

MILWAUKIE  
CITY COUNCIL MEETING  
DECEMBER 2, 1986

COUNCIL CHAMBERS

1517th MEETING

The one thousand five hundred and seventeenth meeting of the Milwaukie City Council was called to order at 7:00 p.m. on December 2, 1986, with the following Councilors present:

Roger Hall            Craig Lomnicki            Chere' Sandusky

Also present:

Hugh H. Brown, City Manager	Jane Heisler, Associate Planner
Greg Eades, City Attorney	Anne Nickel, Development Coordinator
Steve Hall, Public Works Dir.	Pat DuVal, Executive Secretary
Bill Adams, Comm. Development Dir.	

AUDIENCE PARTICIPATION

Good News

Public Works Director Steve Hall had two items of "Good News" for Council: (1) well #8 has been on-line for about 2 weeks and is operating effectively, and (2) the Koll/Omark storm drain project is complete with the exception of clean-up in the spring.

Al Liane commended Finance Director Jerri Widner for her professional attitude and urged everyone to work with her on fiscal management.

Jim Backenstos commended Council for their cooperation with the citizens involved with the Johnson Creek Truck Traffic Initiative and expressed hope that Council would continue this pattern. He told Council he hoped to see an increase of downtown businesses. Addressing the City Manager, Mr. Backenstos said he hoped to discuss concerns privately before bringing them to Council.

PUBLIC HEARING

Zone Changes to Provide Parking Facilities - (ZC-85-04.05)

Applicant: Precision Castparts; Location: North of Johnson Creek, south of Johnson Creek Blvd., north of Brookside Apartments. Councilmember Hall opened the public hearing at 7:12 p.m. and reviewed the quasi-judicial land use hearing procedure. Other than Councilmember Lomnicki's stating he had, at an earlier date, been part of a discussion on this topic, no ex parte contacts or conflicts of interest were declared.

Staff Report - Associate Planner Jane Heisler told Council the applicant was requesting a zone change from R-3 to M of a portion of a tax lot to allow the removal of said portion from the Final Plan and Program of the Brookside Planned Development and provide parking facilities for the applicant. Under current Comp Plan designation the property is Industrial, and this zone change would implement the Comp Plan designation. All required public facilities are either present or can be made available to the site. The currently proposed Zone change would bring into compliance PD-73-1 with current ordinance requirements. Ms. Heisler said there had been concerns expressed at the Planning Commission hearing regarding noise levels and maintenance of the significant natural area. Any issuance of building permits would have to follow criteria regarding prevention of erosion or general beautification of the site.

Correspondence - None

Applicant's Presentation - Doug Richardson, 17331 SE River Rd., Environmental Specialist for Precision Castparts told Council this proposal would allow development of off-street parking facility to be used by employees of that company.

Other Testimony in Support: None

Opponent's Testimony: None

Questions from Council: Councilmember Lomnicki asked if additional parking were really necessary, and Mr. Richardson answered affirmatively, particularly at shift changes. Councilmember Lomnicki asked if the City of Milwaukie would actually be providing parking space for the "Portland" plant while jeopardizing a significant natural area. Richardson answered that the designation of the "Portland" plant was one of front door location only. Councilmember Sandusky expressed concern about Precision Castparts' ability to move its facilities to the rear fence and about the noise level. Jim Backenstos asked how the lot would be drained, and Public Works Director Steve Hall said the parking lot would have either a detention or retention system that would meter water flow into Johnson Creek. Mr. Backenstos asked how motor oil would be prevented from going into the creek, and Steve Hall answered there would be an oil separation basin for this purpose.

The public hearing on ZC-85-04, 05 was closed at 7:35 p.m.

