

CITY OF MILWAUKIE  
PLANNING COMMISSION MINUTES  
TUESDAY, APRIL 25, 2006

**COMMISSIONERS PRESENT**

Donald Hammang, Chair  
Jeff Klein, Vice Chair  
Lisa Batey  
Catherine Brinkman  
Dick Newman

**COMMISSIONER ABSENT**

Teresa Bresaw

**STAFF PRESENT**

Katie Mangle,  
Planning Director  
Ryan Marquardt,  
Assistant Planner  
Gary Firestone,  
Legal Counsel  
Shirley Richardson,  
Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:32 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

4.0 Planning Commission Minutes -- March 14, 2006

**Commissioner Dick Newman moved to approve the minutes of March 14, 2006 as presented. Commissioner Brinkman seconded the motion.**

**Ayes: Batey, Brinkman, Klein, Newman, Hammang**

**Nays: None**

**Motion Carried 5-0.**

4.0 INFORMATION ITEMS

City Council minutes can be found on the City web site at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)

**Katie Mangle** introduced the new Assistant Planner, Ryan Marquardt who started with the City April 17<sup>th</sup>. Mr. Marquardt stated that he was glad to be aboard.

5.0 PUBLIC COMMENT

Speaking: Jean Schreiber, 4205 SE King Road, #2, Milwaukie

**Ms. Schreiber** stated that she is here tonight with a home spun petition signed by residents of 4205 SE King Road, an apartment complex of 26 residences. She understands that the new Safeway plan included a traffic configuration that is causing much stress to the residents at the apartment and surrounding area. There was no public hearing, no contact with owner of property and no contact with the 26 housing units filled with families regarding the design of this traffic pattern.

**Ms. Schreiber** stated that she moved into the apartment complex a month ago; a week ago she drove to the end of the driveway to enter King Road to go toward 82<sup>nd</sup>. She found that she could no longer make a left-hand turn. She passed out the petition to the commissioners. She explained to the commissioners the route she now has to take to get in the right direction towards 82<sup>nd</sup>. She has to turn right out of her driveway, drive through the new parking area of the proposed Safeway area and back out where the new light is and make the left turn; or she can turn right go to Harrison Street, travel down Harrison to 42<sup>nd</sup> Avenue and turn left, travel down 42<sup>nd</sup> Avenue and turn right onto King Road and travel back past her driveway on the other side of the street just to going towards 82<sup>nd</sup> Avenue. In order to go to the recycling of her complex she now has to go right 2 blocks, left 3 blocks and around the corner to get to the back of the unit she lives in. All because she can no longer turn left out of her driveway.

**Ms. Schreiber** stated that she was told that when this traffic pattern was planned, neither the residents, nor the owner of the complex were informed. She has talked with the city manager and explained the situation to him. She has collected signatures and the manager of her building has talked with the Police and Fire Department, and TriMet. There are a number of elderly people in this complex and many have complained that this traffic pattern is very inconvenient. Residents should not have to drive through a construction site to get to their home. Obviously there is a mistake and she asked that the Planning Commission review the situation and do what is necessary to correct it. **Ms. Mangle** stated that she will review the situation with the appropriate departments to see what can be done.

**Ms. Schreiber** suggested that the 4-way stop of 42<sup>nd</sup> and Harrison be opened up to allow drivers coming up Harrison Street to go straight through; this would relief some of the pressure on 42<sup>nd</sup> Avenue. In addition, putting back the 4-way stop 42<sup>nd</sup> and King Road will save lives.

Speaking: Harriet Claunch, 4205 SE King Road, #26, Milwaukie

**Ms. Claunch** stated that some of the people who live in her area walk quite often over to the 7-11 Store and there use to be a stop sign; people who were walking had a chance at the stop sign. Now cars are zipping through that area real fast; pedestrians don't have a chance to cross. Pedestrians from the complex have to walk east to the new signals and then cross with the light. She told of a resident who cannot navigate inclines well; and

for her to go to the light would mean going up an incline. She feels the new traffic pattern makes it hard to travel to and from her home. This is very hard for the residents in this area. It is not safe.

