

Eric Schilling and Marie Hoskins  
12435 SE 18<sup>th</sup> Ave  
Milwaukie, Oregon 97222

City of Milwaukie  
Planning Department  
6101 SE Johnson Creek Blvd.  
Milwaukie, Oregon 97206

**Applicant/Owner:** Eric Schilling and Marie Hoskins  
12435 SE 18<sup>th</sup> Ave  
Milwaukie, Oregon 97222

**Property Address:** 12435 SE 18<sup>th</sup> Ave  
Milwaukie, Oregon 97222

**Tax Map/Lot:** Map 11E35DD, Lot 6700  
River Mile 19.5

**Zoning Designation:** R-5/Willamette Greenway

**Comprehensive Plan Designation:** Medium Density Residential

**Request:** Conditional use and Greenway development approval for a private noncommercial dock benefiting adjacent property on the east side of the Willamette River.

## I. INTRODUCTION

This submission will address the applicable standards and review criteria of the City of Milwaukie's Municipal Code and Comprehensive Plan.

Applicant requests use approval for a 400 sq. foot recreational floating boat dock and gangway access system extending from the subject property to the Willamette River. The City's code provides that a dock is a permitted conditional use on the subject property. Since applicant's property is within the Willamette River Greenway overlay, the request is also subject to Water Quality Resource Review and Willamette River Greenway code and comprehensive plan elements.

The subject property is located in the Island Station neighborhood of the City of Milwaukie. The 1.84 acre property is zoned for, developed with, and used as a single family residence. The home was constructed in 1993. The dock is proposed in front of applicant's property. The private dock will be used to moor applicant's boat. The proposed use is common in the area and elsewhere along the Willamette River.

The character of the subject site and surrounding area is urban residential. Surrounding property is highly parcelized and developed with residences and accessory structures. There are numerous private gangways, docks, and boathouses on and along the Willamette River near the subject property, also subject to Willamette River Greenway Standards and Goal 15.

The shoreline in the vicinity of the site is ringed with homes set back approximately 100-300 feet from the river's sandy shore. Much if not all of the shoreline has historically been devoid of

vegetation. The banks of the river slope very gradually from the property to the water. The river bottom also slopes gradually, until it reaches a deep-water drop off.

Applicant seeks approval to construct a 400 sq. ft. recreational floating boat dock and gangway access system. The gangway, providing access to the dock, will be 4 feet wide and run 212 feet. The length of the gangway is dictated by the site's topography, the gentle slope of the land and the river bottom, and federal US Army Corps of Engineers (Corps) and National Oceanic and Atmospheric Administration (NOAA) requirements. The dock will be located at a minimum depth of 20 feet to ensure the protection of federally protected fish species, as required by NOAA and the Corps. The dock will be constructed of a steel frame, vinyl decking and plastic skirtboards. The dock surface will incorporate steel or plastic grating to allow sunlight to penetrate the dock structure. The grating will be aligned to maximize light. The dock floatation will be a foam filled permanently encapsulated system. The dock will be floated by two 12 inch steel piles connected to two 12 inch steel batter piles. The gangway will connect the shore with the floating dock. The gangway will be elevated above the water level as required by federal regulations, although the gangway will be equipped with floats to prevent grounding and immersion at any water level. The gangway will be located by three 12 inch steel piles, each equipped with a steel arm welded to the side of the pile to support the gangway. The plan is to install all piles by the drop hammer method to minimize site impact. All piles tops will be fitted with caps to prevent perching by predatory birds. The shore end of the gangway will rest on a steel support arm welded to the side of the shore pile. The shore pile will be located above the ordinary high water mark, resulting in less than ten square feet of disturbance to the river bank. The dock and gangway will be constructed off-site to minimize in water work time and site disturbance.

The river at the site is approximately 1000 feet wide, subject to seasonal variations. The river upstream from the site is approximately 1200 feet wide. The subject site is one of the widest points in the river south of Elk Rock Island. Based in the width of the river at the site, construction of the dock will not unreasonable interfere with waterborne access along the River.

The proposed gangway and dock is consistent and compatible with existing area structures and uses. To the north and south, on both sides of the river, well over 50 docks and boathouses exist and extend into the river to a similar extent as the proposed dock. To the south (upstream), the river is about 500-600 feet wide. This area is characterized by dozens of boat docks and boathouses extending into the river. The existing docks and structures do not unreasonably interfere with river users, nor will applicant's. The river channel, at all points, specifically in front of the applicant's property, does now and will continue to provide adequate water surface for boaters, skiers, and other river users. Boaters and users commonly navigate around other docks in the area. The dock will be visible to river users and thus further ensure public safety.

The Department of Army Corps, in conjunction with NOAA, are agencies responsible to ensure docks and gangways will not have adverse effects on wildlife, particularly species protected under the Endangered Species Act. They have jurisdiction over work performed in or affecting a navigable waterway of the United States. As required, applicants submitted their proposal to the Corps for authorization to perform work in or affecting the Willamette River. Pursuant to Section 10 of the Rivers and Harbors Act of 1899. Application has been made with the Corps.

## **II: APPLICABLE APPROVAL CRITERIA**

### **A. Zoning Ordinance**

Conditional use/development standards

- a. Section 19.601.2 – Conditional Use Review Criteria
- b. Section 19.303.3 Residential Zone R-5 Development Standards (only height and minimum vegetation standards are applicable.)
- c. Section 19.320 Willamette Greenway Zone: 19.320.5 Procedures, 19.320.6 Criteria, 19.320.8 Vegetation Buffer Requirements, and 19.320.9 Docks. Regarding 19.320.9.D, explain how this section is in conflict with 19.320.1 and reference other agencies’ requirements to avoid treated wood, painted wood and other painted materials to protect fish habitat and water resources.
- d. Section 19.322.2.B. Water quality resource regulations and development standards may apply to your proposed dock installation if any are more restrictive than the WG regulations or standards. Your response to this section should identify which regulations or standards, if any, are more restrictive as they relate to your specific proposal.
- e. Chapter 16.28 Erosion Control
- f. Title 18 Flood Hazard Regulations

B. Comprehensive Plan – Willamette Greenway Element.

III. COMPLIANCE WITH APPLICABLE APPROVAL CRITERIA

COMMENT: The applicable approval standards are in *bold italic* print. Applicant’s response to each follows the standards as a COMMENT.

A. ZONING ORDINANCE

i. Conditional Use/Development Standards

Section 19.601.2 Applicant’s responsibilities

*19.601.2 Review Criteria. Applicants for conditional use shall provide evidence that all requirements of this title relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies the following criteria:*

*A. The use meets the requirements of a conditional use in the zone currently applied to the site.*

COMMENT: The subject property is located within the Willamette Greenway Zone. Private noncommercial docks are a water dependent use and permitted in the zone pursuant to Section 19.320.9 of the City’s municipal code.

*B. The use meets the standards for the underlying zone.*

COMMENT: As demonstrated by and throughout this submission, the dock meets the standards of the underlying zone.

*C. The proposal satisfies the goals and policies of the comprehensive plan which apply to the proposed use.*

COMMENT: As demonstrated by Section B below, the proposal satisfies applicable goals and policies of the Comprehensive Plan.

*D. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.*

COMMENTS: Applicant proposes a noncommercial private dock, a water dependent use. The subject site is adjacent to and has approximately 141 feet of Willamette River frontage. The site slopes gently from a manicured lawn down to a sandy beach along the river. There is no vegetation along the river. As such, the characteristics of the site are suitable for a dock.

*E. The proposed use is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.*

COMMENT: The proposed use is not dependent upon the adequacy of transportation facilities and services, existing or planned.

*F. The proposed use complies with the transportation requirements and standards of Chapter 19.1400.*

COMMENT: : The proposed use is not dependent upon the adequacy of transportation facilities and services, existing or planned.

#### Section 19.303.3 Applicant's responsibilities

*G. Height restriction: Maximum height of a structure shall be two and one-half stories or thirty-five (35) feet, whichever is less.*

COMMENT: Applicant will comply with this standard.

*I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be twenty-five percent (25%) of the total area of the lot.*

COMMENT: Applicant proposes a 50 foot vegetative buffer zone, 25 feet below the ordinary high water mark and 25 feet above, to be planted with native vegetation. The area is presently devoid of vegetation and has been so historically. Although the area may be able to support some plants, the rise and fall and flow of the river, as well as sandy soils, will make revegetating the area below the high water mark difficult. Vegetation on the property does and will continue to exceed 25% of the total area of the lot.

#### 19.320 Willamette Greenway zone WG

*In a WG zone, the following regulations shall apply:*

##### 19.320.5 Procedures. The following procedures shall govern the application of WG zones:

*A. In the WG zone, all uses and their accessory uses are permitted subject to the provisions of Chapter 19.600.*

COMMENT: Applicant is providing information to meet provisions.



*B. The Oregon Department of Transportation shall be notified according to the provision of subsection 19.1011.3D.*

COMMENT: Applicant will comply with the provision.

*C. The provisions of the WG zone in Section 19.320 shall apply until adoption of the Willamette Greenway design plan.*

COMMENT: Applicant has provided buffer plan with application under 19.320.6.

*D. A greenway conditional use is required for all intensification or change of use, or alteration of the vegetation buffer area, or development, as defined in this chapter. Approval shall be granted only if the criteria in subsection 19.320.6 are met.*

COMMENT: Applicant has provided buffer plan with application under 19.320.6.

*E. Submittal Requirements. A vegetation/buffer plan must be submitted for each application for a greenway conditional use permit.*

COMMENT: Applicant has provided buffer plan with application under 19.320.6.

*F. Written notice, including a copy of the application, will be sent upon receipt to the Oregon Parks and Recreation Department by certified mail—return receipt requested. The Oregon Division of State Lands, Oregon Department of Fish and Wildlife, and State Marine Board shall also be notified of each application.*

COMMENT: Written notice shall be completely and done by certified mail required.

*G. Written notice shall be provided to the Oregon Division of State Lands after the land use action is final for activities affecting wetlands or submerged or submersible lands within the Willamette River Greenway. The notice shall include local government conditions of approval.*

COMMENT: Written notice shall be completely and done by certified mail required.

19.320.6 Criteria. The following shall be taken into account in the consideration of a conditional use:

*A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan*

COMMENT: The Subject property is planned, zoned, and developed with an urban residential use.

*B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river;*

COMMENT: The proposal is compatible with uses in the area and the recreational character of the Willamette River. The proposal will not have a significant or detrimental impact on the scenic natural, historic or economic character of the river. Applicant proposes a private dock to

support recreational use of the river. To the north and south, on both sides of the river, well over 50 docks and boathouses exist and extend into the river to a similar extent as the proposed dock. The area to the south, where the river is about 500-600 feet wide, is characterized by dozens of boat docks and boathouses extending into the river. The proposed gangway and dock is consistent and compatible with existing area structures and uses.

*C. Protection of views both toward and away from the river;*

COMMENT: Applicant's proposal will not adversely affect views. The dock will be at water level. The gangway will be just above water level, and thus not block views to or from the water. Docks are a common use of waterfront property and very common throughout the subject area. Docks are part of the existing views towards and away from the river.

