



MARTEN LAW

August 9, 2016

Via Hand Delivery

Portland Planning and Sustainability Commission
1900 SW 4th Ave, Suite 7100
Portland, OR 97201

Re: Comments of American Waterways, Inc on CC2035 Proposed Draft

Dear Members of the Planning and Sustainability Commission:

This firm represents American Waterways, Inc., which for over twenty years has operated a successful cruise vessel business in Portland under the “Portland Spirit” banner. American Waterways supports and has actively participated in the City’s effort to develop new zoning and standards for the Central Eastside through the Central City 2035 (CC2035) process. Based on substantial experience with the implementation of the City’s Willamette Greenway requirements, we understand the importance of proceeding with correct, current information.

We previously submitted written comments, dated March 31, 2016, on the CC2035 Discussion Draft. In that letter, we explained that American Waterways supports the rezoning of the Property to EX (Central Employment) with the “d” Design Overlay. American Waterways also supports the prohibition on residential use within the Ex zone on its Property as reflected in proposed Section 33.510.118.B.1 and Map 510-6.

As discussed below, however, American Waterways is concerned about serious shortcomings in the natural resources inventory information on which the mapping of the “e” River Environmental Overlay Zone is based. American Waterways also cannot support a uniform 50-foot river setback, code changes that complicate our ability to load and unload passengers from our vessels, and other changes outlined below that unreasonably limit the ability to use on of the few truly private riverfront parcels in the Central Eastside.

Background

American Waterways owns two adjacent parcels, with street addresses of 110 S.E. Caruthers and 250 S.E. Caruthers (the “Property”). The current base zone is

IH – Heavy Industrial. The only overlay zone currently on the Property is the River General (“g”) overlay for the Willamette Greenway.

The Property includes the dock facility for American Waterways vessels. That dock, together with the existing building on the 110 S.E. Caruthers property, has been classified as an “Industrial Service” use, the purpose of which is to moor, maintain and service tour boats. That Industrial Service use is permitted outright in the IH zone, as has been determined in two Greenway Review proceedings (LUR 99-00073 GW; LU 11-141034 GW). The Property also includes a 4,800 square foot building on the 250 S.E. Caruthers parcel; the building is a shop/support facility associated with vessel operations, including machine shop, woodshop and storage.

The Property has a long history of marine uses. The waterfront of the Property is supported by a wall of pilings running the length of the Property. The pilings, installed decades ago, are integral to dual needs of supporting the upland and maintaining an adequate berth for vessels.

When Tri-Met was in the planning stages for the Tillicum Crossing Bridge and realized that the bridge might impact operations of the American Waterways docks and tour vessels, Tri-Met considered whether relocation was possible. The conclusion of Tri-Met’s consultant, taking into account operational needs, MTSA issues (discussed below), existing greenway restrictions and the limited supply of private riverfront land in the Central City, was that the Property is the only feasible site in the City for the American Waterways operations. In other words, workable zoning standards are essential not only to the operations at this location but to the survival of the business.

Passenger Loading

A key issue for American Waterways is to ensure that passenger loading will be allowed under the new zoning and that CC2035 adequately provides for passenger loading on riverfront properties elsewhere along the Willamette. That is important not only for river tours but for the possibility of future “water taxis.” CC2035 needs to make it clear that such uses are permitted.

Currently, passenger loading for Willamette River tour boats is an accessory use under PCC 33.920.510.D.2, which explains why docks for such vessels are not within the use category for “aviation and surface passenger terminals”:

“Marine passenger docks for subregional marine travel such as Columbia River cruise ships, water taxis, or recreational boating; and other marine tie ups (such as the seawall between the

Broadway bridge and the Hawthorne bridge) are not included in this category and are classified as accessory to their adjacent facilities.”

As we noted in our March 31 comment letter, however, this language is not as clear as it should be, because it leaves unanswered the question: to what “adjacent use” would a “marine passenger dock for subregional marine travel” be “accessory”? For the different land use categories listed in PCC 33.920, the Code lists accessory uses. “Marine passenger docks for subregional marine travel,” however, are not specifically listed as accessory to any defined use category in the code.

