

CITY OF MILWAUKIE  
PLANNING COMMISSION MINUTES  
TUESDAY, MAY 25, 1999

**COMMISSIONERS PRESENT**

Donald Hammang, Vice-Chair  
Judith Borden  
Barbara Cartmill  
Tracy Cook  
Mike Miller  
Doug Ouderkirk

**STAFF PRESENT**

John Gessner,  
Assoc. Planner  
Gary Firestone,  
City Attorney  
Shirley Richardson,  
Hearings Reporter

**COMMISSIONERS ABSENT**

Howard Steward

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS

3.0 INFORMATION ITEMS -- City Council Minutes, April 6, 1999

4.0 PLANNING COMMISSION MINUTES -- May 11, 1999

**Mike Miller** moved to approve the minutes of May 11, 1999, as presented.

**Judith Borden** seconded. MOTION CARRIED 6-0.

Ayes: Borden, Cartmill, Cook, Hammang, Miller, Ouderkirk; Nays: None.

5.0 PUBLIC COMMENTS -- None.

6.0 PUBLIC HEARINGS

6.1 Applicant: Clackamas County Service District No. 1  
Property Owner: Clackamas County  
Location: 11525 SE McLoughlin Blvd

Proposal: Install odor control devices at the Kellogg Creek Treatment Plant.  
File Number: CSO-99-02/CU-99-01/MC-99-01  
NDA: Island Station

**Vice-Chair Hammang** opened the public hearing on File Number CSO-09-02, CU-99-01, and MC-99-01, to allow the installation of odor control devices at the Kellogg Creek Sewage Treatment Plant. Criteria to be addressed are found in Sections 311, 320, 321, and 325 of the Milwaukie Zoning Ordinance.

**Vice-Chair Hammang** asked if there were any conflicts of interest or ex-parte contacts to declare. **Doug Ouderkirk** reported that he had listened to the audiotape and read the minutes of the April 27th hearing on this issue. He will be voting tonight. **Barbara Cartmill** explained that she works for Clackamas County. She does not work for or have any dealings with the Clackamas County Service District #1 and asked if any member of the Planning Commission objected to her voting on this issue. There were no objections stated from the Commissioners. There were no other conflicts of interest or ex-parte contacts declared. **Vice-Chair Hammang** asked if any member of the Planning Commission visited the site; six hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

#### STAFF REPORT

**John Gessner** explained that this hearing was continued from an April 27, 1999, meeting. The hearing was postponed to allow staff time to notify neighborhood associations and land use community chairs of the continued hearing and he reviewed the May 18, 1999, Staff Report with the Commission. An overhead was shown of the subject site and surrounding area. Clackamas County is seeking approval to construct odor control improvements at the Kellogg Creek Sewage Treatment Plant. The proposal requires three separate applications; Willamette Greenway, Community Service Overlay, and McLoughlin Boulevard Overlay.

**John Gessner** reviewed the May 18, 1999, staff report with the Commission. This Application was heard on April 27, 1999. At that time the Commission requested a continuance to allow staff time to notify neighborhood associations

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and land use chairs of the upcoming meeting and to give staff and the Applicant time to collect specific information.

A letter was received this week dated May 18, 1999, from J. Michael Reed, Director of Water Environmental Services. The letter addresses concerns that were raised at the April 27th hearing on this Application. The Applicant will address those and other concerns with his comments tonight.

Changes have been made in the findings and conditions to address the Applicant's request for a conditional use approval for future construction of the digester gas incinerator and gas storage tank will be withdrawn from consideration. This Application now consists only the bio-filter improvements.

QUESTIONS FROM THE COMMISSIONERS

**Vice-Chair Hammang** asked if it the design review submitted could be reviewed by another party to assure that it is the most efficient technology in this field? **Gary Firestone** stated that this type of request was outside the scope of land-use review. Land use is limited to whether or not something complies with criteria and standards. There is nothing in the Code that requires the treatment facility to acquire the highest technological equipment for that facility.

