

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, May 11, 2010
6:30 PM**

COMMISSIONERS PRESENT

Jeff Klein, Chair
Nick Harris, Vice Chair
Lisa Batey
Teresa Bresaw
Scott Churchill

STAFF PRESENT

Katie Mangle, Planning Director
Ryan Marquardt, Associate Planner
Brad Albert, Civil Engineer
Bill Monahan, City Attorney

COMMISSIONERS ABSENT

Chris Wilson

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:31 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

2.1 March 23, 2010

Commissioner Bresaw moved to approve the March 23, 2010 Planning Commission meeting minutes as presented. Commissioner Batey seconded the motion, which passed unanimously.

3.0 Information Items—None.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

5.1 Summary: Riverfront Park
Applicant/Owner: City of Milwaukie
File: DR-09-01, TPR-09-03, WG-09-01, WQR-09-01, and VR-09-03
Staff Person: Ryan Marquardt

Chair Klein called the hearing to order and read the conduct of minor quasi-judicial hearing format into the record.

Ryan Marquardt, Associate Planner, cited the applicable approval criteria of the Milwaukie Municipal Code (MMC) as found on 5.1 Page 11 of the packet, which was entered into the record. Copies of the report were made available at the sign-in table.

Chair Klein asked if any Commissioners had a conflict of interest or any ex parte contacts to declare.

Commissioner Batey responded no, but noted that she was involved in the City's process for permitting events at Riverfront Park. She believed it was a very different issue from the land use application before the Commission tonight, so she did not have a conflict of interest. She declared that she did not have a bias and could review the application with an open mind.

Bill Monahan, City Attorney, confirmed that Commissioner Batey's concern with uses at Riverfront Park was based on today's existing park and not related to the application.

Chair Klein clarified that he was not related to the Gary Klein family who graciously donated the land for Klein Point. He thanked Mr. Klein and family for their generous donation.

Each Commissioner had visited the site. No Commissioner, however, declared a conflict of interest, bias, or conclusion from their site visit. No Commissioner's participation was challenged by any member of the audience, nor was the jurisdiction of the Planning Commission to hear the application.

Mr. Marquardt presented the staff report via PowerPoint, responding to clarifying questions from the Commission and reviewing key issues regarding the Riverfront Park project, which included:

- Whether the project adequately mitigated its impacts to the Water Quality Resource (WQR) area.
 - WQR standards allowed for development within the WQR area, although the area had to be avoided when possible and unavoidable impacts had to be minimized in their area of disturbance as much possible, and also mitigated. The Applicant had detailed the justification for park elements that extended into the WQR area.
 - The proposed park would increase the existing 54,000 sq ft area of disturbance to about 61,000 sq ft within the WQR area. In considering mitigation for that 8,600 sq ft increase, staff noted that the project would also increase the existing 2,600 sq ft of WQR area in good condition to 64,000 sq ft, improving roughly 61,000 sq ft from a degraded or marginal condition to a good condition. Re-vegetating the area, stabilizing the banks, and other such activities would bring the degraded areas up to good condition.
 - The City's WQR consultant reviewed the plans and concurred with staff's basic assessment that the project was self-mitigating, with the impacts offset by the restoration work being done along with the other parts of the project.
 - Staff recommended two conditions regarding the WQR area as follows:
 - The pedestrian bridge between the overlook and boat ramp area should not be improved at this time due to the remaining amount of design work needed on it and the footings in the WQR area. Staff suggested that it return for approval after the design was more fleshed out.
 - Pervious asphalt and concrete should be used to the greatest extent practicable for the areas of pavement within the WQR area, including boat drive aisles, paths, etc. The Applicant agreed to provide as much pervious material as possible within the WQR area.
- Variance criteria for the 6-month substantial construction deadline. The park was a Conditional Use (CU) because it was in the Willamette Greenway (WG) Zone. All CUs were subject to a 6-month substantial construction deadline, otherwise the approval was voided. The Planning Commission could grant one, 1-year extension, essentially allowing 1½ years for substantial construction. The Applicant and staff were concerned that the project would not meet the substantial construction deadline, so a variance was requested.

- Staff believed the application met the variance criteria, which included unusual conditions related to the physical characteristics of the property. Among other issues, the project was in and near several waterways, so other agencies were required to review the Applicant's materials and a response could take months. After approvals were received, the Applicant would have to draw up final plans in conformance with requirements from the agencies and the City, which could take additional months to complete. Staff really had no control over these things, so the Applicant would probably not meet the adjusted 1½-year deadline. There were no feasible alternatives to this timeline-based standard.
- Staff did not identify adverse impacts on other properties if the Applicant required additional time to meet the substantial construction deadline. Staff believed the park project would still be appropriate if substantial construction was reached years beyond the 1½-year deadline. No adverse impacts were identified and staff believed the use would still be consistent with the community's vision for the Riverfront Park.
- The Design and Landmarks Committee (DLC) reviewed the application at their November 2009 meeting and was generally comfortable that it met the Downtown Design Guidelines. DLC suggested alterations to meet some design guidelines. A post-approval review process was set up when the Applicant had 100% plans for construction to see how the alterations were incorporated into the final design.
- Staff believed the park was well designed to accommodate the envisioned day-to-day use throughout the year. For larger events, staff proposed a condition requiring the City to have an event management plan to handle transportation to reduce the number of car trips and overflow parking, as well as protect the WQR area when large numbers of people were on site. The event management plan did not limit the types or number of events, but required that the City have a plan to mitigate the impacts of those events.
 - The City's Engineering Department and on-call traffic review consultant looked at the Applicant's traffic impact study and did not have any major concerns about traffic impacts resulting from the park's development. The only comment from the Oregon Department of Transportation (ODOT) was that a left-hand turn pocket was needed for northbound traffic to enter the site, which was included in the Applicant's plans.
- The proposed aerial site plan was displayed with 4 red circles indicating possible phasing for the project. The project areas could be built independently of one another. As each project area was built, the mitigation area associated with the general project area was built and any events planned within that area were to be included in the event management plan.
- He concluded by noting that the Applicant had already submitted a waiver to the 120-day land use clock, removing the time pressure. The next deadline to be aware of was Fall 2010.

Chair Klein asked if staff had received correspondence regarding the application, other than those included in the agenda material.

Mr. Marquardt noted his memorandum dated May 11, 2010, that listed the nine separate items that were attached and to be entered into the record. The materials included:

- A letter from Dave Green, Milwaukie Riverfront Board, in support of the project and the pedestrian bridge across Kellogg Creek.
- A letter from Michael Martin, Milwaukie Riverfront Board, in support of the project as proposed.
- A concept design idea submitted by Rebecca Ives for the restroom building and plaza area at the site.
- A letter from Mike Stacy, Milwaukie Riverfront Board, enthusiastically supporting the plan.

- Additional material submitted from the Applicant that included numbers and analysis about the WQR area, detailing the areas in good, marginal, and degraded condition. These were not received in time for inclusion in the packet.
- A letter and list of questions from Pat Russell, along with staff's responses.
- Comments received from agencies such as Division of State Lands (DSL) and TriMet, stating they had no objections or comments regarding the project.

Commissioner Churchill noted Mr. Russell's comments were interesting regarding the location of the 1996 flood line on the site, and asked the Applicant to address the location of the 100-year flood plain versus the flood high point.

- **Ms. Mangle** responded that the current FEMA flood line was about the same as the 1996 flood line. The City's WQR map used both the FEMA and 1996 flood lines, which did not make a difference in this stretch along the Willamette River. The FEMA 100-year floodplain line was shown on the most recent version of the Park Plan Existing Conditions Maps on page 101 of the Municipal Zoning Code. Figure 2D of the supplemental packet showed a 100-year flood elevation. [also Figures 2, 2A-2C]

Chair Klein called for the Applicant's testimony.

JoAnn Herrigel, Community Services Director, stated that the City of Milwaukie had been working on the Riverfront Park for 30 years. Tonight's project was the culmination of many years of work. She presented the application via PowerPoint with the following additional comments:

- The plan before the Commission has been vetted to the public, guided by seven very dedicated community members in the form of the Riverfront Board (Board). Over the years, the members have shifted slightly, but are always ardent advocates for what this community wants and needs at the Riverfront. It was a microcosm of the City of Milwaukie that included voters, open space advocates, and everyone in between. She believed the proposed plan contained all the elements the community had actually asked for. It had play areas, picnic space, a performance amphitheater, boat ramp, parking, and perhaps most importantly, a place to view the river and all the creatures and activities that it hosts. The 7 member Riverfront Board was established by City Council in 1998. Two of the original 7 members are still on the Board. The Board's purpose was to advise and make recommendations to the City Council, and provide long-term continuity and short-term problem solving and the successful completion of the Riverfront.
- She reviewed the Riverfront Park project's timeline and how the Board worked with other projects and organizations to ensure prior improvements would not interfere with the proposed park plans.
 - A public survey was conducted in 2005, regarding 2 concepts for the boat ramp and parking. Concept 1 had a 2 docks going into the water between the 2 creeks, with auxiliary parking south of Kellogg Creek. The second concept received 75% of the survey responses and had a boat ramp, an associated dock, parking, and access to the boat ramp.
 - The top 6 things people wanted to do in the park were: boat, view the water, go to concerts, play on the playground, walk and bike, and picnic; so the Board designed features accordingly.
 - In May 2006, the Board took a final concept of Riverfront Park to the City Council. David Evans & Associates, Inc. was hired in September 2006 to design the project. In January 2007, a community open house was held to talk about the concept, building designs and materials. The land use applications were submitted in March 2008 for the Comprehensive Plan map zoning change, et cetera. In January 2009, a joint permit

application was submitted to the Army Corps of Engineers (Corps) and DSL, which was still being reviewed. The Board did not expect to hear from the Corps until December 2010. Department of Environmental Quality (DEQ) would review the project and provide their response to the Corps, who would then get back to the Board.

- The DLC suggested working on several things at the November 2009 hearing. She would return to talk with DLC about a variety of responses that might be considered on each issue.
- So many different agencies were reviewing the project and providing comments that she did not want to go to 100% design until all comments were received. Modifying the design cost extra money, so she was trying to do a lot of upfront interaction with the agencies reviewing it. When all reviews were completed, the combined comments could be integrated and brought to 100% design.
- She reviewed major project design challenges as follows:
 - The site is very small. Many uses were being put in a very small space. The bulk of the area was on 6.2 acres between the 2 creeks. Moving any feature even slightly misplaced other site features.
 - Site peculiarities included hard contours which created a stair-step down to the river from McLoughlin Blvd. The Board proposed shaving off the hard edges to make a steady slope. There was also a very steep slope in between Washington St and the entrance to Kellogg Treatment Plant that precluded entering the site in an alternate way than proposed at this time.
- The Board attempted to place the elements to work well on the site, to meet the requirements of the permitting agencies, to maximize the funding potential for construction grants, and to acknowledge the varied user interests, including boaters, open spaces, bike riders, and those wanting to canoe or sail.
- She reviewed certain site design elements influenced by multiple factors, including:
 - The boat ramp and parking lot locations needed to maximize the open space to the north. If the boat ramp remained at Jefferson St, it would go right through the main lawn area. The vehicle/pedestrian interface was separated as much as possible with the vehicles kept to the south end and the people and open spaces to the north.
 - The plaza was central to the design, creating a wheel in the middle from which everything radiated out. By locating it near Monroe St, people would be potentially drawn from downtown to the plaza and into the park.
 - The play area was located far away from vehicles; however, the DLC suggested it might be too far from the bathrooms in the central plaza. Design modifications were being considered to move the play area closer to the bathrooms. The current placement of the play area maintained a larger lawn area; however, it might be able to be tucked up by the bathroom without detrimental aspect to the design.
 - The donation agreement with the Kleins for the Klein Point area at the north end of the park included a request that the area be kept relatively natural. Nothing more than a pathway should be added.
- She discussed 4 big issues/challenges for the project as follows:
 - Issue #1 Changing vehicle access to the park. Closing and replacing the Jefferson St and Washington St entrances with one access at the southern end of the site was a major challenge. The proposed entrance was on property owned by the County, not the City. The Board was working on that relationship.
 - Trucks from Kellogg Treatment Plant removed biosolids from the site and exited at Washington St, which has a full traffic signal. The proposed entrance south of Kellogg Creek would allow the trucks to go south or enter the left-hand turn lane without any problem, but turning north from Riverfront Park onto McLoughlin Blvd

would be a problem for all vehicles. If the proposed access area had to be modified, it could affect other aspects of the park.

- **Chair Klein** noted that a signal light existed, which would protect traffic turning into the southbound lane of McLoughlin Blvd when red.
- She reviewed traffic circulation for boaters, noting that the area around the existing Washington St entrance was very steep and had a small turning radius.
- Issue #2 The transient dock was located in an area being questioned by many of the agencies reviewing the project. The transient dock itself was not a challenge, but its location with respect to the boat ramp and mouth of Kellogg Creek, and the increased activity between the two. There was concern about the impact to the fish passage in Kellogg Creek, but to date, no one had stated exactly what the worry was. It was the Board's job to prove that the dock would not have a negative impact on fish. The transient dock could be eliminated, but the Board was trying to hold on to it as long as possible.
- Issue #3 The pedestrian bridge. Staff suggested that the bridge be removed from the current application and revisited at a later date because it was expensive to design and build due to engineering details. Other regulatory agencies were also hesitant about the pedestrian bridge. The Board was not sure what staff and other regulatory agencies did not like about the bridge, but when it was designed, the Board would be back.
- Issue #4 The boat ramp was strategically located after 8 years of hard work, close to Kellogg Creek and in the WQR area. If the ramp had to be moved, it would change the dynamics of the whole site. Different locations had already been explored, discussed, and rejected.
- She summarized the next steps for Riverfront Park. The project was at 75% design and would be at 100% after all comments were received. DLC comments were in-hand and the Board would interact with the DLC regarding design changes to meet their criteria. The Board would work with the County and ODOT on the access issue over the next couple of months. The Corps' conditions were expected by December 2010. Final approval from the DLC and Planning Commission would be needed before moving forward on major steps. The Board hoped to apply for grants from the Oregon Parks and Recreation Department, Oregon State Marine Board (Marine Board), and some foundations in April 2011.

Gil Williams, David Evans & Associates, 2100 SW River Parkway, Portland, OR 97201 reviewed the proposed Riverfront Park design via PowerPoint with the following additional comments, while also addressing clarifying questions from the Commission:

- The project had multiple layers physically and from a regulatory standpoint in addition to the program and community needs for the park. The design attempted to balance all those needs with the regulatory compliance.
- Being involved in the original Downtown Land Use Framework Plan, he has heard the public's comments and input about the riverfront for years and understood the diversity of opinions as well as the considerable change in opinions.
 - The riverfront was one of the City's greatest amenities so accessing the water was important, as well as providing a diversity of activity.
- The park was separated into 4 major parts: the overlook area, which was separated by Kellogg Creek, the boat ramp, plaza, and amphitheater/playground area. The desire was to break up the spaces and create some separation between autos and pedestrians.
- Overlook at Kellogg Creek. The 18-ft to 20-ft elevation drop from the curb to the lawn area near the existing Washington St access made grading difficult and entry to the Kellogg Treatment Plant and boat ramp almost impossible.

- A slight grade separation did exist between the deck and parking area to facilitate stormwater treatment. Runoff from the impervious area was directed into swales and sunken planters within the plaza. He also indicated a grade change needed to accommodate an Americans with Disabilities Act (ADA) accessible slope across the bridge.
- While the overlook deck was indicated as solid concrete, the material had not yet been vetted. The idea was to use precast concrete panels to save costs. Other possibilities were a tray with pavers on top or transparent grading, which was not necessarily the right choice with a sheet pile underneath.
- The Marine Board criteria required restrooms within 50 ft of the top of a boat ramp, so in order to get Marine Board funding, the pedestrian bridge on the north side at the top of the boat ramp had to lead to a restroom.
- Stormwater overflow was managed onsite, so no direct runoff was released into the river. Examples of roadside and parking lot stormwater treatment facilities common in Portland and installed on Logus Rd in Milwaukie were shown.
 - He explained that pervious asphalt was an oil-based product versus concrete, which is a cement-based product. Impervious concrete is more porous than typical concrete and looks like concrete, but water goes right through it. Different solutions were available including pavers with gravel joints that allowed for infiltration of stormwater.
- The sheet pile wall was very prominent, so the design tried to de-emphasize it by shortening the parapet by 2½ ft to 3 ft, capping it, cantilevering the deck and installing a rail to bring the height down visually from the river. Some of the look could also be mitigated with plantings, although they required more maintenance. The patina of the sheet pile under the deck may not be a bad look. The cantilever and precast concrete would help keep the underside clear of support structures as much as possible, allowing for a cleaner look. Public art was potentially a good way to mask the form work.
- Faint drawings on the Kellogg Creek Bridge slide indicated the future possibility of a pedestrian underpass beneath McLoughlin Blvd to the downtown area. Underpassage connection had been considered as part of the original scheme.
- Plaza The main plaza met the community's strong desire to make the park an extension of downtown. McLoughlin Blvd was seen as an obstruction that separated downtown from the river. The plan was to create a physical and visual connection to downtown. The look of McLoughlin Blvd would be softened by a median and street trees on both sides of the street, substantial sidewalks, and crossings, which could be enhanced. The main intent was to de-emphasize McLoughlin Blvd and emphasize the east/west connection to the river. Once in the park, the intent was to create elements to draw people through the plaza to the water. The main flow of the plaza was parallel to McLoughlin Blvd, but the perpendicular features would draw people to the water.
- The fountains were designed for wading, with areas to sit, get in, and touch/interact with water. He displayed examples of other fountains featuring basalt rock.
 - He confirmed that the water flowed and recirculated through 3 connected pools on the north side of the steps and that a third water feature was a single large basalt on its side with a channel carved in the top for water to flow.
- The restoration of the riverbank would include dense, low, riparian vegetation, and not grass, which would encourage people to use the trail and steps to the river instead of tracking down the bank. Another sticking point with federal regulators was providing any access to the river, but again, the Board was balancing civic desires with regulatory compliance.
- Proposed interactive fountain features were displayed with shallow wading pools at end of the steps. He described the transition from the city's urban environment across the plaza

with some sense of a natural element in the middle, then breaking down the urban hardscape into a more natural softscape with the grass and then ultimately down to the Willamette River.

Commissioner Churchill:

- Asked how non-motorized boat launching would occur.
 - **Mr. Williams** replied that non-motorized boats would launch from the boat ramp, boarding dock, or transient dock. At one point, the area north of the boat ramp was proposed for non-motorized boats, but they believed regulators were balking at that idea.
- Stated that eliminating non-motorized boat launching seemed like an oversight. Offloading roof-mounted kayaks and canoes in an area of vehicles backing trailers down the ramp seemed like a collision. He understood it was a regulatory-driven process, but it seemed there should be some push back to accommodate more than motorized boat traffic.
 - **Mr. Williams** responded that the existing boat ramp was a single lane. The proposed design would hopefully provide some order, rather than the random launching of boats. Queuing space was available along the entry road where people could take non-motorized boats off to hopefully limit conflicts. They had considered the issue.
- Was not convinced yet that it was well resolved. He wanted to understand more studies that the Applicant completed.

Commissioner Bresaw asked if kayaks could be carried down the steps.

- **Mr. Williams** responded that the stairs were not necessarily for that purpose being located a long way from parking. They had planned for non-motorized launching north of the actual boat ramp, but regulators wanted to limit access along the riverbank, so the Board kind of gave in on that, however the idea could be expanded on.

Mr. Williams continued reviewing the Riverfront Park design via PowerPoint slides:

- He noted that the slides showed vegetation, but explained that shaded areas on the slides indicated high water. Though much of the riverfront would be inundated at times, the design maximizes use of the space. The graphics showed low water conditions.
- Amphitheatre/Play Area The amphitheatre was a small performance space on the north side. No play structures were shown, but the play area would include some vertical elements. The restroom was approximately 120 ft from the play area.
 - He explained that physical earth buffers, including a 10-ft sidewalk, a planting strip, berms and grading, would isolate the children in the play area from McLoughlin Blvd, while also providing a sound buffer for the recessed amphitheater.
 - The amphitheater was about 150-ft across with many informal areas, such as seating on the slope. He showed the possibility of moving the play area closer to restroom, with the potential to expand the amphitheatre. People would probably sit on the playground equipment and retaining walls.
 - The Johnson Creek overlook would not be addressed specifically. He confirmed the intent of the overlook was to be able to look up into Johnson Creek and down the Willamette River. He reviewed the architecture of the overlook, which would maintain the existing oak tree, provide a natural stone path, and a stone plaza with a small sitting wall. This was the natural end of the park at the mouth of Johnson Creek, so the idea was a more passive, less active use.
- Restrooms The main restroom's design was low profile to keep it out of the viewshed. The location was on the lower terrace, so ideally the view from McLoughlin Blvd would be over the top of the restroom. He indicated plantings that would further obscure the building. Some DLC comments suggested lowering the wing walls' parapets. He explained how the

restroom was situated on the site. Single occupancy restrooms were on either wing for off-use times, providing the City flexibility in terms of use.

Commissioner Churchill asked if any comments were received from the police regarding oversight of the park during off hours.

- **Ms. Herrigel** responded that the Board had not specifically asked the police department to review the plan yet, but a team would review the operational aspects, from the fountain to policing, including what materials were best for vandals. The maintenance people from North Clackamas Park were reviewing the plan and proposed materials. Asking the police to also review the plans for hiding and view was a good idea.

Chair Klein asked if the Board had considered a green roof for the restroom.

- **Mr. Williams** replied there had been questions about incorporating a green roof. Ideally, they were very low maintenance. The small surface areas of the proposed roofs already drained into adjacent planters, so incorporating a green roof would only limit water that would eventually end up in a planter. The net gain for incorporating a green roof had to be considered, as well as the maintenance aspects. The handout submitted by landscape designer Rebecca Ives showed a small green roof that could be done. Green roofs were good ideas but the ultimate value had to be weighed.

Mr. Williams continued his presentation, noting the following design aspects:

- The DLC commented that they did not necessarily like the concrete base of the main restroom facility, so options were being reviewed to soften the look.
 - The smaller single-occupancy restroom at the top of the boat ramp was the same style and finish as the larger restroom.
- He described the Park's proposed lighting plan and patterns. The idea was to keep the park fairly low-lit at night, to avoid light pollution and maintain views.
 - The transient dock would be lit so boats did not hit it at night. The regular decorative streetlights on McLoughlin Blvd would provide some ambient light to the park. Overhead cobra lights would also provide a lot of light wash.
- He showed the existing and proposed WQR areas indicating the areas of disturbance and the plantings proposed to mitigate disturbances.
- He reviewed the proposed plants shown in the planting plan. Many of the same plants used in the city and along McLoughlin Blvd were incorporated into the park planting plan.
- He displayed a stabilization treatment project on Portland's South Waterfront completed about 12 years ago. The existing grade was similar to what they were dealing with at Riverfront Park. The type of material used to create a stable base varied, but they would try to match existing materials. He noted that some of the Applicant's submitted graphics showed what looked like lawn beneath the pathway; however, the riverbank design slide better represented those plantings, which would limit people from randomly leaving the trail.

Chair Klein:

- Stated that he did not see bike racks or bike access near the restroom.
 - **Mr. Williams** responded that bike racks were part of site furnishings, and would be included on a long list of benches, water fountains, and trashcans. They would be at least to Code if not more, with bike parking in different parts of the park. Large plaza areas would also accommodate site furnishings.
 - **Ms. Herrigel** indicated that 2 bike racks were already in the design of the overlook at Kellogg Creek. Another bike rack was proposed for the play area.

- Asked if bike access to the trails from McLoughlin Blvd was easy enough. It did not appear wide enough to ride a bicycle to the bathrooms and then continue south onto the Trolley Trail.
 - **Mr. Williams** indicated where the onsite bike trail connected with the Trolley Trail and described bike traffic circulation on the site. The onsite bike path maintained a width to accommodate both pedestrians and bikes.

Commissioner Batey asked if the pedestrian bridge could be made less bike-friendly to urge bike riders to go another way. Was it cheaper or easier to resolve some of the planning issues if the bridge was quite narrow and pedestrian oriented.

- **Mr. Williams** indicated it was intuitive for bikes to go back up along/over Kellogg Bridge rather than the pedestrian bridge, due to steps and the narrow way. Ballards could also be installed at the entries. Some width needed to be maintained for foot traffic both ways because people would want to stop to look at the views.

Commissioner Churchill:

- Commented that Smith and Bybee Lakes were non-motorized lakes that had ample boat access and were good examples of how to get access. They were more sensitive waterfowl areas than Willamette River. Removing the transient ramp to the transient dock would cause a collision of non-motorized boat haulers and pedestrians and seemed a huge oversight in the plan. He asked what the reaction was from regulatory agencies and what options were considered. He thought non-motorized boat access was addressed several years ago in the plan, so was surprised that it was not addressed now.
 - **Mr. Williams** responded that the original plans showed a small path for non-motorized boats, similar to the canoe launch at Smith Lake. However, Smith and Bybee Lakes were not under the same regulations as Riverfront Park. The Applicants had a pre-application meeting with the Corps, National Marines Fishery Service (NMFS), and DEQ at the site and showed them conceptual drawings that included the path for non-motorized boats. The regulators specifically said they wanted to discourage having a lot of different access points along the river. The Board had to choose their battles and knew that other things would require favorable decisions.
- Wanted to be supportive of the project, but was very disappointed that non-motorized boat access was not addressed now that the plan was at 70% design phase. He wanted to be respectful of all the work that had been done, but caving in and giving water access to a single-lane motorized boat access was a huge hole in the project. Even the transient dock was in question. He wanted to have confidence that the Commission's feedback would be taken and the issue looked at again; however, he did not believe it was still being considered.
 - **Mr. Williams** responded that it was not so much a function of where they were with the design documents, but when the Joint Permit Application (JPA) was submitted. The issue could certainly be raised verbally with the regulators, but changing anything below ordinary high water at this point would represent a change in the application and the Board had to be very careful about that. He could ask if it was possible to reincorporate what the NMFS reviewer saw.
- Stated that earlier concepts featured a lot of non-motorized access to the park. It was not well publicized or noted that the access was removed from the project.
 - **Commissioner Batey** asked if any conversations occurred with Willamette Riverkeeper or representatives of non-motorized boaters.
 - **Mr. Williams** replied that unless those representatives were at the public meetings, he was not sure if they were specifically represented.

- Noted that those groups would have to closely track the application to notice the loss of non-motorized boat access. He did follow the development of the application and missed that change, which was a loss for the City.

Chair Klein asked hypothetically, what would be non-motorized access to the river. He did not pay close enough attention in the early stages to understand what was necessarily lost. What was done at other locations to create access for non-motorized vehicles?

- **Mr. Williams** said there was an informal, asphalt boat ramp at Smith and Bybee Lakes into the Columbia Slough on the south side of the lake. On the Smith Lake side, which was used a lot, on-street parking existed with about a 50-ft long gravel path winding down to the edge of the water.

Commissioner Churchill:

- Commented that there were 3 launches at the lakes. The one along the rail corridor off Marine Dr was heavily used.
 - **Mr. Williams** clarified that boat ramp was a gravel path with wood sides.
- Clarified the issue involved dedicated portaging, so non-motorized boaters were not fighting with vehicular-based boat launching, bikes, et cetera. But now, it was down to not much access except for motorized boats.

Chair Klein:

- Requested a more detailed drawing of the boat launch area.
 - **Mr. Williams** said they only had engineering drawings showing how it functioned. He indicated where the high water line was, noting it was not that far from the parking area. He confirmed that the brown area on the map was a boarding dock, which would be hinged to raise and lower with the river's level.
- Confirmed the boarding dock could be widened, which would be an option for non-motorized boat access.
 - **Mr. Williams** explained that the Corps was trying to limit dark places for predator fish to hide, especially at the mouths of creeks where juvenile fish migrated. The wider that path was the bigger area the predators had to hide. It could be wider, but it would be more problematic than a gravel path to the water's edge.
 - The drive ramp was about 15-ft wide, and the boarding dock about 6-ft wide.
 - **Ms. Herrigel** agreed the lack of non-motorized access was an oversight. She believed non-motorized boats typically need a dock that is 6 in off the water's surface, as opposed to the transient dock or boat ramp dock which were about 1 ft off the water's surface. She suggested putting non-motorized boat access off the side of the transient dock; however, if the transient dock was removed, the non-motorized access would also be gone. The non-motorized boat dock on the east side esplanade by Alder Creek still had a fairly long ramp, so she was not worried about it with the transient dock. She would have the Andrew Jansky of Flowing Solutions talk with the Corps and ask where non-motorized access could be integrated. Staff could probably tell how the project might be conditioned to integrate it or return to the Commission with another idea. She stated the Board was open to researching new ideas.

Commissioner Churchill stated the default was that people would trash the riparian area at the edge of the water, which he did not want to happen. He was interested in how the issue slipped through and was surprised it was not addressed.

Chair Klein called for public testimony in favor of, opposed, and neutral to the application.

Gary Klein, 10795 SE Riverway Ln, indicated on the map where his family had lived on Klein Point since 1948. He was a neighbor to the park, donated the land on the north side, and is vice chair of the Riverfront Park Board.

- He was in favor of the whole idea. It was a great improvement to what existed. He understood the concern about launching non-motorized boats, but the project's cost was a consideration. The Marine Board was one source of assistance and was funded by motorized boats. Anything else would come out of the City's pockets. They were not trying to skip anything, but it was a matter of funding millions of dollars.
- The north end of the park would be a natural area, which he was looking forward to.
- Some emergency improvements had been done to the boat dock, but the project would make the boat launch nicer. He owned a canoe and hoped he could launch it from the ramp.
- He liked the idea of moving the boat launch to a safer location because there was an eddy on the north side and during the winter it reversed directions. The current went upstream along the northern part of the park, so its location was an iffy spot for launching boats. He noted that the water did come up high and indicated where the water rises. He recalled that water flooded a portion of McLoughlin Blvd in 1996. Only the high points especially north of the park would be above water level in a storm like that. He believed the 100-yr flood plain had been raised slightly.

Dave Green, Riverfront Board Chair, 5431 SE Willow St, stated he had been on the Board since 1998. He supported the proposed plan as described. The whole Board supported and unanimously backed the design. He assured the Planning Commission that the Board had worked tirelessly over the last 13 years to move the project forward. Some compromises had been made, but the park represented the community and a lot of input from people in the community. He offered to answer questions.

Commissioner Churchill asked about the suggested reorientation of the play area closer to the restrooms. He heard from Mr. Green that the entire Board was unanimously supportive of the design as presented today.

- **Mr. Green** responded that the play area relocation was a suggestion from the DLC, but there were multiple sides to that discussion. He believed that having the play area lower in the park and protected from McLoughlin Blvd made it more secure than putting it closer to the plaza and access to McLoughlin Blvd. The entire park was just 8.5 acres, so it was not a huge distance from one end of the park to another. He believed it was fairly easy to make the trek from the playground to the restroom at its current location. He did not know that the Board felt particularly strong about it. They did like the design as proposed. There were advantages to having the play area near the amphitheatre where children might be able to play while adults attend a concert.
- In response to concerns about non-motorized boat access, he said they had been pushed back from the water's edge more than expected.
 - He believed it might be worth attempting to provide another access north of the proposed boat ramp near the pedestrian bridge. Even an informal launch for canoes would appeal to people, who could park in the parking lot and come down to the river away from other boat traffic. Without structured trails, there would be rabbit trails through the brush as people made their way to the river.
 - It might be nice to convince the regulatory agencies that doing something a bit more structured might prevent the rabbit trails. He believed the Board would be supportive, but they were just responding to the push back from regulators.

Greg Hemer, DLC Member, 5822 SE Harrison St, stated that the DLC had comments about the structures, but believed the overall plan was very nice. The DLC liked the aspect of the river flow throughout the design, which tied into the front of City Hall and the bus shelter at Jackson St. The park's design gave an overall theme of the rivers, flows, and creeks. The park was very well set up for activities that can happen over the summer.

There was no further public testimony.

The Commission took a brief recess and reconvened at 8:54 p.m.

Chair Klein asked if the Commission had any specific questions regarding traffic since the City's traffic consultants, DKS & Associates, were available.

Commissioner Bresaw believed traffic was a concern that was not ironed out yet, especially with cars turning left to head north from the park, and specifically since Clackamas County owned the property. She did not know if there was a solution at this point.

Chris Maciejewski, DKS & Associates, stated that the left turn out of the site met ODOT's standards, but did not meet the City's Level of Service (LOS) D standard, which was delay-based. In peak hours, the findings would be LOS F, which meant one minute or more to turn left out of the site. ODOT's standard was not based on delay, but on capacity during the hour, so it met their requirement because not enough volume existed to warrant a traffic signal at that location. Because the turn met ODOT standards, trying to get ODOT to permit something different would be difficult. Because a median was present and it was a T intersection, one option was to consider striping a certain way so vehicles could turn left into the median and then merge over, creating a 2-stage left turn, which would significantly reduce delays. That option was possible if enough distance was available for proper striping between Washington St and the proposed access point.

- He clarified that a traffic signal would provide a fair amount of opportunity for right turns, but the left turn would be difficult.

Commissioner Churchill asked for ideas regarding the length of the left-hand turn lane pocket heading north on McLoughlin Blvd, given the size and length of boat trailers, etc.

- **Mr. Maciejewski** replied he had not seen any potential design drawings, so had not reviewed that aspect. The City would also want to account for trucks turning into the treatment plant, as well as boats and trailers. ODOT design standards for left-turn pockets tended to require longer lengths than typical city street standards. There would be minimum taper and storage lengths to meet ODOT requirements, which might be enough.
- **Mr. Williams** stated from the audience that the queue was designed to ODOT standards.

Commissioner Batey asked if building the left-turn lane meant extending the surface of McLoughlin Blvd to the west. No capacity was available to the east due to the bank of Kellogg Creek.

- **Mr. Maciejewski** replied that from the information he reviewed, the width of the road could handle restriping. He did not anticipate any widening of McLoughlin Blvd.

Commissioner Churchill:

- Asked if the railing on McLoughlin Blvd's eastern edge was considered, because it was very tight with not much of a shoulder. Adding a lane was discussed, which would push the street to the west.

- **Mr. Williams** responded outside of the range of the microphone.
- Asked how many trailer parking stalls were onsite.
- **Mr. Maciejewski** responded that the 40 existing trailer parking stalls were being reduced to 32 parking stalls.

Chair Klein called for additional comments from staff.

Mr. Marquardt confirmed the Commission had no questions regarding stormwater management or flood plain regulations. He thanked the Board and DLC members for attending.

- He clarified that one condition regarding the WQR area limited trails to areas where it was necessary to provide pedestrian connections. Staff understood the trail leading from the plaza to Kellogg Creek area was for a future improvement to Kellogg Creek, so recommended that it not be built until an actual connection was to be made.
- Another suggested condition was that the design of the small restroom facility include a green roof to minimize stormwater impacts.

Commissioner Batey understood staff suggested that the variance should be open-ended. She believed that some timeframe, like 5 years, might be better than leaving it open-ended.

- **Mr. Marquardt** responded that it was difficult to set time limits and completion goals because the project was multi-phased. Staff opted to not have the Applicant return to the Commission for review of substantial completeness.
- **Ms. Mangle** stated that part of the Conditional Use (CU) aspect of the Willamette Greenway was to address impacts. Since this use as a riverfront park was so deeply ingrained in the City's policies, Comprehensive Plan, Riverfront Plan, Downtown Plan, and zoning, a zone change would be required if the site was improved for any other use. There were no offsite impacts to mitigate, so it seemed less important to have a time limitation. CUs were typically along the lines of a business in a residential neighborhood, where more traditional impacts were seen. Staff was open to suggestions from the Commission, however.

Chair Klein confirmed that river flow was the reason the dock was on the south and not the north side of the boat launch. If the boat launch was moved to the north side, it would have less impact on Kellogg Creek and may ease pedestrian and non-motorized boat access because they would not cross in front of the boat launch to get to the ramp. Although, the driver would have to go to the passenger side to tie the boat down when backing a boat down the ramp.

- **Mr. Green** confirmed the boat launch location was a functional issue of water currents moving to the north. Boat users do not want to tie up upstream of the walkway because the boat was constantly slammed into the ramp. When the water level was very high, the boat was actually pushed up against the ramp. Boat users like to tie boats downstream of the ramp/walkway to have better control of their boat.
- **Commissioner Churchill** stated that having launched boats before, it was when pulling away from the dock one wanted to drift out over the trailer as opposed to having to pull it away from the dock toward the trailer.
- **Mr. Green** added that thinking about the back end of the boat swinging around while pulling away from the dock made it difficult to maneuver.

Commissioner Batey:

- Confirmed that regulators were not concerned about the size of the dock, but the crossover traffic. The proposed transient dock was larger than the dock proposed in previous iterations of the plan with 2 long straight docks going out.

- **Mr. Williams** added that people would be launching and pulling back and forth across the Kellogg Creek channel. The Applicants had to prove how many boats would harm how many fish. The regulators were asking the Applicant to defend having the transient dock. The closest point of the transient dock was in 20 ft of water at a low water level. It was a scour edge and dropped off fairly rapidly.
- Asked what could be done and what the Commission could do about non-motorized access.

Commissioner Churchill asked Mr. Williams to expound on the steps he might take regarding non-motorized access and asked what regulatory agency was in charge.

- **Mr. Williams** clarified that NMFS was pushing the non-motorized boat access issue. The Corps handled and distributed the application to various agencies for reply, including DEQ and NMFS, and to the public for comment. Prior to submitting the application, a pre-application conference was held onsite. The specific issue of non-motorized access was discussed by biologists at the meeting, as well as an issue with the proximity of the 2 docks to the mouth of Johnson Creek. The regulators still had an issue with access from the plaza down to the water, and the Board needed to further detail the intent of those areas.

Commissioner Bresaw asked if the regulators would prefer getting rid of the transient dock and having access for people carrying kayaks and canoes; if the City had to weigh one over the other.

- **Mr. Williams** responded the regulators would probably prefer nothing there. Mike Stacey of the Board talked a lot from the standpoint of mostly motorized boat users. The transient dock was there because a bigger group of people wanted it. It was a small site and they tried to accommodate as many programs as possible.

Chair Klein did not necessarily think the dock was just a vessel to be used by boaters, but something to get people out onto the water as well.

- **Mr. Williams** agreed the dock would inevitably be used for that.

Commissioner Batey asked if the Corps or NOAA process for public comment included publishing something in the federal register for public comment and if so, had it occurred. It would provide an opportunity for non-motorized boat users to know what was happening.

- **Mr. Williams** confirmed that the public notice timeframe had passed. Non-motorized boat access had not disappeared. The Board thought they could accommodate it on the same dock. The Commission's points were well taken, and some things could still be done, including lowering the dock to make it more accessible for non-motorized boat launching.

Commissioner Churchill:

- Asked if NOAA would be open for more discussion.
 - **Mr. Williams** affirmed that the Board could absolutely talk more with NOAA about non-motorized access.
- Understood the economic pressures of financing the project and the importance of getting the Marine Board on board. However, he was considering the impact to fish in the area from prop wash versus a little loss of riparian area for a non-motorized boat launch. He was trying to understand the concern of NOAA, who was clearly comfortable with a motorized boat launch. Motorized boats tended to gun their boats to get them up on their trailers, as opposed to using their winch, causing a lot of prop wash and jet wash, which had a huge impact on the fish.

Commissioner Batey added that especially in light of all the riparian restoration in the plan, it seemed like promoting goat trails for non-motorized access was inconsistent.

- **Mr. Williams** responded that he was told by a permit expert to throw reason out the window when dealing with regulatory agencies. He was frustrated and understood the Commission's frustration. The Board was responding more to what they were hearing from regulatory agencies.

Chair Klein commented that 16,400 questionnaires were sent out and 75% of the 1,779 that were returned had motorized boat use on them.

Commissioner Batey did not recall that the questionnaire differentiated between motorized and non-motorized boat access.

Chair Klein said he did not know either, but believed that 75% of the respondents probably were not going to kayak.

Commissioner Churchill stated boat access to the river certainly was a big concern.

Commissioner Batey:

- Asked whether a 5-year time limit on the variance was enough. Ms. Mangle made a good point that the project was consistent with the zone, but the Downtown Plan was now 10 years old and everything downtown was completely inconsistent with the Downtown Plan. The City looked very different over the course of 10 years, so she wondered if 5 years was a reasonable time-limit window.
 - **Mr. Williams** clarified that funding was a big issue.
 - **Ms. Herrigel** noted her 2006 memo said she needed \$100,000 for 6 months and the Riverfront Park would be built. It was now 2010 and she had spent almost \$500,000. If a lump sum of money was available and the park could just be built, it could be done in 5 years. The project was incredibly complex with several agencies monitoring it and multiple sources of funding needed. She asked what the fear was in 5 years.
- Believed the Board should have to return in 5 years if the project was not completed and deal with the Commission at that time.
 - **Ms. Herrigel** said that if she had to come back in 5 years, then that's what she had to do. The reality was it could take at least 5 years with the phases. If it was really an administrative procedure, it was not that arduous.
 - **Ms. Mangle** clarified that it would not be just an administrative procedure, but involved a whole new application and hearing. The intent of the time limit was not to encourage projects to happen, but to mitigate for impacts. Adding any extra steps for this project would not make this project go any faster, but would be one more thing for the Applicant to do.
 - **Ms. Herrigel** agreed having to submit another application would take longer.
 - **Ms. Mangle** asked the Commission to be sensitive to that and if they believed something needed to be checked on, to be clear about what they wanted to achieve, and structure it accordingly.

Vice Chair Harris requested input from the Applicant about staff's recommendation to remove the pedestrian bridge and walkways from the application.

- **Ms. Herrigel** understood that staff was not saying to eliminate the pedestrian bridge, but when the design was completed, the Board should return for review at that time. Currently,

they had not shown the design or materials. She was fine with returning to submit the design for pedestrian bridge and attached areas in context with the rest of the riverfront.

Chair Klein closed the public hearing testimony portion of the hearing at 9:24 p.m. He summarized that the key issues regarded the variance, left-turn, non-motorized boat access, and removal of the pedestrian bridge.

Commissioner Batey asked if the Commission should consider continuing the hearing. They had not had a chance to look at the received comments and she was especially interested in Mr. Russell's remarks. A continuance might also allow the Applicant to provide more information.

Commissioner Bresaw said that the application could also be conditioned so that unresolved issues could return to the Commission for review.

Commissioner Churchill understood this was the Commission's one shot at the project because it would return only as a limited review of the pedestrian bridge. If there were issues to discuss, particularly the non-motorized boat access, he wanted to give the Applicant a chance to respond. Some understanding and tweaking of the design features were needed. Otherwise, the Commission should just deny or approve the project based on Code issues.

Ms. Mangle suggested proceeding with deliberations instead of worrying about continuation, because it was not yet clear to staff what additional information the Commission wanted.

Commissioner Batey stated that her only concern was the non-motorized boat access, but she did want to read the submitted comments.

Chair Klein stated he had no issue with the time limit variance and not much of a concern with the turning issue. However, the non-motorized boat access was now more important to him. He believed a non-motorized boat access could work, but wanted to see something better. He understood that the Board had been working on the project for 12 years, which was amazing, but he agreed with Commissioner Churchill that the Commission really only had one chance.

Commissioner Bresaw believed the play area was in the best place, away from McLoughlin Blvd and protected. She had grandchildren and the distance from the play area to the restroom distance would work. She did not like the bare concrete planned for the restroom, but if stamped or accented like the picture submitted by Becky Ives, it would be very good. Though not the most important thing, it was nice to have a curve to the main stairs. An arched gateway would be nice to consider; something like a steel arch at the semicircle, laser cut with the inscription "Milwaukie Riverfront Park." She favored non-motorized over motorized boats because they were quieter; however, she hoped there was room for both. She was also concerned about the Kellogg Creek area, but there was not much space there.

Commissioner Churchill complimented the Board on the placement of the boat ramp. It was very nice to have it further south, leaving the more prominent point out in the middle where the festival lawn is nearer to Klein Point. The overall design was very successful.

- He commented that current reviewing agencies had a fear of access to water. The pendulum may have swung too far in the current culture. It was true no one wanted a crowded beach and park, but a balance of connection with nature was appropriate. He was surprised the regulatory agencies were giving grief about the access point.

- Milwaukie and the surrounding communities had encouraged non-vehicular access with bike routes through the city and reducing fossil fuel transportation. The same pendulum swing would come around eventually about boat access. Although the Marine Board was a great source of funding, the amount of non-motorized boat traffic on the waterways was gaining momentum over the last 10 years. The project may not be built for another 5 to 10 years, so it should be considered, just as bike racks were not important 10 to 15 years ago.

Commissioner Batey restated that her only real issues were reading the comments and non-motorized boat access. She was willing to go for an indefinite variance, but was concerned about the precedent the Commission was setting on variance issues. This project qualified for a variance because of the combination of the lack of neighbors impacted and the number of layers of agencies needing to review. She would not vote for the variance based on the size of the project alone.

Vice Chair Harris supported the variance, shared the Commissioners' concerns about non-motorized boat access, and needed time to review the comments. He also wanted more time to review the recommended conditions of approval to ensure he understood them completely.

Chair Klein:

- Acknowledged that the hearing would be continued and wanted to provide direction to staff and the Riverfront Board regarding the non-motorized boat access.
 - **Mr. Marquardt** believed that staff understood the basic concern about the importance of providing non-motorized boat access, but asked what kind of information was needed in 2 weeks to sway a decision one way or another. Staff needed to be able to relate how non-motorized boat access might affect an approval criterion.
- Commented that many decisions about non-motorized boat use would come from pressure from the Board and the City's partners, rather than the Commission requiring it. Some of the agencies might not allow something different than what was out there.

Commissioner Churchill understood the Board had moved past the point of pushing back about non-motorized boats. He asked the Board to revisit the discussion with the appropriate approval agencies and return to the Commission with a detailed finding that included more than, "We just don't want that."

- It was not tied to the Commission process, but affected the design features of the park. He believed it would take 4 weeks to get a response from the regulatory agencies.

Chair Klein asked if language could be crafted to say, "The Planning Commission had a desire to move this into this area." He believed the issue of non-motorized boats was very important to the Commission, but approval or denial of the project's design review did not hinge on that issue.

Commissioner Batey agreed and doubted the Commission would vote against the project based on the non-motorized boat issue, but the issue was not a design review one. Several other applications were before the Commission.

- She believed the issue did go somewhat to the WQR for the protection of the riparian area and avoidance of goat trails; the creation of something that was systematic and dedicated for this purpose and minimizes the impact on the riparian area. The non-motorized boat issue could be tied to the WQR.
- A single dedicated gravel path was better than multiple rabbit trails as people try to reach the river.

Chair Klein noted the Commission was dragging the project out at best 4 weeks.

Commissioner Batey responded that the agencies would not answer until December and questioned whether the Commission was under a rush at this point.

Mr. Marquardt clarified an outer timeline of 1 year existed for any land use application from the date it is deemed complete. That deadline for this application was September 2010.

Chair Klein commented that having worked with staff, once a project got through planning the process, it became easier. One month out of a 12-year process did not seem like that big of a deal. He wondered what the Commissioners would get from reading the comments and returning in 2 weeks to formulate a different plan. He was fine with a 2-week continuance, but cautious about 4 weeks. He was not interested in waiting for regulatory agencies to make a decision before the Commission approved the application based on an issue that was not a deal-breaker at this point.

Commissioner Churchill confirmed that this was the only formal commission review the City would have because the project would not go to City Council.

Ms. Mangle clarified the application would formally return to the DLC, unless as Commissioner Bresaw suggested, the Commission wanted to see the project again. If so, it would have to be structured and specific. Generally this was the last land use hearing. She confirmed that the application could be appealed to City Council, but only by people who had commented to date.

Commissioner Bresaw believed they could condition the application enough to pass it tonight.

Commissioner Churchill agreed, but wanted to honor the process that took 12 years to get to this point. A lot of information had to be absorbed about the project. He noted that he had missed that non-motorized boat access was dropped from the project and was probably not the only one to miss that. It deserved an answer for the public record and an awareness of what happened.

Chair Klein asked if the Commission was reviewing just the information received so far since the public testimony portion had been closed, or if the public testimony portion should be opened again for new information.

Ms. Mangle asked what other information the Commission wanted to receive.

Commissioner Churchill stated that some discouragement came about and should be documented. It may be, but he had not seen it and would like to understand how it happened. He might have missed the public hearing process at NOAA to address non-motorized boat access, but he did not believe he was the only person in Milwaukie who was interested in non-motorized access for boats. It was included earlier on in the plans, which may have given people comfort that the project was headed the right way.

Commissioner Batey said she had at least 2 people every summer ask about non-motorized boat access because they did not want to portage out to Elk Rock Island.

Commissioner Churchill noted that a fair amount of people use the graveled banks of the Willamette River near the current boat ramp for non-motorized boat access.

Chair Klein clarified that the Commission was asking the Applicant to go through their information and provide an outline of the level of pushback they received from which agencies.

Commissioner Churchill requested that the Board provide some correspondence to explain what the level of the pushback was, so the Commission could understand why non-motorized boat access was not in the plan. Sometimes it came down to individuals representing agencies on a field walk. Maybe it was a policy the agency had, in which case an explanation was needed so the Commission could explain to the community why it happened.

Chair Klein asked if the Commission had any issues with the variance request.

Commissioner Churchill stated that his concerns about the variance were similar to Commissioner Batey's, but he understood that the layers of bureaucracy reviewing the project made it very complex. He was sympathetic toward an open-ended timeline.

Chair Klein recalled that it took 6 years to get funding for the Ball Michel Park, which was much smaller and less complicated than Riverfront Park.

Commissioner Bresaw wished the project could start at the north end at Klein Point and move south, because the riverfront would be improved. She believed Kellogg Creek needed more work, and noted Mr. Russell's comment that fish passage should be considered first before everything else.

Chair Klein added there would be a lot more happening with Kellogg Creek in the future, but it was still up in the air. He confirmed that the Commission did not need more information about the variance. He asked about the turn pocket issue.

Commissioner Batey requested more information about the turn pocket issue and how McLoughlin would be restriped.

Mr. Marquardt noted Tab 6 of the current packet titled "Left turn Lane" showed the existing curb and proposed striping.

Commissioner Churchill asked Brad Albert, Civil Engineer, to submit something via staff stating how many trailered vehicles could fit in the 140-ft left-turn pocket and that the size was sufficient according to traffic standards.

Chair Klein confirmed that the Commission favored having the pedestrian bridge removed from the subject application and returning at a later date. He asked how the Commission should proceed with regard to public comment, so the hearing was continued to just one meeting.

Mr. Monahan noted no one had spoken in opposition to the application, so advised allowing the Applicant the opportunity to submit the new information either prior to or at the meeting, and open the public hearing to comment only on the new information. If someone raised an objection and requested additional time to review the new information, it should be granted. But the Commission could get through the next meeting as the final action, unless additional time

was requested. Public testimony could also be restricted to addressing the new information only, if Chair Klein stated that tonight.

The Commission discussed public comment procedures, debating whether to leave the application open for comments about just the variance, non-motorized boat access, and left-turn pocket. The decision was to err on the side of leaving the entire application open to public comment. The application had a lot of information to understand, but the Commission did not anticipate a riot of public comment.

Mr. Marquardt stated that the Applicant did not believe 2 weeks was enough time for comments back from any regulatory agency.

Ms. Mangle understood that the request was for documentation of the process provided thus far, in which case 2 weeks was sufficient.

Commissioner Churchill clarified that if the discussion happened with a representative of a regulatory agency as they were walking the site, he did not consider that sufficient information for the Commission.

Ms. Mangle stated that she heard the request was for documentation of the discouragement that had happened thus far.

Chair Klein interjected that even if the worst-case scenario was received, while important, it was not a deal breaker. He suggested that the Commission get the information. The multiple agencies would not provide their reasoning at this point in time, because they would be deliberating on it for months. The Commission had to put a date on the application to move it forward.

Commissioner Churchill noted that the continued hearing was the last public hearing in front of the City.

Commissioner Bresaw asked why not condition the application to require the inclusion of non-motorized boats.

Ms. Mangle requested a brief recess to allow staff to confer with the applicant.

The Commission took a brief recess and reconvened at 10:05 p.m.

Ms. Mangle said that to best address the issues being raised, staff would work with the Applicant to document the past discouragement regarding the non-motorized boat access and try to address how the existing application could possibly accommodate non-motorized access. However, staff did not typically change an application, which is what was being proposed by the Commissioners, so conditioning the application to perform differently was preferred. If any Commissioner believed they would deny the application based on this issue, she asked that they work with staff to figure out what part of the Code it did not comply with because that would be serious and she wanted to be prepared for it. It was not clear to her that it did not comply with the Code. Perhaps the site could be better, or water quality issues addressed or that boat access could be addressed better by a different agency.

Commissioner Batey asked why it was different than a condition.

Mr. Monahan explained that a condition had to address how to make the application compliant with a Code provision with which it did not comply. The Commission had to identify where the Code stated that non-motorized access must be provided.

Ms. Mangle clarified that all conditions are tied to findings in the Code. They did not need to do so now, if non-motorized boat access was that big of a concern for any individual, they needed to have that conversation with staff.

Commissioner Batey said she was trying to understand why this issue was different from others that the Commission conditioned. For instance, stating that minimizing goat trails was a protection for the WQR.

Mr. Monahan said that might be the approach, but something was needed in the record to show that danger existed; that what was being proposed had the potential of harming the resource, so the Commission could craft a condition to prevent that harm from happening in order to maintain the resource at the proper standard.

Ms. Mangle added that the Commission could say that a motorized ramp was too impactful and that only a non-motorized ramp was wanted because it would be smaller. However, in this case, they were adding an additional feature, a non-motorized boat access.

- She stated that staff would return with information about the number of vehicles that could stack in the potential left-turn pocket, documentation of the past discussions about non-motorized watercraft, and information about how the plan could potentially accommodate non-motorized watercraft. The record would remain open for all public comment.
- She confirmed that staff's response to Mr. Russell's comments about the Kellogg Creek fish passage was included in the material attached to the blue memorandum.

Commissioner Batey moved to continue Milwaukie Riverfront Park Redevelopment Files DR-09-01, TPR-09-03, WG-09-01, WQR-09-01, and VR-09-03 to a date certain of May 25, 2010. Commissioner Churchill seconded the motion, which passed unanimously.

Mr. Monahan confirmed that the Commission had left the record open.

6.0 Worksession Items—None

7.0 Planning Department Other Business/Updates

Ms. Mangle distributed information about the City Council annual volunteer recognition party on May 24th. All the Commissioners were invited.

8.0 Planning Commission Discussion Items

Chair Klein noted that participation in the Race for Daze 5K Run and Walk on May 22nd at the waterfront was only \$25. A free pancake breakfast would be provided by Bob's Red Mill. All the funds went to Milwaukie Daze. Information was available online at <http://racefordaze.eventbrite.com> or people could contact Chair Klein.

Ms. Mangle noted that staff had distributed a replacement of the Riverfront Park Lighting Pattern Plan that had not printed correctly in the packet. It was the same graphic included in Mr. Williams' presentation.