The CC2035 Proposed Draft takes a different approach. First, subregional cruise ships will no longer be considered accessory uses. Rather, an amendment to Section 33.920.200 would add “subregional cruise ships such as Willamette and Columbia River cruises” to the “Commercial Outdoor Recreation” use category. That change from accessory use to primary use is acceptable to American Waterways as long as the change is concurrent with the rezoning of the American Waterways property to EXd; “Commercial Outdoor Recreation” is an outright permitted use in the EX zone, per Table 140-1 in Chapter 33.140. The concurrent change in zoning and the “Commercial Outdoor Recreation” use category will ensure that American Waterways can continue using its dock for passenger loading and unloading.¹

Second, the Proposed Draft revises the exception to the description of the “Aviation and Surface Passenger Terminal” use category in Section 33.920.510.D.2 to clarify that “water taxis, water buses and ferries” are “accessory to their adjacent uses.” With the understanding that such loading and unloading of water taxis, water buses and ferries can occur as an accessory use in any zone, this change is acceptable.

Finally, the Proposed Draft adds a new Section 33.475.215, which limits “passenger waiting and queuing areas, security checkpoints, cold food storage and machine shops associated with marine passenger docks” to a total of “5,000 square feet within or riverward of the river setback.” The associated commentary indicates that this is a limit on “net building area” – under Section 33.910.030, the total area of all floors (structured parking excluded).

¹ We note that CC2035 Volume 4 (“Background Materials”) does not show on Map 11 of the Existing Policies and Conditions Report (April 2011) that the American Waterways dock provides a point of access to the river. Although the dock is privately owned and not available for general public use, American Waterways has used the dock for thousands of cruises – carrying approximately 1 million passengers – over the past 16 years.

The commentary for Proposed Draft Section 33.475.215 indicates that staff arrived at the 5,000 foot limitation by looking at “the queuing area at the Salmon Springs dock and the square footage for other related uses provided by an interested property owner ...” The commentary goes on to state that “limiting the footprint of this type of development within the river setback will allow the area to achieve other Willamette River goals and objectives”

Salmon Springs dock, however, handles only one cruise vessel at a 60-foot dock. The American Waterways dock, by contrast, has 400 feet of dock, and berths up to five vessels (with room for more). American Waterways currently can have up to 800 people boarding at the Caruthers Street site in an hour.

In the last 20 years, American Waterway has grown from one vessel to five, 500 cruises a year to 2,000 cruises a year, and from a handful of employees to over 200. American Waterways needs to have the capacity to grow its fleet to meet future demands and provide alternative product support like overnight cruise ships and ferries. That requires a terminal that allows for future growth and meets the high service standards customers justifiably expect.

Dan Yates of American Waterways has previously provided to Bureau of Planning and Sustainability staff a description of the elements of a terminal facility that will provide the support needed for the vessels and the services needed for customers. A copy of that description is attached to this letter.

Goal 15 provides: “The setback line shall not apply to water-related or water-dependent uses.” It is inconsistent with Goal 15 to place a predetermined limit on the area that may be occupied by such uses. To do so is, in effect, to subject them to setback regulations from which they are exempt as a matter of law.

Moreover, if the purpose of the 5,000 square foot restriction is to limit the development “footprint” within the river setback, that purpose would be served by limiting the actual *footprint* of the building, not the total square footage – a multi-story structure can meet the goal of limiting the development footprint.

We ask that the 5,000 square foot limitation be removed as inconsistent with Goal 15. At a minimum, the 5,000 square foot limitation should be for “building coverage” as defined in Section 33.910.030, not net building area.

Mapping Issues

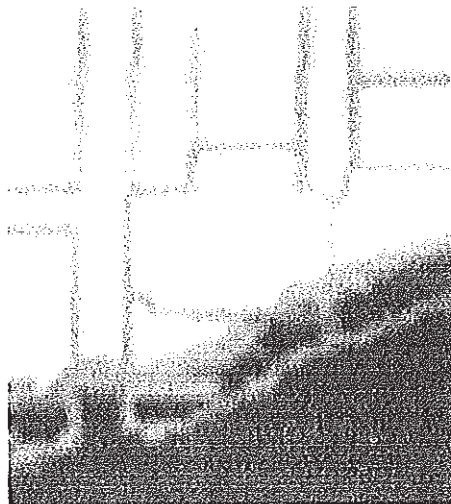
In our March 31 letter, we challenged the basis for the mapping of the “e” River Environmental Overlay Zone on the subject Property. Simply put, the “e” zone is supposed to be applied to high or medium rank riparian corridors and wildlife

habitat identified in the Central Reach Natural Resources Inventory, as discussed in proposed Section 33.475.020.A.2:

