

MILWAUKIE  
CITY COUNCIL MEETING  
FEBRUARY 17, 1987

COUNCIL CHAMBERS

1522nd MEETING

The one thousand five hundred and twenty-second meeting of the Milwaukie City Council was called to order at 7:07 p.m. on February 17, 1987, with the following Councilors present:

Roger A. Hall  
Mayor  
Donald W. Graf

William Fitzgerald  
Chere' Sandusky  
Michael Richmond

Also present:

Hugh H. Brown  
City Manager  
Greg Eades,  
City Attorney  
Sandra Miller,  
Assistant to the  
City Manager

Ron Goodpaster,  
Police Chief  
William B. Adams,  
Community Development Dir.  
Steve Hall,  
Public Works Director  
Pat DuVal,  
Executive Secretary

AUDIENCE PARTICIPATION

Mayor Hall presented Paul Rawson, Robin Sherwin, and Stan Ohl with certificates expressing appreciation for terms served on the Cable Commission.

George Dwelle of the Milwaukie Elks Lodge told the audience of local school participation in the observance of National Patriotism Week. Mayor Hall read a proclamation urging Milwaukie residents to recognize the week of February 16 - 22, 1987, as National Patriotism Week.

Mayor Hall next read a proclamation designating February 25, 1987, as a day of special concern for the hungry and homeless in the City of Milwaukie.

PUBLIC HEARING

Comp Plan Amendment, Zone Change, and Zoning Amendment (CPA-86-05, ZC-86-08, ZA-86-03/ Applicant: City of Milwaukie, Location Hwy 224/Oak St.) - 2nd Reading and Review of Ordinance for potential development of site. No ex parte contacts or conflicts of interest were declared.

Bill Adams, Community Development Director, presented the staff report in which the criteria for the proposed ordinance as submitted by the Planning Commission were reviewed. He explained this as a land use change which identified the site as

a community scale shopping center of 200,000 to 250,000 square feet. The Planning Commission set provisions regarding design, screening, and traffic impact. It has been found that the proposal complies with the criteria of (1) compliance with State land use goals, (2) Comp Plan, (3) maintains health and safety of the community, and (4) public need is best satisfied by this action. Mr. Adams stated the primary issues of residents and councilors are (1) need, (2) traffic impact to neighborhood, and (3) impact on downtown area and have been extensively addressed. Commercial real estate experts had spoken to the need of such a development in a Council work session on February 4.

Regarding the traffic issue, Steve Hall Public Works Director explained of the forecast issued by Metro regarding the site and what might be anticipated as impact on the area. He pointed out theoretical comparisons of full-industrial vs. commercial development traffic volumes at given times of the day. Bill Adams pointed out that Metro was of the opinion that traffic would not constrain operations within the site impact area.

Regarding the concern for the downtown area, Bill Adams stated the area would be enhanced by the riverfront development and other revitalization projects. Development of a community scale shopping center would not be detrimental to the service oriented businesses of the downtown area.

Councilmember Graf asked about the carrying capacity of the streets, and Steve Hall replied that improvements will be made at the intersections that would be most impacted.

Councilmember Sandusky asked about the 17-time increase of traffic, and Bill Adams responded that the figure was not representative on all streets. Councilmember Richmond asked if the City had been approached for the development of light industrial or warehousing. Bill Adams replied this was not a desirable industrial site, but a shortage of commercial properties does exist in the area.

Correspondence. City Council had received copies of all correspondence received prior to the meeting for consideration.

#### Testimony in Favor

Leo Beckman, 3200 Washington, stated his belief that stores occupying the proposed shopping center would provide convenience for the neighborhood and not alter residents' traffic patterns. He said he favored this because it would be developer's money, rather than taxpayer money.

Diane West, 15100 Stevens Rd., Oregon City, spoke on behalf of the North Clackamas Chamber of Commerce endorsing the land use change as a positive step for the area.

Owen Smith, 1300 Waverly Ct., said commercial development would be more beneficial than industrial, citing traffic tie ups at quitting time for factories. He urged objective consideration.

George Van Bergen, 12366 Guilford Dr., said the downtown Milwaukie area was going through an evolutionary change from retail to service oriented businesses. He told Council the site is more centrally located and would increase the tax base for schools.

Clair Kuppenbender, 10753 SE 29th, said downtown is becoming a service area; for community revitalization, change is imperative.

Jim McDonald, 2902 SE Wake, urged Council to end negative thoughts and vote positively for change.

#### Testimony Against

Julie Wisner, 3325 SE Wister, expressed concern that traffic pattern figures were out of date. She said light industrial would not detract from the downtown area at a time when businesses need encouragement. Ms. Wisner stated this proposed zoning change would take away from the livability of the neighborhood.

Patricia Wisner, 3325 SE Wister, said developers, not citizens, are asking for rezoning. She felt that residents were not deprived of retail opportunities. Proposed small retail outlets would not meet the salary needs of heads-of-household. Ms. Wisner stated people would not be able to enjoy their homes in the neighborhood because of the constant flow of traffic.

