

MILWAUKIE
CITY COUNCIL MEETING
DECEMBER 16, 1986

COUNCIL CHAMBERS

1518TH MEETING

The one thousand five hundred and sixteenth meeting of the Milwaukie City Council was called to order at 7:00 p.m. on December 16, with the following Councilors present:

Ron Kinsella, Mayor	Craig Lomnicki Chere' Sandusky
Roger Hall	Mike Richmond

Also present:

Hugh H. Brown, City Manager	Bill Adams, Community Development Dir.
Greg Eades, City Attorney	Anne Nickel, Development Coordinator
Sandra Miller, Assistant to the City Manager	Don Robertson, Parks & Rec. Coordinator
Ron Goodpaster, Police Chief	Ron Nelson, Assistant Fire Chief
Dick Bailey, Fire Chief	Ron Moran, Captain, Fire Department
Steve Hall, Public Works Dir.	Pat DuVal, Executive Secretary

AUDIENCE PARTICIPATION

Council President Mike Richmond presented Mayor Ron Kinsella and Councilmember Craig Lomnicki with the "Dogwood Plaque" which is given to outgoing Mayors and Councilmembers of the City of Milwaukie. On behalf of the other Councilors and City staff, Richmond expressed appreciation for the hard work and time devoted during the terms of office.

Mayor Kinsella told the audience of the memorial service to be held for former Mayor of Milwaukie Joy Burgess to be held on Wednesday, December 17 at Peake Memorial Chapel.

Diane Hess of the Annie Ross House at 23rd and Willard, Milwaukie, reported to Council that since the opening of the shelter in September, 17 families have stayed there. She told Council that two week was the average length of stay. Ms. Hess said ex-residents, church groups, and Milwaukie High School students were volunteering their time and capabilities to the maintenance of the shelter. She reported that neighbors were becoming involved with the advisory board. Mayor Kinsella expressed his pleasure with the success of the shelter and its ability to become a part of the neighborhood.

Clark Worth of Don Barney & Associates presented Council with his findings regarding the City's urban services issues and growth strategy. Mr. Worth first cited the findings of the "Opinion Leader Survey", a group composed of Mayor, Council, community leaders, property owners and elected officials and staff from other jurisdictions. All foresee change within the next 5 - 10 years brought about by consolidation of service districts, expiration of tax assessment of certain areas, and expiration of service contracts. He said the key to growth is city financing, without which services cannot be improved and an image of a growing concern will not be fostered. Mr. Worth recommended that Milwaukie improve its services before seeking growth.

Referring to the "Financial Impact" portion of the report, Mr. Worth stated that service levels in the City of Milwaukie were significantly higher than other providers. Although service costs are somewhat higher than in surrounding areas, residents are getting more service for their tax dollar.

Don Barney & Associates recommends that the City of Milwaukie prioritize growth in its plans. City Council has improved its standing with both the business community and property owners, while City staff is considered to be professional and constructive problem solvers. Mr. Worth stated that Milwaukie needs an annexation strategy to include larger areas which will be more beneficial to both Milwaukie and existing service providers. Mayor Kinsella asked if residents to the east were considering annexation to Portland, and Worth answered that contact with community leaders showed many possible annexations being considered. Mayor Kinsella stated that most people were looking for a unity of service and the grassroot element was favoring Milwaukie. Councilmember Lomnicki asked about the option of the City's not growing, and Mr. Worth answered it was a concern, rather than a desire. Councilmember Sandusky, referring to p. 5 of the "Executive Summary", requested clarification of the fiscal impacts to the city, and Worth answered these conclusions were based upon revenue generating capabilities of sub-areas. Mayor Kinsella stated his concern about the City's losing its impetus for annexation while negotiations were being carried out with larger service districts. Councilmember Richmond requested a meeting prior to January to discuss these financial impacts and annexation strategy.