The River Environmental overlay zone applies to specific natural resource areas identified in a detailed study titled Central Reach Natural Resources Protection Plan (2015). This overlay zone always applies in combination with one of the other River Overlay zones.

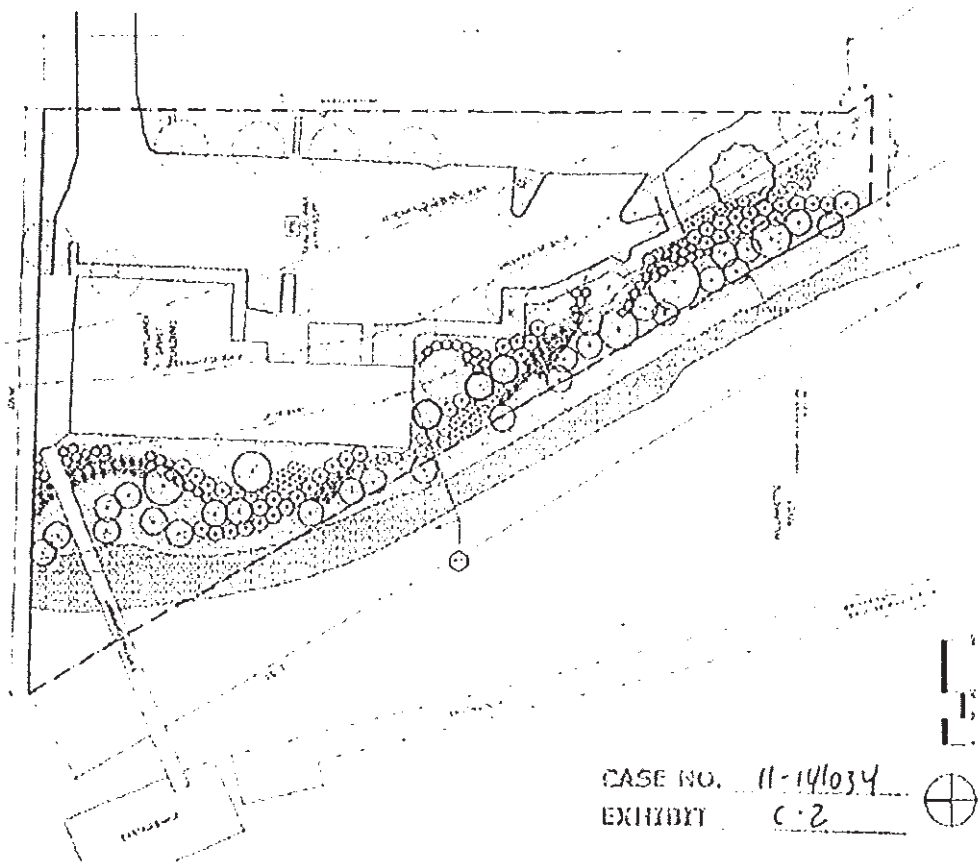
The current draft of the “Willamette River Central Reach Natural Resources Protection Plan,” dated July 2016, includes a map (WR17 – Central Eastside, Map 4, “Riparian Corridor Resources”) showing the Property as having riparian resources of “High Relative Rank” and “Medium Relative Rank”:

Portion of Map 4 (Riparian Corridor Resources), WR17 (Central Eastside)



As we pointed out in our March 31 comments, the on-the-ground basis for that mapping of riparian is a mystery. In particular, the area identified as “Medium Rank” appears to include an existing building and at least part of a paved parking lot as evidenced by the following site plan:

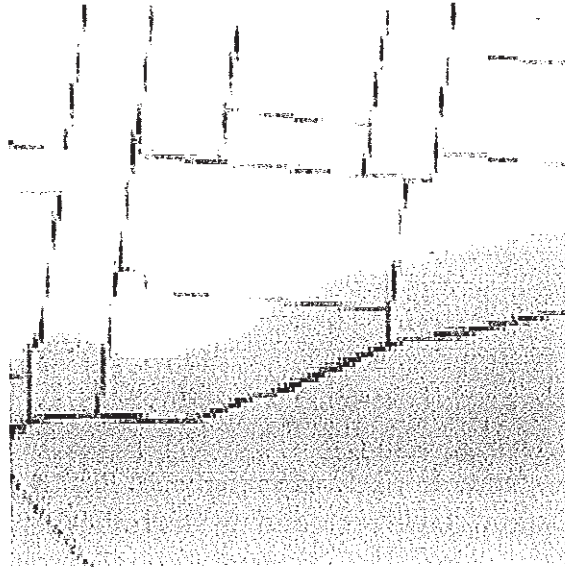
Site Plan of 110 SE Caruthers



That building and parking have existed on the site for decades, and both are six feet above the 100-year floodplain. The “medium rank” area also appears to include the parking lot landscaping, which the City apparently considers “riparian” even though it is also above the 100-year floodplain and is separated from the Willamette River by the aforementioned development. If a building and parking lot – and upland landscaping -- count as “Medium Rank” resources, one can only wonder what would qualify as a “low ranking resource” that would be excluded from the River Environmental Overlay Zone.

Although we pointed out this obvious error in our March 31 comments on the CC2035 Discussion Draft, neither the Central Reach inventory nor the mapping of the “e” zone was altered to correct it. In fact, the “e” zone on the American Waterways Property was **expanded** to include in the River Environmental Overlay the landscaping on the east side of the parking lot. The resulting expansion can be seen by comparing the “e” zone in the February Discussion Draft with the corresponding map from the current Proposed Draft:

**“e” Environmental Overlay
CC2035 Discussion Draft, February 2016, p. 499:**



**“e” Environmental Overlay
CC2035 Proposed Draft, June 2016, p. 362:**



This mapping is inconsistent with the natural resources evaluation in the Proposed Draft Willamette River Central Reach Natural Resources Inventory (June 2016) at p. 106:

High relative functional ranks are assigned to the Willamette River itself. High and medium relative functional ranks are assigned to vegetated, non-hardened river banks or flood areas. Low relative ranks are generally assigned to non-vegetated flood area and hardened, non-vegetated river banks.

The Inventory's discussion of the methodology (p. 21) clarifies this further:

Typically, the riparian corridor model assigns aggregated relative ranks to natural resource features as follows:

- High – Rivers, streams, drainageways and wetlands; forest or woodland vegetation within a flood area or in close proximity to a water body; and woody vegetation on steep slopes
- Medium – Shrubland and herbaceous vegetation within a flood area or in close proximity to a water body
- Low – Vegetation outside the flood area and further from a water body; developed flood areas; and hardened, non-vegetated banks of the Willamette River North Reach and South Reach and Columbia River surrounding Hayden Island

By those descriptions, an area above the floodplain, long developed with a building and parking lot, would receive a "low" relative rank and be excluded from the River Environmental overlay. Similarly, an area of parking lot landscaping, separated from the river and above the floodplain, would also receive a "low" relative rank. We request that the mapping of the River Environmental overlay be revised by applying the methodology to the actual site conditions, which would exclude a substantial portion of the mapped area from the "e" overlay due to "low relative rank."

The final problem with the "e" River Environmental Overlay is that it does not reflect the Statewide Planning Goal 5 ESEE analysis set forth in the Proposed Draft Willamette River Central Reach Natural Resources Protection Plan. That Plan includes a "Natural Resource Protection Recommendation" for each inventory site, pursuant to which conflicting uses "within areas of high ranked natural resources" would be strictly limited, whereas medium ranked riparian areas would receive a "moderate level of protection" from conflicting uses. The River Environmental Overlay, however, does not distinguish between "high ranked resources" and "medium ranked resources": both are mapped with the

identical restrictive overlay. The proposed River Environmental Overlay therefore fails to implement the outcome of the required ESEE analysis. The River Environmental Overlay must be revised to reflect the different levels of protection afforded “high” versus “medium” ranked resources.