*D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable;*

COMMENT: The shoreline adjacent to the site is devoid of vegetation. A sandy beach characterizes the shoreline. A manicured lawn sloping gently towards the river characterizes the property. No trees or vegetation will be removed.

*E. Public access to and along the river, to the greatest possible degree, by appropriate legal means;*

COMMENT: The proposal does not impact public access. Applicant's private property extends to the low water mark, as the deed describes the property to the meandering line of the river. As such, public use of the area between the low and high water marks is not affected. The public has no access to applicant's property or access rights on the site. Objective 6 of the City's Willamette Greenway Comprehensive plan Element states: "nothing within the State of Oregon or City of Milwaukie Greenway program is intended to authorize the unrestricted public use of private land."

*F. Emphasis on water-oriented and recreational uses;*

Comment: Applicant proposes a private noncommercial recreational dock. The dock is a water-dependent use.

*G. Maintain or increase views between the Willamette River and downtown;*

COMMENT: The subject property does not have a view to downtown. The views between the Willamette River and downtown will not be impacted.

*H: Protection of the natural environment according to regulations in the natural resource overlay zone;*

COMMENT: The proposed use is permitted by the Willamette Greenway overlay regulations, Section 19.320.9. The Department of Army Corps, in conjunction with NOAA, are agencies responsible to ensure docks and gangways will not have adverse effects on wildlife, particularly species protected under the Endangered Species Act. They have jurisdiction over work performed in or affecting a navigable waterway of the United States. As required, applicants submitted their proposal to the Corps for authorization to perform work in or affecting the Willamette River.

*I. Advice and recommendations of the design review committee, as appropriate;*

**Comment:** Applicant has not received any advice and recommendations of the design review committee. It is applicant's understanding the proposal is not subject to the design review committee. Applicant has employed Ken Floation Services to design the dock and gangway. Ken Floation Services is very experienced and employs the newest, environmentally sound materials and technology.

*J. Conformance to applicable comprehensive plan policies;*

**COMMENT:** Applicant has demonstrated compliance with applicable comprehensive plan policies below.

*K. The request is consistent with applicable plans and programs of the Division of State Lands;*

**COMMENT:** Applicant has communicated with the Division of State Lands and submitted a Waterway Structure Application pursuant to the Division's request and rules to register the dock. Applicant will submit a Foam Encapsulation Certification form as required by the Oregon State Marine Board. No State/Federal removal or fill permit is required.

*L. A vegetation buffer plan meeting the conditions of subsection 19.320.8(A)-(C)*

**COMMENT:** Applicant has demonstrated compliance with 19.320.8(A)-(C) below.

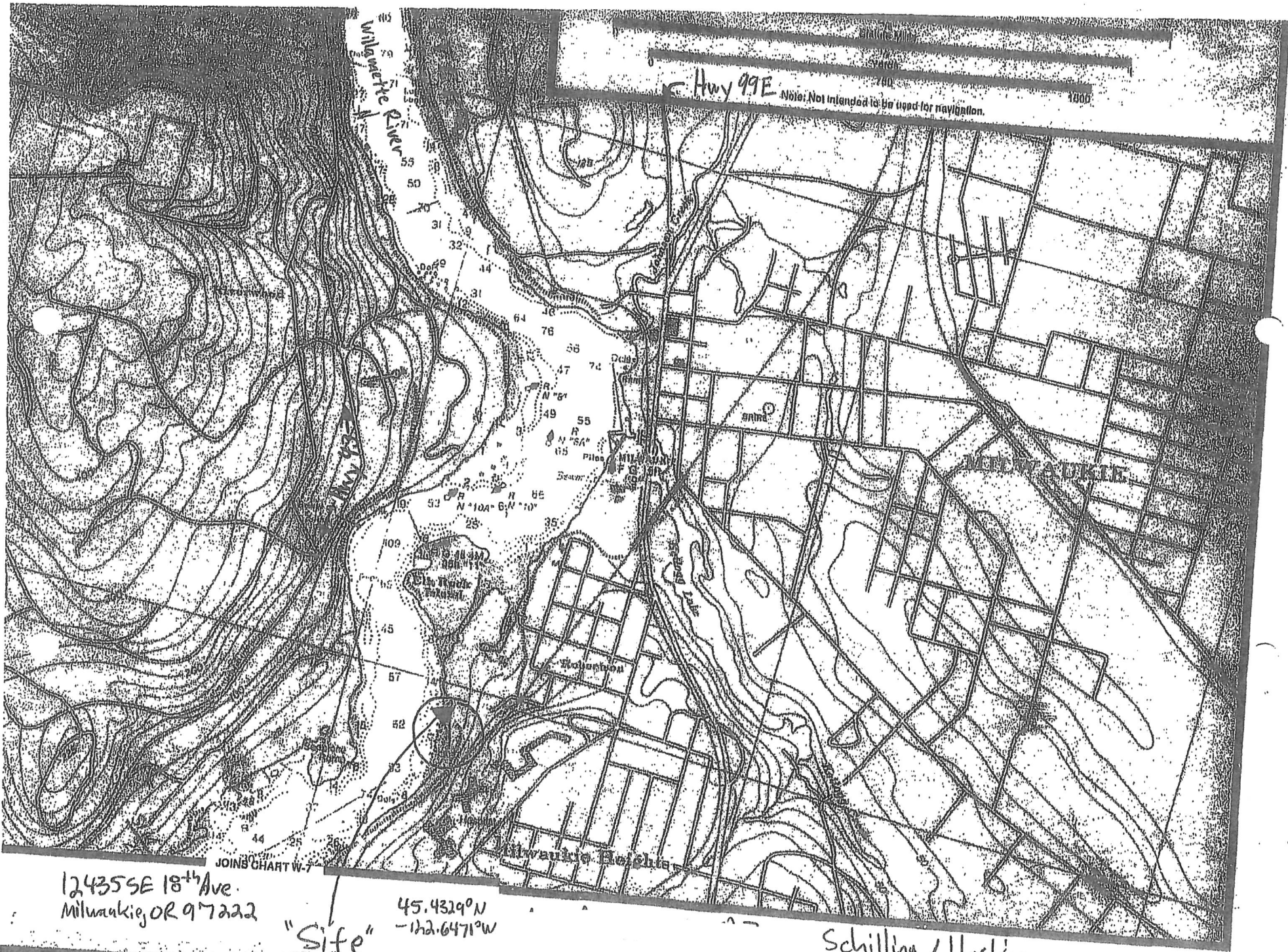
19.320.8 Vegetation Buffer Requirements.

*A. A buffer strip of native vegetation shall be identified along the river, which shall include the land area between the river and a location twenty-five feet upland from the ordinary high water line. This area shall be preserved, enhanced, or reestablished, except for development otherwise allowed in this title, and subject to the requirements of subsection B below.*

**COMMENT:** Applicant proposes a 50 foot vegetative buffer zone, 25 feet below the ordinary high water mark and 25 feet above, to be planted with native vegetation. The area is presently devoid of vegetation and has been so historically. Although the area may be able to support some plants, the rise and fall and flow of the river, as well as sandy soils, will make renegotiating the area below the high water mark difficult.

*B. Prior to development (e.g., removal of substantial amounts of vegetation or alteration of natural site characteristics) within the buffer, a vegetation buffer plan for the buffer area shall be submitted for review and approval. The plan shall address the following areas and is subject to the following requirements:*

**COMMENT:** Applicant does not propose to remove any vegetation or alter the natural site conditions above the ordinary high water mark. Less than ten square feet of land will be disturbed.

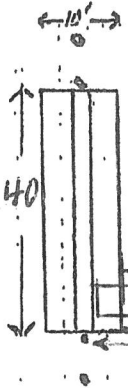


12435 SE 18<sup>th</sup> Ave.  
 Milwaukee, OR 97222

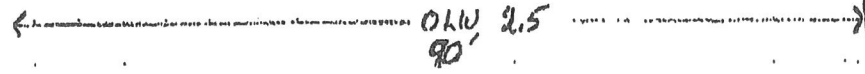
"Site"  
 45.4329°N  
 -122.6471°W

Schilling/Haskins

R. Mile  
19.5



Existing Deck  
110'



95'



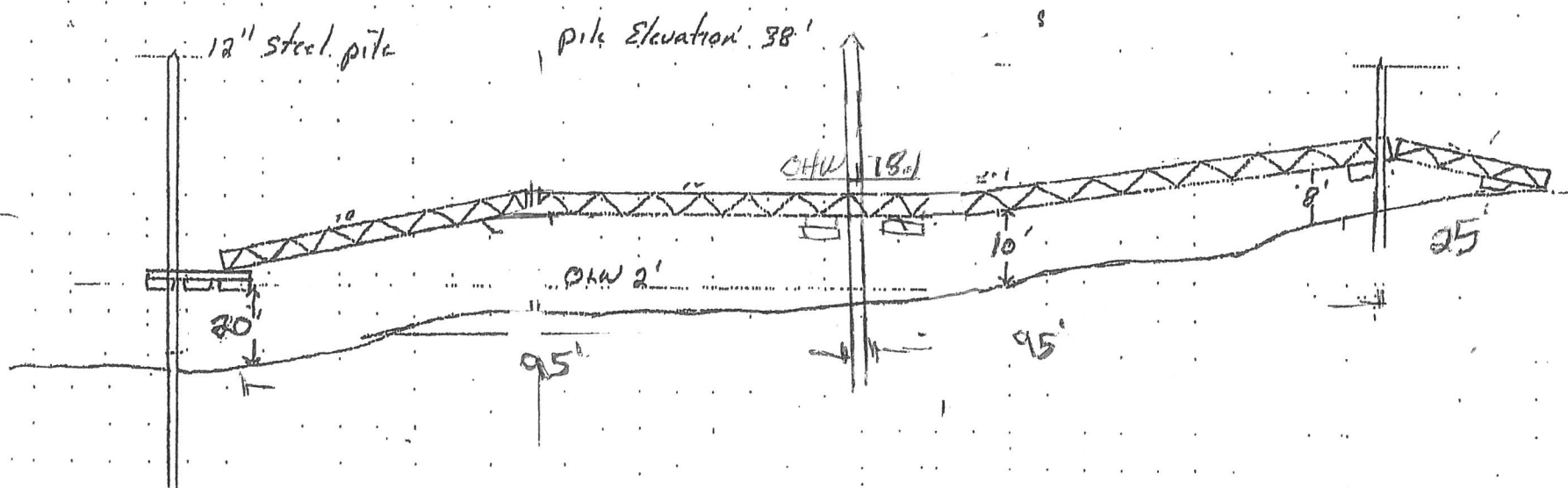
95'



25'

