



## AGENDA

### MILWAUKIE PLANNING COMMISSION Tuesday July 13, 2010, 6:30 PM

MILWAUKIE CITY HALL  
10722 SE MAIN STREET

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
  - 2.1 May 11, 2010
  - 2.2 June 22, 2010
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
  - 5.1 Summary: Pond House Deck and Landscaping  
Applicant/Owner: Paul Shirey / City of Milwaukie  
Address: 2215 SE Harrison St  
File: WQR-10-02, CSU-10-06  
Staff Person: Susan Shanks
- 6.0 Worksession Items**
  - 6.1 Summary: Review Procedures Code Amendment project briefing part 2  
Staff Person: Susan Shanks
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
  - July 27, 2010 1. Public Hearing: CPA-10-01 North Clackamas Park North Side Master Plan
  - August 10, 2010 1. Worksession: Natural Resources Overlay update *tentative*

### Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

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

#### Public Hearing Procedure

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

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

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

#### **Milwaukie Planning Commission:**

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

#### **Planning Department Staff:**

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

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, 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

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

43

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

47

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

50

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

55

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

58

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

61

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

66

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

- 70 • Whether the project adequately mitigated its impacts to the Water Quality Resource (WQR)  
71 area.  
72 • WQR standards allowed for development within the WQR area, although the area had to  
73 be avoided when possible and unavoidable impacts had to be minimized in their area of

- 74 disturbance as much possible, and also mitigated. The Applicant had detailed the  
75 justification for park elements that extended into the WQR area.
- 76 • The proposed park would increase the existing 54,000 sq ft area of disturbance to  
77 about 61,000 sq ft within the WQR area. In considering mitigation for that 8,600 sq ft  
78 increase, staff noted that the project would also increase the existing 2,600 sq ft of  
79 WQR area in good condition to 64,000 sq ft, improving roughly 61,000 sq ft from a  
80 degraded or marginal condition to a good condition. Re-vegetating the area,  
81 stabilizing the banks, and other such activities would bring the degraded areas up to  
82 good condition.
  - 83 • The City's WQR consultant reviewed the plans and concurred with staff's basic  
84 assessment that the project was self-mitigating, with the impacts offset by the restoration  
85 work being done along with the other parts of the project.
  - 86 • Staff recommended two conditions regarding the WQR area as follows:
    - 87 • The pedestrian bridge between the overlook and boat ramp area should not be  
88 improved at this time due to the remaining amount of design work needed on it and  
89 the footings in the WQR area. Staff suggested that it return for approval after the  
90 design was more fleshed out.
    - 91 • Pervious asphalt and concrete should be used to the greatest extent practicable for  
92 the areas of pavement within the WQR area, including boat drive aisles, paths, etc.  
93 The Applicant agreed to provide as much pervious material as possible within the  
94 WQR area.
  - 95 • Variance criteria for the 6-month substantial construction deadline. The park was a  
96 Conditional Use (CU) because it was in the Willamette Greenway (WG) Zone. All CUs were  
97 subject to a 6-month substantial construction deadline, otherwise the approval was voided.  
98 The Planning Commission could grant one, 1-year extension, essentially allowing 1½ years  
99 for substantial construction. The Applicant and staff were concerned that the project would  
100 not meet the substantial construction deadline, so a variance was requested.
  - 101 • Staff believed the application met the variance criteria, which included unusual  
102 conditions related to the physical characteristics of the property. Among other issues, the  
103 project was in and near several waterways, so other agencies were required to review  
104 the Applicant's materials and a response could take months. After approvals were  
105 received, the Applicant would have to draw up final plans in conformance with  
106 requirements from the agencies and the City, which could take additional months to  
107 complete. Staff really had no control over these things, so the Applicant would probably

- 108 not meet the adjusted 1½-year deadline. There were no feasible alternatives to this  
109 timeline-based standard.
- 110 • Staff did not identify adverse impacts on other properties if the Applicant required  
111 additional time to meet the substantial construction deadline. Staff believed the park  
112 project would still be appropriate if substantial construction was reached years beyond  
113 the 1½-year deadline. No adverse impacts were identified and staff believed the use  
114 would still be consistent with the community's vision for the Riverfront Park.
  - 115 • The Design and Landmarks Committee (DLC) reviewed the application at their November  
116 2009 meeting and was generally comfortable that it met the Downtown Design Guidelines.  
117 DLC suggested alterations to meet some design guidelines. A post-approval review process  
118 was set up when the Applicant had 100% plans for construction to see how the alterations  
119 were incorporated into the final design.
  - 120 • Staff believed the park was well designed to accommodate the envisioned day-to-day use  
121 throughout the year. For larger events, staff proposed a condition requiring the City to have  
122 an event management plan to handle transportation to reduce the number of car trips and  
123 overflow parking, as well as protect the WQR area when large numbers of people were on  
124 site. The event management plan did not limit the types or number of events, but required  
125 that the City have a plan to mitigate the impacts of those events.
  - 126 • The City's Engineering Department and on-call traffic review consultant looked at the  
127 Applicant's traffic impact study and did not have any major concerns about traffic  
128 impacts resulting from the park's development. The only comment from the Oregon  
129 Department of Transportation (ODOT) was that a left-hand turn pocket was needed for  
130 northbound traffic to enter the site, which was included in the Applicant's plans.
  - 131 • The proposed aerial site plan was displayed with 4 red circles indicating possible phasing for  
132 the project. The project areas could be built independently of one another. As each project  
133 area was built, the mitigation area associated with the general project area was built and  
134 any events planned within that area were to be included in the event management plan.
  - 135 • He concluded by noting that the Applicant had already submitted a waiver to the 120-day  
136 land use clock, removing the time pressure. The next deadline to be aware of was Fall 2010.
- 137
- 138 **Chair Klein** asked if staff had received correspondence regarding the application, other than  
139 those included in the agenda material.
- 140

