

MILWAUKIE PLANNING COMMISSION WORKSESSION  
MINUTES  
TUESDAY, DECEMBER 14, 1993

COMMISSION PRESENT

Pat Lent, Chair  
Gordon Jones  
John Littlehales  
Scott McClure  
Carolyn Tomei  
Don Trotter

STAFF PRESENT

Maggie Collins,  
Community Dev. Dir.  
Dave Krogh,  
Associate Planner  
Jim Crumley,  
Associate Planner  
Shirley Richardson,  
Hearings Reporter

COMMISSIONERS ABSENT

Bill Johnson

1.0 CALL TO ORDER

**Chair Lent** called the meeting to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS - None.

3.0 CONSENT AGENDA

3.1 PLANNING COMMISSION MINUTES - November 23, 1993

John Littlehales moved to approve the minutes of November 23, 1993, as corrected. Carolyn Tomei seconded. MOTION CARRIED 5-0 with one abstention. Don Trotter was not at that meeting.

4.0 PUBLIC COMMENT - None.

5.0 PUBLIC HEARINGS

5.1 Applicant: Clackamas County Service District #1  
Property Owner: Clackamas County Service District #1  
Location: 11525 SE McLoughlin Boulevard  
(Tax Lots 1500 and 1600 of Tax Map T1S, R1E, 35AD)  
Proposal: Review (CSO-93-04, CU-93-04, MC-93-02, NR-93-04)

**Chair Lent** explained the public hearing process. She then opened the public hearing for the implementation of the recommendations of the Sewerage Facilities Plan approved by the Milwaukie City Council and the Clackamas County Board of Commissioners. She asked if there were any conflicts of interest or ex-parte contacts to declare. **Don Trotter** explained that he has been on the Sewerage Facilities Committee for the last year, which

evaluated/initiated this proposal. He doesn't believe there is a conflict of interest and he has no economic benefit from it, and he does intend to vote on this issue this evening. **John Littlehales** explained that he too was on that committee as an alternate and will also be voting on this issue. **Carolyn Tomei** explained that she was an alternate on one of the neighborhood groups that attended the meetings. She will be voting on this issue. There were no other declarations. **Chair Lent** asked if there were any Commissioners who visited the site. Five hands were raised. She asked if any of the Commissioners who raised their hands spoke to anyone at the site or noticed anything different from what is stated in the Staff Report for this application. No one in the audience questioned the impartiality of any Commission member.

**Jim Crumley** then reviewed the Staff Report (CSO-93-04, CU-93-04 (WG), MC-93-02, NR-93-03). He explained that the County has a detailed presentation. There are three issues that the Staff felt were unresolved or lacked consensus either between the citizens at one of our previous meetings or with the Community Development Staff. The unresolved issues involve the type of facia treatment on the headworks building, the adequacy of the landscaping in the natural resource area, and the lighting in the parkway to the west of the plant. Discussion and recommendations are contained in the Staff Report. There are adequate findings for approval for this project. **Mr. Crumley** then passed around photographs of the subject site.

#### QUESTIONS FROM THE COMMISSIONERS

**Carolyn Tomei** asked if a more detailed landscape plan for the riparian habitat was available. **Jim Crumley** indicated that it is included as a condition that the applicant provide that to the City.

**Carolyn Tomei** asked if any documentation was provided about the lighting that is discussed in the first paragraph. **Jim Crumley** stated that he talked to Dave Benfield, Kellogg Sewerage Treatment Plant Manager, this afternoon and it was determined from the records in his files, on September, 1992, that seven lights were installed in this area; two additional lights were installed on November 15, 1992; and one light was installed on February 18, 1993.

**Carolyn Tomei** asked if the light installed on February 18th was after the rape that happened on the premises. **Jim Crumley** stated that he believed it was.

**Carolyn Tomei** asked if this light was installed on the north end of the property. **Jim Crumley** stated that it was the most northerly light.

**Carolyn Tomei** asked if any lights were added to the south end. **Jim Crumley** indicated that no lights have been added on the south end since September, 1992.

**Carolyn Tomei** asked if there was additional information about the Police Department calls regarding lights referred to in the Staff Report. **Jim Crumley** stated that he did not receive any more calls from the Police

Department, but the only complaints that have been received are in reference to the sodium lights on top of the digester, which have since been turned off. The Police Department was asked today, if they would recommend additional lighting on the site and he replied that they would not. It is part of a new philosophy of no lighting at night used by the Police Department to reduce vandalism, crime, and graffiti.

#### APPLICANT PRESENTATION

Speaking: Bruce Erikson, Senior Civil Engineer, Clackamas County Service District #1

**Mr. Erikson** stated that he was representing the applicant Clackamas County Service District #1. He is the project manager for the project. He stated that they have been in a two year planning process trying to correct odor problems and some landscaping or visual mitigation activities at the Kellogg Creek Water Pollution Control Plant. He then introduced other members of the project team; Helene Lichtman, Director/Clackamas County Director of Utilities; Brian Paulson and Chuck Sigafuse, Project Engineers from Brown and Caldwell; Steve Dixon, Landscape Architect and Steve Routon, Architect, both from OTAK, Inc.; and Joe Dills, Senior Planner from OTAK.

Speaking: Joe Dills, OTAK, P.O. Box 1379, Lake Oswego 97035

**Mr. Dills** stated that he would cover an overview of three parts of the proposal. First, an update to the proposal; second, thoughts on the three issues that Staff raised in the Staff report; and third, a visual representation of the proposal.

**Mr. Dills** indicated that there was a change to the wall material on the headworks building. Both concrete and medium density overlay (MDO) were analyzed. The MDO is no longer the material of choice. The concrete requires exceptional soil bearing strength and a lot of strength in the foundations. Recent test confirms that the soil will support a concrete building. This a more natural material, it wears better, is non-reflective and lower maintenance.

The beam truss cover has been recommended over the flat cover. The center columns will not support the flat cover.

The carbon filter unit will be recessed in an excavated area. It was decided that a four-foot recession would be favorable over the six feet because the drainage isn't adequate to work with six feet.

**Carolyn Tomei** indicated that the four-foot recess would be the maximum. She asked what would be the minimum? **Brian Paulson** stated that their plan is to recess it at four feet exactly from the existing grade.

**Don Trotter** asked the County to explain the differences between the beamed truss cover and the flat cover. **Brian Paulson** showed a slide of the beamed trusses and the flat cover. He explained that the beamed truss was the strongest and easiest to maintain.

**Gordon Jones** asked what material was used for the beamed truss? **Brian Paulson** stated that the beamed truss was a combination of tubing and channel aluminum. The beamed truss will receive a light sandblasting in order to dull the finish, to give it more of a battleship gray type coloring.

**Gordon Jones** asked if there had been a cost analysis of the two covers reviewed? **Brian Paulson** stated that a cost analysis was not done.

**Gordon Jones** asked what engineering analysis was done to the center column to come to the conclusion that the beamed truss was preferable. **Brian Paulson** stated that they personally drained the clarifier and crawled down in the bottom of the clarifier to get the measurements of the thickness and diameters of the center columns. The structural engineer has performed calculations to justify the beamed truss cover.

**Gordon Jones** asked if a cost analysis was done on removing the center beam and reconstruction, to compare the two covers? **Brian Paulson** stated that there is only a difference of \$35,000 between the two covers. Other cover options were reviewed.

**Don Trotter** stated that one of the problems with CSO's when there were no specific plans was trying to delineate what was talked about after the fact. He suggested that the proposal was made with firm, specific intentions for the project. This will help later on when we are all talking about the same criteria.

**Carolyn Tomei** asked what material the cover is made of? **Brian Paulson** stated that the cover is all aluminum, and it will be sandblasted to get its color.

**Gordon Jones** indicated that the cover looks like it will be a horrible maintenance problem, with leaves and debris getting in and around the cover. How will it be kept clean, compared to a flat cover? **Brian Paulson** stated that this was a disadvantage of this option. When compared with other options available, it was the most economical.

**Gordon Jones** asked if there were cost figures which substantiate the cover options selected. **Brian Paulson** stated that the flat cover just won't work. Capital cost on the flat cover are \$620,000 compared to the beamed truss with a capital cost of \$650,000.

**Gordon Jones** asked if there is an option of anodizing or painting to minimize the impact. **Brian Paulson** stated that anodizing was reviewed but no good anodizing was available. A powder coat is very costly when compared to a nominal cost of the sandblasting. The cost of a powder coat is \$240,000.

**Don Trotter** asked if the trusses will be running east/west parallel to the existing walkways? **Brian Paulson** stated that that's correct.

Speaking: Steve Routon, OTAK, Project Architect, P.O. Box 1379, Lake Oswego 97035

**Chair Lent** asked what material the present buildings are made of. **Steve Routon** stated that the walls of the existing buildings are concrete, panelized concrete with varying textures. There are some vertical ribs in the forms to give you a heavier texture and to give a panelized look. The existing headworks foundation is concrete with raised panels.

**Chair Lent** asked if the improvements would make the buildings look alike. **Steve Routon** stated that the concrete will look newer for a period of years, but it will blend in much better than the MDO. The MDO is designed to look as close to concrete as possible.

**Chair Lent** asked if the concrete was more flexible than the MDO during an earthquake, since the site is on an earthquake fault. **Steve Routon** stated that timber structures would be more flexible and will perform better in the event of an earthquake. They are forced to design for zone three, which is a new regulation in this state so even with the concrete panels, they will withstand the anticipated force from an earthquake.

**Carolyn Tomei** stated that there are several concrete buildings. She asked if the material is going to be like the digester? **Steve Routon** stated that with materials, they are trying to blend with the entire complex and more specifically blend with the foundations of the existing walls, panelized concrete.

Speaking: Joe Dills, OTAK, P.O. Box 1379, Lake Oswego 97035

**Mr. Dills** indicated that they are still proposing metal facia. The visual impact is similar to wood when viewed from a distance. This is designed primarily for the views from surrounding properties. The criteria and the policies in the development code speak to the impact from surrounding properties.

The maintenance cost is significantly lower. Wood has to be painted on a regular basis. The district has a problem with the wood facia on the other buildings. It is not boarded correctly from underneath. Wood facia will be replaced through time with metal.

**Carolyn Tomei** asked what criteria was used for the visual effects. **Joe Dills** stated that they are concerned with both the pedestrian and surrounding area view.

**John Littlehales** stated that from the last meeting, it was deduced that the facia would be hidden from adjoining properties by the digester. **Joe Dills** stated that from the south and north you are not going to see much facia.

From the east you will see fascia on the headworks building.

**Joe Dills** presented a sample of the aluminum siding with a baked-on finish. This is the siding proposed to use on the fascia. The T & G wood fascia was not intended to be used horizontally; it is much better when used vertically to channel water down and out.

**Scott McClure** stated that he couldn't tell the difference up close, so it won't be noticed at two hundred feet. When you are looking to add things on to the cost of the improvement, you must consider that this will be passed back to the rate payers.

Speaking: Steve Dixon, OTAK, P.O. Box 1379, Lake Oswego 97035

**Mr. Dixon** stated that the basic idea is to try to establish some sort of contiguous habitat. The south area will be most heavily vegetated. A combination of the Scollar Willow, the Redwood Dogwood, and Red Alder is planned for the south to get some habitat. The original scheme called for the area to be vegetated with the Scollar Willow at approximately sixteen feet, on center, over the entire embankment. The intent is to achieve an average sixteen foot cover. They will end up with an effective spacing of approximately twelve feet, on center, averaging over the entire length of the embankment. The intent to prepare an understory and with that you will get habitat and additional bird movement and more native plants.

The riprap extends along the northerly three-fourths of the Riverfront, there is natural bank to the south. There were no plantings proposed for this natural area. There are some natural resource gains to be had by in-filling plantings in that area; Willow, Redwood, Dogwood and similar types of shrubs can be used to produce a hundred percent coverage of that area.

**Carolyn Tomei** stated that the rape took place on the east side of the path and the man hid on the west side. Since that time the underbrush has been thinned out. She asked if they plan on continuing this maintenance. **Mr. Dixon** stated that there would be no replanting where the underbrush was taken out.

**Don Trotter** stated that Exhibit A refers to the natural resource survey that was done. He asked what the qualifications are of the two gentlemen who did the survey. **Steve Dixon** responded that Chuck Paulson has a degree in Biology from Lewis and Clark College, he is a certified wetlands delineations biologist by DSL. He has three working years experience with OTAK doing delineations that are accepted in land use approvals. Pat Bolt is an environmental planner currently in his second year at Portland State University and a qualified biologist.

**Don Trotter** asked if those individuals have any input on what is planned in the area along the River, as far as mitigating the devastation that has taken place along there already. **Steve Dixon** stated that the selection of plants and

the plan was a collaborative effort between the two individuals. The plans have been reviewed as ones that will further the natural resource goals.

**Don Trotter** asked how the proposal correlates with the minimum distances that vegetation will be maintained on the sloped areas. **Steve Dixon** stated that the top of the bank is established as the riparian boundary. There is a natural resource area between the top of the bank and the water. Landward, at the top of bank location, there is an active park area with lots of maintained lawn, and areas purposely maintained for public safety.

**Don Trotter** stated that the ordinance discusses riparian area in relation to mean high water line and discusses fifteen feet plus a certain distance beyond that because of the slope of the area. Relative to this definition, how does the proposal relate to what should have been the mitigation if this plant were built today? **Steve Dixon** stated that mean high water is pretty close to fifteen feet from the top of the bank. They are pretty close to the standards. The existing elevation at the base of the secondary clarifiers in the park area, which is reasonably flat, is within the twenty-four to twenty-five feet above sea level.

**Don Trotter** asked if plantings of twelve feet, on center, were all the way along the area from the one property line of the plant to the other, or only along sections of the riverfront? **Mr. Dixon** stated that this vegetation would be from one end to the other.

**Carolyn Tomei** asked if she walked along from the north, what vegetation would she see? **Mr. Dixon** stated that she would see a combination of five or six plants within a ten foot/twelve foot area; plants placed throughout the riprap.

**Gordon Jones** asked how the species of willow will grow in the riprap. **Mr. Dixon** stated that it will be all handwork to plant that material. With hand irrigation, he thinks that the plants will last through a growing season and be okay.

**Mr. Dills** stated that the last issue is the lights. The proposal is that the additional lights along the pathway will result in some conflicts. They would disturb wildlife in the natural resource area, and may increase complaints from the west side of the river. Staff has gone out and reviewed the area during the evening time and the Police Department does not suggest increased lighting. They are not proposing to increase the lighting at this time.

**Carolyn Tomei** asked if there was more information on the lighting that would be brought to this meeting. **Mr. Dills** stated that they did not bring that information with them tonight.

**Carolyn Tomei** asked **Mr. Dills** to point out on the map the most southern light on the site. **Mr. Dills** pointed out the light on the map.

**Carolyn Tomei** stated that there are four lights added to the north on the secondary clarifier. She stated she was very curious that they are concerned about the natural resource area, when the clarifier is much closer to the River and the area which is much further away from the River where the wildlife might be, there are no lights in that area.

**John Littlehales** stated that he was uncomfortable with the reasoning for the lack of additional lighting. Adequate shading of the light away from the habitat area is possible. The issues of urban safety are greater than the issues being raised on the west side of the river. He would like to see examined the need for lighting in that area.

**Chair Lent** stated that shopping centers are able to deflect the light from the surrounding residents. She would like to know why that's not possible in an area like this to increase safety. She too feels the safety issue is more important than protecting the natural resource area. She would like to see more investigation into the need for lighting.

Speaking: Helene Lichtman, Director of the Department of Utilities.

**Ms. Lichtman** stated that last June the District was contacted by Police Chief Mansfield who had received a number of complaints from the community regarding public safety issues in the park area. At that time we made an unbudgeted commitment of approximately \$7,000 in lighting in response to the community's concerns. Additional lighting was added in 1992. Other measures were taken: cut back shrubbery, received approval of new ordinance granting enforcement authority to any law enforcement agency to set some ground rules for use of the park, hours for the use of the park, that sort of thing, in response to the Police Department.

The rape referred to a number of times by Commissioner Tomei, as she recalled the Police Department interpretation, was that it would have happened no matter what. The perpetrator had stalked the victim and would have found any suitable location with which to do his business. In response to that concern, they have again proceeded to spend unbudgeted funds and installed additional light. She stated that they have done what is prudent for any property owner. They are a County agency and must be responsive to the west side of the river as well.

The two primary responsibilities of this project were to address odor mitigation, odor control, and visual mitigation. The recommendations do address those objectives.

**Carolyn Tomei** asked where the \$13,000 went, for what was it spent? **Ms. Lichtman** stated that the money was spent on three separate installation of lights between June of 1992 and February, 1993.

**Carolyn Tomei** asked for the location of the light that were added? **Jim Crumley** stated that he knew where the lights were added. **Carolyn Tomei**

indicated that in February one light was added at the north end of the plant and the rape happened at the south end. There was only one light added after the rape. **Ms. Lichtman** stated that the additional lights between June of last year and February of this year, cost the District \$13,000.

**Don Trotter** stated that there was nothing in the proposal that indicated that the brown aluminum facia was to match existing buildings, or was to be added to the buildings south of the digester. **Mr. Dixon** stated that it is noted on the drawings.

**Don Trotter** stated that at the meetings, he attended, it was discussed about doing something to the digester to treat the concrete surfaces so they wouldn't be quite so noticeable. He asked if it had been dropped and why? **Mr. Dixon** stated that it has not been included in the proposal at this time. The concrete needs to be tested to determine whether or not it can take another coating and tested for moisture content.

**Don Trotter** stated that the document talks about walls being constructed on the east and south sides of the carbon filters. Are these the aluminum screens as opposed to a wall? **Mr. Dixon** stated that these are screens.

**Don Trotter** stated that Appendix B discusses extending groves of London Plane trees to the west and plants and native shrubs along the wall to better screen the carbon filters. He asked where on the landscape plan this is shown how it will be competed. **Mr. Dixon** stated that they will have rows of plane trees between the screen and McLoughlin and two rows on the south side. Eventually in front of that screen they will have a double row of Oregon Grape. The intent is to extend the trees so there is a continuation of that pattern.

#### TESTIMONY IN FAVOR OF THE APPLICATION

Speaking: Gary Michaels, 11907 SE 19th, Milwaukie

**Mr. Michaels** stated that there are several things in the plan that are commendable. He likes the concrete walls. He does not trust paint to match concrete. He hopes the mobile home on the site is not an attempt to match the concrete. On the truss cover, he suggests that another layer of material on top of the trusses to facilitate the maintenance problem and simplify the appearance.

**Mr. Michaels** stated that he has looked at the facia and it is a different pattern from the sample that was shown tonight. What is the intention on the facia? The difference of reflectivity on the two samples were very obvious. Metal is okay if mat color and if it is like what is on the digester building, it will be okay.

**Mr. Michaels** stated that he is in favor of the riprap planting extension. The arguments on additional lighting don't make sense. One light fixture in the

middle of the unlit area would make a big difference in the actual and perceived safety of those who walk at night. The light could be thrown down on the ground and not affect the other side of the river.

#### QUESTIONS FROM THE COMMISSION

**Carolyn Tomei** asked if the fascia was different that what was shown tonight. **Mr. Michaels** stated that it has a different pattern and different color. **Mr. Dixon** stated that the pattern has a raised element instead of the recess element that was represented here.

Speaking: Mary Joe Morris, 11908 SE 19th, Milwaukie

**Ms. Morris** stated that she walks the path all the time and at night it is dangerous and very dark in a number of areas. In all respect to those across the river, public safety is more important. She strongly urged the District to look at some more lighting on the path. She is in support of the rest of the application.

**Carolyn Tomei** indicated that Mary Joe Morris was on the Citizen Committee to study this issue.

COMMENTS OR QUESTIONS ON THE APPLICATION - None.

TESTIMONY IN OPPOSITION OF THE APPLICATION - None.

#### APPLICANT'S CLOSING COMMENTS

Speaking: Steve Routon, OTAK, P.O. Box 1379, Lake Oswego 97035

**Mr. Routon** stated that the sample shown tonight closely represents the color and the sheen that would be used. Today, he was able to find the metal siding that is to be used. It is his intent to match the existing fascia as closely as possible.