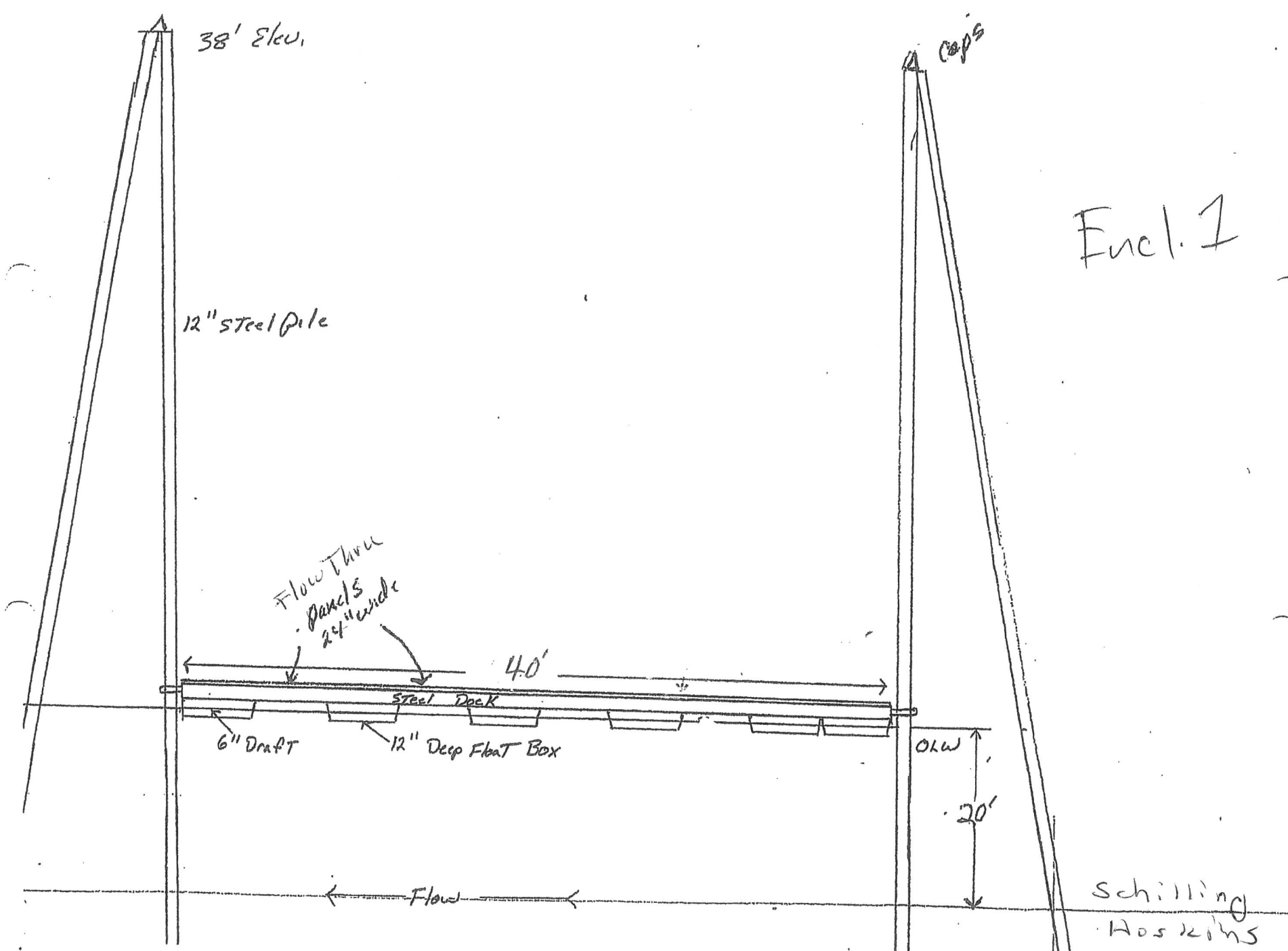
Existing Deck  
120'

Encl. 1  
Schilling / Hoskins



Schilling / Hoskins

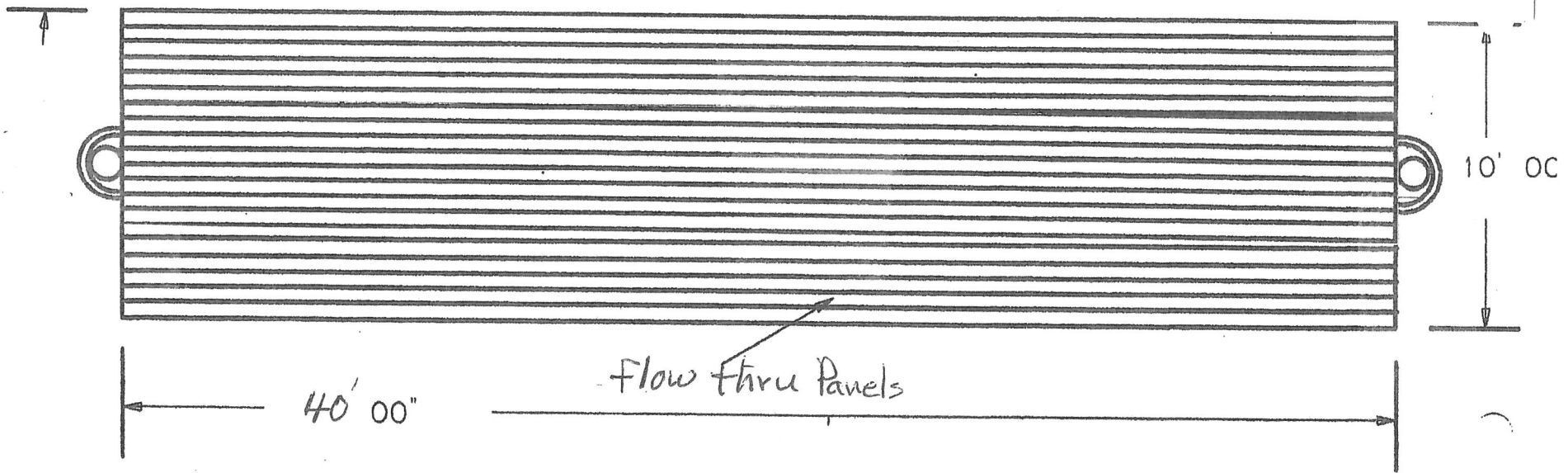




Encl. 1

Schilling  
Hoskins





Schilling / Hoskins

ZTec Engineers, Inc.  
Civil-Structural-Surveying

3737 S.E. 8<sup>th</sup> Avenue  
Portland, Oregon 97202  
(503)- 235-8795 Fax (503) 233-7889

John McI. Middleton, P.E. e-mail: ztec@ztecengineers.com Chris C. Fischborn, P.L.S.  
Ronald b. Sellards, S.E., P.E.

June 4, 2008

City of Milwaukie Planning Department

Milwaukie, Oregon 97222

Re: private dock in Willamette River – mile 19.5  
TI #6700, SE 35 T 01S R 1E  
12435 SE 18<sup>TH</sup> Ave, Milwaukie 97222

Dear Planner:

In pursuant to Milwaukie Building Departments request, I investigated the encroachment dock in the Willamette River. I have not made a detailed hydraulic analysis of the waterway. I don't believe that one is necessary in my best Engineering judgement to demonstrate the following:

- (1) The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained;
- (2) The area subject to inundation by the base flood discharge will not be increased;
- (3) The alteration or relocation will cause no measurable increase in base flood levels.

This private dock will have NO measurable increase in flood levels, flood velocities and will not relocate the base flood area or watercourse. For this application this concern should be waived and not even considered. Common sense says that much of the debris floating down the river will alter the flood level more than this application. The inclusion of a small private dock should not be a concern on large streams. When one calculates the increase capacity or increase of the level of the river, it is immeasurable.

If I can be of further assistance, please contact me at 503-235-8795.

Sincerely yours,

*Ronald b Sellards*  
Ronald b. Sellards, S.E., P.E.



May 14, 2008

File: WG-08-01

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on May 13, 2008.

**Applicant:** Eric Schilling and Marie Hoskins  
**Location:** 12435 SE 18<sup>th</sup> Avenue  
**Tax Lot:** 1S 1E 35DD 06700  
**Application Type:** Willamette Greenway Review  
**Decision:** Approved, with Conditions  
**Review Criteria:** Milwaukie Zoning Ordinance:

- MMC 19.303, Residential zone R5
- MMC 19.320, Willamette Greenway zone WG
- MMC 19.600, Conditional Uses

**Neighborhood:** Island Station

The Planning Commission's decision on this matter may be appealed to the Milwaukie City Council. An appeal of this action must be filed within 15 days of the date of this notice, as shown below.

**Appeal period closes: 5:00 p.m., May 29, 2008**

Appeals to the City Council must be accompanied by the appeal fee, be submitted in the proper format, address applicable criteria, and be made on forms provided by the Planning Department. Milwaukie Planning staff (503-786-7630) can provide information regarding forms, fees, and the appeal process.

### Findings in Support of Approval

1. The applicants, Eric Schilling and Marie Hoskins, have applied for approval to construct a private, non-commercial dock on their property at 12435 SE 18<sup>th</sup> Avenue. This site is in the Residential zone R5 and is partially covered by the Willamette Greenway and Water Quality Resource overlay zones. The land use application is WG-08-01.
2. Sections of the Milwaukie Municipal Code (MMC) not addressed in these findings are found to be not applicable to the application.
3. The application has been reviewed through the Minor Quasi-judicial review process, as described in MMC 19.1011.3. Notice has been posted in the newspaper, posted at the site, and mailed to surrounding property owners within 300 feet of the site as required. The Planning Commission held a duly advertised public hearing considering the application on May 13, 2008.
4. The proposed dock is 400 square feet in size and would extend approximately 90 feet into the Willamette River from the ordinary low water line on the east bank of the river. The main use of the dock is to moor the applicant's boat. The characteristics of the proposed dock system are as follows:
  - A. The dock would be 10 feet wide by 36 feet long, with an additional 6 foot by 6 foot area that connects to the gangway. The dock would be constructed of a steel frame, vinyl decking, and plastic skirtboards. The center two feet of the dock and connection would have fish light panels, which are plastic or steel grating that allows sunlight into the water below the dock.
  - B. An aluminum gangway would provide access from the shore to the dock. The gangway would be 48 inches wide have a total length of 212 feet from where it rests on the applicant's property to where it connects with the dock. The shore end of the gangway would rest on a steel support arm welded to the side of a pile, and would not have a fixed foundation on shore. The remainder of the gangway would be elevated above ground.
  - C. The dock would be floated by permanently encapsulated foam. Four steel piles that are twelve inches in diameter would secure the dock and gangway. The piles would be fitted with caps that prevent perching by predatory birds. The sections of the gangway would also have floats to prevent immersion.
  - D. The construction of the dock will be designed to minimize impacts to the shore and river to the greatest extent practicable. The dock and gangway would be constructed off-site and floated to the site by barge and tug boat. The piles would be driven by a vibratory hammer by crane barge. An air hammer would be used if the vibratory hammer is not effective.
  - E. The estimated length of construction is three days, and can occur between July 1<sup>st</sup> and October 31<sup>st</sup>.
5. The construction of a new, private, non-commercial dock is subject to a Willamette Greenway review as outlined in Milwaukie Municipal Code (MMC) Chapter 19.320, Willamette Greenway review. The proposed dock complies with this chapter as follows:
  - A. MMC 19.320.5 establishes review procedures for the Willamette Greenway zone (WG). As described below, these procedures have been followed:
    - i) Per MMC 19.320.5(A), in the WG zone, all uses are subject to conditional use review. The application complies with conditional use review as described in Finding 6.