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

- 143 • A letter from Dave Green, Milwaukie Riverfront Board, in support of the project and the  
144 pedestrian bridge across Kellogg Creek.
- 145 • A letter from Michael Martin, Milwaukie Riverfront Board, in support of the project as  
146 proposed.
- 147 • A concept design idea submitted by Rebecca Ives for the restroom building and plaza area  
148 at the site.
- 149 • A letter from Mike Stacy, Milwaukie Riverfront Board, enthusiastically supporting the plan.
- 150 • Additional material submitted from the Applicant that included numbers and analysis about  
151 the WQR area, detailing the areas in good, marginal, and degraded condition. These were  
152 not received in time for inclusion in the packet.
- 153 • A letter and list of questions from Pat Russell, along with staff's responses.
- 154 • Comments received from agencies such as Division of State Lands (DSL) and TriMet,  
155 stating they had no objections or comments regarding the project.

156  
157 **Commissioner Churchill** noted Mr. Russell's comments were interesting regarding the location  
158 of the 1996 flood line on the site, and asked the Applicant to address the location of the 100-  
159 year flood plain versus the flood high point.

- 160 • **Ms. Mangle** responded that the current FEMA flood line was about the same as the 1996  
161 flood line. The City's WQR map used both the FEMA and 1996 flood lines, which did not  
162 make a difference in this stretch along the Willamette River. The FEMA 100-year floodplain  
163 line was shown on the most recent version of the Park Plan Existing Conditions Maps on  
164 page 101 of the Municipal Zoning Code. Figure 2D of the supplemental packet showed a  
165 100-year flood elevation. [also Figures 2, 2A-2C]

166  
167 **Chair Klein** called for the Applicant's testimony.

168  
169 **JoAnn Herrigel, Community Services Director**, stated that the City of Milwaukie had been  
170 working on the Riverfront Park for 30 years. Tonight's project was the culmination of many years  
171 of work. She presented the application via PowerPoint with the following additional comments:

- 172 • The plan before the Commission has been vetted to the public, guided by seven very  
173 dedicated community members in the form of the Riverfront Board (Board). Over the years,  
174 the members have shifted slightly, but are always ardent advocates for what this community

- 175 wants and needs at the Riverfront. It was a microcosm of the City of Milwaukie that included  
176 voters, open space advocates, and everyone in between. She believed the proposed plan  
177 contained all the elements the community had actually asked for. It had play areas, picnic  
178 space, a performance amphitheater, boat ramp, parking, and perhaps most importantly, a  
179 place to view the river and all the creatures and activities that it hosts. The 7 member  
180 Riverfront Board was established by City Council in 1998. Two of the original 7 members are  
181 still on the Board. The Board's purpose was to advise and make recommendations to the  
182 City Council, and provide long-term continuity and short-term problem solving and the  
183 successful completion of the Riverfront.
- 184 • She reviewed the Riverfront Park project's timeline and how the Board worked with other  
185 projects and organizations to ensure prior improvements would not interfere with the  
186 proposed park plans.
    - 187 • A public survey was conducted in 2005, regarding 2 concepts for the boat ramp and  
188 parking. Concept 1 had a 2 docks going into the water between the 2 creeks, with  
189 auxiliary parking south of Kellogg Creek. The second concept received 75% of the  
190 survey responses and had a boat ramp, an associated dock, parking, and access to the  
191 boat ramp.
      - 192 • The top 6 things people wanted to do in the park were: boat, view the water, go to  
193 concerts, play on the playground, walk and bike, and picnic; so the Board designed  
194 features accordingly.
    - 195 • In May 2006, the Board took a final concept of Riverfront Park to the City Council. David  
196 Evans & Associates, Inc. was hired in September 2006 to design the project. In January  
197 2007, a community open house was held to talk about the concept, building designs and  
198 materials. The land use applications were submitted in March 2008 for the  
199 Comprehensive Plan map zoning change, et cetera. In January 2009, a joint permit  
200 application was submitted to the Army Corps of Engineers (Corps) and DSL, which was  
201 still being reviewed. The Board did not expect to hear from the Corps until December  
202 2010. Department of Environmental Quality (DEQ) would review the project and provide  
203 their response to the Corps, who would then get back to the Board.
    - 204 • The DLC suggested working on several things at the November 2009 hearing. She  
205 would return to talk with DLC about a variety of responses that might be considered on  
206 each issue.
  - 207 • So many different agencies were reviewing the project and providing comments that she did  
208 not want to go to 100% design until all comments were received. Modifying the design cost