Presentation by Fire Chief Richard Bailey regarding Response to Large-Scale Emergencies - Chief Bailey stated the City, through mutual aid, mutual response and City emergency operation plan, is capable of dealing with disasters which might occur. Steps in the process include (1) size-up the situation, (2) notify appropriate agencies, (3) set-up a unified command post, and (4) develop a strategy. Councilmember Lomnicki said when he had

requested this report, he specifically had rail problems in mind. Chief Bailey said the potential is high in this area, but since the problems are so individual, he was unable to give specific steps as they appeared on the tactic sheet. He also stated that the County was working toward a unified drill regarding disasters, and Council requested any pertinent information available on this project.

PUBLIC HEARING

Zone Changes to Provide Parking Facilities - (ZC-85-04,05) - 2nd Reading of the Ordinance. Applicant: Precision Castparts; Location: North of Johnson Creek, south of Johnson Creek Blvd., and north of Brookside Apartments.

It was moved by Councilmember Hall, seconded by Councilmember Sandusky to read the Ordinance the second time by title only. Motion passed unanimously. The Ordinance was read the second time. It was moved by Councilmember Hall, seconded by Councilmember Sandusky, to adopt the ordinance. The motion passed with the following vote: Hall, Lomnicki, Kinsella, Sandusky and Richmond aye.

Ordinance No. 1612

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1438, BY REZONING CERTAIN PROPERTY FROM R-3 TO, M, MANUFACTURING (ZC-86-04).

Comp Plan Amendment, Zone Change - (CPA-86-04, ZC-86-07) - Ordinance - Continuation. Applicant: U.S. Construction; Location 7303 SE Harmony.

Richard Givens, representing U.S. Construction, requested Council's re-opening of the hearing to allow for additional testimony. He presented Council with a supplemental statement in addition to the original application materials and oral testimony given to the City Council and the Planning Commission. The issues were: (1) public need for high density residential housing in this area of the City of Milwaukie, (2) appropriateness of designating this site to meet the identified need for high density residential lands, and (3) the traffic impact of Harmony Road.

It was moved by Councilmember Hall, seconded by Councilmember Sandusky that based on the findings and conclusions of the Community Development Department Staff Report of October 14, 1986, pages 9 - 15, the request for a Comprehensive Plan Amendment from Medium Density Residential to High Density Residential and a Zone Change from R-3 to R-1 be denied. The

motion passed with the following vote: Hall, Lomnicki, Sandusky, and Richmond aye; Kinsella no.

Comp Plan Amendment, Zone Change, Zoning Amendment - (GPA-86-05, ZG-86-08, ZA-86-03). Applicant: City of Milwaukie; Location: Hwy #224 and Oak St. Mayor Kinsella opened the public hearing at 8:34 p.m. and reviewed the land use hearing procedure. No ex parte contacts or conflicts of interest were declared.

Staff Presentation

City Manager Hugh H. Brown began the staff presentation by stating the City had first opened this topic with Council during executive session in 1985. Two questions were asked. Does the City wish to sell, and if so, what would be the best use of the land? He stated this would be an opportunity for development after analysis by Council and the Planning Commission.

Community Development Director Bill Adams told Council the proposed rezoning would encourage commercial, rather than industrial, use of the land and would support a 200,000 - 250,000 square foot shopping center or approximately 20% of the size of the Clackamas Town Center. Metro was approached to do a traffic impact study in which it was found that additional traffic would not put undue burden on the existing streets, although intersections would require consideration. Adams cited five criteria: (1) state land use goals, (2) City Comp Plan goals and policies, (3) public need, (4) need best satisfied by this change, and (5) health and safety of the community. He told Council of willingness to work with residents on traffic improvement plans. Mr. Adams summarized by saying the proposal meets and exceeds goals of the City and that a Comp Plan and Zoning revision is at this time warranted.

Correspondence: City Manager Brown presented Council with correspondence from Roger Mundorf, in favor of the proposal, and from Mrs. Wannamaker, who was opposed to the revision.

