



Liz Moorhead, PP&R Capital Projects Manager
Presentation to Design Commission
March 1, 2012

I am pleased to have the opportunity to come back to you to provide additional information and also – to share some solutions that we think will go a long way to addressing the communities concerns.

At this time, I will be focusing on two specific issues: the matter of a dock and the location of the osprey nesting platform.

It has always been the purpose of the Greenway to balance the need to provide recreational opportunities and the need to provide and improve habitat. Achieving this balance has proven to be challenging.

The design you are being asked to review does not include a dock. The design does provide for enhanced river recreation activities and access by providing a beach with an access ramp and by providing exceptional opportunities to view a restored riparian area that will provide food and habitat for a variety of plants and animals. The view also encompasses an expansive reach of the Willamette River that takes in Ross Island and East Portland – north to downtown and south to Sellwood.

Portland Parks & Recreation has always been in support of a dock in the location of the South Waterfront Greenway. As you can see from the timeline, we worked with the National Marine Fisheries Service (NMFS) over the course of three years to reconcile their desire to increase and improve habitat for fish and our promise to provide a dock. After many design iterations, NMFS made it clear that continued efforts to pursue a dock would just further delay the Greenway. NMFS stated that they wanted the City of Portland to develop a more comprehensive River Recreation Strategy that would include the entire reach of the Willamette in the city and not one site at a time.

The project was already several years delayed, costs were increasing, the budget was already proving to be insufficient, and we were told we could not get a permit.

The decision was made to decouple the dock from the Greenway and move forward with developing the Greenway. At a public meeting in April 2010, the majority of participants supported this strategy. In fact, one participant stated that we should “not let the perfect become the enemy of the good.” It was clear that most residents supported moving ahead and getting the Greenway built.

At the same time, the Office of Healthy Working Rivers was created by City Council. Commissioners Nick Fish and Amanda Fritz directed that the Office to create a dock master plan. That document now exists, was approved by City Council last week, and is the City of Portland’s Willamette River Recreation Strategy. Here is what it says about the dock:

A dock has always been envisioned in the South Waterfront District. The challenge is to locate it carefully with respect to environmental conditions, resident concerns, and proximity to public access and parking.

Boaters of all types have expressed an interest in visiting the district by boat – to shop, eat, walk, and picnic. Residents and paddlers have expressed an interest in a low freeboard dock for easy access to Ross Island and the quiet shoreline of southwest Portland.

Early planning work for locating a dock has begun and can expand once funds are identified for permitting, design, and future construction. The search for the best location will be district-wide. In the end, a dock will be a valuable asset to the overall river recreation system, providing water access for non-motorized users and shore access for any type of visiting boater.

The next step will be to discuss the strategy moving forward. We need to understand regulatory requirements and permitting timelines and identify funding options for the dock. The dock is on PP&R's list of capital projects requesting funding.

Regarding the osprey nesting platform, I have been informed that the lease for the current nesting platform will not be renewed beyond the 2012 nesting season.

We have worked very closely with our partners, Audubon's Bob Sallinger, ODF&W's Susan Barnes, and BES' Kaitlin Lovell. We visited the site and have reviewed our design. We believe that we can accommodate a nest on the riverbank in the north of the Greenway. This location, proposed by Bob Sallinger in the fall, is above ordinary high water which is important to the agencies and provides the majority of the recommended 25-ft radius clear area around the nest away from human use. This location is adjacent to a passive lawn area which is not programmed for events. To the north, beyond the 25-ft zone, we hope that future events do occur in a plaza and urban beach area. However, this property is not owned by the City and we have little to say about what or when it will ultimately be developed.

PP&R and our partners believe two nests will be an asset to the project. BES has received the permit and will move forward with locating a platform on the dolphins as well.

Portland Parks & Recreation wants to thank the South Waterfront Community, our consultants, PDC, BES, the Office of Healthy Working Rivers, and the multitude of other agencies, staff, and community members that have been committed to achieving that balance between the recreational and environmental benefits of this project. A lot is being asked of this 1.2 mile stretch of river.

We are hopeful that this information clarifies and resolves the issues of the dock and the osprey and we can begin to realize the first piece of this much larger vision. To stay on schedule, PP&R respectfully requests that the Commission approve the Greenway Park as designed. Portland Parks & Recreation is committed to sustaining a healthy park and recreation system that makes Portland a great place to live, work, and play and will continue to work with the community on these and other concerns.