Council Discussion: Councilmember Sandusky asked what portion of the significant natural area would be removed for the parking lot, and Ms. Heisler answered approximately 30'. Councilmember Hall asked how "significant" this area was. Councilmember Lomnicki asked how a portion of a significant natural area could be removed. City Attorney Greg Eades said the requirement for and review of the report necessary for Significant Natural Areas is an administrative process, which does not normally involve the Council. The Public Works Director determines whether the proposal satisfies the criteria. The City is not able to deny an application based on the standards, but must use the standards to insure the proposal is compatible with the natural features of the site. Councilmember Lomnicki asked how a zoning change could be approved before knowing the impact of the natural area. Ms. Heisler stated that what the applicant wants to do on the property later will be handled at the time building permits are issued. Councilmember Lomnicki said according to residents who testified at the Public Hearing, the Planning Commission showed too little concern -- this issue was more than a matter of "housekeeping". Councilmember Lomnicki asked that the applicant upgrade the landscaping to add more of a buffer to the residential area. Councilmember Hall asked if there could be further Council discussion at a later date on this topic. Ms. Heisler said this would depend upon the handling of building permits, etc. Councilmember Lomnicki asked that Council have some assurance of the future development of this site. City Attorney Greg Eades told Council that the Comp Plan assumes this area will eventually be zoned for industrial use, and minimal types of barriers between manufacturing and residential areas are required by transition provisions. Councilmember Hall stated that a "good neighbor policy" should exist with Precision Castparts.

It was moved by Councilmember Sandusky and seconded by Councilmember Lomnicki, to read the Ordinance regarding ZC-86-04 by title only. The motion passed 3 - 0. The ordinance was read for the first time.

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The second reading of the ordinances will take place at the December 16 meeting.

Comp Plan Amendment, Zone Change - CPA-86-04, ZC-86-07.  
Applicant: U.S. Construction Co., Inc.; Location: 7303 SE  
Harmony. Councilmember Hall opened the public hearing at 8:15  
p.m. No ex parte contacts or conflicts of interest were  
declared.

Staff Report: Associate Planner Jane Heisler told Council  
the Planning Commission recommended approval of the request  
for a Comp Plan Amendment from Medium Density Residential to  
High Density Residential and a zone change from R-3 to R-1.  
Staff had originally recommended denial of this request  
because (1) the site is not located within convenient  
walking distance of the downtown area or a major transit  
station, (2) vacant High Density land is available, and (3)  
the proposal does not meet existing land use patterns. The  
hearing was continued until the next meeting to give the  
applicant an opportunity to address some of the Planning  
Commission's concerns. At this hearing, the applicant was  
able to present a site plan that provided a buffer between  
the low density area to the west and the proposed  
apartments. The Planning Commission concluded the site was  
close to a major employment center and transportation  
facilities, the Transitional Area review provides a buffer  
between the lower and higher densities, and the proposal  
meets demands for housing, therefore recommended Council  
approval.

Correspondence None

Applicant's Presentation: Richard Givens, 16325 SW Boones  
Ferry Rd., Lake Oswego, Consultant for the applicant, told  
Council of the need for additional high density zoning in  
the vicinity of the Town Center. More development, such as  
the Shurgin Development, is imminent. Clackamas County has  
a great amount of special high density zoning in the area,  
but now also has a transitional overlay for shopping and  
convention centers. He told Council of the current high  
density housing unit just north of the site on Fuller Rd.  
Mr. Givens told Council of a major transit route being  
planned for this area.

Other Testimony in Support: None

Opponent's Testimony: None

Questions from Council: Councilmember Hall questioned the  
additional traffic on Harmony, and Mr. Givens stated this  
would be solved with future traffic plans. Councilmember  
Lomnicki asked about the lack of a buffer area at the  
existing apartment complex to the north, and Mr. Givens said  
this was still in process with the County. Councilmember

Sandusky questioned both the inconsistency of an R-1 zone adjacent to an R-7 zone and the increased traffic. Mr. Givens answered the site plan is designed to encourage the use of Price-Fuller. Public Works Director Steve Hall, addressing the question of traffic, said with County planned improvements to occur next year, the situation would ease, but congestion at peak hours would persist.

The public hearing on CPA-86-04 and ZC-86-07 was closed at 8:35 p.m.