**Chair Lent** asked if the other fascia will be replaced with the new material? **Mr. Routon** stated that he is trying to match the material to the building between the digesters.

**Don Trotter** asked if there is a time schedule on replacing the fascia throughout the project. **Helene Lichtman** stated that the proposal in the five year capital improvement program is to systematically replace all the existing fascia on site.

Speaking: Steve Dixon, OTAK, P. O. Box 1379, Lake Oswego 97035

**Mr. Dixon** stated that the suggestion of a metal over the beamed truss would cause more cleaning problems. He also stated that he feels that the visibility would be increased if the truss system were covered.

**Scott McClure** asked if it mattered which way the trusses went? **Mr. Dixon** that if the trusses were oriented in a east/west direction, it would be less visible to traffic on McLoughlin Boulevard.

Speaking: Brian Erickson, Clackamas County Service District #1

**Mr. Erickson** asked if they were to follow the suggestion of placing a light out on the pathway, where would that light be placed? **Jim Crumley** stated that he walked the path last night to see if it was traversable and safe. He stated that his primary concern was to see if a shadow was being cast on the pathway and it was.

Sunday someone stole a Honda, drove down to this park, roared around the grass area, and set it on fire; and no one seemed to notice, and that happened in the well-lit area in the park. If he were to make a recommendation on where to put another light standard, it would be on the west side of the path in the corner by the digester, south of the incinerator.

**Gordon Jones** suggested that the single light be replaced with a double light that would cast a greater light on the area.

**Carolyn Tomei** stated that there is ninety feet between the lamp and the path.

#### DELIBERATION AMONG THE COMMISSIONERS

**Don Trotter** stated that the additions made this evening to add plantings on the riprap at closer spacing than originally proposed, different type of species than originally proposed, and also to extend it from property line to property line do a great deal to mitigate the devastation that was done when the plant was originally built. The applicant has indicated that the plants will be put in, but he feels something should be added to the process to see that it happens.

**Carolyn Tomei** suggested a condition that insures that at least the minimum amount of plants be planted. Maybe a requirement for limited spacing between the plants.

**Maggie Collins** suggested that the consultants walk the area once more and determine the areas that they think are most likely to take the plantings and identify it. The intent is to initiate a vegetative fringe along the entire natural resource boundary zone.

**Gordon Jones** stated that a lot of these plantings will be twigs, so don't expect a great deal of vegetation for a couple of years.

**Chair Lent** stated that she is willing to go along with the applicant's proposal for landscaping and not make it a condition.

**Don Trotter** asked the purpose of the bond or is the City requiring a bond from everyone. **Jim Crumley** stated that the City is requiring a bond of everyone.

**Don Trotter** stated that the replacement of plant stock has nothing to do with occupancy; it should be a separate paragraph and not tied to occupancy.

Discussion followed on the lighting on the site. **Scott McClure** asked if light restrictions have been a part of a process before? **Don Trotter** asked if the Ordinance addresses screening from the natural resource area?

**Don Trotter** voiced concern on having a condition for lighting. The question is, do we have adequate lighting on the pathway? Most of the lighting there now is for plant security and lighting. The overflow on the pathway is secondary. He suggested a condition that Staff should evaluate the pathway lighting to ensure levels consistent with the final landscape plan to ensure those lighting levels have been reached.

**Carolyn Tomei** stated that she would like to see more citizen involvement in the lighting decision. The children of the neighborhood walk along that pathway to go to and from school, and she feels public safety is important. **Chair Lent** stated that she does not feel the economic comment is adequate for the argument.

**Don Trotter** asked if any of the speakers have any information about what the general recommended illumination level for a walkway would be? **Mr. Dill** indicated that generally those standards are for acuity, safety, for walking along the pathway. The issue considered has to do with shadows on the path.

**Don Trotter** suggested a condition that the Staff will review the final landscaping plans to insure that the pathway lighting along the west side of the plant has uniform lighting from property line to property line.

**John Littlehales** asked Staff to expand on the reasoning behind minor modification as opposed to major deviations. **Jim Crumley** stated that he was primarily interested in the building over the headworks. From the elevations that were shown in the plan, the relocation of the different sizes of the window and the texture is a minor modification. A major modification would be a different roof, or going with something other than the beam truss which was already covered as part of the application.

**Don Trotter** asked if this has to go into a phased construction project or if portions of the proposal were deleted, such as a portion of the landscaping plan, would this be considered a major deviation. **Jim Crumley** said that it would be a major modification.

**Don Trotter** asked how to insure that what is proposed is actually going to be built. The total concept is to be compatible with the surrounding area. If elements are deleted from this total process, there needs to be input from the

community as to what shall be deleted.

**Jim Crumley** suggested language for the landscaping condition; add to the end of the first paragraph, "Said plan shall include a detailed lighting plan demonstrating adequate light for public safety consistent with industry standards."

Recess was called at 9:15 p.m. and the meeting reconvened at 9:25 p.m.

**Gordon Jones** moved to approve NR-93-03 based on the findings presented in the Staff Report establishing the Natural Resource Boundary as shown in Figure 5 of Appendix A, including Condition #4. **John Littlehales** seconded.

**Carolyn Tomei** moved to approve CSO-93-04, CU-93-04, and MC-93-02 based on the findings included in the Staff Report including conditions #1, #2, and #3 as amended. **John Littlehales** seconded.

**Don Trotter** complimented the applicants on the tremendous amount of effort put forth in their proposal. **Chair Lent** complimented the speakers on the amount of work done to make this proposal.

MOTION CARRIED 6-0.

5.2 Applicant: David and Linda Criss  
Property Owner: David and Linda Criss  
Location: 4507 SE Meadowcrest Court (Tax Map T1S, R1E, 30BC)  
Proposal: Setback variance (VR-93-09)

**Chair Lent** opened the public hearing for a rear yard setback variance from the required 20 feet to 3 feet for the purposes of siting a second garage on their property. She asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. She asked if there were any Commissioners who visited the site. Five hands were raised. She asked if any of the Commissioners who raised their hands spoke to anyone at the site or noticed anything different from what is stated in the Staff Report. **Chair Lent** indicated that she had spoken to one gentleman who is involved in the hearing and is here tonight, but there was no discussion about the hearing. No one in the audience questioned the impartiality of any Commission member.

**Jim Crumley** then reviewed the Staff Report on a proposal for a setback reduction from twenty feet to three feet from the rear property line for the construction of a detached storage and garage building. The Staff has reviewed the findings presented by the applicant and after reviewing the zoning ordinance. It is Staff's conclusion that the four findings that are required for the granting of a variance are not met. There are no unique or extraordinary circumstances that apply to this lot. There's nothing unique about this lot that distinguishes it from others in the same zone. Having a lot

that is deeper than the minimum required in the R-7 Zone would allow the Applicant more adequacy to comply with the setback requirement.

A handout prepared by the Applicant listing 42 other properties in the City with second garages or other structures on their properties. Only one example on this handout has a structure of the magnitude that the Applicant is proposing. There is no precedent in terms of a granted variance for a detached building of this size in the rear setback.

Section C requires that the Planning Commission evaluate whether there are feasible alternatives which would obviate the need for the variance. Reduction of this structure by four feet on one side would obviate the need for a variance. Provisions in the Zoning Ordinance that stipulate essentially that if you have a single-story structure that is 480 square feet or less you are not required to conform to the main building setback of twenty feet from the rear property line.

Considering there is already a attached garage on this property, a 124 foot shed in the back, it is not a burden to have the structure reduced to 480 square feet from 560 feet. The structure can be relocated and still make the setbacks. There is nothing to prevent the Applicant from doing this.

Additional storage provided for the Applicants would not outweigh the adverse effects on adjoining properties.

Staff recommends denial of the variance and have the Applicant either reduce the size of his building so the variance is not needed or to relocate the building so the variance will not be required.

**Chair Lent** asked if there was additional correspondence. **Jim Crumley** stated that no additional correspondence as presented in the Staff Report.

#### APPLICANT PRESENTATION

Speaking: David Criss, 4507 SE Meadowcrest Court

**Mr. Criss** stated that he is looking to build a one-story garage storage unit 24' by 24', 17' high. The main reason for the height is to include additional storage in the attic area. Staff has narrowed down the exhibit to one street, which is not taking into consideration other property as far as the depth of the property. Only going two blocks from the property the lot pattern changes dramatically. If you poll the surrounding area, you will find the lot is deeper than other lots.

**Mr. Criss** stated that he would like to have the large building to use as a garage, as he does his own mechanical work. This also keeps the vehicles out of the yard and limits the risk of theft or damage from vandalism.

**Mr. Criss** stated that finding outside storage off the site of the property would be a economic burden.

The reason for wanting to keep the setback to a minimum is to eliminate the amount of dead space created between the second garage and the back fence. The back of the garage could be used for storage because it is not visible from the street.

**Mr. Criss** stated that the 21' by 24' building is not adequate for what he is going to do because he needs a lot of room to fix cars.

#### QUESTIONS FROM THE COMMISSIONERS

**John Littlehales** asked if there was a practical reason for the setback variance. **Mr. Criss** stated that moving the structure closer to the house shortens the distance between both neighbors and he doesn't want to encroach on their living space. He also plans to add onto the house and he needs the room.

**Chair Lent** asked if the building will be used as a workshop with storage on top. **Mr. Criss** stated that this will be a shop, a place where he will be using it 50/50 for storage and hobby shop, just to work on vehicles. The purpose would be a workshop, not a garage.

TESTIMONY IN FAVOR OF THE APPLICATION - None.

QUESTIONS OR COMMENTS ON THE APPLICATION - None.

TESTIMONY IN OPPOSITION TO THE APPLICATION

Speaking: Howard Atterbury, 4495 SE Congress Court

**Mr. Atterbury** stated that he is Dave's next door neighbor. He informed the Commission that he wrote a letter to the City voicing his concern about the large structure.

APPLICANT'S CLOSING COMMENTS - None.

DELIBERATION AMONG COMMISSIONERS

**Chair Lent** stated that this is basically a workshop and not a standard garage. Workshops are not allowed in this zone.

**Jim Crumley** stated that if **Mr. Criss** did not have a house, he couldn't come in the residential zone and put in a shop. As an accessory use, an individual can have an accessory structure.

**John Littlehales** stated that a 24' by 24' building 17' high being sited way in the back of the lot is imposing. By bringing it in to meet the setbacks and

bringing it closer to the adjoining neighbors, he can build it significantly higher. He sees no reason for allowing an 85 percent variance for the rear yard setback. There are feasible alternatives.

**Don Trotter** stated that he hasn't heard anything in the presentation this evening that changes the facts in the Staff Report. He doesn't feel it meets the criteria. He will vote for denial of the application.

**Chair Lent** stated that the variance criteria have not been met. The uniqueness of the lot would require the variance, and she doesn't think the uniqueness has been met.

**Gordon Jones** stated that the reason for the setback requirements are there to protect the neighbors. The Applicant is only thinking about his point of view as opposed to the purpose of the variance. He too, will vote for denial.

**Don Trotter** stated that a petition is not a vote. It is a matter of what criteria say and the Commission is responsible to plan for the future.

**Chair Lent** stated that the list is not relevant. If this is a document in support of other circumstance in the zone, it is not the intent of uniqueness. The three other criteria are not met. She will be voting for denial.

**Carolyn Tomei** moved to deny VR-93-09 with the findings of Staff, A through D, in the Staff Report. **Don Trotter** seconded. MOTION CARRIED 6-0.

**Carolyn Tomei** had to leave the meeting.

## 6.0 CONSIDERATION ITEMS

### 6.1 Findings for Denial of Knepper (VR-93-04)

**Chair Lent** opened discussion on the Denial of the Knepper application. **Dave Krogh** stated that a motion to adopt the findings was needed. At the last meeting Staff was instructed to modify the findings to justify the denial. Additional language has been submitted for Commission review.

Discussion followed on the denial of the application and how the administrative variance would be affected. The Planning Commission denied the appeal. The administrative variance stands. There is enforcement action which may negate the administrative variance. The Knepper's are appealing the decision to City Council to appeal the denial for the administrative variance.

**John Littlehales** moved to adopt the findings in the Staff Report dated December 14, 1993, deleting references in Finding #8, Paragraph 2, deleting references to "...there have been no complaints..." Further modifying the conclusion to read, "The appeal of the administrative variance approval is denied as is the variance requested for fifty percent of the Section 4.06 separation from the residence. **Don Trotter** seconded.

**John Littlehales** modified the conclusion to read, "The appeal for the administrative variance approval is denied, as are the variance requests of ninety percent and fifty percent on the north sideyard and Section 4.06 separation from the residence respectively. **Don Trotter** concurred.

**Scott McClure** suggested adding to the motion that, "This Commission also feels a special privilege would be granted the Applicant if this variance is approved, in that the existing garage exceeds the minimum necessary for a common use in the neighborhood. **John Littlehales and Don Trotter** accepted the change to the motion.

**Dave Krogh** suggested changing the last sentence in Paragraph to, "The Applicant alleges no adverse effects have been identified." **Gordon Jones** suggested changing the second sentence, "Complete removal of the garage is not viewed as an option by the Applicant."

**John Littlehales and Don Trotter** accept the changes to the findings. MOTION CARRIED 6-0.

- 7.0 CONSIDERATION ITEMS - None.
- 7.1 Transportation Rule Worksession

**Chair Lent** moved this item to the January meeting.

- 8.0 OLD BUSINESS - None.
- 8.1 City Variance Criteria Worksession

**Chair Lent** moved this item to the January meeting.

- 8.2 Community Development Report

**Don Trotter** asked that Staff review the status of the meeting between Public Works/Community Development and the County regarding the correction sidewalk/pathway issues. **Maggie Collins** stated that she would get something back to the Commissioners at the next meeting.

- 9.0 NEXT MEETING: January 11, 1994

**Gordon Jones** moved to adjourn the meeting of December 14, 1993. **John Littlehales** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 11:00 p.m.

  
\_\_\_\_\_  
Pat Lent, Chair

  
\_\_\_\_\_  
Shirley Richardson, Hearings Reporter

**AGENDA**  
**MILWAUKIE PLANNING COMMISSION**  
Milwaukie Center, 5440 S.E. Kellogg Creek Dr.  
Tuesday, December 14, 1993, at 6:30 p.m.

- 1.0 Call to Order
- 2.0 Procedural Questions
- 3.0 Consent Agenda
  - 3.1 Planning Commission Minutes: November 23, 1993
  - 3.2 City Council Minutes: November 16, 1993
- 4.0 Public Comment

This is an opportunity for the public to comment on any item not on the agenda.
- 5.0 Public Hearings (see Public Hearing Procedure on reverse)
  - 5.1 Applicant: Clackamas County Service District #1  
Property Owner: Clackamas County Service District #1  
Location: 11525 SE McLoughlin Boulevard  
(Tax Lots 1500 and 1600 of Tax Map T1S, R1E, 35AD)  
Proposal: Community Service Overlay, Willamette Greenway Conditional Use, McLoughlin Corridor Review, Natural Resource Overlay Review (CSO-93-05, CU-93-04, MC-93-02, NR-93-03)
  - 5.2 Applicant: David and Linda Criss  
Property Owner: David and Linda Criss  
Location: 4507 SE Meadowcrest Ct  
(Tax Lot 114 of Tax Map T1S, R1E, 30BC)  
Proposal: Setback variance (VR-93-09)
- 6.0 Consideration Items
  - 6.1 Findings for Denial of Knepper (VR-93-04)
- 7.0 Old Business
  - 7.1 Transportation Rule worksession (please bring materials from last mtg)
- 8.0 Other Business
  - 8.1 City variance criteria worksession
  - 8.2 Community Development Department Report
- 9.0 Next Meeting: January 11, 1994 (agenda not set yet)

The Milwaukie Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please.

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**Milwaukie Planning Commission Mission Statement**

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.

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**Public Hearing Procedure**

1. Staff Report
2. Correspondence
3. Applicant's presentation
4. Public testimony from others in support of application
5. Comments or questions from interested persons who are neither proponents nor opponents
6. Public testimony from those in opposition to the application
7. Questions from the Planning Commission
8. Rebuttal testimony from Applicant
9. Closing of public hearing
10. Commission discussion/action

The Planning Commission's decision on these matters may be subject to further review or be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 652-4410.

---

**Milwaukie Planning Commissioners:**

Patricia Lent, Chair  
Carolyn Tomei, Vice Chair  
John Littlehales  
Don Trotter  
Gordon Jones  
Bill Johnson  
Scott McClure

**Community Development Department Staff:**

Maggie Collins, Community Development Director  
Dave Krogh, AICP, Associate Planner  
Jim Crumley, Associate Planner  
Jeanne Garst, Office Assistant  
Marcia Hamley, Office Assistant  
Shirley Richardson, Recording Secretary

CITY OF MILWAUKIE  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT

Date: December 14, 1993

File Nos. : CSO-93-05  
CU-93-04 (WG)  
MC-93-02  
NR-93-03

Application: Community Service Overlay; Willamette  
Greenway Conditional Use; McLoughlin  
Corridor Review; Natural Resource  
Overlay Review.

Applicant: Clackamas County Service District #1

Property Owner: Clackamas County Service District #1

Location: 11525 SE McLoughlin Boulevard  
Tax Lots 1500,1600 of Tax Map 1 1E 35AD

\*\*\*\*\*

PROPOSAL

The Clackamas County Service District #1 (Service District) is proposing to implement the recommendations of the Sewerage Facilities Plan approved by the Milwaukie City Council and the Clackamas County Board of Commissioners. The implementation of this plan includes:

1. Constructing flat covers on the primary clarifiers;
2. Constructing a building to enclose the headworks facility;
3. Constructing a carbon filtration system; and
4. Planting landscaping on the east, south, west and interior of the plant facility.

A complete description of the proposal including compliance with the criteria for the Community Service Overlay, McLoughlin Corridor Review, Willamette Greenway Review and the Natural Resource Overlay Review, entitled "Kellogg Creek Water Pollution Control Plant -- Odor Control and Landscape Improvement", is included as Attachment 'A' of this report.

## DISCUSSION

Pursuant to the recommendations of the Sewerage Facility Plan, the Service District has made every effort to enlist the support and participation of the public in the preparation of the proposal submitted, including five public meetings and a work session before the Milwaukie Planning Commission.

These meetings, and the public participation at these meetings, have resulted in a considerable degree of refinement which has served to resolve almost all of the potentially contentious aspects of this project.

Community Development Staff has been present at all except one of the public meetings and has had four separate meetings with the Service District's consultants prior to the filing of the application. From the Staff's perspective the remaining areas of concern are:

1. Whether the fascia treatment on the headworks building should be wood or metal;
2. Whether the landscape plan for the Natural Resource Zone contains adequate landscape material to enhance the riparian habitat along the Willamette River; and
3. Whether the amount of lighting in the park area between the plant and the River maintains an adequate balance between the safety of park users and intrusion of lighting into a natural resource area.

### Issue #1 - Fascia Treatment

The proposed headworks building is proposed to be finished with a baked aluminum fascia. Only a small part of the fascia treatment at the plant at this time is metal. Although the application states that the Service District intends to replace the existing wood fascia with metal, only the newest building between the digesters now has an aluminum fascia. The existing wood fascia appears to be well kept and in good repair. The color and texture of the wood fascia have the effect of muting the concrete buildings within the plant.

Staff would prefer the wood fascia treatment for the headworks building; however since the existing fascia is beyond the scope of this review and the Service District intends to replace all the wood with aluminum it does not seem practical to require the District to maintain solely the headworks building with wood fascia after the others are converted to metal.

Issue #2 - Natural Resource Enhancement

Staff has requested additional information from the District's consultants regarding this issue. This information had not arrived at the time this report was prepared. Discussions relative to the justification for the proposed landscaping or alternative approaches will have to take place at the public hearing.

Issue #3 - Exterior Lighting

The Service District installed approximately \$12,000 in exterior lighting in the spring of 1993 expressly for the purposes of increasing safety for the public. This lighting served a secondary purpose of reducing on-site lighting for the plant, as previously all light to the park area came from within facility. It had been a concern of some citizens that the amount of night lighting from within the plant area detracted from the aesthetics of the area.