**South Waterfront Greenway
Project Overview
February 2012**

Background

In 2004, City Council adopted a Waterfront Greenway Development Plan. This plan was created with extensive public involvement to guide the future development of the Greenway along a 1.2-mile stretch of the river from the Marquam Bridge in the north to Hamilton Court in the south. The Master Plan was developed with the participation of City bureaus, community members, and community-based organizations as well as feedback from federal and state regulators. In all, more than 30 City staff, community members, and groups participated in the development and design of this part of the Willamette River.

The South Waterfront Greenway Development Plan (GDP) worked to achieve an integrated and balanced design that fused the goals of creating a new high-density urban community with the desire of the public to create habitat in the Willamette River. Below is a recent timeline of project activities:

Fall 2006

- The Eighth Amendment to the Central District Development Agreement was executed and called for \$6 million for the design and construction of the final improvements to the Central District Greenway stretching the five blocks from SW Gibbs St to SW Lane. \$4 million in Urban Renewal funds (generated through Tax Increment Financing – TIF) and \$2 million in Park System Development Charges (SDCs) were committed to the project. The amendment accelerated the timeline for completion of the park to June 2009.

Spring/Summer 2007

- PP&R issued a Request for Proposals for the design of the Central District Greenway.

Fall 2007

- A Design Team was selected (Walker Macy and Thomas Balsley Associates) for the project and work commenced on the design.
- A Project Advisory Committee (PAC) was created to guide the final design of the five-block-long Central District Greenway construction. The 2004 Master Plan served as the basis for the design.
- It was recognized that it would be difficult to incorporate all of the design elements from the 2004 Master Plan into the final construction because of cost constraints in the \$6M budget.

Spring 2008

- Conversations with the National Marine Fisheries Service (acting as a regulatory body for the Army Corps of Engineers) indicated that the project would not be permitted as currently designed; they requested additional habitat restoration and elimination of public use areas for creation of additional habitat.
- The City performed additional environmental testing on the property in conjunction with the state and federal permitting process. The tests results indicated contamination in the river as well as low level contamination on the site. Further testing was initiated.

Summer 2008

- Ongoing conversations with National Marine Fisheries Service (NMFS) to negotiate an agreement on enhanced bank restoration – permitting process put on hold until a mutually satisfactory agreement is reached. NMFS also requests design to consolidate dock and overlook to reduce negative habitat impacts.
- Conversations with property owner about environmental clean-up of the property. Continued testing underway.

Spring 2009

- Additional testing was completed which indicated that contamination is consistent with original assumptions. Still negotiating about clean-up responsibilities and impacts of revised design on clean-up costs.
- Finalizing agreement with National Marine Fisheries Service for habitat restoration based on receipt of concept drawings.
- City Council creates the Office of Healthy Working Rivers.

Summer 2009

- BDS permitting put on hold until concept drawings are approved by NMFS.
- Meeting with consultants to modify design based on direction from NMFS for Federal Permit approval.
- Working out property transfer issues.

Winter 2010

- Continued meetings and discussion with NMFS to understand and address requirements for permitting – improving habitat for multiple species and limiting negative habitat impacts. Key challenge is getting agreement on an affordable and publically supported design for which we can get a permit.

Spring 2010

- Continued work with consultant to finalize the feasibility and cost of a preferred revised approach.

Summer 2010

- Design solution rejected (tall sheet pile wall) because it required extensive excavation of soil; created an abrupt edge that would potentially be uncomfortable and was not aesthetically appealing; it was expensive; it provided habitat for salmon, but did not support the habitat needs of other species; and it was inconsistent with the design goals of the Greenway.
- Consultant begins work to redesign the project. PP&R directed the consultant to reduce negative in-water impacts by removing the dock and moving the overlook above ordinary high water.

Fall 2010

- Established partnership with TriMet to leverage \$1 million contribution to improve the habitat along the river bank, mitigating the impacts to fish habitat resulting from the light rail bridge.
- Consultants developed a design to create shallow water fish habitat, stabilize the bank, plant riparian vegetation, and create wildlife habitat.
- Updated design was presented to North Macadam URAC and a public meeting was held October 14. The Joint Permit Application was submitted October 21 to the US Army Corp of Engineers and the Division of State Lands.

- City Council approved an ordinance authorizing the City Attorney to proceed with acquiring the property for the South Waterfront Greenway in the Central District.
- Flowing Solutions, Andy Jansky, Principal, contracted to explore potential funding, permitting, location, and design opportunities for a dock in the South Waterfront Greenway.