- 209 extra money, so she was trying to do a lot of upfront interaction with the agencies reviewing  
210 it. When all reviews were completed, the combined comments could be integrated and  
211 brought to 100% design.
- 212 • She reviewed major project design challenges as follows:
    - 213 • The site is very small. Many uses were being put in a very small space. The bulk of the  
214 area was on 6.2 acres between the 2 creeks. Moving any feature even slightly misplaced  
215 other site features.
    - 216 • Site peculiarities included hard contours which created a stair-step down to the river  
217 from McLoughlin Blvd. The Board proposed shaving off the hard edges to make a steady  
218 slope. There was also a very steep slope in between Washington St and the entrance to  
219 Kellogg Treatment Plant that precluded entering the site in an alternate way than  
220 proposed at this time.
  - 221 • The Board attempted to place the elements to work well on the site, to meet the  
222 requirements of the permitting agencies, to maximize the funding potential for construction  
223 grants, and to acknowledge the varied user interests, including boaters, open spacers, bike  
224 riders, and those wanting to canoe or sail.
  - 225 • She reviewed certain site design elements influenced by multiple factors, including:
    - 226 • The boat ramp and parking lot locations needed to maximize the open space to the  
227 north. If the boat ramp remained at Jefferson St, it would go right through the main lawn  
228 area. The vehicle/pedestrian interface was separated as much as possible with the  
229 vehicles kept to the south end and the people and open spaces to the north.
    - 230 • The plaza was central to the design, creating a wheel in the middle from which  
231 everything radiated out. By locating it near Monroe St, people would be potentially drawn  
232 from downtown to the plaza and into the park.
    - 233 • The play area was located far away from vehicles; however, the DLC suggested it might  
234 be too far from the bathrooms in the central plaza. Design modifications were being  
235 considered to move the play area closer to the bathrooms. The current placement of the  
236 play area maintained a larger lawn area; however, it might be able to be tucked up by  
237 the bathroom without detrimental aspect to the design.
    - 238 • The donation agreement with the Kleins for the Klein Point area at the north end of the  
239 park included a request that the area be kept relatively natural. Nothing more than a  
240 pathway should be added.
  - 241 • She discussed 4 big issues/challenges for the project as follows:

- 242 • Issue #1 Changing vehicle access to the park. Closing and replacing the Jefferson St  
243 and Washington St entrances with one access at the southern end of the site was a  
244 major challenge. The proposed entrance was on property owned by the County, not the  
245 City. The Board was working on that relationship.
- 246 • Trucks from Kellogg Treatment Plant removed biosolids from the site and exited at  
247 Washington St, which has a full traffic signal. The proposed entrance south of  
248 Kellogg Creek would allow the trucks to go south or enter the left-hand turn lane  
249 without any problem, but turning north from Riverfront Park onto McLoughlin Blvd  
250 would be a problem for all vehicles. If the proposed access area had to be modified,  
251 it could affect other aspects of the park.
- 252 • **Chair Klein** noted that a signal light existed, which would protect traffic turning  
253 into the southbound lane of McLoughlin Blvd when red.
- 254 • She reviewed traffic circulation for boaters, noting that the area around the existing  
255 Washington St entrance was very steep and had a small turning radius.
- 256 • Issue #2 The transient dock was located in an area being questioned by many of the  
257 agencies reviewing the project. The transient dock itself was not a challenge, but its  
258 location with respect to the boat ramp and mouth of Kellogg Creek, and the increased  
259 activity between the two. There was concern about the impact to the fish passage in  
260 Kellogg Creek, but to date, no one had stated exactly what the worry was. It was the  
261 Board's job to prove that the dock would not have a negative impact on fish. The  
262 transient dock could be eliminated, but the Board was trying to hold on to it as long as  
263 possible.
- 264 • Issue #3 The pedestrian bridge. Staff suggested that the bridge be removed from the  
265 current application and revisited at a later date because it was expensive to design and  
266 build due to engineering details. Other regulatory agencies were also hesitant about the  
267 pedestrian bridge. The Board was not sure what staff and other regulatory agencies did  
268 not like about the bridge, but when it was designed, the Board would be back.
- 269 • Issue #4 The boat ramp was strategically located after 8 years of hard work, close to  
270 Kellogg Creek and in the WQR area. If the ramp had to be moved, it would change the  
271 dynamics of the whole site. Different locations had already been explored, discussed,  
272 and rejected.
- 273 • She summarized the next steps for Riverfront Park. The project was at 75% design and  
274 would be at 100% after all comments were received. DLC comments were in-hand and the  
275 Board would interact with the DLC regarding design changes to meet their criteria. The

276 Board would work with the County and ODOT on the access issue over the next couple of  
277 months. The Corps' conditions were expected by December 2010. Final approval from the  
278 DLC and Planning Commission would be needed before moving forward on major steps.  
279 The Board hoped to apply for grants from the Oregon Parks and Recreation Department,  
280 Oregon State Marine Board (Marine Board), and some foundations in April 2011.

281

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

- 285 • The project had multiple layers physically and from a regulatory standpoint in addition to the  
286 program and community needs for the park. The design attempted to balance all those  
287 needs with the regulatory compliance.
- 288 • Being involved in the original Downtown Land Use Framework Plan, he has heard the  
289 public's comments and input about the riverfront for years and understood the diversity of  
290 opinions as well as the considerable change in opinions.
  - 291 • The riverfront was one of the City's greatest amenities so accessing the water was  
292 important, as well as providing a diversity of activity.
- 293 • The park was separated into 4 major parts: the overlook area, which was separated by  
294 Kellogg Creek, the boat ramp, plaza, and amphitheater/playground area. The desire was to  
295 break up the spaces and create some separation between autos and pedestrians.
- 296 • Overlook at Kellogg Creek. The 18-ft to 20-ft elevation drop from the curb to the lawn area  
297 near the existing Washington St access made grading difficult and entry to the Kellogg  
298 Treatment Plant and boat ramp almost impossible.
  - 299 • A slight grade separation did exist between the deck and parking area to facilitate  
300 stormwater treatment. Runoff from the impervious area was directed into swales and  
301 sunken planters within the plaza. He also indicated a grade change needed to  
302 accommodate an Americans with Disabilities Act (ADA) accessible slope across the  
303 bridge.
  - 304 • While the overlook deck was indicated as solid concrete, the material had not yet been  
305 vetted. The idea was to use precast concrete panels to save costs. Other possibilities  
306 were a tray with pavers on top or transparent grading, which was not necessarily the  
307 right choice with a sheet pile underneath.