Audience Participation:

Dick Port, 3026 SE Washington, speaking on behalf of his spouse, the Walworth's and Wannamaker's, stated direct opposition to Planning Department recommendations. He said residents were against the proposal, while bankers and developers from outside the city were in support. He went on to state that although developers would improve the area now, it would be residents who would have to pay for improvements in two years. Mr. Port said industrial use of the property would generate more jobs at a higher hourly rate of pay. Regarding the traffic report, he

expressed his concern with the train traffic and the number of school children in the afternoons. He wanted to know how the King-Monroe traffic turning left into the proposed shopping center would be dealt with in light of the train tracks. Mr. Port told Council there was no "public need" for the increase of traffic or another shopping center. He said the community should be able to vote on an issue such as this.

Mary King, 9877 SE 33rd, told the Council the "need" was a City need, not one of the community. She said the residents were seeking a clean, quiet use of the land. Ms. King said this revision would duplicate and damage both the downtown businesses and the proposed waterfront development. She stated this type of zoning would allow for the fewest jobs at the lowest hourly rate of pay. She questioned the proximity of the Town Center and the high vacancy rate at the Holly Farm Mall.

Alan Haight, 2908 SE Charity, Troutdale; U.S. National Bank. Mr. Haight stated his concern was one of the major employers of the area, and if there were commercial, rather than industrial, interest in the property it would be good for economic development of the City.

Jim Krumpacher, 02107 SW Greenwood; Coldwell Banker. Mr. Krumpacher stated there is a difficulty finding good commercial sites in this area, and this would be a good way to keep shoppers in the area. He said the topography, visibility, and access are all good on this site.

Julie Wisner, 3325 SE Wister, urged that Council consider the livability of the area. There is no need for another shopping center.

Bill Hupp, 2626 SE Washington, told Council that the voice of the people should be added to the list of criteria in the decision making process.

Sally Collins, 11367 SE 35th, told Council she would like to go on record as opposing the revision. She asked how the potential of 1300 jobs could be overlooked and cited the October letter received from LCDC stating concern with the lack of industrial land in the area.

Don Boyer, 3535 SE Sellwood, stated his feeling that the City was moving ahead too quickly with the project, and that the City rather than the public needed change. He expressed his concern with the soil conditions of the site.

Jan Lawsy, 3536 SE Wister, spoke in opposition. She stated that shopping centers create a high impact area and would reduce the quality of living in the neighborhood. Ms. Lawsy also expressed her concern with the safety of the school children and urged the Council to let the citizens vote on the issue of a shopping center.

Yvonne Lungren, 11858 SE 34th, asked what would happen to the value of her property if the shopping center were built.

Greg Tipton, 2935 SE Washington, expressed his concern with school-age children and the creation of a hazardous traffic situation.

Jack Fields, 11593 SE 27th, expressed his concern with potential traffic problems.

Jim Scheller, 3536 SE Wister, asked that the decision be tabled until Milwaukie residents could vote on the proposed shopping center.

Ken Lungren, 11858 SE 34th, expressed concern with late-night traffic in the neighborhood.

Frederick Frick, 11658 SE 35th, asked for clarification regarding street development and the ability of the land to support multi-story buildings. He told Council the site should be zoned agricultural.

Chuck Cota, 111 SW 5th, Portland, Commercial and Industrial Real Estate Broker for Cushman and Wakefield. Mr. Cota stated the proposed shopping center would be community oriented, not regional, and therefore, would not be in competition with the Clackamas Town Center. He said developers consider this site an excellent location for commercial use.

Jean Dugan, 13122 SE Capistrano, asked how the traffic would be handled since no egress would be allowed on Hwy. 224. Ms. Dugan told Council she did not feel notification was adequate for such an issue.

Response by Staff:

Public Works Director Steve Hall told Council and the audience that potential developers were aware and prepared to deal with the type of soil on the site. Hall also stated that improvements would be required on 37th Ave., but since the interior of the parcel would not be developed, a street would not be required between Oak and 37th. He said staff was also concerned with traffic intrusion in the neighborhood, and steps would be taken to minimize any problems.

