

PLANNING COMMISSION WORK SESSION  
November 13, 1973

A work session of the Milwaukie Planning Commission was held in the City Council Chambers on November 13, 1973, at 7:00 p.m.

Members present: Fred Liddell  
Louis Casale  
Dennis Davis  
Byron Foreman  
John Foster  
Robert Kennedy  
Edythe Knaub

Also present: Rod Sandoz, City Planner  
Myer Avedovech, City Manager Pro Tem  
Michelle Brown, Secretary  
Bob Stochosky, Councilman

INTERPRETATION OF "SURFACE MINING"

Rod Sandoz asked Commission consideration of a request by Eric E. Johnson and Robert D. Scanlan to develop a 24 acre tract of land west of the Omark development (Freeman property). The developers are considering extracting earth from near-by property south of the Expressway and transporting it to the subject property to replace peat surface. Surface mining is a conditional use in the M-L zone and Sandoz requested Commission interpretation of the proposal. It was the consensus that the proposed use would be considered surface mining and a conditional use permit would be required. In discussion, the Commission mentioned they would be considering the extent of the operation, effect on drainage, and effect on neighboring properties.

CITY ATTORNEY - ORAL REPORT ON DALLAS CONFERENCE

Myer Avedovech gave an oral report on a conference attended last week in Dallas, Texas. Some items mentioned were: sign ordinance - how to write one and where to get copies of several that are working well; SB 100 and SB 769; Planning Commission having no time for planning as they are so busy zoning; hearings officer concept; Ramapo, N. Y. Comprehensive Plan with a time span for programs and development; the need for a good capital improvements program; land bank concept; transfer of development rights concept; etc. He will prepare a written report for the Commission as time allows.

CHANGE IN NON-CONFORMING USE AT 9500 - 32nd

Rod Sandoz asked Commission consideration of a request by Mrs. Trixie Bartholomy to locate a gift shop at 9500 - 32nd in the R-7 zone on property commonly referred to as the "Piano Shop." Mr. Spink was also present to request Commission consideration of a request to use the building as an upholstery shop if Mrs. Bartholomy is unable to purchase the property. It was mentioned that the building was constructed sometime in the 40's and is not of great value; that 32nd is narrow and heavily travelled; that there is no off-street parking on the property; and that the Commission should know what hours they will operate and the type, size, and location of any proposed signs. Both Mrs. Bartholomy and Mr. Spink submitted the signatures of adjacent property owners stating they had no objection to the proposed uses. The Attorney stated that the Commission should take no action on this request at a work session, and that since neither applicant had any legal interest in the property they would not be able

to be given permission. However, it was the consensus of the Commission that there may be no objection to either of the proposed uses, but that the applicants should be prepared to show location of proposed off-street parking, the impact of additional traffic on 32nd, and speak to the other items discussed, as well as obtain some legal interest in the property before the Commission would make a decision.

#### ATTORNEY GENERAL'S OPINION ON FASANO

The City Attorney reported on the Attorney General's opinion on Fasano, a draft of which he had viewed and discussed with other city attorneys at the League of Oregon Cities convention. It was the consensus of the attorneys that the report was unrealistic. In discussion of Milwaukie's situation, it was stated that we need better recordings in case a hearing must be transcribed. Avedovech further stated that a typical zone change will cost an applicant about \$500 - \$1,000 for one hearing in attorney's fees. There was discussion on the "circuit rider" concept for a hearings officer and a possible alternative which would give the Planning Commission final approval on a zone change unless appealed.

#### LEAGUE OF OREGON CITIES CONVENTION

There was discussion on the League of Oregon Cities convention held November 11, 1973. Several papers distributed at the convention were given to those members not able to attend the convention (Casale, Davis and Foreman).

#### BUDGET REQUESTS

Next year's Planning Commission budget was discussed and it was mentioned that consideration should be given to the following: hearings officer, attorney, copies of the revised Zoning Ordinance, work on the Comprehensive Plan, books and conferences, consultants' fees. It was also mentioned that the Planning Commission should support the proposed budget when it gets to the public hearing stage.

Meeting adjourned at 9:15 p.m.