Discussions were held between the Service District and the Milwaukie Police Department regarding the lighting issue. And although the police department did not specifically approve the lighting plan, they did concur that the lighting greatly improved safety in the area.

The Staff have been to the area after sundown and have seen that there are some areas that remain dark. There is sufficient lighting, however, to allow the public to stay on the concrete path. To increase the lighting to a level which would not afford any degree of concealment would conflict with the goals and objectives of the natural resource element of the Comprehensive Plan and Zoning Ordinance relative to the reduction of lighting in natural resource areas.

It should also be noted that the Police Department has received several calls from residents on the west side of the river complaining about the intensity of the existing lighting.

FINDINGS

**Community Service Overlay -**

Evaluation criteria and specific standards for CSO approval are contained in Sections 321.4 and 321.10 of the Zoning Ordinance. These criteria and findings in conformance with the criteria can be found on page 6 of Appendix 'A'.

**McLoughlin Corridor Overlay -**

Review criteria and development standards for the MC Overlay Review are found in Sections 325.8.B and 325.5 of the Zoning Ordinance. These criteria and findings in conformance with the criteria can be found on page 7 of Appendix 'A'.

**Willamette Greenway Zone -**

Development within the Willamette Greenway Zone is subject to the Conditional Use standards found in Sections 601.2 and 602 specific criteria are found in Section 320.5 of the Zoning Ordinance. These criteria and findings in conformance with the criteria can be found on page 8 of Appendix 'A'.

**Natural Resource Overlay -**

Review criteria for development adjacent to a natural resource area is found in Section 322.7 of the Zoning Ordinance. These criteria and findings in conformance with the criteria can be found on page 9 of Appendix 'A'.

**CONCLUSION AND RECOMMENDATION**

Based of the findings presented in Appendices 'A' and 'B', the Staff has determined that the proposal conforms to the criteria established for the approval of the Community Service Overlay, McLoughlin Corridor, Willamette Greenway and the Natural Resource Overlay Zone.

Should the Commission determine that the proposed vegetative enhancement in the Natural Resource Area is adequately addressed by the District, Staff recommends that the Planning Commission approve CSO-93-05, CU-93-04 (WG), MC-93-02, and NR-93-03 subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans presented in Appendix 'A'. Minor modifications may be handled at the staff level. Major deviation from the approved plans shall be resubmitted to the Planning Commission for review.
2. The Service District shall obtain all necessary building permits from the City of Milwaukie.
3. Complete and detailed landscape plan shall be submitted for approval by the Community Development Staff. Said plans shall be in substantial conformance with the approved plan represented on Figure 4 of Appendix 'A' and pages 5 and 8 of Appendix 'B'.

No building permit shall be issued until all approved landscaping has been secured by bond or other approved instrument of credit.

Prior to the occupancy of the approved structure the landscaping shall be installed in conformance with the approved landscape plan(s). This includes replacement of planted stock which has not survived one full year after planting. Evaluation of planting will be based on 80% survival of

plants; if less than 80% of each layer (ground cover, shrub, tree) has survived, replanting is required to achieve the 80% survival rate of the layer.

4. The Natural Resource Overlay Boundary shall be established as shown by Figure 5 of Appendix 'A'.

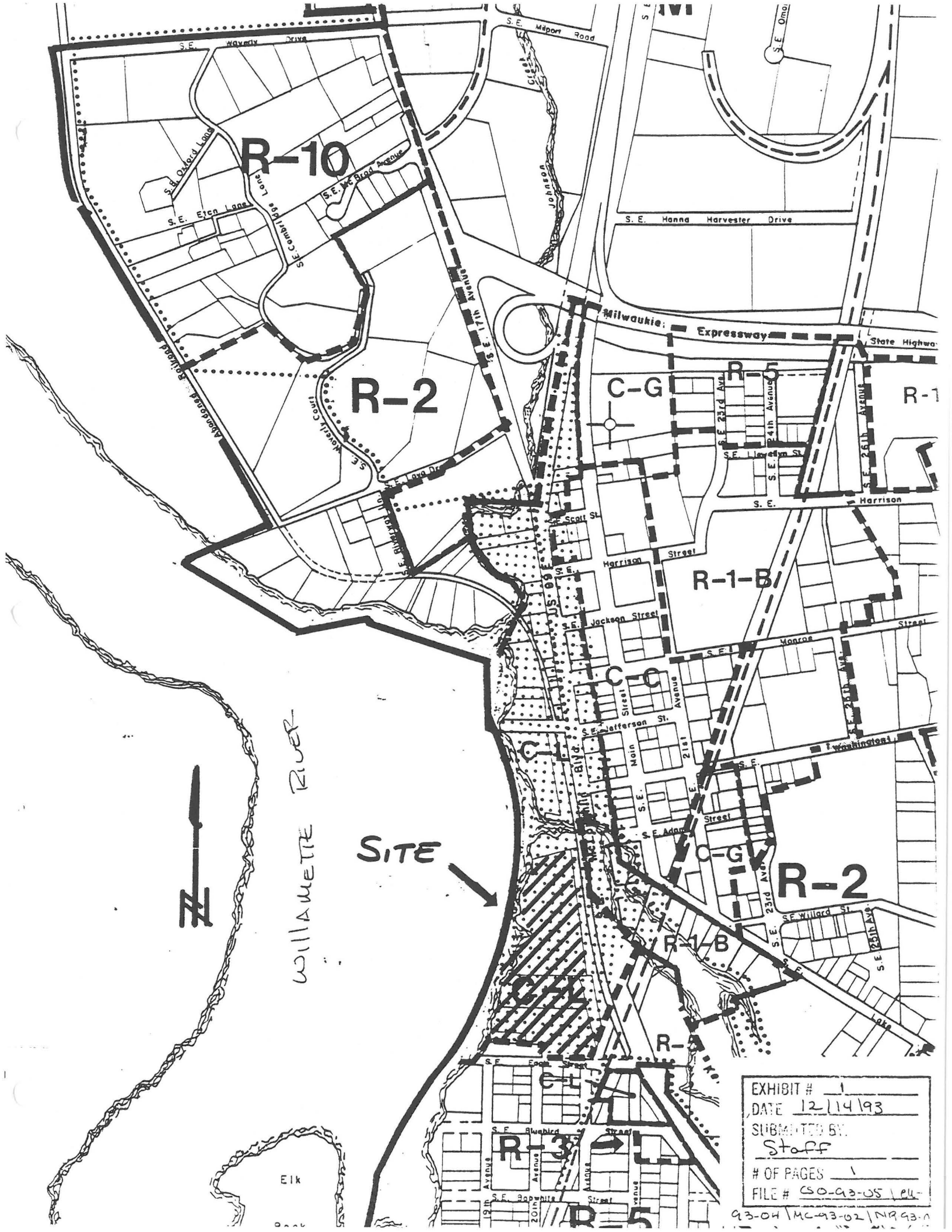
**Exhibits:**

1. Vicinity Map

**Attachments:**

- Appendix 'A' - Application and Findings
- Appendix 'B' - Supplemental Findings

JC:jpg



R-10

R-2

C-G

R-1-B

R-2

SITE

WILLAMETTE RIVER



EXHIBIT #	1
DATE	12/14/93
SUBMITTED BY	Staff
# OF PAGES	1
FILE #	CO-93-05/24-

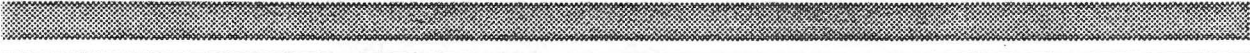
93-04/MC93-02/NR93-0

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**KELLOGG CREEK  
WATER POLLUTION CONTROL PLANT**

**ODOR CONTROL AND  
LANDSCAPE IMPROVEMENTS**

---



**Application for:**

**Modification of Community Service Overlay**

**McLoughlin Corridor Review**

**Willamette Greenway Conditional Use Permit**

**Natural Resource Review**

**Prepared for:**

**Clackamas County Service District No. 1**

**Prepared by:**

**OTAK, Inc.**

**November 23, 1993**

**KELLOGG CREEK WATER POLLUTION CONTROL PLANT  
ODOR CONTROL AND LANDSCAPE IMPROVEMENTS**

**PROJECT SUMMARY**

**APPLICANT/OWNER:** Clackamas County Service District No. 1  
902 Abernethy  
Oregon City, Oregon  
Contact: Bruce Erickson

**PLANNER/ARCHITECT:** Otak, Inc.  
17355 SW Boones Ferry Road  
Lake Oswego, OR 97035  
Contact: Joe Dills

**ENGINEER:** Brown and Caldwell Consulting Engineers  
9260 SW Barbur Blvd.  
Portland, OR 97219  
Contact: Bryan Paulson

**SUBJECT PROPERTY:** Tax Lots 1500 and 1600, Map 1 1E 35AD  
Tax Lot 100, Map 1 1E 35DA

**SITE AREA:** 10.2 acres

**REQUEST:**

1. Modification of a use within the Community Service Overlay
2. McLoughlin Corridor Review with Willamette Greenway Conditional Use
3. Natural Resource Review

**PROPOSED USE:** Odor control structures and new landscaping

**KELLOGG CREEK WATER POLLUTION CONTROL PLANT  
ODOR CONTROL AND LANDSCAPE IMPROVEMENTS**

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# **KELLOGG CREEK WATER POLLUTION CONTROL PLANT ODOR CONTROL AND LANDSCAPE IMPROVEMENTS**

## **I. INTRODUCTION**

### **A. Request**

The Clackamas County Service District No. 1 proposes a series of odor control and landscape improvements at the Kellogg Creek Plant. The purpose of the project is to substantially reduce odors from key sources within the plant and make architectural and landscape changes to improve the visual impact of the plant. The improvements fulfill adopted requirements in the District's Sewerage Facilities Plan dated December, 1992. The \$3,500,000 project is budgeted for construction in 1994.

The design of the odor control structures and landscape improvements has been developed through an open, public process. The District held five public meetings prior to submittal of this application. Neighborhood residents, city representatives and Sewerage Facility Plan advisory committee members reviewed alternative plans, profiles and visual simulations in order to arrive at a design which promotes continuity of materials and compatibility with surrounding uses.

The following land use approvals are requested:

1. Modification of a use within the Community Service Overlay
2. McLoughlin Corridor Review with Willamette Greenway Conditional Use
3. Natural Resource Review

### **B. Proposal Description**

The following improvements are proposed:

1. Cover the two primary clarifiers with flat covers;
2. Construct a building to enclose the headworks facility;
3. Construct a carbon filtration system;
4. Plant landscaping on the east, south, west and interior of the plant.

Figures 1 and 2 illustrate the plant as it exists today and as it would with the proposed improvements. Each improvement is discussed below.

WILLAMETTE RIVER

S.E. EAGLE

S.E. 20th

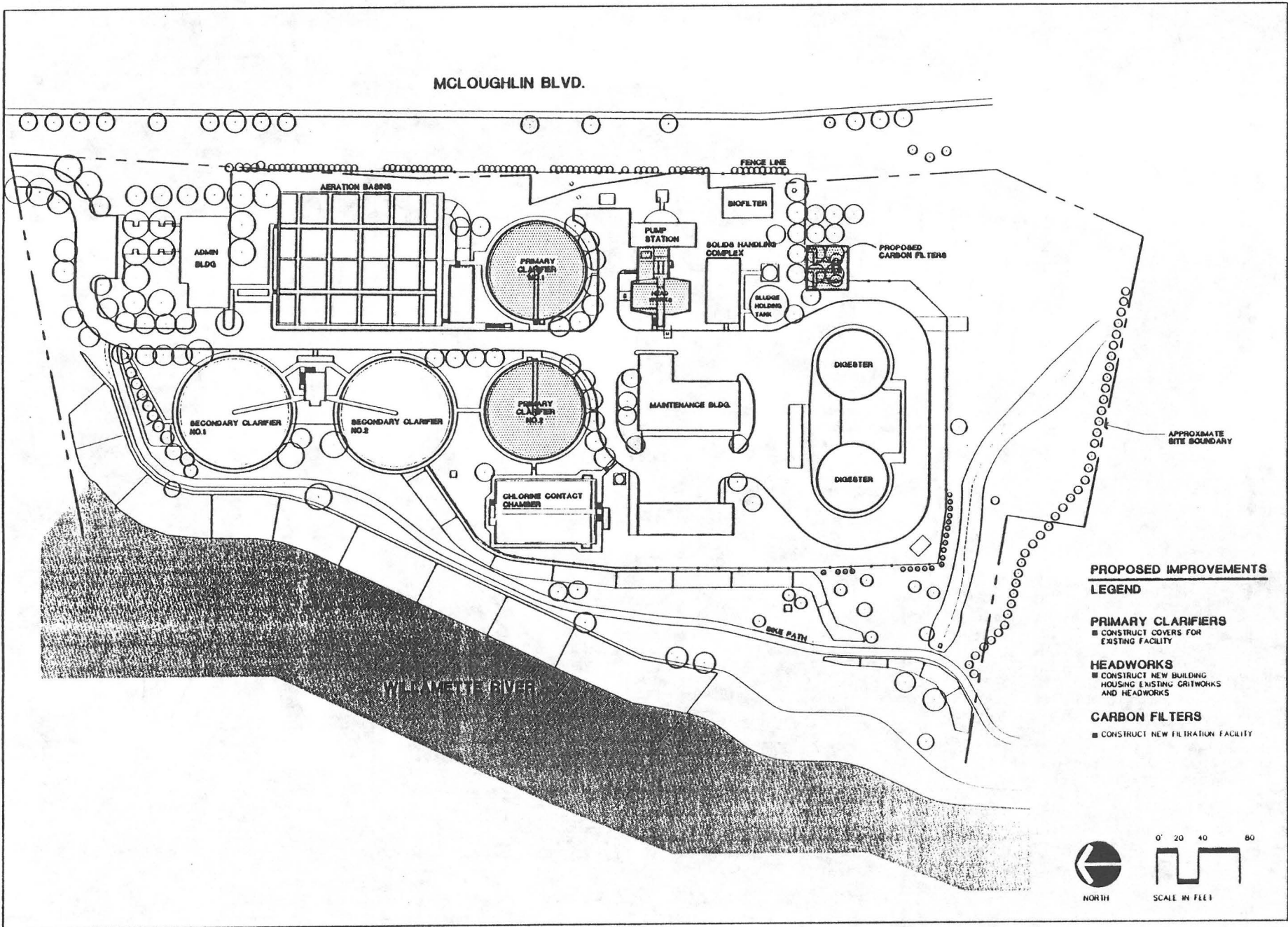
HWY 99E

GILBERTSON CIRCULAR RAILROAD



**NEW CREEK  
TREATMENT PLANT**

FIGURE 1



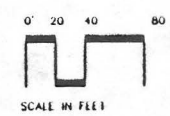
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Checked	Date
REVISIONS	

SITE PLAN

KELLOGG CREEK WASTEWATER  
TREATMENT PLANT

**PROPOSED IMPROVEMENTS  
LEGEND**

- PRIMARY CLARIFIERS**  
■ CONSTRUCT COVERS FOR EXISTING FACILITY
- HEADWORKS**  
■ CONSTRUCT NEW BUILDING HOUSING EXISTING GRITWORKS AND HEADWORKS
- CARBON FILTERS**  
■ CONSTRUCT NEW FILTRATION FACILITY



**otak** ENGINEERS

Sheet No. \_\_\_\_\_

Project No. **4798**

FIGURE 2.

Clarifier Covers - The proposed clarifier covers will be a series of flat panels supported by the existing center column. The purpose of the cover is to completely contain odor emissions from the clarifier. The flat cover will be approximately one foot higher than the existing clarifier walkway. It was selected as the least visible of four alternatives evaluated (dome truss, bridge truss, beam truss, and flat). The aluminum will be sandblasted to reduce reflectivity.

The District's first choice, the flat covers, will be supported by the existing center column in the clarifiers. Structural plans are being reviewed to verify that this column can support the flat cover. If it is determined that the column cannot provide adequate support, the Service District needs a back-up plan: the beam truss cover. The Service District proposes that a beam truss supported cover be allowed as an alternate to the preferred flat cover. This alternate was reviewed and approved by participants in public meetings held prior to submittal of this application.

Headworks Building - The existing headworks structure consists of a 24' diameter grit collection mechanism, a bar screen and a grit hopper. These mechanisms are built into a concrete foundation with two levels; one is approximately 10' above grade, the other 7' above grade. The foundation walls have raised panels separated by narrow reveals.

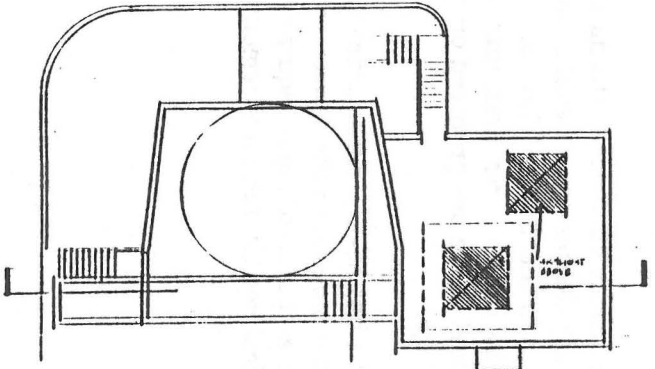
The plant pump station abuts headworks to the east. Other one story structures currently exist to the south and the west. All of these structures have panelized concrete walls and broad horizontal fascias.

The new headworks building generally follows the existing foundations (See Figure 3). The raised panel motif will be repeated in the new walls. The exterior finish will be smooth medium density overlay board (MDO) painted a warm gray to blend with the concrete below. The panel pattern will be further accentuated by the strategic placement of windows. These modular elements will soften the overall appearance of the new building, giving it more of a commercial feel.

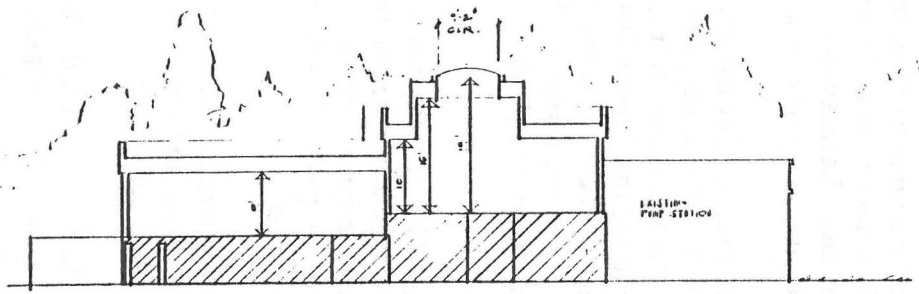
The existing wood fascias have not performed well in the damp environment of the treatment plant. The fascias are scheduled to be replaced by aluminum fascias similar to that used on the digester fascias. Considering the expense of maintenance and the life span requirements, aluminum fascias with a factory applied baked enamel finish are proposed on horizontal fascias designed to match the existing buildings.

The building height has been a major concern of neighborhood groups. The design has evolved over the months to the lowest roof heights possible considering machinery heights and maintenance requirements. These minimum volumes also minimize mechanical ventilation requirements which translates to lower operating costs.

Designed	Date
Drawn	Date
Checked	Date
R. H. H. H.	



