



# CITY OF MILWAUKIE

June 12, 2019

Land Use File(s): WG-2019-002

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on June 11, 2019.

<b>Applicant(s):</b>	Eric Schilling & Marie Hoskins
<b>Appellant</b> (if applicable)	N/A
<b>Location(s):</b>	12435 SE 18 <sup>th</sup> Ave.
<b>Tax Lot(s):</b>	1S1E35DD06700
<b>Application Type(s):</b>	Willamette Greenway Conditional Use Permit
<b>Decision:</b>	Approved with Conditions
<b>Review Criteria:</b>	Milwaukie Zoning Ordinance: <ul style="list-style-type: none"><li>• MMC 19.401 Willamette Greenway Zone</li><li>• MMC 19.905 Conditional Uses</li><li>• MMC 19.301 Low Density Residential Zones</li><li>• MMC 19.402 Natural Resources NR</li><li>• MMC 19.1006 Type III Review</li></ul>
<b>Neighborhood(s):</b>	Island Station

**Appeal period closes: 5:00 p.m., June 27, 2019**

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Mary Heberling, Assistant Planner, at 503-786-7658 or [heberlingm@milwaukieoregon.gov](mailto:heberlingm@milwaukieoregon.gov), if you wish to view this case file.

**This decision may be appealed by 5:00 p.m. on June 27, 2019, which is 15 days from the date of this decision.** (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This

decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

### **Findings in Support of Approval**

The Findings for this application are included as Exhibit 1.

### **Conditions of Approval**

The Conditions of Approval for this application are included in Exhibit 2.



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Dennis Egner, FAICP  
Planning Director

### **Exhibits**

1. Findings in Support of Approval
2. Conditions of Approval

cc: Eric Schilling & Marie Hoskins (12435 SE 18<sup>th</sup> Ave.)  
Planning Commission (via email)  
Alma Flores, Community Development Director (via email)  
Steve Adams, City Engineer (via email)  
Engineering Development Review (via email)  
Samantha Vandagriff, Building Official (via email)  
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)  
Harmony Drake, Permit Technician (via email)  
Mike Boumann and Izak Hamilton, CFD#1 (via email)  
NDA(s): Island Station (via email)  
Land Use File(s): WG-2019-002

**EXHIBIT 1**  
**Findings in Support of Approval**  
**File #WG-2019-002, 18<sup>th</sup> Ave Private Dock -12435 SE 18<sup>th</sup> Ave.**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicants, Eric Schilling and Marie Hoskins, are seeking approval of a Conditional Use for development in the Willamette Greenway Zone at 12435 SE 18<sup>th</sup> Ave. The applicant intends to construct a new recreational floating boat dock with a gangway access system. This site is in the R-5 Residential Zone, Willamette Greenway Zone WG, Natural Resource (NR) overlay zone, and requires Willamette Greenway Conditional Use Approval. The land use application file number is WG-2019-002.
2. The subject property is approximately 79,796 sq ft (1.83 acres) in size and is currently developed with a detached single-family dwelling. The property owners seek to construct a new, private, non-commercial dock with a gangway access system.

The proposed dock is 400 sq ft in size and would extend approximately 90 ft 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 ft wide by 36 ft long, with an additional 6 ft by 6 ft area that connects to the gangway. The dock would be constructed of a steel frame, vinyl decking, and plastic skirtboards. The center 2 ft 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 in wide have a total length of 212 ft 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.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
- MMC 19.401 Willamette Greenway Zone
  - MMC 19.905 Conditional Uses
  - MMC 19.301 Low Density Residential Zones
  - MMC 19.402 Natural Resources NR
  - MMC Section 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on June 11, 2019, as required by law.

4. MMC 19.401: Willamette Greenway Zone

MMC 19.401 establishes standards for the Willamette Greenway overlay designation. The subject property is within the Willamette Greenway zone as shown on the City's zoning map.

a. MMC Subsection 19.401.5 Procedures

MMC 19.401.5 establishes procedures related to proposed uses and activities in the Willamette Greenway zone. Development in the Willamette Greenway zone requires conditional use review, subject to the standards of MMC Section 19.905 and in accordance with the approval criteria established in MMC Subsection 19.401.6.