- ii) As required in MMC 19.320.5(B), the Oregon Department of Transportation has been notified.
  - iii) Per MMC 19.320.5(D), approval of a Willamette Greenway review may only be granted in the criteria of MMC 19.320.6 are met. These criteria are met as described in Finding 5(B).
  - iv) MMC 19.320.5(E) requires a vegetation buffer plan. The applicant's plan for the buffer area is described in the application submitted on March 26, 2008.
  - v) MMC 19.320.5(F) requires notice of the application be provided to Oregon Parks and Recreation Department, Oregon Division of State Lands, Oregon Department of Fish and Wildlife, and the State Marine Board. As required, these agencies have been notified.
  - vi) MMC 19.320.5(G) requires the Oregon Division of State Lands receive notice of the final action on this application. This notice will be provided after the hearing by the Planning Commission on May 13, 2008.
- B. MMC 19.320.6 establishes approval criteria for Willamette Greenway review. These criteria are met as follows:
- i) The property where the dock is proposed is developed and has been committed to a medium density residential urban use. The proposal is consistent with the criterion of MMC 19.320.6(A).
  - ii) The proposed dock is consistent with the scenic, natural, historic, economic, and recreational character of the Willamette River. Private docks are a common use along the river in urban areas and do not degrade the scenic character of the river. The dock directly supports the recreational character of the river. Review by state and federal agencies ensures that the dock will not adversely impact the natural features of the river or interfere with the commercial use of river. The proposal is consistent with the criterion of MMC 19.320.6(B).
  - iii) The proposed dock does not affect views toward or away from the river. The dock and gangway are either at or close to the water level, and the piles are not a significant visual obstruction. Docks are a common use along the river and are not considered to affect views toward or away from the river. The proposal is consistent with the criterion of MMC 19.320.6(C).
  - iv) The proposed dock does not affect the landscaping or vegetation that exists at the site. The property gradually slopes toward the river and has an open, sandy riparian area without significant vegetation. The proposal is consistent with the criterion of MMC 19.320.6(D).
  - v) The dock does not affect public access to or along the river. The dock would not impede the ability of others to travel along the river. The applicant's site is private property and as such does not currently provide public access to the river. Therefore, the dock would not affect public access to the river. The proposal is consistent with the criterion of MMC 19.320.6(E).
  - vi) The dock is a water-dependant use that facilitates recreation on the river and is consistent with the criterion of MMC 19.320.6(F).

- vii) The dock is not in the vicinity of downtown Milwaukie and would not impact views between downtown and the River. The proposal is consistent with MMC 19.320.6(G).
- viii) The dock would not adversely affect the natural environment of the area. No vegetation would be removed. No structures would be built in the riparian area and no grading of the site will occur. Review by federal and state agencies ensures that there will not be adverse impacts to wildlife. The proposal is consistent with the criterion of MMC 19.320.6(H).
- ix) The application is not subject to design review and does not require review from the design committee. The proposal is consistent with the criterion of MMC 19.320.6(I).
- x) The dock is consistent with applicable comprehensive plan policies. It is consistent with the Willamette Greenway element of Chapter 4 - Land Use within the Comprehensive Plan. It increases the recreational use of the river without adversely impacting the natural, scenic, or other qualities of the river. The proposal is consistent with the criterion of MMC 19.320.6(J).
- xi) The Division of State Lands did not comment that the request is inconsistent with that agency's programs and plans. The proposal is consistent with the criterion of MMC 19.320.6(K).
- xii) The vegetation buffer plan described in Finding 5(C) demonstrates that the proposal is consistent with the criterion of MMC 19.320.6(L).

C. MMC 19.320.8 requires a vegetation buffer between the river and 25 feet upland of the ordinary high water mark. This area is currently sandy and devoid of vegetation. The applicant does not propose removal of any existing vegetation. The applicant proposes a 50-foot vegetative buffer zone to be planted with native vegetation.

The Planning Commission finds that MMC 19.320.8 does not require vegetation to be planted unless existing vegetation is removed due to the project. Since the area has been devoid of vegetation for several decades, the Planning Commission finds that re-vegetation is not required.

As conditioned, any areas of existing vegetation that are disturbed by construction or placement of the dock, gangway, or piles shall be replanted with native vegetation.

D. MMC 19.320.9 contains development standards for private non-commercial docks in the Willamette Greenway zone. The proposed dock complies with these standards as described below.

- i) MMC 19.302.9(A) allows only one dock per riverfront lot of record. The proposed dock would be the only dock for the lot owned by the applicants.
- ii) MMC 19.320.9(B) states that the Division of State Lands may identify additional requirements for docks along certain areas of the river. This application was referred to the Division of State Lands and that agency did not identify any additional regulations.
- iii) MMC 19.320.9(C) requires that private non-commercial docks not exceed 400 square feet, as measured from the outer edge of the structure. The main part of the dock has one 10 foot by 36 foot wide area, and one 6



- E. MMC 19.601.2(E) require that the proposed use is timely considering the adequacy of public facilities to serve the use. The proposed use does not require any additional public facilities and will not affect the transportation system.
- F. MMC 19.601.2(F) requires that the proposed use meet the requirements of MMC Chapter 19.1400. The applicability of Chapter 19.1400 depends upon the permit value of the proposed improvements. Compliance with this chapter will be evaluated at the time that the City reviews permits for the project. Currently, the site does not have frontage on a public street and would not have any requirements with regard to MMC Chapter 19.1400.
7. MMC Section 19.303 contains standards for the Residential zone R5. The development standards of this zone that are applicable for this proposal are height and minimum vegetation standards. As conditioned, the piles located above the ordinary high water line will not exceed 35 feet above ground level. The site is approximately 79,800 square feet in area and requires at least 25% of the site, or 19,950 square feet, to be vegetated. The back yard of the site is entirely vegetated and has an area of over 38,000 square feet. The proposed dock will not disturb more than 10 square feet; therefore this standard is met.
8. MMC Section 19.322, Water Quality Resource Regulations applies to sites with areas of the Water Quality Resource (WQR) overlay. MMC 19.322.2, Coordination with the Willamette Greenway Overlay, states that provisions of the WQR overlay shall apply where they are more restrictive than the standards of MMC Section 19.320. Due to the lack of existing vegetation on the site, the Planning Commission finds that the standards of MMC 19.322.10, Development Standards, are not more restrictive than MMC Section 19.320, and are not applicable to this application.
9. The project is within the 100 Year Floodplain as defined by Federal Emergency Management Agency, and is subject to MMC Title 18, Flood Hazard Regulations. Compliance with these regulations will be reviewed when a development permit for the project is submitted to the City of Milwaukie.
10. Title 16 of the Milwaukie Municipal Code requires that the applicant obtain an erosion control permit prior to construction or commencement of any earth disturbing activities. As conditioned, the applicant will comply with MMC Title 16 – Erosion Control.
11. MMC 19.1013 states that actions authorized by MMC Chapters 19.600, 19.700 and 19.800 shall be void after six months unless substantial construction has taken place. All uses within the WG overlay are conditionally allowed, and subject to MMC Chapter 19.600. As conditioned, substantial construction of the proposed dock shall take place within six months after approval. The Planning Commission may grant a one year extension to this deadline upon request.
12. The application was referred to the following department and agencies on April 16, 2008: Milwaukie Building Department, Milwaukie Engineering Department, Clackamas County Fire District #1, Island Station Neighborhood District Association Chairperson and Land Use Committee, Oregon Department of Transportation, Oregon State Marine Board, Oregon Department of State Lands, Oregon Parks and Recreation Department, and Oregon Department of Fish and Wildlife. The comments received are summarized as follows:
- The Milwaukie Building Department commented that the proposal does not require Building Department Review.
  - The Milwaukie Engineering Department commented that the project will be reviewed for compliance with MMC Chapter 19.1400, Transportation Planning, Design Standards, and Procedures, and MMC Title 18, Flood Hazard Regulations when development permits are reviewed. Currently, the



foot by 6 foot area leading to the gangway. As proposed, the structure complies with this standard.

- iv) MMC 19.320.9(D) requires that docks, pilings and walkways be either dark natural wood colors or painted in dark earthtones. The City is aware that state and federal agencies discourage or prohibit wood for docks, pilings and walkways. Further, painting these items in dark earthtones is also discouraged or prohibited. Wood and painted materials are not used because of adverse environmental impacts associated with treated wood in the river and paint flaking off into the river. The Planning Commission finds that this standard is not consistent with requirements from other agencies nor with the purpose statement of the Willamette Greenway zone to protect the river's natural qualities. The dock, pilings, and gangway may be constructed with the colors and materials proposed by the applicant.
- v) MMC 19.320.9(E) requires that private non-commercial docks not restrict boat access to adjacent properties, interfere with commercial use of the river, interfere with fish or wildlife habitat, or significantly add to recreational boating congestion. The proposed dock would extend approximately as far into the river as docks to the north and south of the applicant's property. The proposed dock would be at least 50 feet from the adjacent docks and would not interfere with use of the existing docks. The Willamette River is almost 1,000 feet wide at the site of the proposed dock, which leaves ample room for other commercial and recreational vessels to navigate the river. The City referred this application to the Oregon State Marine Board and Oregon Department of Fish and Wildlife. Neither of these agencies commented with any concern about impacts with fish or wildlife habitat. The dock would serve only the applicant's boat, and would not significantly add to recreational boating congestion.

6. MMC Chapter 19.320, Willamette Greenway zone, states that all uses are conditionally permitted in the overlay zone, subject to the standards of MMC Chapter 19.600, Conditional Uses. The proposed dock conforms to the review criteria for conditional uses in MMC 19.601.2 as follows:

- A. MMC 19.601.2(A) requires that the use meets the requirements of a conditional use in the current zoning of the site. Docks are not listed as a conditional use in the Residential zone R5, but are allowed in the Willamette Greenway overlay zone.
- B. MMC 19.601.2(B) requires that the use meets the requirements of the zone currently applied to the site. The use meets the standards of the Residential zone R5 standards as described in Finding 7 and the standards for the Willamette Greenway zone as described in Finding 5.
- C. MMC 19.601.2(C) requires that the proposal satisfy the goals and policies of the comprehensive plan which apply to the propose use. As described in Finding 5(B)(x) above, the proposed dock complies with the Willamette Greenway Element in Chapter 4 – Land Use in the Comprehensive Plan.
- D. MMC 19.601.2(D) requires that the characteristics of the site are suitable for the proposed use. The characteristics of the site are suitable for a dock due to the fact that it has river frontage, little existing vegetation, and a gentle topography toward the river. These features require almost no disturbance of the existing features for installation of the dock.

requirements of MMC Chapter 19.1400 apply only to frontages along public street frontages. Because the property does not currently have frontage on a public street, the requirements of this chapter would not apply. The site is within the 100 Year Floodplain, and the requirements of MMC Title 18 would apply.