FLOOR PLAN - HEADWORKS BUILDING  
1/8" = 1'-0"



SECTION - LOOKING NORTH  
1/8" = 1'-0"

KELLOGG CREEK WASTEWATER  
 TREATMENT PLANT

**otak**  
 architects, p.c.  
10000 1st Avenue, Suite 100  
 Kirkland, WA 98033

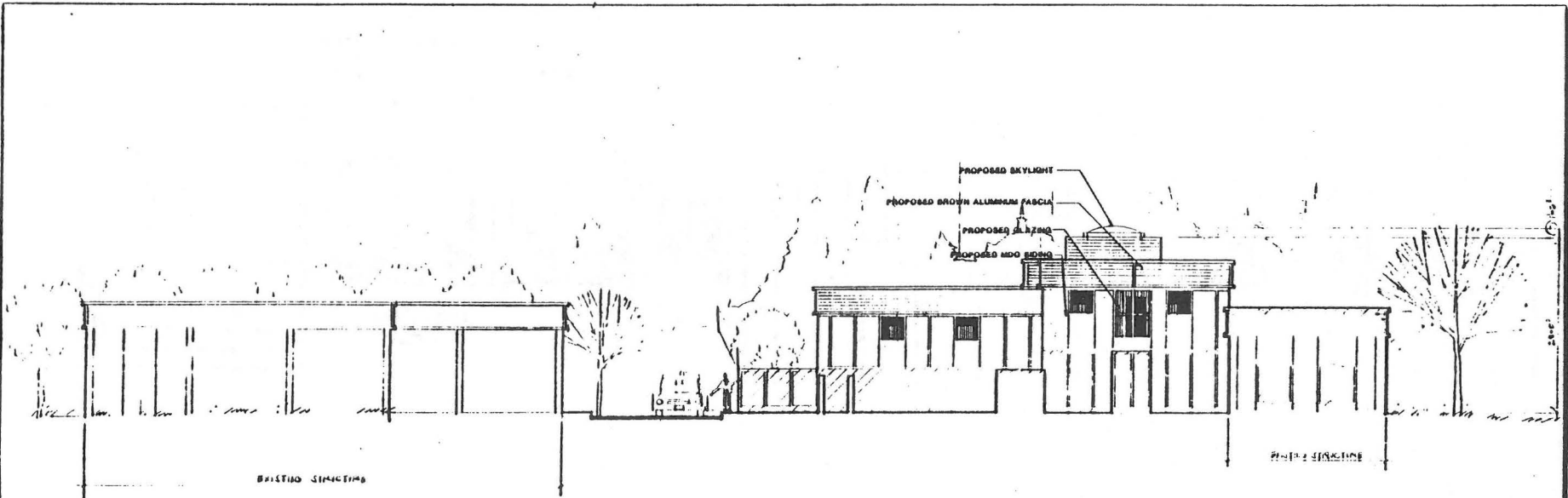
1 OF 4  
Sheet No.

Project No. 4790

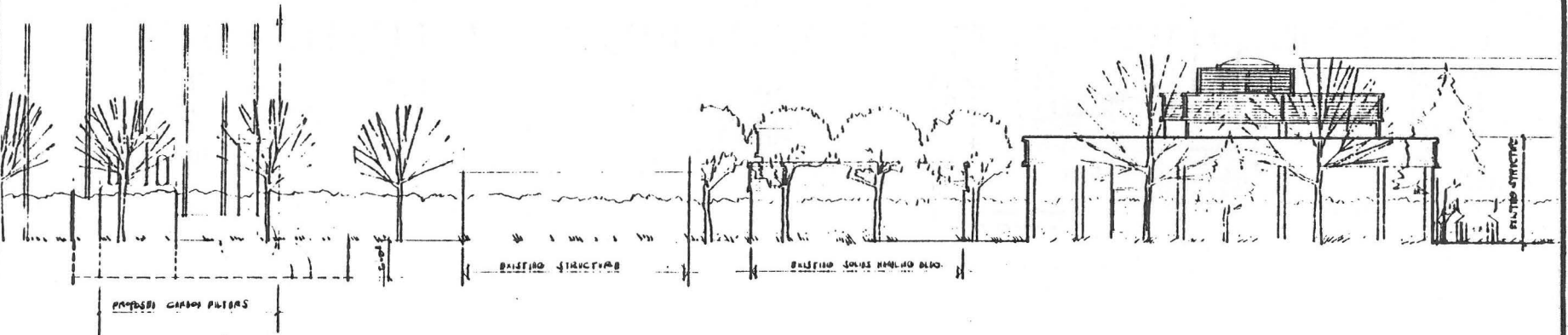
FIGURE 3

Designed	Date
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Checked	Date

REVISIONS



**SOUTH ELEVATION (LOOKING NORTH)**  
 1/8" = 1'-0"  
 HEADWORKS BUILDING



**LOOKING WEST FROM McLOUGHLIN BLVD.**

**KELCOCK CREEK WASTEWATER  
 TREATMENT PLANT**

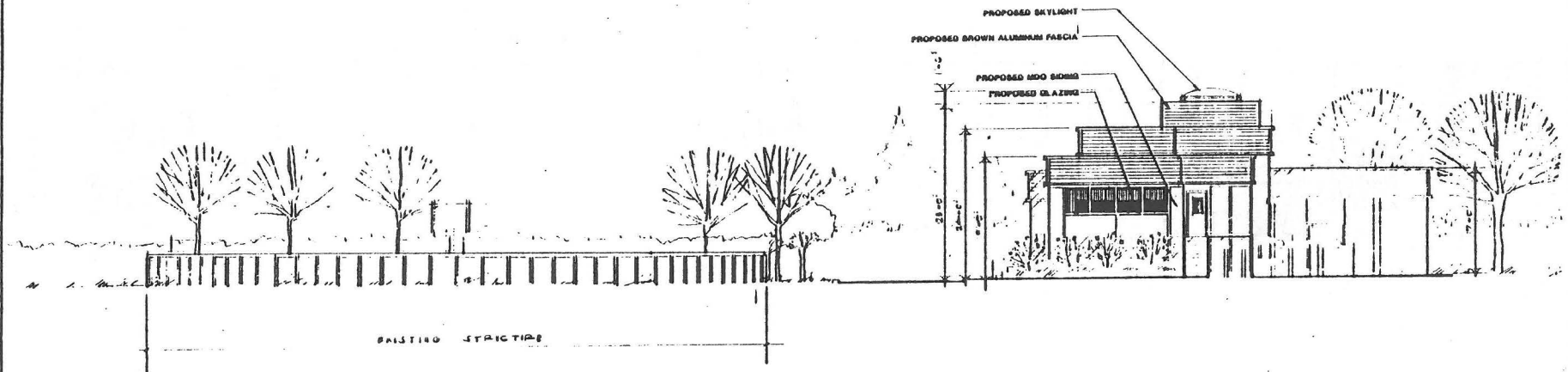
**otak**  
 ARCHITECTS, L.P.C.  
 10000 N. 10th Street, Suite 100  
 Redmond, WA 98073

**2 OF 4**

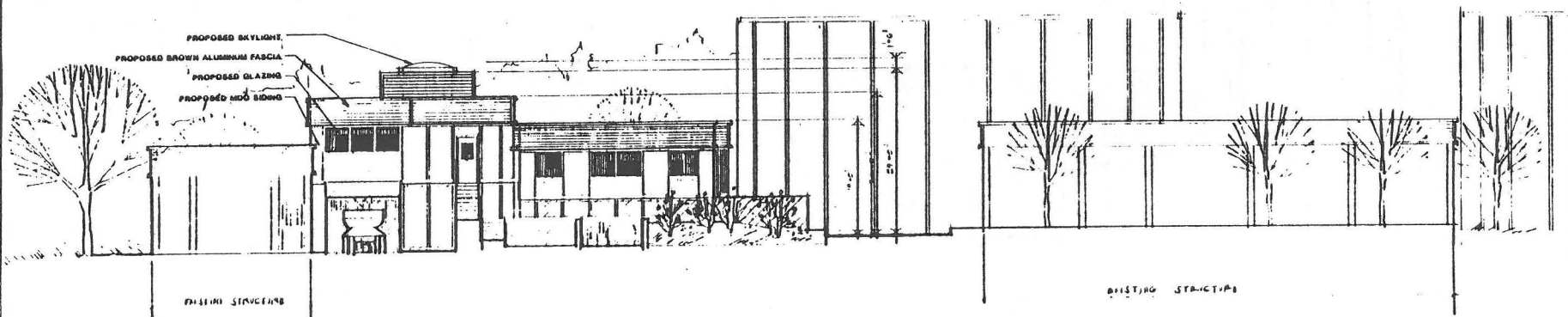
Sheet No.  
 Project No. **4798**

**FIGURE 3**

Designed	Date
Drawn	Date
Checked	Date
MUSCIEC	



**WEST ELEVATION (LOOKING EAST)**  
 1/8" = 1'-0"  
 HEADWORKS BUILDING



**NORTH ELEVATION (LOOKING SOUTH)**  
 1/8" = 1'-0"  
 HEADWORKS BUILDING

**KELLOCC CREEK WASTEWATER  
 TREATMENT PLANT**



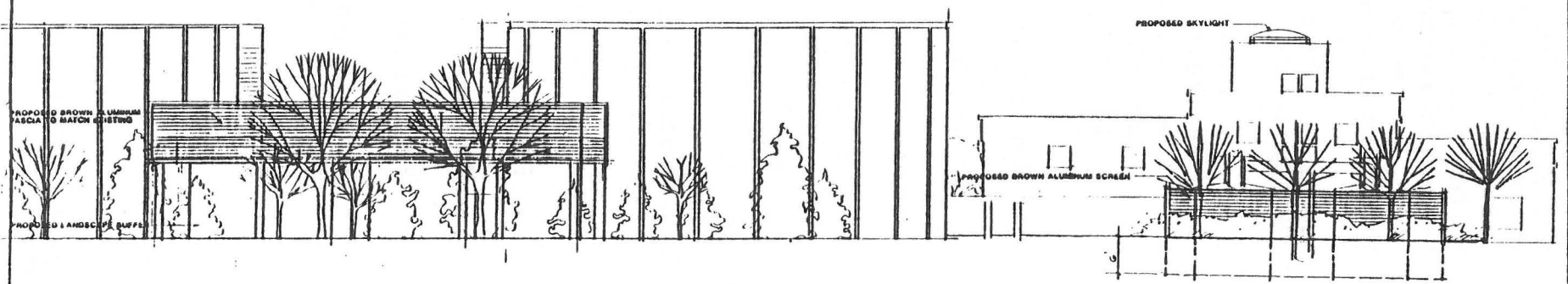
**3 OF 4**

Street No.  
 Project No. 4798

**FIGURE 3**

Designed	_____	Date	_____
Drawn	_____	Date	_____
Checked	_____	Date	_____

REVISIONS



LOOKING NORTH AT DIGESTERS

LOOKING NORTH AT CARBON FILTER SCREENING  
1/8" = 1'-0"

KELLOGG CREEK WASTEWATER  
TREATMENT PLANT

**otak**  
ARCHITECTS P.C.  
1100 N. HARTFORD ST.  
MIDDLETOWN, CT 06457  
407-626-1100

4 OF 4  
Sheet No

Project No 4790

FIGURE 3

Carbon Filters - The carbon filters will be two cylindrical vessels made of fiberglass reinforced plastic. They will have external ductwork and mechanical equipment. The vessels will be 12 feet in diameter and 14 feet high. The overall footprint of the fans, vessels, and ductwork is approximately 40 feet wide by 50 feet long by 20 feet high. The system will be recessed below grade slightly to reduce the overall height. Walls will be constructed on the east and south sides of the system to partially screen the view of the filters.

Landscaping - The proposed landscape improvements are intended to achieve the following objectives:

1. Provide a visual buffer for the proposed improvements and additional screening of the existing facility while retaining views from neighborhood areas to the river. This screening will take into account the visual impacts of the facility and proposed improvements from the Island Station neighborhood, McLoughlin Blvd., downtown Milwaukie and the Willamette River.
2. Utilize Native Plantings. Native plantings will be introduced along the Willamette River side of the plant and in the open space on the south end of the plant.
3. Enhance the open, park-like aesthetic of the site while providing year-round interest. The proposed plan introduces additional plantings along the edges of the plant and along the south property line, and reducing the visual impact of structures and fencing, while maintaining existing open spaces. A combination of deciduous and coniferous trees, ornamental and native shrubs provides a changing display of flower, foliage, and branching structure.

Landscape improvements are proposed in four areas, as summarized below and illustrated in Figure 4:

Area 1 - Along McLoughlin Boulevard:

- Plant a row of American sweetgums, 35' on center, close to the fence line.
- Plant groups of evergreens along the fenceline for use as screening
- Fill in photinia were needed.
- Extend London planetree grove to screen and detract from views of biofilters and carbon filters.
- Remove 3-4 unhealthy cherry trees.



Area 2 - South side of site:

- Plant groups of red osier dogwood, winter flowering current, and western hemlock along south property line.
- Plant firs, cedars and maples along fence to partially screen digestors.

Area 3 - West side of site:

- Plant a variety of native evergreen trees (fir, cedar) and shrubs (vine maple, evergreen huckleberry) to screen the fence and provide habitat for birds.
- Plant willow in the rip rap bank for habitat and visual interest.

Area 4 - Internal area of plant:

- Plant common wintercreeper along walls of the secondary clarifiers.

### C. What Odor Sources Will Be Controlled?

The Sewerage Facilities Plan (CH2M Hill, December, 1992) identifies limitations of the existing treatment plant facilities to properly contain and treat odors. Previous odor control projects at the plant and the currently proposed improvements address each of these limitations as summarized below.

Influent Junction Structure and Pump Station - The Facilities Plan does not specifically identify the influent junction structure and pump station as being potential odor sources; however previous odor assessment work does list these areas as odor sources. The foul air from these areas will be collected and treated by the odor control biofilter. The construction contract for this project has been awarded and the project is expected to be completed prior to the end of this year.

Headworks - The Facilities Plan describes the operational problems of the comminutors and states that odors occur at the grit processing area. The existing comminutors have now been replaced with bar screens and a door has been installed to contain odors in the grit storage area. The current odor control project will include construction of a building to enclose the bar screens, grit collector, and grit dewatering area. Thus, all odor sources at the headworks will be enclosed and the foul air will be routed to a carbon filter odor treatment system.

Primary Clarifiers - The Facilities Plan states that odors are released at the primary clarifier effluent weirs and scum pits. The scum pits have been covered as part of a previous odor control project. The current odor control project will include covers over the entire open area of both the existing clarifiers and the foul air will be routed to the carbon filter odor treatment system.

Aeration Basins - The Facilities Plan does not identify the aeration basins as a odor source and therefore does not recommend odor treatment for this area. Typically, the most significant odors at a treatment plant occur in the process units ahead of the aeration basins. Air is diffused into the wastewater in the aeration basins. The diffused air oxidizes odor components. Aeration basins can have a slight musty odor that typically does not cause odor complaints outside the treatment plant boundary. A new air diffusion system was recently installed. Additional improvements are not planned at this time.

Secondary Clarifiers - The Facilities Plan states that odor problems have been associated with floating scum on the secondary clarifiers and from the scum pits; however, no specific improvements are recommended for this area. The scum pits have been covered as part of a previous odor control project. The amount of floating scum is typically minimized through proper operation of the treatment process such that secondary clarifiers do not have significant odors. However, the existing odor neutralization mist system at the primary clarifiers will be relocated to the secondary clarifiers for use in case there are odor occurrences. The mist system operation would not be continuous. Instead, it would only operate if necessary while operational changes to the treatment process are made to minimize floating scum.

Return Sludge Pump Station - The Facilities Plan states that odor problems originating from the RAS (sludge recirculating) pumping station wet well need to be corrected. The wet well has been covered as part of a previous odor control project.

Chlorination System - The Facilities Plan states that odors occur when the chlorine contact tanks are cleaned; however, no specific improvements are recommended. Previous odor assessment work states that the basins are cleaned each week and that sludge is drained back to the plant influent. This can cause release of odors at the influent junction box, grit collection system, and primary clarifiers. Plant operations have been modified such that these basins are currently cleaned less frequently, about once per month. The identified areas of significant release of odors are all being covered and foul air treated as mentioned above.

Waste Activated Sludge Thickening - The Facilities Plan states that the existing odor control system for the solids handling building is not completely effective. The current odor control project will replace the existing ventilation system for this building and route the foul air to the carbon filter system. A temporary trailer mounted sludge thickening system was recently installed adjacent to the solids handling building. The foul air from this area will be collected and treated as part of the current biofilter construction project.

#### **D. Public Involvement in Development of This Proposal**

Prior to submitting this application, the Service District held five public meetings for public input into the proposal. Invitations to the meetings were sent to the 15 members of the Sewerage Facilities Plan Steering Committee, representatives of

the City of Milwaukie, neighbors within the Island Station neighborhood, and the community at large. Over the course of the first four meetings, the participants developed design criteria, and then reviewed alternatives for the clarifier cover, building architecture and landscape plans. The final plan was adopted by consensus agreement and voting at the fifth meeting.

The advisory recommendations developed in the public meetings are included in this proposal, with one exception. The group attending the final meeting voted to favor wooden fascia on the top of the headworks building. A metal alternative was proposed by the consulting architect and supported by a minority of the meeting participants. The Service District has chosen to use the metal fascia because it will require far less maintenance than wood. The Service District estimates it would spend approximately \$3000 per year painting the wooden fascia. The metal alternative requires little or no maintenance.

## II. COMPLIANCE WITH COMMUNITY SERVICE OVERLAY CRITERIA

The Kellogg Plant is a permitted use under the existing Community Service Overlay which applies to the site. The following findings demonstrate compliance with each of the review criteria for a modification of a CSO use.

Underlying zone requirements - The underlying CL zone has a maximum height of 35 feet. The proposed headworks building will be 29.5 feet in height. Section 410 of the zoning ordinance requires a minimum front yard of 50' from the centerline of McLoughlin Blvd. The closest structure to McLoughlin Boulevard will be the biofilter - it will be approximately 65 feet from the existing McLoughlin Blvd curb. No new encroachments into the side or rear yards are proposed. There are no conflicts with the other standards of the CL zone.

Operational compatibility with surrounding uses - The primary purpose of the project is to reduce odors. The odor problem is a long-standing source of conflict with surrounding uses. In response, the Service District is proposing to spend approximately \$1,700,000 at this time to control odors. The result should be a dramatic reduction in odors detected in the vicinity, and increased compatibility with surrounding uses.

Existing lighting has already been reduced to the minimum possible level. The proposed improvements will have few, if any, outdoor lights. Any minor lighting that is installed will be kept to a minimum and designed to assure no glare for surrounding uses.

The new equipment odor control equipment will generate little detectable noise outside the immediate plant because relatively low speed fans and large ducts are being used.

Other than construction activities, no changes to hours of operation, access, traffic, outside storage or any other operations are proposed. The plant manager will continue to host meetings with the Island Station neighborhood to keep an ongoing dialogue with surrounding property owners regarding operation of the plant.

Visual compatibility with surrounding uses - In addition to odor control, the Service District has also committed to mitigate the visual impact of the plant. Approximately \$300,000 has been budgeted for landscape and architectural improvements. The five public meetings identified numerous ways to improve the visual impact of both the existing plant and the proposed improvements. In summary, they include:

- A flat cover for the primary clarifiers. This cover was the least obtrusive of the four alternatives evaluated.
- A "low-profile" form for the headworks building. The building has been designed to be as low as possible. The top of the building will be 29.5 feet high. This height is less than the 35 foot maximum allowed in the CL zone and consistent with other two story building heights in the area. The three levels of the building are off-set to further reduce the visual impact of the building mass.
- A headworks building design that is consistent with the existing building lines and forms.
- Walls on the east and south sides of the carbon filter equipment.
- Landscape improvements on the McLoughlin Blvd. side of the plant which screen the plant with photinia and evergreen plantings and reinforces the street corridor with a row of sweet gum trees.
- Plantings along the south fence line and south property lines to screen and soften the impact of the digestors while leaving the grass field open.
- Planting along the east fence line to screen the plant and soften the impact of the fence. This should improve the visual compatibility for park users.
- Willow planting in the rip-rapped bank to provide habitat along the river and reduce the "hard edge" effect of the bank.

### **III. COMPLIANCE WITH McLOUGHLIN CORRIDOR CRITERIA**

Consistency with CL zone standards - As discussed above, there are no conflicts with the development standards of the CL zone.

McLoughlin Corridor development standards - No buildings will be within 10 feet of the McLoughlin right-of-way. Landscaping in the area between the plant and McLoughlin Blvd. will be increased by filling in of the photinia hedge, new evergreens for screening, a row of sweet gum trees and expansion of the London planetree grove. Street trees will be approximately 35 feet on center. No changes in access are proposed.

