

MILWAUKIE PLANNING COMMISSION
WORKSESSION
TUESDAY, JULY 10, 1990

COMMISSIONERS_PRESENT

John Littlehales, Chairman
Angus Anderson
Patricia Lent
Don Trotter
Bob Vial

STAFF_PRESENT

Maggie Collins,
Community Dev. Dir.
Dave Krogh,
Associate Planner
Kelly Sommers,
Supt. of Public Works
Paul Roeger, Acting Public
Works Dir.
Shirley Richardson,
Hearings Reporter

COMMISSIONERS_ABSENT

Betty Fulmore
Carolyn Tomei

1.0 CALL TO ORDER

Chairman Littlehales called the meeting to order at 7:35 p.m. Commissioners were previously in a joint worksession with City Council regarding the Consideration of Water Treatment Towers Site Design.

2.0 PROCEDURAL QUESTIONS

None.

3.0 CONSENT AGENDA

3.1 PLANNING COMMISSION MINUTES - June 26, 1990

Pat Lent moved to approve the Minutes of June 26, 1990 as amended. Angus Anderson seconded. MOTION PASSED 5-0.

4.0 PUBLIC COMMENT - None.

5.0 PUBLIC HEARINGS - None.

6.0 CONSIDERATION ITEMS - None.

7.0 OLD BUSINESS - None.

8.0 OTHER BUSINESS

8.1 Discussion and Action on Water Treatment Towers Site Design

Dave Krogh explained that this worksession was to carry on the discussion from the joint City Council and Planning Commission session, bring out any items of concern that were addressed, and determine the action to be taken on the water treatment towers site design. There are two locations, and the site plans of both locations have been modified from the last proposed site designs. Dave Krogh expressed two comments with the proposed design for CSO-89-05. Basically, the 89-05 proposed design plan does not include sidewalks but the towers have been rotated to protect existing trees on site. The sidewalk concern has been addressed and Staff feels the proposal should be approved. .

Discussion followed on the changes that were proposed on the design of the tower site CSO-89-05. It was the consensus of the Commission that it should be approved.

Chairman Littlehales moved to affirm the revised site plan and to affirm that it maintains the stated conditions imposed by CSO-89-05. Don Trotter seconded. MOTION CARRIED 5-0.

Maggie Collins indicated that one concern with CSO-90-04 is that the modification in site design resulted in more pavement. This additional pavement reduces the amount of landscaping. Also the sidewalk proposed by the previous design was not included in the new site plan. Staff feels these issues can be addressed with conditions and recommends approval of the proposal.

Don Trotter asked why the sidewalks were shortened from the previous proposal? Kelly Sommers explained that there was no reason the sidewalk couldn't be extended; it was an oversight in drawing up of the new plans.

Don Trotter asked what would happen to the paper drop on the side of this property? Maggie Collins reported that the paper drop would eventually be relocated.

Discussion followed on the conditions imposed on the site plan and how additional concerns could be addressed at this time. Site security, pavement pattern so that traffic can safely get in and out of the paper drop area, traffic concerns with large trucks coming in and out of the area, and landscaping around the perimeter were issues that were discussed.

Chairman Littlehales moved to affirm the conditions set forth in CSO-89-04 with the following additions and changes. Leaving Conditions 1 through 7 as they stand with the following amended conditions.

Condition 1: The east driveway to be eliminated and replaced with vegetated landscaping, to improve traffic flow away from Oak and Railroad intersections.

Condition 4: Sidewalks shall be provided along Railroad Avenue frontage from the eastern property line in a westerly direction as far as practicable.

Adding Condition 8: The access for paper drop be reviewed to assure adequate access and clearance.

Adding Condition 9: Providing a locking gate to site access at 34th Street to restrict access to only chlorine trucks and paper trailers.

Adding Condition 10: To add extruded curbing to delineate traffic areas up to the boundary line. Pat Lent seconded.