- The Island Station Neighborhood District Association (NDA) discussed the application by phone on April 28, 2008. In general, the NDA has no objections to this application. The following items were noted: the proposed dock is consistent with existing docks on either side of the property; it is too bad that the dock has to extend so far to reach deep water; there is some inconsistency regarding the description of how the piles will be driven; and a suggestion that vegetation be replanted only if vegetation is removed during construction.

### **Conditions of Approval**

1. The applicant shall submit plans to the Engineering and Planning Department for review and approval. The plans shall be in substantial conformance with the plans reviewed in Land Use Application #WG-08-01, received March 26, 2008.
2. Pilings installed above the ordinary high water line shall not be over 35 feet above ground.
3. The plans submitted to the City of Milwaukie must be reviewed and approved by the Engineering Department and Planning Department prior to commencement of work for the proposed project.
4. Prior to any earth disturbance, the applicant shall obtain an erosion control permit from the City.
5. Substantial construction of the dock shall occur within six months of final approval of the land use application. The Planning Commission may grant a one year extension if requested to do so, per the provisions of MMC 19.1013.
6. The applicant is required to replant any areas disturbed by installation or placement of the dock, pilings, or gangway. The Planning Director or designee shall inspect the site after installation of these items to determine what re-vegetation will be required.

---

Katie Mangle  
Planning Director

cc: Applicant  
Planning Commission  
Kenny Asher, Community Development/Public Works Director  
Gary Parkin, Engineering Director  
Zach Weigel, Civil Engineer  
Tom Larsen, Building Official  
Bonnie Lanz, Permit Specialist  
Mace Childs, Deputy Fire Marshal  
NDA: Island Station  
Interested Persons  
Mike McCabe, Oregon Division of State Lands  
File: WG-08-01



# Oregon

Theodore R. Kulongoski, Governor

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 986-5200  
FAX (503) 378-4844  
www.oregonstatelands.us.

June 13, 2008

State Land Board

AP410\40468-RG  
ERIC SCHILLING AND MARIE HOSKINS  
12435 SE 18<sup>TH</sup> AVE  
MILWAUKIE OR 97222

Theodore R. Kulongoski  
Governor

Bill Bradbury  
Secretary of State

Randall Edwards  
State Treasurer

## REGISTRATION 40468-RG

Dear Mr. Schilling and Ms. Hoskins:

This letter is to inform you that your dock has been authorized. The issue date is June 1, 2008 and the expiration date is May 31, 2013.

Under OAR 141-082-0160(4) you will still be required to notify the Department of any of the following changes:

- a) Change in the location of registered structure ninety (90) days prior to such change.
- b) Change in ownership of a registered structure within ninety (90) days of the transfer of ownership.

Your registration must be renewed every five (5) years. The Department will notify you by mail and provide a form to renew the registration ninety (90) days prior to the expiration date of the registration.

Sincerely,

Stephen J. Purchase  
Assistant Director  
Land Management Division

C: Clackamas County Assessors  
Clackamas County Planning  
Oregon State Marine Board

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
United States Coast Guard  
Thirteenth District

915 Second Ave.  
Seattle, WA. 98174-1067  
Staff Symbol: //dpw//  
Phone: (206) 220-7270  
Fax: (206) 220-7265

16518

MAY - 6 2008

Mr. Eric Schilling  
12435 SE 18<sup>th</sup> Avenue  
Milwaukie, OR. 97222

Dear Mr. Schilling:

I am writing in regards to your Army Corps of Engineers Notification Letter (NWP-2008-83), dated March 20<sup>th</sup>, 2008, which was received by this office and discusses the placement of a new dock on the Willamette River at river mile 19.3 near Milwaukie, Oregon.

I have no objection to the placement of your structure and do not find it necessary to require this structure be marked with Private [marine] Aids to Navigation (PATON) at this time. However, please be aware that the placement of new PATON would require permission from the Coast Guard. The definition of a Private Aid to Navigation (PATON) can be found at "<http://www.uscg.mil/d13/oan/paton.htm>".

If you have any questions contact my representative Mr. Timothy Westcott at (206) 220-7285 or by email at: "d13-pf-paton@uscg.mil."

Sincerely,

A handwritten signature in black ink, appearing to read "J. E. Moriarty".

J. E. MORIARTY  
Commander, U.S. Coast Guard  
Chief, Waterways Management Branch



**DEPARTMENT OF THE ARMY**  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
POST OFFICE BOX 2946  
PORTLAND, OREGON 97208-2946

April 13, 2010

REPLY TO  
ATTENTION OF:

Operations Division  
Regulatory Branch  
Corps No.: NWP-2008-83

Mr. Eric Schilling and Ms. Marie Hoskins  
12435 SE 18<sup>th</sup> Avenue  
Milwaukie, OR 97222

Dear Mr. Schilling and Ms. Hoskins:

The U.S. Army Corps of Engineers (Corps) received your request for Department of the Army authorization to perform work in the Willamette River as shown on Enclosure 1. The project is located at river mile 19.3 of the Willamette River, 12435 SE 18<sup>th</sup> Avenue, in Milwaukie, Clackamas County, Oregon (Section 35, Township 2 South, Range 1 East).

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), you are hereby authorized by the Secretary of the Army to install your residential boat dock with this Letter of Permission (LOP). You may install a 400-square foot private boat dock with a 212-foot long by 48-inch wide aluminum gangway with each structure incorporating 24-inch wide light-penetrating panels. The 400-square foot dock will be composed of steel and composite materials. No treated lumber, Styrofoam, or wood decking will be used for the dock or gangway. The dock will be 90 feet from the shore and will have 20 feet of water depth when measured at low water. The dock and gangway will be constructed offsite and floated to the site by barge and tug boat. The gangway will be anchored above the ordinary high water mark to allow the dock and gangway to float during high water. Four 12-inch diameter steel piles will anchor the gangway and four 12-inch diameter steel piles will anchor the L-shaped dock. The piles will have caps installed to prevent perching by piscivorous birds. The piles will be driven by vibratory hammer, but if that method fails, then an impact hammer may be used as a last resort. The anticipated length of construction onsite is three days. Construction will occur during the August 1<sup>st</sup> to October 31<sup>st</sup> in-water work window. Construction activities and equipment will access the site from the water, not the bank.

The work is shown on the attached drawings (Enclosure 1) and is subject to the attached General and Special Conditions (Enclosure 2). The time limit for completing the work authorized ends on April 12, 2013.

Corps regulations have established a process through which you may object to certain terms and conditions of this permit and ask that the permit be modified accordingly. Enclosure 3 is the approved jurisdictional determination (JD) form that identifies the basis for asserting jurisdiction.

If you are not in agreement with the approved JD or LOP, you can make an administrative appeal under 33 CFR 331. Please see the enclosed Notification of Administrative Appeal Options and Process and Request for Appeal for further information about that process and Request for Appeal for further information about that process (Enclosure 4). This approved JD is valid for a period of 5 years from the date of March 5, 2008 unless new information warrants revision of the determination.

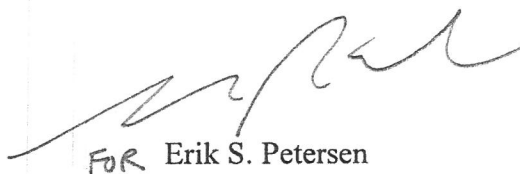
Upon completion of the permitted work or activity, please fill out the enclosed Compliance Certification (Enclosure 5) and submit it to this office at the letterhead address. If the permitted work or activity is not carried out by the expiration date of this permit, you should note this fact on the Compliance Certification and submit it to this office.

Please be aware that this permit does not obviate the need to obtain other Federal, state, or local authorization required by law.

We would like to hear about your experience working with the Portland District Regulatory Branch. Please complete a customer service survey form at the following address:  
<http://per2.nwp.usace.army.mil/survey.html>.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

FOR THE COMMANDER, STEVEN R. MILES, P.E. COLONEL, CORPS OF ENGINEERS,  
DISTRICT COMMANDER:



FOR Erik S. Petersen  
Chief, Regulatory Office

Enclosures

# MILWAUKIE PLANNING COMMISSION

MILWAUKIE CITY HALL  
10722 SE MAIN STREET

## AGENDA TUESDAY, May 13, 2008 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 11, 2008 Approved PC Minutes can be found on the City web site at: <a href="http://www.cityofmilwaukie.org">www.cityofmilwaukie.org</a>	<b>Motion Needed</b>
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>	<b>Information Only</b>
5.0	<b>Public Comment</b> This is an opportunity for the public to comment on any item not on the agenda	
6.0 6.1	<b>Public Hearings</b> Amendments to Title 18 - Flood Hazard Regulations to comply with FEMA flood insurance requirements Applicant/Owner: City of Milwaukie Address: Entire City File: ZA-08-01 Staff Person: Brett Kelper	<b>Discussion and Motion Needed For These Items</b>
6.2	Appeal of denial of property line adjustment. Applicant/Owner: Philip Favorite Address: 12293 SE 40th Avenue File: AP-08-01 Staff Person: Susan Shanks <b>Appellant's supplemental information follows staff report and begins on 6.2 Pg. 85.</b>	
6.3	Willamette Greenway Review to construct Private Dock Applicant/Owner: Eric Schilling and Marie Hoskins Address: 12435 SE 18th Avenue File: WG-08-01 Staff Person: Ryan Marquardt	
7.0	<b>Worksession Items</b> None	<b>Information Only</b>
8.0	<b>Discussion Items</b> This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	<b>Review and Decision</b>
9.0	<b>Old Business</b> Southgate Park and Ride project update	
10.0	<b>Other Business/Updates</b>	<b>Information Only Review and Comment</b>
11.0	<b>Next Meeting:</b> May 27, 2008 - 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: June 24, 2008 A-07-02 Harmony Annexation (tentative)



## 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

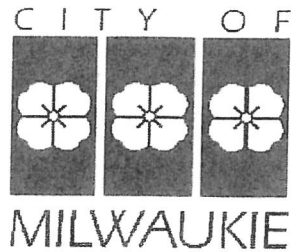
1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** The staff report is followed by any verbal 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.

#### Milwaukie Planning Commission:

Jeff Klein, Chair  
Dick Newman, Vice Chair  
Lisa Batey  
Teresa Bresaw  
Scott Churchill  
Paulette Qutub  
Charmaine Coleman

#### Planning Department Staff:

Katie Mangle, Planning Director  
Susan Shanks, Associate Planner  
Bob Fraley, Associate Planner  
Brett Kolver, Assistant Planner  
Ryan Marquardt, Assistant Planner  
Michelle Rodríguez, Administrative Assistant  
Marcia Hamley, Administrative Assistant  
Paula Pinyerd, Hearings Reporter



**To:** Planning Commission  
**Through:** Katie Mangle, Planning Director *KM*  
**From:** Ryan Marquardt, Assistant Planner *RM*  
**Date:** May 6, 2008 for May 13, 2008 Public Hearing  
**Subject:** File: WG-08-01  
 Applicant: Eric Schilling and Marie Hoskins  
 Address: 12435 SE 18<sup>th</sup> Avenue  
 Legal Description (Map & Taxlot): 1S 1E 35 DD 06700  
 NDA: Island Station

---

### **Action Requested**

Approve land use application WG-08-01 to allow the applicants to construct a dock along the Willamette River, with the recommended findings and conditions of approval found in Attachments 1 and 2, respectively.

### **Project Description**

The applicants propose to construct a private, non-commercial dock on the eastern shore of the Willamette River. The dock would be less than 400 square feet in area, and be connected to shore by a 4 foot wide elevated aluminum gangway. Four steel piles that are 12 inches in diameter would secure the dock and gangway. The dock and gangway would extend approximately 90 feet into the Willamette River.

The shore of the applicant's property at 12435 SE 18<sup>th</sup> Avenue gradually slopes toward the river. There is no significant vegetation along the shore. No grading or removal of existing ground cover is proposed. The applicant's proposal, site plans, and responses to approval criteria of the Milwaukie Municipal Code are found in Attachment 3.

Construction of a private non-commercial dock is subject to a Willamette Greenway (WG) review, which is the only application before the Commission for this project. For areas with both a WG and Water Quality Resource (WQR) overlay, the WQR regulations apply only where they are more restrictive. In this case, the buffer requirements for the WG overlay are more restrictive than the development standards in the WQR overlay. Therefore the WQR overlay is not applicable to this application.

### Key Issues

- 1) Does the proposal meet the approval criteria for a dock?
- 2) Would the project impact the protected riparian area?
- 3) Would the project impact protected fish and wildlife?

### Analysis of Key Issues

#### **Key Issue 1) Does the proposal meet the approval criteria for a dock?**

Private, non-commercial docks are an allowed use within the Willamette Greenway Zone, subject to the specific criteria in that section of code (MMC 19.320.9). These criteria are listed below, followed by staff's assessment of how the proposal meets each criterion:

- *Only one dock per lot of record on the river.* This would be the only dock permitted for this site.
- *Additional requirements from Division of State Lands may be added.* The Division of State Lands received the application and has not indicated that there are additional regulations for the dock.
- *Private, non-commercial docks shall not exceed 400 square feet.* The proposed dock meets this requirement.
- *Docks, piles, and walkways shall be wood or painted in an earth tone.* This standard is outdated and in conflict with environmental best-practices for docks. The applicant is using durable, non-painted materials that, although they are not earth tone in color, do not introduce foreign chemicals into the river.
- *Docks shall not interfere with boat access for surrounding property, interfere with commercial use of the river, significantly add to recreational boating congestion, or interfere with fish and wildlife habitat.* The dock would be spaced far enough from existing docks that it would not interfere with their access. The river is about 1,000 feet wide at the site of the proposed dock, and would extend approximately the same amount into river as the docks on either side. Staff does not believe the dock would interfere with commercial use of the river. The dock is only large enough to serve one private boat and would not significantly add to recreational boating congestion. The impacts to fish and wildlife are discussed in the subsequent key issues.

Staff believes that the proposed dock meets these approval criteria, and can be permitted in the Willamette Greenway zone.

#### **Key Issue #2) Would the project impact the protected riparian area?**

The site's frontage on the river is generally flat and devoid of vegetation. See Figures 1 and 2 on the following page. Aerial photographs from the 1970s and 1980s show that it has remained in its current state for several decades. For this reason, staff has fewer concerns about grading or loss of vegetation than would be typical for work in riparian areas.

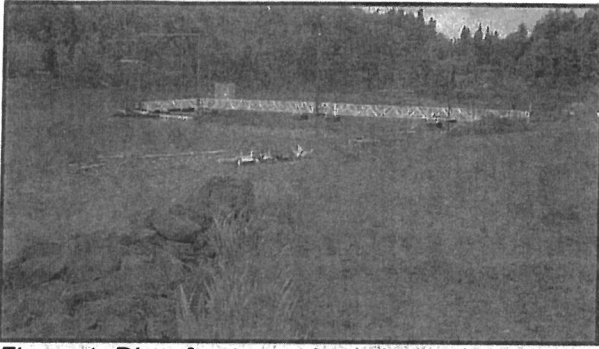


Figure 1: River frontage where the dock would be installed.

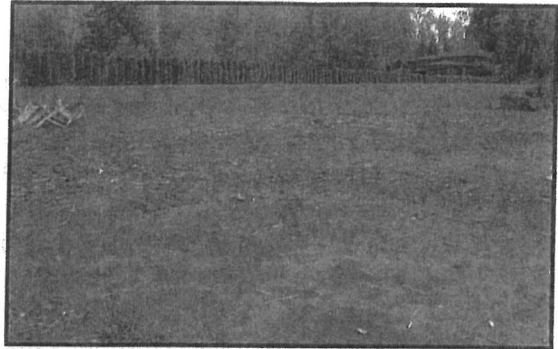


Figure 2: Looking upland from the river.

### Installation Process

Construction of the dock and gangway would occur off site. The placement of the piles and installation of the dock and gangway would take place from floating cranes and barges, and would have little effect on the shore. The piles and the shoreward edge of the gangway are the only items that would be in contact with the ground in the riparian area. Figure 3 below shows a dock recently installed on the adjacent property to the north. The proposed dock would be nearly identical in construction to this existing dock.

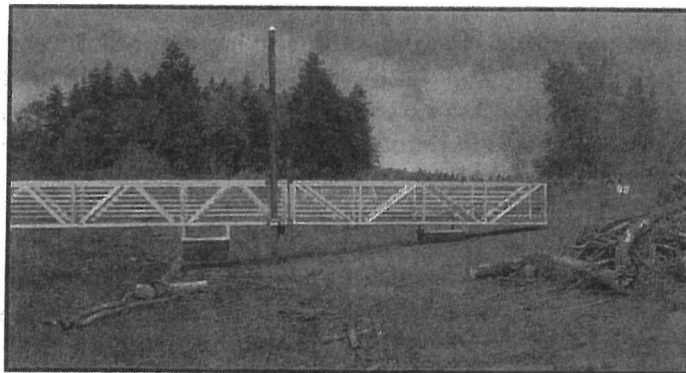


Figure 3: A dock on the adjacent property to the north similar to the one proposed.

The proposal does not include any re-grading or removal of vegetation as a result of this project. Construction would occur only during the in-water work window of July 1<sup>st</sup> through October 31<sup>st</sup>, as allowed by the Army Corps of Engineers.

### Review by Other Agencies

The application for a dock also requires review by the Army Corps of Engineers, the Division of State Lands, Oregon Department of Fish and Wildlife, and other state agencies. These agencies review the proposal and monitor the installation process to ensure that the work and structures would not adversely affect the environment. The Army Corps' Notification of Letter of Permission states that, "The proposed work is believed to be minor, is not expected to have significant impact on environmental values, and should not encounter opposition." See Attachment 3: Applicant's application and site plans. Based on this comment and the review by agencies with authority to more thoroughly regulate environmental impacts, staff believes that the installation and presence of the dock would have minimal adverse impacts.

### City of Milwaukie Regulations

The WG and WQR overlay zones are both present on the site. The WG zone contains specific regulations for a buffer along the river that is 25 feet upland from the ordinary high water line. The regulations for this buffer deal mostly with protecting and restoring vegetation during the development process. Most of these regulations are not applicable to this site because almost no significant vegetation exists on the site now and the dock would have almost no impact to the buffer area. MMC 19.320.8(B)(5) states that there may be a plan for enhancing lands within the buffer area. However, this is not required. The recommended finding and condition of approval with regard to the buffer are that any existing vegetation that is disturbed shall be replanted. The applicant has the option to replant the buffer area with native vegetation, but it is not required in order to meet the approval criteria for permitting a dock in the WG zone.

For areas with both a WG and WQR overlay, the WQR regulations apply only where they are more restrictive. In this case, the buffer requirements for the WG overlay are more restrictive than the development standards in the WQR overlay. Therefore the WQR overlay is not applicable to this application.

Engineering staff would review the dock development permit for compliance with federal flood hazard regulations. The Building Department would oversee any erosion control permits required for the proposed work.

In conclusion, staff believes that there would be minimal impact to the river and riparian environment due to the limited impacts of the proposed dock and the site characteristics. Impacts that occur at the water line or below would be managed by the appropriate state and federal agencies. If the installation of the dock does affect existing vegetated areas, the City would require those areas to be replanted.

### **Key Issue #3) Would the project impact protected fish and wildlife?**

The dock, its floats, and the piles all have features that are designed to minimize the impact to the fish and wildlife in the vicinity. The dock has been designed to incorporate steel or plastic grating called "fish windows" that allow sunlight through the dock surface into the water. These windows help to minimize the shadows below the water surface that a dock creates. The foam floatation devices for the dock and gangway are also permanently encapsulated so that pieces of the floats do not enter the river. Lastly, there would be caps on top of the piles that prevent predatory birds from perching.

The City does not have any direct authority regarding fish and wildlife habitat in the river. However, staff believes the applicant has incorporated features that minimize the dock's impact to fish and wildlife. Further, staff believes that the review by state and federal agencies responsible for oversight of these habitats ensures that any impacts would be appropriately mitigated.

### **Conclusions**

In conclusion, staff believes the proposed dock, piles, and gangway would have minimal impacts to the river and riparian area on the site. The application meets all of the applicable regulations for permitting a dock in the Willamette River. Staff recommends that the Planning Commission approve the Willamette Greenway application.



### **Code Authority and Decision Making Process**

The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance, which is Title 19 of the Milwaukie Municipal Code (MMC).

- MMC 19.303.3, Residential zone R5
- MMC 19.320, Willamette Greenway zone
- MMC 19.322, Water Quality Resource Regulations
- MMC 19.600, Conditional Uses

This application is subject to minor quasi-judicial review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In quasi-judicial reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The final decision on these applications, which includes any appeals to the City Council, must be made by July 24, 2008, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

### **Comments**

The application was referred to the following department and agencies on April 16, 2008: Milwaukie Building Department, Milwaukie Engineering Department, Clackamas County Fire District #1, Island Station Neighborhood District Association Chairperson and Land Use Committee, Oregon Department of Transportation, Oregon State Marine Board, Oregon Department of State Lands, Oregon Parks and Recreation Department, and Oregon Department of Fish and Wildlife. The comments received are summarized as follows. See Attachment 4 for further details.

- The Milwaukie Building Department commented that the proposal does not require Building Department Review.
- The Milwaukie Engineering Department commented that the project will be reviewed for compliance with MMC Chapter 19.1400, Transportation Planning, Design Standards, and Procedures, and MMC Title 18, Flood Hazard Regulations when development permits are reviewed. Currently, the requirements of MMC Chapter 19.1400 apply only to frontages along public street frontages. Because the property does not currently have frontage on a public street, the requirements of this chapter would not apply. The site is within the 100 Year Floodplain, and the requirements of MMC Title 18 would apply.
- The Island Station Neighborhood District Association (NDA) discussed the application by phone on April 28, 2008. In general, the NDA has no objections to this application. The following items were noted: the proposed dock is consistent with existing docks on either side of the property; it is too bad that the dock has to extend so far to reach deep water; there is some inconsistency regarding the description of how the piles would be driven; and a suggestion that vegetation be replanted only if vegetation is removed during construction.

