

**WEST LINN CITY COUNCIL
FINAL DECISION AND ORDER
MISC-16-01**

**IN THE MATTER OF A PROPOSAL FOR A ONE-YEAR TEMPORARY USE
PERMIT WITH AN AUTOMATIC ONE-YEAR EXTENSION TO ESTABLISH
EQUIPMENT AND MATERIAL STORAGE AND STAGING AREAS FOR THE
BOLTON RESERVOIR CONSTRUCTION PROJECT**

I. Overview

This application was submitted by Lance Calvert, Public Works Director, for the West Linn Public Works Department (“Applicant”), to allow construction support activities at 6123 and 6175 Skyline Drive (“the site”). The Applicant submitted a Temporary Use Application.

The West Linn City Council (“Council”) held a public hearing on March 14, 2016, to consider approval of the Applicant’s proposal for a one-year temporary use permit with an automatic one-year extension for equipment and material storage and construction staging areas for the Bolton Reservoir replacement project. The approval criteria for MISC 15-11, a Temporary Use Permit, are found in Chapters 11, 35, 42, 46, 48 and 99 of the Community Development Code (CDC). The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by John J. Boyd AICP, Planning Manager. Director Lance Calvert presented for the Applicant. Alice Richmond provided additional public testimony supporting the completion of the reservoir project. The hearing was closed and a motion was made by Council President Tan and seconded by Councilor Perry to approve the application for a one-year temporary use permit with an automatic one-year extension subject to the modified conditions of approval.

The motion passed unanimously.

II. The Record

The record was finalized at the March 14, 2016, hearing. The record includes the entire file from MISC-16-01.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is the City of West Linn Public Works Department.
- 3) The Council finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment, if any; and the evidence in the whole record, including any exhibits received at the hearing.

IV. Findings

The Council adopts the Staff Report for the hearing dated March 14, 2016, with attachments, including specifically the Addendum dated March 4, 2016, as its findings, along with a Memo dated March 14, 2016, which modified the conditions of approval, which are incorporated by this reference.

V. Order

The Council concludes that all of the required approval criteria are met and MISC-16-01 is approved based on the Record, Findings of Fact and Findings above, subject to the following conditions:

1. Site Plan. With the exception of any modifications required by these conditions, the project shall conform to the Site Plan dated September 2015.
2. Tree Protection. Using the tree protection areas mapped in Sheet C-A2 for trees identified as significant (and attached as Exhibit PM-2):
 - a. Provide certification that all tree protection fencing is installed according to the specifications in the West Linn Tree Technical Manual.
 - b. For those areas in the storage area that contain protected trees that are not protected by fencing, install chip matting to assure protection of roots systems.
 - c. Provide a second arborist's report, approximately twelve months from the date of permit issuance and prior to discontinuance of the temporary use, that evaluates the tree areas for damage that may have occurred due to applicant's activities and complete any required mitigation.
3. Dust and Mud Mitigation.
 - a. The applicant shall install and maintain a paved or graveled surface on the site sufficient to avoid dust generation and keep any sediment or mud on site, or utilize other erosion control measures, consistent with Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual, rev. 2008.
 - b. The applicant shall provide daily street sweeping on days when the site is used to mitigate the impact of any dust, sediment, or mud that is tracked off site by traffic.



RUSSELL B. AXELROD, MAYOR
WEST LINN CITY COUNCIL

March 17, 2016
DATE

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This decision may be appealed to the Land Use Board of Appeals pursuant to the provisions of that Board, Chapter 99 of the Community Development Code, and any other applicable rules and statutes. This decision will become effective 21 days from the date of mailing of this final decision as identified below.

Mailed this 17th day of March, 2016.

Therefore, this decision becomes effective at 5 p.m., April 7, 2016.