River Setback

The “River Setback,” measured as 50-feet landward of the top of bank, is twice as wide as the setback currently applicable under the City’s Greenway standards. It appears that the City has based the setback on a minimum riparian corridor width from Metro’s Title 13. As noted above with respect to the River Environmental Overlay Zone, however, the methodology used in the City’s own Central City Natural Resources Inventory refines Metro’s approach by evaluating site-specific conditions. If the River Setback is based on riparian function, there is no reason it needs to be more extensive than the area actually inventoried by the City as High or Medium relative rank riparian corridor in the Inventory. Indeed, the claim that the River Setback serves any environmental purpose is belied by the City’s insistence that a paved public trail be placed through the setback.

We understand that a setback restricted to “river-dependent” and “river-related uses” is part of Goal 15. By widening the setback from 25 feet (under the current Greenway overlay) to 50 feet, however, the City would make it substantially more difficult to redevelop the Property in a manner that facilitates moving equipment and materials between docked vessels and supporting facilities (machine shop and storage, for example). The proposal to limit river-related development for a passenger terminal to 5,000 square feet of net building area only compounds the problem.

Public Recreational Trail

The City Zoning Map continues to show what under the Proposed Draft would be termed a “Major Public Trail” across the American Waterways Property. Our concerns with the Proposed Draft fall into three categories: (1) the lack of demonstrated need for a public trail across the Property; (2) the failure of the Proposed Draft to recognize the serious issues a public trail creates for compliance with federal Maritime Transportation Security Act; and (3) flaws in the City’s approach to complying with the requirements for real property exactions under the United States Constitution.

Goal 15 and the Public Trail

As has long been the case with the City's planning efforts, the Proposed Draft treats a public trail along the river as if it is an indispensable component of Goal 15 compliance. It is not. Goal 15 (OAR 660-015-0005) does not require public access to or across every property within the Willamette Greenway, nor even across every property on the riverfront. Section C.3.c of Goal 15 requires with respect to plans and implementing measures: "Adequate public access to the river shall be provided for, with emphasis on urban and urbanizable areas." Section C.3.b(3) requires with regard to recreational uses: "The possibility that public recreation use might disturb adjacent property shall be considered and minimized to the greatest extent practicable." "Practicable" means "capable of being put into practice or of being done or accomplished." "To the greatest extent practicable," therefore, is a high bar.

Section F.3.b(2) of Goal 15 requires that local reviews of intensifications and changes of use within the Greenway must be provide findings that "necessary public access will be provided to and along the river by appropriate legal means." Again, that does not require universal access to and across every property within the Greenway or adjoining the river.

The City's 1987 Willamette Greenway Plan "identifies a continuous recreational trail extending the full length on both sides of the Willamette River, but not necessarily adjacent to the river for the entire length." Willamette Greenway Plan, November 1987 at p. 1. Indeed, substantial portions of the trail are located on and adjacent to public streets or along railroad right-of-way (the Springwater Willamette trail), and do not necessarily follow the river bank.

There can be no serious contention, moreover, that the public is being denied adequate access to the Willamette River along the east bank in the Central Reach. The Greenway Trail already provides continuous public access along the river – and even over the river – from the Steel Bridge to S.E. Caruthers. In that area, the trail does not conflict with the use of the adjoining property (e.g., I-5, OMSI and the Portland Opera building). As noted above, however, Goal 15 does not allow the City to ignore conflicts between the recreational trail and use of adjacent property.

Impact on Maritime Transportation Security Act Compliance

As American Waterways has noted throughout the CC2035 planning process, its operations on the Property are subject to requirements under the Maritime Transportation Security Act (MTSA). American Waterways has requested on

numerous occasions that the “Public Trail” symbol on the Zoning Map be removed from its Property as part of this process because guaranteeing public access to the Property may conflict with obligations under the MTSA. Unfortunately, we have found nothing in the CC2035 Proposed Draft to indicate that the trail symbol will be removed from the Property.