Don Trotter moved to amend motion, Condition Number 8 to read: "The access for paper drop be reviewed to assure adequate access, clearance and turning radius." Pat Lent concurred.


Angus Anderson indicated that he did not agree with the site location and felt that he could not vote favorably on this issue.

Recess was taken at 9:10 p.m. and reconvened at 9:25 p.m.

MOTION CARRIED 4-1.

- 9.0 NEXT MEETING: July 24, 1990
- 9.1 Billboard Consideration (Ackerley Communications)
- 9.2 North Clackamas PFP Worksession

Pat Lent moved to adjourn the meeting of July 10, 1990. Angus Anderson seconded. MOTION PASSED UNANIMOUSLY 5-0. Meeting adjourned at 9:40 p.m.



John Littlehales,
Chairman



Shirley Richardson,
Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
Milwaukie Center, 5440 S.E. Kellogg Creek Dr.
Tuesday, July 10, 1990, at 6:00 p.m.

WORK SESSION - CITY COUNCIL AND PLANNING COMMISSION

6:00 Dinner with City Council and Civil Service Commission

JOINT SESSION - CITY COUNCIL AND PLANNING COMMISSION

7:00 Call to Order
Consideration of Water Treatment Towers Site Design

REGULAR SESSION - PLANNING COMMISSION

- 1.0 Call to Order
- 2.0 Procedural Questions
- 3.0 Consent Agenda
 - 3.1 Planning Commission Minutes: June 26, 1990
 - 3.2 City Council Minutes: June 19, 1990
- 4.0 Public Comment
This is an opportunity for the public to comment on any item not on the agenda.
- 5.0 Public Hearings - None.
- 6.0 Consideration Items - None.
- 7.0 Old Business*
- 8.0 Other Business
 - 8.1 Discussion and Action on Water Treatment Towers Site Design
- 9.0 Next Meeting: July 24, 1990
 - 9.1 Billboard Consideration (Ackerley Communications)
 - 9.2 North Clackamas PFP Worksession

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

Commissioners:	John Littlehales, Chairman	Staff:	Maggie Collins, Community Development Director
	Angus Anderson		Anne Nickel, Development Coordinator
	Betty Fulmore		Dave Krogh, Associate Planner
	Patricia Lent		Shirley Richardson, Hearings Reporter
	Carolyn Tomei		
	Don Trotter		
	Bob Vial		

* Information request sheets - delivered at meeting.

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
in the City Hall • phone 659-5171

MEMORANDUM

July 10, 1990

TO: Dan Bartlett, City Manager
FROM: ^{MC} Maggie Collins, Community Development Director
RE: Background Planning Information -- Water Treatment Towers

Attached is a summary of previous Planning Commission review and actions concerning the packed air towers approved to be constructed through the passage of City revenue bonds.

At the Worksession on July 10, 1990, final site plans and preliminary landscape plans will be presented for review by both the Council and the Planning Commission. The attached material is presented in order that the Council and Commission can familiarize themselves with the sites and previous review work.

Also attached is a question and response by the City Attorney.

MC:mc

Attachments

Community Development Department
July 10, 1990

Summary of Planning Actions
for Packed Air Towers

Sites Involved

Two sites are proposed for packed air tower installation. They are:

1. 3329 S.E. Railroad Ave. (File CSO-89-04), which is the location of well #4 and the Kiwanis paper drop site.
2. 3806 S.E. Harvey (File CSO-89-05), which is the location of a fire station, 2 wells (#'s 2 and 3), a well house, and enclosed reservoir.

Proposals

CSO-89-04 proposed the placement of 2 packed air towers, a chlorine injection system, and pump house at the 3329 S.E. Railroad location occupied by the Kiwanis paper drop structure.

CSO-89-05 proposed the placement of 3 packed air towers, a chlorine injection system, and a pump house behind the fire station building at 3806 S.E. Harvey.