9.0 Forecast for Future Meetings:

May 25, 2010

1. Worksession: Review Procedures Code Project

June 8, 2010

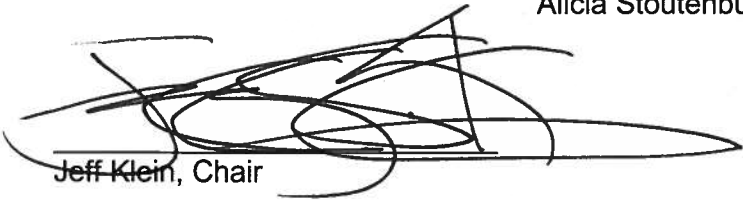
1. Joint Session with Advisory Group: Natural Resources Project

Ms. Mangle stated she would still like to hold the worksession for the Review Procedures Code Project after the Riverfront Park hearing closed. June 8th would be a group meeting with the Natural Resources Overlay Advisory Group and might be held at the Public Safety Building to allow for a larger crowd.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for
Alicia Stoutenburg, Administrative Specialist II



Jeff Klein, Chair



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday May 11, 2010, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
 - 2.1 March 23, 2010
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
 - 5.1 Summary: Riverfront Park
Applicant/Owner: City of Milwaukie
File: DR-09-01
Staff Person: Ryan Marquardt
- 6.0 Worksession Items**
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - May 25, 2010 1. Worksession: Review Procedures Code Project
 - Jun 8, 2010 1. Joint Session with Advisory Group: Natural Resources Project

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

1. **PROCEDURAL MATTERS.** 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. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

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.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Jeff Klein, Chair
Nick Harris, Vice Chair
Lisa Batey
Teresa Bresaw
Scott Churchill
Chris Wilson

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelter, Associate Planner
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Alicia Stoutenburg, Administrative Specialist II
Paula Pinyerd, Hearings Reporter

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, March 23, 2010
6:30 PM**

COMMISSIONERS PRESENT

Jeff Klein, Chair
Nick Harris, Vice Chair
Lisa Batey
Teresa Bresaw
Scott Churchill

STAFF PRESENT

Katie Mangle, Planning Director
Ryan Marquardt, Associate Planner
Bill Monahan, City Attorney

COMMISSIONERS ABSENT

Chris Wilson

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:39 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

2.1 February 9, 2010

Vice Chair Harris moved to approve the February 9, 2010 Planning Commission meeting minutes as presented. Commissioner Bresaw seconded the motion, which passed 4 to 0 to 1 with Commissioner Churchill abstaining.

3.0 Information Items

Ms. Mangle noted that Commissioner Batey was reappointed to the Planning Commission by City Council. One position on the Planning Commission was still vacant.

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

5.1 Summary: Parking Chapter amendments

Applicant/Owner: City of Milwaukie

File: ZA-10-01

Staff Person: Ryan Marquardt

Chair Klein stated that the Planning Commission had discussed legislative amendments to the Milwaukie Municipal Code during the previous worksession. Amendments to the Code require initiation by City Council, Planning Commission, or a property owner.

Vice Chair Harris moved to initiate the proposed amendments to the Milwaukie Municipal Code Title 19. Commission Batey seconded the motion, which passed unanimously.

Chair Klein called the hearing to order and read the conduct of legislative hearing format into the record. He asked if any Commissioners had any ex parte contacts to declare.

No Commissioners abstained and no Commissioner's participation was challenged by any member of the audience.

Ryan Marquardt, Associate Planner, presented the staff report via PowerPoint, reviewing the goals, key issues, and proposed changes regarding the Parking Chapter update. He responded to questions from the Commission as follows:

- The Code did not have language capturing or prohibiting the phasing of a project over several years to get around the parking requirement. Up to 10% of the building permit value would have to be contributed during each phase of the project.
- The Code definition of floor area did not count garages as floor area, so converting a garage to living space would add floor area. The Applicability Section applied to both commercial and residential uses.
- Change of use could potentially change parking requirements. For example, D&R Masonry on McLoughlin Blvd was an auto use before changing to manufacturing. The building for Classic Memories was now storing goods, changing from a quasi-retail use to a warehousing use. If a change in use included an addition of more than 100% of the existing floor area, it would require full compliance, but a change in use with an addition less than 100%, would be closer to conformance.
- Change in use from a small store or office space to a restaurant could trigger traffic generation and parking requirements, and would require up to 10% of the improvement costs dedicated to parking space. To bring the site closer to conformance, additional parking could be required if extra space was available on site.
- The list of priorities for bringing a site closer to conformance guided staff in determining what improvements should be considered, depending on the site. The priorities were as

follows: paving and striping, minimum parking space requirements for vehicles, bicycle parking, and landscaping improvements.

- The Building Department addressed ADA requirements, and would likely require conformance to ADA parking standards during a remodel.
- Code Section 19.502.3 Applicability for Development and Change in Use Activity was located on 5.1 page 21 of the packet.

Commissioner Churchill:

- Believed Washington County required that tenant improvements with no clearly defined accessibility route to the building from the ADA parking spaces designate up to 25% of the construction costs for ADA compliance. He asked if Milwaukie had similar requirements, if they meshed with ADA requirements and how the 10% dedicated to parking space would be used.
- **Mr. Marquardt** responded that the ADA involved a whole different set of federal requirements, while the Parking Code was more local to the City of Milwaukie.
- **Ms. Mangle** stated the 10% required for parking improvements would be additive rather than overlapping. The Building Department would address onsite circulation, especially with regard to fire, life and safety, and ADA parking. Onsite circulation was not covered in the Parking Code chapter.
- Typical improvements required by the City were landscaping where none existed, paving, parking, and bicycle parking. Without a list of priorities for guidance, however, staff was nervous about the lack of clarity, so elements were actually under-requested. With the Parking Code clarified, staff would be allowed to ask for more improvements and applicants would understand the requirements.
- Clarified that potentially, a portion of the improvement costs were required for ADA compliance with an added 10% required for local Parking Code requirements.

Chair Klein:

- Asked about the Foxy's building, which was first a Dairy Queen, then ultimately converted to video poker/tobacco retail. That change in use required less parking.
- **Mr. Marquardt** explained that parking requirements were applied on a site-to-site basis. If a change of use permit required additional parking but there was no additional space for parking, the City could not require that the owner buy another lot, though a shared

parking agreement might suffice. The Downtown Storefront Zone was different and had no minimum parking requirements.

- **Ms. Mangle** clarified that almost every parking lot in the City was nonconforming in one way or another. Large projects could be largely characterized as change in use or remodels, so the bar should not be set too low because that would let large projects off the hook.

- Recalled discussion about too much parking being required in residential business pockets where the City was trying to achieve pedestrian access.

- **Ms. Mangle** noted if a change of use had to trigger full conformance each time, the City would quickly become a ghost town because it would be difficult for most properties to come into full compliance.

- **Mr. Marquardt** clarified that the new ratio table grouped similar uses into more general requirements, so it was more likely that changes of use or tenant improvements would not change the parking requirement because essentially there were not as many different uses to change to.

Commissioner Batey commented that the D&R Masonry project turned out great, but the one across the street (Willamette Jet Boat) was not as impressive, especially the landscaping. She asked why the other site had not been done as nicely.

- **Mr. Marquardt** responded that Willamette Jet Boat met the minimum requirements for landscaping buffers and overall landscaping, while D&R Masonry did more than meet the requirements. The same requirements applied to both sites, but it was a function of how much the different landowners wanted to put into their site.

Mr. Marquardt continued with the staff report, noting that although the Commission had directed staff to retain the two parking space minimum for single-family residential, having a one parking space minimum was required for compliance with the Metro Functional Plan. A handout was distributed to the Commission with Metro's letter dated March 18, 2010 attached. The handout was later entered into the record as Exhibit 1.

- Metro had stated that since changes to the Parking chapter were proposed, the City should come into compliance with the Metro Functional Plan.
- Illustrations of the site design implications regarding one versus two parking spaces were displayed and described. A house lot with a 20-ft setback would have either a double-wide driveway in front or tandem stacked driveway without a garage. If a one-car space was

required, it could be in the setback area because it was deep enough and no requirement existed for covered parking.

- Neighborhoods near downtown had narrower front yard setbacks, so if the house was moved closer to the front lot line, a single-car garage was required to meet the requirement because it would not fit in the front driveway. A two-car-wide driveway would not be deep enough unless parking sideways.

The Commission and staff continued with discussion as follows:

- The Parking Code did not limit the maximum amount of off-street parking; however, the City did want to reduce paving and lot coverage and minimum vegetation requirements did exist.
- If a garage was converted to living space, a 20-ft setback still allowed for a 9 ft by 18 ft parking area in the front driveway without a garage. A 15-ft setback would not accommodate the required parking space for a garage conversion, so the driveway could be angled or relocated.
- Under the current and proposed Code, a parking space was not allowed in a required side yard setback. If a side yard setback exceeded the minimum, parking could be placed in the side yard.
- The idea was to avoid having an excessive number of vehicles parked in front of a house, so a 15-ft setback was not bad if the width of the lot allowed for parking on the side or in back.
- People owned multiple cars, so it was difficult to stop them from parking on grass if only one parking space was required. A tandem driveway was difficult to manage, so a side-by-side driveway was best to avoid parking on the grass.
- **Ms. Mangle** pointed out that they were discussing the minimum parking the City would allow for new residential construction. Staff believed most new houses would continue to be built with two- to three-car garages, with additional parking in the driveway. Existing properties might be problematic, but much of Milwaukie had good public transit and bike access. Many families did have one car or biked to work, so perhaps should not be required to build an additional parking space. Staff did not believe one-car parking would be the norm, but questioned whether more parking should be required if it was not always needed.
- Options for resolving the single-family, one- or two-space parking issue were reviewed as follows:
 - Revise the amendments to one space per single-family residence as noted in Exhibit 1.

- 176 • Proceed with the current amendments as written, requiring two spaces per single-family
177 dwelling unit. However, if adopted, the City would not be in conformance with the Metro
178 Functional Plan and therefore subject to appeal to LUBA by Metro.
- 179 • Request an extension, allowing the City to be out of conformance for a longer period of
180 time. Metro stated that it was time to come into compliance while revising the Parking
181 chapter, which might not be revisited again for many years. Staff did not believe this
182 option was feasible.
- 183 • Request an outright exception to the requirement. However, Metro's Code required a
184 Metro Council hearing to request an exception due to special circumstances. Staff was
185 not optimistic this option would work.
- 186 • **Commissioner Batey** did not believe a vote on the reduction in off-street parking
187 requirements was possible without first notifying the neighborhoods. A plan presented in
188 Island Station for a duplex with two parking spaces per unit was questioned for not providing
189 enough off-street parking. Some locations in the city could accommodate on-street parking,
190 so one off-street parking space was enough, but other locations had little or no on-street
191 parking. She did not like taking a cookie cutter approach with parking standards. More
192 importantly, the Planning Commission would do City Council a disservice if they did not have
193 a dialogue with the Neighborhood District Associations (NDAs) before voting on a
194 recommendation to the City Council.
195
- 196 **Mr. Marquardt** continued with the staff report by reviewing the proposed parking amendments
197 for residential homes, using the Columbia Care Services residential treatment home (Balfour
198 House) as an example.
- 199 • Residential homes were regulated as single-family residences and therefore the City does
200 not currently limit the maximum amount of parking provided. Though the Balfour House plan
201 was ultimately revised, the City would have had no recourse to prevent the originally
202 proposed 24-space parking lot in the front yard.
- 203 • The proposed Code amendments would address such future issues with a minimum ratio,
204 similar to what existed, but also a specific maximum ratio allowing one extra space available
205 per each bedroom.
- 206 • Under the proposed amendment, the Balfour House would have been required to have a
207 minimum of 6 to 8 parking spaces with a maximum of 15 spaces. While still a large
208 number, parking was not unlimited.

- A new standard was also proposed where parking areas of over 2,500 sq ft would be set back at least as far as the front yard setback requirements and have landscape buffering around the parking area.

Chair Klein:

- Noted the one space per employee issue and recalled reading about the maximum employees during a shift. When a residential care home was constructed, the owner may have an idea about how many maximum employees would be on a shift, but in practice other residents might need extra attention, requiring additional staff members and increasing the maximum number of employees.
 - **Mr. Marquardt** replied that in other jurisdictions, employee parking was handled through a ratio. If it was of concern, staff could search for something based more on physical site characteristics rather than numbers that were likely to change.
- Asked if there was a way to limit the size of a residential home because the number of residents at Balfour House had a big impact on the neighborhood. Was it possible to set a maximum number of off-street parking spaces and not allow on-street parking for residential homes because they were a business in a residential area?
 - **Bill Monahan, City Attorney**, answered 'no,' such a restriction was not legally defensible because residential homes were not considered businesses and were protected by the Federal Fair Housing Act, the same as single-family residences.

Commissioner Batey asked why parking was not encouraged behind the building as a general rule, but especially for residential care homes to retain the residential character. She also warned about placing too much emphasis on the Balfour House as the example when amending the Code. Residents of Balfour House did not have cars, but senior home residents still had their cars, so two parking spaces per dwelling plus employee parking would not provide enough off-street parking.

- **Ms. Mangle** responded the problem was that the entire driveway counted as parking space, so large lots with circular driveways could accommodate 20 parking spots. Whatever standard was adopted would apply to all residential properties in Milwaukie. By specifically addressing employees in the amendment, parking could be tailored to set an additional limitation on residential facilities with employees without impacting average single-family homes.

243 Discussion continued as follows:

- 244 • While moving parking behind the Balfour House might have been logical, other sites might
245 not have that ability.
- 246 • The proposed wording required one parking space per dwelling unit for multi-family
247 dwellings. Residential homes were protected by the Federal Fair Housing Act and were
248 required to operate as a single housekeeping unit. In the Balfour House, each room was not
249 considered a separate dwelling unit because they did not have kitchens. The Royal Mark on
250 King Rd was assisted living with individual housekeeping units, each with a small kitchen,
251 which was the key deciding factor.
- 252 • The adult foster care home on Lake Rd had most of its parking spaces inside the garage. As
253 a residential facility, the proposed parking ratios would apply, increasing the minimum
254 parking required to two spaces per dwelling, plus one space per employee. At the Lake Rd
255 facility, a minimum of two spaces would be required, plus two more for the couple operating
256 the facility. Theoretically, there could be nine cars based on the number of residents as well.
257 The facility had a three-car garage, with parking in front of each garage and then some.
- 258 • The issue was tricky because the same regulation applied to all residential housing. For
259 example, a family in a large house with several teenage drivers who all had cars was not
260 required to sign shared parking agreements with other property owners. It was important not
261 to overregulate.

262

263 **Mr. Marquardt** explained that staff considered different options regarding the location of
264 residential parking. Again, regulations regarding parking location would also apply to all
265 residences, not just residential homes.

- 266 • Staff considered and rejected an alternative that allowed only 40% of the front yard setback
267 area to be dedicated to parking. This option seemed excessive in terms of regulation and
268 explanation. A larger Code change would also be involved than was really desired, affecting
269 single-family remodels as they came closer-to-conformance.
- 270 • Another alternative required that a 30 ft by 30 ft parking area would have to be out of the
271 front yard setback. Most residential parking areas would have a driveway width of 18ft or
272 less.
- 273 • It was difficult to determine what regulations should apply to encourage owners to place
274 parking in the back or side yard.

275

276 **Commissioner Batey:**

- 277 • Asked why a narrow driveway leading to a garage located behind a house was counted as
278 parking.
- 279 • **Mr. Marquardt** responded because a driveway could be used for parking. If a car could
280 fit in that space, it counted as a parking spot.
- 281 • Suggested that a parking area should be defined.
- 282 • **Ms. Mangle** encouraged the Commissioners to help identify alternative solutions. She
283 noted that 5.1 Page 150, Appendix A Alternatives for Regulating Residential Parking
284 Uses with Large Parking Areas indicated four alternatives, three of which were
285 presented to the Commission. It was a challenging issue and she welcomed additional
286 solutions.
- 287 • Proposed the definition of a parking area could state that where more than four parking
288 spaces were required, the parking area would not include the driveway to access those
289 parking spaces.
- 290 • **Mr. Marquardt** asked what regulation that definition would be based on.

291
292 **Chair Klein:**

- 293 • Inferred that if there was a triggering point for 4 or 5 cars located in a specific area behind or
294 away from the house, the parking area must be structured more like a business parking lot
295 rather than residential, so that the driveway to the parking area would not count as parking
296 spaces.
- 297 • **Mr. Monahan** asked what problem the Commission wanted to address. A parking area
298 behind the house still met the minimum requirements without using the access drive to
299 count toward the spaces. Parking would only be located in the back because more
300 parking spaces were needed.
- 301 • Believed the point was to encourage parking behind the building rather than in front, but that
302 could not be done on every parcel.

303
304 **Mr. Marquardt** noted that, with the current staff proposal, residential parking areas 2,500 sq ft
305 or larger must be either set back 20 ft or located in the backyard. This would capture residential
306 facility parking lots, but would not apply to most single-family dwellings. He concluded the staff
307 report by reviewing the proposed changes to residential parking regulations and responding to
308 questions from the Commission as follows:

- The current code did address clear vision standards for gates. A chain-link fence at the property line was see-through and would not be in violation of the clear vision standard. Essentially, a 20-ft radius around driveway area had to meet the clear vision standards.
- He confirmed that public area improvements could not include gravel. A sidewalk section had to be replaced with sidewalk, not gravel.
- No gravel could be used within side yard setbacks; however, side yards could be graveled on a very wide lot.
- Gravel was encouraged for non-required parking areas because it was a greener option than pavement. Requiring pavement on every surface that a resident could potentially drive on seemed like overkill. While required parking and frontage improvements in the required setback would still require a hard surface, the Code change would officially allow secondary driveways, such as one leading to a shed at the rear of a property, to be gravel. Boats and RVs would still be allowed on gravel.

Chair Klein called for public testimony in favor of, opposed, and neutral to the proposed amendments.

Dan Jurkovich, 10216 SE 41st Court, Milwaukie, supported the Code amendments and asked how close the Code change was to passing. He took in foreign exchange students, which promoted Milwaukie to Germany and other countries. He wanted to convert his unused garage to living area to have extra bedrooms, but was required to provide a covered space for his car. Last March, his contractor had assured him that the Code change would only take a few weeks. He needed a realistic timeframe to know when he could proceed with garage conversion to determine whether he should accept another foreign exchange student for the next school year.

Chair Klein responded that Code changes were a long process that took at least one year. The packet included 152 pages of rewrite of the existing Code that had to be reviewed and discussed before adoption. Time was also needed to allow the public to comment on the changes, which was important as well.

Commissioner Batey added that Mr. Jurkovich's issue was probably one of the least controversial and would probably be passed. However, even if it was passed tonight, it had to go to City Council.

Mr. Monahan clarified that the Planning Commission would vote on a recommendation, which was then put on the City Council agenda. The Council would have a similar hearing, and could pass it in one night with a unanimous vote. Two readings of the ordinance were required, which meant Council would have an action one night and then return for the second ordinance at a later meeting. After adoption by Council, it took 30 days for the ordinance to go into effect.

Chair Klein added the best-case scenario was that if the Commission voted for the changes tonight, it would be two months before it would go into affect. He believed Mr. Jurkovich could successfully plan to accept another exchange student for the next school year, depending on how long his contractor needed to finish the job.

Mr. Jurkovich asked if he had other options so the contractor could begin construction and document the work as it progressed.

Chair Klein responded that he did not know if it was a possibility, but suggested that Mr. Jurkovich speak with staff tomorrow.

There was no further public comment.

Ms. Mangle said staff received many similar comments in support of removing the covered parking requirement, so there was a need in the community for that Code change.

Commissioner Bresaw:

- Suggested looking at other jurisdictions for ways to make the Code less restrictive regarding commercial vehicle parking in residential areas.
- **Mr. Marquardt** responded staff could look at what other jurisdictions required. He had worked with Tim Salyers, Code Compliance Coordinator, to find reasonable definitions of commercial vehicle, so they were open to the idea.
- Clarified that she was thinking of the real world. A heavy equipment field mechanic who worked late at night drove the company truck home if the company was located some distance in another direction.

Commissioner Batey noted that most of Milwaukie's Code Enforcement was complaint-driven. If no one complained, it was not enforced. She asked if Commissioner Bresaw was concerned about temporary parking of one or two nights occasionally or recurring parking.

Commissioner Bresaw replied that she could not say because her husband did not have a company truck anymore, but on the truck he did use the smokestack was 10 ft tall and close to the maximum length with a box close to 6 ft.

Commissioner Batey noted that her neighborhood complained about a renter who parked his tow truck in the driveway and on the street. Another neighbor parked his big commercial truck behind his house out of sight and no one complained about it.

Chair Klein said that while he sympathized with Commissioner Bresaw's husband, some vehicles should not be parked at home. Someone who parked a commercial vehicle overnight and left early in the morning to return to work probably would not receive complaints, but a large dump truck parked all the time was not the image that Milwaukie needed. Large recreational vehicles (RVs) were also a problem.

Commission Bresaw agreed, adding some dump trucks were bigger than the work trucks she mentioned, and there were no restrictions on them.

Chair Klein closed the public testimony portion of the hearing at 8:09 pm, noting the Commission needed to provide staff direction about the areas that were still of concern.

Planning Commission Discussion

Mr. Marquardt reviewed the issues raised by the Commission including residential home parking standards, defining commercial vehicles, and RV parking.

Commissioner Batey added she was concerned about parking RVs and boats at residences. The Code should encourage people to park such vehicles behind the house when improvements were triggered. Another worksession would have been helpful for additional discussion on certain details of the proposed amendments.

Staff assured the Commission that it was fine to raise questions at the public hearing stage. In fact, the City would not have received the letter from Metro until the public hearing.

Chair Klein stated it was impossible to know when a house was constructed if the owner would own an RV and/or boat. Someone who owned those types of vehicles would look for a home that allowed for that needed access and parking.

Commissioner Batey did not believe it was possible to change existing problems, but parking behind houses should be encouraged in future development.

Chair Klein believed a guideline for the size of commercial vehicles was a step in the right direction, and was a situation that might slip under the wire of Council. However, including RVs and boats would be throwing the baby out with the bathwater.

Commissioner Batey stated the Code allowed lots with less than one acre in size to have one RV or a boat.

Mr. Marquardt clarified that one uncovered RV or boat was allowed on lots less than one acre in size. Currently no limits existed on the number of RVs or boats for lots bigger than one acre. One Code amendment capped that number, so that only one more RV or boat was allowed for each additional half acre. "Covered" did not mean a blue plastic tarp, but a structure that met the Accessory Structure Standards.

Chair Klein suggested removing RVs from the discussion because it was too aggressive of an approach.

The Commission consented that the Code language should be crafted to encourage people to put RVs and boats behind houses.

Chair Klein suggested that since it appeared that the Commission was not ready to recommend the change to the City Council, perhaps the Commission could craft the wording on the fly so that it could be sent to the NDAs.

Commissioner Churchill asked staff to check the Lake Oswego ordinance for RVs.

443

444 **Ms. Mangle** summarized the Commission's concerns about residential home standards
445 including the location and amount of parking. To address residential home issues,
446 Commissioner Batey had suggested defining the driveway so that no more than four spaces
447 would count as parking space.

448

449 **Commissioner Batey** interjected that she would need to review the Code and parse through
450 the definition, because the driveway should not count. Her idea was to try to move parking
451 behind residential homes to the extent possible. It could also pertain to commercial
452 development to encourage parking behind the buildings.

- 453 • **Ms. Mangle** clarified that the driveway did need to count as parking space for some
454 situations, so staff would work on the language.

455

456 **Commissioner Churchill** said that the threshold for residential parking lots of 2,500 sq ft was
457 plenty big and could go to 2,000 sq ft, but he supported 2,500 sq ft.

458

459 **Commissioner Bresaw** stated that having the landscaping buffer was very good. She
460 supported parking a commercial vehicle in a side yard driveway, parallel with the mass of the
461 house, instead of in a front yard setback.

462

463 **Vice Chair Harris** believed the commercial vehicle restriction was a good rule because a large
464 service vehicle was not much different than a fifth-wheel trailer.

465

466 **Ms. Mangle** summarized that the Commission's requests to require RV parking in the back
467 yard, similar to Lake Oswego's requirements, and to generally encourage people to park behind
468 the house. This posed a challenge because it affected other parts of the Code, not just the
469 Parking Chapter.

- 470 • She requested a straw poll to give staff direction regarding the Commissioners' views about
471 the single-family residential minimum parking requirement. If the Commission did not want to
472 change it, then no more public notice would be needed on that issue.

473

474 **Commissioner Batey** stated that she did not see any way around getting NDA views, because
475 if the Commission decided to keep the requirement, they were setting up the Council for a

conflict with Metro. She was not ready to change it without hearing from the NDAs and was not comfortable with either vote without the neighborhood input.

Commissioner Harris agreed that he wanted input from the NDAs. Going up against Metro was not attractive, but setting the requirement at one minimum parking space allowed developers to abuse the rules to their advantage. He was neutral at this time.

Commissioner Churchill asked if NDA leadership had provided feedback.

- **Ms. Mangle** replied no feedback had been received about the one minimum parking space because staff had operated under previous direction provided by the Planning Commission and had received the notification from Metro when preparing for this hearing. It was a very valid request, but notices had not been sent out.

Commissioner Bresaw was concerned about a developer squeezing more lots onto a particular area, but for an individual building a residence, the one parking space minimum was fine.

Commission Batey believed the requirement only applied to single-family dwellings. A planned unit development (PUD) or a townhouse could have one parking space per unit.

- **Mr. Marquardt** clarified that for three or more dwellings, one space per unit was the minimum if less than 800 sq ft. Townhouses were a special use and would be in the downtown area where no minimums really existed.

Chair Klein added lot size would not come into play, depended on the zoning.

Commissioner Bresaw stated the streets were too crowded with cars, so less off-street parking resulted in more crowded streets in general. She would probably accept the one parking space minimum, although she did not like it.

Commissioner Churchill believed it was interesting that other municipalities, such as West Linn, had accepted the housing standard expectation of the average buyer as a two-car garage and some space in front of it. In more dense conditions, such as Sellwood and some areas of Milwaukie, he could see pros and cons. The character of the resulting housing on smaller lots was not pleasing and did not have great planning; near zero setbacks with 3-ft side lot setbacks.

510 However, in Sellwood there were small cottages on 50-ft wide lots with an adjacent parking pad
511 that were successful.

512 • He understood that Metro was trying to get people out of vehicles and into public
513 transportation, but it tended to push parking onto crowded small, narrow streets. There were
514 not a lot of Milwaukie streets that were tight like Sellwood, but there were some. As
515 densification of existing neighborhoods proceeded, it could push more parking onto the
516 streets. On the pro side, it discouraged putting a massive parking garage door at the front of
517 the house.

518 • He was torn and did not know how to build better tools to address the issue.
519

520 **Chair Klein** agreed with Commissioner Churchill that one space was fine and he understood
521 what Metro was trying to do. It was applicable to some houses.

522 • He did not have an issue bringing it to NDAs, but was concerned that when the public
523 started looking at one space per dwelling unit, they would believe the City was taking away
524 their parking spots. However, this issue was for new development and remodeling, which
525 was an important point. One parking space could work for some particular houses, which
526 was all that Metro was asking the City to do. A developer would not build a five-bedroom
527 house with one parking spot.

528

529 **Commissioner Batey:**

530 • Said Metro might not be happy if parking was anything other than one space, but perhaps
531 there was a way to require two parking spaces and allow an exception for very small
532 footprint houses, or for streets built to the full cross section that had plenty of on-street
533 parking. She agreed that there were places where it was appropriate to allow one parking
534 space, but in many places it was not. Someone who rode bikes and utilized public transit
535 would want to build a four-bedroom house with one parking space.

536 • **Ms. Mangle** noted that the South Downtown Concept was about small, urban places.
537 The idea was that a person could build a house two blocks outside of downtown on a
538 small lot and bike or walk to light rail, so it was not right to require them to build two
539 parking spaces. Commissioner Batey's idea about exceptions was interesting.

540 • Believed townhouses, PUDs, and all compact living developments were an exception where
541 one parking space was enough or even no parking was needed. They had very small lots
542 and street parking was available.

- **Ms. Mangle** added Milwaukie was unique in that a number of streets did not have on-street parking.

- Noted it was a balance; even though the rights-of-way were wide, the City/Commission was always trying to save the trees, which caused the loss of some parking.

Chair Klein responded that it was about saving the trees, but also about saving parking spots, protecting what was in front of your house, and not allowing your neighbor to do something you do not want them to do. He did not have an issue with one parking space per unit, because the market would drive what was needed. He believed that it could be done, but probably no one would build one parking spot on a 10,000 sq ft lot.

Commissioner Churchill believed that parts of Portland traded in the parking garage for a pad in front, which was okay. Some areas in Northeast would rather have the square footage in the house and put a pad out front. He would rather see it planned well initially, rather than later the infilled, converted garage that looked converted. He preferred that a cottage be planned correctly.

Chair Klein strongly urged staff to bring pictures when presenting the issue to the NDAs.

Commissioner Churchill suggested that staff also discuss how other municipalities adopted the idea and have had it for several years without affecting the market rate. Most effective changes he had noticed were in PUDs where garages were tucked around the side and the front of the cottage was put forward. They were not required to have so many parking spaces that it wrecked the character. Near Martin Luther King Jr Blvd, there were some spots that were fairly good, with common lots joined into a common green and parking put underneath at the rear of the buildings.

Mr. Monahan explained that the Metro Functional Plan took into consideration and encouraged all aspects of the Transportation Planning Rule.

- Metro's authority created a situation that dictated the minimum within Milwaukie's Municipal Code. That specific Code provision stated that the minimum must be one space per single-family dwelling, unless the City wanted to go through a review or an exception process. From his reading of the Code language, it was a huge uphill battle; getting an exception was somewhat like variance criteria. For example, the City would have to prove it was not

possible to achieve the requirement due to topographical or other physical constraints, which was difficult because Milwaukie was not dissimilar to other jurisdictions within the Metro area that complied with the provision.

- The key provision was when the City and County adopted other measures more appropriate to achieve the intended result of the requirements. The City could make an effort to come up with some findings that showed the objectives of attainment with the Transportation Planning Rule and the intent of the Code through some other means. He was not sure from tonight's discussion how that would be done.
- An option was to consider adopting the standard and then engaging in such a review to see if it was possible to come up with such justification and go back to Metro to change the provision. A public hearing to evaluate the application was required at Metro to comply. Metro staff had already drawn their conclusions, as noted in Exhibit 1, that the Code provision of one space per unit was sufficient.
- He believed challenging the provision would be a huge uphill battle and would delay the entire Code update, unless the first alternative was taken to accept the provision and then try to achieve an exception.

Chair Klein preferred putting a maximum on spaces rather than a minimum.

Commissioner Churchill believed this was the start of a slippery slope.

Mr. Monahan noted it could be. Metro has claimed these were just aspirational goals in the past.

Commissioner Batey asked if any jurisdiction had ever bucked Metro on the one space minimum. She wanted to know what the Clackamas County Code required.

- **Mr. Marquardt** responded he had not really looked at all the other jurisdictions, but he would see if anybody was out of conformance and how they got there. He could not find it in the Clackamas County Code but would ask their staff about it.

Chair Klein suggested that staff get feedback from the NDAs, look at other jurisdictions, and mull over the one space minimum, because the amendments would obviously return to the Commission again for discussion.

611 **Ms. Mangle** asked if it would push people for feedback to state that the Commission was
612 considering recommending a one space minimum parking requirement for new construction to
613 meet Metro requirements.

614
615 **Commissioner Churchill** requested in-depth research about how other jurisdictions planned to
616 react to Metro's requirement. The NDAs would have the same discussion the Commission had
617 regarding the downside and upside risks and benefits. If the NDAs did not understand where it
618 might be headed or what the impacts would be, they might not be able to react well.

619
620 **Chair Klein** believed the comprehension of new construction would get lost because the public
621 would think that Metro would start taking parking spaces away.

622
623 **Commissioner Bresaw** believed the only defense of two-car off-street parking was that
624 Milwaukie was going to do all the Green Street Program projects to reduce paving.

625
626 **Vice Chair Harris** stated that he was interested in hearing from NDAs. However, he did not
627 believe it was wise to buck Metro about the issue. It would be a monolithic waste of time.

628
629 **Ms. Mangle** sought direction from the Commission about how to proceed with the NDAs and
630 the timing of the next hearing. Staff would not attend the meetings, but would send notice to the
631 NDA chairs and Land Use Committee (LUC) members along with comprehensive material and
632 photos.

633
634 **Commissioner Batey** suggested sending notice to NDA LUCs.

635
636 **Commissioner Churchill** questioned whether contacting just the LUC members was
637 appropriate. He would send them notice, but encourage them to meet and review it with their
638 whole NDA group.

639
640 **Chair Klein** noted the NDAs met in the second week of the month, so staff should expect a
641 response in 30 days.

642

643 **Ms. Mangle** asked that what the Commission would do if all the NDAs provided negative
644 feedback, because it would delay the process for two months. She agreed with the need to
645 notice, but wanted to be sure it was done effectively and honored the feedback provided.

646

647 **Commissioner Churchill** stated it was important to give the opportunity for feedback.

648

649 **Ms. Mangle** suggested that staff could do everything described in anticipation for the City
650 Council hearing. Staff could fully prepare the Council that the Commission's recommendation
651 was an open decision, which included seeking specific feedback on the issue from the
652 community. This would allow the hearing to be continued in two weeks as opposed to two
653 months.

- 654 • She assured staff was not rushing the Code update, but wanted to keep the momentum
655 going. Staff and the Commission had been working on the Code project for a long time and
656 it had been discussed in five worksessions. The City received a \$50,000 grant from the
657 State to start two new Code projects and staff was limited in its ability to keep too many
658 projects going. Staff wanted to get it right, so it was not a rush, but projects had started in
659 Milwaukie and not finished, and she did not want that to happen with this amendment
660 project.

661

662 **Commissioner Churchill** believed Commissioner Batey had a good point in extending courtesy
663 to the NDAs for feedback. Though it might not appear to have a lot of impact, by definition, it
664 was a major change in the minimum parking for new development.

665

666 **Commissioner Batey** noted that how it was framed in the NDA packages was important
667 because it was a big change that was driven by Metro.

668

669 **Chair Klein** stated they were assuming it was the only thing going out to the NDAs. He believed
670 the NDA LUC members would probably give it a cursory glance and pass it on.

671

672 **Commissioner Batey** agreed no one would read the ordinance, but she assumed the NDAs
673 would get a variation of the packet provided to the Commission.

674

Mr. Marquardt responded that staff would do a thorough job of explaining it. The question was whether the Parking Chapter amendments needed to return to the Planning Commission or could they go to City Council after the NDAs' review.

Chair Klein preferred not to make a decision based on what the NDAs said, but rather make the decision before and then let the NDAs send it to Council. If Council wanted to address line items, they could make adjustments.

Commissioner Churchill believed the appearance could be that the Commission ignored the NDAs and let it go to Council. The NDAs should be asked for feedback.

Chair Klein stated the issue had gone to NDA leadership meetings on a number of occasions. He had attended one or two meetings, but had not specifically discussed the amendments.

Commissioner Churchill clarified that prior notification to NDAs did not address the one parking space minimum. If misunderstood, the issue could snowball, so the right explanation had to be made because it was a Metro-driven process at the moment. He did not believe that there was a huge impact to be in compliance, but to rush it and not receive NDA feedback could be strategically incorrect.

Ms. Mangle noted that, including Ms. Beth Kelland in the audience, most of the NDAs were represented at this PC meeting. While staff could not attend all the NDA meetings, they could prepare the materials so the Commissioners could help represent the issue.

Commissioner Bresaw offered to could go to the Lake Road NDA meeting.

Commissioner Churchill believed it would be helpful for the Commission to know that other municipalities had adopted the one parking space minimum in the last three years and that no sizeable impact to density of new development had resulted; the market seemed to drive it.

Commissioner Bresaw suggested the information be emailed to the Commissioners before the NDA meetings.

Ms. Mangle asked if the Commission had anything for staff to work on.

709

710 **Commissioner Batey** asked about the proposed change to extend shared parking from 300 ft
711 to 1,000 ft for commercial uses. Was it a blanket change to 1,000 ft or was shared parking
712 encouraged to be closer with 1,000 ft as the maximum distance?

- 713 • **Mr. Marquardt** answered the Code stated 1,000 ft was the maximum with no
714 encouragement about shared parking being closer. Presumably, if someone wanted shared
715 parking, they would probably want it to be as close as possible. Some standards were also
716 included about the walkway between the use and shared parking, so if the owner had to
717 improve that walkway, they would want it to be closer.
- 718 • He clarified that if the shared parking was 2,000 ft away, an applicant could go through a
719 variance process and appeal.

720

721 **Chair Klein** noted that distance was not one of the three criteria that needed to be met for that
722 variance.

723

724 **Ms. Mangle** noted that the Waldorf School parking lot was 450 ft from its front door.

725

726 **Mr. Marquardt** confirmed that the distance to shared parking was measured according to a
727 pedestrian route, not as the crow flies.

728

729 **Ms. Mangle** she suggested taking a break to confirm the NDA meeting schedules.

730

731 The Commission took a brief recess and reconvened at 9:00 p.m.

732

733 **Chair Klein** stated that the Commission's discussion at the continued hearing would only
734 address the written testimony received from the NDAs.

735

736 **Mr. Marquardt** entered the letter received from Metro into the record as Exhibit 1.

737

738 **Commissioner Batey moved to continue ZA-10-01 to the Planning Commission meeting**
739 **on April 27, 2010. Commissioner Churchill seconded the motion, which passed**
740 **unanimously.**

741

742 **6.0 Worksession Items**

6.1 Summary: Discussion of time limits for land use approvals

Staff Person: Katie Mangle

Ms. Mangle described staff's perspective on the time limits issue, which would influence what was done on the Riverfront Park and Natural Resources Overlay projects. The Harmony Mini-Storage hearing was held to approve a variance to the time limit restriction that automatically goes along with Conditional Use, Variance, and Non-Conforming Use permits. The Commission approved that application, but there was some discomfort with the criteria, meeting the criteria, and why some requirements applied to some types of permits and not others. She briefly reviewed a distributed handout that described how land use approval time limits were addressed with the following additional comments:

- A Conditional Use was anything that was developed in the Willamette Greenway, including docks, houses, and the Riverfront Park. Multi-family uses were allowed as Conditional Uses in R3 zone, duplexes in the R7 zone, and commercial recreation in the BI zone. Most of the uses in the CL and CN zones were also allowed as Conditional Uses.
- A Type II process for home improvement exceptions were used for homeowners to do decks and bump outs for kitchen expansions, which were also subject to the 6-month plus 1-year expiration.
- Changes or extensions of a non-conforming structure or use were also Conditional Uses. They did not apply to Water Quality Resources, Habitat Conservation Areas, or overtly to Traffic Impact Studies or Community Service Uses (CSUs).
- Some permits were based on the context that existed during the review, but did not have this type of time limit that maybe should be considered. The issues that arose during the Mini-Storage project would come up again and again when any large project took more than 1½ years to construct.
- Having a 1½ year time limit was awkward, especially if the approval was not linked to conditions that change over time. Staff's sense was that this type of time limit was to be used to ensure that if it was a sensitive use or permit, that there was the ability to check and be sure that the land uses and natural environment around the project had not changed. There was a clear public purpose for the time limit, but as currently written in the Code, it was a blunt instrument and probably not doing what the City needed.
- The other kind of time limit was seen more in the past when developers who did land divisions asked for a time limit to allow them more time before their preliminary plat expired for a land division. There was no real approval criteria for that, so it was awkward, but maybe less problematic.

777

778 **Mr. Monahan** explained that the broad purpose of the time limit was to allow for some
779 guarantee that an approval had some value for a reasonable period of time.

780 • If Code provisions changed over the course of time, or the conditions within the area in
781 which the approval was granted had changed and the development had not proceeded to a
782 significant point, the time limit offered a chance to go back and see if the opportunity existed
783 to take another look at the application.

784 • The Portland Metropolitan Homebuilders wrote to all jurisdictions 2½ years ago expressing
785 concern about the down economy. Many of their membership had development approvals
786 that would probably expire without being implemented. There were concerns that when the
787 economy improved, if a mechanism was not in place for extension of the approvals the
788 approvals would lapse and additional costs would be involved to get the projects rolling
789 again. In addition, the jurisdictions would have to review the applications after accepting a
790 fee again without additional benefit for the community, creating a repetitive process. And
791 once the economy picked up, there was the possibility of bogging down new applications
792 that were competing with those under review again.

793 • Other jurisdictions had decided to extend the permit process. Staff believed that there
794 should not be a blanket approval that said any and all applications that had an expiration
795 date in this coming year are automatically approved for another 2 years.

796 • A process was needed and could require a very limited or no application fee. Criteria
797 could be designed to require that an applicant come forward and say that due to
798 economic circumstances or other reasons the project had not proceeded. The applicant
799 could be asked to demonstrate some investment of time, energy, and costs into
800 development of the plans.

801 • Applicants with approvals could request an additional 1-year or 2-year period, but this
802 would require a Code change.

803

804 **Ms. Mangle** stated the time limit issue could be addressed three ways, each with different levels
805 of urgency:

806 • The review procedures of the next Code project would review this section, and provide an
807 opportunity to refine it.

808 • A time limit could be added for the Natural Resources Project review. The water quality
809 aspect of the Harmony Road Mini-Storage application area seemed to make the
810 Commissioners uncomfortable.

- The existing variance process could be used without amending the Code, but was it an acceptable way to address the time limit issue? Most urgent would be the affect on Riverfront Park or other applications subject to the time limit Code.

Commissioner Batey noted the existing Code and variance process led one to believe that economics should not be taken into consideration.

- **Mr. Monahan** agreed that was really the problem. If the current variance criteria were retained, the Commission was stuck deciding whether to take economics into consideration and trying to apply criteria that were not designed for that purpose.
- He recommended that if the Commission did not believe it was right to penalize people who are caught in the net of the economy, or put staff in the position of forcing someone to file a new application fee and redoing the review process, then the best thing was a Code amendment that allowed for an easy extension process.

Ms. Mangle added that in Milwaukie for projects like Riverfront Park, or any big commercial project could require an extension even in good times. For example, the Panattoni project took longer than 18 months. Projects did take time and there could be many reasons why, including size of the site, complexity of the project, labor shortages, as well as the economy.

- She requested feedback before going into the Riverfront Park application because it was subject to the Code as currently written and included a variance request for the land use time limit section. If the Commission did not want that variance, then it should be clear and assume that Riverfront Park would return in 18 months for application renewal.
- She confirmed the Commission could not enact a Code revision to help Riverfront Park because the application was submitted in March 2009. A land division project application submitted last week for the Island Station neighborhood would also be subject to the time limit per the Code.
- She clarified that a CSU did not apply to Riverfront Park.

Chair Klein noted the CSU for the sign at Milwaukie High School would be outstanding forever. He wished the Commission had had the foresight to put a sunset on the High School sign.

- **Ms. Mangle** believed the Commission had the ability to impose some time or other limits. She believed areas existed to place appropriate limits that were not being done, and perhaps such limits were overused in other areas that were not as helpful.
- **Mr. Marquardt** clarified that items like the sign are not approved through Chapters 600, 700,

845 or 800 in the Zoning Code.

846 • He added that the problem with Riverfront Park was that they could only receive a grant for
847 one additional year, which would likely kill the project, because the expiring permit would
848 have to be resubmitted.

849

850 **Chair Klein** noted the Commission could not logically deny a time limit extension for the
851 Riverfront Park project; it could not be stopped.

852

853 **Commissioner Batey:**

854 • Added the nature of the Riverfront Park was that the City would look for grants, so it would
855 take several years even in a good economy. If the project did not fit in the Code, the Code
856 should have been revised before that project was submitted.

857 • **Ms. Mangle** clarified that Riverfront Park was not a CSU. It was actually the only park
858 with land zoned for a park because it was Downtown Open Space Zone. She
859 emphasized the discussion was not to specifically address upcoming issues with
860 Riverfront Park; other applications would also be subject to the time limit.

861 • Said she did not have a problem with considering a change to the variance Code because a
862 more flexible variance was needed, but the way it was currently written did not allow for a
863 variance for financial impact.

864 • **Ms. Mangle** understood concerns about financial impact, but asked how larger, more
865 complex sites should be addressed.

866

867 **Commissioner Churchill** understood reviewing it on a case-by-case basis would be
868 discriminatory toward smaller property owners.

869

870 **Mr. Marquardt** stated there was a variance request with the Riverfront Park application,
871 specifically to vary it from that time limit. That analysis was based on factors such as obtaining
872 grant funding, but even if all of the financing was available from the start, that project could not
873 be built within 1½ years. He asked if the Commission would consider such a variance.

874

875 **Chair Klein** responded it was more of a logistical problem than a financial problem. He could
876 reconcile it enough to say it was logistically impossible to fund the project in the required time
877 period. Though financial impact was not supposed to be considered for the variance, logistically
878 it was fine in his opinion. He did agree the Code needed work.

879

880 **Ms. Mangle** reminded that Riverfront Park had variances, exceptions, nonconforming uses, and
881 the consultants were starting work, having received approval from the State.

882

883 **Chair Klein** stated that he did want the Commission to revisit the time limits for land use
884 approvals issue.

885

886 **7.0 Planning Department Other Business/Updates—None**

887

888 **8.0 Planning Commission Discussion Items**

889 **Commissioner Batey:**

- 890 • Asked about a rumor she heard that North Clackamas Parks and Recreation (Parks and
891 Rec) had completely punted on the north side of North Clackamas Park.
- 892 • **Ms. Mangle** responded she had heard the rumor too, but did not have firsthand
893 information. Staff was working with the Parks and Rec staff to prepare their Northside
894 Master Plan as an application for the City to adopt. However, she had heard that they
895 lost that funding in the budgeting process.
- 896 • Speculated that perhaps Parks and Rec were not ready to proceed given Title 13, etc., and
897 so had passed the funding onto the Trolley Trail project and would come up with other
898 funding. But if that was not the case, and they were really dropping it, she believed they
899 completely backtracked on something they pretty much promised at the ball field hearings
900 about coming forward with a plan for the north side of the park.

901

902 **Chair Klein** noted that he read in *The Pilot* that Ardenwald was talking about turning Johnson
903 Creek Blvd into a toll road. He would invite the author, Carlotta Collette, to his NDA as well as a
904 Planning Commission meeting to explain her reasoning.

905

906 **9.0 Forecast for Future Meetings:**

907 April 13, 2010 1. Public Hearing: DR-09-01 Riverfront Park *tentative*

908

909 April 27, 2010 1. Worksession: Natural Resources Overlay *tentative*

910 2. Worksession: Revised Fee Schedule *tentative*

911

912 **Ms. Mangle** noted that Riverfront Park would not be ready for the April 13th hearing nor would
913 the revised fee schedule, so she suggested cancelling that meeting unless the Commission had
914 something to address.

915

916 The Commission consented to cancel the April 13th meeting.

917

918 Meeting adjourned at 9:27 p.m.

919

920

921 Respectfully submitted,

922

923

924

925

926 Paula Pinyerd, ABC Transcription Services, Inc. for
927 Alicia Stoutenburg, Administrative Specialist II

928

929

930

931 _____

932 Jeff Klein, Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Katie Mangle, Planning Director *KM*

From: Ryan Marquardt, Associate Planner

Date: May 4, 2010, for May 11, 2010, Public Hearing

Subject: **Files:** DR-09-01, TPR-09-03, WG-09-01, WQR-09-01, VR-09-03
Applicant: City of Milwaukie, represented by JoAnn Herrigel, Community Services Director
Owner(s): City of Milwaukie; N. Clackamas Parks and Recreation District; Clackamas County Service District #1
Address: Milwaukie Riverfront Park
Legal Description (Map & Taxlot): 1S1E35AA: 02200, 02300, 02400, 02500, 02600, 02700, 02800, 03901, 04400, 04700, 04800, 04900, 04700, 04800, 04900, 05000; 1S1E35AC: 00900, 01000, 01001
NDA: Historic Milwaukie and Island Station

ACTION REQUESTED

Approve application DR-09-01 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the redevelopment of Milwaukie Riverfront Park ("park").

BACKGROUND INFORMATION

The City of Milwaukie is proposing to develop the area already known as Riverfront Park that sits across McLoughlin Boulevard from downtown. The vision for a new park that maximizes public use of the dramatic site on the Willamette River has been in the City's plans for several decades. After years of community involvement and design work, the project is undergoing state and local review and permitting. Obtaining land use and environmental permits will allow the City to pursue funding and begin implementing the park plans.

boat launch, parking areas, and a small restroom building. The site has egress and ingress from McLoughlin Blvd at Jefferson St and at Washington St (via the Kellogg Creek Wastewater Treatment Plant site).

To the south of the site is the Kellogg Creek Wastewater Treatment Plant. Downtown Milwaukie sits across McLoughlin Blvd and there are residential uses in the Island Station neighborhood to the south.

B. Zoning Designation

The park area is zoned primarily Downtown Open Space (DOS), with a small portion south of Kellogg Creek zoned Downtown Office (DO). The site is covered entirely by the Willamette Greenway Overlay zone (WG). The areas of the site within approximately 50 feet of the banks of Kellogg and Johnson Creeks and the Willamette River are covered by the Water Quality Resources overlay zone (WQR).

C. Comprehensive Plan Designation

The Comprehensive Plan land use designation for the park area is primarily Public (P), with a small portion south of Kellogg Creek designated as Town Center (TC).

Milwaukie has created several iterations of plans for Riverfront Park, most recently the 1997 Riverfront Concept Plan and the 2000 Milwaukie Downtown and Riverfront Land Use Framework Plan. These plans do not prescribe what the final development plans for the Riverfront Park must look like, but do provide the general picture of what the community has envisioned for the park. Staff believes that the current proposal is consistent with the vision espoused in the Riverfront Land Use Framework Plan. The common features between the Framework Plan and current proposal are connections to the Willamette River, a festival lawn, pedestrian bridge across Kellogg Creek, terraced walls, restored riparian areas, an area for boat moorage, and fountain / water feature.

D. Land Use History

The Riverfront Park site is large and has a long history of various land uses. Among the commonly recognized uses for the area that is north of Kellogg Creek are wood and flour mills in the early parts of the 1900s; industrial uses; a portion of the Portland Traction Line railway; and various commercial and residential buildings along McLoughlin Blvd. The area of the site south of Kellogg Creek has been used as log dump area and has been part of the Kellogg Sewage Treatment Plant site since the 1970s.

Due to the large volume of files associated with the uses listed above, staff has not summarized all land use information for the site. The salient land use history with respect to the park redevelopment is:

- **C-1976-15:** Repair of the existing boat ramp at Jefferson St. The staff report notes that the boat ramp had been in place prior to 1950.
- **C-1982-15 and C-1983-11:** Improvements to the Jefferson St boat ramp, construction of a 41-car parking area at the top of the ramp, and construction of the restroom building near Jefferson St and McLoughlin Blvd, and picnic tables and shelter near the north side of the mouth of Kellogg Creek.

E. Proposal

The applicant, the City of Milwaukie (“applicant”), has submitted land use applications to redevelop the (“park”). The proposal includes the following:

- a new boat ramp and dock
- a plaza near the Jefferson Street entrance
- an amphitheater
- a festival lawn
- pedestrian paths
- a pedestrian bridge over Kellogg Creek
- two overlook points
- a transient boat dock south of Kellogg Creek
- parking areas north and south of Kellogg Creek
- large and small restroom buildings
- restoration of riparian areas along the Willamette River and Kellogg and Johnson Creeks
- a new park access south of Kellogg Creek
- closure of the park entrances at Jefferson Street and Washington Street

The project requires Planning Commission approval of the following applications:

1. Design Review (DR)
2. Willamette Greenway review (WG)
3. Water Quality Resource review (WQR)
4. Transportation Plan Review (TPR)
5. Variance (VR)

KEY ISSUES

Summary

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Does the project adequately mitigate its impacts to the Water Quality Resource Area?
- B. Are the variance criteria for an exemption from the 6-month “substantial construction” deadline met?

Analysis

A. Does the project adequately mitigate its impacts to the Water Quality Resource Area?

The proposed project includes a significant amount of work that is proposed to be done in and around the riparian areas of the Willamette River, Johnson Creek, and Kellogg Creek. Some of this work would establish facilities for the park, some would restore and improve the riparian habitat.

The City implements regulations for work in riparian areas through the Water Quality Resource (WQR) overlay zone. This zone generally extends 50 feet away from the top of the bank along a creek or river. These regulations *do not* extend to work below the ordinary high water line. Areas at or below this line, which is 18.4 ft above sea level for this area of the Willamette River, are under the jurisdiction of the Oregon Division of State Lands (DSL) and the US Army Corps of Engineers (Corps). Impacts to fish and wildlife are governed by these agencies. The City does not have standards or regulations that relate specifically to impacts on fish or wildlife, although the protection of riparian areas for water quality is highly beneficial for habitat areas.

The proposed elements of the park that would be within the WQR area are as follows:

- Overlook on top of the sheetpile wall near Kellogg Creek
- Transient dock south of Kellogg Creek
- Pedestrian bridge across Kellogg Creek
- Boat ramp, dock, and restroom building north of Kellogg Creek
- Some of the vehicular standing and maneuvering areas
- Some of the park pathways
- Stone steps to the river's edge
- Overlook at Klein Point near the mouth of Johnson Creek

The transient dock, boat ramp, and dock along the boat ramp fall partially within the WQR overlay; partially in areas regulated by the DSL and the Corps.

The existing conditions of the WQR area in Riverfront Park are, overall, degraded. There are large areas that are disturbed by development, such as the log dump and current parking area. Many of the vegetated areas have significant invasive species growth, as well as areas of debris. (See Tab 2 in the application, Supplemental Information regarding Water Quality Resource Area - February 22, 2010, for more detail.)

The proposed project would disturb portions of the WQR by regrading, introducing new paved areas and constructing new elements, but it would also remove debris and paving, restore native vegetation, and stabilize slopes within the WQR. Due to the degraded existing conditions, this project, including the proposed areas of disturbance within the WQR area, would result in an improved riparian area overall. To draw this conclusion, staff evaluated each of the major elements that are proposed to be constructed within the WQR (see findings in Attachment 1, Exhibit C). A summary of staff's analysis of the proposed elements within the WQR is as follows:

- Overlook on top of the sheetpile wall near Kellogg Creek – The width of the panel that hangs over the Willamette River has been kept to the minimum dimension necessary to provide reasonable circulation space at such a view point. The panel would be located at the top of an existing sheetpile wall, which currently retains compacted (impervious) gravel. The newly paved area at the top of the wall will include stormwater planters.
- Transient dock south of Kellogg Creek – The dock would only affect the WQR at the point where the gangway abuts the sheetpile wall at the proposed overlook. Adding the dock would have minimal impacts to the WQR area.