Design Plan - The proposed landscape improvements will "integrate" the plant with neighboring uses because the visual impact of the plant will be improved. Enhanced plantings along the east and west sides will result in a more pleasant walking environment on the paths in those areas.

View corridors have been preserved as much as possible through: (1) design of the lowest possible building height for the headworks building, and; (2) the flat covers for the primary clarifiers. The Washington Street, Jefferson Street and Harrison Street view corridors will not be affected by the proposal.

Continuity and compatibility of landscaping and other improvements have been planned through an open, public process. Neighborhood residents, city representatives and Sewerage Facility Plan advisory committee members reviewed alternative plans, profiles and visual simulations in order to arrive at a design which promotes continuity of materials and compatibility with surrounding uses.

Design guidelines - Existing natural features are being retained - only unhealthy trees will be removed. As discussed above, the headworks building has been designed to reduce its scale and impact as much as possible. It will have materials and styling which complement the existing structures. Roof mounted materials will be screened by parapets. No new service activity areas are proposed adjacent to McLoughlin Blvd. The landscaping on the McLoughlin Blvd. side will screen the plant and increase the tree canopy parallel to the street. This will improve the overall visual character of the corridor.

#### IV. COMPLIANCE WITH WILLAMETTE GREENWAY CRITERIA

Commitment to urban use - The existing plant was constructed in 1974. It complies with the state definition of an urban use.

Compatibility with scenic, natural and recreational character - Existing trees on the site will be retained, except for those trees which are sick or a hazard. The park area on the west side of the plant will be improved through landscaping along the fence and willow planting in the rip rap. These new planting will increase the "natural look" of the park, provide bird habitat, and make for more pleasant walking and biking. The view from the river will also be improved because the plant will be partially screened.

Protection of views - The flat cover for the primary clarifiers and a "low profile" headworks building are specifically intended to protect views. These elements will protect existing views from the downtown because they are the least obtrusive structures that can accommodate the odor control equipment. Also, they will hide unsightly mechanical equipment that currently detracts from the visual quality. Riverward views from the Island Station neighborhood will be enhanced by plantings that screen portions of the plant. This will de-emphasize the visual impact of the plant.

Landscaping and open space between the activity and the river - Please see comments above regarding compatibility with the scenic natural and recreational character.

Public access to and along the river - The proposed improvements will not change access to the river. As stated above, the area along the riverfront path will be more pleasant with the proposed improvements.

Emphasis on water-oriented and recreational uses - No changes or impacts to existing water oriented and recreational uses are proposed.

Maintenance and increase of views between the river and downtown - Please see comments above regarding protection of views.

Protection of the natural environment - Erosion control will be in place during construction. Other than the perimeter landscaping and willow plantings in the rip rap, no changes are proposed to the natural areas surrounding the plant.

## V. COMPLIANCE WITH NATURAL RESOURCE CRITERIA

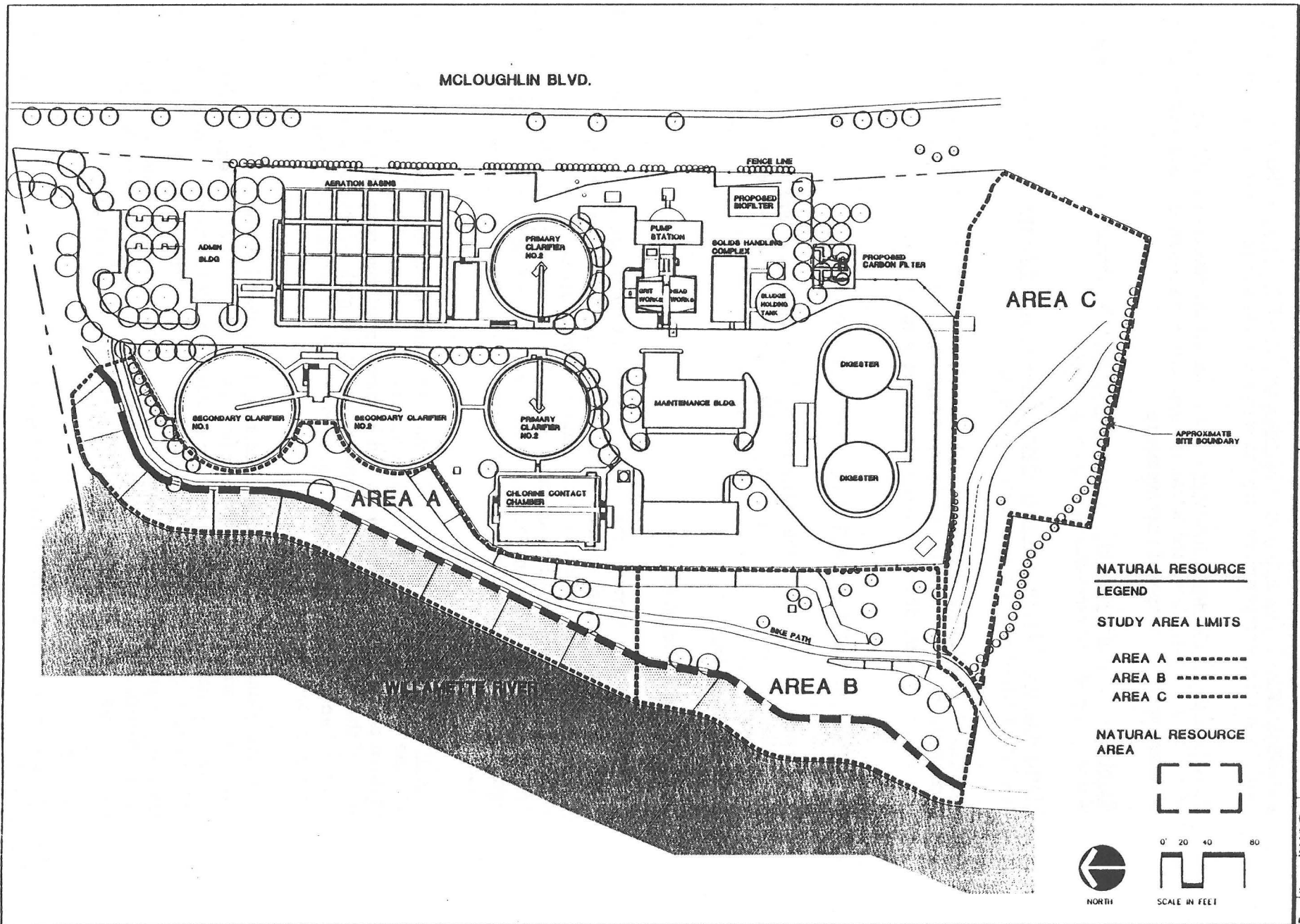
The existing conditions of the natural resources of the plant were inventoried November 11, 1993 by OTAK's biologist, Mr. Jack Dalton, and geographer, Mr. Thad Foulk. The inventoried areas and recommended natural resource boundary are illustrated on Figure 5.

### A. Existing Conditions

Area A - This area contains the northern section of the landscaped area along the bike path, the rip-rapped embankment directly below, and the Willamette River shoreline. The landscaped area is planted with a standard lawn mix of fescue and ryegrass and various trees -- among these are black locust, big-toothed maple, and lodgepole pines. The bank and shoreline are riprapped with large boulders and cable, thus there is no significant vegetation except for sparse shrubs like clematis, common tansy, and Himalayan blackberry.

Area B - The southern section of the landscaped area along the bike path, the bank, and the Willamette River shoreline is included in this area. Weeping willows, big-toothed maples, Lombardy poplars, and lodgepole pine have been planted on both sides of the bike path. The most southern end of the park is landscaped with red-osier dogwood and various other ornamentals, providing a moderate to low vegetation structure for habitat use.

The embankment below the landscaped area is dominated by the riprap and very little native vegetation is present. There is however, a small area on the embankment and shoreline which contains some riparian natural resources. There is a pod of two black cottonwoods approximately 25 to 30 feet from the top of the bank which have diameter breast heights (dbh) of 8 and 10 inches and stand approximately 20 feet high. Within the shrub layer, the most dominant species is Himalayan blackberry. Other species observed in this area include common tansy and clematis.



Designed	Date
Drawn	Date
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NATURAL RESOURCE STUDY AREA MAP	
KELLOGG CREEK WASTEWATER TREATMENT PLANT	
otak	
Sheet No.	
Project No.	4798

FIGURE 5

Area C - This area is located in the southeast section of the park along a drainage swale that runs east to west ending with a culvert under the bike path which presumably dumps storm water runoff into the Willamette River. This area is landscaped and the entire area is covered with lawn. There are big-toothed maples and lodgepole pines planted sporadically and the southern boundary is lined with Lombardy poplars.

It should be noted that there are some vegetative communities adjacent to the southern and eastern boundaries of the property which will supplement the habitat within the property by providing connectivity for habitats and plant/ animal communities. A small, isolated, mixed forest community of black cottonwood and Douglas fir exists between the site and McLoughlin Boulevard. South of the property the topography has been altered and contains a shrub community dominated by scotchbroom and Himalayan blackberry.

## **B. Natural Resource Determination**

Based on the data collected during the on-site visit, the riparian natural resource does not extend beyond the top of the Willamette River embankment. The entire embankment along the Plant property has been riprapped, limiting the habitat of the natural resource to minimal levels. The only area where the natural habitat can be considered significant is along the southern section of the embankment. In this area as well, the riparian habitat does not extend beyond the top of embankment of the Willamette River.

The landscaped and lawn area of the park provides some habitat, in terms of foraging and staging area, for the passerine bird species observed in the area. It can be safely assumed that the area will get more use by birds during the spring and fall migrations. This, however, cannot be considered riparian habitat due to the lack of all the habitat components which would be present in a natural state.

The identified Natural Resource boundary is illustrated in Figure 5. Plants and birds observed are listed in Appendix A.

## **C. Wildlife Considerations**

Species observed on site are common to disturbed scrub habitat and riparian habitat. The extensive riprapping of the embankment reduces the riparian habitat to a minimum and the landscaped areas are limited in habitat availability. This riparian corridor may supply foraging and staging habitat components for birds species both observed in the area (see table 2) and species know to use riparian corridors commonly.

## **D. Conclusion**

Overall, the use of the site for habitat is expected to be limited due to the proximity of the study area to McLoughlin Boulevard and the relative isolation of the site from any open space to the south and north. The area discussed in this inventory report has minimal habitat for plant and animal communities. The site sections above the top of

the riprapped embankment have been landscaped and contain no natural riparian habitat. The only area that contains a limited amount of natural riparian habitat is located within the southern section of the riprapped embankment of the Willamette River.

Compliance with Development Standards - All construction activities will be confined to the plant area. At closest, work on the primary clarifier No. 2 will be about 100 feet from the river bank. Erosion control will be placed where needed to assure no erosion of sedimentation reaches the river. New landscaping will screen the internal plant access road from the riverside areas. Lights will not shine into natural resource areas.

It is important to note that no development is proposed within the Natural Resource boundary identified in this report. The only direct impact to the Natural Resource area will be the willow plantings, which is expected to improve habitat and the visual character of the bank.

## VI. SUMMARY

The Clackamas County Service District No. 1 proposes to spend approximately \$3,500,000 in odor control and visual mitigation activities at the Kellogg Creek Water Pollution Control Plant over the next five years. The plan has been developed through an open, public process where visual impacts were evaluated from the viewpoint of neighbors, the city and other interested parties. The flat cover for the clarifiers, low-profile for the headworks building, screening of the carbon filters and extensive landscaping around the plant will go far to reduce the visual impact of the plant. The overall affect will be a less visual emphasis on the plant and more on the McLoughlin corridor, southern open space, riverfront park area and Willamette River. This application demonstrates compliance with all applicable review criteria. The Service District respectfully requests approval of this proposal.

APPENDIX A  
KELLOGG CREEK WATER POLLUTION CONTROL PLANT  
NATURAL RESOURCE INVENTORY

Field Work Date: November 11, 1993

Reviewers: Jack Dalton and Thad Foulk, Otak, Inc.

Table 1. Plant Species List

<u>ABBREV.</u>	<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
TREES:		
ACE GRA	Acer grandidentatum	big-toothed maple
ACE MAC	Acer macrophyllum	big-leaf maple
ALN RUB	Alnus rubra	red alder
PIN CON	Pinus contorta	lodgepole pine
POP NIG	Populus nigra, var. italica	Lombardy poplar
POP TRI	Populus trichocarpa	black cottonwood
PSE MEN	Pseudotsuga menziesii	Douglas fir
ROB PSE	Robinia pseudo-acacia	black locust
SAL BAB	Salix babylonica	weeping willow
SHRUBS AND SMALL TREES:		
CLE VIT	Clematis vitalba	clematis
COR STO	Cornus stolonifera	red-osier dogwood
CYT SCO	Cytisus scoparius	scotchbroom
GRASSES AND FORBS:		
DIP SYL	Dipsacus sylvestris	teasel
FES SPP	Festuca spp.	fescue
HED HEL	Hedra helix	english ivy
LOL PER	Lolium perenne	ryegrass
RUM SP	Rumex sp.	rumex
TAN VUL	Tanacetum vulgare	common tansy

Table 2. Bird Species Observed On-Site

house finch  
western gull  
California gull  
song sparrow  
common crow  
double-crested cormorant  
European starling

December 6, 1993

Mr. Jim Crumley  
City of Milwaukie  
6101 S.E. Johnson Creek Blvd.  
Milwaukie, OR 97206

Re: Kellogg Creek Water Pollution Control Plant CSO Application.  
Supplemental Information  
OTAK Project Number 4798.L06

Dear Jim:

Thank you for the preliminary review of the above-referenced application. As requested, we are submitting supplemental information for your review.

### COMPLIANCE WITH COMPREHENSIVE PLAN GOALS AND POLICIES

#### Citizen Involvement Goal

To encourage and provide opportunities for citizens to participate in all phases of the planning process, to keep citizens informed and to open lines of communication...

The applicant held five public meetings and one Planning Commission workshop to provide opportunities for citizens to participate in the design of the proposed improvements. The public involvement process will continue with the formal public hearing on December 14, 1993.

#### Natural Hazards Element

##### Floodplain Policies

3. The finished elevations of the lowest floor of buildings and streets will be a minimum of 1.0 foot above the 100 year flood elevation.

According to Flood Insurance Rate Maps (Panel # 410019 0001B), the 100 year flood plain elevation at the site is 33 feet MSL. The attached grading plan by CH2M-Hill shows existing grades of 33 feet or higher within the fence line of the plant. Final plans for the carbon filter will show the side walls of the excavated area as 35 feet or higher. Appropriate drainage will be installed within the carbon filter area.

#### Open Spaces, Scenic Areas, and Natural Resources Element

##### Natural Resource Policies

1. Protect designated natural resource areas and their associated values through preservation, intergovernmental coordination, conservation, mitigation, and acquisition of resources.

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The natural areas on the property have been inventoried and mapped. The conclusion of the inventory is that the top of bank is a reasonable Natural Resource Overlay boundary because there are relatively low habitat values above that line. The area below the top of bank will be protected because no fills, excavations, changes in use or other impacts are proposed. The rip rap portion of the bank will be enhanced for both scenic and habitat values by spot planting of scrub willows. South of the rip rap, infill plantings will enhance the diversity the plant types and heights, thus enhancing the habitat.

2. Provide protection to important wetland and water body areas through designation of riparian area buffers between natural resources and other urban development activities. Restrict non-water dependent development within the riparian buffer area.

The site is adjacent to the Willamette River. The existing park areas between the plant and the river provide a buffer between the river and the plant. This area will be enhanced with willow plantings in the rip rap bank and along the plant's fence line. The new plantings will provide visual screening and additional habitat for perching birds. New plantings adjacent to the existing path are not proposed because they would decrease the security of this area.

#### **Economic Base And Industrial/Commercial Land Use Element**

##### **McLoughlin Boulevard Policies**

4. The visual and land use relationship between the downtown areas of Milwaukie and this waterfront will be improved.
5. Visual and pedestrian amenities will be required along the downtown portion of McLoughlin Blvd. These include street trees...and pedestrian supportive features on the right of way.

One of the primary purposes of the project is to improve the visual relationship between the plant and surrounding properties. During the five public meetings held prior to submittal of the application, the visual relationship between the downtown and the river was considered. It was a factor in the selection of the flat cover as the preferred option for the clarifier covers. The above policies are met through the cumulative positive impact of the following aspects of the proposal:

- A flat cover or low profile beam truss for the primary clarifiers. This cover was the least obtrusive of the four alternatives evaluated.
- A "low-profile" form for the headworks building. The building has been designed to be as low as possible. The top of the building will be 29.5 feet high. This height is less than the 35 foot maximum allowed in the CL zone and consistent with other two story building heights in the area. The three levels of the building are off-set to further reduce the visual impact of the building mass.

- A headworks building design that is consistent with the existing building lines and forms.
- Walls on the east and south sides of the carbon filter equipment.
- Landscape improvements on the McLoughlin Blvd. side of the plant which screen the plant with photinia and evergreen plantings and reinforces the street corridor with a row of sweet gum trees.
- Plantings along the west fence line and south property lines to screen and soften the impact of the digestors while leaving the grass field open.
- Planting along the west fence line to screen the plant and soften the impact of the fence. This should improve the visual compatibility for park users.
- Riparian plantings on the Willamette River bank to provide habitat along the river and reduce the "hard edge" effect of the riprapped portion of the bank.

#### Willamette Greenway Element

##### Land Use Policies

4. Through the Willamette Greenway conditional use process, setbacks shall be established on a case-by-case basis for uses not water-dependent or water related so that they are directed away from the river.

At closest, work on the primary clarifier No. 2 will be about 100 feet from the river bank. Other than landscaping, all improvements are located east of the No. 2 clarifier.

5. New development within the commercial area west of McLoughlin shall be guided by an adopted design plan or redevelopment plan. If none exist, the developer of proposed new development shall prepare a design plan...

The proposed site and landscaping plans constitute a design/redevelopment plan for the property. It includes those improvements which are funded for construction during 1994 and have been reviewed by neighbors and other interested parties. The "integration" of the site with surrounding properties was a key theme during the public process leading to the CSO application. Such integration will occur through the eight points listed above under McLoughlin Boulevard policies. Greenway policies have been met through the riparian plantings proposed for the riverbank and landscaping proposed for the west fence line of the site. The McLoughlin Blvd. policies have been met through landscaping along the east edge of the site and through cover and building designs which preserve view corridors. The improvements will have no adverse effect on Transportation policies because no changes to access or circulation are proposed.

Letter to Jim Crumley  
December 6, 1993

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### Public Access and View Protection Policies

1. The City will encourage new public access within the Greenway and to the Willamette River, through dedications, easements, and other means.

The site is public property with public access to the river available along the full length of the shoreline. A public park and boat ramp are adjacent to the site. No new dedications or easements are necessary.

3. The City will evaluate all proposal within the vicinity of the Greenway for their effect on access to the visual corridors to the Willamette River and Kellogg Lake.

Visual corridors have been retained through the proposed use of flat clarifier covers and a "low-profile" headworks building design. Trees which grow taller than about 25 feet (e.g. Douglas fir) have been located only where they are needed to screen tall structures.

### Public Facilities and Services Element

#### Sanitary Sewer Service Polices

5. The City will participate in examining feasible alternative to expanding the Kellogg Creek Treatment Plan, to accommodate projected growth in CCSD #1's service area and the City's Urban Growth Management Boundaries. The City will encourage the covering of existing and future aeration tanks as a means to control odor.

The City participated in the Sewerage Facilities Plan for the North Clackamas Service Area and City of Milwaukie (December, 1992). The current proposal is intended to implement recommendations in the adopted plan. The Facilities Plan does not state that the aeration tanks should be covered.

### CLARIFICATION OF PROJECT COSTS

The specific improvements proposed in our CSO application will cost approximately \$1,700,000, to be expended in Fiscal Years 1993-1994-1995. The District's 5-year Capital Improvement Program includes \$3,200,000 million for odor control and visual mitigation over the next five years.