6.0 PUBLIC HEARINGS - None.

7.0 WORKSESSION ITEMS

7.1 CSO Ordinance and Comprehensive Plan Text Amendments

Katie Mangle reviewed the draft text amendments to 19.321 Community Service Overlay and the Comprehensive Plan. She opened the work session on discussion of the Zoning Ordinance and Comprehensive Plan text amendments that will prohibit major utility facilities in the City of Milwaukie.

City plans, including the Comprehensive Plan and Downtown and Riverfront Land Use Framework, have long envisioned decommissioning the Kellogg waste treatment plant and redeveloping the area with uses that are more supportive of downtown and nearby neighborhoods. The Commission reviewed the changes in detail and the following concerns and comments were raised:

- Commissioner Batey voiced concern about including "correctional facilities;" it seems that Milwaukie has more than its share of these types of use for these buildings. Mr. Firestone stated that an alternative to scratching "correctional facilities" is to replace it with "public safety buildings." This would allow continuance with existing facilities and allow those to be changed once the use is vacated.
- Clarification of "temporary or transitional facility." Mr. Marquardt stated that temporary or transitional facility is a space which provides for temporary parking for loading/unloading of persons and packages.
- Clarification of "repealed by Ord. \_\_\_\_." Mr. Firestone noted that this provides history of the document; if someone needs to know why there was a language change, the "repealed by" gives the reference to where the change can be found.
- Is a golf course a park. Mr. Firestone stated that golf courses are privately owned green space; parks are public green spaces.
- Commissioner Brinkman questioned the use of "including" in C(2) and suggested changing it to "and." She feels that using the word "including" restricts the choices to only those stated. Mr. Firestone suggested putting in a definition for "included" to address this word throughout the entire document.

- Clarification of “cogeneration facility.” Mr. Firestone stated that an example of a cogeneration facility is a plant that produces heat or steam for drying while also producing electricity.
- Commissioner Batey suggested in moving the word “if any” in Section 19.321.5(A)4 after the word impact, “...negative impacts if any on the neighborhood; and...”
- Discussion on non-conforming uses and whether a time limit should be imposed. Staff will consider including a 6-month time limit. Susan Shank’s suggestion of adding “or major modification” to the first sentence 19.321.6 (A), “on the establishment or major modification of standards in 19.321.5 are met...” was unanimously accepted.

These amendments have the support of the City Manager, City Attorney and the Public Works Director. They will be presented to City Council for review and discussion during their May 2<sup>nd</sup> work session. Any amendments from that worksession will be brought back to the Commission for their review and comments and a final draft will be submitted to Council for approval at their May Council meeting.

## 7.2 Zoning Ordinance Revision Update – Section 1400

**Ms. Mangle** opened the meeting to discussion of the revised Section 1400 and the Transportation Design Manual. Staff has begun revision work on Section 1400. The City will continue to use land use and development applications to implement transportation improvements including sidewalks, adequate roads, and planting strips.

- Transportation improvement should be implemented in a way that is fair, proportional, predictable, and effective
- Existing conditions in the City vary widely, and the City may need discretion to apply design solutions in the Transportation Plan Review process
- The application and approval process should be predictable, clear and defensible
- Eliminating confusing and inconsistent language will strengthen the City’s ability to bring about transportation improvements

The next steps in this process are to identify problems, propose solutions, and draft revisions.

## 7.3 Planning Department Activities

Downtown Parking Management Plan **Ms. Mangle** stated that the City is moving forward with short-term plans for the Downtown Parking Management

Plan. There is a lot of activity regarding the downtown condos; there have been an average of about 5 people a day coming in and asking questions.