- Boat ramp and dock north of Kellogg Creek – A new boat ramp and dock are proposed to be installed. The existing boat ramp would be removed and that area would be restored and replanted. Removal of the existing ramp partially offsets the impacts of the new ramp and dock, which are narrower than the existing facility. The undisturbed area surrounding the proposed new ramp and dock would be replanted with native vegetation.
- Restroom building at the boat ramp – A small restroom building is proposed at the top of the boat ramp for the convenience of boaters. The restroom is limited in its area of disturbance, and conditions are proposed that would require permeable paving near the restroom and a eco-roof or “green roof” on the structure that would have plantings to capture stormwater.
- Vehicular standing and maneuvering areas – Portions of the parking area would be in the WQR area, but much of this is already paved for parking. Impacts to these areas have been minimized by ensuring that the spaces and aisles are not overly wide and that an adequate but not excessive amount of parking would be provided on site. A condition is proposed to require that as much of the newly paved areas as possible within the WQR area be pervious material.
- Park pathways – The proposed pathways are needed for pedestrian circulation and to bring park visitors closer to the river. The paths would be 12 ft wide and be made of permeable material. Encroachment of the paths into the WQR area is necessary to provide access to the river. Placing a trail close to the river may help keep park users from creating informal trails to reach the water.
- Overlook at Klein Point near the mouth of Johnson Creek – This overlook at the mouth of Johnson Creek would be served by a gravel or bark path and the overlook area would have permeable surface materials. Placing an overlook here may help to keep park users from creating informal trails to reach viewpoints in the area.
- Stone steps to the river – The area between the proposed amphitheater and the river would have stone steps to allow park users to reach the river. The steps would be informal and have plantings between them. The disturbance is minimized by using natural materials for this access point. Similar to Klein Point, designing an intentional access may help the WQR area by cutting down on informal trails created by park visitors.
- Pedestrian bridge across Kellogg Creek – The proposal includes a new pedestrian bridge over the creek to enhance connectivity between the north and south areas of the park. The applicant has not yet designed the bridge, and foresees implementing the bridge through a design/build contract when funding is identified. Staff recommends that the Commission exclude this element from the approval of the WQR application. Though the bridge would benefit pedestrian connectivity on the site, the application does not include enough details to assess the impacts of the bridge, particularly on the north slope of Kellogg Creek. Staff suggests that this element be permitted at a future date with a more complete design and a fuller description of the impacts.

The City’s water resource consultant has reviewed the materials for this application. They concur that the project overall is self mitigating and would be a benefit to the WQR area.

Staff's full analysis of the items listed above is in Attachment 1, Exhibit C. The water resource consultant's review memoranda are in Attachment 4.

B. Are the variance criteria for an exemption from the 6-month “substantial construction” deadline met?

The proposed project is a conditional use because it is in the Willamette Greenway zone. All uses within this zone are conditional uses, and are subject to a provision that requires the project to have undertaken substantial construction within 6 months of approval. The Planning Commission has the option to extend this time limit by 1 year. If a project does not achieve substantial construction within this timeframe, the WG land use permit becomes void.

The applicant and staff concur that this timeframe is too restrictive for a project such as Riverfront Park. The review and permitting by multiple agencies and the overall size of the site would make it difficult to get to a point that could be considered substantial construction within 6 months or even 18 months.

As a result, a variance from this standard has been requested. Staff believes the variance criteria for the proposed project can be met. These criteria are:

- *That the property in question has unusual conditions over which the applicant has no control. Such conditions may only relate to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures.*

Staff believes the two unusual items in this case are the additional approval required by other agencies and the physical size of the project. The former relates directly to the location of the site along the Willamette River and the two creeks. Though the applicant has submitted materials to the US Army Corps of Engineers, the project is still under review, and there is not a set timeframe for when approval might be granted. In addition, work in the water is limited to certain times during the year in order to protect fish habitat. These factors could present delays in the commencement and construction of portions of the project. The size and scope of the project are also unique. Most of the project site will require substantial work to achieve the grades and slopes necessary to begin construction. The portions of the project that would likely be considered substantial construction (plaza, festival lawn, parking area) are scheduled for the second phase (see “Other Issues, Item E” below). The required reviews, limitations on when some parts of the work can be done, and size of the park site are unique to this site and beyond the applicant's control.

- *That there are no feasible alternatives to the variance and that the variance is the minimum variance necessary to allow the applicant the use of his or her property in a manner substantially the same as others in the surrounding area.*

There are no realistic alternatives to varying from the requirement to achieve substantial construction within 6 months of approval. If the variance is not approved the project will be required to seek re-approval of the same WG application in 18 months. Because the park site and use are unique, there are not any useful comparisons to make regarding the ‘similar use’ clause.

- *That adverse effects upon other properties that may be the result of this variance shall be mitigated to the extent feasible.*

Staff does not believe that there would be adverse impacts to other properties as a result of granting a variance to the substantial construction deadline. Staff believes that placing further completion limits on the proposal for mitigation of the variance is not appropriate. For many years, the City's Comprehensive Plan has envisioned a redeveloped Riverfront Park area. Staff does not believe that passage of time between Planning Commission approval of the project and substantial construction of the project would make the use any less compatible with the long-standing goals and desires expressed by the community for this site.

OTHER ISSUES

The following items are important information regarding the proposal. They are different from the key issues identified by staff above in that they are more straightforward issues or decisions.

A. Design Review

The Design and Landmarks Committee (DLC) conducts design review of downtown development projects in its role as a subcommittee of the Planning Commission. In November 2009, the DLC evaluated the park proposal at a public review meeting, following a detailed presentation by the project design team.

Overall, the DLC was very supportive of the design of the park, and believe that it meets the Downtown Design Guidelines. See Attachment 5, Minutes from the November 9, 2009 Design and Landmark Committee. The DLC felt that the park design did a good job of creating open spaces, accommodating a wide variety of park users, and reconnecting downtown to the river.

The major points of discussion by the DLC during its review were:

- the siting and design of the restroom building.
- the design of the water features at the park's main plaza.
- how best to incorporate Milwaukie's character into the details of the park, such as art, architecture, signage, or choice of materials.
- concern about the extensive use of concrete as a paving material, and desire to reduce the "cold feeling" of that material throughout the plaza and restroom area.

The DLC's recommendation to the Planning Commission is that the design review application be approved with conditions. The recommended conditions are that, after Planning Commission approval but before plans are finalized, the applicant present to the DLC on two topics. First, respond to the DLC's suggestions regarding how the park's design could better meet the Downtown Design Guidelines. For example, the DLC suggested that the designers consider moving the play area closer to the restroom building.

The second topic to review will be the final detailed development plans for certain aspects of the park. These aspects include the plaza and its water feature, restroom buildings, overlook areas at Kellogg and Johnson Creek, and the amphitheater. The DLC was comfortable with the general intent and design for these features, and wants to ensure that the final plans for development of these features is carried through.

B. Habitat Conservation Area (Metro Title 13 Regulations)

The City is currently directly implementing Metro's regulations for Habitat Conservation Areas (HCA's) on new land use applications. The Riverfront Park application was submitted prior to the date when these regulations began to be implemented (January 2010). As a result, the project is not required to comply with these regulations. Despite this, staff evaluated the proposed project against the HCA regulations currently being implemented by the City. The exercise was informative in ensuring that the park project is consistent with the current best practices for development in and around habitat areas, and to test how well the regulations work as applied to an actual development proposal.

Staff found that the project would likely be approvable with regard to the HCA regulations as proposed. The key findings were:

- The project would not be exempt from review because it adds more than 500 square feet of impervious surface area.
- A study of the existing conditions on the site would reveal that some areas are erroneously mapped as HCA areas, an error that will be corrected during the City's HCA map adoption process. The erroneously mapped areas include parts of the current parking lot and the graveled site north of Jefferson Street.
- The project would likely require discretionary review because it would affect a significant amount of the HCA area through the proposed regrading and revegetation of the site. The discretionary HCA review would allow the Planning Commission to evaluate the specific impacts and mitigations of the project. This process is similar in nature to the WQR review that is underway.
- Though the project does affect areas of HCA, it would be allowed because it includes native plantings, restoration, and habitat improvement activities. The park design already incorporates the practices for minimizing hydrological and ecological impacts.

In summary, staff believes that the park proposal would meet the standards established by the City's HCA regulations even though it is not subject to those regulations.

C. Event Management

The existing Riverfront Park is used on an on-going basis by a variety of users. It also used throughout the year as a venue for large and small community events. The redeveloped park area would host many of the same events as the existing park, as well as some new events. The applicant anticipates events such as dragon boat races, bike and running races, and a summer event in July to take place in the park.

Parking for these events will likely be the largest off-site impact. The existing park has a large formal parking area in the vicinity of the Jefferson St boat ramp and two informal parking areas. There are approximately 40 formal parking spaces, some of which accommodate vehicles with boat trailers. One informal parking area exists at the log dump site south of Kellogg Creek. This has space for approximately 10 – 15 vehicles. The other informal area is north of the boat ramp and can accommodate approximately 30 cars. The applicant has indicated that these parking areas are only near or at capacity during spring salmon season.

The applicant has proposed 33 spaces in redeveloped park. This is expected to be an adequate amount of parking for normal park use throughout the year. The applicant has

identified numerous areas in downtown that are available for off-street parking to accommodate overflow during large events. Some of these spaces are on property owned by the City and some are shared parking arranged on an as needed basis with other properties. An ongoing condition of approval proposed by staff is that the City prepare and maintain an event management plan for events held at the park. The plan would address transportation demand management strategies, identify areas for overflow parking, and management of vehicular parking and traffic (e.g., use of event staff, temporary directional signs, and shuttles, as appropriate, to direct vehicular traffic). The event management plan would also outline how the City would protect riparian areas during large events (e.g., by erecting temporary barriers to keep people away from the riparian area).

Staff believes the requirements for parking management and riparian protection at large events should mitigate the impacts of community-wide events on the downtown area and on the riverfront habitat.

D. Traffic Impact Analysis

The proposed park would modifying the existing access from SE McLoughlin Boulevard by closing the existing access locations at Jefferson Street and Washington Street and introducing one new shared access with the Kellogg Creek Water Pollution Control Plant south of Washington Street. The access would be unsignalized. ODOT approves of this proposal, and the new intersection would be designed to meet ODOT spacing and design standards. The traffic impact analysis of the proposal concluded that it would result in no increase in traffic volume. To mitigate the impacts of the access relocation, ODOT recommends that the application construct a northbound left-turn lane at the new access from McLoughlin Blvd. The recommended conditions of approval include mitigation measures recommended by ODOT and the City's development review traffic consultant (DKS Associates).

E. Project Phasing and Review by Other Agencies

The proposed project involves review by multiple agencies and could take several years to fully construct. Staff would like to note some potential impacts that may result from these circumstances.

First, there is potential that review of the Joint Permit Application through the US Army Corps of Engineers process may modify the proposed project. Such changes would only be expected to affect the transient dock and boat ramp and its dock. Staff recommends conditions that would allow for minor changes resulting from review by these agencies to be made without requiring further review by the Planning Commission. Elimination of the transient dock would not require review by the Planning Commission because it could be removed without impacting other areas of the proposal. Removal of or a significant change in location for the boat ramp and its dock would require review by the Planning Commission. The presence and location of the boat ramp affects the design and location of the proposed parking area, and could alter the overall proposal.

Second, the proposed project would be developed in phases, and the phases would be defined by distinct areas. Generally, these areas are:

- North area – the portion of the park south of Johnson Creek including Klein Point and extending south to the amphitheater area.

- Festival lawn area – the festival lawn area south of the amphitheater, west of the main plaza, and north of the proposed parking area.
- Plaza area – the restroom building, plaza, and water feature in the area of the existing Jefferson Street entrance. Main plaza, amphitheater, boat ramp, parking area on the north side of Kellogg Creek, relocation of the park entrance, and the enhancements for the riparian areas.
- South area – north and south parking areas, boat ramp and dock, and overlook at Kellogg Creek.

The applicant has not indicated the potential timeline for when these phases would occur, nor a sequence in which areas will be developed first. Staff has structured the review of the project so inspections can take place after completion of each. The inspection and approvals would allow the use of the elements of the park that are completed within each phase.

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Approve the Design Review application for DR-09-01, with conditions for post-approval review by the DLC of specific details of the design.
2. Approve the Water Quality Resource application for WQR-09-01. This allows the City to construct the park as designed to include an overlook, new boat ramp, limited development within the riparian buffer, riparian restoration, and mitigation for impacts. Require a new land use review of the pedestrian bridge over Kellogg Creek when the bridge is designed to a higher level of detail and its impacts are better understood.
3. Approve the Willamette Greenway application for WG-09-01. This allows the park and all of its elements to be constructed within the Willamette River Greenway.
4. Approve the Transportation Plan Review application for TFR-09-01. This allows closure of the access points at Jefferson St and Washington St, and the addition of a new unsignalized intersection south of Kellogg Creek with left turn lane for traffic entering the site northbound from McLoughlin Blvd.
3. Adopt the attached Findings and Conditions of Approval.

B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

- Post-approval review of final development plans by the DLC for consistency with Downtown Design Guidelines
- Event management plans to handle traffic and parking, and protection of the riparian areas during large events.
- Removal from the plan the pedestrian bridge and walkways that are not necessary for pedestrian access on site.

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 19.312.7.G, Approval Criteria for Design Review
- MMC 19.320.6, Willamette Greenway Criteria
- MMC 19.322.9, Application Requirements, and 19.322.10, Development Standards
- MMC 19.702.1, Circumstances for Granting Variances
- MMC 19.1400, Transportation Planning, Design Standards, and Procedures

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 Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing. The applicant has provided a waiver to the 120-day clock for the maximum amount of time allowed. Per the limitation on the waiver in ORS 227.178(5), the City must make a final decision on this application by September 11, 2010.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering, City of Milwaukie Building, Clackamas County Fire District #1, Oregon Department of Transportation, Oregon State Marine Board, Oregon Division of State Lands, Oregon Department of Fish and Wildlife, Oregon Parks and Recreation Department, Metro, and Clackamas County. It was also forwarded to the Historic Milwaukie and Island Station Neighborhood District Associations. The following is a summary of the comments received by the City. See Attachment 6 for further details.

- **City of Milwaukie Engineering Department:** The Engineering Department reviewed and commented on transportation, flood zone, and stormwater aspects of this application. Their comments have been incorporated into the finding and conditions of approval.
- **Gail Curtis, Oregon Department of Transportation (ODOT):** ODOT reviewed on the transportation elements of the proposal as it related to McLoughlin Blvd. Their comments were reviewed by the Engineering Department and have been incorporated into the finding s and conditions of approval.
- **Wayne Shuyler, Oregon State Marine Board (OSMB):** OSMB raised several question about the boat ramp, docks, parking area, and the small restroom. These issues do not influence the approvability of the project. The applicant will work to address these comments as the final construction plans are prepared.

- **Anita Huffman, Oregon Division of State Lands:** Commented that DSL has no comment and has issued their authorization for in-water impacts.
- **Pat Russell, North Clackamas Citizens Association, North Clackamas Urban Watershed Council:** Mr. Russell is generally concerned about urban and park related development in the area surrounding the mouth of Kellogg Creek and the impacts that may have on fish and wildlife.

Staff Response: Staff appreciates Mr. Russell's point of view and comments. Staff and the City's water quality resource consultant believe the project, as proposed and conditioned, is acceptable for its impacts and restoration of the WQR area. The US Army Corps of Engineers is still reviewing the project, and will address impacts to fish and wildlife. Assuming approval by the Army Corps of Engineers, staff believes the proposed park improvements will be an improvement for the riparian area and fish and wildlife habitat.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Recommended Findings in Support of Approval (attached)
 - Exhibit A: Design Guideline Compliance
 - Exhibit B: Design & Landmarks Committee Recommended Conditions of Approval
 - Exhibit C: Findings for Development in the Water Quality Area
2. Recommended Conditions of Approval (attached)
3. Applicant's Narrative and Supporting Documentation (not attached except as noted below)
 - A. Design Review Materials and Renderings and Supplemental Design Review, submitted for November 9, 2009 DLC hearing (attached)
 - B. Water Quality Resource Responses and Revised Site Plans, submitted February 26, 2010 (attached)
4. Water Quality Resource Analyses from ESA Adolfson (attached)
 - A. Dated November 16, 2009
 - B. Dated April 15, 2010
5. DLC Meeting Minutes, November 9, 2009 (attached)
6. Comments Received (attached)

Recommended Findings in Support of Approval

1. The applicant, the City of Milwaukie (“applicant”), has submitted land use applications to redevelop the Milwaukie Riverfront Park (“park”). The park area to be redeveloped is bounded by Johnson Creek on the north, McLoughlin Blvd on the east, the Kellogg Sewage Treatment Plant on the south, and the Willamette River to the west. The site is approximately 8.5 acres in area. The City of Milwaukie, Clackamas County Service District #1, and the North Clackamas Parks and Recreation District are owners of individual areas with the project site.
2. The application was submitted on March 23, 2009, and initially deemed incomplete. The applicant submitted additional materials on September 11, 2009 which made the application complete as of that date. Additional design review materials were submitted on November 3, 2009. Additional water quality resource review materials were submitted on February 26, 2010.
3. The park area is zoned primarily Downtown Open Space (DOS), with a small portion south of Kellogg Creek zoned Downtown Office (DO). The entire site is covered by the Willamette Greenway Overlay zone (WG). The areas of the site within approximately 50 feet of the banks of Kellogg and Johnson Creeks and the Willamette River are covered by the Water Quality Resources overlay zone (WQR).
4. The major elements of the redeveloped park would be: a new boat ramp, a plaza near the Jefferson Street entrance, an amphitheater, a festival lawn, pedestrian paths, a pedestrian bridge over Kellogg Creek, two overlook points, a boat dock, parking areas north and south of Kellogg Creek, large and small restroom buildings, restoration of riparian areas along the Willamette River and Kellogg and Johnson Creeks, a new park access south of Kellogg Creek, and closure of the park entrances at Jefferson Street and Washington Street.
5. The proposal is subject to the provisions of the Milwaukie Municipal Code (MMC) Title 19 that are listed below. The proposal is subject to the version of the Milwaukie Municipal Code that was in effect on March 23, 2009 when the application was first submitted.
 - MMC Section 19.312, Downtown zones.
 - MMC Section 19.320, Willamette Greenway zone WG.
 - MMC Section 19.322, Water Quality Resource Regulations.
 - MMC Section 19.702, Circumstance for Granting a Variance.
 - MMC 19.1400, Transportation Planning, Design Standards, and Procedures.
6. The proposed project is in the DS and DO zones. MMC Section 19.312, Downtown Zones is applicable.
 - A. MMC Table 19.312.3 lists the uses that are permitted in the downtown zones. The proposed use is a park and is permitted outright in the DOS and DO zones. This subsection is met.
 - B. MMC Table 19.312.4 lists the development standards for downtown zones. Only two structures are proposed for the project: a small restroom building on the north side of Kellogg Creek and a larger restroom building in the proximity of the Jefferson St and McLoughlin Blvd intersection. Both structures are in the DOS

zone. The only applicable development standards are off-street parking for both the DOS and DO zones, and landscaping in the DOS zone.

- i) MMC 19.312.4.B.10 has off-street parking standards for downtown zones. The project area is outside of the area that is exempt from the off-street parking regulations. Compliance with MMC Chapter 19.500 is covered in Finding 11. The project does not propose any off-street surface parking within 50 ft of the Main St right of way. The standards of this subsection are met.
 - ii) MMC 19.312.4.B.11 has standards for landscaping and open space in downtown zones. Approximately 70% of the project area will be landscaped, which surpasses the DOS minimum requirement of 20%. Nearly all of the landscaped area will be planted with live plant material. The standards of this subsection are met.
- C. MMC 19.312.5.D implements the street design standards for downtown development. The project is new development in the downtown zones, and is therefore required to comply with the downtown Public Area Requirements (PAR) along the project's right of way frontage. Significant portions of the project's frontage already comply with these standards. The project is responsible for bringing the project frontage into conformance as described in Finding 16 below. As conditioned, this section is met.
- D. MMC 19.312.6 contains Design Standards for downtown development. The project is new development; therefore all design standards in this section are applicable.
 - i) MMC 19.312.6.C.2 contains design standards for walls. The primary materials for both the large and small restroom buildings are cedar siding with a concrete base. No prohibited materials will be used, and no exterior mechanical equipment is proposed to be mounted on the walls of either structure. The standards of this subsection are met.
 - ii) MMC 19.312.6.C.4 contains design standards for roofs. The roofs of the proposed large and small restroom buildings are standing seam metal flat roofs. The proposed roof meets the standards for this section except that a cornice with a depth of at least 6 in and height of 12 in is required. The applicant has requested a modification to this design standard is requested (see Finding 6.E.v).
- E. MMC 19.312.7 contains procedures and approval criteria for design review. The project is new construction and is subject to design review.
 - i) Per MMC 19.312.7.E, the project is new construction and requires minor quasi-judicial review.
 - ii) MMC 19.312.7.F lists the items required for a design review application. The application contains all the materials listed in the subsection.
 - iii) MMC 19.312.7.G lists the approval criteria for design review applications.
 - a) MMC 19.312.7.G.1 requires compliance with Title 19 (zoning ordinance). As demonstrated in these findings, the project complies or is conditioned to comply with Title 19.

- b) MMC 19.312.7.G.2 requires that a project be substantially consistent with the Downtown Design Guidelines. As demonstrated by the Downtown Design Guidelines matrix in Exhibit A of these findings, the project complies with these guidelines.
 - c) MMC 19.312.7.G.3 requires a complete application and applicable fees be submitted for the design review application. The applicant has submitted all required application materials and fees.
- iv) MMC 19.312.7.H requires that the Design and Landmarks Committee make a written report of its recommendation concerning the design of the project. The Design and Landmarks Committee (DLC) has conducted a Design Review of the park redevelopment application at a public review session on November 9, 2009. The DLC recommends that the Planning Commission approve the design review application with the conditions in Exhibit B. In addition to the items in Exhibit B, the DLC has also asked the applicant as part of the project's post-approval review to consider the following suggestions about how the proposal can better meet the Downtown Design Guidelines:
 - a) Prevent stormwater runoff from the roof of the large restroom building from negatively affecting pedestrian areas surrounding the building.
 - b) Design the water feature to echo the diverse nature of waterways through Milwaukie and the site, and to include less linear features.
 - c) Incorporate Milwaukie's character and history in the details of the project. This could include incorporation of art elements, vernacular architecture, signage, or choice of materials.
 - d) Reduce the distance between the bathroom and playground.
 - e) Design for views from downtown and outside the park as well as views within the park.
 - f) Reduce the cold feeling of concrete throughout on the buildings.

As conditioned, the application meets the requirements for design review.
- v) MMC 19.312.7.J allows the Planning Commission to authorize modifications of the design standards in MMC 19.312.6. The applicant has requested a modification of one design standard, MMC 19.312.6.C.4(a): "Flat roofs shall include a cornice with no less than six inches depth (relief) and a height of no less than twelve inches." As designed, the proposed restroom structures in the park do not comply with this standard. MMC 19.312.7.J allows the modification of design standards if the criteria of that subsection are met. The request meets those criteria as follows:
 - a) MMC 19.312.7.J.1: "The modification is integral to the overall design concept for the building." The applicant's response is, "The proposed structures are intended to be low, horizontal, simple structures and cornices would diverge from the form of the site design." The design of the building is intended to diminish the building's importance relative to the park. The plans accomplish

this by proposing subdued materials and low horizontal forms. The proposed low, simple roof line is in keeping with this intent. The Commission finds that the modification is integral to the overall design concept of the building.

- b) MMC 19.312.7.J.2: "The modification...substantially meets the intent of the design standard; or in combination with other design elements of the project, the modification meets the intent of the design standard." The intent of design standard for roofs is to ensure that flat roofs have some visual interest. In conjunction with the building offsets and extensions, the roofline of the buildings maintain visual interest.
- c) MMC 19.312.7.J.3: "The project is substantially consistent with the downtown design guidelines applicable to the design standard." The proposed buildings meet the intent of the design guideline related to roofline and silhouette, as noted in Exhibit B, Architectural Guidelines, item *h*.

The Planning Commission finds that the criteria for the requested design modification are met and approves the design modification.

7. The entire project site is covered by the Willamette Greenway (WG) overlay zone, a City ordinance that implements Statewide Planning Goal 14 – Willamette River Greenway (OAR 660-015-0005). The standards of Section 19.320, Willamette Greenway Zone, apply.
 - A. MMC 19.320.3 establishes limitations on uses in the WG overlay. All uses allowed outright in an underlying zone are conditionally permitted uses and subject to the provisions of Chapter 19.600. The project does not involve any of the outright prohibited uses in this subsection. Tree cutting and grading associated with the project is addressed in the findings for Subsection 19.320.8.B.
 - B. MMC 19.320.5 establishes review and notification procedures for WG review. The notices for the application and review of the application have been completed in accordance with this subsection.
 - C. MMC 19.320.6 lists approval criteria for new uses in the WG overlay.
 - i) MMC 19.320.6.A requires consideration of whether the land has been committed to an urban use, as defined in the Willamette River Greenway Plan. An urban use is described in this plan as a use that is part of the built environment, and is defined in opposition to uses along the river that are natural, rural, or agricultural in character. The project area is part of a small downtown area and in the past has been developed with both industrial, commercial, and recreational uses. The proposed park use is an urban use within an area along the Willamette River that is committed to urban use.
 - ii) MMC 19.320.6.B requires consideration of the compatibility with the scenic, natural, historic, economic, and recreational character of the river. The proposed project would improve the site's compatibility with each of these elements than the existing conditions. The project would increase the number of vantage points to the river, restore much of the riverbank,

reference Milwaukie's historical connection to the Willamette River, spur activity and tourism near the river, and increase access for recreational users.

- iii) MMC 19.320.6.C requires protection of views both toward and away from the river. The project would increase the number of view points to the river by creating view points at the mouths of Johnson and Kellogg Creeks. The plaza and festival lawn also increase view opportunities to the river.
- iv) MMC 19.320.6.D requires landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river. The proposed project incorporates significant amounts of landscaping, open space, and revegetation of the riparian areas along the Willamette River. More urban uses, such as the restroom building and paved plaza, are located outside of the Vegetation Buffer, in the upland portion of the site away from the river.
- v) MMC 19.320.6.E requires consideration of public access to and along the river by appropriate legal means. The proposed project would formalize and facilitate public access to the river by providing appropriate access points. These include access near the proposed amphitheater, and at the proposed boat launch and transient dock. The proposed paths in the park would also facilitate movement to reach different points of the river shore within the park.
- vi) MMC 19.320.6.F requires consideration of emphasis on water-oriented and recreation uses. The proposed transient dock and boat launch are significant pieces of the project that facilitate water-oriented uses. The park paths, festival lawn, amphitheater, and plaza are designed to accommodate multiple forms of active and passive recreation.
- vii) MMC 19.320.6.G requires views to be maintained between the river and downtown. The project would protect the existing views between downtown and the river. The location of vegetation and the low profile of the structures within the park preserves view corridors from the areas of Monroe St, Jefferson St, and Washington St from the east side of McLoughlin Blvd.
- viii) MMC 19.320.6.H requires compliance with the Water Quality resource regulations in MMC 19.322. Compliance with this section is established in Finding 8.
- ix) MMC 19.320.6.I requires compliance with recommendations of the Design and Landmarks Committee (DLC), as appropriate. The DLC has reviewed the proposed project and determined that it largely complies with the Downtown Design Guidelines. The recommendations of the DLC are incorporated as conditions of approval.
- x) MMC 19.320.6. J requires that the project be consistent with applicable comprehensive plan policies.

The project is consistent with the design and uses contained in the Downtown and Riverfront Land Use Framework Plan and the Downtown

and Riverfront Public Area Requirements, both of which are Comprehensive Plan ancillary documents.

The project is also consistent with the following Comprehensive Plan Policies and Objectives:

- a) Chapter 3, Environmental and Natural Resources, Open Spaces, Scenic Areas, and Natural Resources Element

Objective #1 — Open Space; Policy 3: “The natural resource areas along Johnson Creek, Kellogg Creek, and Kellogg Lake, as shown on Map 5 and defined under Objective #2, will be considered open space of special importance to all City residents. Passive recreational public use of these areas for walking trails, nature parks, and the like will be encouraged.”

Objective 3 – Scenic Areas, Policy 1: “Future plans for the Milwaukie riverfront area will include consideration of viewing opportunities between downtown and the Willamette River, as well as special places on the riverfront for enjoying views of the river and its activities.”

- b) Chapter 4, Land Use

Commercial Land Use Element; Objective 12 – Town Center, Policy 3: “The City will focus redevelopment efforts in the Town Center Area and on the waterfront.”

Commercial Land Use Element; Objective 13 – McLoughlin Blvd, Policy 2: “The opportunity will be taken during any improvement or modification of the McLoughlin corridor to create new and more efficient vehicular access to the riverfront, as well as pedestrian access not in conflict with motorized transportation”

Recreational Need Element, Objective 7 – Riverfront Recreation, Policy 2: “Existing waterfront park lands will be developed to maximize use and enjoyment of the river, while maintaining the environmental integrity of sensitive areas.”

Willamette Greenway Element, Objective 7 — Central Riverfront, which states “To acquire property necessary for public open space, public trails, riverfront access and riverfront-related development, consistent with the Downtown and Riverfront Land Use Framework Plan.” All policies within this section support the proposed project.

- xi) MMC 19.320.6.K requires that the project be consistent with Oregon Division of State Lands (DSL) policies. The proposed project has been referred to DSL, which has reviewed the project and has no objections.
- xii) MMC 19.320.6.L requires a vegetation plan that meets the requirements of MMC 19.320.8. Compliance with these requirements is demonstrated in Finding 7.D.

- D. MMC 19.320.8 established requirements for the vegetative buffer along the Willamette River.

- i) MMC 19.320.8.A requires that the strip of vegetation within 25 feet of the ordinary high water line be preserved, enhanced, or reestablished except where development allowed by this chapter is proposed. The proposed project would contain both areas of enhanced and reestablished vegetation and development.
 - ii) MMC 19.320.8.B details the requirements for a vegetation buffer plan.
 - a) MMC 19.320.8.B.1 requires riverbank stabilization. The project would improve the stability of the bank from its current conditions. The project would involve regrading, planting appropriate vegetation, and placing boulders to improve bank stability.
 - b) MMC 19.320.8.B.2 requires scenic view protection. The project would remove some of the vegetation along the bank that currently blocks views to the river. Appropriate native vegetation would be added to the riparian and upland areas. No structures over one story tall are proposed for the site. The proposed project would continue to allow and improve upon scenic views along the river.
 - c) MMC 19.320.8.B.3 requires the existing native vegetation be retained, and allows for removal in certain circumstances. The proposed vegetation removal in the buffer area is to establish the park and to restore the riparian area. Some existing vegetation would be preserved, but most would be removed to allow for grading and replanting native vegetation. Per the analysis for the Water Quality Resource Overlay standards, the project improves the riparian area and mitigates the removal of any native vegetation by stabilizing the riverbank and replanting the buffer area with native vegetation.
 - d) MMC 19.320.8.B.4 requires native vegetation to be restored. The plans for the project call for planting native species to replace any removal of existing vegetation that occurs.
 - e) MMC 19.320.8.B.5 allows for enhancing the vegetation buffer area. The project would remove non-native vegetation from the buffer area, stabilize the bank, and replant the area with native vegetation. As demonstrated in the findings for MMC 19.322, the project appropriately mitigates impacts associated with removal of existing vegetation and regarding activity.
 - f) MMC 19.320.B.6 requires that the vegetation be secured prior to issuance of a development permit. The applicant proposes to complete work within the vegetation buffer prior to beginning work on the park area improvements. As conditioned, the work within the vegetated buffer area shall be completed prior to the Planning Director's final inspection of Phase II of the project as described in Finding 13.
- 8. MMC 19.322 contains standards and approval criteria for areas covered by the Water Quality Resource overlay (WQR). The site contains WQR riparian corridor areas along the Willamette River, Johnson Creek, and Kellogg Creek. MMC 19.322 is applicable to the project.

- A. MMC 19.322.7 lists activities permitted with Minor Quasi-judicial review. The project is a new use permitted in a base zone and requires Minor Quasi-judicial review.
- B. MMC 19.322.9 lists the application requirements for WQR review. Items MMC 19.322.9.A- F, J and K are requirements for the information and materials to be provided for WQR review. The applicant has submitted these materials with the application.
- C. MMC 19.322.9.G-I list requirements for portions of the project within the WQR buffer, including an alternatives analysis, demonstration that the disturbance within the WQR area is minimized, and that the impacts to the WQR area are mitigated. The applicant has submitted these materials for the portions of the project that fall within the WQR area, which are the overlook on the sheetpile wall at the mouth of Kellogg Creek, the bridge over Kellogg Creek, the boat ramp and dock, the transient dock, the small restroom building, vehicular and pedestrian pathways, stone steps near the amphitheater, Klein Point overlook, and the regrading, invasive species removal, and revegetation along the riparian corridors.

Compliance with these application requirements is addressed in Exhibit C to these findings. The Planning Commission finds that the proposed project will include both impacts and enhancements to the WQR area. As a whole, the project, with one exception, meets the criteria in this section. The Planning Commission finds that a pedestrian bridge over Kellogg Creek must be permitted as an individual project at such time that the bridge is designed to a greater level of detail.

- D. MMC 19.322.10 contains development standards for the WQR area.
 - i) MMC 19.322.10.A requires the WQR area to be restored and maintained in accordance with Table 19.322.9.E. Compliance with this standard is demonstrated in Exhibit C.
 - ii) MMC 19.322.10.B requires that the existing vegetation be left in place to the extent feasible. The proposed changes include preservation of some existing trees within the buffer. Existing native trees in the buffer that are removed are appropriately mitigated for.
 - iii) MMC 19.322.10.C requires replanting soon after removal of vegetation. As conditioned, the applicant shall submit a plan with proposed schedules for work, replanting, and monitoring of vegetation.
 - iv) MMC 19.322.10.D requires the WQR area to be flagged and left undisturbed except as allowed by the WQR regulations. As conditioned, trees to be retained shall have appropriate flagging to leave them undisturbed. Much of the site would be regarded and replanted at some point during the project, and flagging is not appropriate for these areas.
 - v) MMC 19.322.10.E requires that stormwater pre-treatment facilities may encroach up to 25 ft into a WQR area the area of encroachment must be replaced by adding an equal WQR area on the property. The proposed project includes stormwater treatment facilities and swales. As conditioned, stormwater treatment that is not a swale shall not encroach more than 25 ft into the WQR area. Stormwater entering into the

proposed swales is also conditioned to be treated to the maximum extent possible prior to reaching the portion of the swale that encroaches more than 25 ft into the WQR area.

- vi) MMC 19.322.10.F establishes standards for additions, alterations, rehabilitation, and replacement of lawful structures. There are no known non-conforming uses or development in the existing park. The work allowed by this section is not allowed to encroach closer to the protected water feature than existing development. The existing development in the park encroaches into the river. The proposed project modifies the location and extent of some of this encroachment. As demonstrated in Exhibit C, the areas of encroachment have been minimized, and any impacts are mitigated. The change in areas of encroachment and the accompanying mitigation will result in a larger amount of the vegetated corridor in good condition than the existing conditions.
- vii) MMC 19.322.10.G prohibits off-site mitigation. No off-site mitigation for the project is proposed.
- viii) MMC 19.322.10.H requires site preparation and construction practices that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to the adjacent Water Quality Resource Area. As conditioned, the applicant shall submit construction plans that include erosion control and other measures to prevent harm to the WQR area.
- ix) MMC 19.322.10.I requires that lights not shine directly into natural resource areas. As proposed, low bollard type lights would illuminate paths and some areas with the WQR. Parking area lighting is also proposed that would illuminate some areas within the WQR. As conditioned, the applicant shall submit a photometric study demonstrating that light pollution into the WQR is minimized to the maximum extent possible, and that appropriate lighting fixtures are used to minimize light trespass.
- x) MMC 19.322.10.J requires that where proposed, development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to reduce impacts on the natural resource while allowing for the enjoyment of the resource. The findings in Exhibit C demonstrate that paths and viewpoints in the proposed project reduce the impacts of such facilities while allowing for enjoyment of the riverfront area. As conditioned, the applicant shall have a plan for protection of the WQR areas during large events.
- xi) MMC 19.322.10.K requires that areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, except where mitigation is approved, so as to provide a transition between the proposed development and the natural resource, provide opportunity for food, water, and cover for animals located within the water quality resource. As proposed, the project has many areas of mitigation and restoration that provide connected wildlife habitat on the site.
- xii) MMC 19.322.10.L requires that stormwater flows as a result of proposed development within and to natural drainage courses shall not exceed

predevelopment flows. As conditioned, the project will comply with this standard, which shall be evaluated by the Engineering Department during development permit review.

- xiii) MMC 19.322.10.M requires that road crossings of major natural drainage courses will be minimized as much as possible. The proposed project does not include any new road crossings of major drainage courses.
 - xiv) MMC 19.322.10.N requires that the construction phase of the development must be done in such a manner to safeguard the resource portions of the site that have not been approved for development. As conditioned, the applicant will submit a construction plan that includes protection for any areas on site that are not to be disturbed during development.
9. MMC 19.403.12 contains standards for on-site walkways and circulation. As proposed, the project meets the standards for location and design of required on-site walkways.
 10. MMC 19.403.13 establishes building orientation standards for uses along transit routes. The Planning Commission finds that the primary use of the site is a park that is not associated with any structure for which the standards of this section are applicable. The proposed buildings are ancillary and accessory to this use.
 11. MMC Chapter 19.500 establishes off-street parking and loading standards. The proposed project is in the DOS and DO zones, and is not within the area of downtown that is exempt from Chapter 19.500.
 - A. MMC 19.502 establishes the applicability for Chapter 19.500. The proposed project is a new development that increases the parking and loading demand for the site. The standards of this chapter are applicable.
 - B. MMC 19.503.2 establishes standards for shared parking. The project proposes shared parking for occasional events that have more parking demand than can be accommodated on site. Because shared parking is not required on an on-going basis, a shared parking agreement per MC 19.503.2 is not required. As conditioned, the City shall maintain a parking management plan for events that would exceed the quantity of parking available at the site.
 - C. MMC 19.503.3 sets minimum required and maximum allowed parking ratios for various land uses. Because a park is not a use listed in this subsection, a parking determination per MMC 19.503.6 is required. MMC 19.503.6 allows the Planning Commission to establish parking requirements for uses not listed in MMC 19.503.3. The applicant is required to submit studies or technical information about the use, parking demand, traffic (vehicle trip) generation, and otherwise as deemed necessary to make a determination. The City may consider testimony and publications of individuals, agencies, or institutions experienced in parking and traffic engineering in its determination of parking standards.

The existing Riverfront Park has a parking area near the Jefferson St boat ramp that has 25 parking spaces for vehicles with trailers, 14 standard vehicle spaces and 1 ADA space. The log dump area south of Kellogg Creek has an additional informal parking area that accommodates 10 to 15 spaces. The existing open space north of the Jefferson St boat ramp area is also used as an informal and undesignated parking area, and can accommodate approximately 30 cars.

Overall, there are 40 designated parking spaces in the existing park, and an overflow capacity in undesignated areas of 40-45 spaces.

The proposed project would include 33 total off-street spaces. The area north of Kellogg Creek would have 14 spaces that would accommodate vehicle and boat trailers and 4 standard vehicle spaces. The area south of Kellogg Creek would have 6 spaces that would accommodate vehicle and boat trailers and 9 standard vehicle spaces.

The applicant has stated that the existing parking area reaches capacity only during salmon fishing season in March. The proposed project would provide 7 fewer designated parking spaces overall (5 fewer designated spaces for trailers, and 2 fewer designated standard vehicle spaces). The proposed project would not have additional informal parking areas on the site.

The Planning Commission finds that the proposed quantity of parking in the proposed project is adequate. The existing parking use at the park generates occasionally generates parking demand that exceeds the number of designated parking spaces at the site. The applicant has identified additional parking areas owned by the City and other entities in the downtown area that can accommodate overflow parking for special events. As conditioned for providing the proposed quantity of parking, the applicant shall have a parking and transportation management plan for events at the Riverfront Park.

- D. MMC 19.503.10 through MMC 19.503.17 contains standards for parking surfaces, curb cuts, aisles, connections to other sites, lighting, drainage, pedestrian access, and drainage. As proposed, the project meets all the standards of these sections. The approval is conditioned upon the receipt of final development plans that demonstrate compliance with the standards of these sections.
- E. MMC 19.503.18 encourages park and ride facilities for uses not in conflict with weekday parking use. The proposed project would have regular weekday use throughout the year. The Planning Commission finds that the proposed project is not appropriate for a park and ride facility,
- F. MMC 19.503.19 contains standards for parking area landscaping. As proposed, the project meets the standards of this section for landscape area locations, widths, and plantings. As conditioned, wheel stops shall be installed if necessary to keep vehicles from encroaching into landscaped areas. As conditioned, parking area landscaping shall be kept in good and healthy condition.
- G. MMC 19.504 requires off-street loading shall for commercial, industrial, public, and semipublic uses, as appropriate, for the receipt or distribution of merchandise by vehicles. The Planning Commission finds that off-street loading spaces are not appropriate or necessary for the proposed use.
- H. MMC 19.505 requires that bicycle parking is required for all new commercial, business industrial (BI), community service (CSU), and multifamily development and in the downtown zones and at transit centers. The proposed project includes bicycle parking near the north parking area and near the main plaza in the park. As conditioned, the proposed bicycle parking areas shall meet the standards of MMC 19.505.2 – 6.

12. MMC 19.600 established standards for conditional uses. Because the proposed project is within the WG overlay, it is a conditional use and subject to the criteria of MMC 19.601.2.
 - A. MMC 19.601.2.A requires that the use be a conditional use in the base zone for the property. The park use is allowed outright in the Downtown Open Space zone; however the use is conditional because of the Willamette Greenway overlay.
 - B. MMC 19.601.2.B requires that the use meet the standards for the underlying zone. As established in Finding 6 above, the use meets the standards for the Downtown Open Space and Downtown Office zones.
 - C. MMC 19.601.2.C requires that the proposal meet the goal and policies of the Comprehensive Plan that apply to the proposed use. As listed in Finding 7.C.x above, the proposed use complies with the goals, policies, and objectives regarding the downtown riverfront area in the Comprehensive Plan.
 - D. MMC 19.601.2.D requires that the characteristics of the site are suitable for the proposed use. The proposed use is unique in that it is designed specifically for the existing riverfront park area. The site characteristics are suitable for the proposed use in that the site is adjacent to the river, provides space for active and passive recreation in the vicinity of the river and in certain areas of the riparian corridor, and provides safe and efficient pedestrian and vehicle access to and within the site.
 - E. MMC 19.601.2.E requires that 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. The site is in the downtown area of Milwaukie. The Engineering Department has reviewed and commented on the proposed project and believes that the City's water, stormwater, and transportation standards can or will be met for the proposed park use.
 - F. MMC 19.601.2.F requires that the proposed use complies with the transportation requirements and standards of Chapter 19.1400. As demonstrated in Finding 16, the proposed project complies with the requirements and standard of Chapter 19.1400.
13. MMC 19.1013 requires that actions covered by Chapters 19.600, 19.700, and 19.800 shall be void after 6 months unless substantial construction pursuant thereto has taken place. However, the Planning Commission may at its discretion extend authorization for an additional 1 year upon request. The applicant has requested a variance from this requirement. The variance is addressed in Finding 14.
14. MMC 19.702.1 establishes circumstances for granting a variance.
 - A. MMC 19.702.1.A requires that the property in question has unusual conditions over which the applicant has no control. Such conditions may only relate to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures. The unusual conditions over which the applicant does not have control are the size of project site and the regulations imposed on the property by its location along the Willamette River, Johnson Creek, and Kellogg Creek. The project site is 8.5 acres in size and will require vegetation removal and regrading of most of the site before construction can begin. Because of the large amount of riparian areas on the site, portions of the project must also

receive approval from the US Army Corps of Engineers. The applicant has submitted a permit application to the US Army Corps of Engineers but does not anticipate that the project would receive approval within the upcoming months. The applicant would not submit development permits the City before receiving approval from the US Army Corps of Engineers. The work involving the riparian areas on the site would only be allowed during certain periods of the year in order to minimize impacts to fish and wildlife. The Planning Commission finds that it is not feasible for the applicant to obtain the necessary approval from all agencies involved, submit development permits following the approval, regrade a 6 acre site, abide by limits on when work in the riparian area can be done, and expect substantial construction within 6 months of the Planning Commission's approval.

- B. MMC 19.702.2 requires that there are no feasible alternatives to the variance and that the variance is the minimum variance necessary to allow the applicant the use of his or her property in a manner substantially the same as others in the surrounding area. The Planning Commission finds that there are no feasible alternatives for having substantial construction occur within 6 months of City approval. The circumstances that give rise to the variance request are due to the scope of the project and the administrative requirements for permitting the proposed project. There project site is unique within downtown and within Milwaukie, and there is no standard on which to evaluate the use of the property as being in a manner similar to others in the surrounding area. The Planning Commission finds that these criteria are met.
 - C. MMC 19.702.1.C requires that adverse effects upon other properties that may be the result of this variance shall be mitigated to the extent feasible. The Planning Commission finds that there are no impacts to other properties from a variance to extend an administrative project completion deadline. Further, the development of the proposed project is consistent with long-standing goals for this area expressed in the Comprehensive Plan, and would not become an incompatible conditionally permitted use merely through the amount of time needed to construct the project.
- 15. MMC 19.1011.3 establishes procedures for minor quasi-judicial review. The Design Review, Willamette Greenway and Conditional Use Review, Water Quality Resource review, and Variance all require minor quasi-judicial review. The Planning Commission held a hearing on the proposed project on May 11, 2010. Notice was provided and the application was processed and evaluated in conformance with the standards of this subsection.
 - 16. MMC Chapter 19.1400 – Transportation Planning, Design Standards, and Procedures. The Planning Commission finds that the following complies with applicable criteria of MMC Chapter 19.1400.
 - A. MMC Chapter 19.1400 applies to partitions, subdivisions, and new construction, except as limited by MMC subsection 19.1403.1.

 MMC Chapter 19.1400 is not limited by MMC Chapter 19.1403.1 when the value of the construction improvements is more than \$231,855.00. According to the applicant, the value of the proposed construction improvements is greater than \$231,855.00.

MMC Chapter 19.1400 is limited by MMC Chapter 19.1403.1 when the proposed development is in the downtown zone. The proposed development is limited to MMC Chapters 19.1405.4, 19.1408, and 19.1413.

The Planning Commission finds that MMC Chapter 19.1400 applies to the proposed development.

- B. MMC Section 19.1405.4 establishes specific notice requirements in addition to general notice provisions set forth in Chapter 19.1100.

The proposed development is within two hundred feet of a designated state highway, SE McLoughlin Boulevard. Notice has been provided to the Oregon Department of Transportation.

The proposed development is within two hundred feet of an existing transit route, Bus Route #33 and #99 on SE McLoughlin Boulevard. Notice has been provided to TriMet.

The Planning Commission finds that the specific notice requirements of MMC Section 19.1405.4 have been met for the proposed development.

- C. MMC Section 19.1408.1 and 19.1408.2 requires submission of a transportation impact analysis documenting the development impacts on the surrounding transportation system.

The proposed development scores over the 100 points necessary to require transportation impact analysis in accordance with the Milwaukie Transportation Design Manual. The applicant's traffic consultant, David Evans and Associates, submitted a transportation impact analysis with the land use application in accordance with MMC Section 19.1408. Staff has hired DKS Associates to conduct an independent review of the applicant's transportation impact study.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1408.1 and 19.1408.2.

- D. MMC Section 19.1408.3 and 19.1408.4 requires that transportation impacts of the development be mitigated and that the mitigation be roughly proportional to the impacts of the development.

The proposed redevelopment of the Milwaukie Riverfront Park includes modifying the existing access to SE McLoughlin Boulevard by closing the existing access locations at Jefferson Street and Washington Street and sharing an access with the Kellogg Creek Water Pollution Control Plant south of Washington Street. The proposed access location meets ODOT's access spacing requirements of 175 feet in a Special Transportation Area (STA).

The City of Milwaukie's traffic consultant, DKS Associates, has reviewed the applicant's transportation impact analysis. DKS Associates agrees with the applicant's transportation impact analysis in that the development will result in no increase in traffic volume. However, Milwaukie's traffic consultant recommends the following improvements to mitigate the impacts of the access relocation.

- i) Review the street trees in the sight distance triangle at the proposed access. Trim and maintain as needed to provide adequate sight distance.
- ii) Construct improvements as requested by ODOT for the site access. This may include a northbound left turn lane on SE McLoughlin Boulevard.

- iii) Monitor special events at the site. If new special events or larger events are anticipated (or if existing events become problematic), develop a revised special event management plan.
- E. ODOT has reviewed the applicant's transportation impact analysis. ODOT recommends the following improvements to mitigate the impacts of the access relocation.
 - i) Construct a northbound left-turn lane for the OR 99E park access built to ODOT standards.
 - ii) Construct a bike lane, curb, landscape strip, and sidewalk along the frontage of the redevelopment.
 - iii) The removal of the signal head and striping for the northbound left-turn at SE Washington Street.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1408.3 and 19.1408.4.

- F. MMC Section 19.1413 establishes standards for access management.

The proposed driveway access to the Milwaukie Riverfront Park does comply with ODOT access spacing standards for a Special Transportation Area (STA).

The applicant shall construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) on SE McLoughlin. The driveway approach apron shall be between 15 feet and 45 feet in width, at least 10 feet from the side property line, and at least 175 feet from the nearest intersection.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1413.

- 17. MMC Chapter 18.04 Flood Hazard Areas. The Planning Commission finds that the following complies with applicable criteria of MMC Chapter 18.04.
- 18. The applicant proposes to construct the project in phases, according to distinct project areas. These areas are:
 - A. North area – the portion of the park south of Johnson Creek including Klein Point and extending south to the amphitheater area;
 - B. Festival lawn area – the festival lawn area south of the amphitheater, west of the main plaza, and north of the proposed parking area.
 - C. Plaza area – the restroom building, plaza, and water feature in the area of the existing Jefferson Street entrance. Main plaza, amphitheater, boat ramp, parking area on the north side of Kellogg Creek, relocation of the park entrance, and the enhancements for the riparian areas.
 - D. South area – north and south parking areas, boat ramp and dock, and overlook at Kellogg Creek.

As conditioned, these areas do not have a prescribed sequence and may be built separately or jointly as the project is able to progress. Appropriate review, mitigation, and inspections are conditioned to apply for the project areas.

- 19. Review of the Joint Permit Application through the US Army Corps of Engineers review process is required for some elements of the proposed project. Their review has the potential to alter the transient dock and boat ramp and accompanying dock. As

conditioned, minor changes to the boat ramp and dock shall be reviewed by Planning Staff. Changes to the location of the boat ramp, or removal of the boat ramp from the proposal, would have impacts to the design and function of the site, and would require review by the Planning Commission and new land use applications. The elimination or relocation of the transient dock along the overlook area shall be reviewed by staff.

20. The application was forwarded to the following City Departments and agencies for review: City of Milwaukie Engineering, City of Milwaukie Building, Clackamas County Fire District #1, Oregon Department of Transportation, Oregon State Marine Board, Oregon Division of State Lands, Oregon Department of Fish and Wildlife, Oregon Parks and Recreation Department, Metro, and Clackamas County. It was also forwarded to the Historic Milwaukie and Island Station Neighborhood District Associations. Comments received an attachment to the Staff Report for the May 11, 2010 Planning Commission hearing.