Actions Taken

Public water facilities are community service uses subject to Community Service Overlay review by the City Planning Commission. The reviews for CSO-89-04 and CSO-89-05 were held at public hearings on April 25, 1989. Conditions of approval and modifications to the site plan were adopted for each request (see attached).

Minor deviations to these actions may be allowed by the Community Development Director. Major deviations would require consideration by the Planning Commission.

Exhibits

1. Action for CSO-89-04.
2. Action for CSO-89-05.

CITY OF MILWAUKIE



April 27, 1989

City of Milwaukie
Public Works Department
Richard Bailey, Director
10722 S.E. Main
Milwaukie, OR 97215

RE: CSO-89-04

Dear Dick:

This is your notice that at a public hearing on Tuesday, April 25, 1989, the Milwaukie Planning Commission approved your request for a Community Service Overlay allowing water facility improvements to be constructed at 3329 S.E. Railroad Ave. in Milwaukie. The following conditions of approval have been provided:

1. That development follow the site plan as amended by the Planning Commission. Minor deviations may be allowed by Staff.
2. The perimeter fencing shall be 6 feet in height.
3. That all driveway and parking areas be paved as per Section 5.03.8.a. of the Zoning Ordinance.
4. That a landscape plan be submitted for Staff approval and this landscaping be provided prior to City final inspection sign-off of the construction permits. The landscape plan should show 35% area in landscaping as required by R-3 and should consider providing buffers for existing residential properties to the north and east and for future residential development to the south of Monroe Street (the vacant Southern Pacific property). Landscaping emphasis is to be on obscuring the towers through use of tall, fast growing trees. Existing trees on the site shall be retained to the maximum extent possible.
5. That the future addition of chlorination equipment be treated as a minor change to an existing Community Service Use as authorized by Section 3.20.4.C. of the Zoning Ordinance.
6. Security lighting shall not reflect directly upon the towers above the height of the pitch of the pump house roof.
7. The color of the towers shall be selected from earth tone colors submitted by the Applicant to Planning Staff.

CONFIRMATION LETTER - CSO-89-04
APRIL 27, 1989

Referencing back to Condition 1, the Planning Commission amended the site plan as follows:

1. The west driveway is to be eliminated and replaced with vegetated landscaping.
2. The west fence is to be no greater than 10 ft. distance from the existing well house.
3. The area west of the fence is to be landscaped. Trees shall be provided along the Railroad Avenue frontage. No fence slats shall be required if adequate landscaping is provided.
4. Sidewalks shall be provided along the Railroad Avenue frontage from the primary driveway east. Sidewalk will be provided along the Railroad Avenue frontage west of the primary driveway if determined to be feasible by the City Office Engineer.

A fifteen (15) day appeal period is now in effect. If no appeal is received by Wednesday, May 10, 1989, this approval shall be final.

Sincerely,



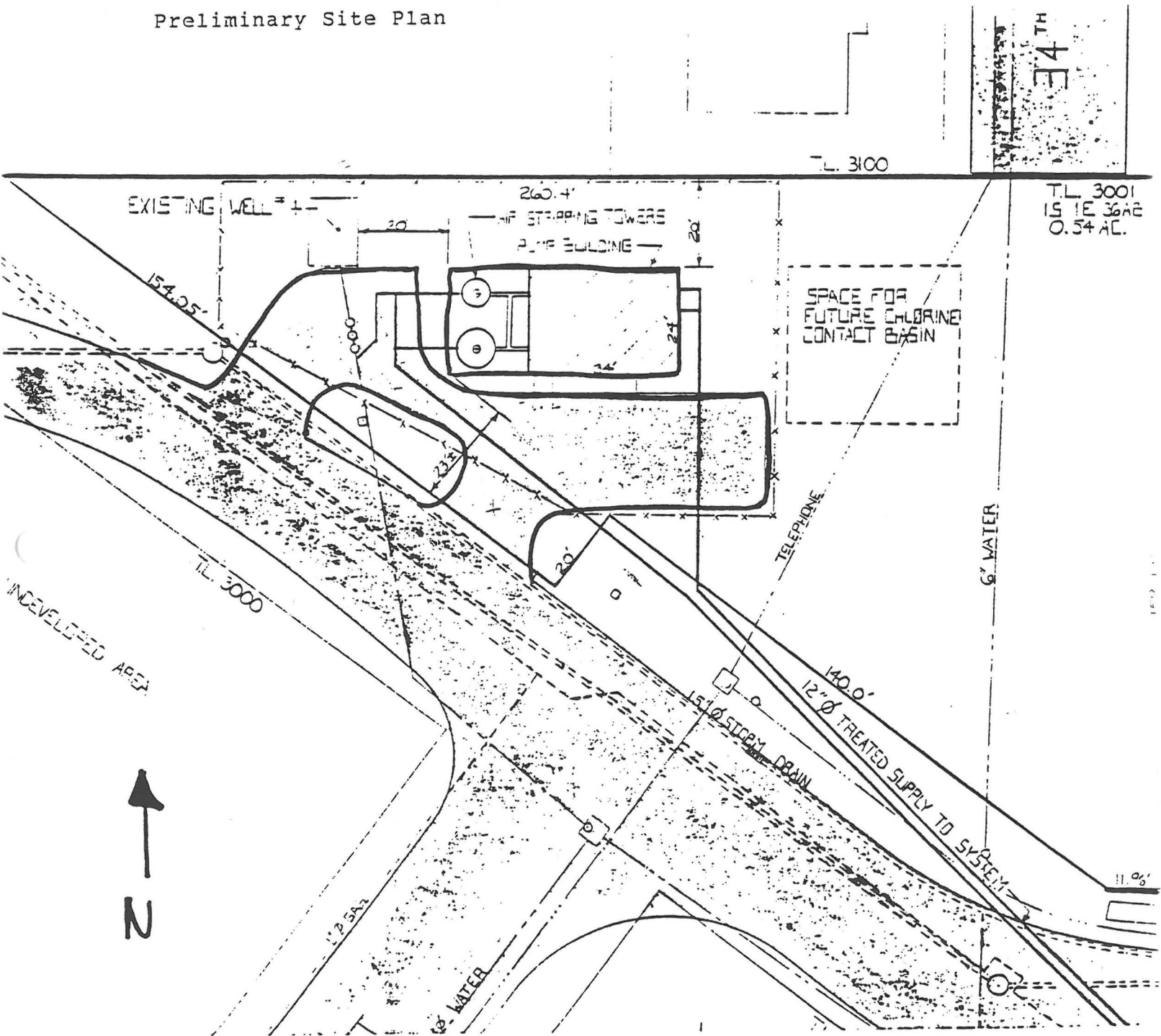
Dave Krogh
Assistant Planner

DK/mgh

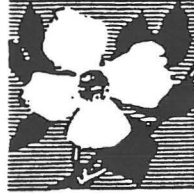
cc: William B. Adams, Community Development Director
Paul Roeger, Office Engineer
Structural Safety
Planning Commission Members
Interested Persons
Tickler File (April 1990)

CSO-89-04

Preliminary Site Plan



CITY OF MILWAUKIE



April 27, 1989

City of Milwaukie
Public Works Department
Richard Bailey, Director
10722 S.E. Main
Milwaukie, OR 97215

RE: CSO-89-05

Dear Dick:

This is your notice that at a public hearing on Tuesday, April 25, 1989, the Milwaukie Planning Commission approved your request for a Community Service Overlay allowing water facility improvements to be constructed at 3806 S.E. Harvey in Milwaukie. The following conditions of approval have been provided:

1. That development is to follow the site plan as amended by the Planning Commission. Minor deviations may be allowed by Staff.
2. That additional chlorination equipment be treated as a minor change to an existing Community Service Use as authorized by Section 3.20.4.C. of the Zoning Ordinance.
3. That a visual barrier consisting of either a 6 ft. hedge or fence slats be provided prior to construction completion for the west and south property lines.
4. Colors of the towers and piping are to be selected from earth tone colors to be submitted by the Applicant to Planning Staff for approval.
5. Trees on the site are to be retained to the maximum extent possible including the possible re-orientation of the towers, pump building, and future chlorine contact basin.

CONFIRMATION LETTER - CSO-89-05
APRIL 27, 1989

Referencing back to Condition 1, the Planning Commission amended the site plan as follows:

1. A sidewalk shall be constructed by the Applicant along this property's frontage with S.E. Harvey.

A fifteen (15) day appeal period is now in effect. If no appeal is received by Wednesday, May 10, 1989, this approval shall be final.

Sincerely,



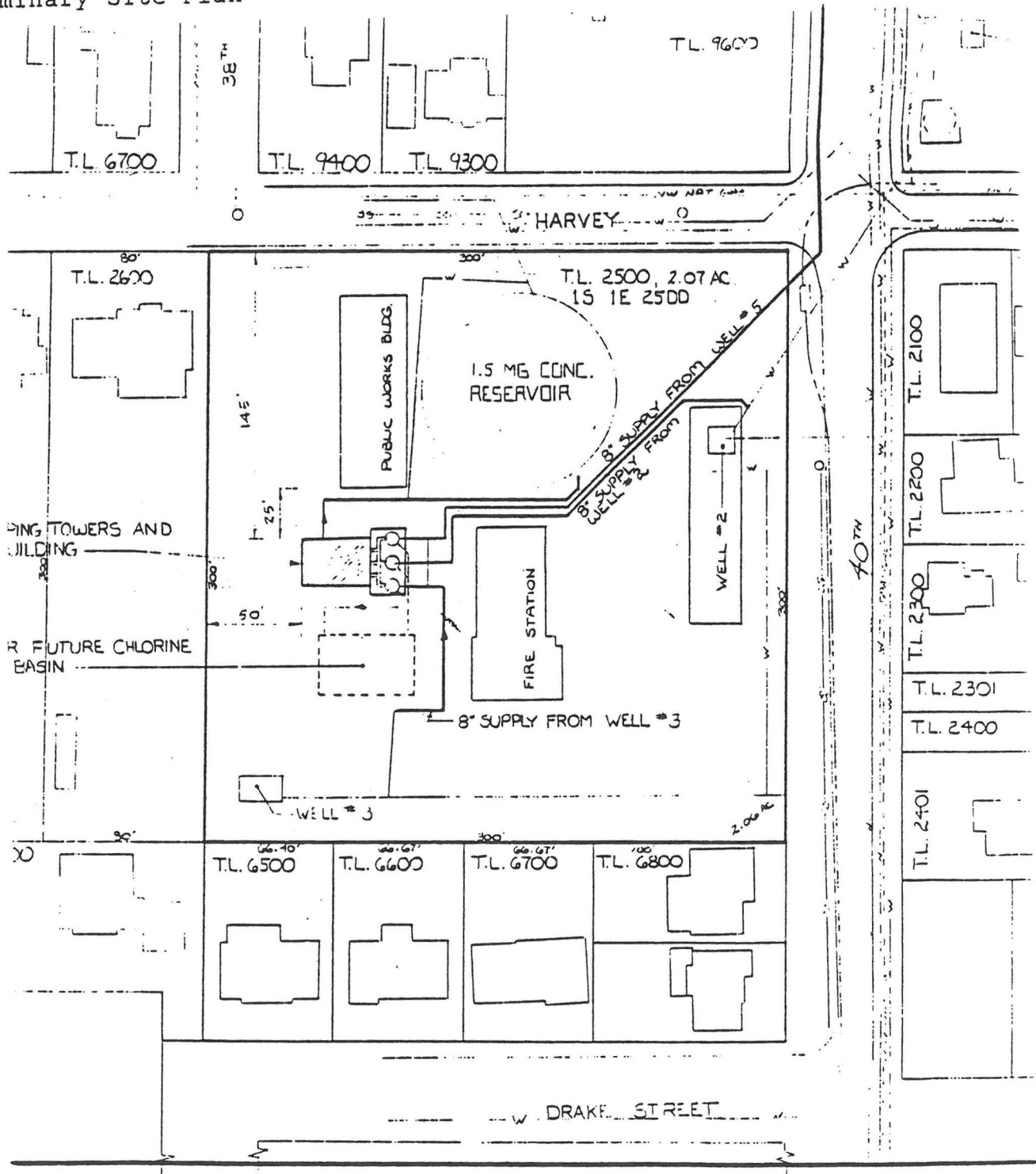
Dave Krogh
Assistant Planner

DK/mgh

cc: William B. Adams, Community Development Director
Paul Roeger, Office Engineer
Structural Safety
Planning Commission Members
Interested Persons
Tickler File (April 1990)

CSO-89-05

Preliminary Site Plan



INFORMATION REQUESTS
FROM PLANNING COMMISSION MEMBERS

Meeting Date: 6/12/90

1. FROM ADGUS ANDERSON

IT IS MY UNDERSTANDING THAT
RECENTLY SIGNED CLEAN AIR

2. LEGISLATION (FEDERAL) DIRECTS
EPA TO REQUIRE CHARCOAL
FILTRATION OF AERATION (PACKED)
TOWERS SUCH AS ARE APPROVED

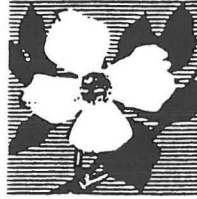
3. FOR CITY WATER SUPPLY. IS
THIS UNDERSTANDING CORRECT?
IF SO, ARE WE GRANDFATHERED
OR WHAT ARE ECONOMIC IMPLICATIONS?

4. _____

5. _____

6. _____

CITY OF MILWAUKIE



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

June 15, 1990

To: Paul Roeger, Office Engineer
Phil Grillo, City Attorney
Jim Helton, Cunningham Associates

From: ✓ Dave Krogh, Assistant Planner *Dave*

Re: Planning Commission Information Request

The attached information request was received from the City Planning Commission on June 12, 1990. We would appreciate it if you could each respond to this request. We would like to present a coordinated response to both the Planning Commission and City Council at their joint meeting of July 10, 1990. For this purpose, please submit your responses to us by Friday, June 19.

If you have any questions, please contact Maggie or myself at 652-4410.
Thanks.

DK/mgh

cc: Maggie Collins, Community Development Director
Angus Anderson, Planning Commission Member

O'DONNELL, RAMIS, ELLIOTT & CREW

ATTORNEYS AT LAW
1727 N.W. HOYT STREET
PORTLAND, OREGON 97209
(503) 222-4402

DATE June 27, 1990

TO Angus Anderson, Milwaukie Planning Commission

FROM Phil Grillo

RE Status of Federal Clean Air Act

This memo is in response to your inquiry regarding the Clean Air Act. It is my understanding from the June 12, 1990 memo from Dave Krogh with the City, that you had concerns about whether the Federal Clean Air Act required charcoal filtration for packed aeration towers such as the ones being used with the City's water supply.

The Federal Clean Air Act is currently pending in Congress and is actually found in two separate bills: Senate Bill 1630 and House Bill 3030. Because neither bill has actually been printed, we have not been able to review the legislation directly. The EPA Region 10 office in Seattle and the Oregon Department of Environmental Quality (DEQ) only have partial summaries of those bills available. Our office has reviewed numerous articles in the various environmental reporters but there has been no comprehensive synopsis of these bills, as of yet.

This legislation recently entered conference committee. We are working with Senator Packwood's staff, in his Washington, D.C. office, to stay on top of the bills. At this point, we are aware of nothing in either of the bills that addresses the issue of charcoal filtration for packed aeration towers. The legislation is not that specific, nor do the general provisions address this technology directly.

Both bills have grandfather clauses which are slightly different. The grandfather clauses address when EPA will have to review existing technology and how long it will take existing technology to move into compliance. A recent article in the Environmental Reporter stated that one amendment to the Clean Air Act would require EPA to exempt existing sources from requirements to install proven control technology, if those sources reduced 90% of toxic emissions on or before December 31, 1993.

Overall, it is too early to determine what, if any, grandfathering clause may apply to existing technology, and what, if anything, the Clean Air Act will require regarding discharges such as ours. At this point, there is nothing in the bills, to the best of our

O'DONNELL, RAMIS, ELLIOTT & CREW
ATTORNEYS AT LAW
1727 N.W. HOYT STREET
PORTLAND, OREGON 97209
(503) 222-4402

DATE June 27, 1990
TO Angus Anderson, Milwaukie Planning Commission
FROM Phil Grillo
RE Status of Federal Clean Air Act

knowledge, that will require the City to install charcoal filtration for towers. We will closely follow this legislation as it moves through Congress, and provide the City with any information that may relate to our water filtration system.

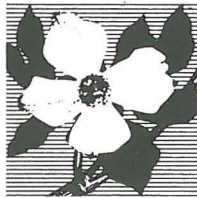
Original Memorandum to: Angus Anderson, Planning Commission

cc: Maggie Collins
Dan Bartlett
Planning Commission
City Council
Milwaulie/Comm. Dev. File

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6/27/90

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CITY OF MILWAUKIE



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

July 2, 1990

TO: Milwaukie Planning Commission
FROM: *MC* Maggie Collins, Community Development Director
RE: Final Action on Zone Change Criteria

Attached is your correct and amended copy of the proposed Zone Change Criteria Ordinance. This is a result of your June 26, 1990 public hearing on this topic.

Also, I forgot to mention that the joint City Council-Planning Commission meeting scheduled for July 10th will begin with dinner for you and the Council. Please make a note that because of the dinner the meeting time is changed from 6:30 to 6:00 p.m.

MC/jpg

Attachment

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1438, THE ZONING ORDINANCE.

WHEREAS, the Milwaukie Comprehensive Plan has been updated as part of a Periodic Review process; and

WHEREAS, Section 9 of the Zoning Ordinance must be updated to make it consistent with the Comprehensive Plan; and

WHEREAS, amendments were considered at public hearings before the Planning Commission on June 26, 1990, and the City Council on July 17, 1990; and

WHEREAS, the City Council finds that the Zoning Ordinance should be amended based upon the findings listed below;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The following findings of fact are adopted:

FINDINGS:

1. The City of Milwaukie Comprehensive Plan was updated effective December 7, 1989, as part of a Periodic Review process.
2. Section 9 of the Zoning Ordinance deals with amendments. This section must be updated to be consistent with the updated Comprehensive Plan.
3. As part of the Periodic Review process, the City was informed by the State Department of Land Conservation and Development of the need to provide clear and objective standards for implementation ordinances.
4. Section 9 has been expanded to provide greater clarity in describing amendment procedures.
5. This amendment complies with Chapter 2, Objective 2, Policies 1 to 4 of the Comprehensive Plan which require implementation ordinances, procedures and actions to be consistent with goals, policies, and objectives of the Comprehensive Plan.

Section 2. Zoning Ordinance Text Amendments. The Zoning Ordinance text of Ordinance 1438 is amended by inserting a new section to be known as "SECTION 900. AMENDMENTS" and reading as identified in Exhibit A.

Read the first time on _____, 1990, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____, 1990.

Signed by the Mayor on _____, 1990.

Roger Hall, Mayor

ATTEST:

Jerri Widner, City Recorder

Approved as to Form:

Timothy Ramis, City Attorney

SECTION 900

AMENDMENTS

901 INITIATION OF AMENDMENTS

An amendment to the Milwaukie Zoning Map or to the text of this Ordinance may be initiated by the City Council, by the Planning Commission, or by the application of a property owner.

902 AMENDMENT PROCEDURE

902.01 The following application and review procedures shall be in effect for all proposed amendments:

- A. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the application has been determined to be complete by the Director. Zoning map amendments shall follow the procedures outlined in Section 10.11(D), Major Quasi-Judicial Review. Zoning text amendments shall follow the procedures outlined in Section 10.11(E), Legislative Procedures.
- B. Denial of the proposed amendment shall be final unless it is appealed to the City Council as provided under Section 10.02 of this Ordinance.
- C. Upon approval of the proposed amendment by the Planning Commission, the Director shall provide a report of the Commission's recommendation to the City Council within 40 days after the hearing.

903 REQUIREMENTS FOR ZONING MAP AMENDMENTS

903.01 Proposals for Zoning Map amendments must provide evidence that all requirements of this Ordinance relative to the proposed use or uses are satisfied, in addition to addressing the following:

- A. Applicable requirements of Section 10.03.
- B. Reasons for requesting the Zoning Map amendment.
- C. Description of existing site conditions, including but not limited to, topography, public facilities and service, natural hazards, natural areas or open space, historic sites, transportation, current uses of the subject site, and current zoning of the subject site.
- D. Description of the intended use or uses.
- E. Identification on a detailed site plan of public facilities both existing and proposed, existing and proposed structures and site development details including display of setback and other zoning standards compliance information, and an indication of mitigation or other measures proposed for purposes of health, safety, or welfare within the Community.
- F. The approval criteria of Section 905.

SECTION 900 - AMENDMENTS

904 REQUIREMENTS FOR ZONING TEXT AMENDMENTS

904.01 Proposals for zoning text amendments must provide written evidence that the following requirements are satisfied:

- A. Applicable requirements of Section 10.03.
- B. Reasons for requesting the proposed text amendment.
- C. Explanation of how the proposed text amendment is consistent with other provisions of this Ordinance.
- D. The approval criteria of Section 905.

905 APPROVAL CRITERIA FOR ALL AMENDMENTS

905.01 For all proposals, the applicant shall have the burden of proof regarding the following criteria:

- A. The proposed amendment must conform to applicable Comprehensive Plan goals, policies and objectives and be consistent with the provisions of City ordinances.
- B. The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weigh these factors in determining the intent of the proposed zone.
- C. The proposed amendment will meet or can be determined to reasonably meet applicable, regional, state, or federal regulations.
- D. The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.

906 CONDITIONS OF APPROVAL

Conditions of approval may be applied to Zoning Map amendments for purposes of fulfilling identified need for public facilities and/or meeting applicable regional, state, or federal regulations. Conditions of approval may include actual construction of facilities or a performance contract, bond, or escrow account to assure installation of public facilities to specified standards.

SECTION 900 - AMENDMENTS

907 MODIFICATION OF OFFICIAL ZONING MAP

For zoning map amendments not involving conditions of approval, Community Development staff shall modify the Official Zoning Map of the City of Milwaukie at such time as the ordinance of adoption goes into effect. For zoning map amendments involving conditions of approval, Zoning Map modification shall not occur until all conditions of approval are satisfied by verification by appropriate City staff.

908 REVOCATION

If conditions of approval are not met within two (2) years of ordinance adoption, the Planning Commission shall hold a public hearing to consider the revocation of the approved zoning. This review shall follow the procedures of Section 10.11(C), Minor Quasi-Judicial Review. The Planning Commission may also, upon determination that the applicant is making satisfactory progress towards completing conditions of approval, grant one (1) time extension not to exceed a maximum of two (2) years.

6/30/90