Community Development Director Bill Adams, in response to the question of notification, told Council that all required procedures had been met. In reference to the LCDC letter regarding the need for industrial property, Mr. Adams told Council and audience the concern in Clackamas County was with parcels of 100 acres, with the site in question being approximately 21 acres.

Councilmember Roger Hall made the following points of clarification to the audience. The implication of public expense and use of City dollars was not accurate; private developers would be responsible for any improvements. He stated that 1300 jobs was a hypothetical figure and would be dependent upon the type of industrial development at the site. Although the height limit would be 45' as stated in the ordinance, and the proposed center would probably be one storey. The Planning Commission had recommended 25% of the area be landscaped, but City staff was suggesting reducing this to 20%.

Public Works Director Steve Hall told the Council and audience that the developer would be responsible for improvements within 1000' - 1500' which would include Oak/224, Oak/Monroe, and Oak/37th. When asked about City policy regarding City assistance in floating loans, Mr. Hall answered the City participates in LID's or obtaining grants for development.

When asked about bus service, Community Development Director Bill Adams said Tri-Met would be sent a development proposal, and, if necessary, transit facility would be provided by the developer.

The public hearing was closed at 10:05 p.m.

Council Discussion

Mayor Kinsella told the audience the City had not instigated the idea of a shopping center and no specific developer was in mind. He said that Albertson's had, in the past, considered moving to a larger facility. He stated that the downtown core area does not generate large, retail types of businesses, but rather those which are service oriented. Mayor Kinsella stated that when approached, most of the prosperous downtown businesses felt this a good idea because it would bring shoppers into the general area. He said that Milwaukie needs to improve its image and show its willingness to change and to grow.

Councilmember Richmond said this question would come up again in the periodic Comp Plan review. He, too, expressed his concern with the proximity of the railroad tracks, but he went on to state his feeling this would be a positive influence on the community.

Councilmember Sandusky said she felt the area would be better used as a municipal facility and a shopping center would be short-sighted.

Councilmember Richmond asked if the new zoning would have an effect on a new City facility.

Community Development Director Bill Adams told him it would be considered a community use.

Councilmember Richmond asked about the time-frame of the Comp Plan review.

Community Development Director Adams stated the project would be in progress next year with the County, with a target date of November, 1987.

Councilmember Sandusky said she was not convinced that public need was being served by the revision.

Councilmember Lomnicki stated he was in favor of rezoning the site, and traffic questions would have to be dealt with as plans progressed. He said Council was hearing the "vocal minority" in the matter, and perhaps the public should be able to vote on the proposal. Councilmember Lomnicki stated the location was perceived by segments of the City's population as ideal.

Councilmember Hall expressed his concern with traffic problems and the public need for a shopping center. He said it depends on whether the City perceives itself as isolated, is a neighborhood shopping center close at hand necessary. He also questioned if this was the highest and best use of the property since the City has a long-term need to consolidate municipal services. Councilmember Hall stated his opposition to the zone change, but stressed he was not anti-progressive.

Councilmember Richmond said he favored the zone change, although he was not comfortable with train and traffic situations.

It was moved by Mayor Kinsella to read the ordinance for the first time, but there was no second.

It was moved by Councilmember Lomnicki to refer the issue to a vote of the people on the March, 1987 election, and Councilmember Sandusky seconded the motion. Councilmember Lomnicki stated that residents have expressed a desire for more voter opinion on issues that face the City. Councilmember Hall questioned such a precedent being set because Councilmembers were elected to make such decisions for residents. City Attorney Greg Eades stated this would not be a good practice for land use decisions. Mayor

Kinsella expressed the opinion that elected officials should make this type of decision. Councilmember Hall said people were given ample opportunity to speak during the public hearings, and this evening's testimonies were well received. He said that Council should be able to vote on this topic as presented. Councilmember Lomnicki withdrew the motion, and Councilmember Sandusky withdrew her second.