Applications submitted for Hearings:

- Clackamas SDC
- Middle Foundation Church -- Mixed use housing/church proposal for church and parking lot expansion. Traffic will be an issue.
- Residential remodels in Islands Station
- Safeway gas station
- Gramore Development

8.0 DISCUSSION ITEMS -- None.

9.0 OLD BUSINESS -- None.

10.0 OTHER BUSINESS / UPDATES

10.1 Matters from the Planning Director

Spring Water Trail **Katie Mangle** reported that per commission request, she reviewed the Johnson Creek closures proposed for the Three Bridges Project. She spoke with the project manager and several people associated with the project. The portion of the trail that the commission was concerned about will be closed May 1<sup>st</sup>. There was a permit issued for the work through October 31<sup>st</sup> with extensions possible. A decision has not yet been made whether to open the bridges without the trails being completed.

The Commission asked staff to write a letter voicing disappointment that the bridge is not open, particularly in light of all the publicity that it would be open by Spring 2006.

Vacant Commission Seat City Council is interviewing Scott Churchill for the vacant commission seat.

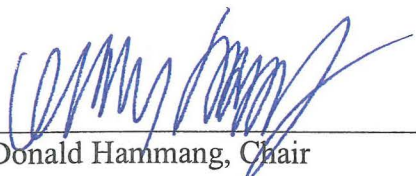
North Clackamas Park Maintenance Concerns A letter was received from the Friends of North Clackamas Park reporting that the City was mowing too close to water resources and wetlands and they ask that the Park honor the proposed buffer around the wetlands. **Ms. Mangle** noted that the mowing is a permitted landscaping activity. Staff will draft a letter saying that the City expects the best management practices be used and consideration be given to creating a 15-foot buffer in those areas.

10.2 Design and Landmark Committee Report -- None.

11.0 NEXT MEETING -- May 9, 2006

**Commissioner Klein** moved to adjourn the meeting of April 25, 2006. **Commissioner Batey** seconded the motion. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 8:47 p.m.

  
\_\_\_\_\_  
Donald Hammang, Chair

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

# MILWAUKIE PLANNING COMMISSION

MILWAUKIE CITY HALL  
10722 SE MAIN STREET

## AGENDA TUESDAY, APRIL 25, 2006 6:30 PM

		ACTION REQUIRED
1.0	<b>Call to Order</b>	
2.0	<b>Procedural Matters</b> If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. Thank You.	
3.0 3.1	<b>Planning Commission Minutes</b> March 14, 2006  Approved PC Minutes can be found on the City web site at: <a href="http://www.cityofmilwaukie.org">www.cityofmilwaukie.org</a>	Motion Needed
4.0	<b>Information Items – City Council Minutes</b> City Council Minutes can be found on the City web site at: <a href="http://www.cityofmilwaukie.org">www.cityofmilwaukie.org</a> <i>Hummel Measure 37 Claim – denied by City Council 4/18/06</i> <i>New Planner – Ryan Marquardt</i>	Information Only
5.0	<b>Public Comment</b> This is an opportunity for the public to comment on any item not on the agenda	
6.0	<b>Public Hearings - None</b>	Discussion & Motion Needed For These Items
7.0	<b>Worksession Items</b> CSO Ordinance and Comprehensive Plan Text Amendments <i>Zoning Ordinance Revision Update – Section 1400</i> <i>Planning Department Activities / Hearing Schedule</i>	Review & Discussion
8.0	<b>Discussion Items</b> This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	Review & Discussion
9.0	<b>Old Business</b>	
10.0 10.1 10.2	<b>Other Business/Updates</b> Matters from the Planning Director – Springwater Trail closure information, <i>North Clackamas Park maintenance concerns, status of open Commission seat</i> Design and Landmark Committee Report	Information Only Review and Comment
11.0	<b>Next Meeting: May 9, 2006</b>  The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	