- 308 • The Marine Board criteria required restrooms within 50 ft of the top of a boat ramp, so in  
309 order to get Marine Board funding, the pedestrian bridge on the north side at the top of the  
310 boat ramp had to lead to a restroom.
- 311 • Stormwater overflow was managed onsite, so no direct runoff was released into the river.  
312 Examples of roadside and parking lot stormwater treatment facilities common in Portland  
313 and installed on Logus Rd in Milwaukie were shown.
- 314 • He explained that pervious asphalt was an oil-based product versus concrete, which is a  
315 cement-based product. Impervious concrete is more porous than typical concrete and  
316 looks like concrete, but water goes right through it. Different solutions were available  
317 including pavers with gravel joints that allowed for infiltration of stormwater.
- 318 • The sheet pile wall was very prominent, so the design tried to de-emphasize it by shortening  
319 the parapet by 2½ ft to 3 ft, capping it, cantilevering the deck and installing a rail to bring the  
320 height down visually from the river. Some of the look could also be mitigated with plantings,  
321 although they required more maintenance. The patina of the sheet pile under the deck may  
322 not be a bad look. The cantilever and precast concrete would help keep the underside clear  
323 of support structures as much as possible, allowing for a cleaner look. Public art was  
324 potentially a good way to mask the form work.
- 325 • Faint drawings on the Kellogg Creek Bridge slide indicated the future possibility of a  
326 pedestrian underpass beneath McLoughlin Blvd to the downtown area. Underpassage  
327 connection had been considered as part of the original scheme.
- 328 • Plaza The main plaza met the community's strong desire to make the park an extension of  
329 downtown. McLoughlin Blvd was seen as an obstruction that separated downtown from the  
330 river. The plan was to create a physical and visual connection to downtown. The look of  
331 McLoughlin Blvd would be softened by a median and street trees on both sides of the street,  
332 substantial sidewalks, and crossings, which could be enhanced. The main intent was to de-  
333 emphasize McLoughlin Blvd and emphasize the east/west connection to the river. Once in  
334 the park, the intent was to create elements to draw people through the plaza to the water.  
335 The main flow of the plaza was parallel to McLoughlin Blvd, but the perpendicular features  
336 would draw people to the water.
- 337 • The fountains were designed for wading, with areas to sit, get in, and touch/interact with  
338 water. He displayed examples of other fountains featuring basalt rock.
- 339 • He confirmed that the water flowed and recirculated through 3 connected pools on the  
340 north side of the steps and that a third water feature was a single large basalt on its side  
341 with a channel carved in the top for water to flow.

- 342 • The restoration of the riverbank would include dense, low, riparian vegetation, and not  
343 grass, which would encourage people to use the trail and steps to the river instead of  
344 tracking down the bank. Another sticking point with federal regulators was providing any  
345 access to the river, but again, the Board was balancing civic desires with regulatory  
346 compliance.
- 347 • Proposed interactive fountain features were displayed with shallow wading pools at end of  
348 the steps. He described the transition from the city's urban environment across the plaza  
349 with some sense of a natural element in the middle, then breaking down the urban  
350 hardscape into a more natural softscape with the grass and then ultimately down to the  
351 Willamette River.

352

353 **Commissioner Churchill:**

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

368

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

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

374

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

- 376 • He noted that the slides showed vegetation, but explained that shaded areas on the slides  
377 indicated high water. Though much of the riverfront would be inundated at times, the design  
378 maximizes use of the space. The graphics showed low water conditions.
- 379 • Amphitheatre/Play Area The amphitheatre was a small performance space on the north  
380 side. No play structures were shown, but the play area would include some vertical  
381 elements. The restroom was approximately 120 ft from the play area.
- 382 • He explained that physical earth buffers, including a 10-ft sidewalk, a planting strip,  
383 berms and grading, would isolate the children in the play area from McLoughlin Blvd,  
384 while also providing a sound buffer for the recessed amphitheater.
- 385 • The amphitheater was about 150-ft across with many informal areas, such as seating on  
386 the slope. He showed the possibility of moving the play area closer to restroom, with the  
387 potential to expand the amphitheatre. People would probably sit on the playground  
388 equipment and retaining walls.
- 389 • The Johnson Creek overlook would not be addressed specifically. He confirmed the  
390 intent of the overlook was to be able to look up into Johnson Creek and down the  
391 Willamette River. He reviewed the architecture of the overlook, which would maintain the  
392 existing oak tree, provide a natural stone path, and a stone plaza with a small sitting  
393 wall. This was the natural end of the park at the mouth of Johnson Creek, so the idea  
394 was a more passive, less active use.
- 395 • Restrooms The main restroom's design was low profile to keep it out of the viewshed. The  
396 location was on the lower terrace, so ideally the view from McLoughlin Blvd would be over  
397 the top of the restroom. He indicated plantings that would further obscure the building. Some  
398 DLC comments suggested lowering the wing walls' parapets. He explained how the  
399 restroom was situated on the site. Single occupancy restrooms were on either wing for off-  
400 use times, providing the City flexibility in terms of use.
- 401
- 402 **Commissioner Churchill** asked if any comments were received from the police regarding  
403 oversight of the park during off hours.
- 404 • **Ms. Herrigel** responded that the Board had not specifically asked the police department to  
405 review the plan yet, but a team would review the operational aspects, from the fountain to  
406 policing, including what materials were best for vandals. The maintenance people from  
407 North Clackamas Park were reviewing the plan and proposed materials. Asking the police to  
408 also review the plans for hiding and view was a good idea.
- 409

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

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

418

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

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

439

440 **Chair Klein:**

- 441 • Stated that he did not see bike racks or bike access near the restroom.
- 442 • **Mr. Williams** responded that bike racks were part of site furnishings, and would be  
443 included on a long list of benches, water fountains, and trashcans. They would be at

444 least to Code if not more, with bike parking in different parts of the park. Large plaza  
445 areas would also accommodate site furnishings.