It was moved by Mayor Kinsella and seconded by Councilmember Richmond to read the ordinance for the first time by title only. The motion passed with the following vote: Lomnicki, Kinsella, Richmond aye; Hall and Sandusky no. The second reading to be done at the next meeting.

Bill Hupp asked if Council had really listened to the testimony at the public hearing.

Mayor Kinsella was excused from the meeting at 11:05 p.m.

OTHER BUSINESS

Adoption of City Code - Ordinance. 2nd Reading.

It was moved by Councilmember Hall and seconded by Councilmember Sandusky to read the Ordinance the second time by title only. Motion passed 4 - 0. The ordinance was read the second time. It was moved by Councilmember Hall and seconded by Councilmember Sandusky to adopt the ordinance. Motion passed with the following vote: Hall, Lomnicki, Sandusky, Richmond aye. None opposed, with Mayor Kinsella absent.

Ordinance No. 1614.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE MILWAUKIE MUNICIPAL CODE.

Setting of Park Reservation Fees - Resolution.

Parks & Recreation Coordinator Don Robertson presented the staff report to Council requesting a fee adjustment for picnic facilities in North Clackamas Park. The new schedule would more adequately cover operating expenses and compare favorably with surrounding jurisdictions. Councilmember Lomnicki asked about having two fee schedules, one for residents and one for non-residents of the City. Robertson said the feasibility would be looked into. Councilmember Hall moved to adopt the resolution with the addition of a \$30 refundable cleaning deposit, and Councilmember Sandusky seconded. By a vote of 4 - 0, Resolution 21-1986 was adopted.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE
AMENDING RESOLUTION NO. 7-1981 SETTING FEES.

Consideration of Approval of Oregon Business Development Fund Project Proposal by Samuels Steel Products - City Manager Hugh Brown told Council this decision regarded the continued operation of the Portland Traction Company Railroad by Samuels and the request by the City of Milwaukie to the State of Oregon and the EDC to assist in financing the project. He said that jurisdictions of the surrounding area had been contacted, and they felt that private ownership was preferable in the event of future negotiations concerning light rail development. Councilmember Lomnicki said he felt private ownership would be preferable to abandonment by the railroad. Dick Samuels told members of the Council that he would preserve use through the industrial area to 17th, but made no commitment to continue to Boring. Councilmember Richmond asked about the City's liability if the endorsement is made, and City Attorney Eades replied that liability should be no problem. It was moved by Councilmember Richmond and seconded by Councilmember Sandusky to endorse the project in the matter of the Oregon Business Development Fund loan. The motion passed 4 - 0.

Zone Change to Provide Parking Facilities - Precision Castparts - (ZC-86-05) - Ordinance, 2nd reading. It was moved by Councilmember Hall and seconded by Councilmember Sandusky to read the ordinance for the second time. The motion passed 4 - 0. The ordinance was read the second time. It was moved by Councilmember Hall and seconded by Councilmember Sandusky to adopt the ordinance. The motion passed with the following vote: Hall, Lomnicki, Sandusky and Richmond aye; None opposed, with Mayor Kinsella absent.

Goal Setting with Marv Himmel was scheduled for January 15 and 16 to begin at 3:30 p.m.

Celebrate! Participate! Milwaukie '87 has been scheduled for January 30th at the Milwaukie Senior Center. All residents of the City are to be invited and share enthusiasm and hopes of the future of the City.

Council Vacancy interviews have been scheduled for Monday, December 29th in the Council Chambers.

Council asked that City staff investigate land acquisition for city parks.

City Council Minutes
December 16, 1986
Page 11

CONSENT AGENDA

It was moved by Councilmember Hall and seconded by Councilmember Sandusky to approve the Consent Agenda which included the City Council minutes of December 2, 1986; and the Long-range Financial Projections for the State of Oregon. The motion passed 4 - 0.

ADJOURNMENT

Councilmember Hall moved for adjournment. The meeting adjourned at 11:55 p.m.

Pat DuVal

Pat DuVal, Executive Secretary

