

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

COMMISSIONERS PRESENT

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

STAFF PRESENT

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

COMMISSIONERS ABSENT

Chris Wilson

1.0 Call to Order – Procedural Matters

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

2.0 Planning Commission Minutes

2.1 March 23, 2010

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

3.0 Information Items—None.

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

5.0 Public Hearings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Klein called for the Applicant's testimony.

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

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

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

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

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

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

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

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

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

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

Commissioner Churchill:

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

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

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

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

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

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

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

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

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

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

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

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

Chair Klein:

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

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

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

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

Commissioner Churchill:

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

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

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

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

Commissioner Churchill:

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

Chair Klein:

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

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

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

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

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

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

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

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

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

There was no further public testimony.

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

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

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

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

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

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

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

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

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

Commissioner Churchill:

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

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

Chair Klein called for additional comments from staff.

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

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

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

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

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

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

Commissioner Batey:

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

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

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

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

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

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

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

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

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

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

Commissioner Churchill:

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

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

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

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

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

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

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

Commissioner Batey:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Klein:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Batey asked why it was different than a condition.

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

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

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

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

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

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

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

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

6.0 Worksession Items—None

7.0 Planning Department Other Business/Updates

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

8.0 Planning Commission Discussion Items

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

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

9.0 Forecast for Future Meetings:

May 25, 2010

1. Worksession: Review Procedures Code Project

June 8, 2010

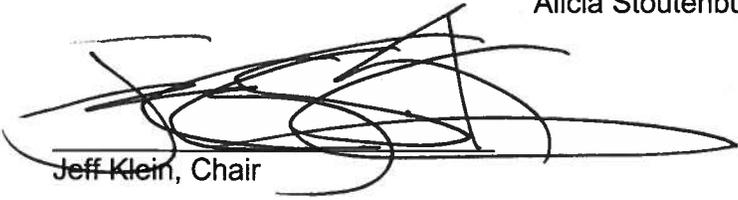
1. Joint Session with Advisory Group: Natural Resources Project

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

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

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



Jeff Klein, Chair