446 • **Ms. Herrigel** indicated that 2 bike racks were already in the design of the overlook at  
447 Kellogg Creek. Another bike rack was proposed for the play area.

448 • Asked if bike access to the trails from McLoughlin Blvd was easy enough. It did not appear  
449 wide enough to ride a bicycle to the bathrooms and then continue south onto the Trolley  
450 Trail.

451 • **Mr. Williams** indicated where the onsite bike trail connected with the Trolley Trail and  
452 described bike traffic circulation on the site. The onsite bike path maintained a width to  
453 accommodate both pedestrians and bikes.

454

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

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

462

463 **Commissioner Churchill:**

464 • Commented that Smith and Bybee Lakes were non-motorized lakes that had ample boat  
465 access and were good examples of how to get access. They were more sensitive waterfowl  
466 areas than Willamette River. Removing the transient ramp to the transient dock would cause  
467 a collision of non-motorized boat haulers and pedestrians and seemed a huge oversight in  
468 the plan. He asked what the reaction was from regulatory agencies and what options were  
469 considered. He thought non-motorized boat access was addressed several years ago in the  
470 plan, so was surprised that it was not addressed now.

471 • **Mr. Williams** responded that the original plans showed a small path for non-motorized  
472 boats, similar to the canoe launch at Smith Lake. However, Smith and Bybee Lakes  
473 were not under the same regulations as Riverfront Park. The Applicants had a pre-  
474 application meeting with the Corps, National Marines Fishery Service (NMFS), and DEQ  
475 at the site and showed them conceptual drawings that included the path for non-  
476 motorized boats. The regulators specifically said they wanted to discourage having a lot

477 of different access points along the river. The Board had to choose their battles and  
478 knew that other things would require favorable decisions.

479 • Wanted to be supportive of the project, but was very disappointed that non-motorized boat  
480 access was not addressed now that the plan was at 70% design phase. He wanted to be  
481 respectful of all the work that had been done, but caving in and giving water access to a  
482 single-lane motorized boat access was a huge hole in the project. Even the transient dock  
483 was in question. He wanted to have confidence that the Commission's feedback would be  
484 taken and the issue looked at again; however, he did not believe it was still being  
485 considered.

486 • **Mr. Williams** responded that it was not so much a function of where they were with the  
487 design documents, but when the Joint Permit Application (JPA) was submitted. The  
488 issue could certainly be raised verbally with the regulators, but changing anything below  
489 ordinary high water at this point would represent a change in the application and the  
490 Board had to be very careful about that. He could ask if it was possible to reincorporate  
491 what the NMFS reviewer saw.

492 • Stated that earlier concepts featured a lot of non-motorized access to the park. It was not  
493 well publicized or noted that the access was removed from the project.

494 • **Commissioner Batey** asked if any conversations occurred with Willamette Riverkeeper  
495 or representatives of non-motorized boaters.

496 • **Mr. Williams** replied that unless those representatives were at the public meetings,  
497 he was not sure if they were specifically represented.

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

501  
502 **Chair Klein** asked hypothetically, what would be non-motorized access to the river. He did not  
503 pay close enough attention in the early stages to understand what was necessarily lost. What  
504 was done at other locations to create access for non-motorized vehicles?

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

509

510 **Commissioner Churchill:**

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

517

518 **Chair Klein:**

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

542

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

546  
547 **Chair Klein** called for public testimony in favor of, opposed, and neutral to the application.

548  
549 **Gary Klein, 10795 SE Riverway Ln**, indicated on the map where his family had lived on Klein  
550 Point since 1948. He was a neighbor to the park, donated the land on the north side, and is vice  
551 chair of the Riverfront Park Board.

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

567  
568 **Dave Green, Riverfront Board Chair, 5431 SE Willow St**, stated he had been on the Board  
569 since 1998. He supported the proposed plan as described. The whole Board supported and  
570 unanimously backed the design. He assured the Planning Commission that the Board had  
571 worked tirelessly over the last 13 years to move the project forward. Some compromises had  
572 been made, but the park represented the community and a lot of input from people in the  
573 community. He offered to answer questions.

574

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

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

597  
598 **Greg Hemer, DLC Member, 5822 SE Harrison St**, stated that the DLC had comments about  
599 the structures, but believed the overall plan was very nice. The DLC liked the aspect of the river  
600 flow throughout the design, which tied into the front of City Hall and the bus shelter at Jackson  
601 St. The park's design gave an overall theme of the rivers, flows, and creeks. The park was very  
602 well set up for activities that can happen over the summer.

603  
604 There was no further public testimony.

605  
606 The Commission took a brief recess and reconvened at 8:54 p.m.

607

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

610

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

614

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

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

628

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

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

636 • **Mr. Williams** stated from the audience that the queue was designed to ODOT standards.

637

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

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

643

644 **Commissioner Churchill:**

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

- 648 • **Mr. Williams** responded outside of the range of the microphone.

- 649 • Asked how many trailer parking stalls were onsite.

- 650 • **Mr. Maciejewski** responded that the 40 existing trailer parking stalls were being reduced  
651 to 32 parking stalls.

652

653 **Chair Klein** called for additional comments from staff.

654

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

- 657 • He clarified that one condition regarding the WQR area limited trails to areas where it was  
658 necessary to provide pedestrian connections. Staff understood the trail leading from the  
659 plaza to Kellogg Creek area was for a future improvement to Kellogg Creek, so  
660 recommended that it not be built until an actual connection was to be made.

- 661 • Another suggested condition was that the design of the small restroom facility include a  
662 green roof to minimize stormwater impacts.