Design Guideline Compliance

1. *The Planning Commission finds that the proposed Riverfront Park Project complies with the Milwaukie Downtown Design Guidelines as follows:*

MILWAUKIE CHARACTER GUIDELINES	
Applicant Information	Recommended Findings
a. Reinforce Milwaukie's Sense of Place = Strengthen the qualities and characteristics that make Milwaukie a unique place.	
The pedestrian environment has been considered first and foremost in the design of the plaza, open spaces, pathways, and viewpoints. Industrial marine design references are highlighted by the use of Corten steel and overlook railings. Classically historic amenities such as light fixtures and bollards will help reinforce the small town feel and help unify downtown and the park. Planting area intended to be lush and create interest in all seasons, including flowering trees and shrubs, bright fall foliage, and winter texture. The park has been designed for a timeless appeal and flexibility; mock historic or cartoonish features will not be included. Wherever practicable, the scale, detail, and spaces within the park will reinforce the idea of a small town, working waterfront. All park amenities will be accessible to all users, including the boat ramp facilities, transient dock, restroom, and pathways. From the site design to the detailing, the park was designed to belong on the waterfront of Milwaukie.	The overall design of the park does reinforce Milwaukie's sense of place as a small town with a history of riverfront activity. As proposed, the park project would greatly strengthen Milwaukie's sense of place by increasing the community's connection to the river. The connection between downtown and the river would be increased by providing spaces for community events and recreation along the river and by providing better views of the river from downtown. Viewing places would be provided within the park, offering opportunities for passive connections to the river. The landscape plans for the park reinforce Milwaukie's sense of place by featuring the dogwood tree prominently within the park. The park, overall, has been well designed for pedestrian use. The plaza, paths, amphitheater seating, overlook points, and water features are all pedestrian oriented amenities. <i>The proposal meets this guideline.</i>
b. Integrate the Environment = Building design should build upon environmental assets.	
A central element of the plaza is a multi-tiered water feature that provides sensory access to flowing water. Natural stone and some plantings will edge the water feature elements. All park users will have access to the water features. Onsite stormwater management through planted swales and pervious paving will improve aesthetics, engage park users, and enhance habitat viability, all while filtering water that enter the River from the park. This will be a working waterfront park, providing an important amenity in the boat ramp access to the Willamette River, therefore on-site parking for these users is a necessary park element. Wherever possible, however, views of parking areas will be screened by vegetation or topography. Natural or industrial –referencing materials have been selected for park features; bright colors will be derived from	The park design does integrate the environment and enhance the site's natural assets. The proposal would improve access to the riverfront and views of the natural features of the river and creeks. It would create places for people to interact with water in natural and in man made areas. The dock, overlook points, boat launch, and rock slab steps leading to the river's edge would all allow park visitors to engage the site's natural elements. The plaza and amphitheater create places with views of the river that are framed by plantings within the park. It is necessary to have parking within the park to facilitate the different users groups the site is intended to serve. To the extent possible, the parking areas are moved away from the river's edge and screened by vegetation. <i>The proposal meets this guideline.</i>

flowering plants and park events, not park architecture.	
<i>c. Promote Linkages to Horticultural Heritage = Celebrate Milwaukie's heritage of beautiful green spaces.</i>	
Throughout the park, diverse plantings will create interest and help define various park spaces, the Great lawn from parking areas, for instance. Flowering dogwood, the tree of Milwaukie, will be featured in special location such as entry points. Seasonal interest will be provided by flowering shrubs, bright fall foliage, and plant textural contrast. Planting beds throughout the plaza will be formally planted, reinforcing the curves of the plaza design. Because this park is intended to serve as Milwaukie's outdoor "living room" a large plaza is appropriate to serve the various events for large or small groups. Planting of various types will soften the edges of the hardscape areas, while turf will be limited to the Great Lawn open area.	The proposal does link to Milwaukie's horticultural heritage through its inclusion of dogwood trees in the landscaping plan. The plaza area and amphitheater would include formally planted areas. The park would include a festival lawn and plaza area. These are appropriately sized areas and would not occupy more of the open space than necessary. Likewise, the parking areas are only as large as needed to accommodate park use on a typical day. <i>The proposal meets this guideline.</i>
<i>d. Establish or Strengthen Gateways = Projects should use arches, pylons, arbors, or other transitions to mark special or primary entries and/or borders between public and private spaces.</i>	
Main points of entry into the park were informed by east-west oriented streets of downtown Milwaukie, uniting downtown with the park. These links help define and streamline pedestrian access to the park, and provide defined view corridors across OR 99E, enticing users to enter the park from downtown on foot. Surface treatments, bollards, or plantings will help define gateways at the park entry points along OR 99E. No gated residential development or utilitarian materials are being proposed.	The park is not adjacent to any nearby private spaces. The plaza area is planted and designed to be a transition area between downtown and McLoughlin Blvd and the park area and river. The space and plantings around the plaza will draw attention to this main entrance of the park, which serves to create a gateway. <i>The proposal meets this guideline.</i>
<i>e. Consider View Opportunities = Building designs should maximize views of natural features or public spaces.</i>	
High quality views of the Willamette River are essential to the long term viability of the waterfront park, therefore several viewpoints have been integrated into the park design. Key viewpoints will occur at the existing bulkhead; at the existing boat ramp; and at the confluence with Johnson Creek. These location were informed by the City's Downtown and Riverfront Plan designated viewpoints. Views to the boat ramp related to parking areas from downtown will be screened by vegetation where possible. No retail-related service areas or residential development are proposed.	The park design maximizes views of the river and creeks. The overlook area at the mouths of each creek would provide unique viewing opportunities of the creeks and the river. The park design allows for views of the river from many areas. The bank of the Willamette River south of the amphitheater is planter with low-height plantings. Trees in the upper area of the park are arranged to frame views of the river from the plaza, festival lawn, and amphitheater. <i>The proposal meets this guideline.</i>
<i>f. Consider Context = A building should strengthen and enhance the characteristics of its setting, or at least</i>	

<i>maintain key unifying patterns.</i>	
Both restroom buildings are small, stand-alone buildings within the larger park site. While no historic or high-quality buildings are adjacent, the context of the site has been carefully considered. The primary building surface material (cedar siding) is meant to evoke the working riverfront setting, while the low profile massing avoids drawing attention away from pleasant river views.	The restroom buildings respect the context of their location in the park, a predominately natural area. It is appropriate for the buildings in the park to have a low, horizontal profile. <i>The proposal meets this guideline.</i>
<i>g. Promote Architectural Compatibility = Buildings should be “good neighbors.” They should be compatible with surrounding buildings by avoiding disruptive excesses. New buildings should not attempt to be the center of attention.</i>	
The horizontal form and low profile of the large restroom accentuate the openness of the riverfront site, and are in harmony with the overall district aesthetic. The restroom builds will not seem artificially set; they have been designed to be integrated into the plaza which helps knit the downtown area with the park and Willamette River.	The proposed buildings within the park would be compatible with the context of the park. The Planning Commission believes the buildings within the park need not be architecturally compatible with the buildings of downtown. <i>The proposal meets this guideline.</i>
<i>h. Preserve Historic Buildings = Historic building renovation, restoration, or additions should respect the original structure.</i>	
This project has no impact. This guideline does not apply.	<i>This guideline is not applicable.</i>
<i>i. Use Architectural Contrast Wisely = Contrast is essential to creating an interesting urban environment. Used wisely, contrast can provide focus and drama, announce a socially significant use, help define an area, and clarify how the downtown is organized.</i>	
The restroom building will fit into this site. The cladding materials and sinuous form reflect the riverfront, and while compatible with the district aesthetic, wouldn't necessarily be appropriate elsewhere in downtown Milwaukie. The special riverfront site is highlighted by integrated, curved building design.	Like context and architectural compatibility, the Planning Commission's evaluation of architectural contrast is based on the context of the park, rather than buildings of downtown. The proposed buildings would both relate to the unique site and create a recognizable urban park aesthetic. As downtown develops over time, the open space provided by the park will provide a valuable contrast to the downtown urban area east of McLoughlin Blvd. <i>This guideline is not applicable.</i>
<i>j. Integrate Art = Public art should be used sparingly. It should not overwhelm outdoor spaces or render building mere backdrops. When used, public art should be integrated into the design of the building or public open space.</i>	
The central water feature was designed to function as a subtly interactive artistic element referencing the flow of the Willamette River.	In addition to the water feature, the applicant has also indicated that artistic elements may be added park elements such as the railings, play area, and interpretive signage placed in the park. The applicant has not included details regarding the form or placement of such elements. The Planning Commission adds a condition that art be integrated into the elements of the park that are already proposed, rather

	than add new artistic elements for their own sake. <i>If art is included in the project, the Planning Commission finds that the DLC will need to review proposed art for consistency with this guideline. As conditioned, the proposal complies with this guideline.</i>
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PEDESTRIAN EMPHASIS GUIDELINES	
Applicant Information	Recommended Findings
<i>a. Reinforce and Enhance the Pedestrian System = Barriers to pedestrian movement and visual and other nuisances should be avoided or eliminated, so that the pedestrian is the priority in all development projects.</i>	
Pedestrian circulation will be emphasized throughout the project. Parking areas will provide clearly designated pedestrian routes, including sidewalks, visually contrasting crosswalks, etc. No dumpsters or large utility areas are proposed. Pedestrian routes in conjunction with the parking areas are free from obstructions and have been designated to meet ADA standards and minimize pedestrian-auto conflicts.	The proposal includes a well-designed pedestrian system that allows for logical connections between different areas of the park. The park plans indicate that the site is being designed to provide interest at the pedestrian scale. The paths would be continuous, provide separation from vehicular traffic, and not impose barriers to pedestrian travel. Several types of pedestrian access are integrated into the site design – the regional Trolley Trail, access from the parking lot, access from downtown, and circulation within the park. <i>The proposal meets this guideline.</i>
<i>b. Define the Pedestrian Environment = Provide human scale to the pedestrian environment, with variety and visual richness that enhance the public realm.</i>	
Neither restroom building will include windows. Natural cedar siding with a base of smooth concrete will be pleasing for park users while referencing the naturalness of the riverfront site. The large restroom design incorporates seating under covers and bays.	The pedestrian experience in the park would be defined more by the elements of the park rather than the buildings within the park. The pedestrian environment would be defined by the vegetation and places for stopping to experience the river and park. The proposal successfully defines the pedestrian environment by establishing distinct areas as pedestrians move through the park. This provides variety to the park and makes the areas themselves more human-scaled. The areas are separated by material types, vegetation, and topography. The guideline refers mostly to the pedestrian environment as defined by buildings. The restroom buildings are an accessory building to the overall park and are not designed to be the primary feature with which park users interact. The design itself is visually interesting in that it has cedar siding and wall off-sets. The trellis, overhangs, and seating areas that are part of the building are features with which pedestrians can interact that help to define the environment. <i>See finding at the end of the Pedestrian Emphasis Guidelines.</i>
<i>c. Protect the Pedestrian from the Elements = Protect pedestrians from wind, sun, and rain.</i>	
The large restroom was designed with integrated covered areas including seating. Large canopy trees throughout the plaza will provide shared in summer months. No synthetic awnings or covered areas are	As an open space, the site will not afford protection from the elements in the same way a building would. The large restroom building will provide sheltered seating areas to offer some protection from the elements on the site. <i>See finding at the end of the Pedestrian Emphasis Guidelines.</i>

proposed.	
<i>d. Provide Places for Stopping and Viewing = Provide safe, comfortable places where people can stop to sit and rest, meet and visit with each other, and otherwise enjoy the downtown surroundings.</i>	
Specially designated viewing areas will provide more formal seating (i.e. benches) however; the whole park design incorporates many opportunities for informal seating. Wide steps, seating-scaled low walls, large landscape boulders, and fixed benches will all provide opportunities for individuals or groups to sit and people watch, view the Willamette River, or rest. No formal or informal seating will be placed more than three feet above or below the adjacent grade. No service bays or the like are proposed.	The park would provide multiple places for visitors to stop and sit to view the park and activities. Benches and seats would be incorporated to the path, plaza, and amphitheater. Seating has also been incorporated into the design of the restroom building. <i>See finding at the end of the Pedestrian Emphasis Guidelines.</i>
<i>e. Create Successful Outdoor Spaces = Spaces should be designed for a variety of activities during all hours and seasons.</i>	
Along with the covered areas, the large plaza provides flexible open space for downtown Milwaukie. The site has been designed to allow many uses in a relatively small area, without creating conflict among various park users. Park lighting will provide day-time interest as well as make for safe after dark use.	The guideline calls for open spaces that are surrounded by active uses that are comfortable and easily accessible for pedestrians. The park does not have other adjacent uses, but is still visually and physically accessible from the street level. The plantings along McLoughlin Blvd. would allow views into the park from the street, and the grading of the site would minimize the amount of area that is hidden from view at the street level. Vegetation, materials, swales, and Kellogg Creek break up the different areas within the site. This would create a number of smaller, human scaled areas within the larger park. The trees and formal planting areas of the plaza mark the transition space between the street and the plaza. The seating areas within the park would be easily accessible and located along areas that planned to be illuminated at night. The proposal is designed to accommodate a wide variety of users who could be at the site throughout the year. It includes opportunities for both passive and active recreation, including a boat ramp, a playground, a lawn, a plaza, and an interactive fountain. <i>See finding at the end of the Pedestrian Emphasis Guidelines.</i>
<i>f. Integrate Barrier-Free Design = Accommodate handicap access in a manner that is integral to the building and public right-of-way and not designed merely to meet minimum building code standards.</i>	
The site has been designed to meet ADA standards, allowing all users to experience the same park. To the extent possible, ramps have been incorporated seamlessly into the overall design. All park ramps provide safe, non-obstructive routes to park features, including restroom facilities.	The design for the park integrates barrier free design. With the exception of steep areas in the riparian zones, the park would be accessible to all users. Ramps would be integrated into the overall layout and design of the plaza area and amphitheater. <i>The proposal meets this guideline.</i>
<i>Finding for the “Define the Pedestrian Environment”, “Protect the Pedestrian from the Elements”, “Provide</i>	

Places for Stopping and Viewing”, and “Create Successful Outdoor Spaces”:

The site plan and general form of the proposed elements within the park generally comply with the guidelines listed above. The plans do not have enough detail, however, to evaluate the full compliance with these guidelines. The Planning Commission finds that recommends that the applicant present more detailed information about the following park features to the DLC for evaluation at a future date. The additional information shall show specific design details about the materials and form of the following: water fountains in the plaza, stones at the base of the plaza, overlook points near Johnson Creek, pedestrian bridge across Kellogg Creek, amphitheater stage and seating terraces, rock slab steps between the amphitheater and Willamette River, and built in seating in the park.

The DLC shall approve the design details for these items upon finding that the design of these items does not diminish the park’s compliance with the Pedestrian Emphasis Guidelines identified in this finding.

ARCHITECTURE GUIDELINES

Applicant Information	Recommended Findings
<i>a. Corner Doors = Locate entry doors on corners of commercial and retail buildings wherever possible.</i>	
Not applicable. The restrooms will be small, stand alone buildings where corner doorways would not be appropriate.	<i>This element is not applicable.</i>
<i>b. Retail and Commercial Doors = Doors should create an open and inviting atmosphere.</i>	
Not applicable. The project contains no retail development.	<i>This element is not applicable.</i>
<i>c. Residential Doors = Residential front doors should define a friendly transition between the public and the private realm.</i>	
Not applicable. This project contains no residential development.	<i>This element is not applicable.</i>
<i>d. Wall Materials = Use materials that create a sense of permanence.</i>	
Natural cedar siding and a smooth concrete base will be used on the restroom buildings to reference the naturalness of the riverfront site. The colors and materials are meant to complement the overall site and not distract from views of the riverfront. Veneer treatments, painted brick or obtrusive colors will not be used.	The wall materials proposed to be used in the restroom buildings are simple and durable, with a substantial and permanent character. The cedar lap siding will add a sense of depth to the surface of the building. Concrete and cedar are both materials that are subdued in tone and color and do not detract attention from the river and other major uses of the park. The base and siding are compatible yet varied, given that the overall size of the building does not present an opportunity to use a large number of different materials. <i>The proposal meets this guideline.</i>
<i>e. Wall Structure = Use scale defining devices to break up the longitudinal dimensions of buildings, creating a comfortable sense of enclosure by establishing an uninterrupted street edge.</i>	
The walls of the restroom will be articulated by two material types: a smooth-finish traditional concrete and natural cedar siding. Partly exposed heavy timber beams supporting the roof structure will also add visual interest.	The wall structure of the building articulates the base, middle, and top of the building. The large restroom has wall offsets and terraces that add visual interest to each of the wall elevations. <i>The proposal meets this guideline.</i>

The materials and massing of the building avoids uninteresting or featureless views of the building.	
f. Retail Windows = <i>Use windows that create an open and inviting atmosphere.</i>	
Not applicable. The project contains no retail development.	<i>This element is not applicable.</i>
g. Residential Bay Windows = <i>Provide bays to add variety and visual interest to façade and interesting views and outdoor spaces from the interiors..</i>	
Not applicable. This project contains no residential development.	<i>This element is not applicable.</i>
h. Silhouette and Roofline = <i>Create interest and detail in silhouette and roofline.</i>	
The size of the restroom buildings exempts them from architectural features such as windows, tower massing, etc. However, the roofline of the large restroom will be articulated and varied by the extended covered areas and separation of the men's and women's facilities. Although the restroom buildings are small, their low-profiles will be detailed and long-lasting.	The building would have a flat roof without cornices, and would be accentuated by deep eaves and overhangs that project from the building. The roofline is also punctuated by structural walls that extend above the normal roofline. The extended covered areas and projections add interest and detail in the roofline. The proposal does not include a cornice for the flat roof. The Planning Commission agrees with the applicant's argument that a horizontal building form is appropriate for the park, and that cornice would detract from such a horizontal form. <i>The proposal meets this guideline.</i>
i. Rooftops = <i>Integrate rooftop elements into building design.</i>	
The roofs of both restroom buildings will be covered with an attractive and durable standing seam metal of medium grey color. No mechanical or communications equipment will be included on the rooftops. Maintenance requirements precluded the application of an ecoroof.	The roof of the extended covered areas will be visible from McLoughlin Blvd and elsewhere within the park. The applicant indicates that a vent will be necessary, and can either be a low profile vent or perhaps one mounted on a side wall. The Planning Commission adds a condition requiring post-approval review of the final roof color and roof-mounted venting. <i>The proposal generally complies with this guideline. More information is needed regarding roof venting and color. As conditioned, this guideline is met.</i>
j. Green Architecture = <i>New construction or building renovation should include sustainable materials and design.</i>	
Restrooms primary material will be of re-useable, natural cedar siding. Privacy and security issues precluded the application of windows for natural lighting. Throughout the plaza and parking areas, stormwater will be managed through onsite planted facilities or pervious paving. The boarding dock adjacent to the boat ramp will be decked with recycled composite timber. To the extent practicable, timber and other	The storm water management on-site is a green site design feature. While they will comply with water and energy efficiency standards, the restroom buildings do not incorporate green architecture elements per se. The Planning Commission adds a condition that to the greatest extent possible the siding for the buildings be either salvaged materials or sourced from sustainably managed forests, and that the applicant provide a narrative of the effort to meet this guideline. <i>As conditioned, the proposal meets this guideline.</i>

products will be derived from sustainable sources; be recycled and/or recyclable.	
<i>k. Building Security = Buildings and site planning should consider and employ techniques that create a safe environment.</i>	
Not applicable. The restroom buildings will not include security gates, loading bays, private areas, or surveillance cameras.	The buildings do not employ any of the security features listed in the guideline as being “not recommended”. The overall park proposal will increase security downtown by providing ‘eyes on the street’ as visitors recreate in the park and travel in downtown. <i>The proposal complies with this design guideline.</i>
<i>l. Parking Structures = Parking structures should be designed so that they appear like most other buildings in the downtown.</i>	
Not applicable. No parking structures are proposed for this project.	<i>This element is not applicable.</i>

LIGHTING GUIDELINES

Applicant Information	Recommended Findings
<i>a. Exterior Building Lighting = Architectural lighting should be an integral component of the façade composition.</i>	
The exteriors of the restrooms will be lit at night by integrated park lighting, (i.e., overhead light posts or bollards) in addition to integrated architectural lighting such as durable sconces or recessed lighting near doorways to maximize safety and user comfort. No neon, flashing, fluorescent tube, or spotlights are proposed for the lighting of the park or restrooms.	Though the narrative states that the applicant intends to comply with this guideline, there is not enough detail in the application to evaluate this design standard. <i>Compliance with this guideline will need to be evaluated at a future date.</i>
<i>b. Parking Lot Lighting = Ornamental street lights should be used to be compatible with downtown streetlight standards identified in the Public Area Requirements.</i>	
The parking areas will be lit by attractive and durable overhead fixtures in a classically historic style compatible or similar to those in downtown Milwaukee. Light poles will be based in planter areas to protect them from vehicle damage. Concrete light bases shall be less than 8 feet high; while the overall light height will be 15’ or less. Overtly contemporary light fixtures will be avoided.	The applicant has specified that the parking lot lighting will be the same as or similar to that required in the Downtown Public Area Requirements. The Planning Commission adds a condition that the parking lot lighting be either the same or substantially similar to the street lighting required in the Downtown Public Area Requirements document. <i>As conditioned, the proposal meets this guideline.</i>
<i>c. Landscape Lighting = Lighting should be used to highlight sidewalks, street trees, and other landscape features. Landscape lighting is especially appropriate as a way to provide pedestrian safety during holiday periods.</i>	
The plaza, pathways, transient dock, and overlooks will be lighted for safe nighttime use. Fixtures	The applicant has included examples of path lighting and wall to be used for overall lighting of the site. The proposed

(light poles, light bollards, integrated wall lights) will be focused downward, include hoods, or be integrated lowly, directing light toward walking surfaces to minimize nighttime light pollution. No flashing, colored, or overtly contemporary lighting will be used. All electrical elements will be permanently integrated and fixed in place; no cords or outlets will be exposed.	lighting complies with the landscape lighting guideline. <i>As conditioned, the proposal meets this guideline.</i>
<i>d. Sign Lighting = Sign lighting should be designed as an integral component of the building and sign composition.</i>	
Park-name signs at the north and south ends of the park will be lit with light fixtures incorporated in to the surrounding planting areas, or incorporated back-lighting. No awnings, neon, or plastic lighting is proposed. All lighting will be integrated or permanently fixed in place without exposed electrical infrastructure.	The applicant has indicated that signs at the north and south park entrances will be illuminated. There is not enough information in the application to evaluate compliance with this guideline. <i>Compliance with this guideline will need to be evaluated at a future date. As conditioned, this guideline is met.</i>

SIGN GUIDELINES	
Applicant Information	Recommended Findings
<i>a. Wall Signs = Signs should be sized and placed so that they are compatible with the building's architectural design.</i>	
Not applicable. The project contains no retail-style outdoor signage.	<i>This element is not applicable.</i>
<i>b. Hanging or Projecting Signs = Hanging signs should be oriented to the pedestrian, and highly visible from the sidewalk.</i>	
Not applicable.	<i>This element is not applicable.</i>
<i>c. Window Signs = Window signs should not obstruct the views through windows.</i>	
Not applicable.	<i>This element is not applicable.</i>
<i>d. Awning Signs = Awning signs should be used as an alternative to building or wall signs. They should be designed as a means to attract attention to a shop, office, or residential entrance.</i>	
Not applicable.	<i>This element is not applicable.</i>
<i>e. Information and Guide Signs = Directional signs should be small scale and of consistent dimensions, and located in a visually logical order. These signs should also provide on-site directional information.</i>	
See "Sign Lighting" above.	The applicant has proposed that the park's signage plan will include a sign to acknowledge the former presence of the Trolley Trail in the park area and other interpretive signage. The on-site signage plan is not ready for review, so was not included in the application. <i>Compliance with this guideline will need to be evaluated at a future date.</i>
<i>f. Kiosks and Monument Signs = Directory monument informational signs should illustrate the</i>	

<i>layout of a development, and list and locate uses or tenants within.</i>	
Not applicable.	The applicant has in fact proposed monument-style signs to be placed at the north and south entrances to the park. The applicant has not provided enough information to evaluate compliance with this guideline. <i>Compliance with this guideline will need to be evaluated at a future date.</i>
<i>g. Temporary Signs = Signs identifying short-term uses or activities should be allowed on a temporary basis if consistent with the design character of the surrounding area.</i>	
Not applicable.	<i>This element is not applicable.</i>

Design and Landmarks Committee Recommended Conditions of Approval

The following are the conditions of approval for the Riverfront Park project recommended by the Design and Landmarks Committee on November 9, 2009.

1. The plans submitted to the City of Milwaukie for development of the Riverfront Park ("plans") shall be in substantial conformance with the plans reviewed by the Design and Landmarks Committee (DLC), and received by the City on September 11, 2009, and the supplemental materials received on November 3, 2009. The plans shall be modified as described in these conditions of approval.
2. The applicant shall provide a narrative description of any changes to the plans that are not part of these conditions of approval or that were not specified by the Design and Landmarks Committee in reviews following the November 9, 2009 review. Submit a narrative explaining how the plans have addressed the items listed in Finding 6.E.iv.
3. The DLC shall review any plans for artistic elements to be incorporated into the design of the park. Such elements shall be evaluated with respect to the "Milwaukie Character, Integrate Art" guideline. The DLC shall approve the plans upon a finding by the majority of DLC members that the plans are in substantial conformance with the relevant design guideline identified in the list below. The applicant shall present the plans at a public meeting that includes an opportunity for public comment.
4. The DLC shall review the plans for the items listed below at a future date. The plans shall include details of the dimensions, materials, and other information necessary to evaluate the complete plans for these items. The DLC shall approve the plans upon a finding by the majority of DLC members that the plans do not diminish the park's compliance with the Pedestrian Emphasis Guidelines: "Define the Pedestrian Environment", "Protect the Pedestrian from the Elements", "Provide Places for Stopping and Viewing", and "Create Successful Outdoor Spaces". The applicant shall present the plans at a public meeting that includes an opportunity for public comment.
 - A. Water fountains in the plaza.
 - B. Large stones at the base of the water fountains in the plaza.
 - C. Overlook points at the mouths of Johnson Creek and Kellogg Creek.
 - D. The large and small restroom buildings.
 - E. Amphitheater stage, stones, and terraced seating.
 - F. Seating built into the plaza, seatwalls, and other permanent seating areas in the park.
 - G. The rock slab steps between the amphitheater and Willamette River.
5. Prior to approval of development plans for Riverfront Park, the Planning Director shall:
 - A. Review the lighting proposed for parking area for consistency with the street lights specified in the Milwaukie Downtown and Riverfront Plan Public Area Requirements, Item 3.4 street lights. The lighting shall, if possible, match the style used on the western side of McLoughlin Blvd.

- B. Evaluate roof-mounted equipment on the large and small restroom buildings and, if appropriate, specify a low profile vent or venting through the restroom building's side wall.
- C. Evaluate the exterior building lighting for the large and small restroom buildings shall be evaluated with respect to the "Lighting, Exterior Building Lighting" guideline.
- D. Evaluate the landscape lighting for compliance with the material examples on Page 18 of the Material Examples, dated November 3, 2009 and the "Lighting, Landscape Lighting" guideline.
- E. Evaluate the lighting for signs in the park with respect to the "Lighting, Sign Lighting" guideline.
- F. Evaluate the interpretation, information, and guide signs in the park with respect to the "Sign, Information and Guide Signs" guideline.
- G. Evaluate the monument signs for the park with respect to the "Sign, Kiosks and Monument Signs" guideline.
- H. Evaluate the large and small restroom buildings for compliance with the material and design examples in the September 11 and November 3, 2009 application materials.
- I. Evaluate the railings used throughout the park for compliance with the railing details on page 2 of the Material Examples, dated November 3, 2009.

Findings for Development in the Water Quality Resource Area

The general findings on compliance with 19.322 Water Quality Resources can be found in Attachment 1 Findings. The findings below evaluate, separately, each of the park's major elements – the overlook, proposed pedestrian bridge, boat ramp and dock, transient dock, pedestrian paths, vehicle circulation, amphitheater steps, Klein Point overlook, and mitigation.

1. The proposed overlook on top of the existing sheetpile wall would provide a viewing area on the south side of the mouth of Kellogg Creek that extends beyond the edge of the existing sheetpile. The sheetpile wall is an existing feature that was part of a log dump that used to operate at this site, and rises 20—30 ft vertically from the Willamette River.
 - A. MMC 19.322.9.G.1 requires an alternatives analysis demonstrating that no alternative design exists that would not disturb the Water Quality Resource Area than the one proposed. The proposed overlook would be an alteration of an existing structure already within the WQR area, therefore may be evaluated under 19.322.9.H.1.
 - B. MMC 19.322.9.G.2 requires demonstration that development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use. The extent of the overlook would be 5 to 12 feet beyond the edge of the existing pile. This is wide enough to allow for views of the water, pedestrian circulation, and screening of the existing sheet pile. The size is not excessive; it has been limited to what is necessary to provide views of the river.
 - C. MMC 19.322.9.G.3 requires demonstration that the Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 19.322.9.E. The existing site conditions are dominated by the metal sheet pile wall, which is a feature of a former log dump that operated at the site until the early 1990s. The wall rises vertically out of the river; the area behind the wall is filled with compacted gravel. The proposed overlook would improve on the existing conditions by adding areas of vegetation within the overlook area. The overlook would be 18 feet above the ordinary high water mark of the river. Because of its cantilevered design and height above the river, it would not further disturb the soils in the area and would have minimal shading impacts to the WQR area.
 - D. MMC 19.322.9.G.4 requires an explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized. The existing wall and area on top of the wall is in a degraded condition with compacted gravel and no vegetation. The rationale behind choosing the proposed extension over the sheetpile wall is that it extends far enough to provide good views to the river and allows adequate space for a viewing area. The overlook does not extend far enough past the existing wall to cause disturbance to the WQR area. The area is in a degraded condition and the proposed extension would not create any impacts that need to be mitigated. Inclusion of vegetated swales near the top of the wall would improve the WQR area by increasing the amount of area where stormwater can infiltrate into the soils in the area.
 - E. 19.322.9.H.1, which applies to projects that modify existing structures within the WQR, requires demonstration that no reasonably practicable alternative design

or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed. The existing area is already in a degraded condition. The overlook would be 18 feet above the ordinary high water mark of the river. Because of its cantilevered design and height above the river, it would not further disturb the soils in the area and would have minimal shading impacts to the WQR area. Though alternatives exist, the impact of the overlook is so minimal that the alternatives would not have less of an impact.

- F. MMC 19.322.9.H.2 requires that if no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource Area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement, or rehabilitation. The Planning Commission finds that the proposed overlook does not have any appreciable negative affect on the WQR area, and that no additional conditions are necessary.
- G. MMC 19.322.9.H.3 requires the project provide mitigation to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable. The proposed overlook would add pervious stormwater plantings and improve the quality of the WQR area.
- H. MMC 19.322.9.I.1 requires a description of adverse impacts that will be caused as a result of development. The existing area is in a degraded condition. The proposed overlook would not worsen the conditions of the existing asphalt and gravel, and would add permeable stormwater swale areas.
- I. MMC 19.322.9.I.2 requires an explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E. The existing conditions of this area are degraded and there is no existing vegetation in the area. Construction of the overlook will not directly impact the water; introducing the proposed planters would improve the WQR area.
- J. Item 10 AND 11 below addresses MMC 19.322.9.H.3-5 for the proposed project.

The Planning Commission finds that the applicant has adequately addressed the analysis requirements of 19.322.9. for the overlook on the sheet pile wall.

- 2. The proposed bridge across Kellogg Creek would span Kellogg Creek near the mouth of the creek. The bridge is intended to function as a trail to connect the paths on the north side of the park to the parking area and transient dock on the south side of the park. This connection would reduce travel time for pedestrians within the park, separate vehicular and pedestrian traffic, and provide a better connection between the transient dock and boat ramp.

- A. MMC 19.322.9.G.1 requires demonstration that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed.

The site is bisected by Kellogg Creek, a designated water quality resource area, and the applicant proposes a bridge over the creek to provide direct pedestrian and bicycle access between the north and south portions of the site. Without such a bridge, pedestrians would traverse the site only via the sidewalks near McLoughlin Blvd, which are 360-760 feet east of the proposed bridge location. Eliminating the bridge from the project would reduce the area of disturbance

within the WQR area, but would result in less accessibility within the park. Alternatives to relocate the bridge further east would have roughly the same impacts to the WQR area, lengthen the bridge, and provide less convenient pedestrian access on either side of the bridge. Placing the bridge footings outside of the WQR area is not an option because this would require the span to increase by approximately 80 feet, thereby increasing the overall size of the structure.

- B. MMC 19.322.9.G.2 requires demonstration that development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use.

The bridge span would be above the ordinary high water mark and slightly above the 100-yr flood elevation. The footings will be within the WQR area, but have been placed to minimize impacts to the WQR areas. Footings on the south side of the bridge would be in the area of the sheetpile wall, which is an area that is already disturbed. The footing on the north side of the bridge would be approximately 12 feet wide by 20 ft long and be part of the area proposed for the small restroom building and the head of the boat ramp. By placing the bridge footings within an already disturbed area and combining them with other areas to be developed, the impacts of the bridge are minimized.

Though the type, general size, and location of the bridge has been defined, the bridge itself has not yet been designed. The application notes that, due to the anticipated expense, the pedestrian bridge will be designed and constructed through a design/build contract to be awarded "at such a time as funding becomes available." Without the bridge design to review, there is not sufficient information regarding the amount of disturbance, the width and material of the bridge deck, the size and location of the footings, or the impact of shading the creek or the bank. The Planning Commission finds that the proposal as currently designed does not provide enough information to ensure this criteria can be met.

- C. MMC 19.322.9.G.3 requires demonstration that the Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 19.322.9.E.

The footing on the south side of the creek would be located in an already degraded area that will be improved by introducing vegetated swales behind the wall. The footing on the north side would be in an area that is currently somewhat degraded by the presence of debris and non-native vegetation. The area surrounding the footing would be restored to good condition per Table 19.322.9.E.

The disturbed WQR area can be restored to a better condition by returning the degraded plant communities on the north side of Kellogg Creek to good condition and ensuring successful establishment of the mitigation plantings through a long-term maintenance and monitoring program. Components of the mitigation plan include invasive species removal and native tree and shrub plantings. However, it is unclear from the applicant's materials whether the bridge's height and deck construction will cause deep shade beneath the bridge, resulting in bare soil conditions and potential future erosion.

The Planning Commission finds that the proposal as currently designed does not provide enough information to ensure this criteria can be met.

- D. MMC 19.322.9.G.4 requires an explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.

The proposed design was chosen because it provides the functions of safe pedestrian access between the north and south sides of the park, in a placement that minimizes impacts to the WQR area. Eliminating the bridge from the project would have less impact on the WQR. This would avoid WQR impacts but make the park less pedestrian accessible and make the boating facilities (ramp, parking, docks) less well connected. Placing the bridge in alternative locations would lengthen the bridge span and separate the area of disturbance from that of the small restroom and boat ramp. The chosen alternative minimizes the disturbed area by utilizing already disturbed area on the south side of the creek and co-locating with other proposed features on the north side of the creek. Areas on the north side of the creek would be improved in accordance with Table 19.322.9.E.

- E. MMC 19.322.9.I.1 requires a description of adverse impacts that will be caused as a result of development. Adverse impacts caused by the proposed bridge include shading over the creek, and a bridge footing on the north side of Kellogg Creek that is approximately 12 ft by 20 ft. It is unclear how deep the footing would be in the slope or what effect it would have on the stability or vegetation within the area. Other impacts include the potential for debris in the water from bridge construction.
- F. MMC 19.322.9.I.2 requires an explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E. Adverse impacts will be mitigated by adding approximately 500 sq ft vegetated swales on the south side of the bridge area and by rehabilitating the north slope of Kellogg Creek in accordance with Table 19.322.9.E. As conditioned, the final design of the bridge shall minimize shadows from the bridge as much as is practicable, and a construction management plan for the bridge will include measures to minimize and capture construction debris.
- G. Item 10 AND 11 below addresses MMC 19.322.9.H.3-5 for the proposed project.

The Planning Commission finds that the proposal as currently designed does not provide enough information about the impacts or required mitigation.

The Planning Commission finds that the park proposal as submitted does not include enough information about the design and potential impacts, or the proposed mitigation. A pedestrian bridge may be appropriate within the park area to facilitate pedestrian access. However, the applicant's alternatives analysis does not document the impacts to the WQR area with sufficient detail. The Planning Commission the pedestrian bridge be removed the current proposed project. The applicant may elect to permit a pedestrian bridge across Kellogg Creek in a separate future application once the bridge itself is designed to a level of detail necessary to address MMC 19.322.9.

3. The proposal includes removing the existing boat ramp and dock, and installing a new boat ramp and dock 150 ft north of the mouth of Kellogg Creek. The ramp would be a 26 ft wide single-lane ramp. The portion above ordinary high water would be constructed of poured in place concrete. The portion below ordinary high water would be pre-cast concrete planks laid upon steel rails and a gravel base. The proposed dock would be a 6 ft wide dock on the south side of the ramp. The dock would be anchored to steel piles in

the water and would have encapsulated foam floats to allow floatation of the portion of the dock over the water.

- A. MMC 19.322.9.G.1 requires demonstration that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed.

The existing boat ramp does not meet safety standards due to its steep grade, failing materials, eroding foundation. Therefore it must be replaced or removed; maintaining the existing dock in place is not an option. The applicant proposes to remove the existing ramp and dock, and construct a new dock to the south of the existing one. The proposed boat ramp and dock dimensions are the minimum per the standards for publicly funded boat ramps, per the Oregon State Marine Board

Alternative locations for the ramp and dock were considered, and described in detail in the application. One alternative would be to remove both items from the project, thereby eliminating a fundamental feature of the park. The existing Jefferson St boat ramp is heavily used throughout the year. There are no other sites in the vicinity that could serve as a substitute if a boat ramp were not included in the park redevelopment.

Locating the dock south of Kellogg Creek is not practicable due to the presence of the wastewater treatment plant and the sheetpile wall. Locating the dock further north on the site is possible, but conflicts with the goals of the project to balance vehicle access with pedestrian access and enhanced passive recreation and open space. Moving the boat ramp to the north would require vehicular circulation to traverse the site and break up the great lawn and other park features for other users of the site.

The Planning Commission finds that no alternatives exist that meet the purpose of the park project.

- B. MMC 19.322.9.G.2 requires demonstration that development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use.

The boat ramp and dock have been designed with the minimum width necessary to meet Oregon Marine Board standards for public boating facilities.

- C. MMC 19.322.9.G.3 requires demonstration that the Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 19.322.9.E.

The existing boat ramp is north of the proposed boat ramp site. The existing ramp site and the site for the proposed ramp are both in degraded or marginal condition. The existing ramp, which is over 40 ft wide, would be removed and the area it occupies would be restored to good condition per Table 19.322.9.E. The proposed ramp and dock would have a smaller area of disturbance and impervious surface than the existing ramp. The area around the proposed ramp and dock that would be disturbed during construction would be restored to good condition per Table 19.322.9.E.

- D. MMC 19.322.9.G.4 requires an explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.

The City chose the proposed ramp location because it allows for the northern portion of the park site to be left open for paths, open space, and other park uses and activities. The impacts have been minimized by limiting the size of the proposed dock and ramp.

- E. MMC 19.322.9.I.1 requires a description of adverse impacts that will be caused as a result of development.

The existing boat ramp area is in a degraded condition. Removing the ramp would not have any adverse impacts to this area. The area of the proposed boat ramp and dock is also in degraded condition. The impacts to the area of the proposed dock and ramp include approximately 2,400 sq ft of new impervious area between the WQR area and OHW and re-grading to accommodate the ramp. Construction of the ramp and dock may also impact the WQR area.

- F. MMC 19.322.9.I.2 requires an explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E.

The adverse impacts would occur only in the new boat ramp area. The work and impacts in and near the water will be subject to review by the US Army Corps of Engineers. The impacts have been minimized by limiting the size of the ramp and dock, and mitigation will occur by improving the condition of the existing boat ramp area and by improving the WQR area near the proposed new dock and ramp to good condition per Table 19.322.9.E.

- G. Item 10 AND 11 below addresses MMC 19.322.9.H.3-5 for the proposed project.

The Planning Commission finds that the applicant has adequately addressed the analysis requirements of 19.322.9.G and E for the new ramp and dock.

- 4. The proposed transient dock would be located south of Kellogg Creek in the Willamette River. The transient dock would be accessible from land via a gangway that is connected to the southern edge of the sheetpile wall. The purpose of the transient dock is to separate boat launching and tying up boats. The only impact to the WQR area would be where the gangway attaches to the sheetpile wall.

- A. MMC 19.322.9.G.1 requires demonstration that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed.

The alternatives to the proposal include not building a transient dock or relocating the dock elsewhere on the site. Not including the dock is practicable, but does not serve the needs of having an area for boat tie up, commercial boat mooring, or non-motorized boat launching at the park. Moving the dock elsewhere on the site would likely have greater impacts to the WQR area, since the abutment of the gangway would occur in an area that is already very degraded.

- B. MMC 19.322.9.G.2 requires demonstration that development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use.

The abutment would be attached to the proposed overlook area and not disturb any ground within the WQR area. The proposed abutment would be a 30 ft diameter half circle cantilevered from the proposed overlook platform.

- C. MMC 19.322.9.G.3 requires demonstration that the Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 19.322.9.E.

The WQR disturbance caused by the transient dock would be limited to the existing sheetpile wall. This structural wall will be maintained; restoring this area of the shore is not proposed.

- D. MMC 19.322.9.G.4 requires an explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.

The proposed location was chosen because it has minimal impact on the WQR area and separates boat tie up and boat launching activity while keeping these functions within proximity of each other.

- E. MMC 19.322.9.I.1 requires a description of adverse impacts that will be caused as a result of development.

The existing conditions of the abutment are compacted gravel on top of the sheetpile wall. The proposed abutment would not further impact the WQR area.

- F. MMC 19.322.9.I.2 requires an explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E.

The gangway abutment will be kept to a minimum size. As part of the installation, existing creosote coated logs would be removed. Vegetated swales are proposed to be constructed in the area on top of the wall, which is now filled compacted gravel.

- G. Item 10 AND 11 below addresses MMC 19.322.9.H.3-5 for the proposed project.

The Planning Commission finds that the applicant has adequately addressed the analysis requirements of 19.322.9.G and E for a new transient dock to the sheetpile wall.

5. The park proposal includes a small restroom building at the top of the new boat ramp, near the northern footing of the bridge across Kellogg Creek. The restroom would be a small, single stall restroom with a footprint of approximately 60 square feet, within the WQR area. The base of the restroom would be concrete.

- A. MMC 19.322.9.G.1 requires demonstration that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed.

The applicant has included the restroom in response to direction from the Oregon State Marine Board that grant funding from the agency would require a restroom to be located within 50 ft of the top of the boat ramp. A feasible alternative would be to eliminate the restroom from the project. This would be feasible, but would eliminate a potential funding source for construction of the boat-related facilities in the park. Alternative locations exist, but due to the programmatic constraints of other elements of the park, would move the restroom beyond the 50 ft from the top of the ramp.

- B. MMC 19.322.9.G.2 requires demonstration that development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use.

The proposed restroom is as small as possible and co-located other proposed items that will already disturb the WQR area.

- C. MMC 19.322.9.G.3 requires demonstration that the Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 19.322.9.E.

The area in and around the proposed restroom facility is in degraded condition. The areas surrounding the proposed area of disturbance for the restroom area would be restored to good condition per Table 19.322.9.E.

- D. MMC 19.322.9.G.4 requires an explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.

The applicant chose the proposed restroom location to satisfy a grant funding criteria for the park. The option of relocating the main restroom building to within 50 ft of the top of the boat ramp was explored but was not feasible or desirable for traffic circulation or overall park design. The option of locating the restroom building within 50 ft of the top of the boat ramp and outside of the WQR area was not explored. For the proposed location, the disturbance was minimized by the small footprint of the building and the collocation of the building with the path, bridge footing, and top of the boat ramp. The Planning Commission finds that with conditions intended to make the restroom and surrounding area pervious would help to further minimize the impacts to the WQR area.

- E. MMC 19.322.9.I.1 requires a description of adverse impacts that will be caused as a result of development.

The installation of the restroom building itself would disturb 90 sq ft of the WQR area. The area leading to the restroom would add at least 200 sq ft of additional disturbance. The impacts to the WQR area would include the foundation of the restroom and hard surfaced area surrounding the restroom.

- F. MMC 19.322.9.I.2 requires an explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E.

The area surrounding the restroom and plaza would provide mitigation in that it would be improved from a degraded condition to good condition. The Planning Commission finds that features such as pervious pavement and a green-roof designed to handle stormwater would further minimize the impacts to the WQR area.

- G. Item 10 and 11 below addresses MMC 19.322.9.H.3-5 for the proposed project.

The Planning Commission finds that, with the use of pervious pavement or concrete and a roof on the restroom that handles stormwater, the applicant has adequately addressed the analysis requirements of 19.322.9.G and E for the proposed restroom.

- 6. The park proposal includes pedestrian paths in several areas of the park, including some within the WQR area. The paths within the WQR area include a north/south path near the Willamette River, a path to the proposed Klein Point overlook, and a path leading toward Kellogg Creek from the plaza by the small restroom. The proposed paths would be 12 ft wide and be made of permeable paving material. The path to Klein Point would be 4 ft wide and would have a wood or gravel surface. Other paths are proposed, but are outside of the WQR area.

- A. MMC 19.322.9.G.1 requires demonstration that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed.

Pedestrian pathways are a necessary element of this type of urban riverfront park. The alternative to the proposed paths would be to move them generally east away from the WQR area. The disadvantages of this would be that pedestrians are moved away from the river, which counteracts the appeal of a riverfront park. This distance could create incentives for park users to create informal paths toward the river. Moving the pathways east also dissects the open spaces in the northern portion of the park, which decreases their functionality.

- B. MMC 19.322.9.G.2 requires demonstration that development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use.

The paths are necessary to provide access to different points in the park while also providing opportunities to be near the river. The paths are a standard, not excessive, width. The path to Klein Point would be a less intrusive and narrow path that is necessary to provide access to the overlook. The applicant has not addressed the necessity for the path leading from the small restroom plaza toward Kellogg Creek, which dead ends and does not connect to an area intended for park users.

- C. MMC 19.322.9.G.3 requires demonstration that the Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 19.322.9.E.

The area where the paths are proposed are degraded, consisting of compacted soil with a mixture of grass, weeds, and invasive species. The areas around the paths would be restored to good condition per Table 19.322.9.E.

- D. MMC 19.322.9.G.4 requires an explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.

The rationale for choosing the proposed path network in the WQR area is to provide users a chance to be near the river and move throughout the site. The path design minimizes the impacts by not having paths be wider than necessary and by using pervious materials. Providing formal paths near the edge of the river would help reduce the incentive for park users to create informal paths that could degrade the WQR area. Areas on the west side of the proposed paths would be restored to good condition per Table 19.322.9.E.

- E. 19.322.9.H.1 requires demonstration that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed.

Moving the paths further to the east would decrease the user experience by moving people further from the river, or encouraging more people to walk across sensitive planted areas. This would also impact the usability of the open spaces in the northern area of the park.

- F. MMC 19.322.9.H.2 requires that if no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource Area to the

minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement, or rehabilitation.

The Planning Commission finds that paths in the WQR area should be limited to areas necessary for pedestrian connections.

- G. MMC 19.322.9.H.3 requires the project provide mitigation to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.

The areas surrounding the proposed trails are in degraded conditions and the project would restore these areas to good condition in accordance with Table 19.322.9.E.

- H. MMC 19.322.9.I.1 requires a description of adverse impacts that will be caused as a result of development.

Installing paths would add pervious paved area that cannot be planted within the WQR area.

- I. MMC 19.322.9.I.2 requires an explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E.

The proposed paths are minimized by limiting their width and using pervious materials.

- J. Item 10 AND 11 below addresses MMC 19.322.9.H.3-5 for the proposed project.

The Planning Commission finds that, with a condition to minimize the extent of the paths to needed connections, the applicant has adequately addressed the analysis requirements of 19.322.9.

- 7. The park proposal includes vehicular pathways and parking to allow automobile access, and some of the areas paved for circulation are in the WQR area. The areas in the WQR area are: a portion of the south parking area, existing bridge across Kellogg Creek, north parking area, and drive aisle to the boat ramp. Most of the proposed vehicle circulation and parking areas will be constructed in the same location as existing parking areas.

- A. MMC 19.322.9.G.1 requires demonstration that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed.

The application describes two alternatives. The first alternative would be to eliminate vehicular access into the park. While this would eliminate the need to pave any areas for parking, it would eliminate the boat ramp, make the park generally less accessible, and limit events held at the park that require vehicle access. The second alternative would be to significantly limit the drive aisle space or parking within the park and reduce the paved area within the WQR area. This is feasible but would reduce the number of parking spaces provided, curtail boat launch activity, and make the park less accessible. Multiple parking area layouts were considered. Given the proposed single access onto McLoughlin Blvd, the boat ramp location, and location of the open space on site, there are limited options for parking and drive aisles. All other options would limit vehicle circulation or decrease the amount of available parking.

- B. MMC 19.322.9.G.2 requires demonstration that development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use.

The proposed use requires vehicles, including trailers with boats, to access the site, parking stalls, and boat ramp. The proposed layout preserves parking in roughly the same quantity available in the existing park area. The proposed drive aisles and spaces are limited as much as possible to provide necessary parking and circulation on site.

- C. MMC 19.322.9.G.3 requires demonstration that the Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 19.322.9.E.

The south parking area, vehicle bridge across Kellogg Creek, and most portions of the north parking area are in existing, paved or compacted, vehicle circulation areas. Portions of the WQR area that are not covered by vehicular parking areas or other park development will be restored to good condition per Table 19.322.9.E.

- D. MMC 19.322.9.G.4 requires an explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.

The rationale for choosing the proposed vehicular parking areas and drive aisles is based on the desire to have a boat ramp and adequate parking at the riverfront park site. Vehicle access to the park is proposed to be consolidated to a single new access point south of Kellogg creek. As a result, vehicular access from that intersection leads most directly to the proposed southern lot on the bulkhead. By locating the new dock just north of the creek, the vehicle circulation and parking is clustered together, minimizing the area dedicated to circulation throughout the park.

- E. 19.322.9.H.1 requires demonstration that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed.

Other design options are possible, but would require either reduced parking or more circulation on the site. The public desire for the park includes a boat launch as well as adequate parking. The applicant believes that alternative that would decrease these items at the site would decrease WQR impacts but would not reflect the needs for the park as expressed by the public.

- F. MMC 19.322.9.H.2 requires that if no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource Area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement, or rehabilitation.

The Planning Commission finds that a condition to limit the amount of new impervious surface within the WQR would limit the disturbance to the WQR area.

- G. MMC 19.322.9.H.3 requires the project provide mitigation to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.

The parking and aisle areas would be permeable materials where feasible. The interiors and perimeters of these areas would include landscaped planter areas to mitigate the disturbed areas.

- H. MMC 19.322.9.I.1 requires a description of adverse impacts that will be caused as a result of development.

The installation of the parking areas and drive aisles are areas that cannot be planted within the WQR area.

- I. MMC 19.322.9.I.2 requires an explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E.

The proposed vehicle areas are minimized by designing to the narrowest allowable aisle width, parking stall dimensions, including landscaped swales, and using pervious materials.

- J. Item 10 AND 11 below addresses MMC 19.322.9.H.3-5 for the proposed project.

The Planning Commission finds that, with a condition to minimize the extent of new impervious pavement, the applicant has adequately addressed the analysis requirements of 19.322.9.

- 8. A series of stone steps is proposed leading west from the amphitheater area toward the river bank. The stones would serve as steps leading toward the river to encourage public access to the shore in an appropriately designed area, and would also serve as informal steps.

- A. MMC 19.322.9.G.1 requires demonstration that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed.

An alternative of not including the steps is possible. However, this would not accomplish the goal of allowing access to the river for the public. The steps would be set into the ground and have planting areas in and around the stones. The use of stones and natural materials for this area helps to minimize the impacts associated with providing access to the river.

Other design options would be using less permanent materials. This would have a lesser impact on the WQR area, but would be eroded away and need more maintenance. The proposed steps retain a natural feel that minimizes impacts to the area, but are also durable.

- B. MMC 19.322.9.G.2 requires demonstration that development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use.

The proposed use is access to the river and a beach area. The stone step area is approximately 40 feet wide. This is wide enough to allow multiple users to travel to and from the river, as well as for users to sit on the stones.

- C. MMC 19.322.9.G.3 requires demonstration that the Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 19.322.9.E.

The existing area is degraded and includes large amounts of concrete and other debris material. The debris and noxious vegetation would be removed, and the

area would have natural stones placed for the path, with the remainder of the area planted in native vegetation.

- D. MMC 19.322.9.G.4 requires an explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.

The proposed steps would provide appropriate public access to the river and reduce the incentive to create informal trails through the WQR area. Not including such a feature would be contrary to the purpose of allowing the public to interact with the river. Other path materials, such as concrete or asphalt, would not have a natural feel or be appropriate for the type of access envisioned. The area of access has been minimized, and much of the area would be planted with native vegetation to minimize impacts.

- E. MMC 19.322.9.I.1 requires a description of adverse impacts that will be caused as a result of development. The adverse impacts are that stone would be present in the WQR area.
- F. MMC 19.322.9.I.2 requires an explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E. The area is in a degraded condition. The proposed steps would remove debris and invasive species. The area would be replanted with native vegetation.
- G. Item 10 AND 11 below addresses MMC 19.322.9.H.3-5 for the proposed project.

The Planning Commission finds that the stone pathway within the WQR meets the criteria of 19.322.9.

- 9. Klein Point overlook is a proposed viewpoint in the northern portion of the park that overlooks Johnson Creek and the Willamette River. The overlook would be circular and have a 20 ft diameter. The purpose of the overlook is to allow a designated overlook in the north area of the park, allow a place for signage in the park, and discourage informal trails through the WQR area. The plaza would have a 4 ft wide path of gravel or bark, flag stones set over gravel, and a low seatwall.

- A. MMC 19.322.9.G.1 requires demonstration that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed.

Eliminating the overlook would reduce the hardscaped area in this portion of the site. However, this would not allow a formalized viewing area and may encourage illegal trails to reach the overlook area. A smaller overlook area would decrease the area of disturbance, but would not accommodate groups of people or allow as much space for viewing or interpretive signage. Bringing the overlook out of the WQR area would severely diminish the view opportunity.

- B. MMC 19.322.9.G.2 requires demonstration that development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use.

The proposed use requires path to reach the viewing area as well as space for the viewing area itself. The viewing area is small enough to minimize impacts to the WQR area but sizeable enough to accommodate multiple visitors at one time.

- C. MMC 19.322.9.G.3 requires demonstration that the Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 19.322.9.E.

The area surrounding the proposed overlook is in marginal condition. The addition of the plaza would remove existing invasive species and replant the area with native plants. The WQR would be restored to a good condition in accordance with Table 19.322.9.E.

- D. MMC 19.322.9.G.4 requires an explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.

The proposed overlook was selected because it is large enough to be visited by multiple people but not large enough to be a significant disturbance to the WQR area. The impacts have been minimized by keeping the size to a minimum as well as by using pervious materials for the path and overlook area.

- E. 19.322.9.H.1 requires demonstration that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed.

A smaller viewing area would limit the disturbance, but also limit the usability of the overlook. The proposed materials are pervious and limit the disturbance needed in order to establish the viewpoint. Creating a viewpoint that is large enough is necessary in order to discourage park users from establishing unauthorized viewing spots in this area.

- F. MMC 19.322.9.H.2 requires that if no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource Area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement, or rehabilitation. The Planning Commission finds that further limitations from what is proposed are not necessary.

- G. MMC 19.322.9.H.3 requires the project provide mitigation to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.

The area surrounding the view point would be restored to a good condition per Table 19.322.9.E. The materials in the path and overlook do not require significant disturbance and are pervious.

- H. MMC 19.322.9.I.1 requires a description of adverse impacts that will be caused as a result of development.

The installation of the parking areas and drive aisles are areas that cannot be planted within the WQR area.

- I. MMC 19.322.9.I.2 requires an explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E.

The proposed view point is limited in size to what is necessary to serve the use, incorporates materials that have minimal impacts, and would restore the vegetation in the surrounding areas.

- J. Items 10 and 11 below addresses MMC 19.322.9.H.3-5 for the proposed project.

The Planning Commission finds that the Klein Point pathway within the WQR meets the criteria of 19.322.9.

10. Much of the work proposed in the park area is mitigation and restoration of the riparian areas. The project overall includes 1.89 acres of native vegetation in shallow water, riparian, and upland areas. Overall, the areas of disturbance within the WQR area are outweighed by the amount of restoration to improve these areas.
11. The site plans submitted with the application demonstrate the areas where mitigation activity would occur. As conditioned, the applicant will submit an implementation schedule addressing the information described in MMC 19.322.9.I.3 and 5.

Recommended Conditions of Approval

1. The plans submitted to the City of Milwaukie for development of the Riverfront Park ("plans") shall be in substantial conformance with the Development Plans dated February 8, 2010, and the illustrations presented to the Design and Landmarks Committee (DLC), included as Attachment 3.B to the staff report. The plans shall be modified as described in these conditions of approval.
2. Prior to submittal of plans for development, the applicant shall provide authorization consenting to the proposed project from all entities that own property within the site boundaries.
3. The plans for development of the project shall include the following information and show the following modifications:
 - A. The applicant shall provide a narrative description of any changes to the plans that are not made in response to the review by the DLC or the Planning Commission.
 - B. Submit a narrative explaining how the plans have addressed the design suggestions of the DLC that are listed in Finding 6.E.iv.
 - C. The applicant shall submit a plan with proposed schedules for work, replanting, and monitoring of vegetation within the WQR area.
 - D. A plan showing appropriate flagging for trees in the WQR area that will be retained so they are left undisturbed during construction.
 - E. Submit plans and analysis demonstrating that stormwater treatment will not encroach more than 25 ft into the WQR area. Stormwater entering into the proposed swales is also conditioned to be treated to the maximum extent possible prior to reaching the portion of the swale that encroaches more than 25 ft into the WQR area.
 - F. Submit construction plans that include erosion control and other measures to prevent harm to the WQR area.
 - G. Submit a photometric study for the entire site demonstrating that light pollution into the WQR is minimized to the maximum extent possible, and that appropriate lighting fixtures are used to minimize light trespass. The study shall also demonstrate compliance with vehicle parking, bicycle parking, and pedestrian path lighting standards.
 - H. Bicycle parking areas shall meet the standards of MMC 19.505.2 – 6.
 - I. Demonstrate that newly paved areas within the WQR area be pervious material to the maximum extent possible based on the intended use and wear for the paved areas.
 - J. Pervious surface materials near the small restroom and roof on the small restroom that incorporates an eco roof (plantings and natural materials for stormwater management).
 - K. Remove from the plan the pedestrian bridge over Kellogg Creek, ramps and pathways associated with the bridge, and any pathway not necessary for pedestrian circulation or connection to area on site intended for pedestrian use.