The MTSA, 46 U.S.C. § 701, regulates the nation’s vessels and port facilities in order to guard against security incidents that might result in significant loss of life, environmental damage, or transportation or economic disruption, see 46 U.S.C. § 70101(6), 46 U.S.C. § 70103. Among other things, MTSA requires covered vessels and facilities to submit security plans designed to “deter[] a transportation security incident to the maximum extent practicable.” 16 U.S.C. § 70103(c)(1). These vessels and facilities may not operate unless in compliance with a security plan that has been approved by the Secretary of Homeland Security. 16 U.S.C. § 70103(c)(5). Noncompliance may be severely punished: persons found to have violated the MTSA or a regulation promulgated thereunder are subject to a civil penalty of not more than \$25,000 per day, not to exceed \$50,000. 46 U.S.C. § 70119.

Coast Guard regulations require only certain facilities to submit facility security plans (“FSPs”). However, any “[f]acility that receives vessels certificated to carry more than 150 passengers, except those vessels not carrying and not embarking or disembarking passengers at the facility” must submit a FSP. 33 CFR 105.105(2). The American Waterways facility on SE Caruthers Street is such a facility: it receives, among other vessels, the Portland Spirit and the sternwheeler Columbia Gorge, both of which are certificated to carry 499 passengers. Consequently, American Waterways is required to – and does – operate under a FSP for the Caruthers Street facility.

FSPs are comprehensive plans describing the full suite of security measures a facility has in place to prevent and respond to transportation security incidents. In the wrong hands, this information might allow a party to compromise a facility’s security measures. To prevent the obviously harmful results that could follow from such a breach, federal law designates FSPs “sensitive security information,” 33 CFR 105.400(c), thereby subjecting them to a host of restrictions, see 49 CFR 1520. Under these regulations, American Waterways is permitted to disclose the contents of its FSP only under very limited circumstances. 49 CFR 1520.9. In particular, American Waterways may disclose the contents only to “covered persons who have a need to know, unless otherwise authorized in writing by TSA, the Coast Guard, or the Secretary of DOT.” 49 CFR 1520.9(a)(2). It goes without saying, then, that it is not possible to discuss

publicly the contents of American Waterways' FSP, as a matter of both law and public safety. American Waterways could be barred by federal law from submitting in a local land use proceeding the evidence it needs in order to prove that a public recreational trail is inconsistent with use of the Property for passenger vessels.

Requirements under the MTSA, moreover, are not static. The Department of Homeland Security can, at any time, change the security requirements as threats change; in order to remain in business, American Waterways needs to be able to comply.

The CC2035 Discussion Draft (February 2016) included commentary in Chapter 33.272 addressing the Maritime Transportation Security Act:

Commentary

33.272.040 Construction of Trails

This zoning code section states the requirements for trail construction.

Note: staff acknowledges that other federal and state legislation might determine trail location on particular lands. An example is where a development is subject to the Maritime Transportation Security Act and must develop and adhere to a Maritime Security Plan that limits public access across the site to protect homeland security. In this case, there is/will be flexibility in where the trail is located, and it may be located somewhere else on the site. Each site has unique conditions and characteristics that will affect how this section is implemented.

That Commentary does not go far enough; it simply indicates that if there are MTSA concerns, the trail "may be located somewhere else on the site." Unfortunately, even that watered down discussion of MTSA concerns was deleted from the Proposed Draft now before this Commission.

Proposed Draft Section 33.272.070 (formerly PCC 33.272.050) still requires that the trail be "open to the public between the hours of 5 a.m. and 10 p.m., except as otherwise specified by the terms of an easement between the applicant and the City."

Public access across the American Waterways Property would not merely create the potential for "disturbance" of the owner's use of the Property, as recognized by Goal 15, it would conflict with the owner's obligations to be able ensure security under the MTSA. A public trail would not simply "take" a portion of the

American Waterways Property; it could “take” the owner’s ability to conduct its primary business on the Property.

To the extent the City still seeks a public recreational trail across the Property, American Waterways objects. The trail is not required by Statewide Planning Goal 15 and conflicts with the MTSA.