*The project involves the alteration of natural site characteristics and constitutes "development" as defined in MMC Subsection 19.401.4. The proposed development is subject to conditional use review standards of MMC 19.905 and the approval criteria of MMC 19.401.6.*

b. MMC Subsection 19.401.6 Criteria

MMC 19.401.6 establishes the criteria for approving conditional uses in the Willamette Greenway zone.

- (1) Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan

The Statewide Planning Goal 15 - Willamette River Greenway defines "lands committed to urban use" as "those lands upon which the economic, developmental and locational factors have, when considered together, made the use of the property for other than urban purposes inappropriate. Economic, developmental and locational factors include such matters as ports, industrial, commercial, residential or recreational uses of property; the effect these existing uses have on properties in their vicinity, previous public decisions regarding the land in question, as contained in ordinances and such plans as the Lower Willamette River Management Plan, the city or county comprehensive plans, and similar public actions."

*The subject property is zoned for R-5 moderate density residential use and is already developed with a single-family home. The land is committed to an urban use.*

- (2) Compatibility with the scenic, natural, historic, economic, and recreational character of the river

*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.*

- (3) Protection of views both toward and away from the river

*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.*

- (4) Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable

*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.*

- (5) Public access to and along the river, to the greatest possible degree, by appropriate legal means

*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.*

- (6) Emphasis on water-oriented and recreational uses

*The dock is a water-dependent use that facilitates recreation on the river is consistent with the criterion.*

- (7) Maintain or increase views between the Willamette River and downtown

*The dock is not in the vicinity of downtown Milwaukie and would not impact views between downtown and the River.*

- (8) Protection of the natural environment according to regulations in Section 19.402

*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.*

- (9) Advice and recommendations of the Design and Landmark Committee, as appropriate

*The proposed development is not subject to review by the Design and Landmarks Committee.*

- (10) Conformance to applicable Comprehensive Plan policies

The Willamette Greenway Element in the Milwaukie Comprehensive Plan includes policies related to land use, public access and view protection, and maintenance of private property. The applicable policies are:

- Intensification of uses, changes in use, or development of new uses are permitted only when consistent with the City's adopted Willamette Greenway Element, the Greenway Design Plan, the Downtown and Riverfront Land Use Framework Plan, and the Town Center Master Plan.
- Within the Willamette Greenway Boundary, a Willamette Greenway Conditional Use Permit must be obtained prior to any new construction or intensification of an existing use.
- The City will evaluate all proposals within the vicinity of the Greenway for their effect on access to the visual corridors to the Willamette River and Kellogg Lake.

As noted, these policies include the requirement of a conditional use permit for new development and intensification of existing uses; encouragement for uses that are not water-dependent or water-related to be directed away from the river; evaluation of development impacts to visual corridors; and limitations on authorizing the unrestricted public use of private land.

*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.*

- (11) The request is consistent with applicable plans and programs of the Division of State Lands

*The Division of State Lands did not comment that the request is inconsistent with that agency's programs and plans.*

- (12) A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C

*The vegetation buffer plan described in Finding 4c (below) demonstrates that, as conditioned, the proposal is consistent with the criterion.*

*As conditioned, the Planning Commission finds that the proposed development meets all relevant approval criteria provided in MMC 19.401.6.*

- c. MMC Subsection 19.401.8 Vegetation Buffer Requirements

- (1) A buffer strip of native vegetation shall be identified along the river, which shall include the land area between the river and a location 25 ft upland from the ordinary high water line. The area shall be preserved, enhanced, or reestablished.

*The area between the river and 25 ft upland of the ordinary high water mark is currently sandy and devoid of vegetation. The applicant does not propose removal of any existing vegetation. The applicant proposes a 50-ft vegetative buffer zone to be planted with native vegetation if any vegetation is removed in the process.*

*As conditioned, the Planning Commission finds this requirement met.*

- (2) Prior to development, 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:

- (a) Riverbank stabilization

The plan shall identify areas of riverbank erosion, and provide stabilization. Bioengineering methods for erosion control shall be used when possible. When other forms of bank stabilization are used, pocket plantings or other means shall be used to provide vegetative cover.