- L. An analysis demonstrating that portions of the WQR area that would not have paving or other disturbance are restored to 'good' condition per Table 19.322.9.E.
4. Prior to approval of the final development plans and issuance of any development permit, the following shall occur:
- A. The DLC shall review any plans for artistic elements to be incorporated into the design of the park. Such elements shall be evaluated with respect to the "Milwaukie Character, Integrate Art" guideline. The DLC shall approve the plans upon a finding by the majority of DLC members that the plans are in substantial conformance with the relevant design guideline identified in the list below. The applicant shall present the plans at a public meeting that includes an opportunity for public comment.
 - B. The DLC shall review the plans for the items listed below at a future date. The plans shall include details of the dimensions, materials, and other information necessary to evaluate the complete plans for these items. The DLC shall approve the plans upon a finding by the majority of DLC members that the plans do not diminish the park's compliance with the Pedestrian Emphasis Guidelines: "Define the Pedestrian Environment", "Protect the Pedestrian from the Elements", "Provide Places for Stopping and Viewing", and "Create Successful Outdoor Spaces". The applicant shall present the plans at a public meeting that includes an opportunity for public comment.
 - i) Water fountains in the plaza.
 - ii) Large stones at the base of the water fountains in the plaza.
 - iii) Overlook points at the mouths of Johnson Creek and Kellogg Creek.
 - iv) The large and small restroom buildings.
 - v) Amphitheater stage, stones, and terraced seating.
 - vi) Seating built into the plaza, seatwalls, and other permanent seating areas in the park.
 - vii) The rock slab steps between the amphitheater and Willamette River.
 - C. The Planning Director shall:
 - i) Review the lighting proposed for parking area for consistency with the street lights specified in the Milwaukie Downtown and Riverfront Plan Public Area Requirements, Item 3.4 street lights. The lighting shall, if possible, match the style used on the western side of McLoughlin Blvd.
 - ii) Evaluate roof-mounted equipment on the large and small restroom buildings and, if appropriate, specify a low profile vent or venting through the restroom building's side wall.
 - iii) Evaluate the exterior building lighting for the large and small restroom buildings shall be evaluated with respect to the "Lighting, Exterior Building Lighting" guideline.
 - iv) Evaluate the landscape lighting for compliance with the material examples on Page 18 of the Material Examples, dated November 3, 2009 and the "Lighting, Landscape Lighting" guideline.

- v) Evaluate the lighting for signs in the park with respect to the "Lighting, Sign Lighting" guideline.
 - vi) Evaluate the interpretation, information, and guide signs in the park with respect to the "Sign, Information and Guide Signs" guideline.
 - vii) Evaluate the monument signs for the park with respect to the "Sign, Kiosks and Monument Signs" guideline.
 - viii) Evaluate the large and small restroom buildings for compliance with the material and design examples in the September 11 and November 3, 2009 application materials.
 - ix) Evaluate the railings used throughout the park for compliance with the railing details on page 2 of the Material Examples, dated November 3, 2009.
- D. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
- E. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
- F. Dedicate sufficient right-of-way to the public on SE McLoughlin Boulevard fronting the proposed development property to accommodate the required public improvements.
- G. Comply with all requirements and obtain necessary permits from the Oregon Department of Transportation for public improvements on SE McLoughlin Boulevard.
- H. Provide an erosion control plan.
- I. The following items shall be completed prior to approval of final development plans, unless deferred by the Engineering Director to construction of the individual project areas as allowed in Condition 5.
 - i) Obtain a right-of-way permit for construction of the required public improvements.
 - ii) Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - iii) Provide a payment and performance bond for 100 percent of the cost of the required public improvements.
 - iv) Obtain an erosion control permit.
- J. Any changes resulting from review of the Joint Permit Application through the US Army Corps of Engineers review process shall be described by the applicant. The changes shall be reviewed as described below:
 - i) Changes that affect the placement of the transient dock, or result in the removal of the transient dock from the proposal, shall be reviewed by

- staff. Changes that do not significantly alter the location or design of the boat ramp shall be reviewed by staff.
- ii) Changes that significantly affect the location of the boat ramp, or result in the removal of the boat ramp from the proposal, shall require review by the Planning Commission to ensure that the resulting changes are consistent with the original land use approval. New land use applications may be required if the Planning Commission finds that the changes are not consistent with the original land use approval.
5. The applicant may construct the project in phases, in different project areas, as described in Finding 18. Prior to commencing construction on a project area, the applicant shall:
- A. Notify the Community Development Department of the area to be constructed.
 - B. Submit new plans for any revisions between the construction plans approved by staff and the current plans for construction of the proposed area.
6. The Planning Director shall inspect the work done in the project area(s). The park elements within the project area shall be available for public use subject to Planning Director approval of the following:
- A. The project area is constructed per the approved project plans.
 - B. For any project area except the Plaza area, the restoration and replanting of the riparian zones within the project area shall be completed per the WQR area planning plan.
 - C. For the south area of the park, which includes the north and south parking areas, the following shall be completed:
 - i) Construct public improvements required by the Oregon Department of Transportation. The improvements include: northbound left-turn lane for the proposed access on SE McLoughlin Blvd built to ODOT standards and removal of the signal head and striping for the northbound left-turn at SE Washington Street.
 - ii) Close the existing access locations at SE Jefferson Street and SE Washington Street by constructing public improvements consisting of two southbound travel lanes, a southbound bike lane, curb and gutter, landscape strip, and setback sidewalk.
 - iii) Construct frontage improvements south of the SE McLoughlin Blvd and SE Washington intersection. The frontage improvements consist of a northbound left-turn lane, two southbound travel lanes, a southbound bike lane, curb and gutter, landscape strip, and setback sidewalk.
 - iv) Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) prior to final inspection. The driveway approach apron shall be between 15 feet and 45 feet in width, at least 10 feet from the side property line, and at least 100 feet from the intersection curb return.
 - v) Provide a final approved set of Mylar "As Constructed" drawings to the City of Milwaukie prior to final inspection.

- vi) Remove all signs, structures, or vegetation in excess of three feet in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.
7. Ongoing Conditions of approval for the Riverfront Park:
- A. The Community Services Department shall maintain event management plans for the events within the park. The plans must effectively mitigate impacts for traffic and parking, and limit impacts to vegetated riparian areas during events. The plan shall be updated as necessary to respond to changing conditions. The plans shall address:
 - i) Protection of the vegetated riparian areas during large events, such as event staff to monitor the areas or temporary physical barriers.
 - ii) Traffic and parking management that addresses transportation demand management options, identifies areas to legally accommodate overflow parking, and includes, as appropriate, signage to direct traffic, event staff to direct traffic, and shuttles to facilitate off-site parking.
 - B. Submit an event management plan for the park, including any newly constructed project areas, that adequately addresses the following:
 - C. Maintenance of the plantings on-site within the Water Quality Resource area per the monitoring and maintenance plan.
 - D. Maintenance of the Willamette Greenway vegetation buffer in accordance with MMC 19.320.8.
 - E. Parking area landscaping shall be maintained in good and healthy condition.

Milwaukie Riverfront Park

Design Review
Perspective and Material
Examples -
November 3, 2009





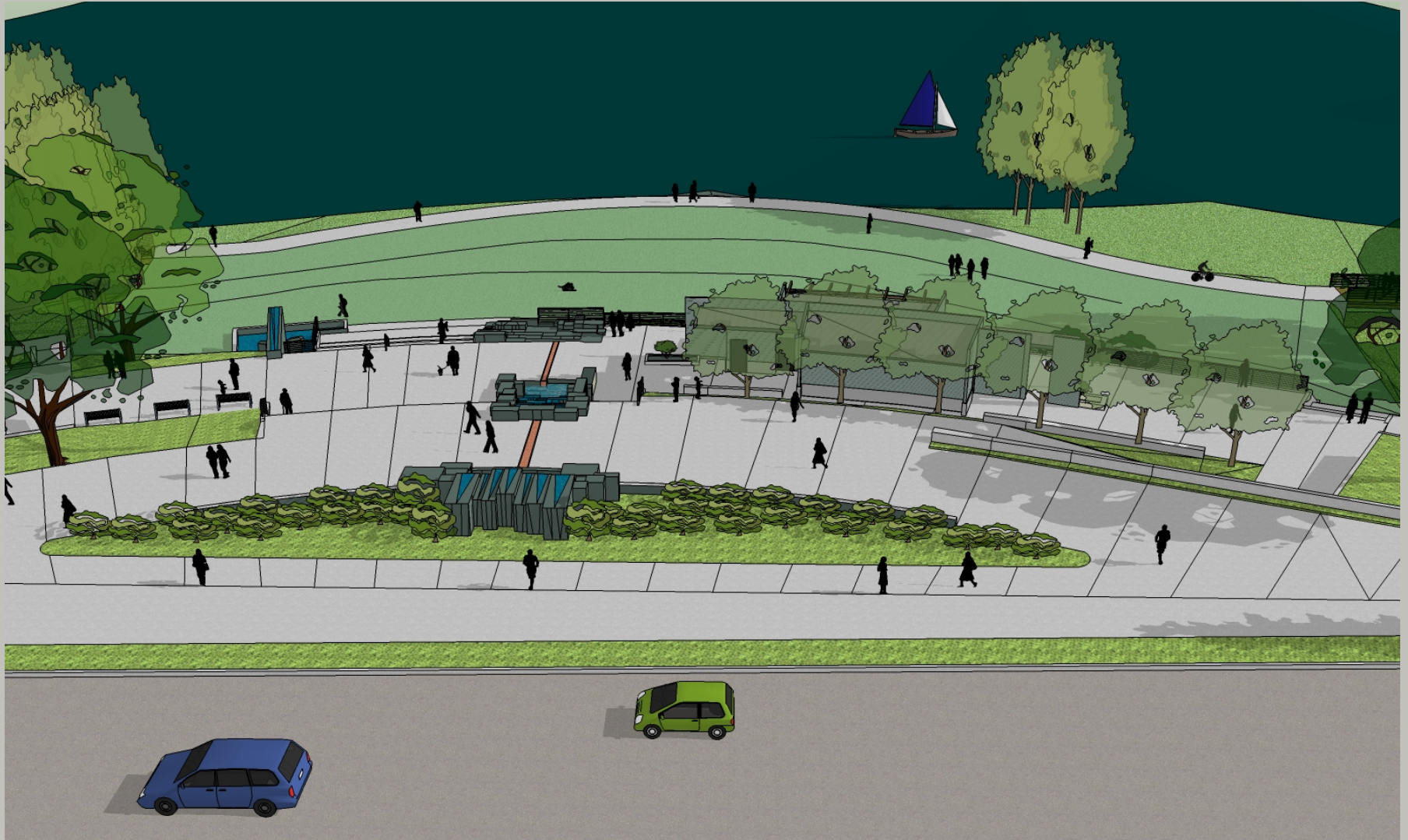


Sand-blasted concrete plaza

Railing throughout: Ipe handrail with black powder coated posts and stainless steel cable rails











Water flows from top terrace of plaza- flows across plaza sections in decorative metal-covered trenches

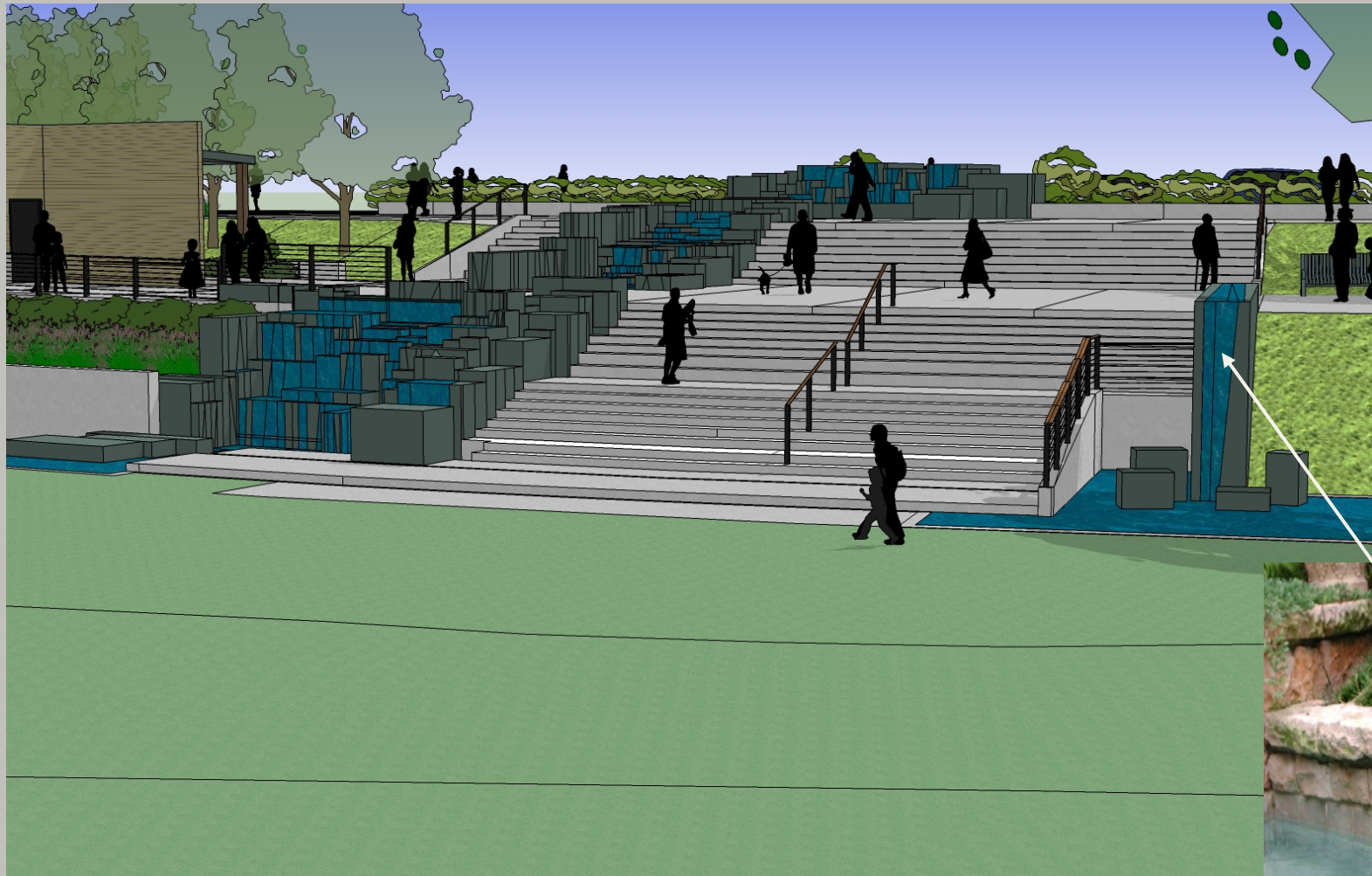


Water feature- water cascades over basalt columns and slabs in thin sheets

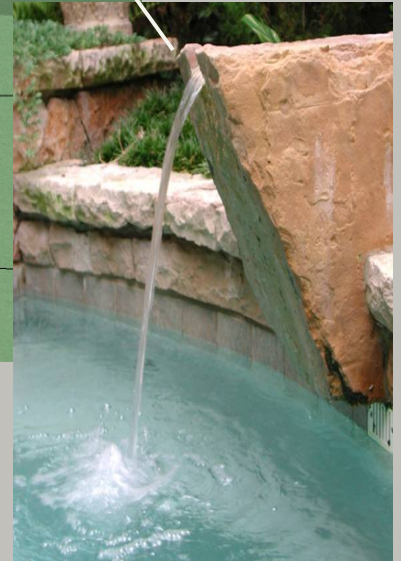
Water collects in shallow pools at lawn level on both sides of steps



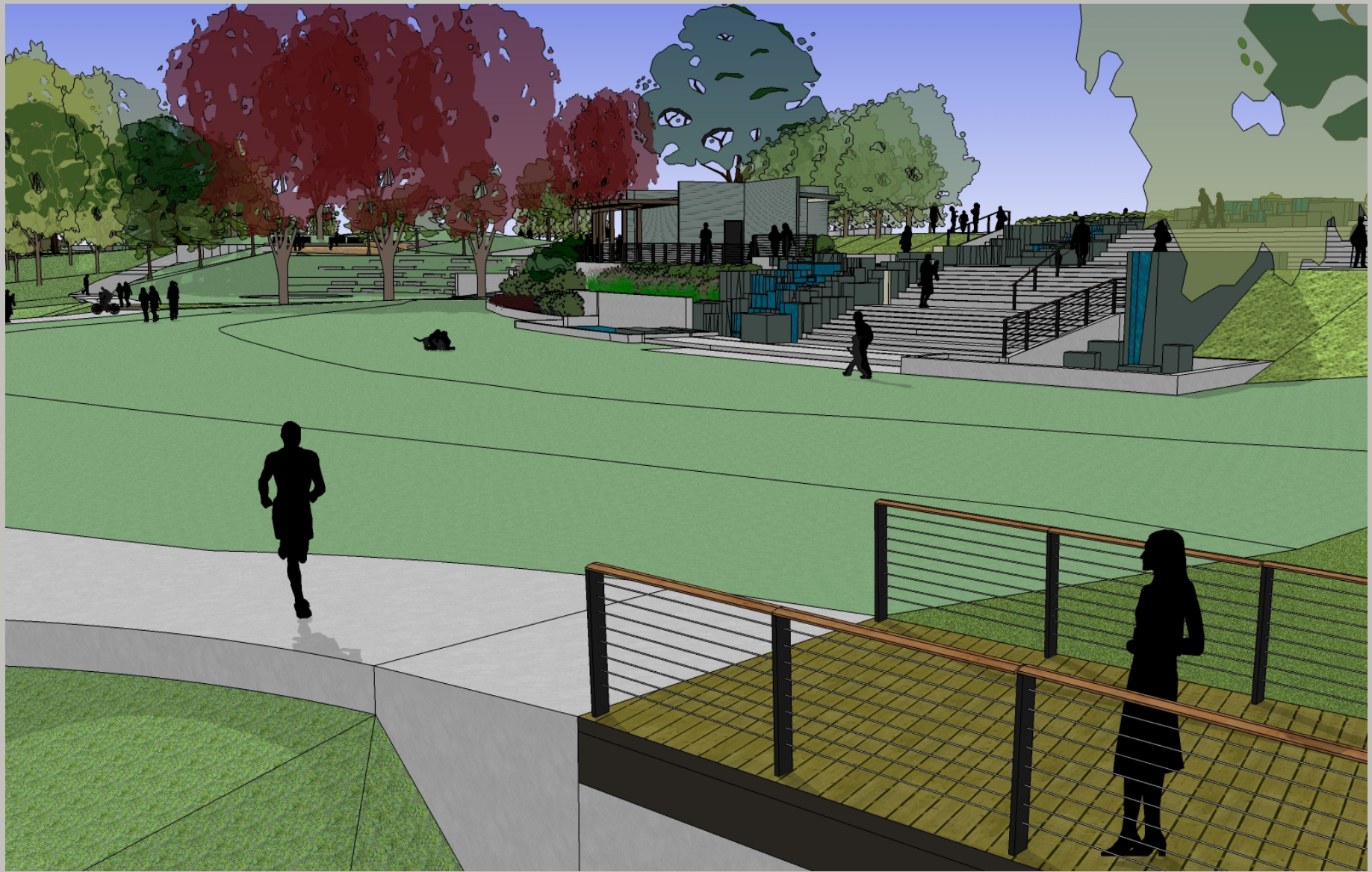
plaza details



- Basalt monolith etched at top for water flow







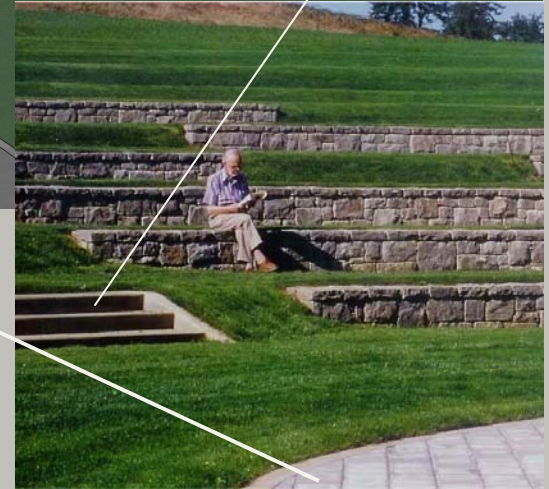








- Large columnar basalt (approx. 2'x3'x8') laid into sculpted, stepped lawn

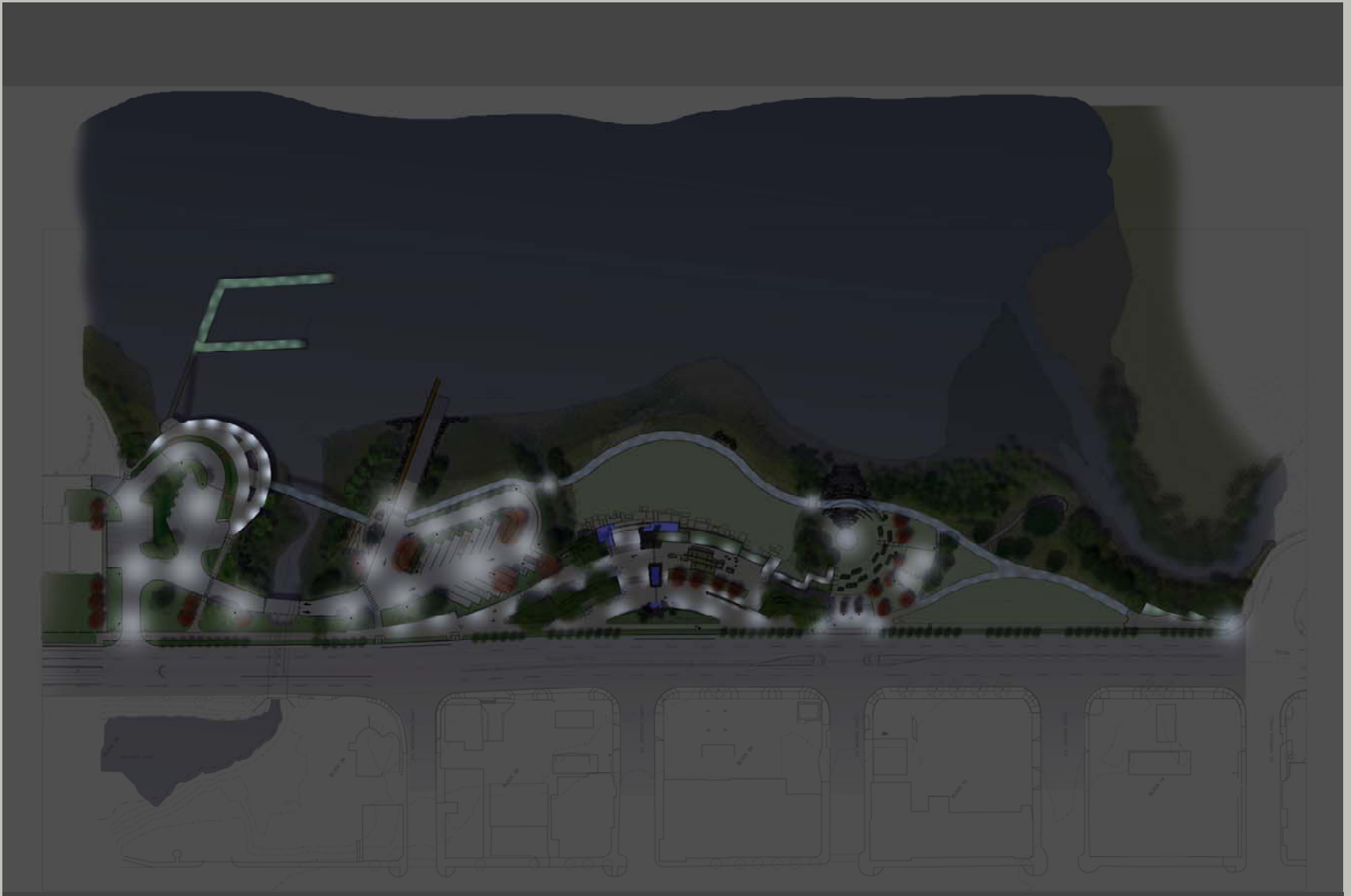


- Grass between concrete steps and basalt
- Mortared cobblestone stage











Wall light



Path light



Step light



Milwaukie Riverfront Park
Supplemental Information submitted to Planning Department regarding
Water Quality Resource Area
February 22, 2010

Existing Site conditions

The Biological Assessment provided in the February 2009 submittal contains a full description of the existing biological conditions at the Riverfront site. Excerpts from that document are included here as a summary only.

- Existing bank habitat is covered with a wide range of debris such as broken concrete and asphalt chunks, twisted metal, scrap iron and wooden piles. Shallow water habitat is highly simplified and the beach habitat is limited and littered with debris
- Water quality in the project-area reach of the Willamette River reflects its urban location and disturbance history.
- Stormwater run off from the existing site (including boat ramp and associated parking lot) flows untreated into the Willamette.
- The existing two lane boat ramp is located in the middle of the park. The ramp has been undermined and is not safe to use during low water conditions.
- General vegetation description: Black cottonwood (*Populus balsamifera*) trees of various ages line the shore of the Willamette River, while larger mature cottonwood and mid-mature big-leaf maple (*Acer macrophyllum*) (over 100 feet tall) grow on upland slopes. Himalayan blackberry (*Rubus armeniacus*) and/or English ivy (*Hedera helix*) dominate the understory of all forested areas. Non-forested areas are comprised of maintained grass, pavement, or commercial structures. The maintained grass areas are dominated by Kentucky bluegrass (*Poa pratensis*) and numerous weedy species. Surrounding areas that are not part of the Willamette River Greenway have been converted to commercial and public uses.

General Site Mitigation Plan for Impacts of the Project

This project is “self mitigating” in that the proposed park design will enhance rather than degrade the existing site condition. The site, as described above, has been used for marine-related industry or recreation for many years and has never been maintained above a very basic level. Other than the McLoughlin Blvd right of way improvements, completed in 2007, consisting of planter strip and sidewalk installation, no significant enhancement of the Riverfront natural environment has been completed in over 30 years.

Beneficial effects from the Riverfront Park project include habitat improvements in riparian and shallow water areas. The river bank will be re-graded, stabilized, and replanted with native vegetation to prevent erosion and potential sedimentation/contamination of salmon habitat. Grading will create a shoreline that features areas of gradual elevation change containing distinct terraces and emergent vegetation. These emergent areas will provide juvenile salmonids additional cover during out-migration and an increased insect prey production. Invasive plants and metal debris will be removed from the riverbank and shoreline areas; larger pieces of concrete rubble will be broken up and removed or recycled onsite. Vegetation will be planted on the bank to create a variety of native plant communities that will eventually provide shade, potential woody debris reserves, allochthonous nutrient contributions to the river, and insect (salmonid prey) production. These actions will cumulatively provide a net benefit by establishing a total of approximately 1.89 acres of native vegetation in the shallow water, riparian, and upland areas impacted by the park’s construction.

The following aspects of the proposed plan are intended to increase the quality of the riparian habitat and to mitigate the impacts the proposed development has on the WQRA :

- Storm water treatment using vegetated swales and wet detention ponds, replacing existing sheet flow directly into the Willamette
- Revegetation of river banks above and below Ordinary High Water and upland area, resulting in 2 acres of native plantings on the site which will provide:
 - o Shade for the river and creeks
 - o Woody debris reserves
 - o Allochthonous (introduced) nutrient contribution to the river
 - o Insect and songbird habitat
 - o Cover and food for small wildlife species and migratory songbirds

Estimates of vegetative material distribution are as follows:

Reach	Reveg above OHW	Reveg below OHW	Total Upland (a subset of above OHW
1	.01 acres	.05 acres	.03 acres
2	.24 acres	.41 acres	
3	.30 acres	.30 acres	.1 acres
4	.40 acres	.09 acres	.35 acres

- Installation of Crib Walls and soft gabion soil lifts below OHW
- Removal of invasive plants (blackberry, ivy etc)
- Removal of deleterious materials like concrete, rebar and litter along river bank and in upland areas. It is anticipated that approximately 35 cubic yards (611 cubic feet of material and 318 cubic feet of piles) will be removed below OHW.
- Removal of existing two lane boat ramp (replaced with a one-lane ramp) resulting in a 3-fold decrease in impervious area near launch area
- Removal of 79 old creosote pilings from Kellogg Creek (replaced with 23 non-treated pilings)
- Use of permeable materials (pervious asphalt and pavers) for both parking lots and all pedestrian pathways

General Mitigation Monitoring and Maintenance Plan For Proposed Riverfront Park Improvements

Monitoring:

Vegetation monitoring will begin with post-construction meeting involving the contractor and City staff to verify the site was installed according to the plan. Planting will be monitored by City staff and the North Clackamas Park District maintenance staff at least monthly after construction is deemed complete. This monitoring will be part of on-going and regular maintenance of the park.

Maintenance

Native planting area maintenance is expected to consist mainly of irrigation, animal predation prevention, and weed control unless other problems are identified during monitoring inspections. The project site will be provided with an in-ground automatic irrigation system. This system will be adapted to withstand periodic inundation, but as the plant material will be native plants located in places that suit their cultural adaptations, irrigation on the river shore will be used only for establishment and used only during the first two growing seasons.

Prevention of waterfowl from grazing on emergent plants may require seasonal application of non toxic, biodegradable goose repellent during the spring of the first two years of the monitoring program. Browse protection such as wire screen enclosures on trees and shrubs will be repaired if monitoring inspections find it to be deteriorating.

The Parks District or City landscape maintenance contractors will identify weed species and locations that require control efforts. The District or contractors will perform weed control in the native planting area annually unless monitoring results show that it is not necessary. Volunteer work parties will be coordinated to augment Park District staff work if necessary.

Reporting:

Any significant failure in plant condition will be reported to City staff along with a proposal for either reestablishment or amendment of the original planting plan. Storm water treatment will be monitored by the Park District and City Operations staff and any malfunctions will be reported and addressed by the City.

Contingency:

- Plantings will be adjusted to replace plants failing due to water availability or disease
- In case of animal predation, wire or plastic enclosures will be installed as appropriate
- In case of human disturbance, signage and fencing will be installed to discourage entry into sensitive areas
- In case of invasive plant intrusion, increased weed control will be implemented. Mechanical removal, spraying of invasives annually and use of mulch around trees and shrubs will be utilized depending on the sensitivity of the area and the intensity of the intrusion

Alternatives Analysis For Park Elements in the Water Quality Resource

The proposed features of Milwaukie Riverfront Park that encroach on the Water Quality Resource area are:

- Sheet Pile Wall
- Pedestrian Bridge across Kellogg Creek
- Boat Ramp and Dock
- Transient Dock
- Small Restroom Building
- Vehicular and Pedestrian Paths
- Klein Point Overlook
- Stone Steps (West of Amphitheater)
- Vegetation removal, grade changes, and replanting plans

Sheet Pile Wall

G. Alternatives analysis

1. No practicable alternatives to the requested development exist that will not disturb the Water Quality Resource Area; and

Proposed design:

The metal sheet pile is an existing feature of a former log dump located south of Kellogg Creek until the early 1990s. The proposed project would cut the sheet pile off at ground level and extend a concrete slab 5 to 12 feet beyond the edge of the pile to create a viewing deck. The deck would be anchored in a concrete slab located behind the pile in what is currently an asphalt parking lot. The final design for the Park will contain additional detail on the nature and location of the foundation or footings and any reinforcement planned for below the deck.

Alternatives reviewed during design development included:

- 1) Cut the sheet pile down to ground level and install a fence along the inner edge of the pile – creating ground surface landing upon which to look out at the creek and river.

Benefits:

- No structure would extend over the river and creek
- Decreases cost to project

Disadvantages

- Park user view of water would be minimal
- Deck area would be smaller – allowing fewer users and less space to circulate
- Deck area would be angular rather than curved (affecting design flow)

- User experience would not be maximized
- The existing sheet pile is unsightly and does not fit aesthetically with the proposed use

2) Cantilever the viewing deck out further than 5 to 12 feet over the creek and river

Benefits:

- View would be further enhanced

Disadvantages:

- Additional shade from deck over creek and river
- Additional footing on shore and reinforcement below the deck required to ensure stability of the extended portion of the deck
- Adds cost to project

2. Development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use; and

The proposed deck extension was sized to provide adequate room for users, a better view of the water and form a curved deck while respecting the project budget and any impact of the infrastructure on the WQRA and aquatic environment below the deck. Stormwater planters have been installed throughout the deck area to minimize impervious surfaces.

3. The Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 19.322.9.E;

The introduction of this extended deck will have at least a neutral effect on the existing condition. The area behind the metal sheet pile consists of compacted soils with either gravel or asphalt on the surface. The addition of the planting areas near the viewing area and in the parking lot will enhance the existing parking surface by adding vegetation and increasing the water infiltration into the soils in this area.

4. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.

This option was chosen because it maximizes the viewing area and provides the park visitor with the best view of the mouth of the Creek and the River. By keeping the extended deck at the proposed dimensions (as opposed to increasing the dimensions) the project will minimize the impacts to the resource area.

H. For applications seeking an alteration, addition, rehabilitation, or replacement of existing structures located within the Water Quality Resource Area:

1. Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed; and

The existing condition of the sheet pile and adjacent parking lot are not beneficial to the water quality resource area in which they lie. Drainage and infiltration is poor due to existing asphalt and compacted gravel and no vegetation exists in this area. The most beneficial environmental enhancement of this area would be to remove the sheet metal piling, re-grade

and plant the newly created slope with native plants and installation of rocks and wood features for stabilization. The cost of these actions would be extremely high; the proposed deck is in compliance with the park's program and the grade necessary to create a stable slope might require relocation of the treatment plant facilities. The latter is highly infeasible in the short term.

Installation of a fence along the existing edge of the sheet pile and forgoing the extended bridge would be feasibly practicable but not optimal for Park user experience and design flow of the Park site.

2. **If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource Area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement, or rehabilitation;**

To be addressed by Planning Department.

3. **Provide mitigation to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.**

See general project mitigation plan above. Additional mitigations proposed include:

- Netting or other screens will be used during construction of the viewing deck to prevent materials from falling into the Willamette and Kellogg Creek. Deck will be extended from the parking lot behind the metal sheet pile to avoid in-water work impact related to construction.

- I. **A Water Quality Resource Area mitigation plan that contains the following information:**

1. **A description of adverse impacts that will be caused as a result of development;**

The existing surface behind this steel pile is a relatively compacted and impermeable area of gravel and asphalt. No swales or vegetation exist in this area at this time. The proposed development will introduce consistent pavement made of permeable asphalt to the parking area but will also integrate planting areas and swales to capture and filter storm water and allow for water to permeate the soils below the surface of the parking lot area.

2. **An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E;**

Existing condition is characterized as "degraded" according to Table 19.322.9.E. Plantings in the proposed planters, swales and along Kellogg Creek banks will be appropriate plants from the Milwaukie Native Plant list.

3. **A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site;**

The City of Milwaukie is the responsible party and any contractor chosen by the City to perform construction will be recorded.

4. **A map showing where the specific mitigation activities will occur;**

See design plans submitted separately.

- 5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.**

See mitigation plan above.

Installation of the proposed deck and parking area would occur during phase 3 of the project. The southern parking area and decking would be installed concurrent with planters and swale areas. Plants in swales, planters and along the creek would be installed following completion of the hardscape. No in-water work is expected. All planting will be completed during high rain season (fall/winter) to maximize success of plants. Where irrigation systems are proposed, systems will be used during plant establishment.

Bridge across Kellogg Creek

G. Alternatives analysis demonstrating that:

- 1. No practicable alternatives to development exist that will not disturb the WQRA;**

Proposed Design:

The proposed bridge is intended to provide a “water-side” trail connection between the existing trail behind the Kellogg Treatment Plant, the viewing deck south of Kellogg Creek and the trail along the Willamette to the north of the Kellogg Creek. The bridge was located to minimize the length of the bridge span over the Creek while maintaining an appropriate and safe slope (of 4.5 %) on the bridge structure. A conceptual design will be completed by DEA following land use and JPA (Corps of Engineers) approval. The final design for the bridge will be completed by a bridge contractor under a design/build contract.

Alternatives considered:

- 1) No bridge:

Benefits:

- The removal of the bridge would decrease the structures on the north and south side of Kellogg that are in the WQRA
- Removes shade resulting from bridge span over Kellogg Creek.
- Reduces project cost

Disadvantages:

- Pedestrians and bikes would be required to travel twice the distance between the north and south portions of the park (from 360 feet up to 760 feet).
- The alternative route would be along McLoughlin Blvd on the sidewalk, a significantly more vehicle oriented and noisy urban walking experience.

- 2) Move north and south footings of the bridge to the east

Benefits:

- No tangible benefits to project or WQRA

Disadvantages:

- Moving the bridge east would not remove the structure from the WQRA (but simply relocate it),
- Increases the length of the bridge slightly,
- Increases the distance the park user would have to go to move between the north and south
- Increases the conflict between vehicles and pedestrians and bikes on the north side of Kellogg.

2. Development in the WQRA is limited to the area necessary to allow for the proposed use;

Bridge footings have been placed strategically to occur in areas already impacted by the plazas to the north and south of Kellogg Creek. The southern landing is on the existing sheet pile wall eliminating the need for substantial new construction in this area. The footings for the northern bridge abutment will be designed to minimize its footprint and subsurface intrusion while maintaining adequate stability for safe bridge construction. Final design for bridge and associated footings to be completed by chosen construction firm. Final plans to be submitted to City Planning Department for review before construction begins.

3. The WQRA can be restored to an equal or better condition in accordance with Table 19.322.9.E;

The southern footing of the bridge is proposed within the steel piling in an area that is currently a gravel and asphalt parking lot. Given the degraded status of the existing conditions in this area, the proposed bridge anchor (and co-located plaza) will not decrease the WQR environment significantly. The positive impact of the proposed plantings and swales integrated into the parking area and viewing deck to the south of the piling and revegetation of the north and south banks of Kellogg will mitigate for any negative impact of the proposed bridge.

The northern footing of the bridge is placed strategically to be co-located with a plaza and restroom area at the top of the boat ramp. Co-location will avoid additional WQR impact. The footings will be designed to minimized the footprint and subsurface intrusion while maintaining adequate stability for safe bridge construction

The bridge materials will be selected to maximize sun penetration and minimize environmental degradation to the banks and the creek area below the structure.

4. An explanation of the rationale behind choosing the alternative selected,

The proposed bridge is intended to provide a “water-side” trail connection between the existing trail behind the Kellogg Treatment Plant, the viewing deck and the proposed internal park trail along the Willamette to the north of Kellogg Creek. The bridge provides park users with an efficient route between the north and south sections of the park that provides the most pleasant view and park experience. The proposed bridge was strategically located to minimize the length of the bridge span while maintaining an appropriate and safe slope on the bridge structure. Additionally, boat ramp users that utilize the southern parking lot will have easier access back to the launch facility via the bridge.

The current design with no bridge over Kellogg would require pedestrians and bikes to travel twice the distance (from 360 feet up to 760 feet) between the north and south portions of the park. The alternative route would be along McLoughlin Blvd on the sidewalk, significantly decreasing the experience and view of the park user.

H. For applications seeking an alteration, addition, rehabilitation, or replacement of existing structures located within the WQRA

1. Demonstrate that no reasonably practicable alternative design or method exists that would have a lesser impact on the WQRA than the one proposed; and

The removal of the bridge over Kellogg (No bridge alternative) from this design is a reasonably practicable alternative. The bridge itself is very expensive and pedestrians and bikers would still have an alternative route if the bridge was not there. However, the user experience of the park for those moving between the portions south and north of Kellogg Creek would be significantly decreased due to the distance traveled and the diminished view from the required route along McLoughlin Blvd.

2. If no such reasonably practicable alternative exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource Area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement, or rehabilitation; and

To be addressed by Planning Department.

3. Provide mitigation to ensure that impacts to the functions and values of the WQRA will be mitigated or restored to the extent practicable.

Mitigations would include swales and planters in southern lot and viewing area, and native plantings along north and south bank of Kellogg Creek from ordinary high water to top of banks.

I. A WQRA mitigation plan that contains the following information:

1. A description of adverse impacts that will be caused as a result of development;

- Shade over Kellogg Creek
- Disturbance above and below the surface on the north upland bank of Kellogg Creek (foot print of abutments will be minimized as part of final design)
- Potential impacts to River and Creek during construction from falling debris

2. An explanation of how adverse impacts will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E;

See general mitigation plan.

Also:

- Minimize length of bridge by strategic placement
- Co-locate abutments and plazas to minimize square footage of impact in WQRA

- Construct bridge to maximize light infiltration and incorporate materials and building practices that minimize environmental impacts
- If necessary, a more detailed construction impacts mitigation plan will be developed as part of the final design developed by the selected contractor. This plan will be submitted to City Planning and Engineering staff for review before work begins.

3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site;

The City of Milwaukie is the responsible party and any contractor chosen by the City to perform construction will be recorded.

4. A map showing where the specific mitigation activities will occur;

See maps submitted separately.

5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

See mitigation plan above.

This element of the plan is particularly expensive to design and build. As a result, the project proposes to combine the final design and construction of the bridge in a “design/build” contract which will be awarded at such time as funding becomes available. Final plans would be submitted for review by the City’s Planning and Engineering staff before construction.

Boat Ramp and Dock

G. Alternatives analysis demonstrating that:

1. No practicable alternatives to development exist that will not disturb the WQRA;

Proposed Design:

The City proposes to remove the boat ramp that currently sits in the center of the park between Kellogg and Johnson Creeks. A new ramp and boarding dock would be built south of the existing ramp location, just north of Kellogg Creek. The proposed ramp is designed to minimize shoreline coverage and will result in a 3-fold decrease in pervious surface over the existing ramp system.

This proposed single lane ramp will be approximately 165 feet long, 26 feet wide and eight inches thick. The section below OHW elevation will be constructed with pre-cast concrete planks, laid upon steel rails on a gravel base. A perimeter of riprap made of 4 foot diameter boulders will be placed around the ramp to prevent scour and undercutting. Above OHW elevation the ramp will be made of poured-in-place concrete.

A 6 foot by 160 foot float will be placed next to the ramp and will be secured with (8) 16-inch steel pilings. The boarding float will be made of foam encapsulated in concrete. The pilings will have conical pile caps to prevent birds from perching on top.

Alternatives considered:

1) Larger, two lane ramp

Benefits:

- Motor boats could be launched more quickly due to two available launch ramps

Disadvantages:

- A two lane ramp would double the on-land impermeable surface and in water infrastructure
- Increases vehicle/pedestrian interaction
- Potentially requires additional parking for boaters

2) No Boat ramp

This alternative was originally proposed in the Milwaukie downtown plan in 2000. This alternative proposed that Riverfront Park be contained between Kellogg and Johnson Creeks and be designed mainly as open space with pathways traversing the open area. This option did not include a boat ramp or a transient dock and no parking was proposed for the west side of McLoughlin Blvd (Highway 99E).

Benefits:

- Far more financially feasible
- Construction easier and notably faster
- Increases the potential areas for restoration and revegetation between the creeks
- Removes potential habitat for fish that prey on salmonid smolts near the mouth of Kellogg Creek.
- Would remove the majority of the proposed impervious surfaces from the space between the creeks
- Requires no in-water work or infrastructure making permitting and reporting far more efficient and easier

Disadvantages:

- The absence of a boat ramp in this original design caused major public upheaval in Milwaukie. The area boating community opposed all design options with no boat ramp integrated

In 1999 and 2000, a Boat Ramp relocation group studied the few other Riverfront properties in the Milwaukie area to determine whether an alternative location could be identified for the boat launch. In 2000, a report was provided to City Council describing five alternative locations and suggesting that none of them were both feasible and cost effective. Following is the list of sites considered:

Meldrum Bar (near the Clackamas River) – at capacity and does not meet the needs to boaters in the area

Oregon City's Clackamette Park – some extra capacity here but location too far away to effectively disperse boating facilities along the Willamette and meet the needs of Milwaukie area boaters.

River Villa Park (south of Oak Lodge Sanitary Facility) – Access through the adjoining neighborhood difficult; no parking available on site; and too close to single family residences.

Nursery Site – (north of Oak Lodge Sanitary Facility) – Difficult access through neighborhood and property acquisition would be necessary.

Oak Grove Blvd – A single lane road that ends in the river. Would require significant acquisition of properties for development of boat ramp and parking. Access through neighborhood not quite as difficult at River Villa and nursery sites.

- The acquisition of an additional site (to host the ramp) on the water in the city (if it could be found) combined with the cost of designing and building a ramp facility added to the permitting and development of the proposed site between the creeks would have more than doubled the cost of the current project.

3) Alternative ramp location – north of Kellogg

This alternative, considered early on in project planning, locates the boat ramp at its existing location, at the western-most point of the land north of Kellogg Creek. The area north of Kellogg Creek and south of the boat ramp would be, as it is now, a large parking area.

Benefits:

- Moves ramp away from Kellogg Creek decreasing the potential impact of boats on fish entering at the mouth of Kellogg Creek.

Disadvantages

- Less landscaping would be possible north of Kellogg given the footprint of the parking lot.
- The boat ramp and associated traffic take up a great deal of the open space between the creeks.
- Pathways for pedestrians and bikers either need to be placed solely in the northern portion of the property (only about 3 acres in size) or must be designed to traverse the vehicular entrance and parking lot, increasing safety concerns for walkers and bikers
- In general, accommodating the multiple uses of the park into this compact alternative space would drastically change the experience of the users. Vehicles, pedestrians and bikers would be in constant conflict.
- The access to the parking lot would need to remain at Jefferson Street due to steep slopes to the south of Jefferson along McLoughlin. The Jefferson Street entrance would need to remain right in-right out only. Access to the park and ramp from the south would require going through downtown to reverse directions before entering ramp.

4) Locate ramp south of Kellogg Creek

This option assumes removal of the Wastewater Treatment Plant to the south of Kellogg Creek and expansion of the Riverfront Park south, over the 13 acres currently used by the plant.

Benefits:

- Would allow uncompromised open space between Kellogg and Johnson Creeks and placement of both a boat ramp and a transient dock well south of the mouth of Kellogg Creek.
- Includes possible private development of either a hotel and marina or riverside condos south of Kellogg Creek.
- The spreading out of the multiple uses of this park would be beneficial both environmentally and recreationally.
- The uninterrupted open space between the creeks would maximize habitat restoration potential.
- The potential effects on fish at Kellogg Creek mouth would be eliminated by locating the boat ramp and transient dock well south of Kellogg Creek.

Disadvantages:

- The property to the south of Milwaukie's 6.5 acre park site is owned by Clackamas County and is occupied by the County's Kellogg Wastewater Treatment Plant. The City has been engaged in a discussion with the County several years regarding the potential decommissioning of the treatment plant and diversion of wastewater south to the Tri City's plant in Oregon City. However, these discussions have not been fruitful given the financial impact that the plant decommissioning and wastewater diversion would have on rate payers in the area. It is highly unlikely that the Kellogg Plant will be removed within the next ten to twenty years. . If removal of the plant were to come about, it is feasible that the City could purchase the plant property from the County and partner with a private developer to design and build an expanded park area in the footprint of the former plant. However, the City is not in a financial position to buy the County's way out of this plant and into a park at this site at this time.

2. Development in the WQRA is limited to the area necessary to allow for the proposed use;

The proposed ramp dimensions have been kept to the minimum necessary to safely allow boat launching while meeting to grant funding criteria for the Oregon Marine Board, a potential funding source for the boat ramp and associated facilities.

3. The WQRA can be restored to an equal or better condition in accordance with Table 19.322.9.E;

The dimensions of the proposed boat ramp will significantly decrease the amount of impermeable surface associated with the ramp structure when compared to the existing facility. The plantings proposed for the ramp area will also enhance the area.

4. An explanation of the rationale behind choosing the alternative selected,

Members of the Riverfront Board and community members they represent felt that the Riverfront Park would not be politically feasible in Milwaukie without a boat ramp. Given that,

they attempted to develop a plan that provided the minimum level of launching service and parking necessary to meet the local community needs while maintaining the potential funding support offered by the Oregon Marine Board and allowing adequate space on the small site for other activities. The proposed design achieves this finely crafted balance.

H. For applications seeking an alteration, addition, rehabilitation, or replacement of existing structures located within the WQRA

1. Demonstrate that no reasonably practicable alternative design or method exists that would have a lesser impact on the WQRA than the one proposed; and

The proposed one lane ramp would minimize the impact of a boat ramp on the WQRA. In addition, the proposed option would result in a three fold decrease in impervious surface compared to the existing ramp.

2. If no such reasonably practicable alternative exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource Area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement, or rehabilitation; and

To be addressed by Planning Department.

3. Provide mitigation to ensure that impacts to the functions and values of the WQRA will be mitigated or restored to the extent practicable.

See mitigation plan above.

I. A WQRA mitigation plan that contains the following information:

1. A description of adverse impacts that will be caused as a result of development;

The project proposes to remove the existing boat ramp which is dangerous and in poor condition and install a safer and better built ramp. The proposed facility will enhance rather than adversely affect the Riverfront area.

2. An explanation of how adverse impacts will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E;

See general mitigation plan for details.

3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site;

The City of Milwaukie is the responsible party and any contractor chosen by the City to perform construction will be recorded.

4. A map showing where the specific mitigation activities will occur;

See maps submitted separately

- 5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.**

See general mitigation plan above.

Project staff has also submitted for review documents containing additional construction details for this element submitted to the Corps of Engineers as supplements to the Joint Permit application.

Transient dock

G. Alternatives analysis demonstrating that:

- 1. No practicable alternatives to development exist that will not disturb the WQRA;**

Proposed alternative:

The proposed transient dock will be located several feet off shore in water of 20 feet or deeper water. Access to the proposed transient dock will be provided by an elevated, self-supporting gangway with truss construction that will span from the transient dock to an abutment located above OHW elevation in the WQRA. This abutment is the only portion of the dock that will affect (disturb) the WQRA. (A full description of the dock design is provided below for staff's information.) The gangway will be fabricated from aluminum to minimize future maintenance and avoid the need for painting over the water and sensitive planted areas. The gangway will be 6 ft wide by 100 ft long. The decking for the gangway will have no light transmission grating since the structure is not over 6 ft wide.

The transient dock is intended to minimize conflicts between those launching boats and those tying up their boats, and is proposed to be located to the south of Kellogg Creek. A non-motorized boat launch is being proposed for attachment to the transient dock. An additional consideration for this facility was acknowledged when the City was approached by the owner of the Sternwheeler Rose (an 80-foot long paddlewheel recreational cruise vessel), investigating the opportunity to locate the boat's moorage near Milwaukie's Riverfront Park. The transient dock will be located in deeper water to minimize impacts and will be oriented to avoid debris accumulation and eliminate the need for a debris boom.

The transient dock will be 12 ft wide and 250 ft long and located in 20 ft or deeper water. It will include approximately 1,200 square feet (40 percent of its area) of metal grating for light transmission. The transient dock will be constructed of foam encapsulated in concrete and have two types of walking surfaces: concrete and enframed panels of metal grating to provide light transmission to minimize potential habitat for predatory fish. The dock will be secured to the bed of the river with approximately thirteen 24-inch diameter steel pipe pilings. Piling will be driven into the bottom using vibratory methods, to the extent possible. If impact hammer use becomes necessary because of subsurface obstacles such as buried wood, piles will be isolated from the active channel by dewatering the isolation area or placing bubble curtains around the pile. The top of the pile will be closed with a conical pile cap.

Alternatives considered:

1) No Transient dock

Benefits:

- No in-water work required
- No need for the gangway or associated abutment
- Cost of project is lower
- Environmental concerns for fish access to Kellogg decreased

Disadvantages:

- Fails to provide any opportunity for transient boat tie up or for tour boat operation.
- Leaves old creosote pilings in place with uncontrolled pedestrian shore access.
- Decreases pedestrian access to river
- Eliminates non-motorized boat put-in location
- Fails to provide any improved access to Milwaukie via watercraft transportation, either commercial tour boats or private boat transient tie-up.

2) Relocate transient dock further south

Benefits:

- Moves dock away from mouth of Kellogg

Disadvantages

- Property south of current location is owned by Clackamas County and would need to be leased or purchased by City of Milwaukie
- Distance from transient dock to Park and downtown area increases
- Water depths may not be appropriate
- May still impact WQRA

3) Relocate transient dock north of Kellogg Creek

Benefits:

- Decreases distance walked from transient tie ups to Park and downtown
- Moves dock away from mouth of Kellogg

Disadvantages

- Increases congestion of boat activity near boat ramp
- Potentially impacts Johnson Creek fish passage
- May still impact WQRA

2. Development in the WQRA is limited to the area necessary to allow for the proposed use;

The abutment is the only portion of the dock that will affect (disturb) the WQRA. Size and below-grade disturbance will be kept to the minimum necessary to ensure the safety of those using the gangway and dock.

3. The WQRA can be restored to an equal or better condition in accordance with Table 19.322.9.E;

The current condition of the log dump area is either loose gravel or pavement. Underlying soils are compact and no plants exist in this area currently. The proposed abutment will not decrease the quality of this area within the WQRA.

4. An explanation of the rationale behind choosing the alternative selected

The proposed dock location allows for enough separation between boats that are launching and those tying up to avoid conflict while maintaining a reasonable walking distance between the park areas to the north and south of Kellogg Creek.

H. For applications seeking an alteration, addition, rehabilitation, or replacement of existing structures located within the WQRA

1. Demonstrate that no reasonably practicable alternative design or method exists that would have a lesser impact on the WQRA than the one proposed;

The resultant impact on the WQRA from this element is minimal. Only removal of this element from the design altogether would decrease the impact on the WQRA. Its removal from the design would simply decrease the variety of park users by disallowing transient boat tie ups.

2. If no such reasonably practicable alternative exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource Area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement, or rehabilitation;

To be addressed by Planning Department.

3. Provide mitigation to ensure that impacts to the functions and values of the WQRA will be mitigated or restored to the extent practicable.

See general mitigation plan.

Mitigation for the installation of this transient dock includes removal of creosoted pilings currently in the Willamette and Kellogg Creek.

I. A WQRA mitigation plan that contains the following information:

1. A description of adverse impacts that will be caused as a result of development;

The impact of the gangway abutment should be minimal due to the degraded condition of this area currently.

2. An explanation of how adverse impacts will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E;

The gangway abutment will be kept to a minimum size to avoid undue impact in the upland area. Final design detail to be completed when structure is approved by the Corps of Engineers.

Mitigation for the installation of this transient dock includes removal of creosoted pilings currently in the Willamette and Kellogg Creek.

3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site;

The City of Milwaukie is the responsible party and any contractor chosen by the City to perform construction will be recorded.

4. A map showing where the specific mitigation activities will occur;

See maps submitted separately

5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

See general mitigation plan above.

Project staff has also submitted for review documents containing additional construction details for this element that were submitted to the Corps of Engineers as supplements to the Joint Permit application.

Small Restroom Building

G. Alternatives analysis demonstrating that:

1. No practicable alternatives to development exist that will not disturb the WQRA;

Proposed Design:

The small restroom located near the top of the boat ramp would be constructed of a 3 foot high cast in place concrete base with sealed concrete masonry units above the base. Cedar siding would be placed on the upper part of the restroom to mirror the design of the larger restroom in the main plaza. The facility would be anchored with a sub grade concrete foundation and floor slab design. The foundation and floor would be cast in place concrete and impermeable.

The small restroom was added to the design in order to provide closer bathroom access for those using the boat ramp. In the City's discussions with the Oregon Marine Board regarding potential grant funding for the boat ramp, the Board has stated that one grant condition would be that a restroom be located within 50 feet of the top of the ramp. Placing a small facility in this location was less detrimental to the design and the park user experience than relocating the larger restroom would have been.