The following Dock Update was sent to community members in addition to the public meeting:

“Permitting agencies indicated that they would not permit a design that included a dock. It was not possible to further delay the permit without jeopardizing the \$1 million in funding from TriMet, as well as pushing construction into 2013. A dock permit can be submitted at a later date. The Office of Healthy Working Rivers is currently working on a comprehensive study on recommended dock locations. They anticipate completing this work in Summer 2011.

PP&R supports a dock in the South Waterfront District. In response to community feedback, PP&R made a last minute modification to the Joint Permit Application. The Joint Permit application states "A public access dock is not included in this plan, even though there is a demonstrated need for a dock in the Central District.”

When funding becomes available in the future, details for a public access dock will be developed and permitted separately. The remaining portion of mitigation and riparian improvements not transferred to NWP 2009-444 will be applied to the proposed public dock. The dock details will be developed based on accepted impact minimization efforts and recommendation by NMFS and ODF&W, and may include grated deck surfaces, location in deep water, and inert construction materials.”

Winter 2011

- City approves issuing a Construction Manager/General Contractor (CMGC) contract.
- Creation of Dock Committee with monthly meetings including residents and staff from Office of Healthy Working Rivers and PP&R. Purpose of this committee is to provide regular updates on the progress of the Greenway and the City of Portland’s water-based recreation strategy.

Summer 2011

- Worked through details of construction documents.

Fall 2011

- Development of the Greenway design documents, required permitting, and property clean-up plan. Construction drawings updated after review by staff, the contractor, the Department of Environmental Quality, and the Army Corps of Engineers.

The following Osprey Update was sent to the community:

“Several years ago, ospreys began building nests and nesting on cranes in this industrial area. A South Waterfront neighbor fabricated an osprey platform in 2009 that was located temporarily on the Zidell property. In 2010 this platform had to be moved so that Zidell could complete some construction. The platform was permitted and moved temporarily a short distance to the adjacent PP&R property to accommodate the 2011 nesting season. The platform was then moved again to private property. PP&R, Bureau of Environmental Services, and Audubon have been working to identify a new, permanent location for the platform that will benefit the ospreys and avoid conflicts with human activity and physical barriers.

BES submitted a Department of State Lands application to site a platform on a structure in the river. This location separates the birds from the active uses in the park. If we receive permission

from the Department of State Lands, we plan to have a platform in place for the 2012 nesting season. If the osprey choose to nest at this new location, no other platform will be pursued. If they do not use the platform, PP&R will discuss alternate locations for a platform with BES, Audubon, and the design team that could potentially be installed after Greenway construction is finished in 2013. In order to protect both the birds and the park users, any platform within the Greenway will need to be 25' from a trail and not above a space where dropping branches would cause possible harm.”



CITY OF PORTLAND
OFFICE OF HEALTHY WORKING RIVERS



1120 SW Fifth Ave., #1000, Portland, OR 97204 ♦ Commissioner Amanda Fritz ♦ Ann Beier, Director

February 16, 2012

Guenevere Millius
Design Commission Chair
City of Portland Bureau of Development Services
1900 SW 4th Avenue
Portland, OR 97214

Dear Chair Millius:

The Office of Healthy Working Rivers (the Rivers Office) fully supports Portland Parks & Recreation's proposed South Waterfront Central District greenway park improvements, now before the Design Commission for Design Review and Greenway Review (LU 10-204930 DZ GW).

This new park will provide a key link in the greenway trail system while improving essential wildlife habitat along the river bank. In addition, a proposed paved trail to the water's edge will allow public access to a launching point for light watercraft including canoes and kayaks.

The Rivers Office is pleased that South Waterfront residents—and other Portlanders—will soon have a new opportunity to directly experience the Willamette. Getting more people to the river is not only a prime objective of the City of Portland, but a driving force in the very design of South Waterfront.

As you know, however, realizing the river access aspirations of the City and South Waterfront residents has been challenging. Designing, permitting, and building river access facilities has been far more complicated and expensive than expected. But Parks' commitment to building a new light watercraft launch represents a critical first step in supporting the river orientation of the South Waterfront community.

In terms of next steps, the City has recently undertaken an effort with important implications for South Waterfront. The Rivers Office, in conjunction with Portland Parks & Recreation, has just completed the Willamette River Recreation Strategy (and will be requesting City Council to accept it on February 22.) The Strategy was developed to help assess river recreation needs on the Willamette over the next 5-15 years with a focus on public boating facilities, including docks.