CORRESPONDENCE RECEIVED BY STAFF -- None.

QUESTIONS FROM THE COMMISSIONERS -- None.

APPLICANT PRESENTATION

Speaking: Ted Kyle, Capital Manager, Water Environment Services, 16770 SE 82nd Drive, Suite 200, Clackamas

**Mr. Kyle** introduced Randy Rosane, Project Manager for Water Environment Services. **Mr. Rosane** submitted artist renderings of elevation views and site views from the east and south looking north and west as requested by the Commission at the last hearing. He pointed out the proposed improvements on these maps as seen from McLoughlin Blvd. He also pointed out existing structures on the site.

One drawing indicated in the key the height of the trees. The trees planted will be about 15-foot trees at two-thirds of their growth, and they will grow to be about

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35 feet high. Twenty trees will be removed and replaced with the same number of trees with this modification.

**Mike Miller** asked what type of trees will be replaced? **Mr. Rosane** stated that the replacement trees would have about 10-15 year growth that will be adequate for screening.

One of the questions asked at the last hearing was how an economic analysis can be conducted when the decision to terminate the plant is made? **Mr. Kyle** stated that a methodology has not yet been decided. When most wastewater agencies do planning, they look ahead at the cost to be incurred rather than at the cost that were incurred in the past. The question will be changed to how will \$55 million be raised to replace the Plant and how is that equitably distributed among the users? The land value might reduce the cost of the new plant. Whether or not they build a new plant will not effect how the calculation is made. Typically when a plant is terminated, they are replaced for technological reasons or community concerns.

Another question asked was if the effectiveness of odor control could be measured? **Mr. Kyle** stated that he has been in the business for over 20 years. It was determined that it was best not to quantify the odor, but to eliminate the odor. There has been a bio-filter on the site for the past five years. This is the best odor control technology that they have found. It works all the time. Activated carbon has been installed at the Plant. This carbon has lasted two years and it is due for replacement. This is costly and difficult to change.

The bio-filter does a better job in removing a broad spectrum of organic odors and it has been proven in other locations and our plant as well. Another consideration is wet scrubbers. Scrubbers to treat this area would be approximately 40-foot tall, cylindrical tanks. The technology selected has the least impact and is the one that works the best.

**Mr. Kyle** stated that he has read the staff report and he is in support of the conditions and findings as outlined by staff.

#### QUESTIONS FROM THE COMMISSIONERS

**Barbara Cartmill** asked if the gas incinerator and storage tank will be included in future improvements? **Mr. Kyle** stated that their intent was to bring a solid proposal on what improvements are being requested for this Application. These improvements will be made in the future, but off the table for this project.

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**Mike Miller** noted that there was an article in the newspaper regarding a study on decommissioning the plant. He asked if Water Environment Services had considered waiting until the study was done before making these improvements so that the changes will reflect the study results? **Mr. Kyle** stated that the possibility of doing the study came up at the Commission meeting. It is their intent to do something about controlling odor regardless of the long-term future of the Plant. Options have been reviewed for terminating the plant now. This would result in a doubling of everyone's rates. A ten-year horizon has been chosen as a reasonable Plant future in terms of rate impact. That is one reason why they are continuing to address odor control.

**Doug Ouderkirk** asked if there was a by-product once the chips are used from the bio-filter?

Speaking: Brett Teal, 111 Fifth Avenue, Portland

**Mr. Teal** stated that the material chips break down after 3-5 years and the chips get finer and finer. This makes it more difficult for air to blow through it and must be replaced. This media is then removed and sold to landscaping companies to mix with compost material for recycling.

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN FAVOR OF APPLICATION -- None.

QUESTIONS FROM THE COMMISSIONERS

Speaking: June Falcon, 1936 SE Eagle, Milwaukie

**Ms. Falcon** stated that testimony has been made that there is no way to measure odor. If this is correct, how does the Applicant know the bio-filter proposed will work? She also asked what trees would be removed on the southern portion of the site?