### Forecast for Future Meetings:

5/9 Hearing – CSO Zoning Ordinance and Comprehensive Plan Amendments, Wunderland Theater Sign

5/22 Work Session – Sign Ordinance revision discussion, Section 1400 update

earing

## Milwaukie Planning Commission 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

### Public Hearing Procedure

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** The staff report is followed by any verbal or written correspondence that has been received since the Commission was presented with its packets.
3. **APPLICANT'S PRESENTATION.** We will then have the applicant make a presentation, followed by:
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **COMMENTS OR QUESTIONS.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** We will then take testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** When you testify, we will ask you to come to the front podium and give your name and address for the recorded minutes. Please remain at the podium until the Chairperson has asked if there are any questions for you from the Commissioners.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all testimony, we will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. We will then enter into deliberation among the Planning Commissioners. From this point in the hearing we will not receive any additional testimony from the audience, but we may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION/ACTION.** It is our intention to make a decision this evening on each issue before us. Decisions of the Planning Commission may be appealed to the City Council. If you desire to appeal a decision, please contact the Planning Department during normal office hours for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** The Planning Commission may, if requested by any party, allow a continuance or leave the record open for the presentation of additional evidence, testimony or argument. Any such continuance or extension requested by the applicant shall result in an extension of the 120-day time period for making a decision.
12. **TIME LIMIT POLICY.** All meetings will end at 10:00pm. The Planning Commission will pause hearings/agenda items at 9:45pm to discuss options of either continuing the agenda item to a future date or finishing the agenda item.

**The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Planning Department office at 786-7600.**

#### Milwaukie Planning Commission:

Donald Hammang, Chair  
Jeff Klein, Vice Chair  
Lisa Batey  
Teresa Bresaw  
Catherine Brinkman  
Dick Newman

#### Planning Department Staff:

Katie Mangle, Planning Director  
Susan Shanks, Associate Planner  
Brett Kelter, Assistant Planner  
Ryan Marquardt, Assistant Planner  
Jeanne Garst, Office Supervisor  
Karin Gardner, Administrative Assistant  
Marcia Hamley, Administrative Assistant  
Shirley Richardson, Hearings Reporter



To: Planning Commission

From: Katie Mangle, Planning Director

Subject: Proposed CSO Ordinance and Comprehensive Plan Amendments

Date: April 18, 2006

#### Action Requested

Review attached draft text amendments to 19.321 Community Service Overlay and the Comprehensive Plan. The Work Session agenda item will be a discussion of the Zoning Ordinance and Comprehensive Plan text amendments that prohibit major utility facilities in the City of Milwaukie.

#### Background

- City plans, including the Comprehensive Plan and the Downtown and Riverfront Land Use Framework, have long envisioned decommissioning the Kellogg waste treatment plant and redeveloping the area with uses that are more supportive of downtown and nearby neighborhoods.
- The proposed amendments include the following key changes:
  - Section 19.321.3 adds "major utility facilities" as a prohibited use in a CSO and state that such uses may not be enlarged, upgraded, remodeled, or altered in any way.
  - Section 19.321.7 establishes a non-conforming major utility fee for non-conforming major utilities that remain in use after December 31, 2015.
  - Section 19.321.6.C.5 allows for minor changes to the facility necessary to meet any applicable standards relating to adequacy of the public facility.
  - Edits throughout modify the text and structure of some sections to improve legibility and clarify standards and procedures for Community Service Uses. Such "housekeeping" revisions are not intended to change policy, but rather to allow for more effective implementation of the CSO.

Planning Commission Staff Report -- Proposed CSO Ordinance and Comp Plan Amendments  
Page -- 2

#### Next Steps

- The proposed amendments have the support of the City Manager, City Attorney, and Public Works Director.
- I will present the proposed amendments to the City Council for review and discussion during their May 2<sup>nd</sup> Work Session. I plan to bring the amendments to Planning Commission and City Council approval on May 9<sup>th</sup> and May 16<sup>th</sup>, respectively.

