

MILWAUKIE
CITY COUNCIL MEETING
October 21, 1986

COUNCIL CHAMBERS

1514th Meeting

The one thousand five hundred and fourteenth meeting of the Milwaukie City Council was called to order at 7:00 p.m. on October 21, 1986, with the following Councilors present:

Ron Kinsella
Mayor
Roger Hall

Craig Lomnicki
Chere' Sandusky
Mike Richmond

Also Present:

Hugh H. Brown
City Manager
Sandra Miller,
Assistant to the
City Manager
Bill Adams,
Community Development
Director

Jane Heisler
Acting Associate
Planner
Steve Hall,
Public Works
Director
Greg Eades,
City Attorney
Cheryl Noegel,
Hearings Reporter

AUDIENCE PARTICIPATION

Proclamation - Mayor Kinsella proclaimed October 25-30 as DRUG AWARENESS WEEK, and urged all citizens to be aware of the increasing battle against drugs in the City.

Bill Hupp gave a brief summary of how some of the older markets in the downtown area are shaping up and what they will be doing in the future, and he also mentioned some of the new businesses that are moving to the downtown area.

Mary Schroder, 5585 Sun Meadow Terrace, Milwaukie, Friends of the Senior Center, told council that the Center would be holding its annual Christmas Party on December 14, 1986, from 2 p.m. until 4 p.m. she gave some of the details of the upcoming party and said the Center would be accepting donations which may be dropped off at city Hall or taken directly to the Center.

Jim Backenstos, 3626 Harrison St., Milwaukie, expressed his opposition to the large area the Barney study has looked at for annexation. Mayor Kinsella again pointed out that the study was a process of looking at the feasibility of Milwaukie extending its services beyond the current boundaries.

Al Laine, 4809 SE Monroe, introduced two of the candidates for City Council: Ted Michel and Bill Fitzgerald.

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VACATION OF WILLARD STREET BETWEEN SE LAKE ROAD AND SE 23RD --
Mayor Kinsella opened the public hearing. No conflicts of interest or ex parte contacts were declared. Public Works Director Steve Hall presented the Staff Report recommending approval of vacation with blanket easement for utilities.

It was **MOVED** by Councilmember Lomnicki and **SECONDED** by Councilmember Hall to read the Ordinance for the first time by title only. **MOTION PASSED UNANIMOUSLY.** The Ordinance was read for the first time. It was **MOVED** by Councilmember Lomnicki and **SECONDED** by Councilmember Hall to adopt the Ordinance. **MOTION PASSED** with the following vote: Hall, Lomnicki, Kinsella, Sandusky, and Richmond, aye.

Ordinance No.
AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON VACATING WILLARD STREET BETWEEN SE LAKE ROAD AND 23RD AVENUE.

Appeal of Planning Commission Decision of Denial of Variance - Samuels (Ap-VR-86-05). Mayor Kinsella opened the public hearing. No conflicts of interest or ex parte contacts were declared. However, Mayor Kinsella, Councilmember Richmond, and Councilmember Lomnicki said they had been at the site and saw Mr. Samuels but had not contact with him. Acting Associate Planner Jane Heisler presented the Staff Report and slide presentation recommending denial of Variance No. 86-05. Heisler summarized by saying the Applicant's request was denied by the Planning Commission because of existing site deficiencies.

Correspondence: None

Testimony from Audience: Richard Samuels, 1952 SE Ochoco Street, gave background information of the site from 1977 forward. He presented a slide presentation of various business around the Milwaukie and Portland areas. Mr. Samuels stated that the slide presentation spoke for itself: not all businesses in the Milwaukie and Portland areas are complying with the required criteria. He pointed out that many of the businesses are far more "unsightly" than his.

Mr. Samuels said his property is unique in that it is the only piece of property in the City of Milwaukie, in the industrial area, that has a railroad spur and a railroad easement on each side. Basically, Mr. Samuels said that there is no available land to add additional landscaping. If he is required to give up additional land to meet the landscaping criteria, which he does not want to do, he would have to build twenty-foot racks for the storage space lost and the required landscaping would be underneath these racks. He feels these racks would be much more "unsightly" because they would be higher than the fence.

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Mr. Samuels does not understand why he must comply with with all the required criteria when others in the City are not. He said he has given up more than enough property, because of the uniqueness of it, and he should not be required to give up any more for landscaping.