Council Discussion: Councilmember Sandusky said zoning should remain the same, and Councilmember Lomnicki concurred, stating he felt a more gradual zoning was desirable. Mr. Givens asked how this would actually impact on the neighbors as opposed to the County zoning in adjacent areas.

Councilmember Sandusky moved and Councilmember Lomnicki seconded to continue the discussion until the December 16 meeting to allow participation of the absent Council members. Council voted 3 - 0 to continue the hearing on CPA-86-04 and ZC-86-07 until the next meeting.

Extraterritorial Extension for Sanitary Sewer Service - AN-86-07.  
Applicant: Shaw, et al.; Location: north of Johnson Creek Blvd., west of Linwood, east of Stanley. Councilmember Hall opened the public hearing at 8:50 p.m. No ex parte contacts or conflicts of interest were declared.

Staff Report: Development Coordinator Anne Nickel told Council of the applicants' request for the City of Milwaukie to provide sewer service to properties which lie outside and are not contiguous to the City limits. The area is within Milwaukie's acknowledged growth area, but is over 800' from the City limits. 4 out of 5 residents have agreed to form an L.I.D. to finance the project, and the area has been determined to need the sewer service. Milwaukie will utilize its intergovernmental agreement with the City of Portland which allows a connect to the Lents Interceptor in Johnson Creek Blvd.

Correspondence: None

Applicant's Presentation: None

Others in Support: None

Opponent's Presentation: None

Staff Comments: None

Questions of Clarification: Jim Anderson, 5611 SE Johnson Creek Blvd. asked why he had received notice, and could anyone hook-up to a trunk line such as the Lents Interceptor. Ms. Nickel said that connections to the interceptor are limited and should be done as part of a planned project. Councilmember Hall asked who the fifth resident was who would not sign the agreement, and Ms. Nickel said it was a senior citizen who was concerned about the cost of the project. Councilmember Hall questioned whether we should extend services this far outside the City limits, and Public Works Director Hall said a similar project had been done on Kuehn Rd. Ms. Nickel stated the criterion is whether the City of Milwaukie eventually annex this area. Mrs. Rutherford, 5815 SE Morris, asked the location of Milwaukie's current sewer lines, and Ms. Nickel said they were at 55th and Rainbow. Glenville Rutherford, 5815 SE Morris, asked why the City of Portland was not putting in the sewer. Ms. Nickel answered that although Portland had put a trunkline through Milwaukie and Clackamas County, which was a standard procedure, they had no plans of annexing in this area in the future.

The public hearing on AN-86-07 was closed at 9:06 p.m.

It was moved by Councilmember Lomnicki and seconded by Councilmember Sandusky to approve the request for Extraterritorial Extension based on the findings of the staff report and forward the request to the Boundary Commission. By a vote of 3 - 0, AN-86-07 was approved.

Annexation Request (AN-86-05)-Resolution - Beautiful Saviour Lutheran Church Annexation. 10115 SE Stanley.

Staff Report: Development Coordinator Anne Nickel asked Council to replace Resolution No. 15-1986, a Triple Majority Annexation request, with a new resolution recommending annexation through the "City Council Resolution" method. Because a question of the triple majority method's constitutionality has arisen, the Boundary Commission will not act on these applications until the courts have resolved the issue. In order to continue growth commitments, staff recommends approval of this resolution.

Testimony in Support/Opposition: None

The public hearing on AN-86-05 closed at 9:23 p.m.

It was moved by Councilmember Lomnicki and seconded by Councilmember Sandusky to approve this resolution and to accept the annexation request based on the same criteria and findings. By a vote of 3 - 0, Resolution No. 21-1986 was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE APPROVING A REQUEST FOR ANNEXATION TO THE CITY OF MILWAUKIE (AN-86-05).

#### OTHER BUSINESS

Presentation of Riverfront Market Study - Benkendorf and Associates - Community Development Director Bill Adams commended Benkendorf and Assoc. on the study, and told Council both the Riverfront Advisory Committee and the Planning Commission recommended adoption of the report.