Constitutional Standards for Exactions

Proposed Draft Sections 33.272.030 and 33.272.020.B make important changes with respect to public trails. Section 33.272.030 would depart from the mandate that a trail be dedicated in connection with all applications for land use reviews and building permits, and would provide instead that such dedication “may be required.”²

Proposed Draft Section 33.272.020.B would allow the City to compel dedication and construction of the trail only “when a development will increase the use of the trail system or will contribute to the need for additional trail facilities and application of the regulations is determined to be logically related and roughly proportional to the impacts of the proposed development.” While we are pleased to see that the City is at long last giving applicants notice of their rights under the two key U.S. Supreme Court decisions on exactions – *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard* – there are numerous problems with the City’s approach.

First, from a technical standpoint, the Supreme Court made it clear that it is the local government’s burden to demonstrate that the threshold for an exaction has been met. Thus, we request that the language above be revised to allow the City to compel dedication and construction of the trail “when a development will increase the use of the trail system or will contribute to the need for additional trail facilities and it is determined that the City has demonstrated the exaction required by the regulations to be logically related and roughly proportional to the impacts of the proposed development.”

Second, to the extent the trail is located in the River Environmental Overlay Zone, proposed PCC 33.475.440.D.4 would require mitigation under proposed PCC 33.475.440.K. That mitigation generally must be 1.5 times the area of the disturbance. In other words, the property owner not only has to dedicate an easement and build the trail, it also would have to mitigate for the impact of the trail it is being required to build. The City would bear the burden of

² Unfortunately, the Proposed Draft includes Commentary for Section 33.272.030 stating that all applicants “are required to grant an easement.” Apparently, old habits die hard.

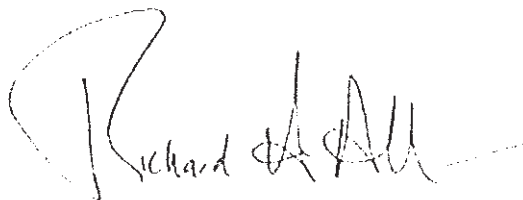
demonstrating that the additional exaction of “mitigation” area for a trail in the River Environmental Overlay Zone meets the standards of *Nollan* and *Dolan*.

Third, the City’s proposed “rough proportionality” test (set forth in a proposed Administrative Rule in Proposed Draft, Volume 5, p. 201-208) presupposes both that the “nexus” test of *Nollan v. California Coastal Commission* has been met and that the constitutional concerns of *Dolan v. City of Tigard* can be addressed by a one-size-fits-all formula. American Waterways reserves the right to object to any specific application of the formula. Without waiving that right, we note that the formula does not account for any impacts of the public trail other than the dedication of land for the trail. As noted above, construction of the trail within the River Environmental Overlay will require that additional land be set aside for mitigation. More importantly for American Waterways, a public trail could effectively end the company’s operations in the City if MTSA compliance cannot be assured. The City’s formula accounts for neither impact, nor does it account more generally for the cost of dedicating and building a public trail.

Finally, the *Nollan* and *Dolan* decisions set forth minimum constitutional requirements for requiring the dedication of private property to public use. It should not be too much to expect the City of Portland to address the broader question of *fairness*: is it fair to impose on a small set of property owners the full burden of providing a facility that serves many commuters, tourists, and businesses? Changes in the Proposed Draft (beginning with removal of the “recreational” description of the public trail) confirm that the trail is as much a transportation facility as it is a recreational facility. All property owners share the burden of providing public streets. But with many thousands of downtown and Central Eastside workers choosing to commute by bicycle daily, only a very small subset of property owners bears the burden of providing the public trail.

American Waterways would welcome the opportunity for continued discussion of these comments with BPS staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard H. Allan". The signature is written in a cursive, somewhat stylized font with a long horizontal line extending to the right.

Richard H. Allan

River Terminal related and dependent items:

The location at 110 SE Caruthers Street is directly adjacent to OMSI station with light rail, streetcar and several bus lines. The future could include light rail connecting the Orange Line to the Moda Center station running up Water Avenue and light rail running out to I-205 via Powell Avenue. The location at 110 SE Caruthers is a perfect location to connect river transit to currently available transit systems and future additions.