663

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

- 666 • **Mr. Marquardt** responded that it was difficult to set time limits and completion goals  
667 because the project was multi-phased. Staff opted to not have the Applicant return to the  
668 Commission for review of substantial completeness.

- 669 • **Ms. Mangle** stated that part of the Conditional Use (CU) aspect of the Willamette Greenway  
670 was to address impacts. Since this use as a riverfront park was so deeply ingrained in the  
671 City's policies, Comprehensive Plan, Riverfront Plan, Downtown Plan, and zoning, a zone  
672 change would be required if the site was improved for any other use. There were no offsite  
673 impacts to mitigate, so it seemed less important to have a time limitation. CUs were typically

674 along the lines of a business in a residential neighborhood, where more traditional impacts  
675 were seen. Staff was open to suggestions from the Commission, however.

676

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

682 • **Mr. Green** confirmed the boat launch location was a functional issue of water currents  
683 moving to the north. Boat users do not want to tie up upstream of the walkway because the  
684 boat was constantly slammed into the ramp. When the water level was very high, the boat  
685 was actually pushed up against the ramp. Boat users like to tie boats downstream of the  
686 ramp/walkway to have better control of their boat.

687 • **Commissioner Churchill** stated that having launched boats before, it was when pulling  
688 away from the dock one wanted to drift out over the trailer as opposed to having to pull it  
689 away from the dock toward the trailer.

690 • **Mr. Green** added that thinking about the back end of the boat swinging around while pulling  
691 away from the dock made it difficult to maneuver.

692

693 **Commissioner Batey:**

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

697 • **Mr. Williams** added that people would be launching and pulling back and forth across  
698 the Kellogg Creek channel. The Applicants had to prove how many boats would harm  
699 how many fish. The regulators were asking the Applicant to defend having the transient  
700 dock. The closest point of the transient dock was in 20 ft of water at a low water level. It  
701 was a scour edge and dropped off fairly rapidly.

702 • Asked what could be done and what the Commission could do about non-motorized access.

703

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

706 • **Mr. Williams** clarified that NMFS was pushing the non-motorized boat access issue. The  
707 Corps handled and distributed the application to various agencies for reply, including DEQ

708 and NMFS, and to the public for comment. Prior to submitting the application, a pre-  
709 application conference was held onsite. The specific issue of non-motorized access was  
710 discussed by biologists at the meeting, as well as an issue with the proximity of the 2 docks  
711 to the mouth of Johnson Creek. The regulators still had an issue with access from the plaza  
712 down to the water, and the Board needed to further detail the intent of those areas.

713

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

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

721

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

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

725

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

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

733

734 **Commissioner Churchill:**

- 735 • Asked if NOAA would be open for more discussion.

- 736 • **Mr. Williams** affirmed that the Board could absolutely talk more with NOAA about non-  
737 motorized access.

- 738 • Understood the economic pressures of financing the project and the importance of getting  
739 the Marine Board on board. However, he was considering the impact to fish in the area from  
740 prop wash versus a little loss of riparian area for a non-motorized boat launch. He was trying  
741 to understand the concern of NOAA, who was clearly comfortable with a motorized boat

742 launch. Motorized boats tended to gun their boats to get them up on their trailers, as  
743 opposed to using their winch, causing a lot of prop wash and jet wash, which had a huge  
744 impact on the fish.

745  
746 **Commissioner Batey** added that especially in light of all the riparian restoration in the plan, it  
747 seemed like **[inaudible]**.

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

752  
753 **Chair Klein** commented that 16,400 questionnaires were sent out and 75% of the 1,779 that  
754 were returned had motorized boat use on them.

755  
756 **Commissioner Batey** did not recall that the questionnaire differentiated between motorized and  
757 non-motorized boat access.

758  
759 **Chair Klein** said he did not know either, but believed that 75% of the respondents probably  
760 were not going to kayak.

761  
762 **Commissioner Churchill** stated boat access to the river certainly was a big concern.

763  
764 **Commissioner Batey:**  
765 • Asked whether a 5-year time limit on the variance was enough. Ms. Mangle made a good  
766 point that the project was consistent with the zone, but the Downtown Plan was now 10  
767 years old and everything downtown was completely inconsistent with the Downtown Plan.  
768 The City looked very different over the course of 10 years, so she wondered if 5 years was a  
769 reasonable time-limit window.

770 • **Mr. Williams** clarified that funding was a big issue.  
771 • **Ms Herrigel** noted her 2006 memo said she needed \$100,000 for 6 months and the  
772 Riverfront Park would be built. It was now 2010 and she had spent almost \$500,000. If a  
773 lump sum of money was available and the park could just be built, it could be done in 5  
774 years. The project was incredibly complex with several agencies monitoring it and  
775 multiple sources of funding needed. She asked what the fear was in 5 years.

- 776 • Believed the Board should have to return in 5 years if the project was not completed and  
777 deal with the Commission at that time.
- 778 • **Ms. Herrigel** said that if she had to come back in 5 years, then that's what she had to  
779 do. The reality was it could take at least 5 years with the phases. If it was really an  
780 administrative procedure, it was not that arduous.
- 781 • **Ms. Mangle** clarified that it would not be just an administrative procedure, but involved a  
782 whole new application and hearing. The intent of the time limit was not to encourage  
783 projects to happen, but to mitigate for impacts. Adding any extra steps for this project  
784 would not make this project go any faster, but would be one more thing for the Applicant  
785 to do.
- 786 • **Ms. Herrigel** agreed having to submit another application would take longer.
- 787 • **Ms. Mangle** asked the Commission to be sensitive to that and if they believed  
788 something needed to be checked on, to be clear about what they wanted to achieve, and  
789 structure it accordingly.

