



May 26, 2010

File(s): DR-09-01; TPR-09-03; WG-09-01  
WQR-09-01; VR-09-03

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on May 25, 2010.

- Applicant(s):** City of Milwaukie, represented by JoAnn Herrigel,  
Community Services Director
- Location(s):** Milwaukie Riverfront Park
- Tax Lot(s):** 1S1E35AA: 02200, 02300, 02400, 02500, 02600,  
02700, 02800, 03901, 04400, 04700, 04800, 04900,  
04700, 04800, 04900, 05000; 1S1E35AC: 00900,  
01000, 01001
- Application Type(s):** Design Review, Transportation Plan Review,  
Willamette Greenway, Water Quality Resource,  
Variance
- Decision:** Approved, with conditions
- Review Criteria:** Milwaukie Zoning Ordinance:
- 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
- Neighborhood(s):** Historic Milwaukie and Island Station

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

**Appeal period closes: 5:00 p.m., June 10, 2010**

Appeals to the City Council must be accompanied by the appeal fee, be submitted in the proper format, address applicable criteria, and be made on forms provided by the Planning

COMMUNITY DEVELOPMENT  
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Department. Milwaukie Planning staff (503-786-7630) can provide information regarding forms, fees, and the appeal process.

### **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

- 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. The Planning Commission finds that the project should give greater access for recreation by non-motorized water craft to meet this criterion. As conditioned, the project complies with this criterion.

- 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 Planning Commission finds that the project should give greater access for recreation by non-motorized water craft to meet this criterion. The park paths, festival lawn, amphitheater, and plaza are designed to accommodate multiple forms of active and passive recreation. As conditioned, the project complies with this criterion.
- 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 within 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

- 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. The 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 were received from: Gail Curtis, ODOT; Heather Boll, TriMet; Wayne Shuyler, Oregon State Marine Board; Anita Huffman, Oregon Division of State Lands; Pat Russell, N. Clackamas Citizens Association and N. Clackamas Urban Watershed Council; Dave Green, Michael Martin, and Mike Stacey, Milwaukie Riverfront Board; Rebecca Ives, Milwaukie Design and Landmarks Committee.

### **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 May 11, 2010 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.
  - M. The plans shall include a dedicated non-motorized boat launch area. If other agencies reviewing the project plans will not permit a dedicated non-motorized boat launch, the applicant shall submit a narrative with the development plans explaining what actions were taken to incorporate a non-motorized boat launch into the project.
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:

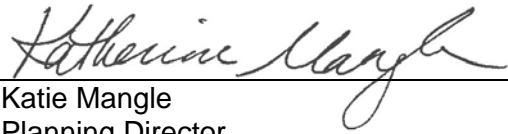
- A. The Community Services Department shall maintain event management plans for the events within the park. The plans must effectively mitigate impacts for traffic and parking, and limit impacts to vegetated riparian areas during events. The plan shall be updated as necessary to respond to changing 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.

**Exhibits**

Exhibit A: Design Guidelines Compliance

Exhibit B: Design and Landmarks Committee Recommended Conditions of Approval

Exhibit C: Findings for Development in the Water Quality Resource Area



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Katie Mangle  
Planning Director

cc: Applicant  
Planning Commission  
Milwaukie Riverfront Board  
Milwaukie Design and Landmarks Committee  
Kenny Asher, Community Development/Public Works Director  
Katie Mangle, Planning Director  
Gary Parkin, Engineering Director  
Brad Albert, Civil Engineer  
Tom Larsen, Building Official  
Bonnie Lanz, Permit Specialist  
Gail Curtis, Oregon Department of Transportation  
Wayne Shuyler, Oregon State Marine Board  
Doug Whiteley, Lieutenant Deputy Fire Marshal  
Anita Huffman, Oregon Division of State Lands  
NDA(s): Historic Milwaukie and Island Station  
Interested Persons  
File(s): DR-09-01; TPR-09-01; WG-09-01; WQR-09-01; VR-09-03

# Exhibit A:

## Design Guideline Compliance

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

<b>MILWAUKIE CHARACTER GUIDELINES</b>	
<b>Applicant Information</b>	<b>Recommended Findings</b>
<b><i>a. Reinforce Milwaukie’s Sense of Place = Strengthen the qualities and characteristics that make Milwaukie a unique place.</i></b>	
<p>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.</p> <p>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.</p>	<p>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.</p> <p>The landscape plans for the park reinforce Milwaukie’s sense of place by featuring the dogwood tree prominently within the park.</p> <p>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.</p> <p><b><i>The proposal meets this guideline.</i></b></p>
<b><i>b. Integrate the Environment = Building design should build upon environmental assets.</i></b>	
<p>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.</p> <p>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</p>	<p>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.</p> <p>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.</p> <p><b><i>The proposal meets this guideline.</i></b></p>

