

REVISED Decision Table M: Willamette River – Miscellaneous Code Amendments Part 4

This revised table contains a new standard that would allow temporary floating docks, such as a swimming platform, in the Willamette River during the summer months. This revised proposal replaces the proposed exemption that was sent to the Planning and Sustainability Commission in late March.

Contents of Decision Packet M:

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Items Marked for Discussion:

M31

Ref #	Topic	Proposed draft	Request(s)	Staff recommendation	Staff rationale	Discuss?	PSC decision
M31	33.475.440	The Proposed Draft exempts repair, maintenance and replacement of existing floating structures. It also exempts development on existing floating structures like docks and piers. But new floating structures would be required to go through River Review.	Allow temporary floating structures to be placed in the Willamette during the summer months to support water recreation.	<p>Commentary 33.475.440.N</p> <p>The intent of this standard is to support public recreational uses within the Willamette River, including public swimming, while minimizing the impacts of structures on in-water habitat. The temporary structure must be located in an Open Space (OS) zone to ensure that it is associated with a park and open space use. The structure may be free-floating, meaning accessed by the water, with an anchor to the river bottom or it may be attached to an existing dock, pier or piling by a rope, chain or a walkway. (A walkway is considered part of the temporary structure and, in combination with the floating portion, should meet the size and location requirements.) The standard limits the impact of the structure on the natural resources by setting a maximum size for the structure, specifying the location within the waterbody and limiting the time when the structure may be in place. The width is based on minimizing impacts of the structure by allowing sunlight to penetrate the sides, which reduces impacts on native fish. The length is intended to allow multiple uses including public swimming, non-motorized boating or fishing. No portions of the structure, including any walkways, may be closer than 50 feet from the ordinary low water mark. This will minimize the impact of the structure on shallow water habitat. And the structure may only be located in the river during the in-water work period, which is July 1 and October 31, which is between peak juvenile migration seasons. The time frame that the structure may be in the river is inclusive of set up and tear down.</p> <p>Commercial uses that are not river-dependent or river-related and are proposed to be located on a floating structure would require a Greenway Goal exception.</p> <p><i>[continued to next page]</i></p>	<p>The staff recommended zoning code (page 2) is the same as was proposed at the April 11, 2017 work session. Included in this table, is the commentary that goes with the code. The commentary provides the legislative intent for the zoning code and essentially serves as a purpose statement.</p> <p>At the April 11, 2017 Work Session there were a number of concerns raised by Commissioners. Each is summarized below with a response.</p> <ol style="list-style-type: none"> 1. <u>Floating dock should be for recreation only.</u> The proposed standard allows temporary floating structures only within the Open Space (OS) zone. Zoning code 33.100.010 says that the OS zone is “intended to preserve and enhance public and private open, natural, and improved park and recreational areas.” Many uses, like residential, are not allowed in OS. Some uses can be conditionally allowed, like retail sales and services. 2. <u>No commercial uses on a floating dock.</u> The River General overlay zone (g) requires that all uses that are not river-dependent or river-related be located at least 50ft landward of the top-of-bank. Commercial uses, such as a hotdog stand, are not river-dependent or river-related and would have to obtain a Greenway Goal exception to be located on a temporary floating structure in the Willamette River. 3. <u>Who can install these?</u> Zoning code 33.236.050.A says, “the owner of the floating structure must own or lease enough of the upland lot to meet all of the applicable regulations.” The OS land in the Central City is primarily in public ownership. OMSI also owns some OS land in and could use this standard, but would still have to meet all applicable requirements of the OS zone and River g overlay zone. 4. <u>Life and safety concerns.</u> Bureau of Parks and Recreation is very concerned about safety and plans to development a safety program before installation of temporary swimming platforms. <p>For the reasons stated above and the commentary specifying legislative intent, staff do not feel a purpose statement is needed.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other

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				<p>33.475.440 Development Standards Unless exempted by 33.475.040.B.2., the standards in this Section apply to development and exterior alterations in the River Environmental overlay zone. All of the applicable standards must be met. Modification of any of these standards requires approval through River Review.</p> <p>N. Standards for placement of temporary floating structures. The following standards apply to temporary floating structures:</p> <ol style="list-style-type: none"> 1. <u>The structure and all work necessary to install and remove the structure is allowed in the river only between July 1 and October 31;</u> 2. <u>The structure must be located within the OS zone;</u> 3. <u>There are no more than 4 structures in the Central Reach at one time;</u> 4. <u>The structure is free-floating or is attached to an existing dock, pier or piling. Free-floating means that the structure is anchored to the river bottom and is not accessible from the riverbank via anything other than the water;</u> 5. <u>The dimensions of the entire temporary floating structure must not be greater than 12 feet by 100 feet;</u> 6. <u>The structure has no walls and no roof;</u> 7. <u>The structure is at least 50 feet away from the riverbank. The 50 feet is measured horizontally from the ordinary low water mark (Figure 475-1); and</u> 8. <u>The hours of operation are between 6 am and 10 pm.</u> 	<p>This is the same zoning code as was presented to PSC on April 11, 2017.</p> <p>While this standard sets forth limits, there are no prohibitions on the total number of structures or the size, location or duration of any structure. This standard allows up to four structures that are located more than 50 feet from ordinary low water only during the in-water work period. More than four structures, larger structures, structures with a gangway attached to the shore or structures that would be in place outside of the July 1 – October 31 timeframe would need to go through River Review. Through River Review the impacts of the structures on habitat would be considered and appropriate mitigation required.</p>		

Figure 475-4