790

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

- 793 • **Ms. Herrigel** understood that staff was not saying to eliminate the pedestrian bridge, but  
794 when the design was completed, the Board should return for review at that time. Currently,  
795 they had not shown the design or materials. She was fine with returning to submit the design  
796 for pedestrian bridge and attached areas in context with the rest of the riverfront.

797

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

801

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

806

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

809

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

815

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

818

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

821

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

827

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

837

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

841 • He commented that current reviewing agencies had a fear of access to water. The  
842 pendulum may have swung too far in the current culture. It was true no one wanted a

843 crowded beach and park, but a balance of connection with nature was appropriate. He was  
844 surprised the regulatory agencies were giving grief about the access point.

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

851  
852 **Commissioner Batey** restated that her only real issues were reading the comments and non-  
853 motorized boat access. She was willing to go for an indefinite variance, but was concerned  
854 about the precedent the Commission was setting on variance issues. This project qualified for a  
855 variance because of the combination of the lack of neighbors impacted and the number of  
856 layers of agencies needing to review. She would not vote for the variance based on the size of  
857 the project alone.

858  
859 **Vice Chair Harris** supported the variance, shared the Commissioners' concerns about non-  
860 motorized boat access, and needed time to review the comments. He also wanted more time to  
861 review the recommended conditions of approval to ensure he understood them completely.

862  
863 **Chair Klein:**

864 • Acknowledged that the hearing would be continued and wanted to provide direction to staff  
865 and the Riverfront Board regarding the non-motorized boat access.

866 • **Mr. Marquardt** believed that staff understood the basic concern about the importance of  
867 providing non-motorized boat access, but asked what kind of information was needed in  
868 2 weeks to sway a decision one way or another. Staff needed to be able to relate how  
869 non-motorized boat access might affect an approval criterion.

870 • Commented that many decisions about non-motorized boat use would come from pressure  
871 from the Board and the City's partners, rather than the Commission requiring it. Some of the  
872 agencies might not allow something different than what was out there.

873  
874 **Commissioner Churchill** understood the Board had moved past the point of pushing back  
875 about non-motorized boats. He asked the Board to revisit the discussion with the appropriate

876 approval agencies and return to the Commission with a detailed finding that included more than,  
877 "We just don't want that."

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

880  
881 **Chair Klein** asked if language could be crafted to say, "The Planning Commission had a desire  
882 to move this into this area." He believed the issue of non-motorized boats was very important to  
883 the Commission, but approval or denial of the project's design review did not hinge on that  
884 issue.

885  
886 **Commissioner Batey** agreed and doubted the Commission would vote against the project  
887 based on the non-motorized boat issue, but the issue was not a design review one. Several  
888 other applications were before the Commission.

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

895  
896 **Chair Klein** noted the Commission was dragging the project out at best 4 weeks.

897  
898 **Commissioner Batey** responded that the agencies would not answer until December and  
899 questioned whether the Commission was under a rush at this point.

900  
901 **Mr. Marquardt** clarified an outer timeline of 1 year existed for any land use application from the  
902 date it is deemed complete. That deadline for this application was September 2010.

903  
904 **Chair Klein** commented that having worked with staff, once a project got through planning the  
905 process, it became easier. One month out of a 12-year process did not seem like that big of a  
906 deal. He wondered what the Commissioners would get from reading the comments and  
907 returning in 2 weeks to formulate a different plan. He was fine with a 2-week continuance, but  
908 cautious about 4 weeks. He was not interested in waiting for regulatory agencies to make a

909 decision before the Commission approved the application based on an issue that was not a  
910 deal-breaker at this point.

911

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

914

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

919

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

921

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

927

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

931

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

933

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

940

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

943

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

946

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

949

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

955

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

957

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

961

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

964

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

969

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

973

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

976

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

979

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

983

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

987

988 **Mr. Monahan** noted no one had spoken in opposition to the application, so advised allowing the  
989 Applicant the opportunity to submit the new information either prior to or at the meeting, and  
990 open the public hearing to comment only on the new information. If someone raised an  
991 objection and requested additional time to review the new information, it should be granted. But  
992 the Commission could get through the next meeting as the final action, unless additional time  
993 was requested. Public testimony could also be restricted to addressing the new information  
994 only, if Chair Klein stated that tonight.

995

996 The Commission discussed public comment procedures, debating whether to leave the  
997 application open for comments about just the variance, non-motorized boat access, and left-turn  
998 pocket. The decision was to err on the side of leaving the entire application open to public  
999 comment. The application had a lot of information to understand, but the Commission did not  
1000 anticipate a riot of public comment.

1001

1002 **Mr. Marquardt** stated that the Applicant did not believe 2 weeks was enough time for comments  
1003 back from any regulatory agency.

1004

1005 **Ms. Mangle** understood that the request was for documentation of the process provided thus  
1006 far, in which case 2 weeks was sufficient.

1007

1008 **Commissioner Churchill** clarified that if the discussion happened with a representative of a  
1009 regulatory agency as they were walking the site, he did not consider that sufficient information  
1010 for the Commission.

1011

1012 **Ms. Mangle** stated that she heard the request was for documentation of the discouragement  
1013 that had happened thus far.

1014

1015 **Chair Klein** interjected that even if the worst-case scenario was received, while important, it  
1016 was not a deal breaker. He suggested that the Commission get the information. The multiple  
1017 agencies would not provide their reasoning at this point in time, because they would be  
1018 deliberating on it for months. The Commission had to put a date on the application to move it  
1019 forward.

1020

1021 **Commissioner Churchill** noted that the continued hearing was the last public hearing in front  
1022 of the City.

1023

1024 **Commissioner Bresaw** asked why not condition the application to require the inclusion of non-  
1025 motorized boats.