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN OPPOSITION

Speaking: Janet L. Koch, 1962 SE Eagle Street, Milwaukie

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**Ms. Koch** stated that she does not feel the testimony given by the Applicant does not address odor control or the concern of the neighborhood. The May 18th directive indicates that they will mitigate lighting and noise. The Applicant is not saying what type of lighting will be used or what measures will be used to reduce the noise.

QUESTIONS FROM THE COMMISSIONERS

**Vice-Chair Hammang** asked Ms. Koch if there are noise problems with the Plant? **Ms. Koch** stated that there have been noise problems, but fortunately since the last meeting, there has been a sizable reduction in the noise. She is thankful for the change, but she is still in opposition to this application.

Speaking: Judith Duncan, 1936 SE Eagle, Milwaukie

**Ms. Duncan** noted that trees on the site near 19th Street protect her property from noise, view, and smell. She asked if any of these trees will be removed and if so, she is in opposition of this Application.

**Ms. Duncan** stated that she wanted the plant to do everything possible to reduce the odor. She has been on two advisory committees to address the odor concerns. She would like more convincing information that this technology proposed will reduce the odor.

QUESTIONS FROM THE COMMISSIONERS -- None.

ADDITIONAL COMMENTS FROM STAFF

**John Gessner** read Finding #7 to the Commission. Staff is not convinced of the potential of the impact, specifically about noise, and the need to have a basis for adequate enforcement if mitigation is not effective. Also, the issue of lighting and landscaping has come up a number of times as a concern. It may be wise to take a careful look at the actual selection and location of plant materials and lighting. These issues can be addressed as additional conditions of approval.

QUESTIONS FOR CLARIFICATION -- None.

APPLICANT'S CLOSING COMMENTS

Speaking: Randy Rosane, Water Environment Services, 16770 SE 82nd Drive, Clackamas

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**Mr. Rosane** pointed out the trees that will be removed. About 20 trees will be removed along the existing fence line. Two of the four old-growth trees will be removed. The perimeter will be replaced with 10-15 year growth trees. A graphic was shown that depicted 19th Street and the trees that are viewed from that point.

**Mr. Kyle** stated that three lights would be added. He pointed out the location of the proposed 14-16 foot light poles. One light will be placed at the blower station, one between the first and second bio-filter, and the third fixture will be on the north side of the bio-filter. These lights will be left off and turned on manually as needed.

**Mr. Kyle** stated that he knows the bio-filter works. He has smelled the fumes before it goes into the bio-filter and he has smelled the fumes after it comes out of the bio-filter. He knows from experience that there is no odor after filtering. He has seen these bio-filters used in other locations and his experience has been that it works. The third alternative would be wet scrubbers that are not as effective. This is the best technology for controlling odor.

**Mr. Kyle** addressed the issue of loading. Under construction now is a pipeline that will divert wastewater from the North Clackamas District to the Tri-Cities Plant. This will reduce the loading. This piping will remove industrial waste loading. By removing this flow, there may be some positive improvements in odor.

**Mr. Kyle** stated that they would not be opposed to doing a before and after noise survey along the edge of the District property right-of-way line.

QUESTIONS FROM THE COMMISSIONERS -- None.

DELIBERATION AMONG COMMISSIONERS

**Vice-Chair Hammang** closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

**Vice-Chair Hammang** asked staff to prepare findings and conditions to address noise and lighting.

**Mike Miller** stated that he finds it hard to believe that the berms will have no effect on the neighboring homes. This project should wait until the study is

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completed. This study will provide the information that would aid in the decision for the type of improvements to be made. He stated that he feels that the proposed improvements are an expansion. It is taking up another acre of property, even though it is landscaping. Over a period of ten years, this will result in another acre of property that will need to be cleaned of toxic waste. He has not heard anything that factually tells him that this bio-filter will work.

**Mike Miller** voiced concern that the landscaping mitigation is after construction. He is afraid that the neighboring properties may have to endure construction impacts from not having a buffer between them and the construction. At this point, he is not in favor of approving this expansion.

**Doug Ouderkirk** stated that he would like to see more factual information on the effectiveness of the bio-filter process. He is encouraged by the Applicant's attempt to remove the odor at the site and suggested that photographs be taken of the trees to be removed.

**Judith Borden** stated that she would like more information also, but is not persuaded against the proposal.

**Gary Firestone** stated that some of these issues are not relevant to the Application. One issue that is relevant to the decision is impact on surrounding properties. If the Commission finds that this proposal is a detriment to the neighborhood, then the Application should be denied. Zoning Ordinance Section 321.B authorizes the Planning Commission to impose suitable conditions that ensure compatibility of the land use with other uses in the vicinity. If the Commission can assure compatibility through a condition, it can be approved.

**Barbara Cartmill** stated that she would support the proposal. If there is a ten-year life expectancy of the Plan, then the smell should be controlled. She is willing to accept the Applicant's choice of technology for this project. She suggested that the Applicant work on more mitigation for buffering near the neighborhood; requesting a planting list, faster growing trees, lighting specifics, etc. She would like to see energy channeled into making the transition easier for the neighborhood.

**Mike Miller** stated that he would like to see a condition that every tree that is not in a building footprint of the construction retained. There is no way you can replace a 35-foot tree with a 10-foot tree and have it grow to 35 feet in ten years.

Recess was taken at 7:40 p.m. and the meeting reconvened at 8:00 p.m.

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**John Gessner** prepared additional findings and conditions of approval to address the concerns raised by the Commissioners.

**Finding:** The Applicant has stated that the improvements that are subject to this approval will not prolong the life of the facility and that the expenditures on these improvements will not be used in any cost based analysis comparing continuing operation of this facility with any other option.

**Condition:** The Applicant provides existing day-time and night-time background noise data for the purpose of assuring adequate enforcement of mitigation. Post construction levels shall not exceed the existing base-line measures along property boundaries. The method for conducting this analysis should be consistent with and subject to environmental impact practices. This requirement must be resolved to the satisfaction of the Planning Director subsequent to commencement of any construction activities.

**Condition:** The Applicant document existing light levels along the southern property line and construction levels shall not exceed existing levels. No new lighting is to be permitted except as needed for service and when service personnel are on site. The site plan is to indicate location and site of lighting.

**Condition:** Construction noise shall not exceed permissible nighttime standards specified in the Milwaukie Municipal Code between the hours of 6:00 p.m. and 7:00 a.m.

**Condition:** A tree preservation plan be submitted to the satisfaction of the Planning Director. All trees within the construction envelope are to remain and shall be protected. The construction envelope must include all areas subject to construction activities including access and storage. Trees shall be removed only as necessary for the construction of planned facilities.

**Condition:** The tree-planting plan be modified if necessary to comply with this condition to assure appropriate view mitigation. View from all site residential properties and McLoughlin Blvd. shall be minimized. Plant location and species selection shall be designed to provide a minimum 30 percent site obstruction and site interference within

three years. The Plan submitted must be to the satisfaction of the Planning Director.

**Barbara Cartmill** moved to approve CSO-99-02, CU-99-01, and MC-99-01 based upon the findings of the May 18th Staff Report and the additional findings discussed tonight and subject to the Conditions of Approval of the May 18th Staff Report and the additional conditions discussed tonight. Further, any conditions in the Staff Report shall be modified to the existing conditions. **Mike Miller** seconded.

Ayes: Borden, Cartmill, Cook, Hammang, Miller, Ouderkirk; Nays: None.  
MOTION CARRIED 6-0.

7.0 WORKSESSION

8.0 DISCUSSION ITEMS

9.0 OLD BUSINESS

9.1 Thomason Toyota Vacation of Building at 5800 SE Moores

**John Gessner** reported that Planning Commission denied Thomason Toyota's request for office use of this building as a non-conforming use. Thomason was given 120 days to vacate the building. To date, the building has not been vacated and staff put this item on the agenda to make the Planning Commission aware that enforcement action will be taken. **Gary Firestone** explained the enforcement options that the City may take to get Thomason to comply with the Code.

10.0 OTHER BUSINESS / UPDATES

10.1 Election of Chair and Vice-Chair

It was the consensus of all the Commissioners present tonight that Donald Hammang would take the position of Chair and Judith Borden will take the position of Vice-Chair.

10.2 Historical Resources Commission Report -- No report.

10.3 Community Development Director Report -- No report.

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11.0 NEXT MEETING -- June 8, 1999

11.1 CSO-99-03/TPR-99-01 -- Clackamas School District -- Linwood School

Mike Miller moved to adjourn the meeting of May 25, 1999. **Judith Borden** seconded.  
MOTION PASSED UNANIMOUSLY. The meeting adjourned at 8:38 p.m.

  
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Donald Hammang, Vice-Chair

  
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Shirley Richardson, Hearings Reporter



## 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 WHICH 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 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 CHAIR PERSON 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 CHAIR PERSON 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 COMMUNITY DEVELOPMENT DEPARTMENT DURING NORMAL OFFICE HOURS FOR INFORMATION ON THE PROCEDURES AND FEES INVOLVED.

**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:

Judith Borden  
Barbara Cartmill  
Tracy Cook  
Donald Hammang, Vice Chair  
Mike Miller  
Doug Ouderkirk  
Howard Steward

#### Community Development Department Staff:

Martha Bennett, Community Development Director  
Jim Crumley, Interim Planning Director  
John Gessner, Associate Planner  
Janet Wright, Assistant Planner  
Jeanne Garst, Office Assistant  
Marcia Hamley, Office Assistant  
Shirley Richardson, Hearings Reporter

**CITY OF MILWAUKIE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

**STAFF REPORT**

May 18, 1999

<b>Public Hearing Date:</b>	<b>May 25, 1999</b>
<b>File No's.</b>	<b>Community Service Overlay CSO-99-02 McLoughlin Boulevard Overlay MC-99-01 Willamette Greenway Conditional Use CU-99-01</b>
<b>Applicant:</b>	<b>Clackamas County Service District No. 1</b>
<b>Location:</b>	<b>Kellogg Creek Water Treatment Plant 11525 SE McLoughlin Boulevard</b>
<b>NDA:</b>	<b>Island Station</b>
<b>Zones:</b>	<b>Limited Commercial Zone C-L, McLoughlin Boulevard Overlay and Willamette Greenway Overlay</b>
<b>Map &amp; Tax Lot</b>	<b>1 1E 35AD 01500</b>

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**BACKGROUND**

The Planning Commission heard this application at its April 27, 1999 public hearing and continued the matter to May 25, 1999. An important revision to the application has been made: the request for conditional use approval for future construction of the digester gas incinerator and the gas storage tank has been withdrawn on request of the applicant. Additional information is to be presented at the May 25 hearing as follows.

1. Applicant presentation of architectural elevations of the proposed odor control structures to more clearly demonstrate structures and potential view impacts.
2. The applicant has been advised to more fully address concerns expressed by the Commission regarding the expected benefits and (odor reducing) performance of the installation.
3. The applicant was advised to submit information on the decision making process that resulted in this project. The applicant was asked to provide records of official Service District actions, such as resolutions and the like, authorizing the project.

***Background, continued***

Staff provided notice of the May 25, 1999 meeting to those Neighborhood District Associations that were not part of the original notification as directed by the Commission at the April 27 public hearing.

Staff expects to make a photo presentation of the site at the May 25 public hearing subject to availability of needed equipment.

**REVISED FINDINGS AND RECOMMENDED CONDITIONS OF APPROVAL**

**The proposed finding and recommended conditions have been revised to due to the applicant's withdrawal of the request for prospective conditional use approval of the gas incinerator and gas storage tank. Revisions have been made to clarify the intent of certain conditions. Revisions are shown as underlined (to be inserted) and strikethrough (to be deleted). Paragraphs will be renumbered as required.**

**PROPOSED FINDINGS FOR APPROVAL OF CSO-99-02, MC-99-01, CU-99-01**

1. ~~The applications include two phases: biofilter and related improvements and digester gas storage and incineration. Construction plans for biofilter and related improvements have been reviewed for compliance with specific review criteria. Improvements for gas storage and incineration have received conceptual review only.~~
2. The applications have been processed in accordance with the provisions of Milwaukie Zoning Ordinance 1011.3 Minor Quasi-Judicial Review.
3. The applications meet the individual criteria and have been processed in accordance with Milwaukie Zoning Ordinance Sections 311-Limited Commercial Zone C-L, 320-Willamette Greenway Zone WG, 321-Community Service Overlay Zone CSO, Section 325-McLoughlin Corridor Overlay Zone MC.
4. The residential uses to the south should be protected from any adverse impacts associated with the proposed improvements.
5. The applications, as conditioned, assure that potential adverse view, noise, and lighting impacts will be mitigated and result in minimal adverse impacts.
6. The Planning Commission acknowledges community interest in the long-term removal of the treatment plant in consideration of building a stronger downtown business district, preserving property values and supporting residential neighborhoods. While the odor control improvements, if effective, will be beneficial, there is concern that plant improvements in general may extend the economic life of the plant. Such extension may be contrary to the long-term interest in removal of the plant.

***Revised Findings and Conditions, continued***

7. The applicant has indicated that potential view, noise and light impacts will be adequately controlled after construction. The actual performance of mitigation features and the ability to protect nearby residences shall be the measure by which the mitigation, and applicable conditional use and other standards are evaluated. Mitigation shall be required to perform as indicated by the applicant.

**RECOMMENDED CONDITIONS OF APPROVAL FOR CSO-99-02, MC-99-01, CU-99-01**

1. ~~That the applicant record the notice of decision and related conditions on the County Land Records as required by Milwaukie Zoning Ordinance Section 600 Conditional Uses and that proof of recording be submitted to the satisfaction of the Planning Director prior to the issuance of a building permit.~~  
*Staff Comment: As reported at the April 27, 1999 public hearing, though the Milwaukie Zoning Ordinance requires this recordation, the County Clerk will not accept such documents. The condition is withdrawn by staff.*
2. ~~That the applicant obtain formal confirmation of flood hazard boundary location prior to issuance of a building permit~~
2. That the applicant obtain a formal map boundary interpretation by the Milwaukie Public Works Director, confirming that all new structures are located outside of the FEMA 100 year flood hazard boundary location, prior to issuance of a building permit.  
*Staff Comment: The NFIP Flood Insurance Rate Map shows the project site to be located within the 100 year flood plain. Staff agrees with the applicant that topographic information shows the area to be outside the flood plain. A formal determination is required. Construction within the flood plain is subject to Milwaukie Municipal Code Chapter 18.04 Flood Hazard Areas and Milwaukie Zoning Ordinance Section 322-Natural Resources Overlay. Construction in the flood zone is generally discouraged.*
3. That architectural treatment of proposed sound walls be designed to minimize view impacts. The final design is to be submitted to the satisfaction of the Planning Director prior to the issuance of a building permit.

***Revised Findings and Conditions, continued***

4. ~~That subject to the Commission's acceptance, the process for future review of gas incinerator and gas storage be in accordance with the following:~~
  - a. ~~that provisions are made for staff and neighborhood review; and~~
  - b. ~~that the applicant is required to demonstrate compliance with all applicable standards; and~~
  - c. ~~that the Commission authorizes staff to impose reasonable conditions to ensure compliance with applicable review criteria; and~~
  - d. ~~that the plans will be forwarded to the Commission in the event of any disagreement over the interpretation of applicable criteria~~
  
5. ~~That confirmation of compliance with prior approvals (with regards to required plantings) be submitted to the satisfaction of the Planning Director.~~

*Staff Comment: A site inspection will be conducted to determine compliance with previous approvals. Any violation or inconsistency will be handled as an enforcement matter.*