Bill Hupp, 2626 Washington Street, Milwaukie, stated he is not opposed to the Planning Commission but felt the Planning Commission follows its guidelines too strictly.

Mr. Hupp said he has known the Applicant since 1957. Mr. Samuels has worked hard at his business and wants to increase it and cannot do so without approval. Mr. Hupp said the site is hard to find unless a person knows where it is. He said the only people that would see the site are people working in the area. Mr. Hupp feels the city of Milwaukie is paying "lip service" by wanting new business to move into the Milwaukie area.

OPPOSITION

Bill Hockensmith, 9151 SE McBrod, representing Western States Electric, stated that Western States Electric is located directly south of the subject property. He said the current building was built in 1980 and at that time Western States Electric was required to sign a Developer's Agreement for one half street improvements of McBrod Street. In 1982 Mr. Samuels received approval to build on this site provided he sign a Developer's Agreement, provide adequate landscaping, and comply with County and City ordinances. To date, Mr. Samuels has not complied with these requirements.

Mr. Hockensmith expressed concern that people do see the site -- such as sales representatives from McGraw Edison and other large companies and he does not feel that city of Milwaukie would like those people to get the idea, from Mr. Samuels property, that all Milwaukie looks like the subject property.

STAFF COMMENTS: Acting Associate Planner Jane Heisler stated that the staff does not have the time and money required to enforce all the criteria that is being put into existence. She said there just is not enough money to patrol the streets and make sure everyone is complying.

COUNCIL QUESTIONS: Councilmember Hall asked Mr. Samuels if there would be security problems with sight-obscuring fencing. Mr. Samuels said theft is a problem because of the correction facility located nearby. He said a sight-obscuring fencing would limit the view of patrols.

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Councilmember Hall asked Mr. Samuels if additional lighting could be considered as a feasible alternative for this situation. Mr. Samuels stated it is not practical to light an area as large as this one.

Mayor Kinsella asked Mr. Samuels what the estimated cost of providing slats for the sight-obscuring fence would be. Mr. Samuels said it is \$7 a linear foot and there would be 900 linear feet required; this amount does not include labor.

COUNCIL COMMENTS: Mayor Kinsella stated, in his opinion, it is not fair to enforce requirements on one site and not for another. He said, based on all the testimony and information received, he feels the City Council is faced with a "battle of principle." Councilmember Lomnicki agreed with Mayor Kinsella and was not happy with the slides that he had seen of other sites in the Milwaukee area.

Councilmember Sandusky stated that Mr. Samuels had originally mentioned something about some sight-obscuring fencing and that it fell by the wayside. She wanted to know why that happened and if the City council could bring it back and look at it.

Councilmember Hall expressed his concern about a compromise. He was not sure Mr. Samuels would be in agreement of a compromise. He stated he was not impressed with the existing landscaping of the site. He said if landscaping is not maintained the City has gained nothing in terms of beautification.

Mayor Kinsella stated that there are two issues: one, the question of whether or not there is material on this site that is "unsightly" to people passing by; and two, the current deficiencies of the location to meet the criteria as set out in the Staff Report.

Councilmembers agreed that sight-obscuring fencing on the north side of the site is not required. Greg Eades said Finding No. 8 (pg. 24) in the Staff Report, the last sentence would have to be deleted as it deals with the sight-obscuring fencing on the north side.

It was **MOVED** by Mayor Kinsella and **SECONDED** by Councilmember Hall to deny the Application and instead require no additional landscaping, that the current amount of landscaping must be maintained and improved, that sight-obscuring fencing on the east and south sides of the property must be added, and the applicant must sign a Developer's Agreement. **MOTION PASSED UNANIMOUSLY.**

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OTHER BUSINESS -- Bid Award -- Ledding Library Addition

Assistant to the City Manager Sandra Miller asked for a motion from Council to approve the lowest bid for the construction of the addition to Ledding Library and authorizing additional work if funds are available.

Mayor Kinsella **MOVED** to approve the bid as stated. Councilmember Richmond **SECONDED**.

Consent Agenda -- (A) City Council Minutes of October 7, 1986.

It was **MOVED** by Councilmember Hall and **SECONDED** by Councilmember Lomnicki to approve the Consent Agenda. **MOTION PASSED UNANIMOUSLY.**

INFORMATION -- (A) Bills, (B) Planning Commission minutes of September 23, 1986, and (C) Center/Community Advisory Board minutes of August 8, 1986 and September 12, 1986.

ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

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