<p>–referencing materials have been selected for park features; bright colors will be derived from flowering plants and park events, not park architecture.</p>	
<p><b><i>c. Promote Linkages to Horticultural Heritage = Celebrate Milwaukie’s heritage of beautiful green spaces.</i></b></p>	
<p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p><b><i>The proposal meets this guideline.</i></b></p>
<p><b><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></b></p>	
<p>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.</p> <p>No gated residential development or utilitarian materials are being proposed.</p>	<p>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 McLoughin 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.</p> <p><b><i>The proposal meets this guideline.</i></b></p>
<p><b><i>e. Consider View Opportunities = Building designs should maximize views of natural features or public spaces.</i></b></p>	
<p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p><b><i>The proposal meets this guideline.</i></b></p>



<p><b><i>f. Consider Context = A building should strengthen and enhance the characteristics of its setting, or at least maintain key unifying patterns.</i></b></p>	
<p>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.</p> <p>The buildings will appropriately respond to their surrounding context.</p>	<p>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.</p> <p><b><i>The proposal meets this guideline.</i></b></p>
<p><b><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></b></p>	
<p>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.</p> <p>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.</p>	<p>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.</p> <p><b><i>The proposal meets this guideline.</i></b></p>
<p><b><i>h. Preserve Historic Buildings = Historic building renovation, restoration, or additions should respect the original structure.</i></b></p>	
<p>This project has no impact. This guideline does not apply.</p>	<p><b><i>This guideline is not applicable.</i></b></p>
<p><b><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></b></p>	
<p>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.</p>	<p>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.</p> <p><b><i>This guideline is not applicable.</i></b></p>
<p><b><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></b></p>	
<p>The central water feature was designed to function as a subtly interactive artistic element referencing the flow of the Willamette River.</p>	<p>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</p>

	<p>into the elements of the park that are already proposed, rather than add new artistic elements for their own sake.</p> <p><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></p>
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**PEDESTRIAN EMPHASIS GUIDELINES**

Applicant Information	Recommended Findings
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***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.***

<p>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.</p> <p>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.</p>	<p>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.</p> <p><i>The proposal meets this guideline.</i></p>
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***b. Define the Pedestrian Environment = Provide human scale to the pedestrian environment, with variety and visual richness that enhance the public realm.***

<p>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.</p>	<p>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.</p> <p>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.</p> <p><i>See finding at the end of the Pedestrian Emphasis Guidelines.</i></p>
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***c. Protect the Pedestrian from the Elements = Protect pedestrians from wind, sun, and rain.***

<p>The large restroom was designed with integrated covered areas including seating. Large canopy trees throughout the plaza will provide shared in summer months.</p>	<p>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.</p>
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<p>No synthetic awnings or covered areas are proposed.</p>	<p><i>See finding at the end of the Pedestrian Emphasis Guidelines.</i></p>
<p><b><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></b></p>	
<p>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 site and people watch, view the Willamette River, or rest.</p> <p>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.</p>	<p>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.</p> <p><i>See finding at the end of the Pedestrian Emphasis Guidelines.</i></p>
<p><b><i>e. Create Successful Outdoor Spaces = Spaces should be designed for a variety of activities during all hours and seasons.</i></b></p>	
<p>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.</p>	<p>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.</p> <p>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.</p> <p><i>See finding at the end of the Pedestrian Emphasis Guidelines.</i></p>
<p><b><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></b></p>	
<p>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.</p> <p>All park ramps provide safe, non-obstructive routes to park features, including restroom facilities.</p>	<p>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.</p> <p><i>The proposal meets this guideline.</i></p>

***Finding for the “Define the Pedestrian Environment”, “Protect the Pedestrian from the Elements”, “Provide 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
<b><i>a. Corner Doors = Locate entry doors on corners of commercial and retail buildings wherever possible.</i></b>	
Not applicable. The restrooms will be small, stand alone buildings where corner doorways would not be appropriate.	<b><i>This element is not applicable.</i></b>
<b><i>b. Retail and Commercial Doors = Doors should create an open and inviting atmosphere.</i></b>	
Not applicable. The project contains no retail development.	<b><i>This element is not applicable.</i></b>
<b><i>c. Residential Doors = Residential front doors should define a friendly transition between the public and the private realm.</i></b>	
Not applicable. This project contains no residential development.	<b><i>This element is not applicable.</i></b>
<b><i>d. Wall Materials = Use materials that create a sense of permanence.</i></b>	
<p>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.</p> <p>Veneer treatments, painted brick or obtrusive colors will not be used.</p>	<p>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.</p> <p><b><i>The proposal meets this guideline.</i></b></p>
<b><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></b>	
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	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.