#### Attachments

1. Draft redline/strikeout revisions to zoning ordinance 19.321 Community Service Overlay.
2. Clean draft of revisions to zoning ordinance 19.321 Community Service Overlay.
3. Draft redline/strikeout revisions to Comprehensive Plan Chapter 4, Recreational Needs Element, and Chapter 5, Transportation/Public Facilities/Energy Conservation.

## Exhibit [#]

**Amendments to Milwaukie Municipal Code**  
**Title 19—Zoning Ordinance**

Underlined text is to be inserted

Strikeout ~~text~~ is to be deleted

**SECTION 19.321 COMMUNITY SERVICE OVERLAY:**

**19.321 Community Service Overlay Zone-CSO:**

19.321.1 Purpose. This section ~~provides for the~~allows development of certain ~~special uses~~ which, because of their public convenience, necessity, and unusual character, may be appropriately located in most zoning districts, but which may be permitted only if appropriate for the specific location for which they are proposed in one district but not another. This section ~~also provides~~ standards and procedures for review and approval of applications for such community uses including utility and recreational facilities. Community service uses may be sited in any zone, except where expressly prohibited, if they meet the standards of this section. ~~The community service overlay will function as an overlay designation for public and private institutions in most zones and districts.~~ Approval of a CSO does not change the zoning of the property.

19.321.2 Applicability. Any community service use shall be subject to the provisions of this section, unless otherwise directed in primary zones. Application must be submitted to establish or modify a community service use. Community service uses include certain private and public utilities, institutions, and recreational facilities as listed below:

A. Institutions-Public/Private and Other Public Facilities.

1. Schools, public or private, and their accompanying sports facilities, daycare centers, private kindergartens;
2. Government office buildings for local, state, or federal government such as a city hall, courthouse, correctional facilities, or other similar buildings;
3. Hospital;
4. Cemetery;
5. Nursing or convalescent home;
6. ~~Churches~~Religious institutions;
7. Community meeting building;
8. Temporary or transitional facility;

9. Other similar uses as determined by the planning commission.

B. Specified Utilities.

1. Sewage pumping stations;

2. Water wells, pump stations, reservoirs, and related any other facilities used for production, treatment, and distribution of the municipal water supply;

3. Electrical power substations;

4. Repealed by Ord. 1910;

5. Public works shops, road shops, yards, bus barns, equipment and material storage yards, and other similar uses;

6. Repealed by Ord. 1910;

7. Repealed by Ord. 1910;

8. Public transit facilities;

9. Passenger terminal;

10. Other similar uses as determined by the planning commission.

C. Recreation Facilities-Public or Private.

1. Private club, ~~fraternal organization-lodge~~, grange;

2. Public and/or privately owned parks including golf courses;

3. Pedestrian and bicycle trails~~The 40-Mile Loop~~;

4. Public or private recreational facilities such as pools, gyms, indoor and outdoor sports courts or fields, and associated facilities;

45. Other similar uses as determined by the planning commission.

D. Communication Facilities.

1. Telephone switching station;

2. Telephone, microwave facilities;

3. Radio and television transmission facilities, including studios;

4. Wireless communication facilities.

19.321.3. Unpermitted uses

The following uses may not be permitted as community service uses and are prohibited in all zones:

A. Major utility facilities, including sewage treatment plants and thermal (coal, gas, or oil) power generating plants, other than cogeneration facilities sited with an industrial use. A generator supplying on-site power is not a thermal power generating plant for purposes of this section.

19.321.34 Notice Requirements. Except as provided in Section 19.321.45C and 19.321.4215 Wireless communication facilities, the planning commission shall hold a public hearing for a community service use request per the procedures outlined in subsection 1101.31011.3-Minor Quasi-Judicial Review, Community Service Overlay.