Alternatives Considered:

1) No Restroom in this location

(The original design consisted of only the main restroom facility in the main plaza)

Benefits:

- Lower cost
- Less development in the WQRA
- Area near head of ramp and bridge entrance provides open viewing area of Creek and River

Disadvantages:

- Boaters would have a longer distance to walk to restroom
- Oregon Marine Board may not fund the ramp – leaving the City with no grant funding for the boating facility and associated parking facilities

2. Development in the WQRA is limited to the area necessary to allow for the proposed use;

The proposed restroom size has been minimized to provide adequate space for users while at the same time attempting to fit the structure tactfully into a space that was intended for viewing of the creek, river and park area. Proposed floor area dimensions are 6 ft by 9 ft 4 in. With roof dimensions added, the total aerial foot print is 8 ft by 9ft 4in (~72 sq ft)

3. The WQRA can be restored to an equal or better condition in accordance with Table 19.322.9.E;

The restroom has been co-located with the bridge anchor to minimize the disruption of the WQRA.

4. An explanation of the rationale behind choosing the alternative selected

The project would prefer to remove this smaller restroom but feels that funding options would be maximized by leaving it in. Relocation of the larger restroom would have had even larger impacts on the WQRA.

H. For applications seeking an alteration, addition, rehabilitation, or replacement of existing structures located within the WQRA

1. Demonstrate that no reasonably practicable alternative design or method exists that would have a lesser impact on the WQRA than the one proposed;

No alternative has been identified that does not jeopardize potential funding sources. Since the proposed restroom is co-located with a small concrete plaza the impact on the WQRA will not be substantially more than would otherwise have occurred without it.

2. **If no such reasonably practicable alternative exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource Area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement, or rehabilitation;**

To be addressed by Planning Department.

3. **Provide mitigation to ensure that impacts to the functions and values of the WQRA will be mitigated or restored to the extent practicable.**

See general mitigation plan above.

1. **A WQRA mitigation plan that contains the following information:**

1. **A description of adverse impacts that will be caused as a result of development;**

Installation of small plaza and restroom will disturb the WQRA.

2. **An explanation of how adverse impacts will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E;**

The restroom is co-located with the plaza to minimize the WQRA disturbance. See general mitigation plan.

3. **A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site;**

The City of Milwaukie is the responsible party and any contractor chosen by the City to perform construction will be recorded.

4. **A map showing where the specific mitigation activities will occur;**

See maps submitted separately

5. **An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.**

See general mitigation plan above.

Restroom will be built as part of the boat ramp and associated parking.

Pedestrian Paths

G. Alternatives analysis demonstrating that:

1. No practicable alternatives to development exist that will not disturb the WQRA;

Proposed design:

The pedestrian pathways located along the river bank between Kellogg and Johnson Creeks are 12 feet wide and made of permeable paving material. This path is intended to provide the public with walking and viewing areas along the river bank. Three 18" high concrete seat walls, each 20 feet in length, are proposed for along the western-most point of the bank between the creeks to allow pedestrians to sit and view the water.

Pathways near the parking areas are similar in size and material and were placed such that there would be a minimum interaction between vehicles and pedestrians near the parking and driving areas.

The path to Klein Point will be four feet wide and will be made of gravel or wood chips rather than asphalt.

Alternatives Considered:

1)

2) Move pedestrian pathways east, out of the WQRA

Benefits:

- Decreases hardscape in the WQRA

Disadvantages

- Moves pedestrians well away from the River, decreasing their view of and sense of "interaction" with the water
- Increases potential for creation by pedestrians of informal pathways through native plantings to the river's edge
- Decreases the area of great lawn and the number potential recreational uses of that area

2. Development in the WQRA is limited to the area necessary to allow for the proposed use;

The width of the pedestrian pathways is 12 feet. Given the potential for these pathways to be used by bikes, pedestrians, skaters, joggers and stroller operators, a width of 12 feet was considered the minimum necessary to provide adequate space for two-way traffic.

3. The WQRA can be restored to an equal or better condition in accordance with Table 19.322.9.E;

The current condition of the top of bank is highly compacted soil with a plant covering of grass, weeds and invasive species. The proposed pathways, which will be made of permeable paving material to encourage water infiltration, will not significantly degrade this condition. The proposed plantings between the top of bank and the Ordinary High Water line will significantly enhance the riparian area.

4. An explanation of the rationale behind choosing the alternative selected,

The proposed path width and locations were selected in order to channel pedestrian and other user activity to appropriate areas in the park. The proposed locations assume that park users will find “informal” and destructive ways to access views of the water if the park does not provide acceptable formalized areas. Pathways near the parking areas were placed such that there would be a minimum interaction between vehicles and pedestrians.

This is a riverfront park. The public will want to see and “interact” with the river. Pedestrian paths in the proposed design were intended to move the park user as close to the water as possible while avoiding pedestrian interference with plantings and sensitive riparian areas. Currently, pedestrian access along the Willamette is unrestricted and has resulted in severe riparian area erosion, littering and degradation. The proposed pathways acknowledge that the public has become used to “walking along the water” and places paths along the top of river bank.

H. For applications seeking an alteration, addition, rehabilitation, or replacement of existing structures located within the WQRA

1. Demonstrate that no reasonably practicable alternative design or method exists that would have a lesser impact on the WQRA than the one proposed; and

While pedestrian pathways could be relocated to the east, away from the river, the project team believes that the park user experience would be significantly decreased by doing so. Further, we suspect that informal access paths would be created by the public that would negatively impact the riparian plantings.

2. If no such reasonably practicable alternative exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource Area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement, or rehabilitation;

To be addressed by Planning Department.

3. Provide mitigation to ensure that impacts to the functions and values of the WQRA will be mitigated or restored to the extent practicable.

See general mitigation plan above.

Paths along the riverbank and near parking lots will be made with permeable paving material. The Klein Point path will be kept to a minimum width and be surfaced with wood chips or gravel.

I. A WQRA mitigation plan that contains the following information:

1. A description of adverse impacts that will be caused as a result of development;

- Paths, constructed using permeable paving material, would be installed in the WQRA – displacing natural soil and plants materials that would otherwise occur there.

2. **An explanation of how adverse impacts will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E;**

Path widths are being kept to a minimum size and surface materials are permeable. See planting plan for vegetative cover on river bank.

3. **A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site;**

The City of Milwaukie is the responsible party and any contractor chosen by the City to perform construction will be recorded.

4. **A map showing where the specific mitigation activities will occur;**

See maps submitted separately

5. **An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.**

See general mitigation plan above.

Vehicular Pathways

- G. **Alternatives analysis demonstrating that:**

1. **No practicable alternatives to development exist that will not disturb the WQRA;**

Proposed Design

The majority of the proposed locations for vehicle pathways within the WQRA in the park design are currently used as vehicle pathways by cars and sewer treatment plant trucks. For instance, the vehicle path across Kellogg Creek adjacent to McLoughlin Blvd has only been modified slightly from its existing condition to accommodate the proposed parking lot layouts both north and south of the Creek. The vehicle pathways contained in the southern parking lot are currently paved or graveled and used by vehicles accessing the existing lots. It is the case that the vehicle pathways proposed for the northern parking lot will replace an existing grassy area. However, a similar amount of impermeable asphalt will be removed from the existing parking lot as part of park construction as is proposed for the proposed lot located closer to Kellogg Creek.

Alternatives Considered:

- 1) No vehicular access (no vehicle pathways needed)

Benefits:

- Decreases impact on WQRA significantly
- Removes conflict between pedestrian Park users and vehicles
- Maximizes open space in park

- Removes regulatory concerns of construction and motor boat activity near Kellogg and in Willamette

Disadvantages:

- No parking
- No boat launch
- Public outcry for parking near the riverfront
- Public outcry for boating access
- Potential for obstruction of riverfront design and construction process
- Lack of ADA access to park
- Diminished interest in Park use due to need to cross McLoughlin by foot only

2) Alternate placement of parking and routes for vehicles

Several alternative scenarios were considered during the development of this design which varied the: number of parking spaces, placement of parking lots and ramp and, potential vehicle pathways. In fact, there are too many scenarios to include in this text. Once the proposed boat ramp location had achieved a political consensus, the site contours forced the locations of site access, parking locations and thus, vehicle routes through the site. The project feels that the proposed design is the best balance of political, environmental and aesthetic elements.

2. Development in the WQRA is limited to the area necessary to allow for the proposed use;

Proposed vehicle paths were kept to an absolute minimum (as were parking spaces) and meet all code requirements for width and turning radii. Permeable paving material is proposed for use wherever appropriate and pavers are proposed for use in parking areas in the WQRA. If vehicle pathways are allowed to be made of permeable paving materials, the project will consider doing so.

3. The WQRA can be restored to an equal or better condition in accordance with Table 19.322.9.E;

Some of the proposed vehicle pathways will replace existing vehicle pathways. In these cases no significant change in conditions will result from the proposed roads. Where roads replace non-paved areas, it is expected that the use of permeable pavement and the integration of vegetated swales and storm drainage facilities will enhance, rather than degrade the existing conditions.

4. An explanation of the rationale behind choosing the alternative selected

Several alternative scenarios were considered during the development of this design which varied the number of parking spaces, placement of parking lots and ramp and potential vehicle pathways. Once the boat ramp location had achieved a political consensus, the site contours forced the locations of site access, parking locations and thus, vehicle routes through the site. The project team feels that the proposed design is the best balance of political, environmental and aesthetic elements.

H. For applications seeking an alteration, addition, rehabilitation, or replacement of existing structures located within the WQRA

1. Demonstrate that no reasonably practicable alternative design or method exists that would have a lesser impact on the WQRA than the one proposed; and

Other alternatives exist that would have a lesser impact on the WQRA but the project team does not believe they are reasonably practicable from a political perspective.

2. If no such reasonably practicable alternative exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource Area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement, or rehabilitation; and

To be addressed by Planning Department

3. Provide mitigation to ensure that impacts to the functions and values of the WQRA will be mitigated or restored to the extent practicable.

Permeable paving materials will be used where ever feasible. In addition the use of swales and planting areas in and surrounding the parking lots will mitigate any impact resulting from the proposed pathways.

I. A WQRA mitigation plan that contains the following information:

1. A description of adverse impacts that will be caused as a result of development;

- Asphalt will cover some areas not previously asphalted.

2. An explanation of how adverse impacts will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E;

- Pathways will be permeable as allowed.
- Swales and planting areas are integrated into parking lots and near all vehicle pathways
- Vehicle pathways are designed to smallest possible width to accommodate vehicles with trailers.

3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site;

The City of Milwaukie is the responsible party and any contractor chosen by the City to perform construction will be recorded.

4. A map showing where the specific mitigation activities will occur;

See maps submitted separately

5. **An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.**

See general mitigation plan.

Vehicle pathways will be constructed along with boat ramp and associated parking.

Stone Steps

G. Alternatives analysis demonstrating that:

1. **No practicable alternatives to development exist that will not disturb the WQRA;**

Proposed Design:

In order to help concentrate shoreline access to a limited hardened area, informal stone seat/steps were included as an element of the park design. The stone seat/steps are located near the amphitheater and extend down below OHW elevation to the water's edge. The seat/steps will occupy 1,184 square feet and displace 65 cubic yards below OHW elevation. The informal nature of their placement will allow for pocket plantings in and around the field of stone, concentrating public use in a very specific area. Large rock will be placed adjacent to the stone seat/steps, where it is necessary to prevent undercutting and scouring (See Sheets 6C, Appendix A and 10H, Appendix B). It was considered necessary to extend the stone seat/steps below the OHW elevation because the actual water level is generally about 13 vertical feet lower during the summer season when park use may be heaviest. This will also allow access to a small beach that is very popular with park users. Stone seat/steps that stop at the OHW elevation would leave an approximately 35-foot expanse of coir matting between the seat/steps and the water. The seat/steps will reduce shoreline erosion, formation of informal trails, and damage to shoreline plantings.

Direct impact to listed fish would be avoided by performing work in the dry during the low water season, and employing erosion control measures to separate the work area from the water. Indirect impact will be minimized by limiting the rock area to the minimum necessary to allow for summer access to the water's edge at the access point.

Alternatives Considered:

- 1) Remove stone seat/steps from design

Benefits:

- Removes impact to WQRA and adds planting and riparian enhancement area

Disadvantages:

- No physical contact with shoreline exists for park users (docks would be only way for users to access the water)
- Potential for informal access areas to be created by the public – negatively impacting the in-water and riparian enhancements

2. **Development in the WQRA is limited to the area necessary to allow for the proposed use; and**

The space proposed for these stone seat/steps was minimized to allow sufficient space for multiple individuals to use simultaneously while not impacting the riparian plantings and crib walls and gabion lifts.

3. The WQRA can be restored to an equal or better condition in accordance with Table 19.322.9.E; and

The proposed seat/steps and surrounding rocks will replace concrete rubble and metal slabs surrounded by blackberries and other invasive plants and trees. With the added planting the proposed condition will be at least equal to the existing condition with a better blend of natural materials placed to provide scour control and bank stabilization. With proposed mitigation along riparian area and upland plantings, any negative impact on existing condition will be more than mitigated.

4. An explanation of the rationale behind choosing the alternative selected

The seat/steps will reduce shoreline erosion, formation of informal trails, and damage to shoreline plantings.

1. A WQRA mitigation plan that contains the following information:

1. A description of adverse impacts that will be caused as a result of development;

- Rock and stone seat/steps will be placed in the WQRA

2. An explanation of how adverse impacts will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E;

Step area will be sized to minimize the impact on the WQRA. Surrounding plantings and enhancements will more than mitigate any impact created. See general mitigation plan above.

3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site;

The City of Milwaukie is the responsible party and any contractor chosen by the City to perform construction will be recorded.

4. A map showing where the specific mitigation activities will occur;

See maps submitted separately

5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

See general mitigation plan.

Klein Point Overlook

G. Alternatives analysis demonstrating that:

1. No practicable alternatives to development exist that will not disturb the WQRA; and

Proposed Design:

The property located at the north end of the Park, referred to as Klein Point, was donated to the City in 2003 by Sharon and Gary Klein. A condition of this donation was that the property remains in a relatively natural state and that a sign, bearing the name “Klein Point” be installed during Park construction. Gary Klein, currently a member of the Riverfront Board, has expressed his support for using the plaza as an interpretive area in which signage might educate park users about Johnson Creek and the former Portland Traction line.

The proposed viewing plaza at the top of Klein Point was designed to minimize the impact to the WQRA. The plaza is 20 feet in diameter and will be made of flag stones set in permeable gravel rather than concrete. There is a low seat wall around the plaza for safety and to prevent random access to Johnson Creek. The 4 ft wide path leading to the viewing area will permeable as well as it will be made of gravel. All invasive species will be removed from this area but a large oak tree and other native plants in this area will be maintained.

The proposed plaza on Klein Point is intended to allow public access to this portion of the property for viewing of the mouth of Johnson Creek and the Willamette River. The park design, in general, attempts to channel park users to specific paths and view points to prevent erosion and plant disturbance on the River and Creek-banks and along the water’s edge.

Alternatives reviewed during design development included:

1) Leave area undeveloped

Under this option, invasive species would be removed from the upland area and creek bank of the site and these areas would be replanted with natives. Fencing would be required to prevent pedestrian access to the area.

Benefits:

- Water Quality Resource Area would remain undisturbed by hardscape
- Bank and riparian areas would be revegetated

Disadvantages:

- Promontory and bank may continue to attract visitors – contributing to erosion and nuisance behaviors (This area hosts a very good view of the Creek and the River which, absent a “formal” viewing area will continue to be accessed and used “informally” by the public – creating continued disturbance to the natural area and accumulation of litter.)
- Interpretive signage opportunities for Johnson Creek and the Portland Traction line would be lost

2) Decrease the diameter of the plaza/viewing area

The diameter of the viewing area could be decreased to 15 feet or less in order to minimize the disturbance in the WQRA.

Benefits:

- Less natural area is disturbed and developed
- More plants may be installed in this area

Disadvantages:

- Not large enough to accommodate small groups of users like (environmental education classes etc.)
- Smaller area of formal viewing space may invite “informal” viewing in native planting areas – causing erosion and plant failure
- Less space available for interpretive signage regarding Portland Traction line and Johnson Creek
- Decreased views of River and Creek
- Diminished Park user experience (less view access)

2. Development in the WQRA is limited to the area necessary to allow for the proposed use;

The proposed viewing plaza at the top of Klein Point was designed to minimize the impact to the WQRA. The plaza is 20 feet in diameter and will be made of flag stones set in permeable gravel rather than concrete. The 4 ft wide path leading to the viewing area will be permeable with a surface of gravel or woodchips. The proposed plaza size is small enough to keep the impact of the development from impacting the natural surroundings and large enough to:

- accommodate the signage proposed
- host several people at one time
- provide a formal viewing area in all directions that would attract viewer attention

3. The WQRA can be restored to an equal or better condition in accordance with Table 19.322.9.E;

The existing vegetative corridor on Klein Point is marginal to good. There is a combination of trees, shrubs and groundcover on 80% of the site and there is about 50% or less tree canopy. Although native plants have been installed by volunteer groups in the past, invasive species have taken over much of the site. The proposed design, while integrating a plaza into this area, would also remove invasive species of plants and introduce additional native plants. This area would also receive regular maintenance which would enhance the existing and additional native plant cover.

4. An explanation of the rationale behind choosing the alternative selected, i

The proposed viewing plaza at the top of Klein Point was designed to minimize the impact to the WQRA. The plaza is 20 feet in diameter and will be made of flag stones set in permeable gravel rather than concrete. The 4 ft wide path leading to the viewing area will be permeable as well as it will be made of gravel. The proposed plaza size is small enough to keep the impact of the development from impacting the natural surroundings and large enough to:

- accommodate the signage proposed
- host several people at one time
- provide a formal viewing area in all directions that would attract viewer attention

H. For applications seeking an alteration, addition, rehabilitation, or replacement of existing structures located within the WQRA

1. Demonstrate that no reasonably practicable alternative design or method exists that would have a lesser impact on the WQRA than the one proposed;

While a smaller viewing area or no viewing area may be feasible, project proponents believe that the advantages of a larger plaza outweigh the minimal impact of the plaza, given the type of materials proposed for its construction. Further, we believe that creating a formal space for viewing will channel pedestrians to “appropriate” areas and prevent them from trampling vegetation and eroding the bank of Johnson Creek by creating foot paths on their own.

2. If no such reasonably practicable alternative exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource Area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement, or rehabilitation; and

To be addressed by Planning Department

3. Provide mitigation to ensure that impacts to the functions and values of the WQRA will be mitigated or restored to the extent practicable.

See general mitigation plan. Upland and Johnson Creek bank vegetation is main mitigation for this impact.

Currently, this area is not maintained and attracts nuisance behaviors such as littering and camping. While some removal of invasive species of plants and installation of native plants has been coordinated over the years, lack of maintenance and attention has prevented benefits of this work from being realized. The integration of this formal viewing area will introduce positive human activity to an area that has lacked supervision. The intent of this viewing area is to channel pedestrian access to the viewing area and to prevent informal pathways to and down the nearby embankment to Johnson Creek.

I. A WQRA mitigation plan that contains the following information:

1. A description of adverse impacts that will be caused as a result of development;

Permeable pathway and 20 foot radius viewing plaza would be placed within the WQRA.

2. An explanation of how adverse impacts will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E;

Pathway to the viewing area would be pervious and plaza could potentially be pervious as well. Surrounding plantings will mitigate some of the impact. See planting plan for details. Currently this area does have significant vegetation but is not well maintained and has been attractive as a homeless camp and informal pathway to the River. A more formal landscape will channel public use in a much more positive way.

3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site;

The City of Milwaukie is the responsible party and any contractor chosen by the City to perform construction will be recorded.

4. A map showing where the specific mitigation activities will occur;

See maps submitted separately

5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

See general mitigation plan.

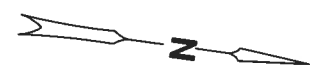
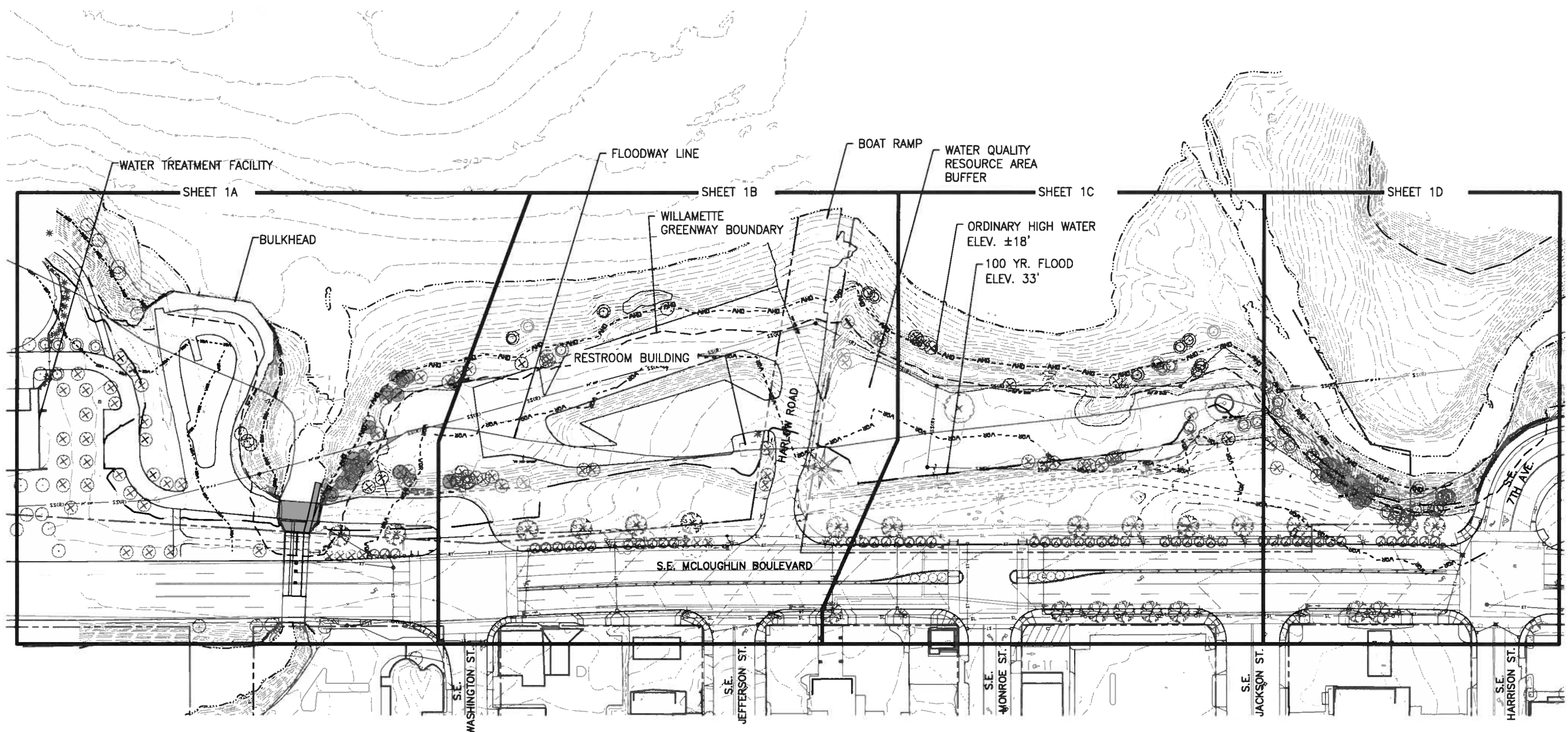
Klein Point may be one of the first phases of the proposed park construction since it can take place before the existing boat ramp and associated parking is removed and replaced.

Vegetation Removal, Grade Changes, and Replanting

As noted in the mitigation plan section, this project is “self mitigating” in that the proposed park design will enhance, rather than degrade, the existing site condition.

Beneficial effects from the project include habitat improvements in riparian and shallow water areas. The river bank will be re-graded, stabilized, and replanted with native vegetation to prevent erosion and potential sedimentation/contamination of salmon habitat. Grading will create a shoreline that features areas of gradual elevation change containing distinct terraces and emergent vegetation. These emergent areas will provide juvenile salmonids additional cover during out-migration and an increased insect prey production. Invasive plants and metal debris will be removed from the riverbank and shoreline areas; larger pieces of concrete rubble will be broken up and removed or recycled onsite. Vegetation will be planted on the bank to create a variety of native plant communities that will eventually provide shade, potential woody debris reserves, allochthonous nutrient contributions to the river, and insect (salmonid prey) production. These actions will cumulatively provide a net benefit by establishing a total of approximately 1.89 acres of native vegetation in the shallow water, riparian, and upland areas impacted by the park’s construction.

The project proponents believe that the proposed site enhancements will more than make up for any potential impact that may be realized by removal of vegetation, grade changes and replanting.



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CITY OF MILWAUKIE		APPROVAL DATE	
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CITY LANDSCAPE ARCHITECT			
COMMUNITY DEVELOPMENT			
PUBLIC WORKS			

PROJECT	MILWAUKIE RIVERFRONT PARK
	PARK IMPROVEMENT PROJECT
	S.E. HARRISON STREET - KELLOGG CREEK
SHEET TITLE	
EXISTING SITE CONDITIONS	

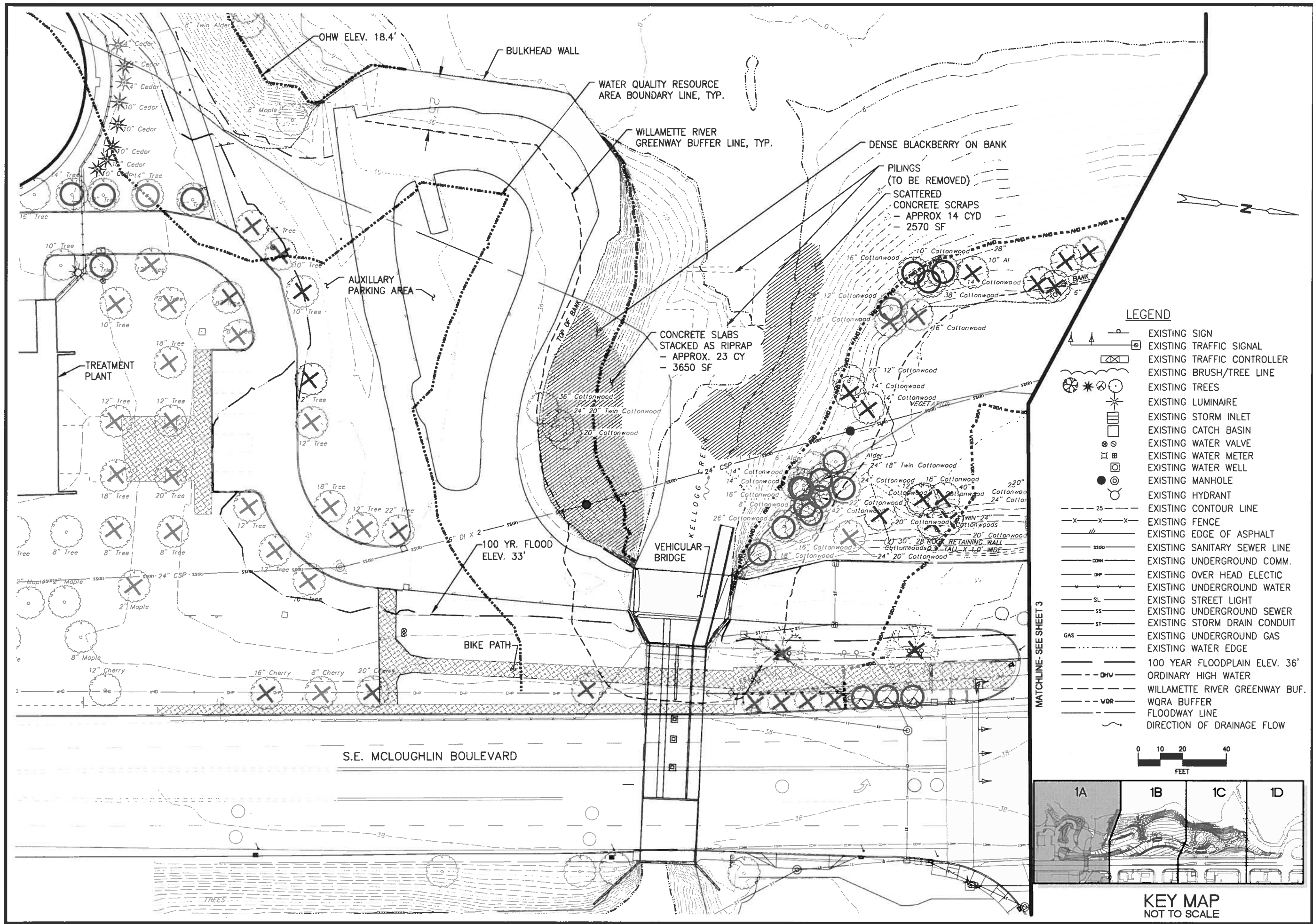
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PRELIMINARY:
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DATE:	01-05-2009
DRN.	BAR
CK.	RGWI

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DAVID EVANS ASSOCIATES
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MILWAUKIE RIVERFRONT PARK
PARK IMPROVEMENT PROJECT
S.E. HARRISON STREET - KELLOGG CREEK

EXISTING SITE PLAN

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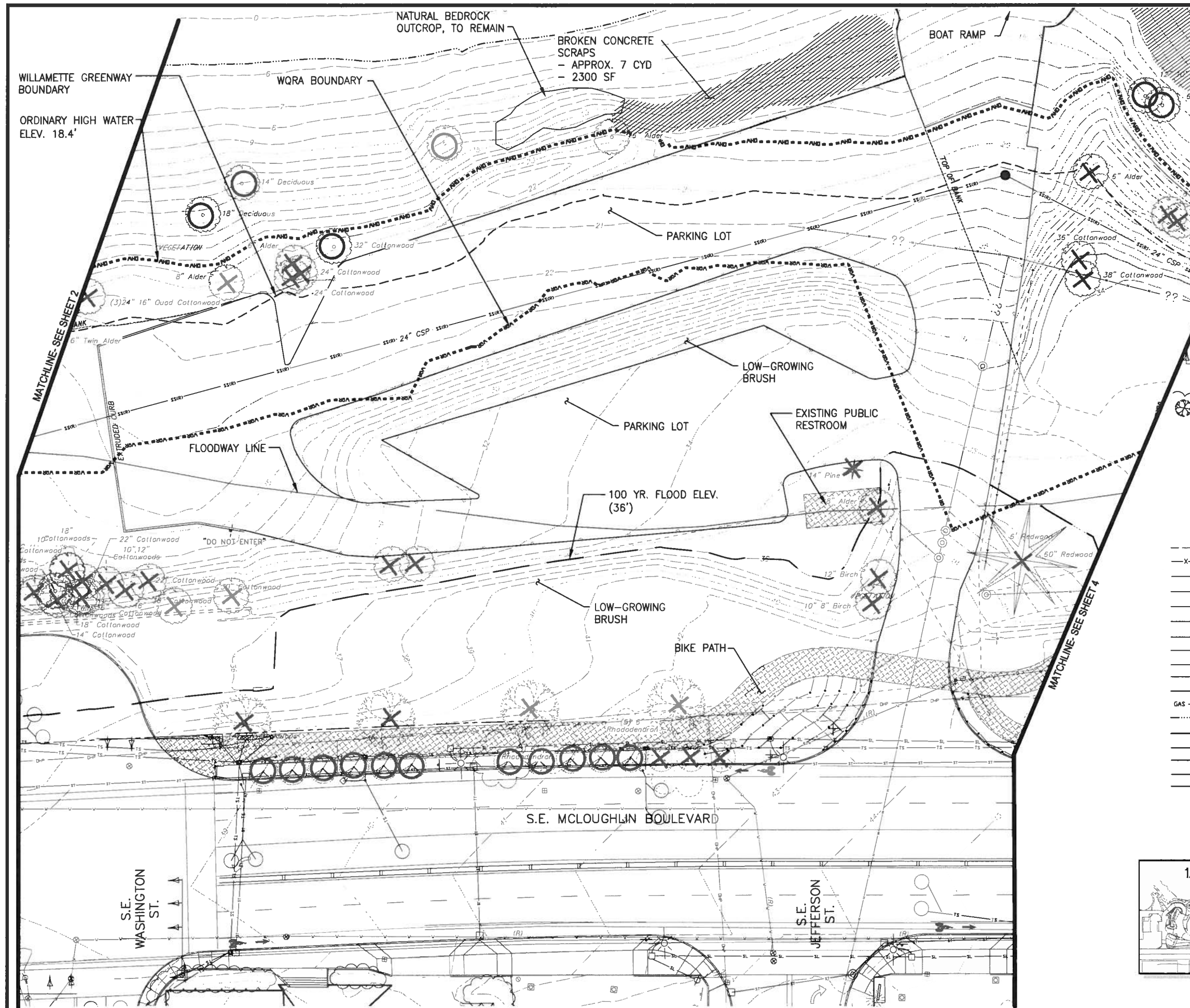
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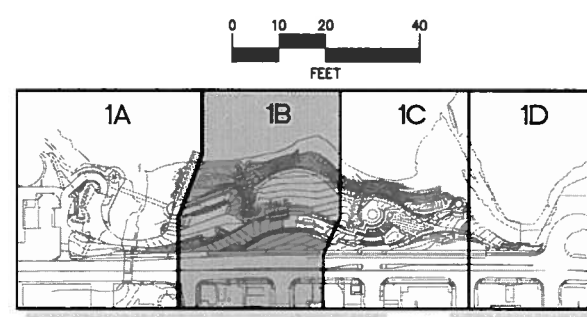
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- LEGEND**
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 - EXISTING TRAFFIC SIGNAL
 - EXISTING TRAFFIC CONTROLLER
 - EXISTING BRUSH/TREE LINE
 - EXISTING TREES
 - EXISTING LUMINAIRE
 - EXISTING STORM INLET
 - EXISTING CATCH BASIN
 - EXISTING WATER VALVE
 - EXISTING WATER METER
 - EXISTING WATER WELL
 - EXISTING MANHOLE
 - EXISTING HYDRANT
 - EXISTING CONTOUR LINE
 - EXISTING FENCE
 - EXISTING TRAFFIC SIGNAL CONDUIT
 - EXISTING EDGE OF ASPHALT
 - EXISTING SANITARY SEWER LINE
 - EXISTING UNDERGROUND COMM.
 - EXISTING OVER HEAD ELECTIC
 - EXISTING UNDERGROUND WATER
 - EXISTING STREET LIGHT
 - EXISTING UNDERGROUND SEWER
 - EXISTING STORM DRAIN CONDUIT
 - EXISTING UNDERGROUND GAS
 - EXISTING WATER EDGE
 - 100 YEAR FLOODPLAIN ELEV. 36'
 - ORDINARY HIGH WATER
 - WILLAMETTE RIVER GREENWAY BUF.
 - WQRA BUFFER
 - FLOODWAY LINE
 - DIRECTION OF DRAINAGE FLOW



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COMMUNITY DEVELOPMENT		
PUBLIC WORKS		

PROJECT	MILWAUKIE RIVERFRONT PARK PARK IMPROVEMENT PROJECT S.E. HARRISON STREET - KELLOGG CREEK
SHEET TITLE	EXISTING SITE PLAN

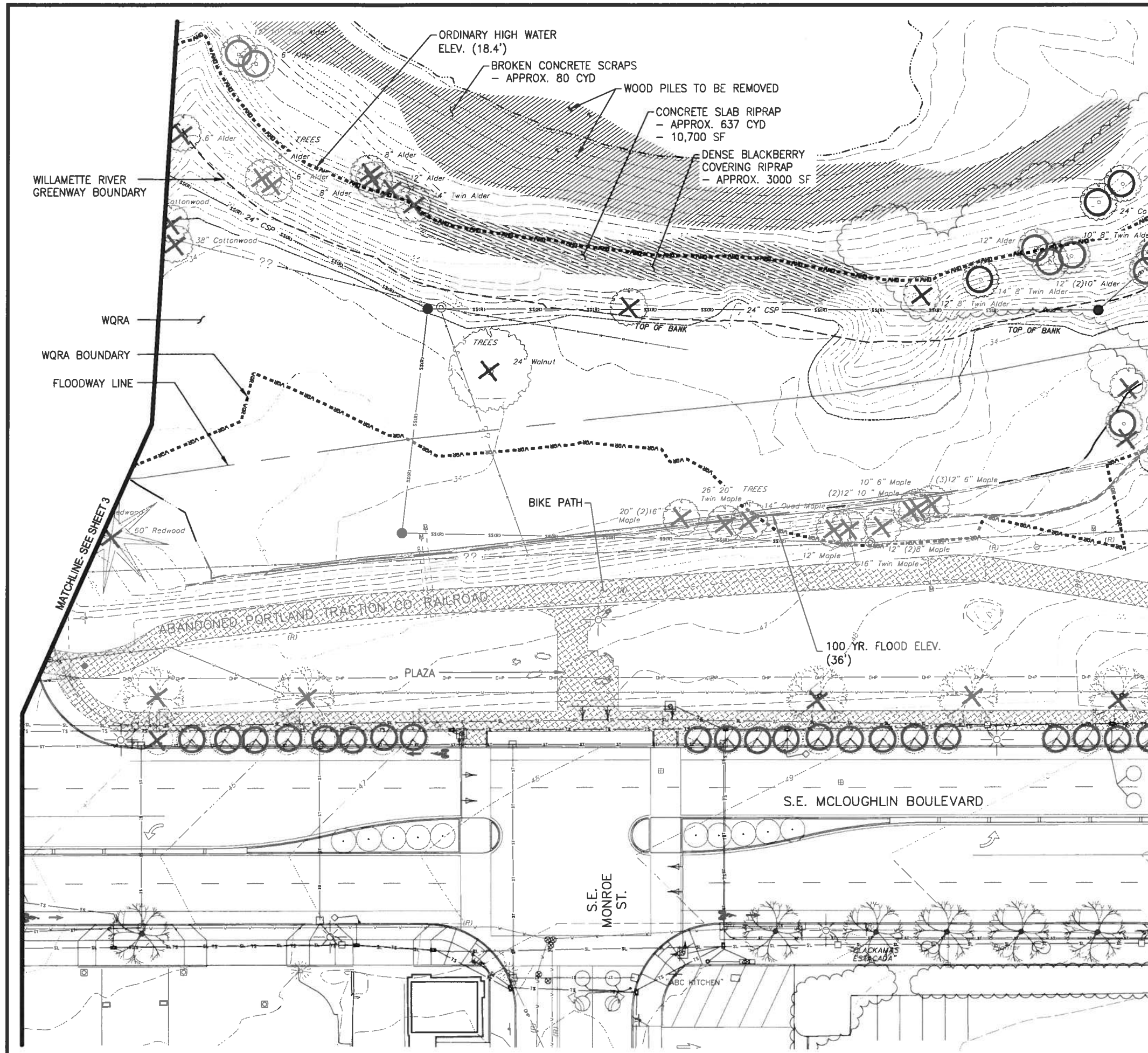
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PRELIMINARY:
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DRN. BAR
CK. BXM

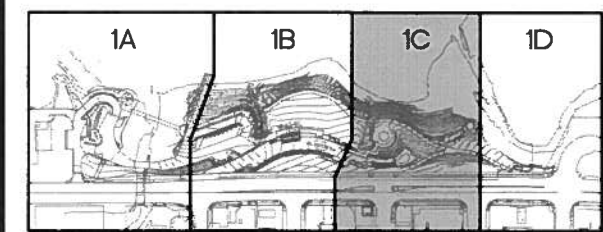
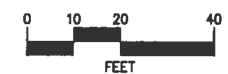
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MATCHLINE-SEE SHEET 5

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 - EXISTING BRUSH/TREE LINE
 - EXISTING TREES
 - EXISTING LUMINAIRE
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 - EXISTING WATER VALVE
 - EXISTING WATER METER
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 - WILLAMETTE RIVER GREENWAY BUF.
 - WQRA BUFFER
 - FLOODWAY LINE
 - DIRECTION OF DRAINAGE FLOW



KEY MAP
NOT TO SCALE

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COMMUNITY DEVELOPMENT			
PUBLIC WORKS			

**MILWAUKIE RIVERFRONT PARK
PARK IMPROVEMENT PROJECT
S.E. HARRISON STREET - KELLOGG CREEK**

EXISTING SITE PLAN

PROJECT SHEET TITLE

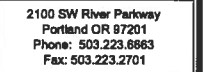
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PRELIMINARY:
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DATE:	2/5/2010
DRN.	BAR
CK.	BXM

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JOB NO. MAEX0000018



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PUBLIC WORKS		

**MILWAUKIE RIVERFRONT PARK
PARK IMPROVEMENT PROJECT
S.E. HARRISON STREET - KELLOGG CREEK**

EXISTING SITE PLAN

SHEET TITLE

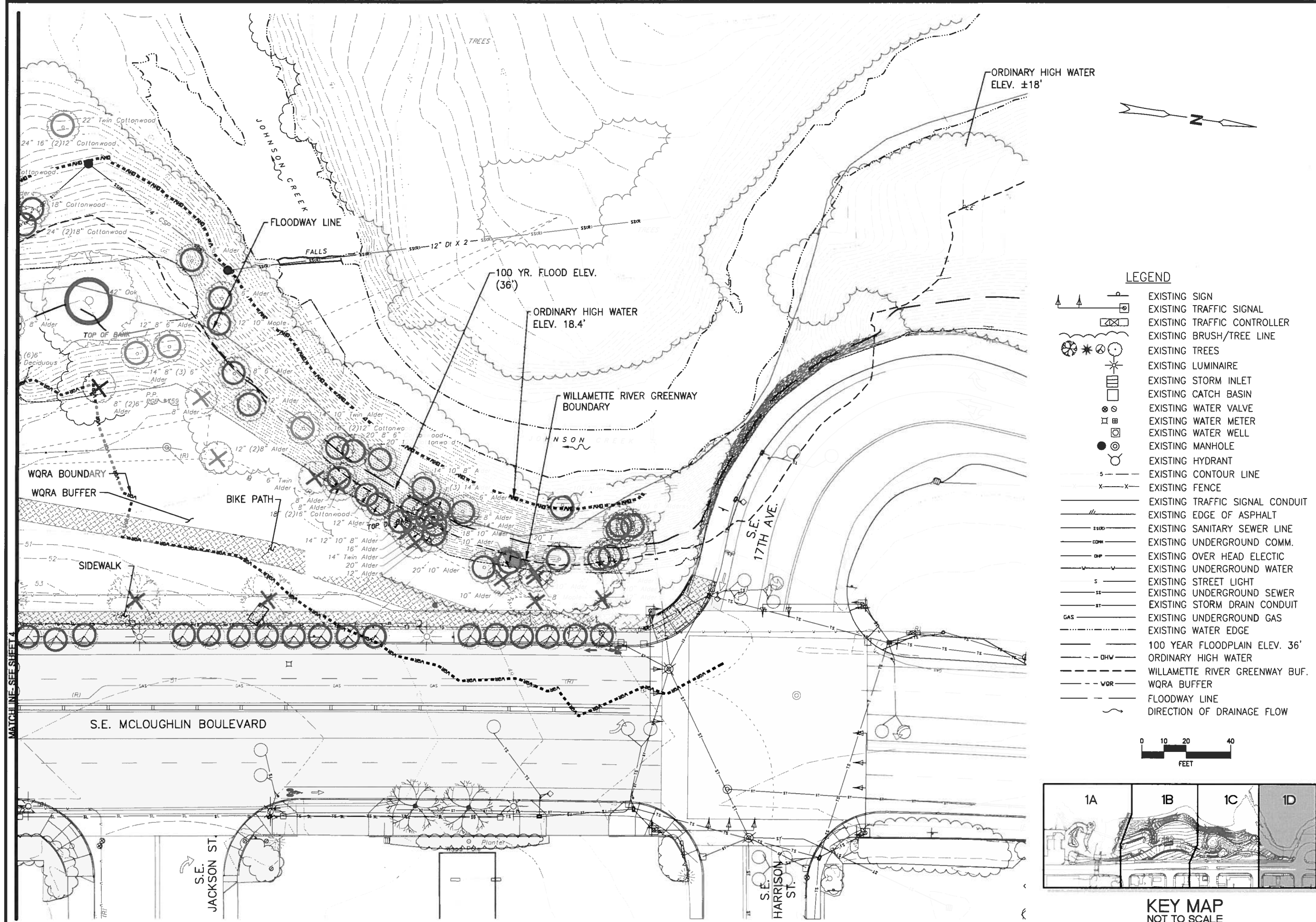
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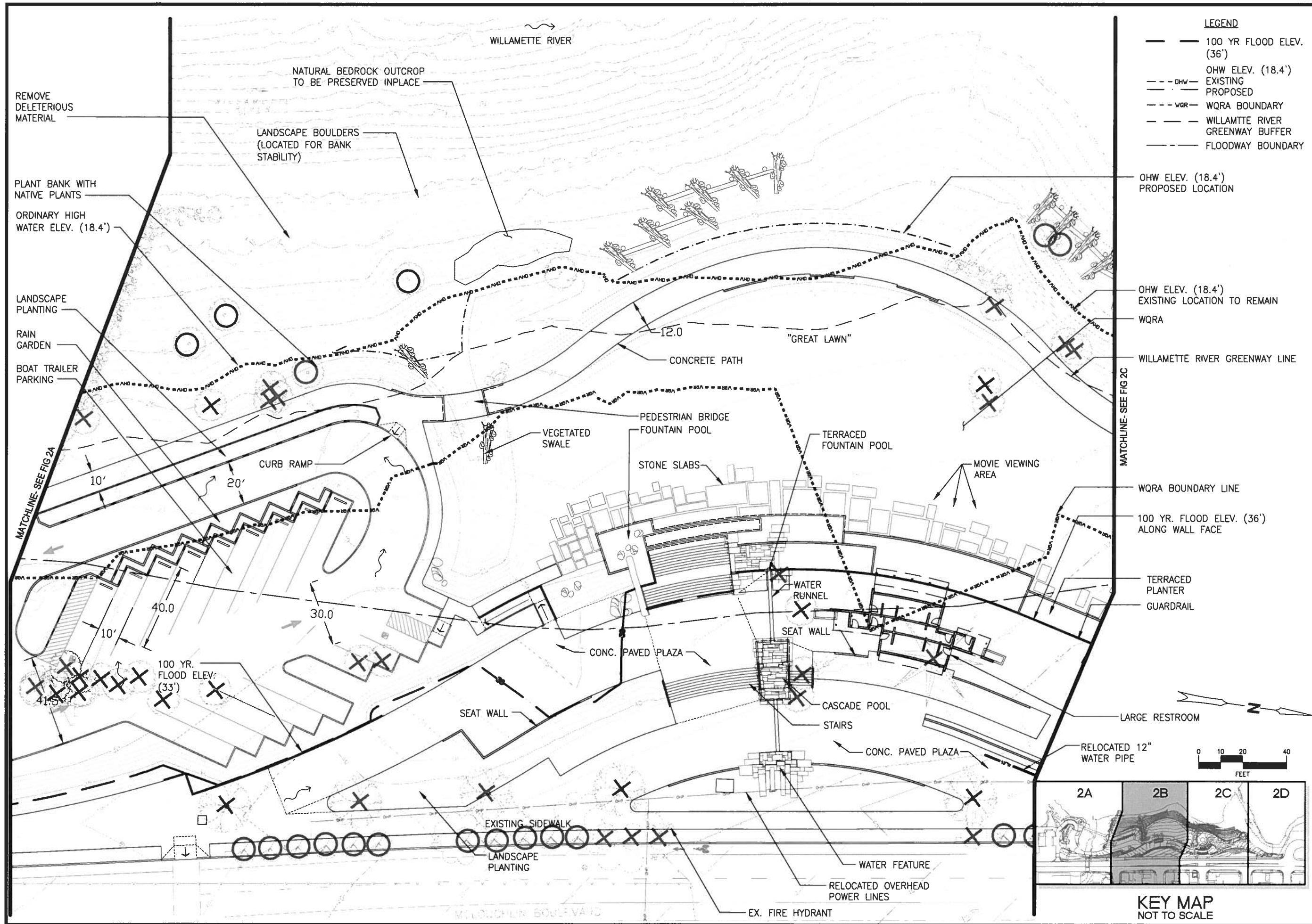
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PRELIMINARY:
NOT FOR CONSTRUCTION

SCALE:	1" = 40'
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PUBLIC WORKS		

PROJECT	MILWAUKIE RIVERFRONT PARK	
	PARK IMPROVEMENT PROJECT	
SHEET TITLE	S.E. HARRISON STREET - KELLOGG CREEK	
	DEVELOPMENT PLAN	

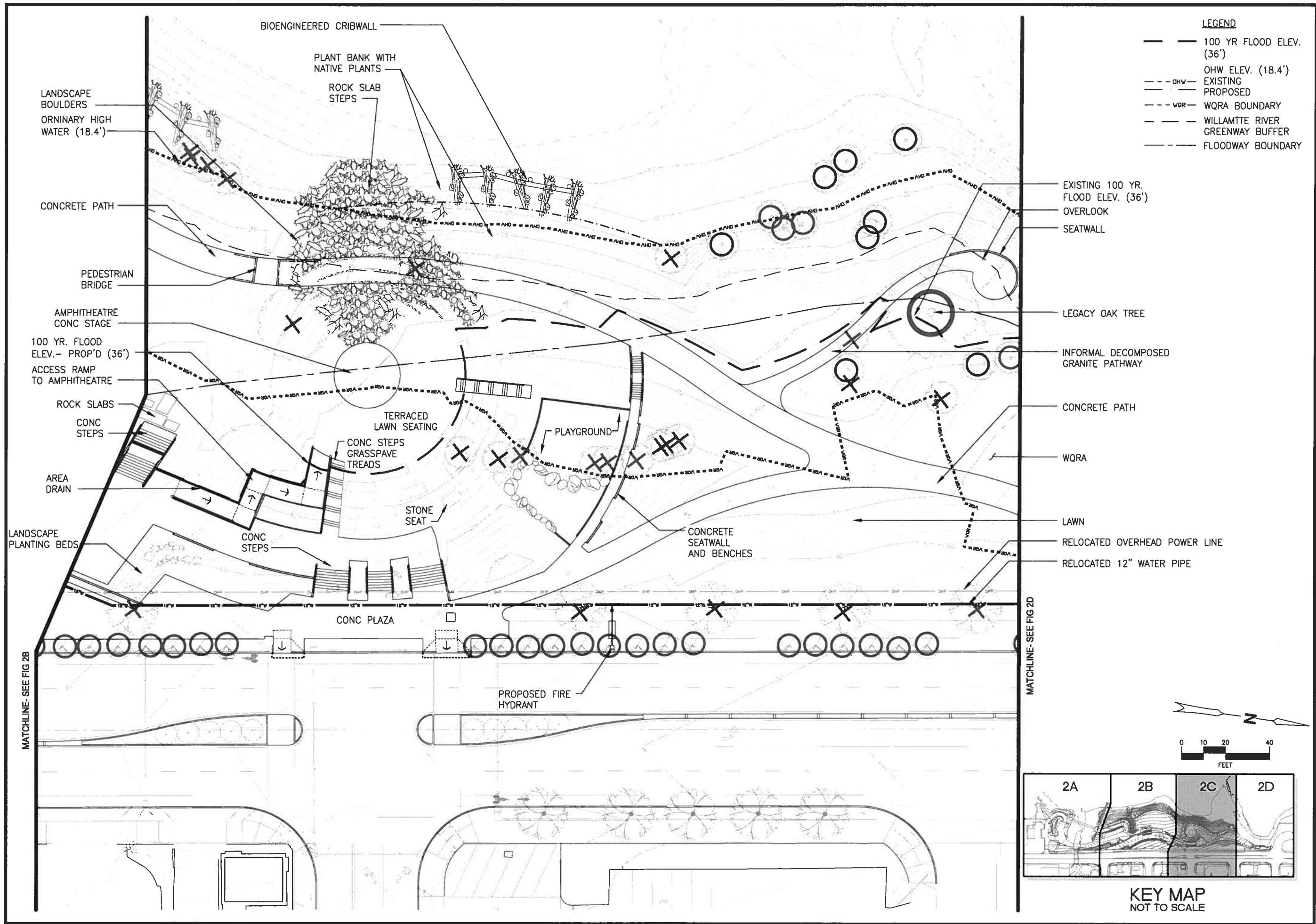
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Fig 2B
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CITY OF MILWAUKIE		APPROVAL DATE
DEPARTMENT	SIGNATURE	
CITY LANDSCAPE ARCHITECT		
COMMUNITY DEVELOPMENT		
PUBLIC WORKS		

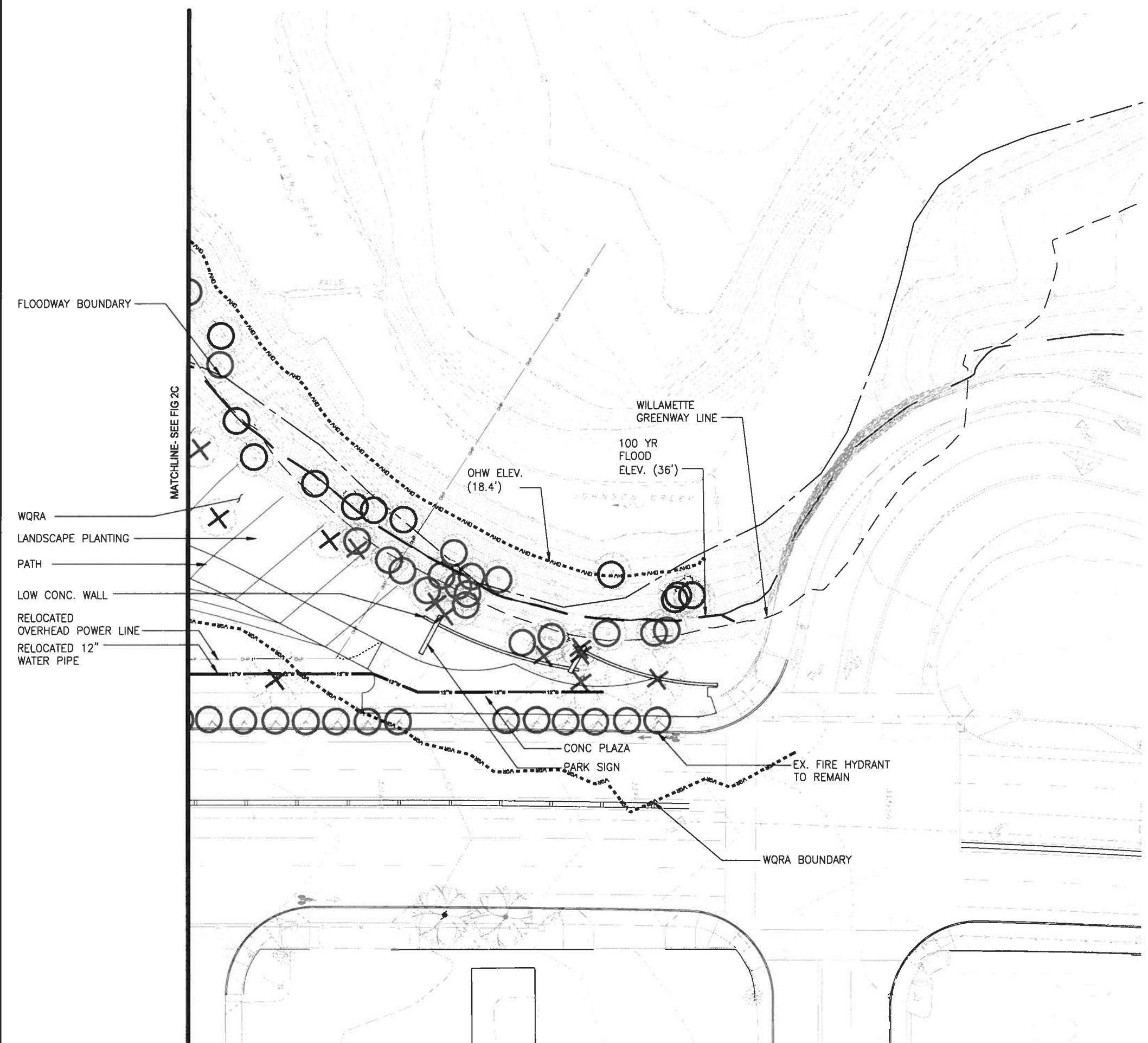
PROJECT	MILWAUKIE RIVERFRONT PARK	
	PARK IMPROVEMENT PROJECT	
SHEET TITLE	S.E. HARRISON STREET - KELLOGG CREEK	
	DEVELOPMENT PLAN	