### RATIONALE OF AMERICAN SWEETGUMS ALONG McLOUGHLIN BOULEVARD

American Sweetgums are proposed because:

- They are a similar scale to the native deciduous trees on the site (cottonwood and alder);
- They will provide effective screening of the plant when their leaves are out;
- As a large shade tree (up to 60' high and 30' of canopy at maturity), they are an appropriate scale for the space between McLoughlin Blvd. and the plant.
- They are hardy and thus a good choice for an area with high auto traffic and auto emissions.

The flowering trees you suggested (dogwood, crabapple, and cherry) are not recommended because they are too small and not as hardy as sweetgums.

### LANDSCAPING ALONG SOUTH WALL OF CARBON FILTER

We agree with your suggestion for landscaping along the south wall of the carbon filter area. We propose to extend the grove of London planetrees to the west and plant native shrubs (Oregon grape, evergreen huckleberry) along the wall.

### 'INFILL' LANDSCAPE PLANTINGS SOUTH OF THE RIP RAP

We have reviewed the area of the Willamette River bank south of the rip rap. This area has native riparian plants that are dispersed enough to allow for some infill plantings. Therefore, we propose to plant appropriate riparian plants (willow, red osier dogwood and others) as infill to diversify the plant types and vegetative structure.

### LIGHTING ALONG PATHWAY

In our telephone conversation on November 30th, you indicated that you have discussed pathway lighting with a representative of the Milwaukie Police Department. You stated that the Department has not previously taken a position on the adequacy of the pathway lighting, and does not wish to express one for this application. The Department's representative commented that it would require an extensive increase in the lighting to make an improvement over the existing situation. Apparently, the department has received complaints from across the river regarding lights on the site.

Letter to Jim Crumley  
December 6, 1993

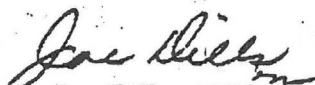
Page 6

The applicant has examined the lighting issue and decided not to propose additional lights along the path because:

1. It could lead to further complaints from the properties across the river.
2. Additional lighting may be in conflict with the City's policies to protect and enhance designated natural resource areas. Policy 1 of the City's natural resource policies requires the City to: "Regulate activities in natural resource areas which may be detrimental to the provision of food, water, and cover for wildlife." Additional lights could potentially disturb wildlife use of the willow and other plantings at night.

Please call if you need additional information.

Sincerely,

  
Joe Dills, AICP  
Senior Planner

c: Bruce Erickson  
Bryan Paulson



# KELLOGG CREEK WASTE WATER TREATMENT PLANT

## RECOMMENDED PLANT MATERIAL LISTING

December 4, 1993

	Botanical Name Common Name	Quantity	Size	Condition	Comments
Trees	<i>Acer circinatum</i> Vine Maple	30	6-8'Ht.	B&B	3 Stem Min.
	<i>Acer saccharinum</i> Silver Maple	8	3" cal.	B&B	
	<i>Cornus nuttali</i> Pacific Dogwood	3	6-8' Ht.	B&B	
	<i>Crataegus douglasi</i> Hawthorn	12	1" cal.	B&B	
	<i>Liquidambar styraciflua</i> American Sweetgum	15	3" cal.	B&B	38' o.c.
	<i>Platanus acerifolia</i> London Planetree	12	3" cal.	B&B	
	<i>Prunus virginiana</i> Chokecherry	8	6' Ht.	B&B	Branched
	<i>Pseudotsuga menziesii</i> Douglas Fir	30	12-15' Ht. 15-18' Ht.	B&B B&B	See plan for location
	<i>Thuja heterophylla</i> Western Hemlock		6-8' Ht.	B&B	
	<i>Thuja plicata</i> Western Red Cedar	12	6-8' Ht.	B&B	
Shrubs	<i>Cornus stolonifera</i> Red Osier Dogwood		30-36"	B&B	
	<i>Euonymus fortunei radicans</i> Common Winter Creeper		1 gal.	Cont.	
	<i>Mahonia aquifolium</i> Oregon Grape		24-30"	B&B	
	<i>Ribes sanguineum</i> Winter Flowering Currant		30-36"	B&B	
	<i>Salix scouleriana</i> Scoulers Willow		30-36"	B&B	Ave. spacing = 18' o.c.
	<i>Vaccinium ovatum</i> Evergreen Huckleberry		24"	B&B	
Ground Cover	<i>Arctostaphylos uva-ursi</i> Kinnikinnick		1 gal.		Ave. spacing = 12' o.c.

CITY OF MILWAUKIE  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT

Date: December 14, 1993  
File No: VR-93-09

Application: Setback Variance  
Applicant: David and Linda Criss  
Property Owner: David and Linda Criss  
Location: 4507 SE Meadowcrest Court  
Tax Lot 114, Tax Map 1 1E 30BC (See Exhibit #1)

\*\*\*\*\*

PROPOSAL

Mr. and Mrs. Criss have requested a rear yard setback variance from the required 20 feet to 3 feet for the purposes of siting a second garage on their property located at 4507 SE Meadowcrest Court. The proposed garage is 24' X 24' (576 sq. ft.) with a ridge height of 17 feet. (See Exhibit #2.) The property is located in the R-7 Zone.

DISCUSSION AND REVIEW OF APPLICANT'S FINDINGS

The Applicants have provided findings pursuant to Section 702.1 of the Zoning Ordinance. Please refer to Exhibit #3 for the complete text of the Applicants' response.

Section 702.1 requires that the Planning Commission consider the following criteria and make findings with respect to each.

- A. **Whether the property in question has unique, exceptional or extraordinary conditions which do not apply generally to other properties in the vicinity.**

The Applicant responds that the property is unique because it is 134 feet deep, 54 feet greater than the minimum required in the R-7 Zone.

The Staff's position is that although there are some 80-foot deep lots in the City, they are the exception rather than the rule. Of the thirty-seven lots in the Meadowcrest subdivision, only two are under 110 feet and twenty-nine are approximately the same as the Applicant's.

Furthermore, the extra depth of the lot would increase rather than decrease the Applicants' ability to conform to the required rear yard setback.

- B. **Whether the requested variance is the minimum necessary to permit the applicant to enjoy the use of his property in a manner substantially the same as others in the same zone.**

The Applicants' response is that the variance will reduce the amount of unused space behind the garage. They specify a number of items intended to be stored in the structure.

This response does not address the criteria of whether a lesser or no variance would provide the Applicants with the same use of their property. The variance request appears to be one of convenience rather than necessity.

- C. **Whether there are feasible alternative which would obviate the need for the variance, or overcome the difficulty with less adverse effects upon other properties.**

The Applicants' response is that any reduction in size would decrease storage capacity and place a financial burden on the family for the costs of off-site storage, pose an unacceptable risk of outside storage, or limit security by requiring the "man-door" to be relocated from the front of the garage to the side.

It is the Staff's position that a reduction of three feet from any dimension would obviate the need for the variance. A three-foot reduction would reduce the area of the garage to 480 square feet, thereby qualifying for the reduced setback pursuant to Section 401.1.D of the Zoning Ordinance.

- D. **Whether the variance would have benefits to the applicant which would outweigh the adverse effects upon the other properties.**

City of Milwaukie Community Development Department Staff Report - David and Linda Criss VR-93-09 December 14, 1993 Page 3

The Applicants' response is that a 20-foot area behind the garage would be of no practical value and that providing the required 20-foot setback to the rear would place the second garage too close to anticipated future additions to the house.

It is the Staff's position that a 576 square foot, 17-foot high, detached garage is far too large to be located three feet from adjoining properties. Additional storage provided for the Applicants would not outweigh the adverse effects on adjoining properties.

CONCLUSION AND RECOMMENDATION

Although the Applicants have provided a petition from nearly all property owners within 250 feet stating no objections to the proposal (See Exhibit #4), the Staff finds that the requested variance does not meet the spirit and intent of the Comprehensive Plan and Zoning Ordinance; and that the Applicants have failed to adequately address the required findings of Section 702.1.

Staff recommends denial of VR-93-09.

EXHIBITS

1. Vicinity Map
2. Site Plan (2 pages)
3. Applicants' Response to Criteria
4. Petition in Favor of Proposal
5. Letter in Opposition to Proposal

JC:jpg

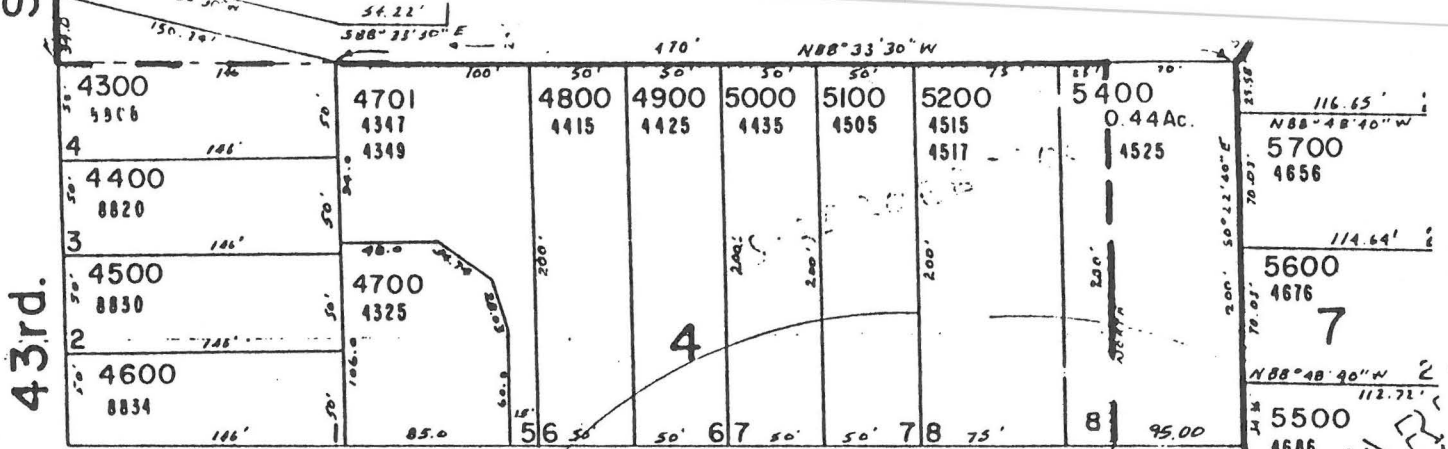
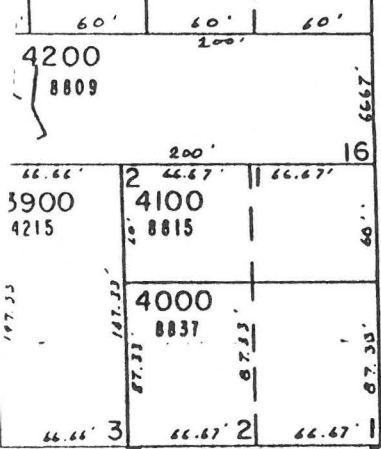
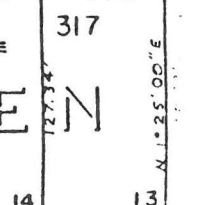
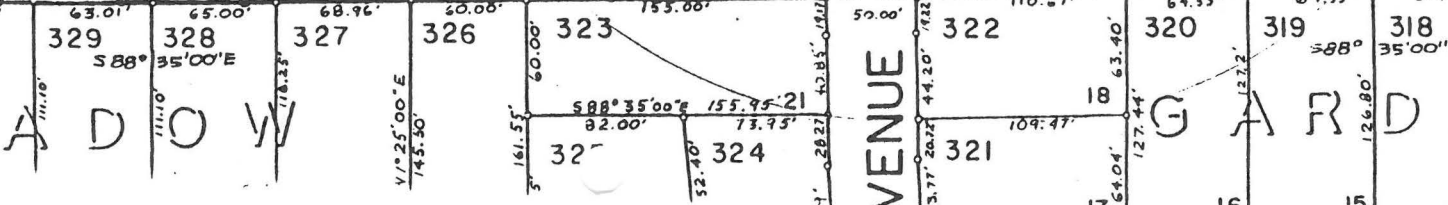
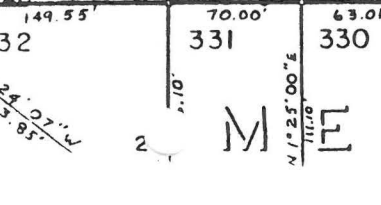
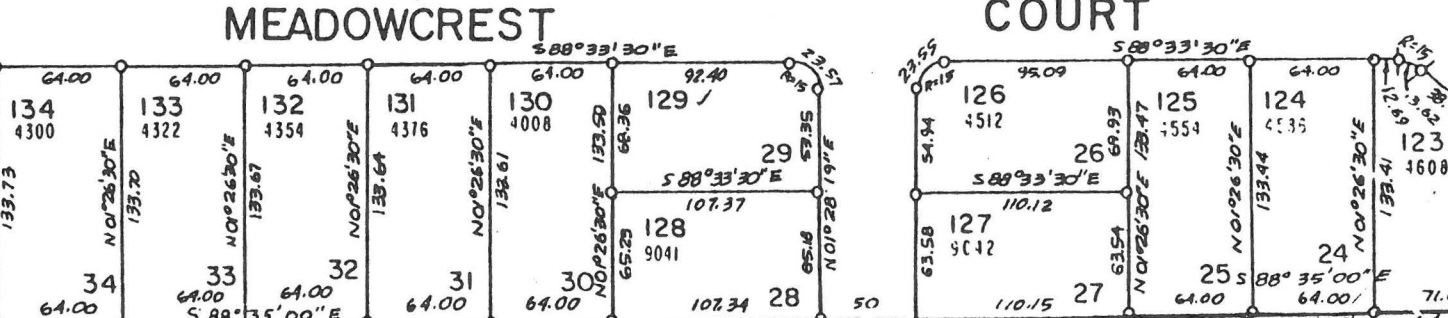
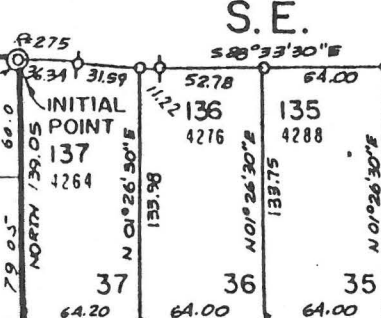
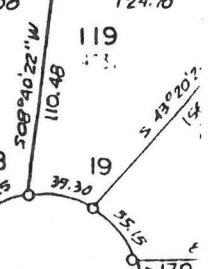
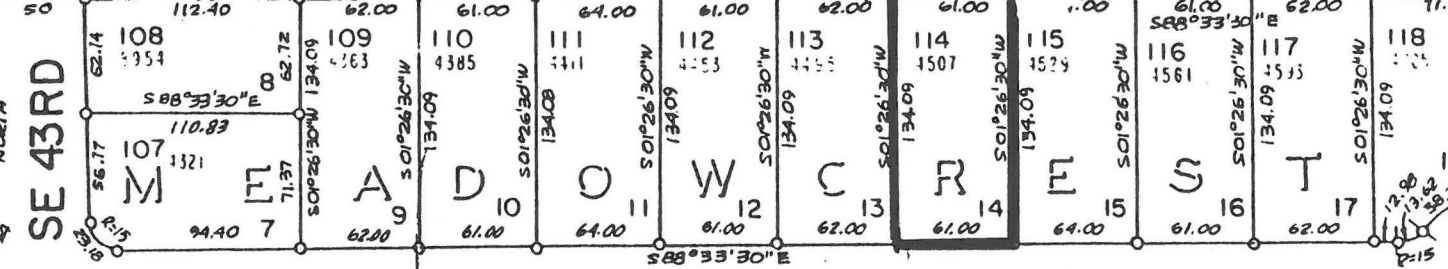
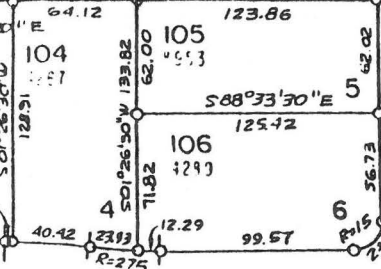
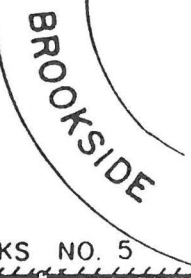
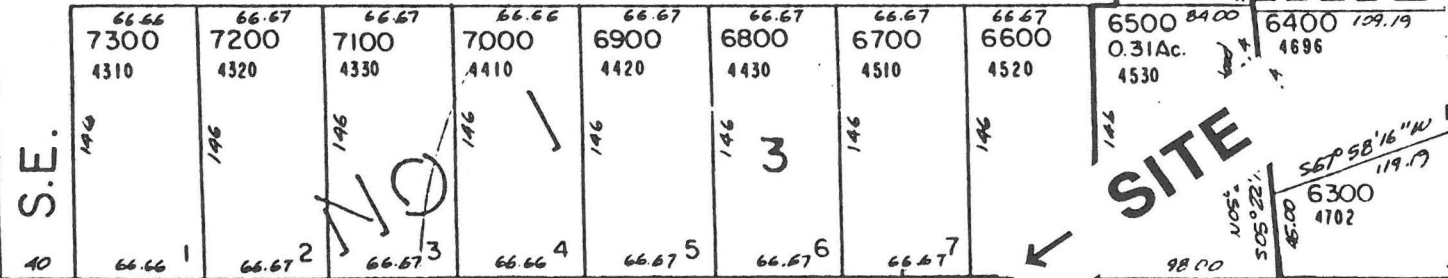
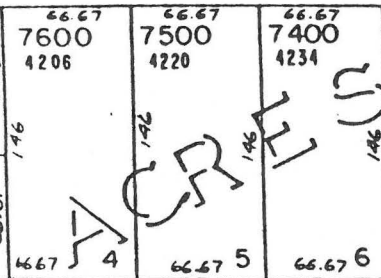


EXHIBIT # 1  
 DATE 12/14/93  
 SUBMITTED BY: Staff  
 # OF PAGES 1  
 FILE # VR-93-09

AVENUE

(DERRY AVENUE) C.R. NO. 2331

NO 42



MEADOW

MEADOWCREST

COURT

VENUE

VENUE

GARDEN

BROOKSIDE

BOOKS NO. 5

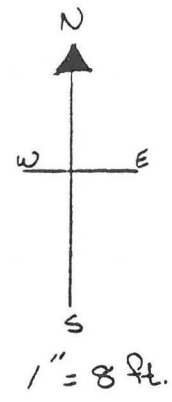
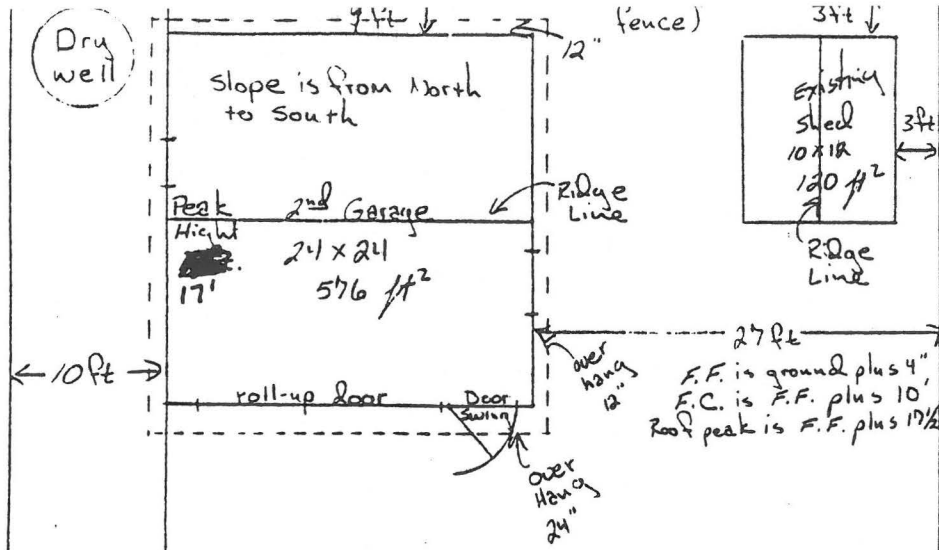
TAR