Currently 110 Se Caruthers Street, headquarters of the Portland Spirit fleet of five vessels, has about 500 feet of full service docks. The docks have full black water, potable water, 800 Amps of electrical power, LED lighted, complete security suite with full MTSA compliance, and support buildings. The current location layout works for Portland Spirit, but is not ideal for the current operation and is inadequate for future growth. The 400 feet of dock is capable of supporting five dinner boats, one overnight vessel daily (7 in a week) and up to berthing for sixteen 100 passenger, single deck ferries. Currently, our fleet has two 600 passenger and two 150 passenger vessels and one 35 passenger vessel. The Terminal must be designed to accommodate several vessel departures an hour.

The current draft version of the COP 2035 Comprehensive plan has the zoning on the land changing from heavy industrial to EXD. This will allow the property to take complete advantage of its property for developing the buildings to support a concentration of marine users in one location.

Currently there is a 5,000 square foot support building built on the river's edge that houses the Portland Spirit management, accounting, HR, sales team, security team, MIS, and all shipboard functions (galley staff, marine staff, and service staff), limited storage of linen, disposables, supplies, and food product. There is currently parking for 28 cars on an improved lot, a 4,800 square machine shop, wine storage, and general storage of things like legal records and Christmas Decorations, and also a wood shop. The shop parking area can park another 100 vehicles and has multiple trash containers.

The Vision:

Build a multi-purpose marine terminal focusing several marine users into one location to reduce impact on the river system and that will supply the ability to efficiently service marine needs for the next 20 years.. This will require a substantial building to be built as close to the river as possible. Why so close? There are several reasons. First, customers do not want to walk any farther than they need to board a boat, so the terminal holding area needs to be next to the dock. No different than airports that have moved boarding of planes from the tarmac to enclosed boarding ramps. Keeping passengers out of the elements will encourage more use of transit. Second and equally important, steps equate to labor costs. The less employees need to travel to perform their job the more time they have to be contributing. It is vital to have the following key operations as near as possible to the vessels:

Terminal Building:

Interior seating/holding area for 1,000 people w/ furniture	(12,000 square feet)
Terminal amenities like coffee kiosk, visitor information	(2,000 square feet)
Cold storage for food (both refrigeration and freezer)	(1,000 square feet)
-currently the Spirit operation gets in three tractor trailers a week of food. This usage will grow with more vessels and uses.	
Restrooms	(1,500 square feet)
Enclosed trash area	(1,000 square feet)
Luggage check area	(500 square feet)

Bike Storage	(1,500 square feet)
Machine Shop	(3,500 square feet)
Office space for ferry company	(2,000 square feet)
Office space for overnight cruise companies	(1,000 square feet)
Decorations and costume storage	(3,000 square feet)
Sales, management and accounting space	(4,000 square feet)
Customer service representatives	(2,000 square feet)
Bakery	(2,500 square feet)
Linen Storage	(500 square feet)
Wine and Liquor storage	(1,500 square feet)
Gift shop item storage	(1,000 square feet)
Common Space (hall ways, restrooms stairwells)	(6,000 square feet)
Security space/armory/video center	(1,000 square feet)
Spare parts, filters, and valves	(1,500 square feet)
Fueling tools/equipment/spill response kits	(1,500 square feet)
Lube oil storage tank	(500 square feet)
Charging area for handicap assist electric vehicles	(500 square feet)
Locker areas for guests and employees	(1,500 square feet)
Bridal party changing areas	(500 square feet)
House keeping storage (Janitor closet)	(250 square feet)
Private meeting rooms for VIP's	(1,500 square feet)

The property will require an area with fire protection for a fuel truck to hook up to gravity feed fuel to the dock. Refueling will happen nightly after the last vessel is moored for the day. Restocking of vessels of food and consumables will happen at all hours. Vessel maintenance will happen at all hours as it is not uncommon to have several serving vendors on site in a single day. These include, diesel engineers, air conditioning and refrigeration mechanics, beverage equipment servicing, regulators (USCG, FCC, OSHA, FDA, Health Inspectors, Department of Agriculture, Fire Bureau, and DHS)

The property will require a bus turning area for tour groups.

The terminal is a service station for guests of the overnight, ferry and dinner boat companies. These facilities are all related to providing a positive river experience. Portland deserves to have a respectable marine terminal that is more than holding cell. The marine terminal needs to be comparable to the airport or train station.

We need to be able to service the vessels and provide a safe place for passengers to board the vessel.