**Attachments**

(Provided only to the Planning Commission unless noted. All material is available for viewing upon request.)

1. Recommended Findings in Support of Approval (attached)
2. Recommended Conditions of Approval (attached)
3. Applicant's Application and Site Plans
4. Comments Received (attached)



## Attachment 1: Recommended Findings in Support of Approval

1. The applicants, Eric Schilling and Marie Hoskins, have applied for approval to construct a private, non-commercial dock on their property at 12435 SE 18<sup>th</sup> Avenue. This site is in the Residential zone R5 and is partially covered by the Willamette Greenway and Water Quality Resource overlay zones. The land use application is WG-08-01.
2. Sections of the Milwaukie Municipal Code (MMC) not addressed in these findings are found to be not applicable to the application.
3. The application has been reviewed through the Minor Quasi-judicial review process, as described in MMC 19.1011.3. Notice has been posted in the newspaper, posted at the site, and mailed to surrounding property owners within 300 feet of the site as required. The Planning Commission held a duly advertised public hearing considering the application on May 13, 2008.
4. The proposed dock is 400 square feet in size and would extend approximately 90 feet into the Willamette River from the ordinary low water line on the east bank of the river. The main use of the dock is to moor the applicant's boat. The characteristics of the proposed dock system are as follows:
  - A. The dock would be 10 feet wide by 36 feet long, with an additional 6 foot by 6 foot area that connects to the gangway. The dock would be constructed of a steel frame, vinyl decking, and plastic skirtboards. The center two feet of the dock and connection would have fish light panels, which are plastic or steel grating that allows sunlight into the water below the dock.
  - B. An aluminum gangway would provide access from the shore to the dock. The gangway would be 48 inches wide have a total length of 212 feet from where it rests on the applicant's property to where it connects with the dock. The shore end of the gangway would rest on a steel support arm welded to the side of a pile, and would not have a fixed foundation on shore. The remainder of the gangway would be elevated above ground.
  - C. The dock would be floated by permanently encapsulated foam. Four steel piles that are twelve inches in diameter would secure the dock and gangway. The piles would be fitted with caps that prevent perching by predatory birds. The sections of the gangway would also have floats to prevent immersion.
  - D. The construction of the dock will be designed to minimize impacts to the shore and river to the greatest extent practicable. The dock and gangway would be constructed off-site and floated to the site by barge and tug boat. The piles would be driven by a vibratory hammer by crane barge. An air hammer would be used if the vibratory hammer is not effective.
  - E. The estimated length of construction is three days, and can occur between July 1<sup>st</sup> and October 31<sup>st</sup>.
5. The construction of a new, private, non-commercial dock is subject to a Willamette Greenway review as outlined in Milwaukie Municipal Code (MMC) Chapter 19.320, Willamette Greenway review. The proposed dock complies with this chapter as follows:
  - A. MMC 19.320.5 establishes review procedures for the Willamette Greenway zone (WG). As described below, these procedures have been followed:

## WG-08-01 Recommended Findings

- i) Per MMC 19.320.5(A), in the WG zone, all uses are subject to conditional use review. The application complies with conditional use review as described in Finding 5.
  - ii) As required in MMC 19.320.5(B), the Oregon Department of Transportation has been notified.
  - iii) Per MMC 19.320.5(D), approval of a Willamette Greenway review may only be granted in the criteria of MMC 19.320.6 are met. These criteria are met as described in Finding 5(B).
  - iv) MMC 19.320.5(E) requires a vegetation buffer plan. The applicant's plan for the buffer area is described in the application submitted on March 26, 2008.
  - v) MMC 19.320.5(F) requires notice of the application be provided to Oregon Parks and Recreation Department, Oregon Division of State Lands, Oregon Department of Fish and Wildlife, and the State Marine Board. As required, these agencies have been notified.
  - vi) MMC 19.320.5(G) requires the Oregon Division of State Lands receive notice of the final action on this application. This notice will be provided after the hearing before the Planning Commission on May 13, 2008.
- B. MMC 19.320.6 establishes approval criteria for Willamette Greenway review. These criteria are met as follows:
- i) The property where the dock is proposed is developed and has been committed to a medium density residential urban use. The proposal is consistent with the criterion of MMC 19.320.6(A).
  - ii) The proposed dock is consistent with the scenic, natural, historic, economic, and recreational character of the Willamette River. Private docks are a common use along the river in urban areas and do not degrade the scenic character of the river. The dock directly supports the recreational character of the river. Review by state and federal agencies ensures that the dock will not adversely impact the natural features of the river or interfere with the commercial use of river. The proposal is consistent with the criterion of MMC 19.320.6(B).
  - iii) The proposed dock does not affect views toward or away from the river. The dock and gangway are either at or close to the water level, and the piles are not a significant visual obstruction. Docks are a common use along the river and are not considered to affect views toward or away from the river. The proposal is consistent with the criterion of MMC 19.320.6(C).
  - iv) The proposed dock does not affect the landscaping or vegetation that exists at the site. The property gradually slopes toward the river and has an open, sandy riparian area without significant vegetation. The proposal is consistent with the criterion of MMC 19.320.6(D).
  - v) The dock does not affect public access to or along the river. The dock would not impede the ability of others to travel along the river. The applicant's site is private property and as such does not currently provide public access to the river. Therefore, the dock would not affect public

## WG-08-01 Recommended Findings

- access to the river. The proposal is consistent with the criterion of MMC 19.320.6(E).
- vi) The dock is a water-dependant use that facilitates recreation on the river and is consistent with the criterion of MMC 19.320.6(F).
  - vii) The dock is not in the vicinity of downtown Milwaukie and would not impact views between downtown and the River. The proposal is consistent with MMC 19.320.6(G).
  - viii) The dock would not adversely affect the natural environment of the area. No vegetation would be removed. No structures would be built in the riparian area and no grading of the site will occur. Review by federal and state agencies ensures that there will not be adverse impacts to wildlife. The proposal is consistent with the criterion of MMC 19.320.6(H).
  - ix) The application is not subject to design review and does not require review from the design committee. The proposal is consistent with the criterion of MMC 19.320.6(I).
  - x) The dock is consistent with applicable comprehensive plan policies. It is consistent with the Willamette Greenway element of Chapter 4 - Land Use within the Comprehensive Plan. It increases the recreational use of the river without adversely impacting the natural, scenic, or other qualities of the river. The proposal is consistent with the criterion of MMC 19.320.6(J).
  - xi) The Division of State Lands did not comment that the request is inconsistent with that agencies programs and plans. The proposal is consistent with the criterion of MMC 19.320.6(K).
  - xii) The vegetation buffer plan described in Finding 5(C) demonstrates that the proposal is consistent with the criterion of MMC 19.320.6(L).
- C. MMC 19.320.8 requires a vegetation buffer between the river and 25 feet upland of the ordinary high water mark. This area is currently sandy and devoid of vegetation. The applicant does not propose removal of any existing vegetation. The applicant proposes a 50-foot vegetative buffer zone to be planted with native vegetation.
- The Planning Commission finds that MMC 19.320.8 does not require vegetation to be planted unless existing vegetation is removed due to the project. Since the area has been devoid of vegetation for several decades, the Planning Commission finds that re-vegetation is not required.
- As conditioned, any areas of existing vegetation that are disturbed by construction or placement of the dock, gangway, or piles shall be replanted with native vegetation.
- D. MMC 19.320.9 contains development standards for private non-commercial docks in the Willamette Greenway zone. The proposed dock complies with these standards as described below.
- i) MMC 19.302.9(A) allows only one dock per riverfront lot of record. The proposed dock would be the only dock for the lot owned by the applicants.

- ii) MMC 19.320.9(B) states that the Division of State Lands may identify additional requirements for docks along certain areas of the river. This application was referred to the Division of State Lands and that agency did not identify any additional regulations.
  - iii) MMC 19.320.9(C) requires that private non-commercial docks not exceed 400 square feet, as measured from the outer edge of the structure. The main part of the dock has one 10 foot by 36 foot wide area, and one 6 foot by 6 foot area leading to the gangway. As proposed, the structure complies with this standard.
  - iv) MMC 19.320.9(D) requires that docks, pilings and walkways be either dark natural wood colors or painted in dark earthtones. The City is aware that state and federal agencies discourage or prohibit wood for docks, pilings and walkways. Further, painting these items in dark earthtones is also discouraged or prohibited. Wood and painted materials are not used because of adverse environmental impacts associated with treated wood in the river and paint flaking off into the river. The Planning Commission finds that this standard is not consistent with requirements from other agencies nor with the purpose statement of the Willamette Greenway zone to protect the river's natural qualities. The dock, pilings, and gangway may be constructed with the colors and materials proposed by the applicant.
  - v) MMC 19.320.9(E) requires that private non-commercial docks not restrict boat access to adjacent properties, interfere with commercial use of the river, interfere with fish or wildlife habitat, or significantly add to recreational boating congestion. The proposed dock would extend approximately as far into the river as docks to the north and south of the applicant's property. The proposed dock would be at least 50 feet from the adjacent docks and would not interfere with use of the existing docks. The Willamette River is almost 1,000 feet wide at the site of the proposed dock, which leaves ample room for other commercial and recreational vessels to navigate the river. The City referred this application to the Oregon State Marine Board and Oregon Department of Fish and Wildlife. Neither of these agencies commented with any concern about impacts with fish or wildlife habitat. The dock would serve only the applicant's boat, and would not significantly add to recreational boating congestion.
6. MMC Chapter 19.320, Willamette Greenway zone, states that all uses are conditionally permitted in the overlay zone, subject to the standards of MMC Chapter 19.600, Conditional Uses. The proposed dock conforms to the review criteria for conditional uses in MMC 19.601.2 as follows:
- A. MMC 19.601.2(A) requires that the use meets the requirements of a conditional use in the current zoning of the site. Docks are not listed as a conditional use in the Residential zone R5, but are allowed in the Willamette Greenway overlay zone.
  - B. MMC 19.601.2(B) requires that the use meets the requirements of the zone currently applied to the site. The use meets the standards of the Residential zone R5 standards as described in Finding 7 and the standards for the Willamette Greenway zone as described in Finding 5.