4

3

SITE

2930



total lot area 8179.49 ft<sup>2</sup>  
 area of house + 1024 ft<sup>2</sup> garage  
 Percent now covered = 13.98%

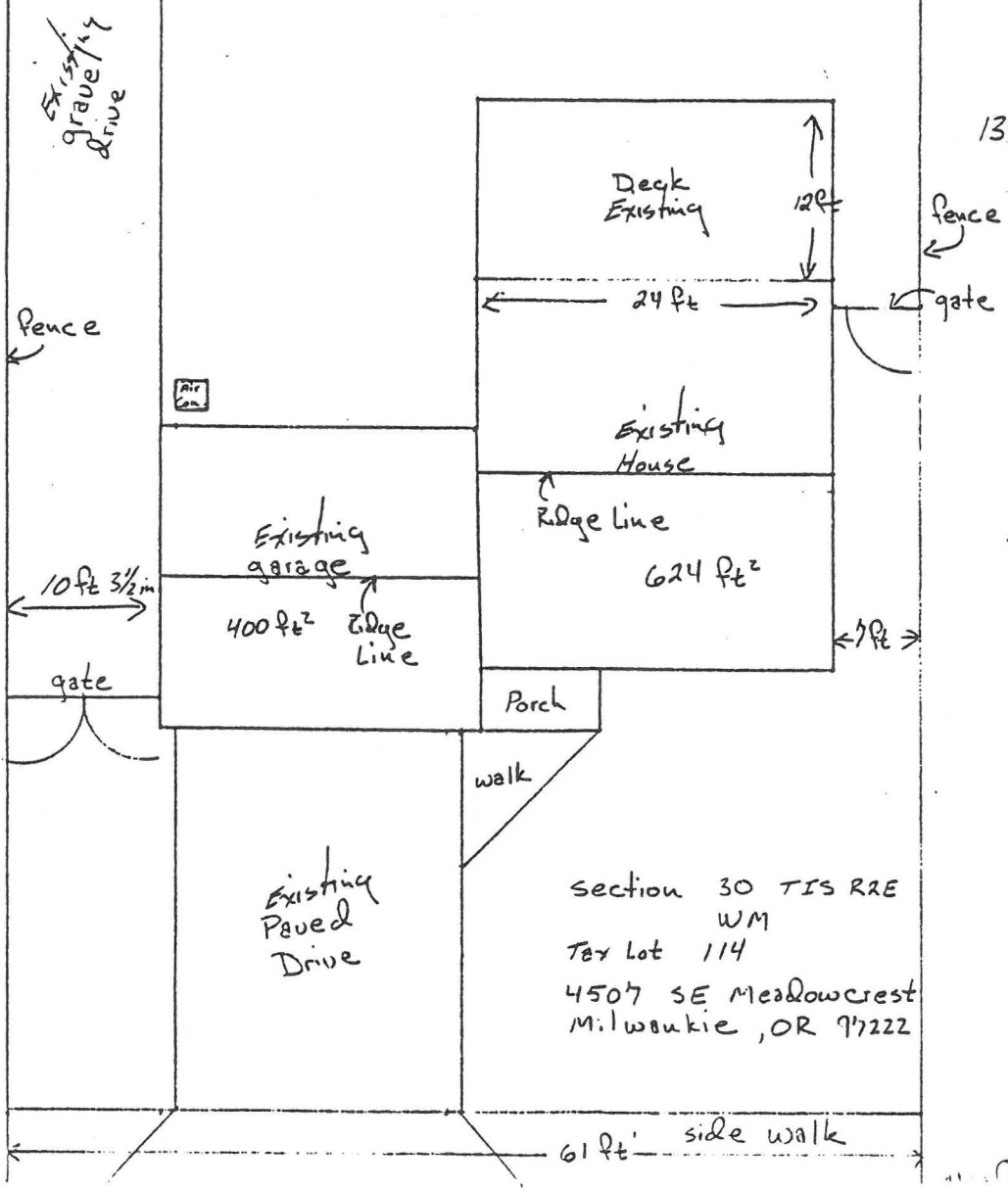
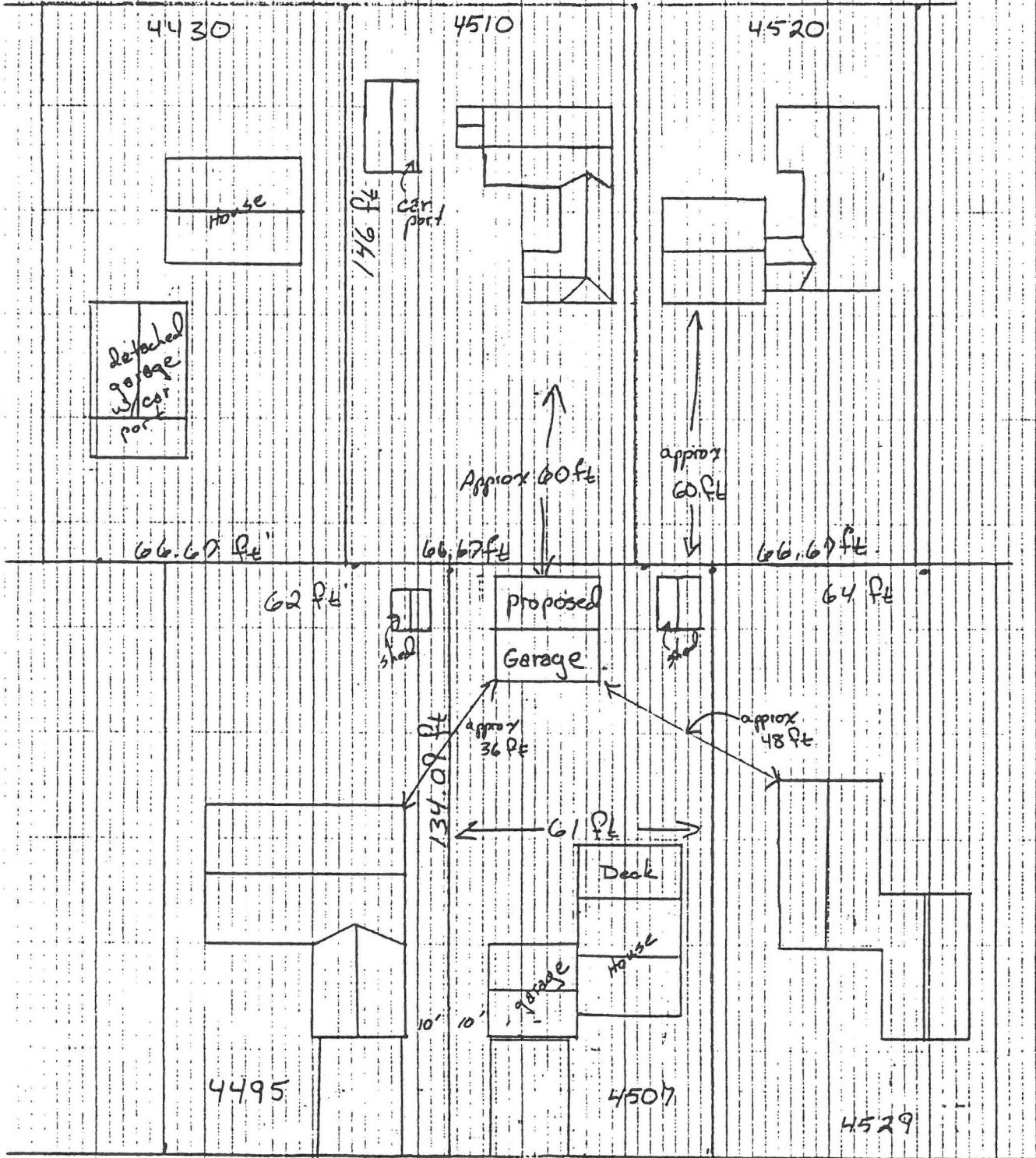


EXHIBIT # 2  
 DATE 12/14/93  
 SUBMITTED BY: Applicant  
 # OF PAGES 2  
 FILE # VR-93-09

section 30 T1S R2E  
 WM  
 Tax Lot 114  
 4507 SE Meadowcrest  
 Milwaukie, OR 97222

Sketch of neighboring property  
 Not drawn to scale  
 Distances are approximate

SE Roswell



SE Meadowcrest Ct

- A) Property has unique depth when compared to other lots in the area. Area is zoned R-7. In an R-7 area, lots must have a minimum depth of 80 feet. My lot has a depth of 134.09 feet. This is 54 plus feet deeper than required. In fact it is almost two lots deep.
- B) I am seeking a variance from the 20 feet set-back to 3 feet, to limit the amount of unused space behind the garage. I am seeking to build a second garage that would be 24 feet by 24 feet or 576 feet square. The size of the additional garage is limited by the amount we intended to add to the existing house. The additional square footage in the garage is needed to store a project jeep, three 3-wheel ATC's, four 2-wheel motorcycles, a tent trailer, a table saw, bicycles, general storage in the attic area and along the interior walls. This would limit the amount of items stored outside and give the yard area a less cluttered look. This would help blend into the neighborhood area. Other properties in the area also have second garages or structures.
- C) Feasible alternatives to the variance would be to reduce the size of the second garage. This would reduce the storage area significantly. Storage would have to be found off the property and at a cost. This would put finance burdens on the family. Items could also be stored outside of the garage. This would put the items at risk of theft and/or deterioration by the weather. A reduction in the size of the second garage would also put the second entrance on the side of the building. This would further limit internal storage and limit security of the structure.
- D) A three foot set-back from a 20 foot set-back would make the best use of the property. An area of 20 feet between the fence and the back of the garage would be of almost no practical use. This area would not be good for gardening or storage. Theft from this area would be a major concern. A twenty foot set back would put the garage too close to the additions of the house. A large set back would have a negative effect on my property and most likely the neighbors.

Upon finding out that neighbors 250 feet from my property line are the ones that would have the most impact, I went door to door and talked to each one. Only two that I have not been able to contact (and I do plan on contacting them), because they have not been home; have given to me in writing the acknowledgement that they have no problem with me building a second garage on the back of my property. Please find enclosed the signatures and addresses of these people.

We are indeed looking at only adding 4 feet to the width of a 20 x 24 garage. But 4 feet would mean the difference between adequate storage and inadequate storage. Also realise that by lessening the invitation to theft on my property I am also lowering the invitation of theft to my neighbors and lowering the invitation of theft in my community. I would also like to include that other property owners in my area (R-7 Zone) have been allowed to construct additional garages and pole buildings on their lots. Buildings that are as large or larger.

*Carroll*

EXHIBIT #	<u>3</u>
DATE	<u>12/14/93</u>
SUBMITTED BY:	<u>Applicant</u>
# OF PAGES	<u>1</u>
FILE #	<u>VR-9309</u>

By signing below and on attached pages, I give no objection for David Criss to build a second garage on his property. Building is of approximately 576 feet square and to be set back from rear property line 3 feet. Height of building to be approximately 18 feet.

Signature

address

Newell Atkey

4495 SE Meadowcrest

Jane Osborne  
David L Kennell

9042 SE 45th Ave.

9042 SE 45th Ave

Kelvin P. Kegan

4408 SE Meadowcrest Ct.

Scott Preston

4411 SE MEADOWCREST CT.

B. O. Abrah

4512 SE. Meadowcrest Ct.

Linda Kaake

4554 SE meadowcrest Ct.

Kathy Guernsey

4561 SE Meadowcrest Ct

Kham - K. Harrison

9041 SE 45th Ave.

EXHIBIT #	4
DATE	12/14/93
SUBMITTED BY:	Petitioners
# OF PAGES	3
FILE #	VR-93-09

Attached sheet for signatures on  
David Criss' second garage.

Signature  
David Criss  
Ronald Criss

address  
4376 S.E. Meadowcrest

4530 S.E. Roswell

Kurt H. Becker (renter)

4515 SE Roswell  
Milwaukie, OR.  
97222

Caroline Stanger

4435 SE Roswell  
Milwaukie, OR  
97222

Abr + Jeff Hanson

9864 SE 48th, Milw 97222

Bill

4425 SE Roswell

Linda Mallett

4420 SE Roswell

Myron Deming  
D. R. Coody  
CLEANNDON L STAM

renter  
owner

4505 S.E. Roswell St

4520 SE ROSWELL -  
MILW. OR. 97222

Tom Hyde

4517 S.E. Roswell St

RH Velmer

4525 SE ROSWELL ST.

Shubert

4385 SE MEADOWCREST C.

Thompson

4453 SE. MEADOWCREST, CT.

Attached sheet for signatures on  
David Criss' second garage.

signature	address
Jack Weauloff	4593 SE Meadowcrest Ct.
Michael R. ...	4605 S.E. Meadowcrest Ct.
Brad ...	2063 SE 45 <sup>th</sup>
Cherri McWilliams	4575 SE Mason Hill
Mark & Joyful	4430 SE Roswell
Danny Phamocobog.	4529 S.E. Meadowcrest Ct
Steve ...	4450 SE Meadowcrest Ct
Sophie Kae	4586 SE Meadowcrest Ct
Gust ...	4543 SE Mason Hill Dr
<del>...</del>	4445 SE Mason Hill Dr.
Walter W. Wernack	4415 SE Roswell St.
Wl gl	4410 SE Roswell
David ...	4608 S.E. Meadowcrest Ct.
Kyle	4702 SE Brookside Dr
Jan P. ...	4510 SE Roswell OR

Howard C. Attebery  
4495 SE Meadowcrest Ct  
Milwaukie, Oregon 97222-4913  
LGT-113 654-6621

December 1, 1993

Milwaukie Planning Commission  
6101 SE Johnson Creek Blvd  
Milwaukie, Oregon 97206

Attn: Jim Crumley-Associate Planner

Gentlemen:

Reference:- Your 11-23-93 File No. VR-93-09..  
David and Linda Criss 576 SQ. FT. Detached Garage.

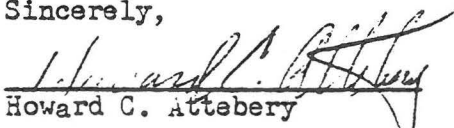
We live in a new neighborhood, with two car garages, some with 10x12 and 14x16 sheds, some dont have any sheds. There is not any second double garages or pole barns in this neighborhood!

In this new neighborhood, an unsightly 24x24x18'high is out of the question, with the prospect of this building ballooning to 35' high with no restrictions.

This would, without a doubt, decrease property values in the neighborhood, thus, lowering the City of Milwaukie property tax income.

We, the undersigned, who were not given all the facts, or review of any of the proposed plans of construction, whereas, some of the signatures were signed under duress, therefore, we, the undersigned, withdraw our approval of this building.

Sincerely,

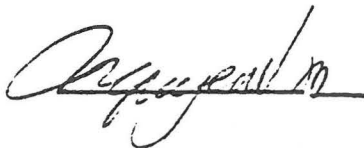
  
Howard C. Attebery

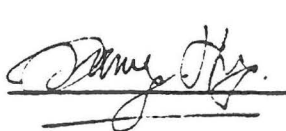
Below Owners:

Lot-112

Lot-115

Lot-126





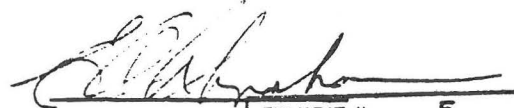
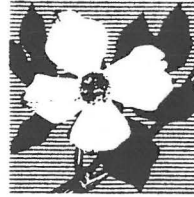


EXHIBIT #	<u>5</u>
DATE	<u>12/14/93</u>
SUBMITTED BY:	<u>Attebery, et al</u>
# OF PAGES	<u>1</u>
FILE #	<u>VR-93-09</u>

# CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT  
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.  
MILWAUKIE, OR 97206

TELEPHONE: 652-4410  
FAX: 774-8236

**\*\*\*MEMORANDUM\*\*\***

**COMMUNITY DEVELOPMENT DEPARTMENT  
December 14, 1993**

**TO:** Milwaukie Planning Commission  
**THRU:** Maggie Collins, Community Development Dir.  
**FROM:** Dave Krogh, AICP, Associate Planner *Dave*  
**RE:** Findings for Denial of VR-93-04

At a public hearing on November 23, 1993, the Planning Commission took formal action to deny VR-93-04 (Knepper). Staff was requested to supplement the existing findings to support the Planning Commission's action.

The updated findings to support your denial are attached. All four approval criteria were deemed to be not satisfied according to discussion at the public hearing of November 23, 1993.

Attached are revised findings that reflect Commission deliberations and action taken at the public hearing.

Attachment: Findings

DK:jpg

PLANNING COMMISSION FINDINGS FOR DENIAL OF VR-93-04 (KNEPPER)  
December 14, 1993

FINDINGS

1. This proposal was originally requested as a variance of rear yard setbacks within the R-7 Zone for a garage extension. The alleged garage extension was constructed in 1983 without a building permit and was assumed to have a rear setback of 16 feet 11 inches where the R-7 Zone requires 20 feet. This setback is a variance of 19.6% and would qualify for a Type II Administrative review as per Section 1011.2 of the Zoning Ordinance.

However, the existing garage has been determined to be new construction in 1983 and is not a garage extension. A survey map requested from the Applicants shows the garage as having only a .5 feet side setback instead of a 5 feet minimum normally required in an R-7 Zone. The survey map also shows the garage as having a 15.6 foot rear setback instead of the 16 feet 11 inches shown on the site plan. The interior of the garage does not include a fire wall as required for structural walls placed within 3 feet of a property line (as per the Uniform Building Code).

2. Because of the misinformation on the application relative to the garage status it is apparent that the north side setback requires a 90% variance to retain its existing .5 feet setback. This amount cannot be approved by a Type II Administrative review because of the 25% variance limit imposed for this process. Variances exceeding 25% can only be considered by Minor Quasi-Judicial review, which requires a public hearing before the City Planning Commission as per Section 1011.3 of the Zoning Ordinance. Such could be considered by the Planning Commission in case of appeal of the administrative action. At the public hearings for this matter on November 9 and 23, 1993, the Commission also determined a 50 % variance for building separation was required as per Section 406 because the existing house and garage are less than 6 feet apart.
3. A full administrative variance (25%) was approved on September 14, 1993. This action established a 15 foot rear setback and a 3.75 foot north side setback. This action would have required the garage to be moved or demolished and rebuilt in order to meet the new setbacks. The Applicants and purchaser subsequently appealed and the Planning Commission held public hearings on November 9 and 23, 1993. On November 23, the Commission took action to deny the appeal subject to adoption of findings on December 14, 1993.
4. The garage in question is located at 11948 SE 28th in Milwaukie. The new garage wall follows the wall line of the prior garage as evidenced by concrete floor orientation. The garage is built larger than normal auto garages (is approximately 13 feet wide by 44 feet long and 12 feet high) because of its previous use for RV storage.

5. Criteria for variances are those of Section 702 of the City Zoning Ordinance. Section 702 states:

A variance may be granted only when the Planning Commission or Community Development Director finds that practical difficulty, or unnecessary hardship, which is inconsistent with the spirit and intent of the Comprehensive Plan and of this Ordinance for the applicable zone, would be created by a strict and literal interpretation of its provisions with respect to the property in question.

The Applicant states that an unnecessary hardship may be imposed upon the property owner if the variance is not granted. The setback violation and lack of permits for the garage extension had not been discovered by City staff or the Applicants until the house was put up for sale. The construction had actually taken place several years ago in 1983. The Applicants have already moved and a pending sale of the property may be jeopardized if the variance is not approved.

The purchasers have also indicated that the garage was a "big" draw to them. "We feel that the reduction in size (width wise), the moving of or rebuilding of the garage, and of course the total demolition of the garage will greatly reduce the value of the property."

The Planning Commission does not feel an unnecessary hardship is imposed due to the 10 year time period available to the Applicants in which to correct the problem. The Planning Commission also finds it difficult to believe the lack of a permit was not known to the Applicants at the time the new garage was built (in 1983) or at the time the neighbor (Ms. Powers) raised concerns to the City in 1985.

6. Section 702.1.A requires consideration:

Whether the property in question has unique, exceptional or extraordinary conditions which do not apply generally to other properties in the vicinity. Such conditions shall relate to the land or physical characteristics of the development as distinct from uses allowed in the zone, or from the personal conditions or economic circumstances of the applicant.