Richard Holm, 4026 SE Washington, posed questions regarding the staff report. He said the traffic pattern at 37th and Oak was not acceptable for this proposal, and resurfacing would not solve any of the traffic flow problems. Mr. Holm said he felt that types of traffic had not been addressed, such as heavy delivery trucks. He also expressed concern with the possible moving of the Tri-Met transit center and the capabilities of the neighborhood street to handle bus traffic. He asked how Council could make a decision on the site a year prior to completion of the Hwy 224 study. He suggested this site for the Stanley-Proto Co. or for consolidation of City services.

Patty Dryden, 4026 SE Washington, expressed concern about the potential increase of crime in the neighborhood citing her experience in the Lloyd Center area.

Mary King, 9877 SE 33rd, said neighborhood livability is more important than the economic base of the city and that a "need" does not exist. She said the Metro study is only numbers from a computer that does not take into account the surrounding schools and the railroad tracks.

Charles Grieg questioned the Metro traffic study regarding the impact on four schools within the area. He said truck traffic belongs on Hwy 224, not on the side streets. He asked how the shop site would be replaced and at what cost to the taxpayers. Mr. Grieg said rezoning does not reflect the needs of the citizens.

Julie Anderson, 3463 SE Roswell, said rezoning would be injurious to the neighborhood livability.

Mart Hughes, 3006 Washington, told Council he believed the net difference of \$8300 in tax benefits did not outweigh the wage differences of the rezoning and that a economic analysis should be done. He told Council that "need" might be better addressed by use as park facilities or city services because of the current excess of retail space. Regarding the traffic study from Metro, Mr. Hughes questioned the accuracy of figures from a 1978 study and potential traffic from areas such as Oak Grove. He asked if the developer should be allowed to make his own traffic study. Hughes stated the current situation was one of neighborhood collectors being used as minor arterials causing, and the proposed rezoning would further erode livability. He urged Council to seek more informed studies before making a decision.

Dick Port, 3026 Washington, presented additional correspondence. He said he was speaking for 385 Milwaukie residents and taxpayers who appreciated the neighborhood livability, not a heavily trafficked area. Mr. Port stated his belief that "need" had not be adequately proven, but that economic gains were to be made by some. He said he felt Metro's figures were elusive and questioned the extent to which a developer would go to make necessary improvements. Mr. Port expressed his concern of traffic not only to the neighborhood streets, but also to the potential danger of traffic on the railroad crossing. He particularly cited the number of trains going through the city carrying hazardous materials.

Yvonne Lungren, 11858 SE 34th, expressed concern on the possible devaluation of property in the neighborhood. She asked how long the developer would pay for improvements.

Marie White, 11336 SE 35th, asked if Council had actually gone out to see the neighborhood and expressed concern with the safety of children walking to school.

Sally Collins, 11367 SE 35th, also a member of the North Clackamas Chamber, expressed concern with the conflict between the letter from LCDC and the Community Development Staff Report.

Al Liane, 4809 SE Monroe, expressed concern with the poor drainage of the site.

Jim Schieller, 3536 SE Wister, said he had moved from Sunnyside Road in order to avoid excess traffic caused by commercial development. He said the proposal was neither good for Milwaukie nor for the school-age children of the neighborhood.

Morris Frick, 11658 SE 36th, expressed concern about rezoning of adjacent property.

Dave Nywall asked about the previously proposed center by J.C. Penney's, and Mayor Hall responded that this was now a closed issue.

John Cobb, 10658 SE 28th, said that any increase of traffic would place extra stress on Milwaukie's streets.

Mark Gruderman, 11616 SE 35th, expressed his feeling that too many significant factors were not yet fitting together.

Ernie Bisio, 3695 SE Lake Rd., said this rezoning would be injurious to the revitalization of the downtown area.

#### Staff Comments

Steve Hall responded to remarks on the Metro traffic study by saying that it was an indication, not an actual count of the impact. He indicated that Tri-Met was not interested in any site in the proposed rezoning area. Mr. Hall reported that the technical portion of the Johnson Creek Boulevard/Hwy 224 study would be completed in about six months. In response to the accuracy of a traffic study, Hall said the City could retain a traffic engineer and the developer would be responsible for payment. Hall said the developer would be responsible only for impacts produced, not for long-standing problems. He said any drainage problems would be addressed with the developer in the same manner as the Koll/Omark situation last year.

Bill Adams told Council a parcel of land this size would not attract a large industrial concern. Addressing the question of wages, Mr. Adams stated it would be dependent upon the type of industrial and that retail would represent an average wage. He said relocation of City shops would be addressed if rezoning were done. Adams stated anchor tenants would be a junior department store and variety store. He told Council the City staff would

use the Hwy 224 study information to evaluate the development, but it was not prudent at this time to wait to make a decision. Mayor Hall asked for a clarification of the type of shopping center and the role it would play in the community. Adams replied that it would be more of a convenience center than a destination center such as the Clackamas Town Center. Hugh Brown went on to explain that a destination center would draw from approximately a fifty-mile radius with people spending half a day. He said this would be a grocery-anchored center drawing from about two miles.