While the Strategy asserts that maintaining existing public dock facilities should be the City's highest priority, it also identifies several new facilities needed to meet increasing recreational demand. One new facility would be a dock in the South Waterfront neighborhood. Although the City currently has no funds to design or construct a dock at

South Waterfront, the Strategy elevates the importance of this site in meeting recreational demand, making it a priority for future funding.

It is also important to note that the Strategy responds to concerns raised by regulatory agencies regarding the potential effects of overwater structures, such as docks, on endangered fish populations. The Strategy signals the City's intent to limit the number of new facilities and to site and design new docks in a manner that minimizes impacts. The Strategy has been reviewed favorably by regulatory agencies and should help make future permitting processes clearer and more efficient.

We look forward to working with the Design Commission, Portland Parks & Recreation, and the South Waterfront Neighborhood in a collaborative effort to expand the variety of opportunities for public access to the Willamette River.

I urge you to approve the greenway park design as currently proposed so that Parks can move forward with construction of this key riverfront amenity in the Summer of 2012. Thank you for the opportunity to comment on this proposal.

Sincerely,

A handwritten signature in cursive script that reads "Ann Beier".

Ann Beier, Director
City of Portland Office of Healthy Working Rivers



Bureau of Planning and Sustainability

Innovation. Collaboration. Practical Solutions.

M E M O

February 22, 2012

To: Portland Design Commission

From: Troy Alan Doss, Senior Planner

Subject: South Waterfront Greenway Development Plan & Docks

During the February 2, 2012, Design Commission hearing, regarding Parks and Receptions proposal for the Central Reach of the South Waterfront Greenway Development Plan (GDP), a number of issues were raised by the Commission and members of the public about the absence of a dock in the current proposal. This memo is intended to outline the history of this issue and to provide some perspective on the challenges.

First, it should be noted that all involved in the GDP desire to have docks, overlooks, and other amenities that will grant public access directly to the waters edge. That said there are a number of obstacles that must be addressed before such amenities can be realized. As the GDP was being developed in 2003 and 2004, a number of facility types and locations were considered. The final schematic approved by City Council identified four potential dock facilities and two potential overlooks. Two of the potential facilities are located in the Central Reach, a light watercraft dock at the end of Curry Street, and an overlook at the end of Gaines Street. Both are conceptual locations, and neither is required by the Zoning Code.

As you are probably aware, it can take up to 2 years to obtain permits for in-water work from the Army Corps of Engineers (Army Corps) and the National Oceanic and Atmospheric Administration (NOAA). When the original design for the GDP was submitted to the Army Corps, NOAA stated they would prefer that the City of Portland not propose any new docks on the Willamette River until such time as the City had a plan for where habitat enhancement, restoration, and protection would be prioritized on the river.

Consistent with this direction, the Bureau of Planning and Sustainability is working with numerous agencies to develop the *River Plan* which will, among other things, identify areas to be targeted for habitat enhancement and restoration. Additionally, the Office of Healthy Working Rivers and Portland Parks and Recreation are working to complete the *River Recreation Strategy* which establishes a vision for river recreation in the City, offers recreation policy guidance, and identifies specific actions for how the public realm should meet growing river recreation needs in Portland over the next 5 to 15 years.

However, there won't be certainty about the locations of habitat and other kinds of development until the City adopts the River Plan. And, NOAA and the Army Corps have stated that they will not support the development of "one-off" projects due to the cumulative impact of multiple such projects being pursued in advance of a more comprehensive strategy.



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portlandonline.com/bps

1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

Printed on 100% post-consumer waste recycled paper.

Even if the ability to pursue permitting for a dock existed at this time, the process to permit that facility would take a least an additional 2 years, and there are currently no funds available to design, permit, or construct said facility.

It should be noted that the vision to establish facilities allowing the public to gain greater access to the Willamette River is a priority that multiple City bureaus share, and this is especially true in South Waterfront. The South Waterfront Greenway has always been envisioned as a major regional asset that would allow not only residents of South Waterfront and South Portland to be connected to the river, but also the public at-large. Projects of this scale can and should be used to leverage amenities that all Portlanders can share, and as the soon to be completed *River Recreation Strategy* points out, docks and similar facilities that allow direct access to the river are in short supply.

Thus, I hope the Commission and South Waterfront residents take comfort in the fact that multiple bureaus are working diligently to increase river access in this district and elsewhere along the Willamette; however, the desire to locate a single dock in South Waterfront must be considered within the larger context of *the River Plan* and similar efforts that are taking comprehensive view of where to enhance access and habitat, as well as fund such improvements in the long-term.