In response, the Applicants have indicated that although the property in question does not have any unusual natural or other physical features, the Applicants always thought the contractor who built the garage had followed proper permit procedures. They were very surprised to discover no permits had ever been issued although the expanded garage has been in place since 1983. This, they feel, should be considered as an "extraordinary" condition completely beyond their control.

The purchasers have responded that several other properties in the neighborhood have detached shops and garages and that these are also "tight" in placement unlike in other neighborhoods.

Staff contends the extraordinary provision requirement in this case must refer to physical features of the site and not to construction events. The fact that several structures in the neighborhood (for example, the house and garage on the adjacent property to the north and the house adjacent to the south) have less than R-7 setbacks is not in itself an unusual circumstance, but simply an indication that most construction in this area predated the R-7 Zone. The Planning Commission agrees with staff that no unusual or extraordinary circumstance relating to physical aspects of the property are evident.

7. Section 702.1.B requires consideration:

Whether the request is the minimum necessary to permit the applicant to enjoy the use of his property in a manner substantially the same as others in the same zone, so that the applicant will not be granted a special privilege.

In response, the Applicants' application has indicated the expanded garage is already in place, but the Applicants desire to comply with legal requirements to make the garage conforming. Considering the length of time the garage has already been in place and the fact that larger garages or separate shop/storage structures are common, the Applicants don't feel this request authorizes a special privilege. This is also the minimum variance since it reflects only the status quo of the existing structure.

The Planning Commission has stated the length of time the garage has been in place should not be a factor in this variance consideration. The Commission also feels a special privilege may be granted to this applicant if the variance is approved because no opportunity is available, since the garage is already built, to determine what level of variance is the "minimum necessary".

Because of the length of time the garage has been in place, staff also checked to see if a statute of limitations was in effect for construction. Staff was informed by the City Building Official that no such statute was included within the Uniform Building Code (UBC). Therefore, UBC compliance is still necessary. No such statute of limitations is in effect for City Zoning standards. Therefore, zoning in effect at the time of permit application (R-7) must be complied with.

8. Section 702.1.C. requires consideration:

Whether there are feasible alternatives which would obviate the need for the variance, or overcome the difficulty with less adverse effects upon other properties.

The Applicants have indicated that limited options are open. Complete removal of the garage is not viewed as an option because it would not meet the needs of the Applicants or the intended buyers, the structure has been in place already without complaint since 1983, and the garage had been well constructed and maintained. It would be a waste of time and money to remove the garage, according to the Applicants. No adverse effects upon other properties have been identified and no complaints about the addition are on record.

Conversely, staff received concerns from an adjacent neighbor as part of the comment period allowed by the Type II review process. These comments clarified the garage was not an addition but a new single unit built in 1983. It also alleged setback problems on the north side and expressed concern about solar access loss due to the high walls on the garage unit. Interior inspection of the garage by City staff (building and planning) on August 19, 1993, verified the garage was not an addition as originally alleged. A survey map requested of the Applicants also yielded corrected setback information.

The purchaser has indicated that moving the garage might restrict access into the garage due to obstruction by a corner of the house. Moving the garage and reducing its size would reduce its usefulness to the purchasers. They propose a compromise to install a fire wall to the north side of the garage and reduce the height of the garage to allow additional solar access to the neighbor to the north. The neighbor responded on November 9, 1993, in opposition to the garage modification proposal of the purchaser.

The Planning Commission has determined that other alternatives are available to the Applicants and purchaser that would reduce the need for a variance. These options include: demolition of the garage and reconstruction meeting R-7 standards, compliance with the 25% variance approved by the Community Development Director (which would require moving and shortening the garage), or reducing the size of the garage and moving it to meet the reduced setback allowance for small accessory structures of Section 401.1D. of the Zoning Ordinance. These alternatives would necessitate financial expenditures for compliance, but the question of what constitutes a reasonable expenditure is not at issue.

9. Section 702.1.D. requires consideration:

Whether the variance would have benefits to the applicant which would outweigh its adverse effects upon other properties or the public welfare.

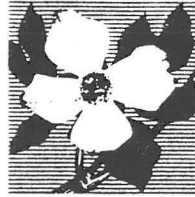
The existing garage benefits both the property owner by providing RV storage and privacy from adjoining property. The purchaser hopes to benefit from these features as well. The neighbor to the north (Ms. Powers) has stated concerns about solar access, the nonresidential appearance of the structure and the close proximity of such a large structure to her property. To mitigate, the purchaser is proposing to reduce the height of the garage from 10 to 8 foot walls and provide a fire wall on the north side of the garage.

The Planning Commission does not feel the proposed mitigation efforts are adequate to alleviate the adverse effects of so large a structure so close to the property line (.5 feet). Modifying the height of the garage will not change the existing close setbacks. Therefore, this criterion is not met.

10. The City Office Engineer has indicated that this proposal would not impact City utilities and services. The house is already properly serviced and the existing driveway is paved.
11. The City Building Official has indicated that the existing garage requires a building permit since none was obtained for either the demolition or new construction in 1983. In addition, if the garage is less than 3 feet from adjacent property, a fire wall must be provided as per provisions of the Uniform Building Code.
12. The Applicants applied for a building permit (P-3009) for the alleged garage addition. Since this application was submitted it has been determined the garage is not, in fact, an addition, but new construction. The Applicants' building permit request can be modified to accommodate the result of this variance process.
13. The R-7 Zone has been in effect for this location since 1979 when Ordinance #1438 was adopted.

### CONCLUSION

It is the conclusion of the Planning Commission that, in spite of the existence of the garage since 1983, variance criteria are not met by the Applicants' proposal to modify the administrative variance approval. The appeal of the Administrative Variance approval is therefore denied.



**\*\*\*MEMORANDUM\*\*\***

COMMUNITY DEVELOPMENT DEPARTMENT  
December 14, 1993

**TO:** Milwaukie Planning Commission  
**THRU:** Maggie Collins, Community Development Director  
**FROM:** Dave Krogh, AICP, Associate Planner *Dave*  
**RE:** New Variance Criteria Draft-Worksession

**Background**

The Planning Commission has requested new variance criteria be developed for adoption and insertion within the City Zoning Ordinance. In response to the Commission's request, the City Attorney's Office was requested to develop a new draft with the intent of creating criteria that were more clear and objective than the current criteria within Section 702 of the Zoning Ordinance. On November 16, 1993, Jim Crumley and Dave Krogh of staff met with Bill Monahan and Ty Wyman of the City Attorney's Office to further discuss the draft criteria. The result of this meeting is the draft attached to this memo.

**Discussion of Draft**

The draft proposes modification to Section 702 of the Zoning Ordinance. Proposed new Section 702 starts off by stating that all criteria must be satisfied. This eliminates the "weigh and balance" process currently in effect for variance reviews.

Proposed new Section 702.1A. is an attempt to clarify what is meant by property conditions by minimizing rhetoric and including examples.

Proposed new Section 702.1B. inserts hardship considerations as a criteria. Currently, hardship is a consideration of Section 702 but not specifically listed as a criterion.

Proposed new Section 702.1C. requires the applicant to identify potential adverse effects and how these can be mitigated by granting the proposal.

Proposed new Section 702.1D. requires that there be no feasible alternatives to the variance. The word "feasible" is not defined; however, the intent of this criterion is that personal desire not take precedence to alternatives that reduce the amount of the variance while still meeting the need of the applicant.

Proposed new Section 702.1E. requires no conflicts with zone intent and applicable Comprehensive Plan sections. This criterion was specifically recommended by the City Attorneys to ensure consistency of the variance action with potentially relevant other ordinance provisions.

Of additional note, staff did review variance criteria for several other jurisdictions. However, no superior examples were observed.

#### Summation

The new draft variance criteria language is intended to provide clearer direction and understanding in considering requests for variances.

#### Adoption Process

Adoption of new or replacement code language requires a legislative review process. This will entail Planning Commission worksession(s) followed by a scheduled public hearing for the Commission. If the Commission recommends approval of the proposed ordinance changes, a separate public hearing would be scheduled for the City Council for final adoption.

At this time, staff recommends the Planning Commission compare the new draft language (Exhibit 1) with the current variance language (Exhibit 2) and discuss edits as part of this worksession. If significant changes are proposed to the new draft, staff will submit the changes for additional City Attorney review prior to public hearing.

#### Exhibits

1. New draft variance criteria
2. Current variance criteria

DK:jpg

CURRENT VARIANCE CRITERIA

702 CIRCUMSTANCES FOR GRANTING VARIANCES

A variance may be granted only when the Planning Commission or Community Development Director finds that practical difficulty, or unnecessary hardship, which is inconsistent with the spirit and intent of the Comprehensive Plan and of this Ordinance for the applicable zone, would be created by a strict and literal interpretation of its provisions with respect to the property in question.

702.1 Criteria for consideration

The Planning Commission shall consider and make findings with respect to each of the following:

- A. Whether the property in question has unique, exceptional or extraordinary conditions which do not apply generally to other properties in the vicinity. Such conditions shall relate to the land or physical characteristics of the development as distinct from uses allowed in the zone, or from the personal conditions or economic circumstances of the applicant.
- B. Whether the request variance is the minimum necessary to permit the applicant to enjoy the use of his property in a manner substantially the same as others in the same zone, so that the applicant will not be granted a special privilege.
- C. Whether there are feasible alternatives which would obviate the need for the variance, or overcome the difficulty with less adverse effects upon other properties.
- D. Whether the variance would have benefits to the applicant which would outweigh its adverse effects upon other properties or the public welfare.

## New Variance Criteria---Draft

### 702 CIRCUMSTANCES FOR GRANTING VARIANCES

A variance may be granted only when the Planning Commission or Community Development Director finds that all of the following criteria are satisfied.

#### 702.1 Criteria for granting variances


- A. That the property in question has unique or unusual conditions which do not generally apply to other properties in the vicinity. Such conditions may relate to physical conditions of the land, lot or boundary configurations, or prior legally existing structures.
- B. That the variance will relieve a personal or economic hardship upon the applicant which was not self-imposed or deny the applicant the use of his/her property in a manner substantially the same as others in the same zone.
- C. That adverse effects upon other properties have been identified for this proposal and what, if any, measures have been proposed by the applicant to mitigate the adverse effects.
- D. That there are no feasible alternatives to the variance.
- E. That the proposal does not conflict with the intent and uses of the zone and is consistent with applicable goals and policies of the Milwaukie Comprehensive Plan.

DK:jpg

\*\*\*MEMORANDUM\*\*\*

COMMUNITY DEVELOPMENT DEPARTMENT  
CITY OF MILWAUKIE

December 4, 1993

To: Milwaukie Planning Commission  
From:  Maggie Collins, Community Development Director  
Re: Community Development Department Report for December 14,  
1993 Meeting

Action Requested

For your information.

Discussion

- A. ANNEXATION PROCEDURES. At Council's request, the C.D. staff has put together a public information sheet on the general steps for annexations (attached). If you have comments, please bring them to the meeting.
- B. THANK-YOU LETTER. See copy of letter sent to Chuck Mansfield by Chair Lent.
- C. TRANSPORTATION PLANNER. An oral board interview session will occur next week for candidates for this Senior Planner-Transportation position.
- D. PERIODIC REVIEW. All outstanding issues about the City's Comprehensive Plan policy elements have been resolved with DLCD staff. A resolution to that effect will be presented to the City Council on December 21, 1993. This will enable the City to be reviewed by the State under the "old" periodic review system instead of the "new" system that becomes effective on January 1, 1994. Approximately six months ago, the Commission was provided copies of the City's response to outstanding Periodic Review issues. There have been no changes that require City action in order to complete periodic review.

mc  
cc: C.D. Staff  
Dan Bartlett

## ANNEXATION TO THE CITY OF MILWAUKIE POLICIES AND PROCEDURES

### Policies

It is the goal of the City of Milwaukie's Comprehensive Plan Growth Element "to identify the City's future planning and service area, establish the respective responsibilities for reviewing and coordinating land use regulations and actions within the area, and determine the most cost-effective means to provide the full range of urban services within the area"

On July 5, 1990 the City of Milwaukie and Clackamas County signed an Urban Growth Management Agreement (UGMA) defining the City's role and responsibilities for providing cost-effective and coordinated services in the North Clackamas area. The UGMA sets the physical boundary in which the City would have a role; it also defines two specific locations, Dual Interest Areas A and B, in which the City would target annexations for the short term.

To ensure that City annexation policies conform to urban service and growth management policies:

1. The City will only support annexation requests from properties within the City's Urban Growth Management Boundary.

ANNEXATION POLICIES AND PROCEDURES  
December 7, 1993  
Page 2

2. The City will deliver services in this area when:
  - \* The City is able to provide an adequate supply of needed services
  - \* A majority of the residents and property owners within an area to be served desire City services.
3. The City will require annexation in order to receive or utilize a City service.
4. All area encircled (islanded) by City Limit lines will be annexed.

Procedures

Any citizen having questions concerning annexations is encouraged to contact the Community Development Department at 6101 SE Johnson Creek Boulevard. The telephone number is 652-4410.

APPLICATION

Generally the Community Development Staff will request that the citizen come into the department for a "pre-application" meeting. This will ensure that the proper process and application package will be prepared for the City Council and the Portland Metropolitan Area Local Government Boundary Commission (Boundary Commission). There are several types of annexation procedures including:

1. City Council Initiated
2. 10% of Registered Voters
3. 50% of the Area Ownership
4. Boundary Commission Initiated
5. Double Majority (51% of voters and owners)
6. Island
7. Health Hazard

Each type of annexation requires a distinctly different application and process.

At the "pre-application" meeting the citizen will be given the proper annexation application and/or petition forms to be completed. They will be apprised at that time of the anticipated City processing time which can vary from 60 to 120 days, depending of the type of annexation and requirements for certification of petition signatures.

PUBLIC HEARINGS

Every annexation will require at least one public hearing before the City Planning Commission and one before the City Council. Council initiated annexations require two hearing before the City Council.

All property owners within 500 feet of the annexation area are notified of the hearings and invited to participate with comments or questions. Recommendations and comments are requested from the Police, Fire, Public Works, and Finance Departments as well as affected service districts and other agencies, including Clackamas Water District, Clackamas County Service District No. 1, and Clackamas County Department of Transportation and Development.

If the City Council determines that the annexation is in conformance with the City's Growth Element of the Comprehensive Plan and the adopted Urban Growth Management Agreement, the Council will adopt a Resolution requesting that the Boundary Commission approve the annexation.

The Community Development Department will then file a detailed report and comprehensive application with the Boundary Commission describing all aspects of the area and the proposed annexation. Fees ranging from \$205 to \$1660, depending on the area involved, are paid by the City.

BOUNDARY COMMISSION ACTION

The Boundary Commission will schedule a public hearing on the annexation approximately 8 to 10 weeks after the filing of the application. The Boundary Commission staff will prepare a report and recommendation. All interested parties will be invited to present information in favor of, or opposition to, the annexation proposal. The area of the annexation may be increased or decreased by the Boundary Commission based on testimony received at the public hearing.

Depending of the type of application the annexation may become effective immediately or require a 45 day waiting period.

JRC/jg

12/7/93

# CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT  
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.  
MILWAUKIE, OR 97206

TELEPHONE: 652-4410  
FAX: 774-8236

November 29, 1993

Chief Chuck Mansfield  
Milwaukie Police Department  
2566 SE Harrison  
Milwaukie, OR 97222

Dear Chief Mansfield:

This letter is a much belated, but well deserved, "thank you" to you from the Planning Commission.

You have been instrumental in spoiling us with easy twenty-four hour access to our Planning Commission information packets for years, and, I must say, it is not easy for us to give up that luxury. We know, also, that it was sometimes not easy for you to grant us that privilege.

Your good words on our behalf over those years were not wasted. We do appreciate your efforts. Again, thank you for your interest, cooperation, and support.

Yours truly,

Patricia L. Lent, Chair  
Milwaukie Planning Commission

cc: Planning Commission Members  
Craig Lomnicki, Mayor  
Dan Bartlett, City Manager  
Community Development Staff

PL/mc

# BOARD & ADMINISTRATOR

For Board Members

December 1993

Dear Government Board or Council Member,

Most government board or council presidents would agree that an important part of their job is *helping their administrator keep everyone on the board informed.*

Board President Lynn Daucher bends over backward to work with her administrator so that board members know what's going on between meetings. Why not try some of her strategies...

**1) Contact board members who miss meetings.** "If a member can't make a meeting, I call him or her the next day and discuss the action that took place," says Daucher (Brea, CA). "There's nothing worse than a board member who feels left out. And all it takes is a phone call to remedy the situation."

**2) Discuss complex issues with board members before meetings.** "When tough issues are on the agenda, members often fail to ask for details and clarifications beforehand. As a result, the administrator and I have to explain the issue at the meeting--which takes time.

"To avoid this, I call each member to discuss these issues before the meeting. I address concerns and answer questions on the phone. Then valuable meeting time isn't spent going over every detail."

**3) Keep board members informed via memos.** "My administrator gives board members a weekly wrap-up of happenings at our organization. But in addition to his information, I send memos to keep the board briefed on issues like citizen meetings," says Daucher. "My memos enable them to keep up on things happening outside the board room.

"If I meet with a state official, or a board member does something positive, I'll include it in a memo as well. In addition, committee chairpersons inform me about their meetings--so I can update the rest of the board about committee activities as well."

If you decide to supplement information the board or council gets from the administrator, be sure to work closely with him or her. Your administrator can offer valuable insights and make sure you don't leave anything out.

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## Board or council members can help with public image

Board Member Cliff Meeks tells me board or council members should play an important role in promoting their government organization's image. Here are two ways they can boost the profile of the government body in the community...

◆ **Blow your own horn.** "Whenever something positive happens with a

program or service, we let the community know about it," says Meeks (Glassboro, NJ). "Board members are available for public presentations. This lets us share the good things we're doing with the entire community."

◆ **Get feedback from those you serve.** "We invite those we serve to share

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comments with the board and administrator. Their input helps us improve our programs and services, plus it creates better

relations with the best possible advocates we have--the people who use and support our services!"

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## ***It takes an effort to be a responsible government board***

Government organizations are like great oak trees: They often start decaying from the top down! In other words, ***when the board ceases to function effectively, the rest of the organization follows!***

Board Member Gerald J Berres tells me there are many ways to build a responsible board--one that guarantees that the organization will keep serving the community. Here are three specific steps he says are vital in the process:

***1) Educate board members so they are qualified to make decisions.***

"Decision-making is important business," says Berres (Beloit, WI). "Board members must be knowledgeable about the programs and services their decisions affect. That's why ongoing board education and training are essential for sound decision-making in the board room."

***2) Take board meetings seriously.*** "Board members who take the cavalier attitude that board meetings are monthly social events do their organization a big disservice," he says. "We want members to conduct themselves with a sense of purpose--just like they would at any other business meeting. After all, we're here to accomplish a mission. To get there, we can't waste meeting time with frivolous socializing."

***3) Give the administrator the necessary resources to run the organization.***

"If the board expects the administrator to get the job done, it should give him or her the materials to do it," Berres says. "For example, if the administrator requests money in the budget for accounting software, board members should approve it."

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## ***Educate new board/council members about their proper role***

Board President Harley Meister makes no bones about it: ***Newly elected board members will be educated on two specific points about board service!***

"It's important for them to know from Day One what they can and can't do on the board," he says.

"To spell out their responsibilities, the administrator and I thoroughly review two points during new board member orientation: ***The administrator runs the day-to-day management of the organization, and board members make policy.***

"Board candidates are often backed

by pressure groups," says Meister (Bremen, IN). "When these individuals are elected, they tend to bring a ***crusader mentality*** to the board--and attempt to right every perceived 'wrong' that exists in the organization.

"That's why it's so important for us to make sure new board members thoroughly understand their proper role," he adds.

"After our explanation, no board member thinks he or she can fire an employee--or meddle in other areas of management.

***"Policy-making is the board's focus.*** The best way to concentrate on policy is to let the administrator do the job he or she was hired to do!"

Sincerely, Chuck Elliot  
The Board Doctor®  
(and board member!)

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