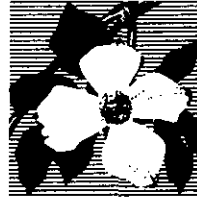
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After some discussion, it was decided that if the applicant receives approval in writing from the neighbors allowing the Church to landscape that area then there would be no reason to come back before the Commission.

The meeting was adjourned at 10:10 p.m.

  
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JOHN LITTLEHALES, CHAIRMAN

  
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DEANNA ROBINSON, STENOGRAPHER



## AGENDA

### PLANNING COMMISSION MEETING

AUGUST 28, 1984

Council Chambers, 10722 SE Main Street, Milwaukie

- 1.0 CALL PLANNING COMMISSION MEETING TO ORDER AT 6:30 PM
- 2.0 PROCEDURAL QUESTIONS
- 3.0 PUBLIC HEARINGS
  - 3.1 APPLICANT: OR-AK CORP., Gordon Hobbs, President  
PROPERTY OWNER: Freeport Investment Co., W.J. Freeman  
President.  
LOCATION: South of Hwy. 224, North of 39th Avenue and  
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PROPOSAL: The applicant is requesting approval of a  
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March, 1982. This hearing was postponed  
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hearing at the applicant's request. The  
proposal includes variances to the side yard  
setback requirement and lot depth, width and  
area requirements (VR-84-13).
  - 3.2 APPLICANT: Mr. & Mrs. Root  
PROPERTY OWNER: Same  
LOCATION: Southwest corner of Lake Road and Where  
Else Lane  
PROPOSAL: The applicant is requesting approval of a  
Major Partition to divide one lot into three  
lots. This request also includes the review  
and possible adoption of a Future Development  
Plan for the entire site (M-84-5).
- 4.0 PUBLIC COMMENT
- 5.0 CONSIDERATION ITEMS
- 6.0 CONSENT AGENDA
  - 6.1 Planning Commission Minutes: July 24 & August 14, 1984
  - 6.2 City Council Minutes: August 7, 1984
- 7.0 OLD BUSINESS
- 8.0 OTHER BUSINESS