Mayor Hall closed the public hearing at 10:04 p.m.

#### Council Discussion

Councilmember Graf explained this was a request for a zoning change, not a determination of development.

Councilmember Richmond said realistic traffic data would be required, and relocation of downtown governmental services can be done in most areas of the city. He said Council was prepared to entertain the question of commercial development.

Councilmember Sandusky said future needs had to be considered. Changes in Milwaukie's downtown are part of a metamorphosis, and development of this site is a separate issue. She said the parcel is too small to be desirable for industrial development.

Councilmember Fitzgerald said both the site and its conditions have lead him to vote for rezoning. He said all conditions must be a part of the record upon which he cast his vote.

Mayor Hall stated that no member of Council wishes to diminish the quality of life. He said that traffic and noise already exist along with the needs for adequate maintenance of streets and storm drains and for revitalization of the downtown business area. Mayor Hall stated his belief that this is an opportunity for change and improvement of all quality of living. He said growth is taking place and must be realized, and his vote would be one for a long-range city and a re-establishment of community pride.

It was moved by Councilmember Richmond, and seconded by Councilmember Graf to read the ordinance a second time by title only with the suggested revisions. The motion passed 5 - 0. The ordinance was read the second time. It was moved by Councilmember Richmond, and seconded by Councilmember Graf to adopt the ordinance with suggested revisions. The motion passed with the following vote: Graf, Fitzgerald, Hall, Sandusky, and Richmond - aye.

ORDINANCE NO. 1619

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1437, THE COMPREHENSIVE PLAN; AMENDING ORDINANCE NUMBER 1438, THE ZONING ORDINANCE; AMENDING THE COMPREHENSIVE PLAN MAP; AND AMENDING THE ZONING ORDINANCE MAP.

OTHER BUSINESS

Traffic Safety Commission - Resolutions. Lou Bruneau, Chairman presented Council three resolutions in support of bills being brought before the legislature regarding traffic safety. Councilmember Richmond questioned the ability to legislate good safety practices.

It was moved by Councilmember Richmond and seconded by Councilmember Fitzgerald to adopt the resolution supporting passage of rigorous drink driving laws. The motion passed 5 - 0.

RESOLUTION NO. 9-1987

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING THE PASSAGE OF RIGOROUS DRUNK DRIVING LAWS FOR ALL MOTOR VEHICLE DRIVERS.

It was moved by Councilmember Graf and seconded by Councilmember Sandusky to adopt the resolution supporting required helmet use. The motion passed 4 - 1, with Councilmember Richmond voting against.

RESOLUTION NO. 10-1987

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING THE PASSAGE OF A REQUIRED HELMET USE LAW FOR ALL MOTORCYCLE RIDERS.

It was moved by Councilmember Graf and seconded by Councilmember Sandusky to adopt the resolution supporting seatbelt legislation. The motion passed 3 - 2, with Councilmembers Fitzgerald and Richmond voting against.

RESOLUTION NO. 11-1987

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING THE PASSAGE OF A REQUIRED SEATBELT USE LAW FOR ALL MOTOR VEHICLE RIDERS.

Proposal for New Position - Community Relations Coordinator. Sandra Miller Assistant to the City Manager presented the report recommending Council's establishment of a new position entitled Community Relations Coordinator. She explained this position

would further the goals of improved community relations and volunteer coordination. Councilmember Richmond asked if funds for this position would be available in the 1987-88 budget. City Manager Brown said this would be a key position in the accomplishment of Council's stated goals and would be in the 1987-88 Budget. Councilmember Sandusky asked about the hiring process, and Ms Miller replied it would be a civil service process. Councilmember Graf stated his belief this position was necessary with the new image of the city.

It was moved by Councilmember Graf and seconded by Councilmember Sandusky to approve the establishment of a new position entitled Community Relations Coordinator allocated to salary range 10 (\$1660 - \$2018). The motion passed 3 - 2, with Councilmembers Fitzgerald and Richmond voting against.

Mart Hughes requested improved availability of public records, such as being filed at the Library.

#### Commission Appointments

It was moved by Mayor Hall and seconded by Councilmember Richmond to appoint Bill Houston to the Budget Committee. The motion passed 5 - 0.

It was moved by Mayor Hall and seconded by Councilmember Sandusky to appoint Pat Lent to the Planning Commission. The motion passed 5 - 0.

#### CONSENT AGENDA

It was moved by Councilmember Sandusky and seconded by Councilmember Graf to approve the Consent Agenda which consisted of the City Council minutes of February 3, 1987, and liquor license application of the Ship's Inn. The motion passed 5 - 0.

#### ADJOURNMENT

The meeting was adjourned at 10:58 p.m.

Pat DuVal  
Pat DuVal, Executive Secretary