*Based on site description and aerial photos, there is no evidence of riverbank erosion. From this information, the applicant does not need to meet the requirements of riverbank stabilization within the vegetation buffer plan.*

- (b) Scenic View Protection (Screening)

The plan shall identify the impact of the removal or disturbance of vegetation on scenic views from the river, public parks, public trails, and designed public overlooks.

*The applicant has not proposed removal or disturbances of any areas of existing vegetation or placement of the dock, gangway, or piles (an area irrelevant to that of the disturbance) shall be replanted with native vegetation.*

- (c) Retain Existing Native Vegetation and Large Trees

The plan shall provide for the retention of existing large trees and existing native vegetation, including small trees, ground covers, and shrubs, within the vegetation buffer area. Removal of native vegetation and large trees is allowed pursuant to the following standards:

- (i) Large trees that are diseased, dead, or in danger of falling down may be removed if there is a clear public safety hazard or potential for property damage.
- (ii) Grading or tree removal is allowed in conjunction with establishing a permitted use. Only the area necessary to accommodate the permitted use shall be altered.

- (iii) Tree and vegetation removal may be allowed to create 1 view window from the primary residential structure to the river when suitable views cannot be achieved through pruning or other methods. The width of a view window may not exceed 100 ft or 50% of lineal waterfront footage, whichever is lesser. The applicant must clearly demonstrate the need for removal of trees and vegetation for the purpose.

*The applicant is not proposing removal of any trees. The area is currently sandy and devoid of vegetation, however, the applicant proposes that if any areas of existing vegetation must be disturbed by construction or placement of the dock, the disturbance area will be replanted with native vegetation.*

- (d) Restore Native Vegetation

The plan shall provide for restoring lands within the buffer area which have been cleared of vegetation during construction with native vegetation.

*The area is currently sandy and devoid of vegetation, however, the applicant proposes that if any areas of existing vegetation that are disturbed by construction or placement of the dock, the disturbance area will be replanted with native vegetation.*

- (e) Enhance Vegetation Buffer Area

The plan may provide for enhancing lands within the buffer area. Regular pruning and maintenance of native vegetation shall be allowed. Vegetation that is not native, except large trees, may be removed. New plant materials in the buffer strip shall be native vegetation.

*Any enhancement and/or new plantings within the buffer area shall be native plants and meet the other requirements within MMC 19.401.8 Vegetation Buffer Requirements.*

- (f) Security that the Plan will be Carried Out

The approved vegetation buffer shall be established, or secured, prior to the issuance of any permit for development.

*A condition has been recommended for the applicant to meet the requirements to establish an approved vegetation buffer plan prior to the issuance of any permit for development.*

*As conditioned, the Planning Commission finds that the requirements for a Vegetation Buffer are met.*

- d. MMC Subsection 19.401.9 Private Noncommercial Docks

Private noncommercial docks are subject to the following requirements:

- (1) Only 1 dock is allowed per riverfront lot of record.



- (2) In areas designated as open water areas or special management areas by the Division of State Lands, docks may be restricted or additional requirements may be applied to docks. Restrictions or additional requirements will be identified by DSL in their review of the development application.
- (3) Private, noncommercial docks shall not exceed 400 sq ft.
- (4) Docks, pilings, and walkways shall either be dark natural wood colors, or painted dark earthtones (dark brown or green).
- (5) Private noncommercial docks shall not:
  - (a) Restrict boat access to adjacent properties;
  - (b) Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
  - (c) Interfere with critical fish and wildlife habitat or fishing use of the rivers as determined by Oregon Department of Fish and Wildlife; nor
  - (d) Significantly add to recreational boating congestion.