NO.	DATE	REVISION	BY

PRELIMINARY:
NOT FOR CONSTRUCTION

SCALE:	1" = 40'
DATE:	2/8/2010
DRN.	BAR
CK.	BXM

Fig 2C
JOB NO. MAEX00000018



- LEGEND**
- 100 YR FLOOD ELEV. (36')
 - OHW ELEV. (18.4')
 - EXISTING
 - PROPOSED
 - WQRA BOUNDARY
 - WILLAMETTE RIVER GREENWAY BUFFER
 - FLOODWAY BOUNDARY

FLOODWAY BOUNDARY

MATCHLINE- SEE FIG 2C

WQRA

LANDSCAPE PLANTING

PATH

LOW CONC. WALL

RELOCATED OVERHEAD POWER LINE

RELOCATED 12" WATER PIPE

WILLAMETTE GREENWAY LINE

100 YR FLOOD ELEV. (36')

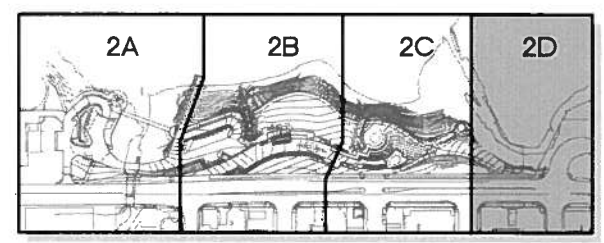
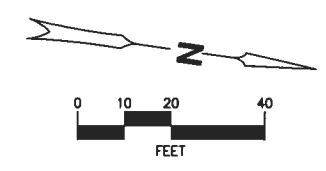
OHW ELEV. (18.4')

CONC PLAZA

PARK SIGN

EX. FIRE HYDRANT TO REMAIN

WQRA BOUNDARY



KEY MAP
NOT TO SCALE



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COMMUNITY DEVELOPMENT		
PUBLIC WORKS		

PROJECT
**MILWAUKIE RIVERFRONT PARK
PARK IMPROVEMENT PROJECT**
S.E. HARRISON STREET - KELLOGG CREEK

SHEET TITLE
DEVELOPMENT PLAN

NO.	DATE	REVISION	BY

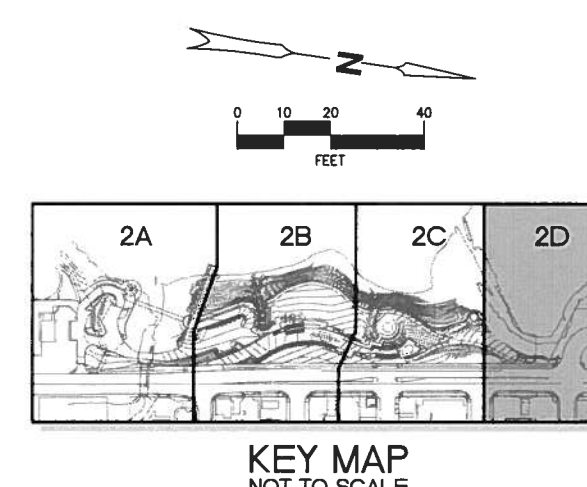
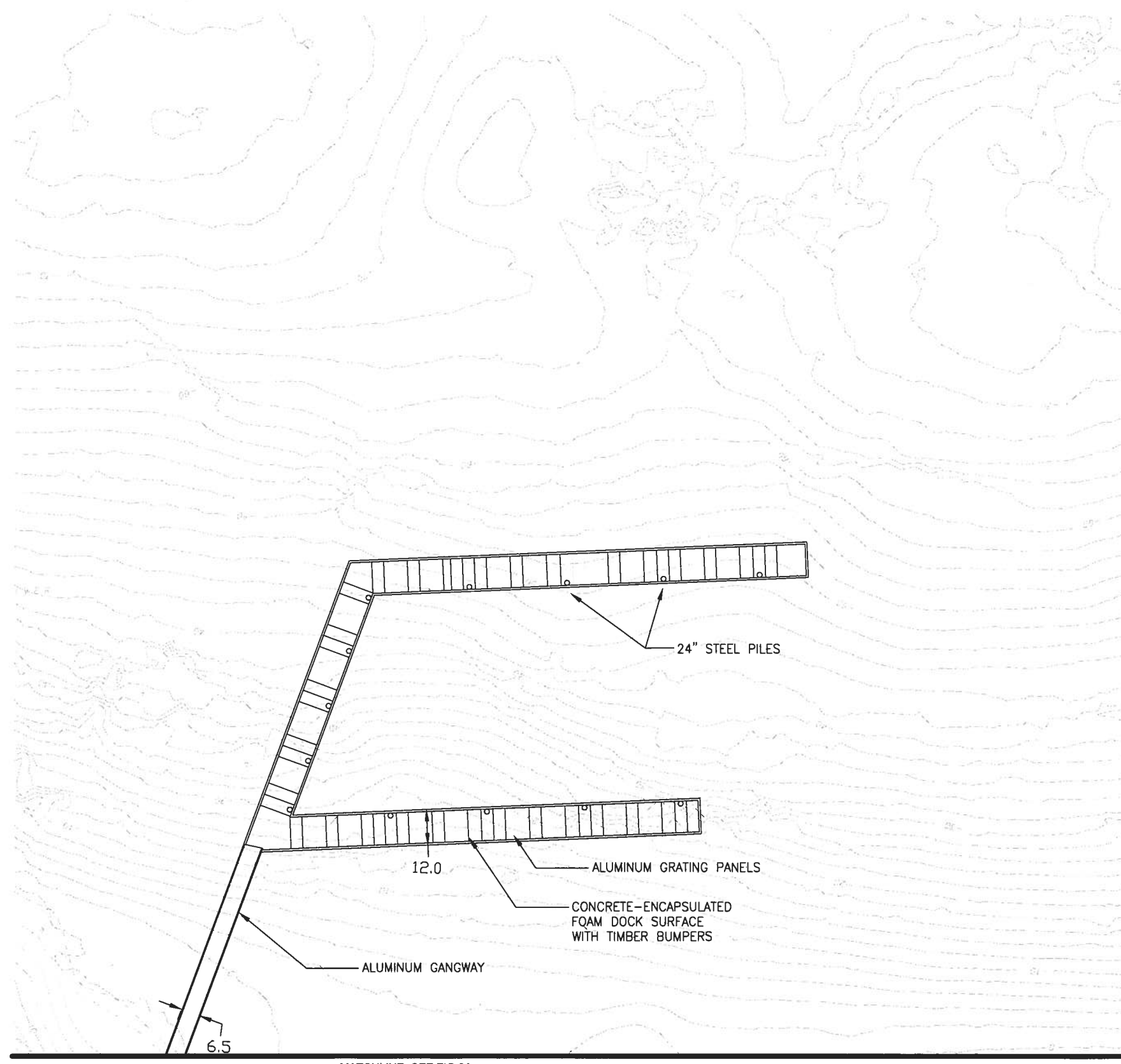
PRELIMINARY:
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SCALE:	1" = 40'
DATE:	2/8/2010
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CK.	BXM

Fig 2D

JOB NO. MAEX00000018

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CITY OF MILWAUKIE			
DEPARTMENT CITY LANDSCAPE ARCHITECT	SIGNATURE	APPROVAL DATE	
COMMUNITY DEVELOPMENT			
PUBLIC WORKS			

PROJECT
MILWAUKIE RIVERFRONT PARK
PARK IMPROVEMENT PROJECT
S.E. HARRISON STREET - KELLOGG CREEK

SHEET TITLE
DEVELOPMENT PLAN

NO.	DATE	REVISION	BY

PRELIMINARY:
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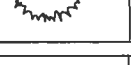
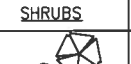
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DRN:	BAR
CK:	BXM

Fig 2E

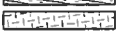
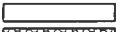
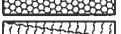
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PLANTING SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME	QUANTITY	CONDITION	SPACING
	ACER MACROPHYLLUM	BIGLEAF MAPLE	2	1½" CAL. B&B	AS SHOWN
	ACER RUBRA 'SUNSET'	SUNSET RED MAPLE	6	2" CAL. B&B	AS SHOWN
	ALNUS RUBRA	RED ALDER	34	1½" CAL. B&B	AS SHOWN
	CORNUS CONTROVERSA	GIANT DOGWOOD	1	2" CAL. B&B	AS SHOWN
	CORNUS 'EDDIE'S WHITE WONDER'	EDOIE'S WHITE WONDER DOGWOOD	8	2" CAL. B&B	AS SHOWN
	CORNUS MAS	CORNELIAN CHERRY DOGWOOD	4	1½" CAL. B&B	AS SHOWN
	FAGUS 'DAWYCK'	DAWYCK FASTIGATE BEECH	4	1½" CAL. B&B	AS SHOWN
	FRAXINUS LATIFOLIA	OREGON ASH	14	1½" CAL. B&B	AS SHOWN
	NYSSA SYLVATICA	BLACK TUPELO	17	2" CAL. B&B	AS SHOWN
	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	8	6' HT., B&B	AS SHOWN
	POPULUS TREMULA 'ERECTA'	SWEDISH ASPEN	18	1½" CAL. B&B	AS SHOWN
	QUERCUS GARRYANA	OREGON WHITE OAK	7	1½" CAL. B&B	AS SHOWN
	QUERCUS PHELLOS	WILLOW OAK	4	2" CAL. B&B	AS SHOWN
	SALIX SITCHENSIS	SITKA WILLOW	33	NO. 5 CONT.	AS SHOWN
	SALIX SCOULERIANA	SCOULER'S WILLOW	21	NO. 5 CONT.	AS SHOWN
	SEQUOIA SEMPERVIRENS	REDWOOD	2	10' HT., B&B	AS SHOWN

SHRUBS					
	ACER CIRCINATUM	VINE MAPLE	4	NO. 5 CONT.	AS SHOWN
	AMELANCHIER ALNIFOLIA	SERVICEBERRY	28	NO. 2 CONT.	AS SHOWN
	ANDROMEDA POLIFOLIA	BOG ANDROMEDA	62	NO. 1 CONT.	AS SHOWN
	AZALEA SPP.	AZALEA CULTIVAR	4	NO. 1 CONT.	AS SHOWN
	CALLUNA SPP.	WHITE HEATHER	118	NO. 1 CONT.	AS SHOWN
	CALLUNA 'DARK BEAUTY'	'DARK BEAUTY' HEATHER	154	NO. 1 CONT.	AS SHOWN
	CALLUNA 'ROBERT CHAPMAN'	HEATHER 'ROBERT CHAPMAN'	80	NO. 1 CONT.	AS SHOWN
	CAREX ELATA	TUFTED SEDGE	409	NO. 2 CONT.	AS SHOWN
	CEANOTHUS SSP.	CEANOTHUS CULTIVAR	18	NO. 1 CONT.	AS SHOWN
	CHAMAECYPARIS OBTUSA 'GRACILIS'	HINOKI CYPRESS	5	NO. 5 CONT.	AS SHOWN
	CORYLOPSIS	WINTER HAZEL	4	NO. 5 CONT.	AS SHOWN
	CORYLUS CORNUTA	WESTERN HAZELNUT	23	NO. 2 CONT.	AS SHOWN
	CORNUS SERICEA	REDTWIG DOGWOOD	44	NO. 1 CONT.	AS SHOWN
	CORNUS SERICEA 'KELSEY'	KELSEY DWARF REDTWIG DOGWOOD	108	NO. 1 CONT.	AS SHOWN
	DISANTHUS CERCIDIPHYLLUM	DISANTHUS	62	NO. 2 CONT.	AS SHOWN
	ERICA CARNEA	HEATH CULTIVAR	4	NO. 1 CONT.	AS SHOWN
	GARRYA ELIPTICA	SILK TASSEL	18	NO. 1 CONT.	AS SHOWN
	HAMAMELIS X INTERMEDIA 'DIANE'	DIANE WITCH HAZEL	4	NO. 5 CONT.	AS SHOWN
	HELLEBORE SSP.	HELLEBORE CULTIVAR	49	NO. 1 CONT.	AS SHOWN
	HEMEROCALLIS SPP.	RED DAYLILY	67	NO. 1 CONT.	AS SHOWN
	HETEROMELES ARBUTIFOLIA	TOYON	10	NO. 2 CONT.	AS SHOWN
	HOLODISCUS DISCOLOR	OCEANSPRAY	40	NO. 1 CONT.	AS SHOWN
	MAHONIA AQUIFOLIUM	TALL OREGON GRAPE	89	NO. 2 CONT.	AS SHOWN
	OEMLERIA CERASIFORMIS	INDIAN PLUM	4	NO. 1 CONT.	AS SHOWN
	PENNISETUM SPP.	FOUNTAIN GRASS CULTIVAR	4	NO. 1 CONT.	AS SHOWN
	PHILADELPHUS SPP.	MOCK ORANGE CULTIVAR	122	NO. 2 CONT.	AS SHOWN
	PHYSOCARPUS CAPITATUS	PACIFIC NINEBARK	17	NO. 1 CONT.	AS SHOWN
	RIBES SANGUINEUM	RED FLOWERING CURRANT	25	NO. 2 CONT.	AS SHOWN
	RHODODENDRON AUGUSTINII	BLUE RHODODENDRON	20	NO. 5 CONT.	AS SHOWN
	RHODODENDRON MOLLE	MOLLIS AZALEA	23	NO. 1 CONT.	AS SHOWN
	RHODODENDRON LUTESCENS	YELLOW RHODODENDRON	8	NO. 5 CONT.	AS SHOWN
	ROSMARINUS SPP.	TALL ROSEMARY CULTIVAR	4	NO. 2 CONT.	AS SHOWN
	RUBUS SPECTABILIS	SALMONBERRY	4	NO. 1 CONT.	AS SHOWN
	SPIRAEA BUMALDI SPP.	SPIRAEA SPP.	136	NO. 1 CONT.	AS SHOWN
	SYMPHORICARPOS ALBUS	SNOWBERRY	45	NO. 1 CONT.	AS SHOWN
	VACCINIUM OVATUM	EVERGREEN HUCKLEBERRY	130	NO. 2 CONT.	AS SHOWN
	VACCINIUM SPP	BLUEBERRY CULTIVAR	34	NO. 2 CONT.	AS SHOWN

GROUNDCOVERS	BOTANICAL NAME	COMMON NAME	QUANTITY	CONDITION	SPACING
	CAREX OBNUPTA	SLOUGH SEDGE			
	CORNUS SERICEA 'KELSEY'	DWARF REDTWIG DOGWOOD			
	DESCHAMPSIA CAESPITOSA	TUFTED HAIRGRASS			
	GAULTHERIA SHALLON	SALAL			
	JUNCUS EFFUSUS	COMMON RUSH			
	MAHONIA REPENS	CREEPING MAHONIA			
	PHYSOCARPUS CAPITATUS	PACIFIC NINEBARK			
	SPIRAEA DOUGLASII	HARD HACK			
	ROSA SPP. /SYMPHORICARPOS	ROSA SPP. /SYMPHORICARPOS			
	ARCTOSTAPHYLLOS UVA-URSI	KINNIKINNICK			
	IRIS DOUGLASIANA/IRIS ENSATA	DOUGLAS IRIS/JAPANESE IRIS			
	ROSA PISOCARPA	SWAMP ROSE			
	DICENTRA FORMOSA	WESTERN BLEEDINGHEART			
	DESCHAMPSIA CAESPITOSA	TUFTED HAIR GRASS			
	ROSA MEIDELAND				

SEED MIXES

	BOTANICAL NAME / COMMON NAME	QTY.	APPLICATION RATE	
SEED MIX 1 LAWN AREAS	LOLIUM PERENNE 'CELEBRATION' / CELEBRATION PERENNIAL RYEGRASS FESTUCA RUBRA SPP. COMMUTATA / SILHOUETTE CHEWINGS FESCUE FESTUCA RUBRA 'GIBALTER' / GIBALTER CREEPING FESCUE	65,000 SF	8 LBS*/1000 SF	60% 20% 20%
SEED MIX 2 NATIVE UPLANDS	LOLIUM / ANNUAL RYEGRASS FESTUCA OVINA / SHEEP FESCUE FESTUCA RUBRA 'RUBRA' / NATIVE RED FESCUE BROMUS CARINATUS / CALIFORNIA BROME HOLODISCUS DISCOLOR / OCEANSPRAY ROSA NUTKANA / NOOTKA ROSE SAMBUCUS RACEMOSA / RED ELDERBERRY MAHONIA AQUIFOLIUM / OREGON GRAPE	13,612 SF	3 LBS*/1000 SF	20% 20% 20% 5% 5% 5% 5%
SEED MIX 3 RIPARIAN MIX				

*PURE LIVE SEED



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COMMUNITY DEVELOPMENT				
PUBLIC WORKS				

PROJECT	MILWAUKIE RIVERFRONT PARK PARK IMPROVEMENT PROJECT S.E. HARRISON STREET - KELLOGG CREEK	SHEET TITLE	PLANTING SCHEDULE PRELIMINARY
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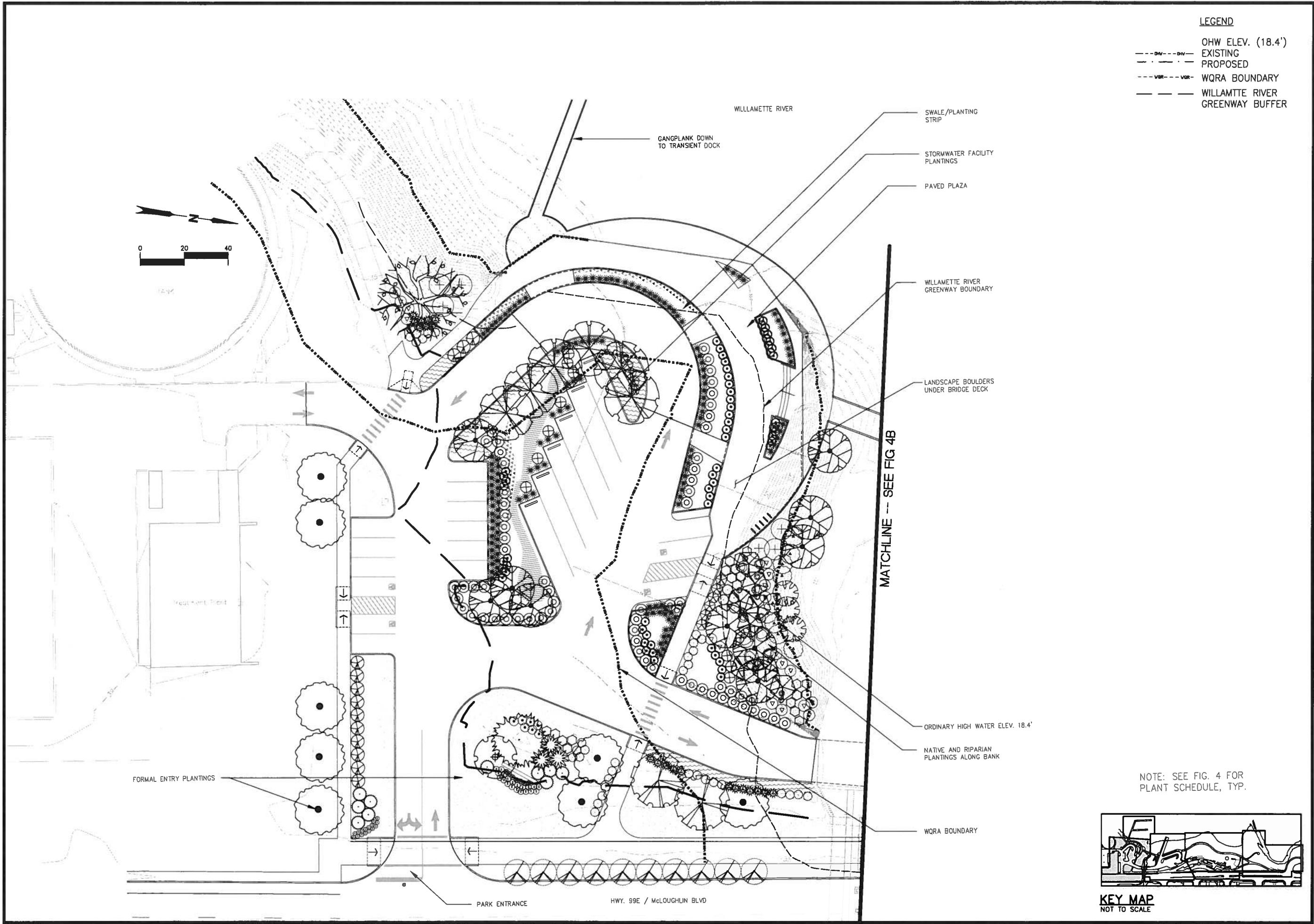
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PRELIMINARY:
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SCALE:	AS SHOWN
DATE:	2-02-2010
DRN.	BAR
CK.	BXM

FIG 4
JOB NO. MAEX00000018

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PUBLIC WORKS			

PROJECT	MILWAUKIE RIVERFRONT PARK
	PARK IMPROVEMENT PROJECT
	S.E. HARRISON STREET - KELLOGG CREEK
SHEET TITLE	
PRELIMINARY PLANTING PLAN	

NO.	DATE	REVISION	BY

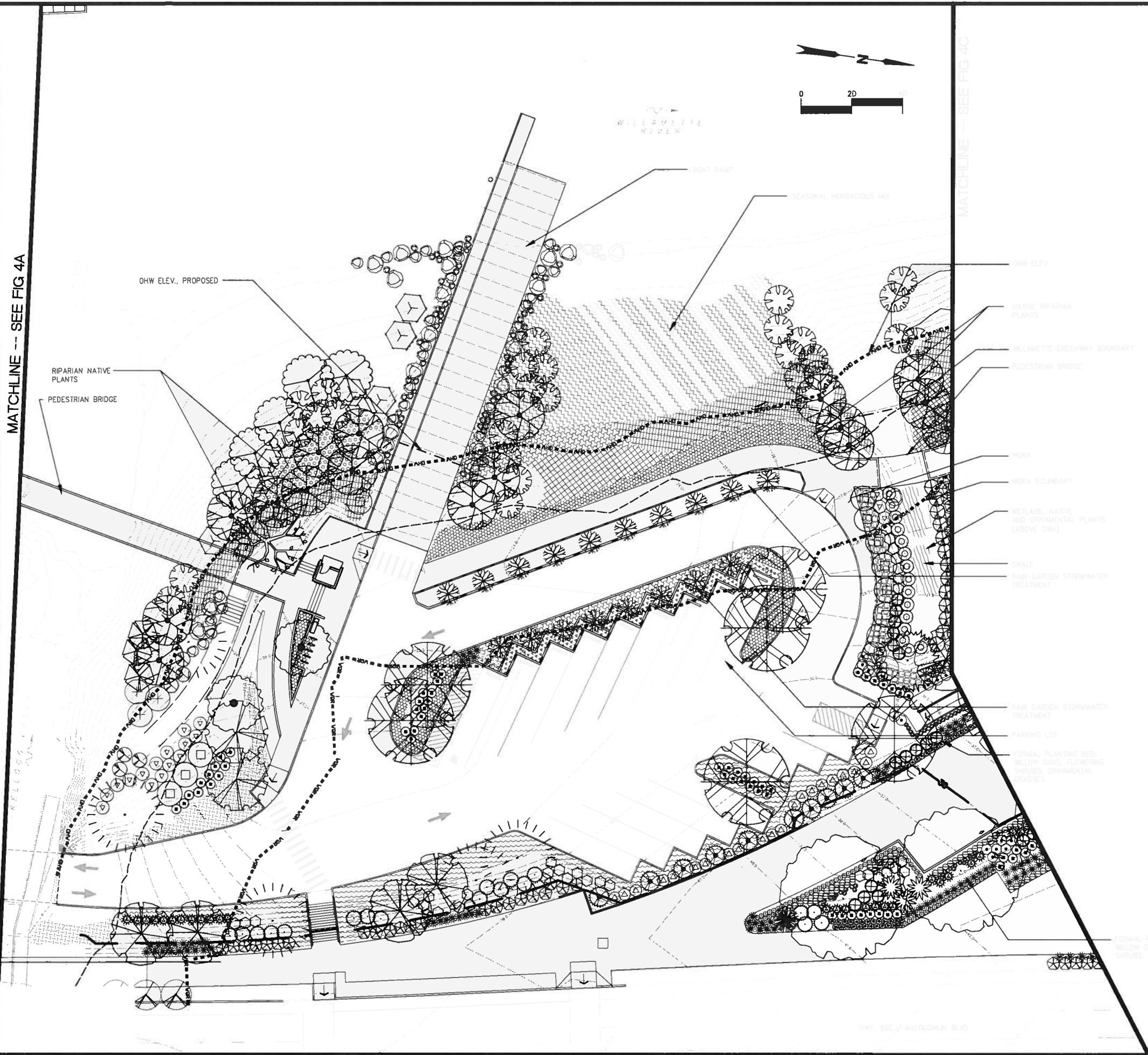
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DRN:	BAR
CK:	BXM

Fig 4A
JOB NO. MAEX00000018

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MATCHLINE --- SEE FIG 4A



LEGEND

- OHW ELEV. (18.4')
- EXISTING
- PROPOSED
- WQRA BOUNDARY
- WILLAMETTE RIVER GREENWAY BUFFER



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CITY LANDSCAPE ARCHITECT		
COMMUNITY DEVELOPMENT		
PUBLIC WORKS		

PROJECT
**MILWAUKIE RIVERFRONT PARK
PARK IMPROVEMENT PROJECT**
S.E. HARRISON STREET - KELLOGG CREEK

SHEET TITLE
PRELIMINARY PLANTING PLAN

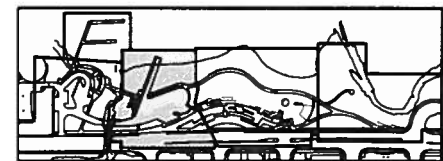
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DRN. BAR
CK. BXM

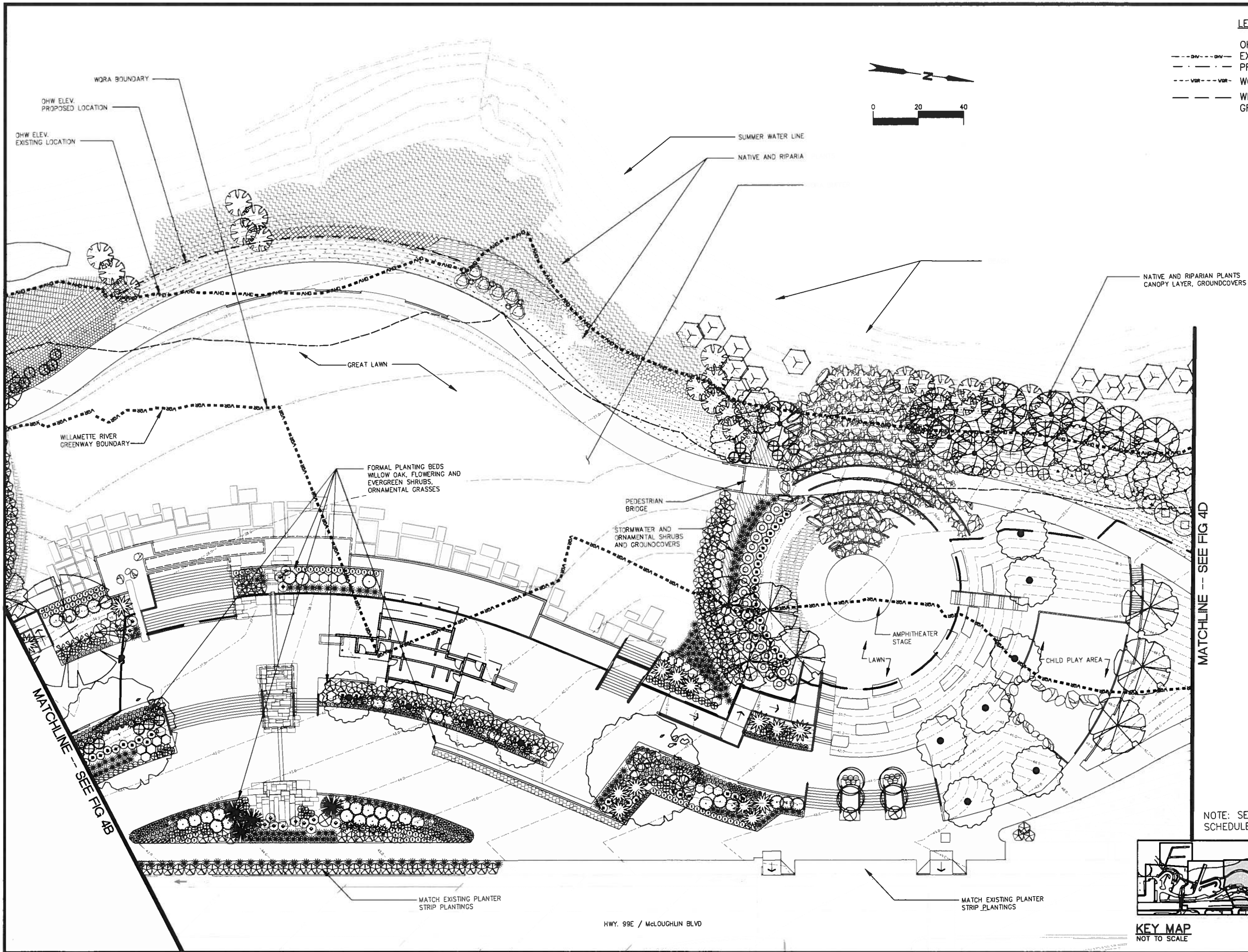
Fig 4B

JOB NO. MAEX00000018



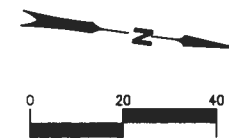
KEY MAP
NOT TO SCALE

MATCHLINE -- SEE FIG 4B



LEGEND

- OHV ELEV. (18.4')
- EXISTING
- PROPOSED
- WQRA BOUNDARY
- WILLAMETTE RIVER GREENWAY BUFFER



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PROJECT	MILWAUKIE RIVERFRONT PARK	
	PARK IMPROVEMENT PROJECT	
	S.E. HARRISON STREET - KELLOGG CREEK	
SHEET TITLE	PRELIMINARY PLANTING PLAN	
	SHEET 3	

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Fig 4C

JOB NO. MAEX00000018

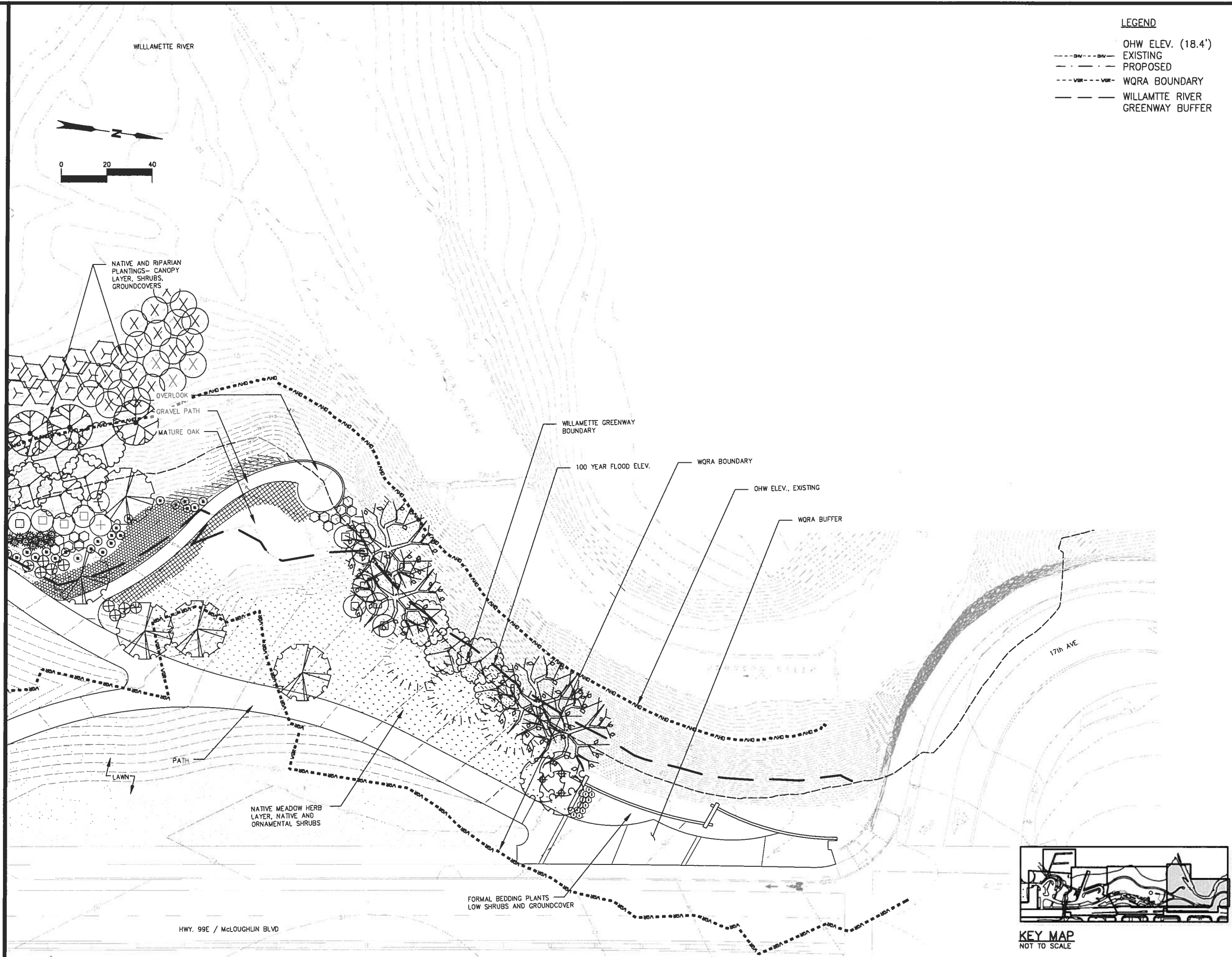
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KEY MAP
NOT TO SCALE



NOTE: SEE FIG 4 FOR PLANT SCHEDULE

MATCHLINE -- SEE FIG 4C



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CITY OF MILWAUKIE			
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CITY LANDSCAPE ARCHITECT			
COMMUNITY DEVELOPMENT			
PUBLIC WORKS			

PROJECT	MILWAUKIE RIVERFRONT PARK PARK IMPROVEMENT PROJECT S.E. HARRISON STREET - KELLOGG CREEK
SHEET TITLE	PRELIMINARY PLANTING PLAN

NO.	DATE	REVISION	BY

PRELIMINARY:
NOT FOR CONSTRUCTION

SCALE:	AS SHOWN
DATE:	02-02-2010
DRN.	BAR
CK.	BOM

Fig 4D
JOB NO. MAEX00000018

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November 16, 2009

Mr. Ryan Marquardt, Associate Planner
City of Milwaukie
6101 S.E. Johnson Creek Blvd.
Milwaukie, OR 97206

Subject: Riverfront Park Project Review

Dear Ryan:

We have reviewed the Water Quality Resource Review prepared by David Evans and Associates, Inc. (DEA) for the Riverfront Park Project according to your request and have several comments. Overall, there are many beneficial aspects of the project, such as removing debris from the shoreline of the Willamette River, improving fish habitat, treating stormwater, and planting native vegetation. However some aspects of the proposed action may benefit from additional analysis.

Some aspects of the proposal do not seem appropriate for the site, such as the pedestrian bridge over Kellogg Creek. The bridge is proposed to decrease the amount of time a boat is left unattended while the owner parks the boat trailer, or retrieves his or her trailer from the south parking lot (which only provides six boat trailer parking spaces). The amount of time saved is estimated at one to two minutes, which does not seem like an appropriate justification for constructing a bridge in the WQRA. The pedestrian plaza also appears too expansive for the area. If the plaza were reduced, the great lawn could be shifted away from the shoreline to allow for more native planting areas within the Water Quality Resource Area (WQRA).

The application does not analyze the impacts of several project components to the WQRA such as re-location of the boat ramp, the pedestrian bridge over Kellogg Creek, proposed parking areas, pedestrian paths, and the amphitheatre. Reasonable project alternatives for these project components are not discussed. Removal of native trees from the WQRA's is not justified or quantified and no mitigation is provided. At least a portion of the proposed habitat restoration areas should be formalized as mitigation. The proposed planting list is generally suitable, but several cultivars and non-native species such as Swedish aspen, black tupelo, and willow oak are included within the WQRA. We recommend using only native species identified on the Metro native plant list for planting within the WQRA. Additionally, proposed plants should be specified using the complete scientific name.

The figures in the application are inconsistent regarding how the sheets are broken out to show various parts of the project area. The sheet breakdown varies from one set of figures to another, increasing the amount of time necessary to interpret them. Not all pertinent parts of the project area are shown on all sheets; most notably, the area of the proposed transient dock and boat ramp are not included.

Specific comments for each WQRA code requirement are provided as follows:

19.332.9 Application Requirements

A. Contour requirements are sufficiently addressed. But see "B" below.

Ryan Marquardt
 November 16, 2009
 Page 2

- B. The application is lacking a figure that shows the WQRA boundaries along with all existing natural features. Figure 11 in Tab “B” of the application shows the WQRA boundaries but not all existing natural features. Vegetation communities are only vaguely located on Figure 2 of the 2004 Natural Resource Assessment (NRA; Tab “F”) and WQRA boundaries are only generally sketched in. An overlay of the WQRA boundaries on an aerial photo would be helpful (such as on Figure 2 in the BA, Tab “F”).

The trees in the WQRA are not adequately shown and the basalt outcrop is not identified on the figures. There are several large cottonwoods on the south side of Kellogg Creek, west of the bridge, that are not shown. It also appears that the tree locations on the north side of Kellogg Creek are incorrect. The existing site condition figures show a carton canopy polygon for trees on the north side of Kellogg Creek and along the Willamette River shoreline. Trees should be depicted by species, number, and size to allow a reviewer to determine tree removal impacts and appropriate mitigation.

- C. Sufficiently addressed.
- D. Debris and noxious materials are adequately described in the application and are shown on a combination of plan views and profiles (Figures 4A, 4C, and 5C – although submerged debris reported to be below the sheet pile wall is not shown). Showing all debris and noxious materials on one plan view with the WQRA boundaries identified would be helpful.
- E. Sufficiently described in the 2004 NRA.
- F. Sufficiently described in the 2004 NRA.
- G1. Not sufficiently described. The current analysis is not specific enough and presents project alternatives as fixed packages. The analysis should focus on specific components of Alternative C. For example, no alternatives to the pedestrian bridge over Kellogg Creek are provided or discussed. This pedestrian bridge is an impact to the WQRA and other options should be discussed, such as a cantilevered walkway adjacent to the existing Kellogg Creek Bridge. At a minimum, more justification for the bridge, a discussion of bridge construction impacts, and mitigation should be provided. Additionally, the application is lacking a thorough exploration of boat ramp alternatives. Re-building the boat ramp in its current location should be more thoroughly discussed as an option. Instead, this option is quickly dismissed for not maximizing uninterrupted open space. But if the ramp is reconstructed in place, could the parking be shifted to the north, leaving the center of the park for open space?
- G2. Not sufficiently described. The response to this code requirement is too limited because it assumes that the only alternative to the proposed development is constructing the proposed park outside of the WQRA’s. However, there are several aspects of the proposed project that could potentially be scaled back or removed – such as the pedestrian bridge over Kellogg Creek. This bridge does not appear appropriate for the site. The application states that the project area is a relatively small site and also reports that the pedestrian bridge over Kellogg Creek is a safety feature for boaters parking or retrieving their trailers. During our site visit on October 9, 2009, we determined that the pedestrian bridge would reduce travel time between the southern

Ryan Marquardt
November 16, 2009
Page 3

parking area and an unattended boat by one to two minutes. This does not seem like a significant time saving measure, especially because the site is small enough for a person to walk across the existing bridge over Kellogg Creek in a short amount of time. The other two small bridges are also not sufficiently described or justified.

- G3. Quantification and a clearer description of proposed impacts in the WQRA would be helpful to support the statement that the project would result in a net benefit to habitat. For example, the application states that most of the existing vegetation in the project area would be removed, including several large trees. But the numbers of trees to be removed and approximate sizes are not provided. The applicant should provide a table that describes the size, quantity and species of trees (over 6" caliper) proposed for removal in order to determine appropriate mitigation. Also, the existing versus the proposed amount of impervious surface in the WQRA is not provided. The stormwater report covers the entire project area, and appears to adequately address capturing and treating stormwater – but the net increase within the WQRA should be described.

The application also states that replacement of the boat ramp will improve habitat by reducing the area of fill material along the banks of the Willamette. This statement is not substantiated. The area of the existing ramp is not quantified in the application except for a note in Table 1, p. 15 of the BA that indicates “-8,990 ft²”. The dimensions of the existing ramp are not provided in drawings. Quantity of fill will be increased according to Table 1.

The location of the boat ramp is adjacent to the downstream side of the mouth of Kellogg Creek (p. 27 of the BA states incorrectly “150 feet upstream of Kellogg Creek”). The BA text addresses indirect effects of the project, including potential for shoreline erosion; effects of boat traffic on juvenile salmonids; and potential for creating habitat for predatory fish. Constructing the boat ramp in the proposed location will move all these potentials closer to the mouth of Kellogg Creek, increasing the potential for habitat degradation and predation. Also, the boat ramp may provide peak periods of use for anglers when spawning salmonids are entering Kellogg Creek. This effect is not addressed.

The impacts of the transient dock on the WQRA of the Willamette River is not adequately described. The transient dock is proposed to be located “in 20-ft deep water,” but the application does not describe at what river stage this measurement is. We recommend it be described in terms of the elevation of the bottom at the landward part of the dock, and describe how frequently if ever the river stage gets that low. This will establish how frequently if ever the dock will be grounded. Also recommend clarifying that the gangway will be attached above OHW at land end in such a way that it will not ground during low water.

- G4. The application provides a rationale for selecting the proposed boat ramp location over the existing boat ramp location; but does not provide a clear description of the effects of habitat fragmentation or describe which species would be impacted (birds, fish, or both). If the boat ramp were re-built with a new loading dock in its current location, it would “fragment” the shoreline into two sections: 1) A 400-foot length from the centerline of Johnson Creek to the boat ramp, and 2) A 550-foot length from the current boat ramp to the centerline of Kellogg Creek. With the proposed plan, the shoreline would be fragmented into 1) a 900-foot section from the centerline of Johnson Creek to the boat ramp, and 2) 150-foot section from the boat ramp to Kellogg Creek. The biological implications of these two options should be described.

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A discussion of potential adverse impacts to Kellogg Creek from the pedestrian bridge and two in-water structures (proposed boat ramp and transient dock) near the Kellogg Creek confluence is lacking.

- H1. The application has not demonstrated that there is no reasonably practicable alternative design that would have a lesser impact on the WQRA. Viable alternatives to the pedestrian bridge, cantilevered view point over Kellogg Creek, and the new boat ramp location need to be explored.
- H2. For certain components of the plan, the application does not demonstrate how permanent disturbance to the WQRA will be limited. It's unclear why the black cottonwood trees on the south side of Kellogg Creek need to be removed or why the cluster on the north side of the creek near the bridge needs to be removed.
- H3. At least a portion of the proposed habitat restoration should be formalized as mitigation for removing existing native trees from the WQRA.
- I. At least a portion of the proposed habitat restoration should be formalized as mitigation for removing existing native trees from the WQRA.
- I1. The application needs to quantify the vegetation removal impacts and the net increase in impervious surface in the WQRA. The application presents conflicting information and reports that "few riparian trees" will be removed but also states that "several large trees" will require removal. Impacts from the pedestrian bridge over Kellogg Creek and the placement of the boat ramp near the mouth of Kellogg Creek are not described.
- I2. A formal mitigation plan should be prepared to document and off-set adverse impacts to the WQRA (i.e. permanent removal of native trees, placement of a new pedestrian bridge over Kellogg Creek, etc) and identify mitigation areas.
- I3. Sufficiently described.
- I4. See I2.
- I5. A timeline for formalizing the restoration area (or a portion of it) as mitigation should be provided. The timeline should include maintenance activities, monitoring, reporting, and a contingency plan.
- J. See I2.
- K. NA

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Table 1. Suggested Native Plant Species List for the Water Quality Resource Area Buffer Zone

Nonnative species apparently in buffer zone	Suggested native species to replace nonnative species
Eddie's white wonder dogwood (<i>Cornus</i> 'Eddie's white wonder')	Pacific dogwood, (<i>Cornus nuttallii</i>); or Western crabapple (<i>Malus fusca</i>)
Swedish aspen (<i>Populus tremula</i> 'erecta')	Quaking aspen (<i>Populus tremuloides</i>)
Kelsey dwarf redbud dogwood (<i>Cornus sericea</i> 'kelseyi')	Dwarf rose (<i>Rosa gymnocarpa</i>)
Mock orange cultivar (<i>Philadelphus</i> spp.)	Lewis' mock orange (<i>Philadelphus lewisii</i>)
Azalea cultivar (<i>Azalea</i> sp.)	Pacific rhododendron (<i>Rhododendron macrophyllum</i>)
<i>Spiraea bumaldi</i> spp. (<i>Spiraea</i> spp.)	Rose spiraea (<i>Spiraea douglasii</i>)
Tufted Sedge (<i>Carex elata</i>)	Chamisso sedge (<i>Carex pachystachya</i>)
Black Tupelo (<i>Nyssa sylvatica</i>)	Pacific dogwood, or bigleaf maple (<i>Acer macrophyllum</i>)
Blueberry cultivar (<i>Vaccinium</i> sp.)	Red huckleberry (<i>Vaccinium parvifolium</i>)
Diane witch hazel (<i>Hamamelis</i> x <i>Intermedia</i> 'Diane')	Indian plum (<i>Oemleria cerasiformis</i>)
Cornelian cherry dogwood (<i>Cornus mas</i>)	Cascara (<i>Rhamnus purshiana</i>) – plant on slopes of Kellogg Creek
White heather (<i>Calluna</i> sp.)	Kinnikinnick (<i>Arctostaphylos uva-ursi</i>)
<i>Rosa</i> spp./ <i>symphoricarpos</i>	Dwarf rose
Sunset red maple (<i>Acer rubra</i> 'sunset')	Big leaf maple or Quaking aspen
Sedge cultivar (<i>Carex</i> spp.)	Specify <i>Carex</i> sp. natives

ESA Adolfson recognizes that plant species selected for landscaping are selected for numerous reasons, including hardiness, adaptability, and ease of establishment compared to native species. For example, Eddie's white wonder dogwood, a hybrid between our native dogwood *Cornus nuttallii* and the southeast native *Cornus florida*, has properties that make it attractive for landscape use. Nevertheless, native species are recommended for plantings in buffer areas such as the WQRA. Suggested species are only examples; other native species would be acceptable substitutes. Also, some suggested species may already be in the planting plan (e.g. Indian plum); it is simply suggested that they be planted within the WQRA in place of the non-native species.

19.322.10 Development Standards

- A. We agree with the designation of the WQRA as "degraded" based on dominance by non-native invasive species in the ground and shrub layers. Despite the degraded condition, the project will still impact native trees and the application needs to provide a quantification of impacts to native vegetation and formalize at least a portion the restoration plan as mitigation. Replacement ratios for trees removed should be provided to support how the planting plan will off-set vegetation impacts.

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- B. The first sentence of the response to the WQRA review is misleading – all of the canopy trees are native, but the understory is not. Provide explanation for why the cottonwoods along Kellogg Creek need to be removed. The cottonwoods on the south side are close to the top of bank and look like they could possibly be preserved. Are they deemed hazards to public safety or do they just not fit in with the proposed design?
- C. Sufficiently addressed.
- D. Sufficiently addressed.
- E1. Sufficiently addressed.
- E2. Sufficiently addressed.
- F1. Sufficiently addressed.
- F2. The encroachment of the pedestrian bridge across Kellogg Creek is not addressed. This is an addition to the WQRA.
- G. Sufficiently addressed.
- H. Sufficiently addressed.
- I. Sufficiently addressed.
- J. The application does not discuss the need for a cantilevered view point that is proposed as part of the Kellogg Creek pedestrian bridge. The south side of Kellogg Creek is already elevated above the natural resources and provides sweeping views of the river.
- K. Clusters of trees, shrubs, and groundcover are proposed throughout the project site but gaps will occur between the canopies of these plantings, especially along the Great Lawn. Given the developed urban landscape and desire to maintain views, gaps in the canopy along the great lawn seem appropriate. However, other areas within the WQRA on-site should be planted with additional trees and shrubs to compensate for the sparse plantings along the great lawn.

 Non-native trees and shrubs are apparently listed for installation within the WQRA on Figure 4 of Appendix B (“Tab” B). We recommend using only native species identified on the Metro native plant list in the WQRA. Metro is currently referencing the City of Portland native plant list while its list is updated: <http://www.oregonmetro.gov/index.cfm/go/by.web/id=27023>. Table 1 lists non-native species apparently designated for installation in the WQRA; and native analogs that could be substituted. Additionally, Figure 4 should list the complete scientific name of all proposed plants, not just the genus in some cases.
- L. Sufficiently addressed.



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M. Sufficiently addressed.

N. Sufficiently addressed.

Thank you for the opportunity to review this application. Please contact us at 503-226-8018 if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gordon".

John Gordon, Biological Resources Program Manager
Sarah Hartung, Senior Scientist

April 15, 2010

Mr. Ryan Marquardt, Associate Planner
City of Milwaukie
6101 S.E. Johnson Creek Blvd.
Milwaukie, OR 97206

Subject: Riverfront Park Revised Water Quality Resource Application Materials Review

Dear Ryan:

In November 2009 ESA Adolfson (ESA) reviewed the Water Quality Resource Application (WQRA Application) prepared by David Evans and Associates, Inc. (DEA) for the City of Milwaukie (City) Riverfront Park Project. Results of our review were submitted to the City in a letter addressed to you and dated November 16, 2009.

Our review of the application included comments describing additional information that would complete specific parts of the application and bring it into compliance with Section 19.322.9 Application Requirements of the City's municipal code (Code). In March 2010 you delivered materials to us that revised the WQRA Application, in response to our comments. This letter reports our review of those revision documents, which included the following documents:

1. Milwaukie Riverfront Park Supplemental Information submitted to planning Department regarding Water Quality Resource Area February 22, 2010;
2. 404 Application Completeness items for the Milwaukie Riverfront NWP -2009-0019; memorandum from John Macklin, DEA, to James Holm, USACE dated May 18, 2009;
3. Conceptual Monitoring and Maintenance Plan for Native Plantings below OHWM. Memorandum from John Macklin, DEA, to James Holm, USACE dated December 10, 2009.
4. Figures 1, 1A – 1D, Existing Site Conditions;
5. 2, 2A – 2E, Development Plan;
6. 4, 4A – D, Preliminary Planting Plan.

Cumulatively, the information in these documents provides the information that completes the Application, bringing it into compliance with the Code.

Specific comments for each WQRA code requirement are provided as follows:

19.322.9 Application Requirements

- A. Sufficiently addressed in the initial application.
- B. Revised Figures 1, 1A – 1D sufficiently address comments provided regarding this requirement.
- C. Sufficiently addressed in the initial application.
- D. Revised Figures 1, 1A – 1D sufficiently address comments provided regarding this requirement.

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- E. Sufficiently addressed in the initial application.
- F. Sufficiently addressed in the initial application.
- G1. The Alternatives Analysis provided in the supplemental information document (item 1 in the bulleted list above) sufficiently responds to comments provided regarding this requirement. The alternatives analysis provides the City with information that can be used to identify the benefits and disadvantages of the various components of the development plan.
- G2. The Alternatives Analysis provided in the supplemental information document (item 1 in the bulleted list above) sufficiently responds to comments provided regarding this requirement. It describes how impacts to the water quality resource were kept to a minimum for various components of the development plan.
- G3. Cumulatively, the revision documents provided sufficient information to reasonably conclude that the water quality resource area will be restored to an equal or better condition. The requested information regarding native trees is included on the revised figures (but not in a tabular form); a description of a general mitigation plan is present; and the planting plan includes substantial quantities of native trees and shrubs; and stormwater will be treated as compared to the present lack of treatment. In sum these conditions will be an improvement over the existing conditions.
- G4. The Alternatives Analysis provided in the supplemental information document (item 1 in the bulleted list above) sufficiently responds to comments provided regarding this requirement. It includes a rationale for the selection of the preferred alternative, for various components of the development plan.
- H1. The Alternatives Analysis provided in the supplemental information document (item 1 in the bulleted list above) sufficiently responds to comments provided regarding this requirement. For various components of the development plan, it includes a description of why other alternatives are either not reasonable or practical.
- H2. The Alternatives Analysis provided in the supplemental information document (item 1 in the bulleted list above) sufficiently responds to comments provided regarding this requirement. For various components of the development plan, it demonstrates how permanent disturbance to the WQRA will be limited.
- H3. The General Site Mitigation Plan and Figures 4, 4A – 4D provided in the supplemental information document (item 1 in the bulleted list above) provide information about mitigation that sufficiently responds to comments provided regarding this requirement.
- I. A complete stand-alone mitigation plan document is not provided. The Conceptual Monitoring and Maintenance Plan for Native Plantings below OHWM (DEA 2009; item 3 in the bulleted list above), the General Site Mitigation Plan provided in the supplemental information document (item 1 in the bulleted list above) and Figures 4, 4A – 4D contain some components of a mitigation plan. A part of the site is not specifically identified as a mitigation site. In combination, the documents provide sufficient information to

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reasonably conclude that the “self-mitigating” character of the project will result in better conditions than the existing “degraded” conditions in the WQRA. One specific component of a mitigation plan that is not included is a quantification of impacts and how those impacts are mitigated (*e.g.* number of native trees removed; acres of WQRA permanently impacted). Mitigation for these impacts is included in disparate parts of the documents. Vegetation quantities are present in the planting plan; acres planted are described in various places. Synthesis of this information in one place would make it easier to determine if the mitigation adequately replaces the impacts.

