

AGENDA

MILWAUKIE CITY COUNCIL WORK SESSION MAY 2, 2006

MILWAUKIE CITY HALL

Second Floor Conference Room
10722 SE Main Street

WORK SESSION – 5:30 p.m.

A light dinner will be served.

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	5:30 p.m.	Advisory Board Interviews	
2.	5:45 p.m.	Park and Recreation Board Annual Work Plan	Board Members & JoAnn Herrigel
3.	6:15 p.m.	Kellogg Treatment Plant Comprehensive Plan and Zoning Amendments	Katie Mangle
4.	6:35 p.m.	City Manager Matters <ul style="list-style-type: none">• Pay Day Loan Issue• Council Retreat	Mike Swanson
5.	6:45 p.m.	Adjourn	

Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the
- Executive Session: The Milwaukie City Council may go into Executive Session pursuant to ORS 192.660. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA) please dial TDD (503) 786-7555.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel, Community Services Director

Subject: Park and Recreation Board Work Plan 06-07

Date: April 18, 2006

Action Requested

Provide staff and the Park Board members with Council's input on their 2006-07 work plan. Attached is a list of Board accomplishments for 2005-06. The PARB will meet on April 25 to finalize their work plan for 2006-07 and will forward a draft plan to Council before the May 2 Council work session.

Park and Recreation Board

Tasks and Accomplishments for 1/2005 through 1/2006

- Monitored Aquatics Park Task force process and any implementation actions that result from that process
- Monitored and provided input into the North Clack Park ball field master plan process
- Worked with staff to complete a “Parks Book” compiling all data on City Parks in one book
- Conducted a tour of all City Parks in July 2005
- Provide staff with input and guidance regarding maintenance and development of City-owned and operated parks including: Spring, Lewelling Community, Homewood and Milwaukie Riverfront Park
- Monitor park maintenance levels and provide District maintenance staff with input on an on-going basis
- Participate in and promote park-related events such as park walks, Riverfest and Solstice event.
- Began detailed review of the Intergovernmental agreement with the North Clackamas Parks District
- Provided staff with guidance on enforcement of the Parks rules at all City Parks (prompted by concerns about off-leash dog activity at North Clackamas Park)
- Provided letters of support for City Park project grants
- Monitor and provide input on Riverfront Concept process and design
- Review proposed Metro Open Space Bond project list and give staff input



To: Mayor and City Council

Through: Mike Swanson, City Manager
Kenny Asher, Community Development and Public Works Director

From: Katie Mangle, Planning Director

Subject: Proposed Community Service Overlay Ordinance and
Comprehensive Plan Amendments

Date: April 19th, 2006 for May 2, 2006 Council Work Session

Action Requested

None. This is a discussion item regarding Zoning Ordinance and Comprehensive Plan text amendments to the Community Service Overlay (CSO), which includes the prohibition of major utility facilities in the City of Milwaukie.

Background

Zoning Code Amendments

The Community Service Overlay (CSO) is a land use tool that allows the City to manage the development of uses that provide public benefit. Certain uses are allowed in most zoning districts. CSO approvals are site specific and subject to the development standards of the underlying zone.

The proposed amendments to the CSO modify the text and structure of the section to improve legibility and clarify standards and procedures for approving Community Service Uses. Also included is a limit on expansion of "major utility facilities." Currently the Kellogg treatment plant is the only "major utility facility" in the City. The proposed amendments to the CSO section are intended to achieve the following:

- Clarify the meaning of the CSO by deleting “Zone” from the section title, and stating that approval of a CSO does not change the underlying zoning of the property.
- Neutralize gender and religious references by substituting “religious institutions” for “Churches”, and deleting “fraternal organizations.”
- Clarify the standards and procedures for reviewing a Community Service use.
- Clarify the definition of a “minor modification” to an approved Community Service use, as well as the criteria for approval.
- Specify that minor modifications must not cause any public facility to fail to meet standards.
- Address Nonconforming Community Service Uses in a new section. This section will allow nonconforming uses to remain in use through 2015. It prohibits expansion, upgrades, or remodeling of the use, except as required to abate nuisances declared by the City.
- Specify that major utility facilities, including sewage treatment plants, are not a permitted Community Service use.

Amendments to the Comprehensive Plan

The City of Milwaukie has long envisioned improvements to the Willamette riverfront that maximize the use and benefits of this valuable resource. This vision is reflected in the goals of the Downtown and Riverfront Land Use Framework Plan (Section 1.8, 1.9), the Comprehensive Plan (Chapter 4, Objective 7, Policy 5), and was also referenced in the City’s July 2005 Intergovernmental Agreement with the County to implement the Clearwater Plan (Resolution No. ___). The Kellogg wastewater treatment plant is located on the riverfront, and the City’s long-term goals, as expressed in the Comprehensive Plan (Chapter 5, Objective 5, Policy 5), have been to decommission the plant. The Downtown Land Use Framework Plan envisions redevelopment of the Kellogg site with uses that are more supportive of downtown and nearby neighborhoods.

The proposed Comprehensive Plan amendments would clearly state City’s policy to pursue the decommissioning of the Kellogg sewage treatment plant. The existing language speaks to the long-term goal for decommissioning the plant, but the amendments set the policy to achieve this goal.

Concurrence

There is currently no action with which to concur. The proposed amendments have been reviewed by the City Manager, City Attorney, Community Development and Public Works Director, and Engineering Director. The Planning Director has presented the proposed amendments to the Planning

Commission during a work sessions. The Planning Director will bring the final draft amendments to Planning Commission and City Council for approval in the coming month.

Fiscal Impact

None - discussion only.

Work Load Impacts

The Planning Department will work with the City Attorney to prepare and process the code amendments. This effort may require up to an additional 24 hours of work for Planning staff and six hours for the City Attorney. The Planning Department and City Attorney can accomplish this workload without any disruption to other work.

Alternatives

None, as no action is requested. When the amendments themselves come before Council, Planning staff will present alternatives.

Attachments

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

**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 ~~4404.31011.3~~-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 are~~can 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 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 planning 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.

Renumber subsequent subsections as follows:

- **19.321.58**
- **19.321.69**
- **19.321.710**
- **19.321.811**
- **19.321.912**
- **19.321.4013**
- **19.321.4414**
- **19.321.4215**, including self-references and Table within this subsection

**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 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**

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.