*The proposed dock is 400 sq ft and 212 ft from where it rests on the applicant's property to where it connects with the dock. The length of the gangway is similar in size and length to surrounding docks adjacent to the property. Boat access, commercial navigation, and fish and wildlife habitat will not be inhibited with the proposed dock. The Willamette River is almost 1,000 ft 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 Department of State Lands – Wetlands & Waterways and the Army Corps of Engineers. Neither of these agencies commented with any concern about impacts to fish and wildlife habitat. The dock would serve only the applicant's boat, and would not significantly add to recreational boating congestion.*

*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 painting 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.*

*The Planning Commission finds that the proposed development meets all of the applicable standards for private, noncommercial docks.*

*As conditioned, the Planning Commission finds that the proposed development meets all applicable standards of the Willamette Greenway zone.*

5. MMC 19.905: Conditional Uses

MMC 19.905 establishes regulations for conditional uses, including standards for reviewing modifications to existing conditional uses.

a. MMC Subsection 19.905.3 Review Process

MMC 19.905.3 establishes the process by which a new conditional use, or a major or minor modification of an existing conditional use, must be reviewed.

*As noted in Finding 4-a, the proposed development is an activity within the Willamette Greenway zone that requires review as a conditional use.*

MMC 19.905.3.A requires that a new conditional use be evaluated through the Type III review process per MMC Section 19.1006.

b. MMC Subsection 19.905.4 Approval Criteria

MMC 19.905.4.A establishes the general criteria for approval of a new conditional use or a major modification to an existing conditional use.

- (1) The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

*The characteristics of the site are suitable for the proposed dock due to the 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. The applicant shall provide a plan for a vegetation buffer as described in Finding 4c in the event vegetation is disturbed during construction.*

*The Planning Commission finds that this standard is met.*

- (2) The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

*As stated in Finding 4d, the proposed dock is 400 sq ft and 212 ft from where it rests on the applicant's property to where it connects with the dock. The length of the gangway is similar in size and length to surrounding docks adjacent to the property. Boat access, commercial navigation, and fish and wildlife habitat will not be inhibited with the proposed dock. The Willamette River is almost 1,000 ft wide at the site of the proposed dock, which leaves ample room for other commercial and recreational vessels to navigate the river.*

*The Planning Commission finds that this standard is met.*

- (3) All identified impacts will be mitigated to the extent practicable.

*The proposal will meet the standards and conditions listed in Finding 4c for a vegetation buffer to mitigate any potential impacts to natural vegetation on the site. No other impacts have been identified by the proposed development.*

*The Planning Commission finds that this standard is met.*

- (4) The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

*The proposed addition will not have unmitigated nuisance impacts greater than what is normal for a residential development, which is an allowed use in the R-5 zone.*

*The Planning Commission finds that this standard is met.*

- (5) The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

*The use meets the standards of the Residential zone R-5 standards as described in Finding 6 and the standards for the Willamette Greenway Zone as described in Finding 4.*

*The Planning Commission finds that this standard is met.*

- (6) The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

*As provided in Finding 4.b.10, 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 Planning Commission finds that this standard is met.*

- (7) Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

*The proposed use does not require any additional public facilities and will not affect the transportation system.*

*The Planning Commission finds that this standard is met.*

c. MMC Subsection 19.905.5 Conditions of Approval

MMC 19.905.5 establishes the types of conditions that may be imposed on a conditional use to ensure compatibility with nearby uses. Conditions may be related to a number of issues, including access, landscaping, lighting, and preservation of existing trees.

*The Planning Commission finds that, as conditioned with height limits to the piling height and the vegetation buffer plan conditions, the new development sufficiently mitigates any negative impacts as proposed and that no additional conditions, beyond what are required in the Willamette Greenway overlay zone standards, are necessary to ensure compatibility with nearby uses.*

*The Planning Commission finds that this standard is met.*

d. MMC Subsection 19.905.6 Conditional Use Permit

MMC 19.905.6 establishes standards for issuance of a conditional use permit, including upon approval of a major modification of an existing conditional use. The provisions include a requirement to record the conditional use permit with the Clackamas County Recorder’s Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

*The Planning Commission finds that this standard will be met upon recording of the Conditional Use permit.*

6. MMC 19.301 Low Density Residential Zones

MMC 19.301 contains standards for the Residential R-5 zone. The development standards of this zone that are applicable for this proposal are height and minimum vegetation standards. See Table 1 for a comparison of the development standards with the proposed development.