Marty Stiven of Benkendorf and Associates presented a summary of the report to Council. She commented on the positive feedback of those involved regarding riverfront development. She highlighted the positive and negative aspects of the area with the positive being availability of utilities, public ownership, attractiveness of the riverfront, and city ownership of Elk Rock Island. The most negative aspect of the area is the sewage treatment plant, while the volume of traffic could be both positive or negative depending upon the manner of development.

Wally Hobson of Hobson and Associates presented the market study analysis in which he discussed the highest and best use of the site. Four basic land uses were considered: (1) office space, (2) hotel/motel structures, (3) retail space, and (4) marina development. From their study a mixed-use was visualized -- one serving the community, a market within a 10-minute drive. The most important aspect is the premium of riverfront development sites. He told Council the City implement an urban redevelopment plan with the approximately 140 tax lots involved. Mr. Hobson told Council the market would support retail speciality shops, hotel and motel space which could be utilized by such companies as Omark, office space that would upgrade the locations now in use, and marina space if done properly to avoid overly high costs.

Marty Stiven told Council the market demand was sufficient to encourage redevelopment of the area, plus the incentive would be there for adjacent property owners to upgrade their property. The perception of Milwaukie as a riverfront community would offer regional identity. It was suggested the City analyze the real use of the boat ramp and the impact of its being moved. She said

Elk Rock Island could be identified as a regional resource and be improved as a public area. The downtown area was suggested as an area for urban renewal, which could be a vital and usable tool. It was proposed the City do a financial analysis of redevelopment. Councilmember Sandusky asked how use of the boat ramp could be determined. Ms. Stiven answered that the State Marine Board could be of assistance and the City could evaluate the actual design of the ramp and inaccessibility due to logs in the river. Mr. Hobson suggested surveys at several boat ramp sites.

Council commended the firms of Benkendorf and Hobson on their studies.

Adoption of City Code - Ordinance - City Attorney Greg Eades told Council of the receipt of the new City Code. Although the code contains no new material, it is designed to be enforced and amended as a single ordinance. He told Council it was necessary for them to adopt the code by ordinance and provide for its acceptance, amendment and maintenance.

It was moved by Councilmember Lomnicki and seconded by Councilmember Sandusky to read the Ordinance for the first time by title only. The motion passed 3 - 0. The ordinance was read the first time. The second reading of the ordinance will take place December 12.

Bargaining Agreement with Milwaukie Employees' Association - City Manager Hugh Brown told Council that all parties have accepted the agreement and recommended approval of the agreement and retroactive payment of wages. It was moved by Councilmember Hall and seconded by Councilmember Sandusky to approve the agreement, together with retroactive wage adjustment effective July 1, 1986. The motion passed 3 - 0.

County Tax Increment Financing Districts - City Manager Hugh Brown told Council the City and North Clackamas 12 School District have similar concerns regarding this issue and suggested input to the County in its decision making. The concerns are the length of the extension and the amount of current increment to be returned. Council agreed that a letter should be drafted to the County and signed by the Mayor of Milwaukie.

Council Vacancy - City Manager Brown told Council that advertising had begun and applications were being sought for the January vacancy.

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Johnson Creek Boulevard Truck Traffic - Public Works Director Steve Hall displayed the sign to be posted prohibiting certain truck traffic on a portion of Johnson Creek Blvd. He also stated his department was working with the City of Portland to post warning signs prior to entering the restricted area.

CONSENT AGENDA

It was moved by Councilmember Lomnicki and seconded by Councilmember Sandusky to approve the Consent Agenda which contained the City Council Minutes of November 18, 1986; a request to Remove Name from List of Owners - Wichita Sanitary Service; and Liquor License Application for Safeway #349. The motion passed 3 - 0.

ADJOURNMENT

The meeting adjourned at 10:05 p.m.

Pat DuVal  
Pat DuVal, Executive Secretary

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