1026

1027 **Ms. Mangle** requested a brief recess to allow staff to confer with the applicant.

1028

1029 The Commission took a brief recess and reconvened at 10:05 p.m.

1030

1031 **Ms. Mangle** said that to best address the issues being raised, staff would work with the  
1032 Applicant to document the past discouragement regarding the non-motorized boat access and  
1033 try to address how the existing application could possibly accommodate non-motorized access.  
1034 However, staff did not typically change an application, which is what was being proposed by the  
1035 Commissioners, so conditioning the application to perform differently was preferred. If any  
1036 Commissioner believed they would deny the application based on this issue, she asked that  
1037 they work with staff to figure out what part of the Code it did not comply with because that would  
1038 be serious and she wanted to be prepared for it. It was not clear to her that it did not comply  
1039 with the Code. Perhaps the site could be better, or water quality issues addressed or that boat  
1040 access could be addressed better by a different agency.

1041

1042 **Commissioner Batey** asked why it was different than a condition.

1043

1044 **Mr. Monahan** explained that a condition had to address how to make the application compliant  
1045 with a Code provision with which it did not comply. The Commission had to identify where the  
1046 Code stated that non-motorized access must be provided.

1047  
1048 **Ms. Mangle** clarified that all conditions are tied to findings in the Code. They did not need to do  
1049 so now, if non-motorized boat access was that big of a concern for any individual, they needed  
1050 to have that conversation with staff.

1051  
1052 **Commissioner Batey** said she was trying to understand why this issue was different from  
1053 others that the Commission conditioned. For instance, stating that minimizing goat trails was a  
1054 protection for the WQR.

1055  
1056 **Mr. Monahan** said that might be the approach, but something was needed in the record to show  
1057 that danger existed; that what was being proposed had the potential of harming the resource, so  
1058 the Commission could craft a condition to prevent that harm from happening in order to maintain  
1059 the resource at the proper standard.

1060  
1061 **Ms. Mangle** added that the Commission could say that a motorized ramp was too impactful and  
1062 that only a non-motorized ramp was wanted because it would be smaller. However, in this case,  
1063 they were adding an additional feature, a non-motorized boat access.

- 1064 • She stated that staff would return with information about the number of vehicles that could  
1065 stack in the potential left-turn pocket, documentation of the past discussions about non-  
1066 motorized watercraft, and information about how the plan could potentially accommodate  
1067 non-motorized watercraft. The record would remain open for all public comment.  
1068 • She confirmed that staff's response to Mr. Russell's comments about the Kellogg Creek fish  
1069 passage was included in the material attached to the blue memorandum.

1070  
1071 **Commissioner Batey moved to continue Milwaukie Riverfront Park Redevelopment Files**  
1072 **DR-09-01, TPR-09-03, WG-09-01, WQR-09-01, and VR-09-03 to a date certain of May 25,**  
1073 **2010. Commissioner Churchill seconded the motion, which passed unanimously.**

1074  
1075 **Mr. Monahan** confirmed that the Commission had left the record open.

1076  
1077 **6.0 Worksession Items—None**

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**7.0 Planning Department Other Business/Updates**

**Ms. Mangle** distributed information about the City Council annual volunteer recognition party on May 24<sup>th</sup>. 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 22<sup>nd</sup> 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 8<sup>th</sup> 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,

- 1111 Paula Pinyerd, ABC Transcription Services, Inc. for
- 1112 Alicia Stoutenburg, Administrative Specialist II
- 1113
- 1114
- 1115
- 1116 \_\_\_\_\_
- 1117 Jeff Klein, Chair

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, June 22, 2010  
6:30 PM**

**COMMISSIONERS PRESENT**

Jeff Klein, Chair  
Nick Harris, Vice Chair via phone  
Chris Wilson  
Mark Gamba

**STAFF PRESENT**

Katie Mangle, Planning Director

**COMMISSIONERS ABSENT**

Teresa Bresaw  
Lisa Batey  
Scott Churchill

**1.0 Call to Order – Procedural Matters**

**Chair Klein** called the meeting to order at 6:32 p.m. and read the conduct of meeting format into the record.

**2.0 Planning Commission Minutes**

2.1 April 27, 2010

**Chair Klein moved to continue the April 27, 2010 meeting minutes to the Special Planning Commission meeting on June 29, 2010. Commissioner Wilson 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: 19<sup>th</sup> Ave Replat and Duplex  
Applicant/Owner: Gary Michael and Carolyn Tomei  
Address: 11907 SE 19<sup>th</sup> Ave  
File: WG-10-01, WQR-10-01, VR-10-01, R-10-01  
Staff Person: Brett Kelter

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

44

45 **Commissioner Gamba moved to continue the public hearing for WG-10-01, WQR-10-01,**  
46 **VR-10-01, R-10-01 to the Special Planning Commission meeting on June 29, 2010.**

47 **Commission Wilson seconded the motion, which passed unanimously.**

48

49 **6.0 Worksession Items - None**

50

51 **7.0 Planning Department Other Business/Updates – None**

52

53 **8.0 Planning Commission Discussion Items – None**

54

55 **9.0 Forecast for Future Meetings:**

56 July 13, 2010 1. Public Hearing: WQR-10-02, CSU-10-06 Pond House Deck &  
57 Landscaping

58 2. Worksession: Review Procedures Code Project briefing part

59

60 July 27, 2010 1. Public Hearing: CPA-10-01 North Clackamas Park North Side  
61 Master Plan

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63 Meeting adjourned at 6:41 p.m.

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Respectfully submitted,

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Alicia Stoutenburg, Administrative Specialist II

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74 \_\_\_\_\_  
Jeff Klein, Chair

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