<p>will also add visual interest.</p> <p>The materials and massing of the building avoids uninteresting or featureless views of the building.</p>	<p><i>The proposal meets this guideline.</i></p>
<p><b>f. Retail Windows =Use windows that create an open and inviting atmosphere.</b></p>	
<p>Not applicable. The project contains no retail development.</p>	<p><i>This element is not applicable.</i></p>
<p><b>g. Residential Bay Windows =Provide bays to add variety and visual interest to façade and interesting views and outdoor spaces from the interiors..</b></p>	
<p>Not applicable. This project contains no residential development.</p>	<p><i>This element is not applicable.</i></p>
<p><b>h. Silhouette and Roofline = Create interest and detail in silhouette and roofline.</b></p>	
<p>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.</p> <p>Although the restroom buildings are small, their low-profiles will be detailed and long-lasting.</p>	<p>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.</p> <p><i>The proposal meets this guideline.</i></p>
<p><b>i. Rooftops = Integrate rooftop elements into building design.</b></p>	
<p>The roofs of both restroom buildings will be covered with an attractive and durable standing seam metal of medium grey color.</p> <p>No mechanical or communications equipment will be included on the rooftops. Maintenance requirements precluded the application of an ecoroof.</p>	<p>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.</p> <p><i>The proposal generally complies with this guideline. More information is needed regarding roof venting and color. As conditioned, this guideline is met.</i></p>
<p><b>j. Green Architecture = New construction or building renovation should include sustainable materials and design.</b></p>	
<p>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.</p>	<p>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.</p>

<p>To the extent practicable, timber and other products will be derived from sustainable sources; be recycled and/or recyclable.</p>	<p><i>As conditioned, the proposal meets this guideline.</i></p>
<p><b><i>k. Building Security = Buildings and site planning should consider and employ techniques that create a safe environment.</i></b></p>	
<p>Not applicable. The restroom buildings will not include security gates, loading bays, private areas, or surveillance cameras.</p>	<p>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.</p> <p><i>The proposal complies with this design guideline.</i></p>
<p><b><i>l. Parking Structures = Parking structures should be designed so that they appear like most other buildings in the downtown.</i></b></p>	
<p>Not applicable. No parking structures are proposed for this project.</p>	<p><i>This element is not applicable.</i></p>

<p style="text-align: center;"><b>LIGHTING GUIDELINES</b></p>	
<p><b>Applicant Information</b></p>	<p><b>Recommended Findings</b></p>
<p><b><i>a. Exterior Building Lighting = Architectural lighting should be an integral component of the façade composition.</i></b></p>	
<p>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.</p> <p>No neon, flashing, fluorescent tube, or spotlights are proposed for the lighting of the park or restrooms.</p>	<p>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.</p> <p><i>Compliance with this guideline will need to be evaluated at a future date.</i></p>
<p><b><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></b></p>	
<p>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.</p> <p>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.</p>	<p>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.</p> <p><i>As conditioned, the proposal meets this guideline.</i></p>
<p><b><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></b></p>	
<p>The plaza, pathways, transient dock, and overlooks</p>	<p>The applicant has included examples of path lighting and</p>

<p>will be lighted for safe nighttime use. Fixtures (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.</p> <p>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.</p>	<p>wall to be used for overall lighting of the site. The proposed lighting complies with the landscape lighting guideline.</p> <p><i>As conditioned, the proposal meets this guideline.</i></p>
<p><b>d. Sign Lighting = Sign lighting should be designed as an integral component of the building and sign composition.</b></p>	
<p>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.</p> <p>No awnings, neon, or plastic lighting is proposed. All lighting will be integrated or permanently fixed in place without exposed electrical infrastructure.</p>	<p>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.</p> <p><i>Compliance with this guideline will need to be evaluated at a future date. As conditioned, this guideline is met.</i></p>

<h2 style="text-align: center;">SIGN GUIDELINES</h2>	
<p><b>Applicant Information</b></p>	<p><b>Recommended Findings</b></p>
<p><b>a. Wall Signs = Signs should be sized and placed so that they are compatible with the building’s architectural design.</b></p>	
<p>Not applicable. The project contains no retail-style outdoor signage.</p>	<p><i>This element is not applicable.</i></p>
<p><b>b. Hanging or Projecting Signs = Hanging signs should be oriented to the pedestrian, and highly visible from the sidewalk.</b></p>	
<p>Not applicable.</p>	<p><i>This element is not applicable.</i></p>
<p><b>c. Window Signs = Window signs should not obstruct the views through windows.</b></p>	
<p>Not applicable.</p>	<p><i>This element is not applicable.</i></p>
<p><b>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.</b></p>	
<p>Not applicable.</p>	<p><i>This element is not applicable.</i></p>
<p><b>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.</b></p>	
<p>See “Sign Lighting” above.</p>	<p>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.</p> <p><i>Compliance with this guideline will need to be evaluated at a future date.</i></p>

<b><i>f. Kiosks and Monument Signs = Directory monument informational signs should illustrate the layout of a development, and list and locate uses or tenants within.</i></b>	
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.  <b><i>Compliance with this guideline will need to be evaluated at a future date.</i></b>
<b><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></b>	
Not applicable.	<b><i>This element is not applicable.</i></b>



## **Exhibit B:**

### **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.

## **Exhibit C:**

### **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.