## WG-08-01 Recommended Findings

- C. MMC 19.601.2(C) requires that the proposal satisfy the goals and policies of the comprehensive plan which apply to the proposed use. As described in Finding 5(B)(x) above, the proposed dock complies with the Willamette Greenway Element in Chapter 4 – Land Use in the Comprehensive Plan.
  - D. MMC 19.601.2(D) requires that the characteristics of the site are suitable for the proposed use. The characteristics of the site are suitable for a dock due to the fact that it has river frontage, little existing vegetation, and a gentle topography toward the river. These features require almost no disturbance of the existing features for installation of the dock.
  - E. MMC 19.601.2(E) requires that the proposed use is timely considering the adequacy of public facilities to serve the use. The proposed use does not require any additional public facilities and will not affect the transportation system.
  - F. MMC 19.601.2(F) requires that the proposed use meet the requirements of MMC Chapter 19.1400. The applicability of Chapter 19.1400 depends upon the permit value of the proposed improvements. Compliance with this chapter will be evaluated at the time that the City reviews permits for the project. Currently, the site does not have frontage on a public street and would not have any requirements with regard to MMC Chapter 19.1400.
7. MMC Section 19.303 contains standards for the Residential zone R5. The development standards of this zone that are applicable for this proposal are height and minimum vegetation standards. As conditioned, the piles located above the ordinary high water line will not exceed 35 feet above ground level. The site is approximately 79,800 square feet in area and requires at least 25% of the site, or 19,950 square feet, to be vegetated. The back yard of the site is entirely vegetated and has an area of over 38,000 square feet. The proposed dock will not disturb more than 10 square feet; therefore this standard is met.
  8. MMC Section 19.322, Water Quality Resource Regulations applies to sites with areas of the Water Quality Resource (WQR) overlay. MMC 19.322.2, Coordination with the Willamette Greenway Overlay, states that provisions of the WQR overlay shall apply where they are more restrictive than the standards of MMC Section 19.320. Due to the lack of existing vegetation on the site, the Planning Commission finds that the standards of MMC 19.322.10, Development Standards, are not more restrictive than MMC Section 19.320, and are not applicable to this application.
  9. The project is within the 100 Year Floodplain as defined by Federal Emergency Management Agency, and is subject to MMC Title 18, Flood Hazard Regulations. Compliance with these regulations will be reviewed when a development permit for the project is submitted to the City of Milwaukie.
  10. Title 16 of the Milwaukie Municipal Code requires that the applicant obtain an erosion control permit prior to construction or commencement of any earth disturbing activities. As conditioned, the applicant will comply with MMC Title 16 – Erosion Control.
  11. MMC 19.1013 states that actions authorized by MMC Chapters 19.600, 19.700 and 19.800 shall be void after six months unless substantial construction has taken place. All uses within the WG overlay are conditionally allowed, and subject to MMC Chapter 19.600. As conditioned, substantial construction of the proposed dock shall take place within six months after approval. The Planning Commission may grant a one year extension to this deadline upon request.



12. The application was referred to the following department and agencies on April 16, 2008: Milwaukie Building Department, Milwaukie Engineering Department, Clackamas County Fire District #1, Island Station Neighborhood District Association Chairperson and Land Use Committee, Oregon Department of Transportation, Oregon State Marine Board, Oregon Department of State Lands, Oregon Parks and Recreation Department, and Oregon Department of Fish and Wildlife. The comments received are summarized as follows:
- The Milwaukie Building Department commented that the proposal does not require Building Department Review.
  - The Milwaukie Engineering Department commented that the project will be reviewed for compliance with MMC Chapter 19.1400, Transportation Planning, Design Standards, and Procedures, and MMC Title 18, Flood Hazard Regulations when development permits are reviewed. Currently, the requirements of MMC Chapter 19.1400 apply only to frontages along public street frontages. Because the property does not currently have frontage on a public street, the requirements of this chapter would not apply. The site is within the 100 Year Floodplain, and the requirements of MMC Title 18 would apply.
  - The Island Station Neighborhood District Association (NDA) discussed the application by phone on April 28, 2008. In general, the NDA has no objections to this application. The following items were noted: the proposed dock is consistent with existing docks on either side of the property; it is too bad that the dock has to extend so far to reach deep water; there is some inconsistency regarding the description of how the piles will be driven; and a suggestion that vegetation be replanted only if vegetation is removed during construction.



## **Attachment 2:**

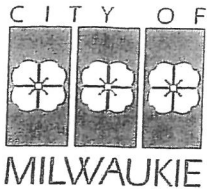
### **Recommended Conditions of Approval**

1. The applicant shall submit plans to the Engineering and Planning Department for review and approval. The plans shall be in substantial conformance with the plans reviewed in Land Use Application #WG-08-01, received March 26, 2008.
2. Pilings installed above the ordinary high water line shall not be over 35 feet above ground.
3. The plans submitted to the City of Milwaukie must be reviewed and approved by the Engineering Department and Planning Department prior to commencement of work for the proposed project.
4. Prior to any earth disturbance, the applicant shall obtain an erosion control permit from the City.
5. Substantial construction of the dock shall occur within six months of final approval of the land use application. The Planning Commission may grant a one year extension if requested to do so, per the provisions of MMC 19.1013.
6. The applicant is required to replant any areas disturbed by installation or placement of the dock, pilings, or gangway. The Planning Director or designee shall inspect the site after installation of these items to determine what re-vegetation will be required.

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**ATTACHMENT 3**  
**Applicant's Application and Site Plans**  
**(Provided only to Planning Commission)**

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# Application Referral

<b>DATE SENT:</b> April 16, 2008	<b>PLANNING COMMISSION HEARING</b>
<b>COMMENTS DUE:</b> April 30, 2008	<b>TENTATIVE DATE:</b> May 13, 2008
<b>Site location:</b> 12435 SE 18 <sup>th</sup> Avenue	<b>Review type:</b> Minor Quasi-Judicial
<b>Applicant:</b> Eric Schilling and Marie Hoskins	<b>File #(s):</b> WG-08-01
<b>Applicant phone:</b> 503-314-1825	<b>Application type(s):</b> Willamette Greenway Review

## TO:

- CD/PW Director (cover sheet only)
- Engineering Dept. Zach Weigel, Civil Engineer
- Building Official  Police Chief
- Planning Director  City Attorney
- Administration  PW Operations
- Fire Marshal: Mace Childs
- NDA Chair & LUC: Island Station
- NDA Liaison: Beth Ragel (Island Station)
- ODOT: Gail Curtis, 123 NW Flanders, Portland, OR 97209
- OR. St. Marine Board: Doug Baer, PO BOX 14145 Salem, OR 97309
- OR. Dep. of State Lands: Mike McCabe, 775 Summer St. NE, Salem, OR 97301-1279
- OR Parks & Rec.: Kathy Schutt  
725 Summer St NE, Suite C  
Salem OR 97301
- OR Dept. of Fish & Wildlife: North Willamette Watershed District Office (Regional Office) 17330 SE Evelyn Street, Clackamas, OR 97015

## FROM:

Ryan Marquardt, Assist. Planner (503) 786-7658  
[marquardtr@ci.milwaukie.or.us](mailto:marquardtr@ci.milwaukie.or.us)  
 Planning Department  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 PHONE: (503) 786-7630  
 FAX: (503) 774-8236

*Project does not require  
 Building Department Review  
 R 4-21-08*

## PROPOSAL:

Construct a private non-commercial dock

**ZONE: R5**

Please comment on the following applicable code sections:

(If no comment, please respond in kind to [marquardtr@ci.milwaukie.or.us](mailto:marquardtr@ci.milwaukie.or.us))

- MMC 19.600, Conditional Uses
- MMC 19.320, Willamette Greenway zone
- MMC 16.28, Erosion control
- MMC Title 18, Flood Hazard Regulations

MEMORANDUM

TO: Community Development Department  
THROUGH: Gary Parkin, Director of Engineering  
FROM: Zach Weigel, Civil Engineer  
RE: Willamette Greenway – 12435 SE 18<sup>th</sup> Avenue  
WG-08-01  
DATE: May 1, 2008

Proposal: Construct a private non-commercial dock within the Willamette Greenway.

RECOMMENDED CONDITIONS OF APPROVAL

None

ADVISORY NOTES

Transportation Requirements

Chapter 19.1400 of the Milwaukie Municipal Code, herein referred to as the Code, applies to partitions, subdivisions, and new construction. However, Code Section 19.1403.1(A) states that all development other than partitions, subdivisions, and single-family residential is exempt from Adequacy Requirements when the value of improvements is less than improvement value threshold, currently \$107,465.00.

In the event the permit value of the home improvement meets substantial improvement requirements or exceeds the improvement value threshold, the applicant shall be subject to the requirements of Chapter 19.1400 at the time of building permit review.

Currently, the requirements of Chapter 19.1400 apply only to public street frontage. The development property does not front a public street. As a result, the current requirements of Chapter 19.1400 do not apply to the proposed development.

Flood Hazard Regulations

The proposed development is located within the 100-year floodplain. As a result, a development permit is required prior to construction and is subject to the requirements of Title 18.



Marquardt, Ryan

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**From:** Charles L Bird [charlesbird@juno.com]  
**Sent:** Monday, April 28, 2008 5:01 PM  
**To:** Marquardt, Ryan  
**Cc:** carolyntomei@earthlink.net; mrjimbonn2@aol.com; mjh12014@hotmail.com; aliham10@hotmail.com  
**Subject:** WG-08-01 Greenway Review



MINUTES,  
illingHoskinsDock08

Ryan Marquardt,

I conducted a phone pole of the members, counting myself the attached minutes include a consensus of and comments from three of the four members. One member is on vacation.

Basically we have not objection to the proposed dock

Sincerely,

Charles Bird, P. E., LUC Chair,  
Island Station Neighborhood Association  
12312 SE River Road  
Milwaukie, Oregon 97222  
www.birdengineering.us  
Phone - 503.513.5457 Fax - 503.653.5854 Mobile - 503.318.5065

Phone Meeting  
LAND USE DISTRICT REVIEW COMMITTEE MEETING MINUTES  
Island Station Neighborhood District  
Date: 2008April28

Members Present:

Charles Bird, Chair  
Gary Michael – By Phone 080428 4:15 PM  
Molly Hanthorne – By Phone 080428 4:30 PM  
Jim Mishler – On Vacation

I. CALL TO ORDER - Members poled by phone

II. INTRODUCTIONS

II. CONSENT AGENDA

Willamette Greenway Review, Eric Shilling and Marie Hoskins 503.314.1825 Minor  
Quasi-Judicial WG-08-01, Comments due April 30, 2008 to Ryan Marquardt, Assistant  
Planner [marquardtr@ci.milwaukie.or.us](mailto:marquardtr@ci.milwaukie.or.us)

Findings - No objections

III. REPORTS – Application Referral from the Planning Dept.

IV. DISCUSSION

- The dock appears to be consistent with the docks on either side.
- It is too bad that they have to extend so far to get to deep water.
- The pile driving method in the US ACE permit application is Vibratory and in the Greenway is drop hammer.
- 50' vegetation buffer not detailed. Noted as problematic in the city review comments. Since there will be no intended disturbance it may be wise to ask them to plant nothing unless it is to repair unintended damage made during construction.

V. MATTERS FROM THE COMMITTEE

VI. INFORMATION SHARING

VII. FUTURE MEETING DATE/AGENDA ITEMS

VIII. ADJOURN

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Charles Bird, Chair

CC. Alicia Hamilton, Secretary ISNA



**Fidelity National Title Company of Oregon**

**Map # 11E35DD06700**



The drawing below is copied from the public records and is provided solely for the purpose of assisting in locating the premises. Fidelity National Title assumes no liability for variations, if any, in dimensions, area or location of the premises or the location of improvements ascertained by actual survey.