- I1. Adverse impacts are described in the alternatives analysis documents.
- I2. The General Site Mitigation Plan and Figures 4, 4A – 4D and the alternatives analysis provided in the supplemental information document (item 1 in the bulleted list above) provide information about mitigation that sufficiently responds to comments provided regarding this requirement.
- I3. Sufficiently addressed in the initial application.
- I4. The project is described as “self-mitigating” and a specific mitigation site is not identified.
- I5. The General Site Mitigation Plan and the alternatives analysis provided in the supplemental information document (item 1 in the bulleted list above) provide the requested information.
- J. A stand-alone mitigation plan document is not present. The information that would be included in the mitigation plan is present elsewhere in the application materials.
- K. NA

19.322.10 Development Standards

- A. As noted above, a stand-alone mitigation plan document is not provided. Planting plans, maintenance plans, contingency plans and responsible parties are identified in application documents. If the site is constructed and maintained as described, it is reasonable to conclude that the specifications in Table 2 Water Quality Resource Area Requirements will be met.
- B. Alternatives analyses include descriptions of minimization of native vegetation removal, as required.
- C. Sufficiently addressed in the initial application.
- D. Sufficiently addressed in the initial application.
- E1. Sufficiently addressed in the initial application.
- E2. Sufficiently addressed in the initial application.

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- F1. Sufficiently addressed in the initial application.
- F2. To the extent that components of the development plan are considered additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development, some of the components (*e.g.* the pedestrian bridge over Kellogg Creek; new parking) do encroach closer to the protected water feature than the existing development. These components are discussed appropriately in the alternatives analysis.
- G. Sufficiently addressed in the initial application.
- H. Sufficiently addressed in the initial application.
- I. Sufficiently addressed in the initial application.
- J. The Alternatives Analysis provided in the supplemental information document (item 1 in the bulleted list above) sufficiently responds to comments provided regarding this requirement.
- K. The General Site Mitigation Plan and Figures 4, 4A – 4D and the alternatives analysis provided in the supplemental information document (item 1 in the bulleted list above) provide information about mitigation that sufficiently responds to comments provided regarding this requirement.
- L. Sufficiently addressed in the initial application.
- M. Sufficiently addressed in the initial application.
- N. Sufficiently addressed in the initial application.

Thank you for the opportunity to review this application. Please contact us at 503-226-8018 if you have any questions or require additional information.

Sincerely,



John Gordon, Biological Resources Program Manager

**Design and Landmarks Committee
Meeting Minutes
Monday, November 9, 2009**

Rescheduled from October 28, 2009

Members Present

Becky Ives, Chair
Siri Bernard, Vice Chair
Greg Hemer
Patty Wisner

Members Absent

Sarah Knaup

Staff Present

Katie Mangle, Planning Director
Brett Kelter, Associate Planner
Ryan Marquardt, Associate Planner
Damien Hall, City Attorney
JoAnn Herrigel, Community Services Director

1. CALL TO ORDER

Chair Ives called the Design and Landmarks Committee (DLC) meeting to order at 6:34 p.m.

2. MEETING MINUTES**a. September 23, 2009**

DLC Member Hemer moved to approve the September 23, 2009, DLC meeting minutes as presented. Vice Chair Bernard seconded the motion, which passed 3 to 0 to 1 with Chair Ives abstaining.

3. INFORMATION ITEMS—None**4. WORKSESSION ITEM—None****5. APPLICATION REVIEW ITEMS****a. Recommendation on Design Review for Riverfront Park**

Applicant: City of Milwaukie, represented by JoAnn Herrigel, Community Services Director
Owner: City of Milwaukie
Address: Milwaukie Riverfront Park
File: DR-09-01

Damien Hall, City Attorney, reviewed the Design Review process, noting that the DLC meeting was not a formal public hearing, but a public meeting open for public comment as part of the overall land use review of the minor quasi-judicial application. He described the meeting procedure, concluding that the goal was for the DLC to arrive at a consensus about a specific recommendation to the Planning Commission.

All DLC members declared that they had visited the site. However, no DLC member declared a conflict of interest, bias, or conclusion from a site visit. No DLC member declared an ex parte contact related to the application.

Ryan Marquardt, Associate Planner, presented the staff report via PowerPoint. He clarified that the term “water fountain” referred to the water feature and not to drinking fountains. He deferred a question about the accuracy of the restroom building photographs to the Applicant.

JoAnn Herrigel, Community Services Director, reviewed the history, timeline, and progression of the Riverfront Park project via PowerPoint. The Riverfront Board held workshops with boat ramp designers and operators, toured other riverfront facilities, held open houses, and conducted a public survey in which 11% of Milwaukie's population provided input about the park's uses and design. The proposed project integrated concepts preferred by the community, but noted that incorporating the community's many needs and ideas was challenging. She also noted the many restraints that affected the development and design of the small site, including several permitting agencies' requirements. These various restraints had influenced the deliberate placement of the needed uses and assorted park elements. The selection of elements was fairly inclusive so far, and more people would weigh in on the design as the application went through the DLC and Planning Commission processes. The site's history and geology also influenced the park's design, as well as the choice of materials which did not detract from the surroundings.

Gil Williams, David Evans & Associates, presented more detailed information about the Riverfront Park project via PowerPoint. He prefaced that the graphic software did not accurately reflect the intended design. His additional comments and responses to questions from the DLC were as follows:

- He reiterated the desire to connect downtown Milwaukie to the Willamette River, noting the challenge of crossing McLoughlin Blvd which presented a huge barrier in many ways. Initially, a visual connection would be made by enhancing the view along McLoughlin Blvd and providing more visual access to the river.
- The Applicant tried to create and divide the park space into specific uses, for both function and form. Pedestrians and automobiles would be separated, for example, and both active and passive recreation areas were created as well as more contemplative areas.
- The Ipe wood proposed for the railing was a very hard, durable wood that would last 50+ years in this type of outdoor, public use facility. Ipe is a plantation grown, South American hardwood that is certified sustainably harvested.
- The water quality swales shown in the PowerPoint copy distributed to the DLC would be planted and provide maintenance of stormwater and runoff from the parking areas. The City preferred the stormwater be filtrated on site; therefore at-grade planters would catch much of the runoff from the parking areas, then filtrate and clean the stormwater. The planters would also provide some physical separation between vehicles and pedestrians.
- The extensive revegetation of the riverbank was required by federal law.
- The Applicant decided a small secondary restroom facility near the boat ramp would be appropriate and would serve people using the boat ramp as well as those at the overlook.
- He described how the transient dock would move with the river's water level using pilings.
- The plaza areas were separated from downtown by vegetation running parallel to McLoughlin Blvd as well as a decrease in elevation. Both elements helped provide sound buffering. Expansive views of the river were created from the plaza areas.

- The main water feature was designed to draw people away from McLoughlin Blvd, through the park and down to the Willamette River. The water would be very shallow to safely allow people and children to get in the fountain and interact with the water feature.
 - Columnar basalt and stone would be used for the water feature and would most likely be quarried locally. Sheets of water would fall erratically over the various levels in an effort to breakdown the formality of the city. Integrating a very natural water feature into the formal plaza would provide a very natural feel. Large basalt slabs would be laid on end and etched on the top to channel the water to flow over the top. The fountain would be constructed of all natural materials, unlike the Ira Keller Fountain, which was all concrete.
- He noted 2 water quality facilities that would separate vehicle areas from pedestrian spaces and lawn areas, and also provide additional water quality treatment for stormwater not cleaned in the plaza or parking lot swales.
- The festival lawn was slightly sloped for drainage purposes and would slope from the plaza down to the river. The area would be flat enough for festival booths and tables.
- Klein Point would be the more natural area of the park. Subtle mounding in the open areas would create added separation between McLoughlin Blvd and people in the park.
- The only beach-type area that existed on the riverfront would be cleaned up. Informal access would continue to be provided to the beach to prevent pedestrians from walking through the vegetation. By law, the area would be more heavily vegetated than shown in the slides.
- The intention of having heavier vegetation was to keep the area looking more wild but not overgrown. The Applicant would be working with the Johnson Creek Watershed Council to revegetate the area with native plants and to create a palette of plants that would be appropriate for the riverbank.

Todd Marcum, David Evans & Associates, reviewed various elevations and architectural elements of the proposed restrooms via PowerPoint.

The Applicants responded to comments and questions from DLC members as follows:

- Only the family restrooms would remain open during the winter months to avoid heating the entire facility for freeze protection.
- Discussions about securing the restroom facility and controlling lighting were still taking place. Options were available to install automatic locks in the restrooms, if the facilities needed to be locked down at a certain time. One option would be to leave the family bathrooms open 24 hours, but lock the main bathrooms at a certain time.
- The large festival lawn area provided an opportunity for people to gather to view movies. A screen could be hung temporarily from the side of the restroom facing the festival area. The movies were more of a program element and would provide flexibility to the city.
 - A previous design included a large, white fin wall where movies could be directly projected onto; however, the wall would not block the view to the river when not in use. Instead, the columns on the restroom wall would support a temporary structure for showing movies.
- The cut stone used on the Riverfront Park sign would not be repeated on the concrete of the restroom. The concrete treatment would reflect the simple horizontal nature of the retaining walls, which would all be concrete. This would emphasize the juxtaposition

between the natural basalt columns and the hardscape of the concrete. The detailed stone look only existed near the sign. The goal of the restroom facility's design was to make it simple and clean, and not include details that would draw attention to it, such as a cut stone sign.

- **Mr. Williams** added the desire was not to lose the water feature amongst the basalt. The water feature needed to stand out as a prime spine perpendicular to McLoughlin Blvd that would draw people through the park. Making the basalt water feature a single element in contrast to the concrete structures located on either side would help the water feature stand out and become the prime focal point of the park.
 - The option always existed to introduce texture and color to the expansive, gray, concrete plaza through staining, sandblasting, etc. Scoring was already planned to break up the concrete, which would not be as white as shown. The concrete's color would become more muted over time. The concrete could be stained, but the park's focal point was the Willamette River, which meant keeping other elements very simple and clean to keep people moving west toward the river.
 - The Applicant tried to use a consistent palette of materials and colors throughout the entire project, and the muted tans and grays of the concrete would not compete with the landscaping or the river itself.
- The new restroom facility would provide about 2 times the function of the current restroom located at the park. With the 2 family restrooms being added, the entire structure would be about 3 times larger than the current facility. No code existed to dictate how many fixtures were needed, so the number needed to accommodate the park's needs was a judgment call. The experience of the restroom structure would change as one moved around it because although the building looked much larger from the side, the facility was a long, skinny structure that would look much smaller from the end and become less of a component in the landscape.
- **DLC Member Wisner** asked if an opportunity existed to put any artistic elements on the stark projecting wall panels that would be evocative of Milwaukie's sense of place. **Katie Mangle, Planning Director**, asked why the projecting panels were so high and long.
 - **Mr. Marcum** explained the wall was actually the back of the family restroom and did have a functional purpose. The wall extended past the restroom to help carry the roof and provide a covered seating area. A planter would wrap around the restroom and vegetation could be introduced to break up the height of the building. Different options could be considered to break up the large expanse of cedar wood.
- **Ms. Wisner** asked if there was a way to go from the apex of the wall and slope, or repeat the angle of the roof coming down, to remove the stark, sharp-edged corners from the protruding walls. The 90-degree angles of the wall seemed to be at odds with the slope of the roof and some of the curves along the plaza.
 - **Mr. Marcum** replied those changes could be possible in some areas, but would be impossible in other areas. He reviewed the slopes that could and could not be changed via PowerPoint.
 - He did not want the building to have a residential feel. The restroom facility was not a downtown commercial building, but also not a small shed. He wanted to add elements that would bridge the commercial and residential experiences. One example was how the commercial parapet condition intersected with a sloping roof that extended through on the fourth side. He indicated the component where the

horizontal consistent element was penetrated with the roof coming out to introduce some interest. Options always existed, such as extending the roof out to create an overhang on that edge, instead of stopping the wall at that point.

- The design of the building was a balancing act, but reducing the sharp corners on the intersecting walls was something that could be considered.
- The main power distribution panel for the park was located in the pipe chase between the men's and women's restrooms. Power would be provided to the festival lawn area via outlets along the plaza that vendors could access. The secondary, single-occupant restroom at the top of the boat ramp would also be fed from the main distribution panel. The main restroom facility would be important functionally because it provided power for the entire park.
 - At present, no need existed for 3-phase power; however, power needs would be coordinated with the City to confirm that power coming into the site would be appropriate for any intended uses. Some preliminary identification of loads and needs had been studied. Adjusting for increased power would not require much space and could easily be incorporated into the design.
- The family restroom would be ADA accessible and ADA accessible stalls would also be located inside the multiple occupant restrooms.
- Stormwater from the roof would sheet flow off the edge of the roof onto a gravel area along the backside of the building. No pedestrian access existed there. Gutters and downspouts were added over the restroom entrances to keep water from falling on people using the facilities, so there was no need to cover the entrances with the roof. The entrances were designed based on the functional access to the space on both ends to ensure appropriate portions of the design were covered as needed. Covered entrances were not a driving criterion in dictating the roof's extension. Accommodations were made for any potential runoff with a gutter system. Beyond that, the function of the roof was to enclose the restroom facilities or provide a covered outdoor seating area.
- Installing a gutter system on the backside of the building where movies might be shown had been debated, but no end solution had been decided. A walkway did exist along the west side of the building, but not an entry. Mr. Marcum questioned if introducing a gutter on that side of the building would cause a loss in value and function. Challenges existed with the exposed rafters coming out on that side of the building. The structural members that were extended to create the trellis would prevent a gutter from being placed on the edge of the roof and created more of a challenge on how to address runoff on that side of the building.
 - Runoff from the roof would not deteriorate the concrete, but the coloring would change where the water hit the concrete. Each of the various parapet walls delineated the components of the roof, causing them to operate independently. That roof area would only be about 15 ft by 25 ft, so even in a hard rain, a sheet of water would probably not be coming off the roof, though it would be different than if a gutter was installed.
- **Mr. Marcum** confirmed that the location and design of what was referred to as the sea wall was due to the layout of the 100-year floodplain. **Mr. Williams** added that the final elevation of the restroom structure would be 1 ft above the floodplain, which was the regulatory requirement.

- **Mr. Marcum** displayed picture samples of newly installed cedar siding that would be used on the proposed restroom facility. He explained the cedar would patina over time to become a dull grayish-brown color. The wood columns would be covered with furring strips that could be replaced individually instead of replacing the entire column if graffiti occurred. Anti-graffiti coatings could not be put on the materials because it affected the graying of the cedar. Individual pieces of siding could be replaced as needed, and would patina fairly quickly.
- Introducing stone or sandblasting the base of the concrete on the restroom could be done to soften the concrete's smooth, stark look and create some texture so the concrete better matched the rustic look of the building. Formliners could be used to introduce a little irregularity to the concrete. Anything was an option at this point in the project. However, balancing the desire to keep the building simple, but not synonymous with stark and cold was important. Introducing color could go a long way in addressing those concerns. Scoring or reveals could also be introduced to provide some interest.
- **Ms. Wisner** advised that the DLC had concerns about stark concrete in Milwaukee due to some regrets on how stark concrete looked on past projects. The DLC was always interested in seeing options that would enhance concrete surfaces and break up how stark and plain the concrete was in the project.
- **Mr. Williams** explained that sacking the fresh concrete would help with the shine, but other finishes existed to make the concrete appear matte and muted so it would not stand out as much. Having the plaza and restroom facility near each other would present an area with a lot of concrete, and providing color on either the building concrete or on the surface of the plaza would help lessen the intensity of so much concrete in one area. All the concrete surfaces presented in the project would have a sandblasted finish to take the shine off.
- The restroom's roof would not be a flat, single-ply or membrane roof, but a standing-seam metal roof that had a low slope so water would drain off. No tar would be used. Metal parapet caps would exist at the top of the flat walls. The top and sides of the roof where it met the wall would have flashing that turned up underneath the siding.
- No skylights existed on the restroom facility. Minimizing all penetrations in the roof would reduce maintenance requirements. Not having mechanical equipment or other things on the roof would also improve the visual impact of the building.
- **Mr. Williams** noted that the picture depicting trees in large cement containers near the top of the stairway entering the secondary plaza was a misrepresentation. The planters would follow the slope of the stairs at curb height. The planters were introduced as a transitional element to the very broad stairway in the secondary plaza across from Monroe St, rather than spilling directly into the amphitheater.
- Channels covered by manufactured grates were designed to run across the plaza, transferring water from one area of the plaza to another. The channel underneath would be lined with cobbles so one could hear water as it flowed, giving people some sense of the water being under their feet. The grates come in widths of 18 in and 24 in, which the Applicant was considering; but scale-wise, they might be reduced to the 18-in width.
- Curving the railing would be contrary to the concept of the perpendicular line pulling people directly into the park from McLoughlin Blvd. The rails were not meant to be prime elements and were manufactured as rectangular, so getting them curvilinear would be a custom product.

- The small squares depicted on the larger overall design were actually flat stone placed within the grass. The stones represented a transition from the concrete to the grass and would include a mix of concrete and basalt.
- A Giant Dogwood tree was the signature tree for the park and would be placed adjacent to the fountain. Other smaller dogwood varieties would be placed throughout other areas of the park.
 - **Chair Ives** cautioned that the Eddie's White Wonder dogwood tree variety was a *florida nuttallii* cross, making it highly susceptible to anthracnose. She asked that a *kousa* variety of dogwood be used instead. Many of the Eddie's White Wonder trees had died out.
 - **Mr. Williams** was not certain that a *kousa* dogwood variety would get big enough, but he would explore other options.
- Only one vehicular access was provided. The primary goal of the project was to reclaim as much of the small space as possible for pedestrians. The secondary goal was to provide a main entrance for the park and boat ramp, which was desired by the community. No other place existed to introduce a vehicular entrance into the park in order to get the boat ramp to fit with the sloping topography. Utilizing the existing Washington St intersection would have put the boat ramp in the middle of the park, and the grade change was too significant to put the vehicular entrance anywhere else. The park's design was bound by both program and topography.
 - The boat ramp width, parking, turnarounds, and the loading dock were all based on Oregon Marine Board standards. The turnaround area was designed with AutoTURN software to ensure it could accommodate large boats.
- The amphitheater could accommodate a fairly significant stage. The 12-ft wide sidewalk was primarily designed for maintenance and would accommodate an 8,000 Gross Vehicle Weight vehicle. The sidewalk could also be used for performers to get equipment to and from the amphitheater. Electricity in the amphitheater would be accessible via secured, at-grade vaults.
- Though the play area was only 60 ft from McLoughlin Blvd, the area was bermed and direct access existed to the bathroom. The Applicant had considered locating the play area on the other side of the amphitheater, but that area was smaller due to the water quality facility and could not accommodate any sort of play equipment. Having the play area on that side also did not fit flow-wise.

Chair Ives stated that the Juncus plant could be invasive and wished the plant could be taken off the planting list. Even if contained in concrete planters, Juncus was self-seeding and the seeds would blow everywhere. She suggested Iris plants.

Ms. Wisner said she was happy to see basalt used in the water feature, but questioned how deeply Milwaukie's background with regard to water was explored when designing the water feature; namely all the flowing water in the city, the characteristics of that water, and the different ways it occurred and flowed through Milwaukie. She was curious what lead to the proposed water feature.

- **Mr. Williams** replied he was aware of some exposed creeks in the area and the nature of those creeks, but the concept of the creeks and other natural water features in Milwaukie did not come into the design considerably. The idea of the water feature was to provide a more natural element into a non-natural plaza, so the consideration was more about the use of materials and water than thinking about how water flowed through the city. He

noted that a piped creek that flowed under the park was in line with where the water feature would be placed.

Chair Ives called for public testimony.

David Green, Chair, Riverfront Board, stated that the water connectivity piece had been a theme throughout the entire time he had been on the Riverfront Board (Board). That concept included connectivity with all the waterways in Milwaukie, and focused on Kellogg Creek, Johnson Creek, and the springs coming out of the hillside above the Waldorf School as important natural areas that would define Riverfront Park. The Board had looked into feeding the park's water features with water from the area's natural water sources, but doing so would have been very expensive. He felt carrying the water feature through the center of the park was an attempt to pick up on how important water, and the connection to it, was to Riverfront Park.

On behalf of the Board, he thanked JoAnn Herrigel for her patience and willingness to work with such a diverse group of Board members representing many different interests. He believed the Board had done a good job representing the city of Milwaukie. Though the Board did not always agree, the Board had reached some consensus. He also thanked Gil Williams for representing the Board's diverse interests and fitting what he could into the very small space. The Riverfront Park design reflected a lot of the input and changes suggested by Board members over the years. Even in the last few weeks, the siding for the restroom had changed and evolved.

He noted the project was only at 70% design, but assured the Board was committed to stay involved with the project as the details of the design were refined. The Board met regularly each month and lately the focus had been not only on the design, but also on the permitting process which drove many of the design features as well.

He urged the DLC to make a strong recommendation to the Planning Commission to move the design and permitting processes forward, adding any comments the DLC had on the project because room still existed to incorporate that input into the design details. The Board wanted to see the project's momentum continue.

Ms. Herrigel confirmed work had started on the park. The waterline was being relocated to reconfigure the site for the park's design.

Vice Chair Bernard asked if the Board had requested that the restroom facility be designed as stark and low as possible.

Mr. Green replied the Board did not tell the designers exactly what to do, but had wanted to maintain the views from as many places in the park as possible. Removing the buildings along McLoughlin Blvd opened up an incredible expanse of multi-million dollar views of the river for the city. To maintain those views from McLoughlin Blvd and within the plaza areas, the Board asked that the restroom have a low profile and that its visual impact be minimized.

Ben Horner-Johnson, Lake Road Neighborhood District Association (NDA), confirmed that the metal grates placed in the walkways over the water channels were ADA approved and made specifically for sidewalks and walkways so they would pose no wheel hazard. He noted two examples for people to see: the grass amphitheater at Mount Tabor and the large amount of basalt and numerous water features at Esther Shore Park in Vancouver.

Many of the nice, old-style lights being used had bases that blocked light from going down and sent a lot of light skyward. He preferred to have the light coming down.

He confirmed that the same Hwy 99E bridge would remain over Kellogg Creek and a new, pedestrian-only bridge would be added where the existing fish ladder started under the old bridge.

He clarified several items with the Applicant as follows:

- Solar panels on the west facing roof of the restroom facility would be eye-catching, but not necessarily a bad option because it would be a sustainable approach to generate power. However, the amount of power generated did not pencil out to cover the expense.
- At present, the building was freeze-protected only with heat tracing wire on the pipes and forced air electric unit heaters. No heat pump would be used for cooling since it was a small building.
- Water runoff from the smaller roofs of the restroom would be directed via downspouts to planters near roof components with gutters. The runoff from the larger roof on the McLoughlin Blvd side would go into the planter. Typically, a trenched, gravel catch area would be installed to avoid degrading the dirt and the collected water would infiltrate into the planter. Catch basins were limited on the site, so water from most of the flat areas would flow into planters and into the soil.
- The water source for the water feature would be recirculating, non-potable water.

He concluded that he and his wife had responded to the survey, but they had not heard much about the survey since. He believed the Applicant had done a good job and many of his concerns had been addressed. He hoped the application would go forward.

Gary Klein, Vice Chair, Riverfront Board, thanked JoAnn Herrigel for being so helpful. He stated that David Green, Michael Martin, and Mitch Wall were all original members of the Board and had really stuck with the project and done a good job. Mr. Williams was with another company when he began working with the Board on Riverfront Park prior to 2001 and had brought in David Evans & Associates when he changed companies. He appreciated that Mr. Williams had stuck with the project and had made everything work. He hoped the DLC would vote to approve the application and pass it on to the Planning Commission.

Chair Ives closed public testimony.

The DLC took a brief recess at 9:15 p.m. and reconvened at 9:23 p.m.

Mr. Hemer stated one major concern was that vegetation used to block the building and noise from the street would also block the view of the river from downtown. Perhaps dwarf trees or shorter vegetation could be used to conceal the building from the street to avoid blocking the river's view.

- Regarding the restroom building materials, he preferred using a fake stone to complement the other stone features, and cement fiber siding, like Nichiha and Hardiplank. After 2 years, the cedar siding might not be taken care of due to budget restraints, especially since the cedar would be attached to CMU walls. Cement fiber sidings could be painted in tri-toned, stained colors to provide a natural look with a 25-year warranty on the paint.
- Small dome skylights provided a lot of light, so electric lights would not be needed during the day. He wanted the facility to generate its own electricity if possible.
- A twin or triple wall type of polycarbonate could be used instead of a metal awning. The awning could be a smoke color to provide shade, but would leave the area open and translucent to the pedestrians underneath.

- Though uncertain how much water the roofs would actually collect, he was concerned about the water flow off the roofs. He inquired if any drywells had been proposed onsite to ensure the water did not create a mushy field after a rainy day. He asked about installing rain drains underground to direct the flow of water into the sewer level since the site was being torn up anyway.
- He was concerned about the maintenance involved with keeping the gutters clear of leaves from the deciduous trees and of items people might throw on the roof.
- Overall, he really liked the park's design. The site was well thought out, and the park would feature some real natural beauty. The Applicant had done a great job.

Chair Ives assumed the gravel catch area would be 18 in to 2 ft wide and that the gravel would be at least 18 in deep. She was still concerned about the concrete on the west side of the building, but was unsure what options were available to keep rain from sheeting down, even though it would not be very much. She believed people might run under the arbor portion and that the concrete could become slippery since it was on the shady side of the building.

Mr. Hemer explained that because the area was sloped, the water would flow toward the river along the path of least resistance, which would be the walkway. The wall of the restroom and the retaining wall would capture and cause the water to gather against the edge of the walkway. If gutters were going to be installed, rain drains could be run underground to the sewer pipe.

Vice Chair Bernard loved the proposed design. She was impressed how the Applicant was able to work with all of the agencies involved. She recalled filling out the questionnaire and wished the park could have less parking, but understood that requirements had to be met. She liked that the rest of the park was made for pedestrians and had everything the community requested.

Though the Applicant tried to make the restroom facility as unobtrusive as possible, she believed the building would be a main focus or gateway because everyone would walk by and see it. People would use it as shelter from the rain, and the movies would be projected onto it. As such an important feature, she did not believe the facility met the Milwaukie Character guideline because:

- The building did not convey a sense of place.
- The facility only integrated to the environment because the building was placed in the middle of a lot of concrete and was made of more concrete and with some wood sticking up.
- The guideline called for establishing strength in gateways, and the building would be a gateway.
- Architectural contrast could be used wisely and art could be integrated to convey something of Milwaukie into the design. Art could be placed on the walls or a design could be imprinted into the concrete, such as waves or a stamped picture of the Lot Whitcomb sidewheeler steamship.

According to Figure 9 in Appendix B of the application, though the restroom was at a lower elevation, it would still be seen. Based on where the trees were depicted, the river could be seen from the berm at the playground near the amphitheater and through the plaza. Otherwise, the top of the restroom and the trees would be seen because the view of the river would be blocked. Therefore it was important that the restroom building reflected Milwaukie.

Ms. Wisner commended and credited the Applicant for doing a tough assignment and including all the key elements in the design. She had a couple of serious concerns, but overall believed the design was successful, well done, and created a park that Milwaukie could look forward to.

As a graphic designer, artist, and educator, she understood how specific criteria influenced and impacted design, but also allowed the opportunity for creative solutions within those specific parameters. She wanted to give the design team something more to consider.

Her main concerns regarded the design of the water feature and the restroom building, but namely the water feature. As a member of the DLC, she felt honor-bound to follow and judge everything based on the Design Guidelines. She read the following paragraphs from "The History of Milwaukie, Oregon" issued by the Milwaukie Historical Society in 1965:

"The name Milwaukie derives from Milwaukee, Wisconsin. Thus, it is necessary to trace its place-name through the origins of that Midwest city. Milwaukee is located on a bay on the west shore of Lake Michigan where three rivers--the Milwaukie, the Menomonee, and the Kinnickinnic--converge. The land nearby was inhabited by Indians of the Pottawattamie tribe, among others, and it is from this group's vernacular that the name has come. Indian designations follow realistic descriptions of physical features, so Milwaukie's name started to grow from a word signifying 'meeting place of waters.'

Lot Whitcomb's admiration for the booming Wisconsin city, standing at the 'meeting place of waters,' drove him to search for a dream location worthy of his ideal. The tiny settlement on the banks of the Willamette seemed an answer to his yearnings and a promise to his aspirations. Here within a short distance there entered the Willamette a number of streams--Kellogg Creek, Johnson Creek, and many smaller branches fed by the multiplicity of springs in the vicinity. The platted town-site became Milwaukee 'meeting place of waters.' Justification of his choice came in the launching of the 'Lot Whitcomb' and in the subsequent operations from this river port. Lot Whitcomb's city appeared on the way to becoming the boom city of the Oregon country. But, alas, the dream was not to be realized and Destiny cast the town in a lesser role."

She explained that she cited the document because every time a project came up she believed it was a golden opportunity to say something about Milwaukie, and the Riverfront Park project needed to say something specific about Milwaukie. The DLC was charged with looking at the plans and scrutinize that aspect to ensure the design conveyed Milwaukie's sense of place.

Milwaukie had natural springs, creeks, and a river flowing from east to west. Ponds and places where water cut streambeds and caused floods also existed. Milwaukie residents often had to interact with water because water flowed throughout Milwaukie, sometimes out of control in a wild way, and other times very gently. The springs meander through the city and bubble up in peoples' yards and in historic ponds. They flow underneath Washington St over to the junior high school and bubble up again through a waterfall and then back under someone's home. Flowing waters were Milwaukie's story, and she was excited to see what a top design team could do with that information. She did not feel that the life and history of the town was ever really discussed in relation to the proposed project.

- The water feature was attractive, but it had not reached its full expressive potential for being Milwaukie's main contemporary water feature in such a prominent place as the Riverfront Park. She wanted the Applicant to develop alternate designs as a condition of approval that showed water bubbling up, pooling, charging, meandering, and flowing in many places throughout the town in that same space on the plaza. Rather than a straight,

rigidly confined water feature, she wanted a water feature characteristic of Milwaukie with a contemporary flavor to fit within the plaza.

- The water feature should leave a legacy for Milwaukie's future residents. As people walked through the park, the water feature's unique design should prompt people to ask questions about the story behind its design. The water feature should express how water had historically always been in Milwaukie; how water defined Milwaukie's name; and how water had always impacted Milwaukie residents. She agreed the water feature should draw people to the waterfront, but the straight, downward course of the water feature did not describe the story of Milwaukie.

She liked the direction toward natural materials for the restroom, but was struggling with the smooth concrete base, as well as with the section between the restroom, water feature, and stairs. All the sharp corners and right angles in the design produced a feeling of created visual tension.

- The park had nice, curving lines and she wondered about the departure to rigid rectangles, water pools, planters, and stones. The park should be designed to facilitate the need for people to relax, recreate, and get away from the stress and rigidity of urban life.
- The restroom facility and surrounding concrete areas should be softened. The straight planes of the building wall panels portrayed a sense of barriers that interrupted the view of the river too much. The imposed rigid design elements conflicted with the flow and curve of the waterfront, pathways, and amphitheater. A warmer, friendlier design was needed for people to warm up to a bit more.

Chair Ives suggested moving the bathroom around the curve to the north, putting it closer to the amphitheater and playground, and opening up the plaza on the south side a bit more. The change might help separate the squareness of the stairs and bathroom. She also suggested using 2 to 3 pumping stations to create a couple waterfalls as part of the water feature. Though separate, the areas would visually look connected.

Ms. Wisner asked if some grass could be included near the water feature so kids and parents could have an area to sit near the water. Having grass or plantings near part of the water feature would soften the concrete look of the design and make the water feature more inviting.

Chair Ives replied that lawn may not be possible due to the extra maintenance required, but believed planting pockets or ornamental grasses could be incorporated.

Mr. Hemer stated that he liked the base of the water feature because it would create a falling, cascade type of waterfall. He asked if Ms. Wisner wanted the water feature to have a more curved design to give a river kind of feel and so that it would not fall fast down the hill.

Ms. Wisner described her general vision of the water feature. Near the water feature's starting point she would like to see multiple sources of water coming up; one could be bubbling, one could be flowing, etc., and then meandering water channels could finger out into the concrete. The water could then cascade down into a secondary level. The design should not be so rigidly rectangular, but enable water to spill out as water did naturally. Water erodes river banks, so the water could look like it was eroding the stairs and the shape would splay out and continue in a curvilinear channeling water down to the third cascade, where it would do different things again with more of a spilling out, meandering type of shape. The water could then fall into organically-shaped pools, similar to a river's edge.

The stepping stones could be a combination of the rectangles in the stairway that become more rounded and irregularly shaped, so devolution could be seen from rectangles to more organic shapes.

She wanted planned irregularity. She liked how the bottom 2 steps in the design were different from each other and not regimented, and she wanted to see more of that type of irregularity throughout the design. She would also like to see more water-carved rock throughout to make the water feature look less monolithic and rectangular and more naturally shaped.

Chair Ives commented that stones being picked for the project already had a worn look to them. She suggested some bubbling fountains could be placed in the lower pond as well, and noted that if the restroom was moved over, the trees could also move to open up a larger view corridor.

Ms. Mangle noted she was not hearing any show stopper comments, only challenges about what should be changed for the final design. She suggested crafting a new finding that encouraged the Applicant to consider certain items when preparing for the post-approval review. The Applicant had to return to the DLC for the water feature and restroom anyway. She suggested taking a break so she and Mr. Marquardt could make a list of 5 or 6 items that the DLC wanted the Applicant to address.

The Committee took a brief recess and reconvened at 10:06 p.m.

Ms. Mangle stated staff was proposing changes to both the conditions of approval and the findings. On Addendum 1 dated November 9, 2009, staff proposed renumbering Finding 9 at the bottom of page 11 to Finding 10 and creating a new Finding 9 to state:

“As the Applicant prepares the project for the project’s conditioned post-approval review to comply with Condition 4, the Design Landmarks Committee has asked the Applicant to consider how the following aspects of the design can better meet the Milwaukie character Design Guidelines. The items to consider are: water flow from the roof of the buildings; design the water feature to echo the meandering nature of water through the site and incorporate less linear features; consider ways to incorporate Milwaukie’s character in the details of the building; reduce the size and angular nature of the parapet walls; proximity of the bathroom and the playground; and consider views from downtown.”

Ms. Wisner clarified that the desired changes to the water feature were more about considering how water flowed through Milwaukie and the park site. She wanted a design concept that reflected how Milwaukie’s character was affected by the water that flowed through the city via springs, creeks, and rivers; the nature of the water and how the town related to it.

Chair Ives suggested changing the wording to have the Applicant address how the water that flowed from the roof would be handled.

Mr. Marcum requested clarification about how to incorporate Milwaukie’s character in the details of the building.

Vice Chair Bernard replied a scene from Milwaukie’s past could be imprinted into the cement, or new and old artwork could be incorporated into the building. The Applicant could view some existing murals throughout the city to get a better idea of Milwaukie’s character. The artwork did not have to be a literal interpretation of Milwaukie’s character.

Mr. Williams asked if the DLC preferred a particular architectural style that already existed in Milwaukie and could be incorporated into the restroom facility to resemble the rest of the city.

Comments from the DLC included:

- The DLC liked Craftsman styles and bungalows. The DLC did not like the flat concrete unfinished look. Flat concrete might be what other cities have, but it would not happen in Milwaukie anymore. Though many 1950s structures existed in Milwaukie, not many all-concrete buildings existed in the city.
- Nothing was wrong with using actual pictures or artwork to incorporate the past into the restroom facility. There were many ways for an artist to interpret the story of Milwaukie. The 1996 Riverfront Planning Committee had talked about having something visual and artistic along Milwaukie's walkways that told the historic timeline of the city. Perhaps something similar could be incorporated at Riverfront Park so Milwaukie residents could have a connection to Milwaukie's past.

Ms. Wisner said she was not wild about the building's shape, but seeing more natural materials used on the building helped. She preferred warm, inviting architecture, like Cascadian architecture. She also liked board and batten, river rock, and other natural, touchable and welcoming types of rustic architecture and materials.

Chair Ives agreed such statements were fair to present to the Applicant, but discussion about artwork was not really in the Applicant's realm. The DLC could place artwork on a wall of the building.

Mr. Hemer clarified the DLC wanted something to cover up the concrete base and a design to be integrated about the story of Milwaukie on the large, flat wall of the facility. He noted that he did have an opinion about the cedar siding. He assumed interpretive signs would be placed in the area to relate Milwaukie's story, but did not favor putting characters on buildings, for example.

Mr. Marquardt explained that specific items did not necessarily need to be captured directly into the wording of the findings because the Applicant needed some room to demonstrate basic compliance with how the design was modified to be more compliant with Milwaukie's character. The Applicant needed to think about how to incorporate the DLC's suggestions, but not be dictated by a list.

Ms. Herrigel stated it was helpful that the DLC reviewed the modifications for covering the cement base and found the cedar siding acceptable.

Vice Chair Bernard said she did not love the cedar siding, but if the Board was okay with the siding, then she was too.

Mr. Klein replied the Board was happy with the cedar siding and since the bathroom would be 1 ft above the flood plain, a concrete base was a great idea.

Ms. Wisner clarified the concrete base was not being disputed, only the concrete's finish.

Ms. Mangle added "Reduce the cold feeling of concrete throughout the site and on the building" to the new Finding 9.

Chair Ives clarified the concern was basically about the concrete on the building; the concrete walks were acceptable.

Ms. Mangle amended the character portion of new Finding 9 to state, "Consider ways to incorporate Milwaukie's character and history in the details of the project. This could include incorporation of art elements, vernacular architecture, signage, or a choice of materials."

Mr. Marcum questioned the third item where a solution was being dictated, instead of recommending a guideline of lowering and changing the design of the parapet walls. He asked

if the DLC wanted to leave that open for some interpretation, and what result did the DLC desire.

Chair Ives agreed the item could be removed since the Applicant would be returning with an entire package and the DLC should not dictate specific details of an overall design.

Mr. Marquardt explained that pursuant to the new finding, another sentence would be added to the end of Condition 2 in Attachment 2 page 1 that would state, "Submit a narrative explaining how the plans have addressed the items listed in Finding 9." This would direct the Applicant to address the issues at the post-approval stage. A narrative would dictate a written explanation, but the project would also return before the DLC for post-approval review.

Ms. Mangle added the DLC would be reviewing the plans, but in addition, staff was asking the Applicant to explain how those plans addressed the concerns listed in Finding 9.

She noted that the list in Condition 4 of Attachment 2 also needed to be amended. Some items that the DLC would look at again had been struck, including the restroom buildings. Given the current conversation, staff recommended putting it back on the list so the DLC would review it again.

Mr. Hemer moved that the DLC recommend that the Planning Commission approve application DR-09-01 with the recommended findings and conditions of approval as amended found in Attachments 1 and 2. Vice Chair Bernard seconded the motion, which passed unanimously.

6. OTHER BUSINESS

a. Jackson Street Bus Shelter project update

Ms. Mangle stated she had prepared a draft of a letter of support that she hoped the DLC could submit. TriMet was about to enter into a contract with the bus shelter manufacturer, based on the DLC's recommendation, and TriMet requested a letter of support from the DLC.

The project was going well and most things the DLC asked for had been confirmed. The final designs would be done in concert with the manufacturer, such as the final shape and structure of the roof, the final colors, and the material to be used at the bottom of the structure. These items could not be determined until TriMet entered into a contract with the manufacturer to purchase the shelters. She read the letter for the DLC's consideration.

Mr. Hemer moved to approve the letter of support for TriMet. Vice Chair Bernard seconded the motion, which passed unanimously.

7. ADJOURN

The meeting adjourned at 10:26 p.m.



Becky Ives, Chair



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

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TO: Gail Curtis – Planner
Region 1 Planning

FROM: Doug Baumgartner, E.I.T.
Development Review Traffic Analyst
Region 1 Traffic

DATE: March 5, 2009

RE: **Milwaukie Riverfront Park Redevelopment
HWY 81 (OR99E)
Clackamas County, Oregon**

Introduction

I have reviewed the Transportation Impact Study (TIS) for the proposed redevelopment of the Milwaukie Riverfront Park in Milwaukie, Oregon. The TIS is dated January 8, 2009 and was prepared by Christian Snuffin of David Evans and Associates, Inc.

The development proposal is for the redevelopment of the park and the consolidation of the park access with the adjacent Kellogg Creek Water Pollution Control Plant (WPCP) property access to SE McLoughlin Boulevard (OR 99E). The redevelopment will include a reduction in parking spaces for the park from 40 parking stalls to 32 parking stalls with 6 additional stalls for exclusive use by the employees and visitors of the WPCP. The TIS included the analysis of the ODOT intersections of SE Jefferson Street and SE Washington Street along with the proposed joint access south of SE Washington Street on OR 99E. The existing park access on OR 99E at SE Jefferson Street functions as a right-in, right-out access on the west side of the highway at SE Jefferson Street, and the existing WPCP access functions a full access opposite SE Washington Street on OR 99E. The section of OR 99E (Highway 81, MP 5.72-5.93) that the proposed development will access is classified in the 1999 Oregon Highway Plan as a District Highway and is designated as a Federal Truck Route and a Special Transportation Area (STA) with a standard maximum volume to capacity ratio of 0.99.

Based on the technical review of the Milwaukie Riverfront Park TIS, ODOT has the following comments and concerns regarding the findings of the TIS.

Volume Development and Capacity Analysis

Traffic counts were collected in December of 2008 for the intersections of SE Jefferson Street and SE Washington Street with OR 99E. The AM, PM, and Saturday Middy peak hours were obtained from the traffic counts, seasonally adjusted, and analyzed under a current year scenario. The existing condition v/c ratios for the weekday pm peak hour at the SE Jefferson Street and SE Washington Street intersections with OR 99E are 0.01 and 0.93, respectively, and with the redevelopment of the park the new access is projected to meet mobility standards by functioning at a v/c ratio of 0.32.

Access Management and Sight Distance

The access spacing standard for a District Highway in a STA is 175 feet. The proposed development will consolidate the park and WPCP accesses and relocate the new access 300 feet south of the existing WPCP access at SE Washington Street. Since the nearest access south of the proposed access is over 1,000 feet away, the access spacing standards for the proposed development access would be met. The applicant will need to apply for and obtain an access permit for the proposed shared access. The highway has a posted speed of 45 mph south of the SE Washington Street intersection and the intersection sight distance standard for posted speeds of 45 mph is 610 feet. The intersection sight distance of the new access will need to be provided as part of the permit application process.

Traffic Safety

The intersections of SE Jefferson Street and SE Washington Street with OR 99E are on the ODOT statewide 10% Safety Priority Index System (SPIS). The TIS included an analysis of crash records at study intersections but did not provide a summary of the results or the parameters of the study. An ODOT review of three years of crash records for the study area intersections revealed a significant amount of left turn accidents at the SE Jefferson Street intersection, but a traffic separator island that prevents left-turns was installed on the highway north of the SE Washington Street intersection in within the past two years. The rest of the accidents appear to be rear end crashes of the type normally associated with signalized intersections.

Turning Lane Warrants and Queuing Analysis

The proposed shared access would be located in an area where the highway is transitioning from a 4-lane cross section to a 5-lane cross section. The TIS included a left-turn lane warrant analysis for the proposed shared access to the highway. ODOT guidelines for the installation of left-turn lanes require that when the anticipated left-turn demand is between 1 and 10 vehicles per hour “careful consideration be given to installing a left-turn lane due to the increased potential for accidents in the through lanes.” Given the traffic volumes and speeds on the highway and the anticipated use of the access by trucks and vehicles pulling trailers, we believe a left-turn lane on the highway would be warranted. The turn lane would have to be designed to ODOT standards which, for a highway with a 55 mph design speed, require 320 feet of deceleration distance and a minimum of 100 feet of storage distance all built to standard widths. The applicant will need to determine the required storage length for the left-turn lane and widen the highway as necessary to provide a left-turn lane that complies with ODOT standards.

The TIS recommended extending the 30 mph speed zone to the south from the SE Washington Street intersection to provide a transition in advance of the proposed shared access. It is not ODOT policy to adjust speed zones on State facilities based on proposed developments. Posted speeds on state highways are based on the prevailing speed of traffic in the area.

Conclusion

The proposed redevelopment of the Milwaukie Riverfront Park will not have a significant impact on highway capacity at the study intersections. The applicant must apply for and obtain an access permit before constructing the proposed shared access. It is recommended that the applicant be conditioned to construct a northbound left-turn lane on the highway at the proposed access in accordance with ODOT standards. The applicant shall also be required to remove the existing driveways at SE Jefferson Street and SE Washington Street and install ODOT standard curb and sidewalk, and remove the signal head and striping for the northbound left-turn at SE Washington Street. The applicant shall also be conditioned to provide standard frontage improvements including a southbound bike lane, curb, and sidewalk along the frontage of the development.

If there are any questions regarding the contents of this memorandum, please contact me at (503) 731-8225.



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209
Telephone (503)731-8200
FAX (503)731-8259

November 13, 2009

Ryan Marquardt, Planner
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

Subject: Proposed Milwaukie Riverfront Park Redevelopment

Dear Mr. Marquardt:

ODOT has participated in the project development and has reviewed the current park proposal. We are pleased that the access along OR 99E (McLoughlin Blvd,) an ODOT facility is being reduced from two to one access. Attached are the March 5, 2009 ODOT engineering section review comments (which are current to this proposal).

In order to ensure safety along OR 99E, as noted in the attached comments, we request the City condition the decision to require:

- a left-turn lane for the OR 99E park access built to ODOT standards;
- a south bike lane, curb and sidewalk along the frontage of the redevelopment; and
- removal of the signal head and striping for the northbound left-turn at SE Washington Street.

ODOT permits for the driveway closure, new driveway and frontage improvements are required. Please let me know if you have any questions regarding our comments. For questions regarding permits, please contact Loretta Kiefer at 971- 673-6228.

The park improvement should be a significant community improvement. Best luck with its construction.

Sincerely,

Gail Curtis, AICP
Senior Transportation Planner

Attachment: March 5, 2009 ODOT Engineering Section comments

From: Wayne Shuyler [mailto:wayne.shuyler@state.or.us]
Sent: Thursday, October 29, 2009 4:08 PM
To: Marquardt, Ryan
Cc: Joann Herrigel; Janine Belleque
Subject: Comments

October 29, 2009

Ryan Marquardt, Assoc. Planner
 City of Milwaukie Planning Department
 6101 SE Johnson Creek Blvd.
 Milwaukie, OR 97206

Planning Department Public Comment
 Planning Commission Hearing – November 24, 2009

Site Location: Milwaukie Riverfront Park
Applicant: JoAnn Herrigel, City of Milwaukie
Review Type: Minor Quasi-Judicial
File#(s): DR-09-01, TPR-09-03, WG-09-01, WQR-09-01 and VR-09-03
Application Type: Design Review, Transportation Plan, Willamette Greenway, Water Quality Resource, Variance

Comments: Design Review

Boat Ramp

The large woody debris adjacent to the ramp could be a hazard at some water levels to boats using the ramp or navigating in the vicinity of the ramp. This material should be relocated further from the ramp to avoid navigational obstructions. The location of the large woody debris, rocks and boulders adjacent to the ramp are also likely to contribute to woody debris accumulation which could further create navigational obstructions and human health and safety risks. The large woody debris, rocks and boulder layout quantity and location changes in various drawings. There were no sections taken through the ramp to evaluate the cut/fill slopes, riprap, and evaluate the potential impact of the large woody debris.

The ramp toe appears that it could be at a lower elevation. Typically the ramp toe would be 4-feet below low tide at OLW river level. The lower Willamette River will get up to 2-feet of tidal influence during OLW. The ramp slope is pushing our maximum recommended slope of 15%. We would prefer a slope closer to 12% for optimum ease of use and functionality. A note mentions riprap ramp protection at toe and perimeter but do not see riprap consistently in the drawings.

The arrows for Section P-3 appear to be facing the wrong way since we can see the piles in the view and the profile is looking upstream. Also in Section P-3, each pile has a different cut-off elevation. Typically the minimum of 4-feet above the FEMA 100 Year Flood elevation is used. A note mentions that precast concrete planks will be used below

OHW. In P-3 it appears that the planks stop and go to cast-in-place concrete before reaching the OHW elevation.

Boarding Floats

The boarding float piles are external to the float reducing the usable mooring/tie-off area on the float. Because of the limited parking and the proximity of the parking area the ability for a boater to use both sides of the float will improve the functionality of launch and retrieval staging times. The boarding floats are described as composite, plastic and wood in various locations throughout the document. What are the building materials and will there be any pressure treated wood used in the float fabrication? A foam encapsulation certificate from the Marine Board will be required for the installation of the boarding floats.

Transient Floats

The piles for the transient float are external to the float. This drastically reduces the available mooring area of the float. Using internal piling optimizes the mooring area to the maximum extent possible. It appears that additional floatation is needed under the end of the gangway to support the live and dead loading. The transient float notes aluminum grating panels. Are these for light transmission? The concrete transient float will have timber bumpers, will they be pressure treated? A foam encapsulation certificate from the Marine Board will be required for the installation of the transient floats.

Parking Areas

It appears that there are some significant drop-offs at the retaining walls near and adjacent to the boat trailer parking area. Will guardrails be included as needed? Is there an accessible route from the disabled boat trailer stall to the top of the boat ramp? It appears that a portion of the accessible route will be 8% requiring handrails on both sides of the walk and needing a level landing at each end of the 8% run.

Restroom

Very little information was provided on the small restroom near the boat ramp. Is it a flush restroom?

Wayne Shuyler
Assistant Director/
Boating Facilities Program Manager
Oregon State Marine Board
435 Commercial St. NE
P. O. Box 14145
Salem, OR 97309-5065

Phone: 503-378-2605
FAX: 503-378-4597

E-mail: wayne.shuyler@state.or.us

From: HUFFMAN Anita [anita.huffman@state.or.us]

Sent: Tuesday, October 13, 2009 11:31 AM

To: Marquardt, Ryan

Subject: Milwaukie Riverfront Park

Hi Ryan, I am the Coordinator assigned to Clackamas Co. I replace Mike McCabe; please send future correspondence to my attention.

For the above referenced project, DSL has no comment. We have already issued authorization for impacts to the waterway, and have no further interest in the project.

Thank you for the opportunity to comment.

Anita M. Huffman
Resource Coordinator-Josephine and Clackamas Counties
Wetlands and Waterway Conservation Division
Oregon State Lands
775 Summer St. NE
Salem, OR 97301
503-986-5250 FAX 503-378-4844
<http://www.oregonstatelands.us>

From: Pat Russell [mailto:flanagan112@hotmail.com]
Sent: Thursday, October 15, 2009 12:24 PM
To: Mangle, Katie; Herrigel, JoAnn
Cc: Susan (CPO) Shawn; Eric (CPO) Shawn; Marshall Johnson; Steve Berliner; Dick and Sally Shook; Chris Hearthwood Wetlands Runyard
Subject: Willamette Riverfront Plan, PC Hrg Oct 28th

Katie, JoAnn,

I read in the CM's Friday Memo (Oct 9th) that there is a hearing (?) scheduled before the city's Planning Commission on Oct 28th.

It appears from the notes that the "plan" constitutes a Land Use Application before the city's Planning Department, subject to the city's zoning and development codes.

If this is the case, could you forward a copy of the land use application, deemed complete by the Planning Department, to me, as a citizen. Email format would be acceptable if the exhibits can be PDF'd and printable. I also encourage you to forward a copy of the application to the following groups:

- No. Clackamas Urban Watersheds Council (they meet next Wednesday, October 21st)
- Friends of North Clackamas Parks (FONCPS) who meet on the first Wednesdays
- Friends of Kellogg Creek and Mt. Scott Creek

COMMENTS:

I remain very concerned that the concept plans show the boat landing/ramp very close to the mouth of Kellogg Creek with little explanation/analysis (that I could find on the city's website) about what is needed to sustain the habitat for fish and wildlife in this area. This is especially problematic because I don't see any changes of grade to the southbank of the mouth where the steel revetments would remain in place. This southbank from the service road crossing the creek to the steel revetment (metal pilings?) is VERY steep and I don't think the existing bridge improvements supporting the McLoughlin Highway crossing of the mouth/estuary would permit wildlife migration UNDER the roadway. Further, I don't think wildlife would be able to move up the steep bank. Therefore any wildlife are relegated to the riverfront park proper (when crossing the mouth is feasible for wildlife) or southerly of the revetment work (within "Kellogg Park"--the greenway between the sewer plant and the river). This area has been heavily reveted with rip rap rock with lawn on the top, level with the sewer plant operations. This area of the "park" is not improved with any significant, native riparian landscape treatment. Instead, the improvements provided in the 1970's were very ornamental, including manicured lawn/turf. Therefore there are significant fish and wildlife barriers between the estuary and the Willamette River. And, of course, the "Kellogg Lake" is an unnatural barrier in itself.

As for fish passage, it is restricted and the riverfront plans do not appear to address the ULTIMATE needs and improvements between the river and the estuary (nor were they intended, as I understand). Certainly, even a 50 foot setback from some defined "high water mark" in the creek's mouth and a hardscape improvement (ramp leading into the river) is arbitrary. I would suggest that the ultimate need and plan has yet to materialize, but will quite soon as part of the preliminary studies and engineering planned from proceeds of the MTIP grant. The results of that study will be later next year (I am presuming).

Therefore, it is premature, in my view, to commit to hardscape and permanent

improvements and to monument the use of areas south of the mouth and within a certain area north of the mouth. What that distance should be--I don't know. But 50 feet will not provide adequate transition between a supposed natural area for fish (the mouth and emerging estuary slightly upstream) and flood waters known during the winter that create a backwater setting that steelhead, coho and other salmon species use to get out of the swift waters of the Willamette. Various scientific studies around the northwest have documented the critical relationships of these backwater estuarine areas and the winter river conditions. The city's recent grant application last spring for a federal stimulus grant to reconstruct the McLoughlin Blvd. crossing and estuarine restoration provides some excellent details about these needs and conceptual issues.

There may be acceptable urban improvements, along with bank restoration, that can be planned between the mouths of Johnson Creek and Kellogg Creek, while reserving areas for salmon recovery needs. If this recovery strategy has already been mapped and planned by the local, state and federal agencies, then I would be interested in knowing the details presented in a readable format for the public and concerned citizens (for salmon).

I know for sure, though, that the Kellogg Mouth needs a whole lot more shade and root structure to create a more fish friendly habitat and stable (less steep and more natural) bank structure (and removal of invasives). The few mature massive canopies of Cottonwoods that tower over the roadways and mouth, today, (and holding some of the bank in place) must definitely be protected, including ALL the AREA below the projected dripline. They need to be supplemented with added native vegetation--including more tall/large/broad canopy native trees, some evergreen, I think, and a very healthy and sturdy/full understory. I will be looking for that detail in the plans.

I understand the plan has been endorsed by a number of state agencies (I think), but I don't know to what degree of detail. Its time to get to that detail if development entitlements are being considered for a particular user group and permanent public improvement. This interface area (with the estuary and upland needs) is one of the most critical in the watershed for the success of the salmon recovery efforts. Personally, I'd rather put as much money as possible into the fish passage needs first, and then the public recreational improvements second (although river front bank improvements are important to check further environmental damage).

Thank you for your assistance.

Pat Russell
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Clackamas, OR 97015
(503) 656-9681
Email: flanagan112@hotmail.com