19.321.45 Standards for Authority to Grant or Deny a Community Service Uses.

A. An application for a community service use may be allowed if the following criteria are met:

1. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of structures in of the underlying zone are met;
2. Specific standards for the proposed uses as found in subsections 19.321.710-19.321.4013 are met; and
3. The hours and levels of operation of the proposed use arecan be adjusted to be reasonably compatible with surrounding uses;
4. The public benefits of the proposed use are greater than the negative impacts on the neighborhood, if any; and
5. The location is appropriate for the type of use proposed.

#### 19.321.6 Procedures for Reviewing a Community Service Use

A. The planning commission will hold a public hearing on the establishment of the proposed community service use. If the commission finds that the approval standards in 19.321.5 are met, the commission shall approve the designation of the site for community service use. If the commission finds otherwise, the application shall be denied. An approval allows the use on the specific property for which the application was submitted, subject to any conditions the planning commission may attach.

B. In permitting a community service use or the modification of an existing one, the Cityplanning commission, or the community development director in the case of a minor change, may impose suitable conditions which assure compatibility of the use with other uses in the vicinity. These conditions may include but are not limited to:

1. Limiting the manner in which the use is conducted by restricting the time an activity may take place and by minimizing such environmental effects as noise and glare;
2. Establishing a special yard, setback, lot area, or other lot dimension;
3. Limiting the height, size, or location of a building or other structure;
4. Designating the size, number, location, and design of vehicle access points;
5. Increasing roadway widths, requiring street dedication, and/or requiring improvements within the street right-of-way including full street improvements;
6. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area; and/or
7. Limiting or otherwise designating the number, size, location, height and lighting of signs.

C. ~~The community development planning director may approve minor modifications to an approved community service use changes in any development permit pursuant to a type I procedure, provided that such change~~modification:

1. Does not increase the intensity of any use, ~~or the density of residential use;~~
2. Meets all requirements of the underlying zone relating to building size and location and off-street parking and the specific standards of Title 19;
3. Does not result in significantly affect adjacent property or uses, will not cause any deterioration or loss of any protected natural feature or open space, and does not affect nearby properties~~nor significantly affect any public facility;~~ and
4. Does not ~~affect~~ alter or contravene any conditions specifically placed on the development by the planning commission or city council; and
5. Does not cause any public facility, including transportation, water, sewer and storm drainage, to fail to meet any applicable standards relating to adequacy of the public facility.

~~D. The planning commission will hold a public hearing on the establishment of the proposed community service use. If the commission finds that the establishment of the community service use is in the general public interest and that the benefits to the public outweigh the possible adverse impacts of the use, then the commission may approve the designation of the site for community service use. If the commission finds otherwise, the application may be denied. This approval will result in the application of the community service overlay designation to a particular piece of land, subject to any conditions the planning commission may attach.~~

19.321.7 Nonconforming Community Service Uses

Any use prohibited by Section 19.321.3 that was approved prior to the adoption of Section 19.321.3 may remain in use through December 31, 2015, but may not be enlarged, upgraded, remodeled, or altered in any way, except as needed to abate nuisances declared by the City. No changes in the operation of such nonconforming uses are permitted, except as needed to abate City-declared nuisances. Violation of this section shall be prosecuted under Chapter 1.08 and the civil penalty for violation of this section shall be \$10,000 per day of violation. During the period when any such nonconforming use remains in effect, the owner of the property and the operator of the use are jointly liable to the City for payment of a nonconforming major utility fee in the amount of \$90,000 per month, payable for each calendar month or portion thereof that the property is in actual use as a nonconforming major utility.

**Re-number subsequent subsections as follows:**

- **19.321.58**
- **19.321.69**
- **19.321.710**
- **19.321.811**
- **19.321.912**
- **19.321.1013**
- **19.321.1114**
- **19.321.1215, including self-references and Table within this subsection**

## Exhibit [#]

**Amendments to Milwaukie Municipal Code  
Title 19—Zoning Ordinance**

**SECTION 19.321 COMMUNITY SERVICE OVERLAY:****19.321 Community Service Overlay CSO:**

19.321.1 Purpose. This section allows development of certain uses which, because of their public convenience, necessity, and unusual character, may be appropriately located in most zoning districts, but which may be permitted only if appropriate for the specific location for which they are proposed. This section provides standards and procedures for review of applications for such community uses. Community service uses may be sited in any zone, except where expressly prohibited, if they meet the standards of this section. Approval of a CSO does not change the zoning of the property.

19.321.2 Applicability. Any community service use shall be subject to the provisions of this section, unless otherwise directed in primary zones. Application must be submitted to establish or modify a community service use. Community service uses include certain private and public utilities, institutions, and recreational facilities as listed below:

A. Institutions-Public/Private and Other Public Facilities.

1. Schools, public or private, and their accompanying sports facilities, daycare centers, private kindergartens;
2. Government office buildings for local, state, or federal government such as a city hall, courthouse, correctional facilities, or other similar buildings;
3. Hospital;
4. Cemetery;
5. Nursing or convalescent home;
6. Religious institutions;
7. Community meeting building;
8. Temporary or transitional facility;
9. Other similar uses as determined by the planning commission.

B. Specified Utilities.

1. Sewage pumping stations;
2. Water wells, pump stations, reservoirs, and any other facilities used for production, treatment, and distribution of the municipal water supply;
3. Electrical power substations;
4. Repealed by Ord. 1910;
5. Public works shops, road shops, yards, bus barns, equipment and material storage yards, and other similar uses;
6. Repealed by Ord. 1910;
7. Repealed by Ord. 1910;
8. Public transit facilities;
9. Passenger terminal;
10. Other similar uses as determined by the planning commission.

C. Recreation Facilities-Public or Private.

1. Private club, lodge, grange;
2. Public and/or privately owned parks including golf courses;
3. Pedestrian and bicycle trails;
4. Public or private recreational facilities such as pools, gyms, indoor and outdoor sports courts or fields, and associated facilities;
5. Other similar uses as determined by the planning commission.

D. Communication Facilities.

1. Telephone switching station;
2. Telephone, microwave facilities;
3. Radio and television transmission facilities, including studios;
4. Wireless communication facilities.

19.321.3. Unpermitted uses

The following uses may not be permitted as community service uses and are prohibited in all zones:

- A. Major utility facilities, including sewage treatment plants and thermal (coal, gas, or oil) power generating plants, other than cogeneration facilities sited with an industrial use. A generator supplying on-site power is not a thermal power generating plant for purposes of this section.

19.321.4 Notice Requirements. Except as provided in Section 19.321.5C and 19.321.15-Wireless communication facilities, the planning commission shall hold a public hearing for a community service use request per the procedures outlined in subsection 1011.3-Minor Quasi-Judicial Review, Community Service Overlay.

#### 19.321.5 Standards for Community Service Uses.

A. An application for a community service use may be allowed if the following criteria are met:

1. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of structures in the underlying zone are met;
2. Specific standards for the proposed uses as found in subsections 19.321.10-19.321.13 are met;
3. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;
4. The public benefits of the proposed use are greater than the negative impacts on the neighborhood, if any; and
5. The location is appropriate for the type of use proposed.

#### 19.321.6 Procedures for Reviewing a Community Service Use

A. The planning commission will hold a public hearing on the establishment of the proposed community service use. If the commission finds that the approval standards in 19.321.5 are met, the commission shall approve the designation of the site for community service use. If the commission finds otherwise, the application shall be denied. An approval allows the use on the specific property for which the application was submitted, subject to any conditions the planning commission may attach.

B. In permitting a community service use or the modification of an existing one, the City may impose suitable conditions which assure compatibility of the use with other uses in the vicinity. These conditions may include but are not limited to:

1. Limiting the manner in which the use is conducted by restricting the time an activity may take place and by minimizing such environmental effects as noise and glare;
2. Establishing a special yard, setback, lot area, or other lot dimension;
3. Limiting the height, size, or location of a building or other structure;

4. Designating the size, number, location, and design of vehicle access points;
5. Increasing roadway widths, requiring street dedication, and/or requiring improvements within the street right-of-way including full street improvements;
6. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area; and/or
7. Limiting or otherwise designating the number, size, location, height and lighting of signs.

C. The planning director may approve minor modifications to an approved community service use pursuant to a type I procedure, provided that such modification:

1. Does not increase the intensity of any use;
2. Meets all requirements of the underlying zone relating to building size and location and off-street parking and the standards of Title 19;
3. Does not result in deterioration or loss of any protected natural feature or open space, and does not affect nearby properties;
4. Does not alter or contravene any conditions specifically placed on the development by the planning commission or city council; and
5. Does not cause any public facility, including transportation, water, sewer and storm drainage, to fail to meet any applicable standards relating to adequacy of the public facility.

#### 19.321.7 Nonconforming Community Service Uses

Any use prohibited by Section 19.321.3 that was approved prior to the adoption of Section 19.321.3 may remain in use through December 31, 2015, but may not be enlarged, upgraded, remodeled, or altered in any way, except as needed to abate nuisances declared by the City. No changes in the operation of such nonconforming uses are permitted, except as needed to abate City-declared nuisances. Violation of this section shall be prosecuted under Chapter 1.08 and the civil penalty for violation of this section shall be \$10,000 per day of violation. During the period when any such nonconforming use remains in effect, the owner of the property and the operator of the use are jointly liable to the City for payment of a nonconforming major utility fee in the amount of \$90,000 per month, payable for each calendar month or portion thereof that the property is in actual use as a nonconforming major utility.

**Renumber subsequent subsections as follows:**

- **19.321.5 becomes .8**
- **19.321.6 becomes .9**
- **19.321.7 becomes .10**
- **19.321.8 becomes .11**
- **19.321.9 becomes .12**
- **19.321.10 becomes .13**
- **19.321.11 becomes .14**
- **19.321.12 becomes .15, including self-references and Table within this subsection**

## Exhibit [#]

## Amendments to Milwaukie Comprehensive Plan

Underlined text is to be inserted

Strikeout ~~text~~ is to be deleted

## CHAPTER 4- LAND USE:

## Recreational Needs Element, Objective 7, Policy 5

~~The City will cooperate with Clackamas Sewer District #1 to encourage the continued public use of portions of the Kellogg Sewage Treatment Plant site. The Downtown and Riverfront Land Use Framework Plan anticipates redevelopment of the Kellogg Sewage Treatment Plant this site in the future. The City will make reasonable efforts to bring about the decommissioning of the Kellogg Sewage Treatment Plant in an expeditious but orderly fashion that assures proper sewage treatment for Milwaukie citizens while effectuating a transition to treatment at another location. Reasonable efforts include revising the Zoning Ordinance to make the existing facility a nonconforming use and restricting any modification of the sewage treatment use at that site. Riverfront access recreation will be maintained with any redevelopment of the treatment plant site.~~

## CHAPTER 5 – TRANSPORTATION/PUBLIC FACILITIES/ENERGY CONSERVATION:

## Public Facilities and Services Element, Objective 5, Policy 5

~~The City will participate in examining feasible alternatives for decommissioning the Kellogg Creek Treatment Plant. The City will pursue a regional approach, working in partnership with special districts in the North Clackamas County area, to assure adequate sewer service to accommodate projected growth in Milwaukie.~~

The City will use best efforts to decommission the Kellogg Sewage Treatment Plant and will cooperate with the County, county service districts, and other parties in examining feasible alternatives for sewage disposal in the transition from the Kellogg plant to some other sewage treatment facility.