Table 1:

<b>Development Standard</b>	<b>Requirement</b>	<b>Proposed</b>
Height	Maximum: 35 ft	The piles located above the ordinary high-water line will not exceed 35 ft above ground level.
Minimum Vegetation	25%	48%

*As conditioned, the Planning Commission finds that these development standards are met.*

7. MMC 19.402 Natural Resources

MMC 19.402 establishes regulations for development within the natural resource (NR) zone: Habitat Conservation Area (HCA) and Water Quality Resource (WQR).

a. MMC 19.402.2 Coordination with Other Regulations

- (1) MMC 19.402.2.C, when applicable provisions of Sections 19.402 and 19.401 are in conflict, the more restrictive provision shall be controlling.

*The property does have both HCA and WQR areas on the property, which could trigger Natural Resource review, however, the Willamette Greenway overlay zone requires a vegetation buffer as part of the criteria. The applicant has proposed a 50 ft vegetation buffer that covers the area on the property where the WQR area exists and part of the HCA. As noted in Finding 4c, the vegetation buffer requires river stabilization, scenic view protection, retention of existing native vegetation and large trees, restoration of native vegetation, and enhancement of vegetation buffer area. These requirements for the vegetation buffer are consistent with the mitigation requirements that would be required in the Natural Resource zone for a discretionary review process. Those mitigation requirements include avoid/minimize/or mitigate adverse impacts to the designated natural resource, revegetate where existing vegetation has been removed, and natural vegetation will remain connected or contiguous.*

*Requirements for private, noncommercial docks, in the Willamette Greenway also include restrictions on interfering with critical fish and wildlife habitat or fishing use in the river, which is consistent with requirements in the Natural Resource zone which states minimization of impacts on wildlife and corridors and fish passage.*

*Planning Commission finds that requirements in the Willamette Greenway zone are consistent and not in conflict with requirements in the Natural Resource zone and does not require an additional natural resource review.*

8. The application was referred to the following departments and agencies on May 2, 2019:
- Milwaukie Building Division
  - Milwaukie Engineering Department
  - Clackamas County Fire District #1
  - Island Neighborhood District Association Chairperson and Land Use Committee
  - Army Corps of Engineers
  - North Willamette Watershed Dist., ODFW
  - Department of State Lands, DSL Wetlands & Waterways

Notice of the application was also sent to surrounding property owners and residents within 300 ft of the site on May 22, 2019, and a sign was posted on the property on May 22, 2019.

The only comments received were from Army Corps of Engineers as summarized:

**Jessica Menichino, Army Corps of Engineers:** Ms. Menichino did not identify any issues from an initial review. She notes that the Corps will do a thorough review once the applicant submits an application.

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL**  
**FILE #WG-2019-002, 18<sup>TH</sup> AVE PRIVATE DOCK**

**Conditions**

1. Prior to any building permit submissions, the applicant will:
  - a. Show on plans that pilings installed above the ordinary high water line shall not be over 35 ft above ground.
  - b. Provide a vegetation buffer plan that indicates that the applicant will 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 that re-vegetation has occurred consistent with the vegetation buffer plan.

2. Conditional Use Permit

As per MMC Subsection 19.905.6, the City will issue a conditional use permit upon approval of an application to establish a conditional use (including Willamette Greenway conditional uses). The applicant must record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

**Additional Requirements**

1. Prior to any earth disturbance, the applicant shall obtain an erosion control permit from the City.
2. At the time of submission of any building permit application, the following shall be resolved:
  - a. Final plans submitted for building permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on April 1, 2019, except as otherwise modified by these conditions.
  - b. Provide a narrative describing all actions taken to comply with these conditions of approval.
  - c. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.

3. Limitations on Development Activity

Development activity on the site shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, as per MMC Subsection 8.08.070.(1).

4. Expiration of Approval

As per MMC 19.1001.7.E.1.a, proposals requiring any kind of development permit must compete both of the following steps:

- a. Obtain and pay all necessary development permits and start construction within 2 years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval.