

AGENDA

PLANNING COMMISSION MEETING

MARCH 23, 1982

- 1.0 CALL TO ORDER
- 2.0 PROCEDURAL QUESTIONS
- 3.0 PUBLIC HEARINGS
 - 3.1 NANCY DUNCAN, Applicant; ACOSTA, TAYLOR, Co-owners
A-82-4; PRC-82-4; ZC-82-5
LOCATION: 10700 S.E. Stanley Ave., Milwaukie
Tax Lot #5900
PROPOSAL:
 - 1. Request to consider petition for annexation of property at 10700 S.E. Stanley, on the east side of Stanley Ave. between Monroe and Harrison Sts.
 - 2. Request to consider Comprehensive Plan Map Amendment from County Low-Density Residential to City Low-Density Residential.
 - 3. Request to consider Zone Change from County R-10, Residential to City R-7, Residential.
 - 3.2 BERNICE LYNCH; Applicant and Co-Property Owner
S-82-2; VR-82-2; VR-82-3
LOCATION: 12374 S.E. Oatfield Road
Tax Lot #3600
PROPOSAL:
 - 1. Request for Preliminary Plat approval of a five-lot Subdivision.
 - 2. Request to allow a variance from Section 7.04.5 of the Subdivision Ordinance to allow development on three flag-shaped parcels, four in depth from a public street, rather than maximum two lots.
 - 3. Request to allow lot area of 9,200 sq.ft., and, lot width of 62.5' rather than minimum 70' for Lot #1; lot area of 9,036 sq.ft., rather than minimum 10,000 sq.ft. for Lot #3.

Approval of Preliminary Plat and Variances are contingent upon approval of annexation by Boundary Commission. The parcel is within the natural area and Floodway Fringe (FF) of the Flood Hazard Zone (FH) of Kellogg Creek.

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4.0 PUBLIC COMMENT

5.0 CONSIDERATION

5.1 EXTENSION - C-81-12; C-81-13

GORDON NICHOLS

October 13, 1981 Planning Commission voted to approve request to place one mobile home on each of two flag-shaped parcels, located south of Drake Street, north of the Tahitian Gardens Apartments, west of 43rd Avenue. Mr. Nichols requests a six-month extension to obtain permits and inspections.

5.2 ZONING ORDINANCE REVISIONS

6.0 CONSENT AGENDA

6.1 CITY COUNCIL MINUTES - February 23, 1982

7.0

7.1 UPDATE ON A-82-4 Tod DeKanter's application.

8.0 OTHER BUSINESS

8.1 PRESENTATION SCHEDULED FOR 7:00 P.M.

Mr. Henry Markus
Conservation Specialist
Department of Energy
Salem, Oregon

CITY OF MILWAUKIE
MINUTES OF PLANNING COMMISSION
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MEMBERS PRESENT:

DON TROTTER
REBECCA SWEETLAND
PATRICIA JAMTGAARD
AL LIANE
JOHN LITTLEHALES
GEORGE CATHEY

STAFF PRESENT:

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

MEMBERS ABSENT:

BOB GUDGEL

Topaz introduced Mr. Henry Markus, Department of Energy Consultant. Mr. Markus presented some very interesting facts concerning solar energy. (See Attachment)

3.0 NANCY DUNCAN, Applicant; ACOSTA, TAYLOR, Co-Owners
A-82-4; PRC-82-4; ZC-82-5

LOCATION: 10700 S.E. Stanley Ave., Milwaukie
Tax Lot #5900

PROPOSAL:

1. Request to consider petition for annexation of property at 10700 S.E. Stanley, on the east side of Stanley Ave., between Monroe and Harrison Streets.
2. Request to consider Comprehensive Plan Map Amendment from County Low-Density Residential to City Low-Density Residential.
3. Request to consider Zone Change from County R-10, Residential to City R-7, Residential.

Jon presented the Staff Report, noting that the property will be withdrawn from Wichita Water District upon annexation.

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Mr. Trotter asked the Applicant, Ms. Nancy Duncan, if she had any comments. The Applicant had no additional comments referring to her application.

Mr. Eades had presented a memorandum, regarding the Dual Interest Area Agreement.

Mr. Cathey asked if the Applicant requested th R-7 Zoning, or had the Staff recommended it. Staff answered that it had been their recommendation.

Mr. Cathey said that in the past the property would be changed in accordance with the County's present zoning, if it were County R-10 then the property would be annexed as City R-10. Jon explained the City has two low-density zones and in this case the R-7 Zone is the most compatible.

Mr. Al Liane MADE A MOTION TO RECOMMEND APPROVAL A-82-4; PRC-82-4; ZC-82-5 including the Findings as presented in the Staff Report, to be initiated upon completion of the annexation. Mr. Cathey SECOND THE MOTION IT PASSED UNANIMOUSLY.

FINDINGS:

1. The proposed annexation would comply with the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #2 - Residential Land Use: Density, Policy 2.a, Page 28.
 - B. OBJECTIVE #4 - Neighborhood Conservation, Policy 5, Page 31.
 - C. OBJECTIVE #4 - Dual Interest Area Plan Compatibility, Policy 1, Page 88.
 - D. OBJECTIVE #6 - Annexation, Policy 1, Page 90.
2. Would match the Low-Density Land Use Designation.
3. Annexing the parcel would reduce irregularity of the City Boundary and would fill in the unincorporated area east of Stanley Avenue and north of Monroe Street.
4. The annexation will not adversely effect health, safety and welfare of the community.
5. The annexation would satisfy public need for additional housing.
6. The City R-7 Zoning would match present zoning of adjacent City properties.
7. The annexation complies with the Dual Interest Area Agreement.

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- 3.2 BERNICE LYNCH, Applicant; and Co-Owner of property
S-82-2; VR-82-2; VR-82-3

LOCATION: 12374 S.E. Oatfield Road, Milwaukie, Oregon
Tax Lot #3600

PROPOSAL:

1. Request for Preliminary Plat approval of a five-lot
Subdivision.
2. Request to allow a variance from Section 7.04.5
of the Subdivision Ordinance to allow development
of three flag-shaped parcels, for in depth from a
public street, rather than maximum two lots.
3. Request to allow lot area of 9,200 sq.ft. and
lot width of 62.5' rather than minimum 70' for Lot #1,
10,000 sq.ft. for Lot #3.

Jon presented the Staff Report. Mr. Trotter asked if there were any
questions of the Staff.

Ms. Jamtgaard expressed concern about flooding on Lot #4.
Mr. Cathey said as per his calculations, 60' of the property in
Lot #4 is within the floodway fringe. The Planning Commission
would have to hold another public hearing to consider Lot #4
as a buildable lot.

Mr. Liane asked several questions regarding procedure.
Mr. Trotter asked Staff to explain the exact location of setbacks
form the private road.

Mr. Hall said the setback will be part of the road easement
which will be the property line, and for portions of some of the
lots will be in the private roadway. Mr. Hall explained that in the
case where an easement is attached to each individual lot, non-
payment of property taxes the City would assume ownership by
default. In the case of the roadway being considered a separate
tract lot the City then assumes responsibility of maintenance,
in the case of default. Mr. Hall used the chalk board to explain
possible easements for the proposed flag-shaped lots. Mr. Hall
mentioned the Fire Department's comments regarding adequate
turnaround area at the end of the proposed flag-shaped driveway.

Mr. Trotter asked if there was any correspondence regarding the
applicaiton. The Commission took time to read a letter from
Mr. and Mrs. Koerner in opposition to the application.

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Mr. Cathey asked what the zoning was of the surrounding area.

Topaz explained the property has R-10 Zoning on two sides, and that is the lowest density zone in Milwaukie.

Mr. Hall said the Applicant has indicated that preservation of the natural habitat in that area is of primary concern.

SPEAKING: BERNICE LYNCH, 7520 S.W. 25th Ave., Poreland

Ms. Lynch said that she was not aware of the easement setback requirement. The square footage for the easement had not been calculated in the lot area, and after that adjustment has been made a variance for the lot area may not be necessary. Ms. Lynch said that she has no intention of developing the property herself, these lots will be sold to individuals who will develop the property themselves.

Ms. Sweetland asked who owns the small triangular section adjacent to the property, near the creek.

Ms. Lynch said the property is a section of the adjacent lot just to the south on the other side of the creek, but has long been maintained by the previous owner of her property.

Mr. Cathey asked if there would be consideration for an attached single-family dwelling on Lots #3 and #4.

Ms. Lynch said she would expect the surrounding neighbors to be in opposition to attached dwelling units.

SPEAKING: Dr. Coover, 12333 S.E. Oatfield Rd., Milwaukie

Dr. Coover asked how far the house would be from the easement.

Mr. Trotter said requirements as to setbacks would be complied with.

Mr. Hall stated that all the requirements will be met before the final plat will be approved. The Public Works Department is responsible to see that the safety of the roadway is adequate.

Dr. Coover asked how much of a grade the turnaround area would have. He said he was concerned about the emergency vehicle access.

Mr. Trotter said all of these issues will be addressed when the engineer reviews the application for Final Plat.

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Dr. Coover said this area is a definite traffic hazard, and more families living there would produce even more danger. He also mentioned the deterioration of natural habitat for wildlife, vegetation and fish along the creek.

Mr. Hall said that adequate site distance at the access point on Oatfield Road would be provided with the 24' driveway. The Public Works Department would consider a water retention facility on site so as to limit storm runoff to that of the undeveloped site.

PUBLIC HEARING CLOSED AT 10:05 P.M.

Mr. Cathey agreed that the traffic in this area is definitely hazardous.

Mr. Trotter reviewed procedure for this Subdivision, stating that this proposal will be submitted to the Planning Commission under Consideration, for a Final Plat Approval.

Ms. Jamtgaard expressed her concerns of on-street parking.

Jon mentioned that flag-lots require parking space for three cars.

Mr. Trotter MADE A MOTION TO APPROVE S-82-2; VR-82-2; VR-82-3 as supported by the Findings and Conditions as stated in the Staff Report. Mr. Laine SECONDED THE MOTION: THE MOTION PASSED UNANIMOUSLY.

FINDINGS:

1. The proposed use with conditions complies with the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #2 - Residential Land Use: Density, Policy 2.A, Page 28.
 - B. OBJECTIVE #3 - Residential Land Use: Design, Policies #1, and #6, Page 30.
 - C. OBJECTIVE #4 - Neighborhood Conservation, Policy #5, Page 31.
 - D. OBJECTIVE #5 - Housing Choice, Policy #1, Page 32
 - E. OBJECTIVE #1 - Ecologically Significant Natural Areas, Page 14.

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FINDINGS: (CONTINUED)

2. The proposal will comply with the Environmental Protection Ordinance.
3. All relevant Sections of the Zoning Ordinance will be complied with.
4. Minimum setbacks for proposed dwellings would be met.
5. Substantial landscaping will be provided.
6. Existing vegetation will buffer and screen the property.
7. On-site drainage retention will be provided.
8. Emergency access is adequate.
9. Visual, noise and air pollution impacts would be minimal.
10. Circulation conflicts with Oatfield Road will be minimal.
11. The Variance is the minimum necessary.
12. There are no feasible alternatives.
13. Benefits outweigh adverse impacts.
14. The parcel is unique.
15. Extraordinary hardship would result from strict compliance with the Subdivision Ordinance.
16. The Variance complies with the spirit and intent of the Subdivision Ordinance.
17. Granting the Variance will not be injurious to other properties.

CONDIITIONS:

1. Streets, driveways, utilities, drainage, tree retention removal and procedures for fire protection to be approved by Public Works, Planning and Fire Departments.

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2. Proposed residences to comply with Section 4.02 - Environmental Protection Ordinance and applicable elements of the Subdivision, Zoning Ordinance and Comprehensive Plan.
3. Submit covenant signed by all property owners guaranteeing unimpeded driveway access for emergency vehicles.

- 5.1 EXTENSION - C-82-12; C-81-13 GORDON NICHOLS
Mr. Trotter asked for discussion or questions regarding the Applicant's request for extension. There was no response.

Mr. Trotter MADE A MOTION TO APPROVE EXTENSION FOR C-81-12; C-81-13. Mr. Cathey SECONDED THE MOTION; IT PASSES UNANIMOUSLY.

- 5.2 ZONING ORDINANCE REVISIONS:

Topaz said the first section of the Zoning Ordinance Revisions have been printed and submitted to the Commission. She briefly mentioned some of the changes that the new Ordinance contains. A table of contents for the Ordinance will be provided in the next packet, and additional sections presented as soon as they are typed.

- 6.1 CITY COUNCIL MINUTES - FEBRUARY 23, 1982

- 7.1 UPDATE ON A-82-4, TOD DEKANTER'S APPLICATION
Topaz explained the status of the application at the present time. At the Applicant's request the Comprehensive Plan Map Amendment and Zone Change will be on the Agenda for the April 13, Planning Commission Meeting.

- 8.2 OTHER BUSINESS

Mr. Trotter said that since the election of officers is due in May it would be advantageous to postpone electing a new Vice Chairman until the first meeting in May.

THE MEETING ADJOURNED AT 10:45 P.M.