



CITY OF MILWAUKIE

AGENDA

June 11, 2024

PLANNING COMMISSION

milwaukieoregon.gov

Hybrid Meeting Format: The Planning Commission will hold this meeting both in person at City Hall and through Zoom video. The public is invited to watch the meeting in person at City Hall, online through the City of Milwaukie YouTube page (https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_m9cAw), or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at planning@milwaukieoregon.gov. Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time. To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/bc-pc/planning-commission-121>) and follow the Zoom webinar login instructions.

1.0 Call to Order – Procedural Matters — 6:30 PM

- 1.1 Native Lands Acknowledgment

2.0 Planning Commission Minutes – Motion Needed

- 2.1 May 14, 2024

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 Community Involvement Advisory Committee (CIAC)

6.0 Hearing Items

- 6.1 CSU-2024-003 (11326 SE 47th Ave, charter school at Campbell Elementary School site)

Summary: Type III Community Service Use Review (major modification)

Staff: Senior Planner Brett Kelter

- 6.2 VR-2024-003 (11923 SE 35th Avenue)

Summary: Type III Variance

Staff: Senior Planner Vera Kolias

- 6.3 DR-2024-001 (1847 Food Park)

Summary: Type III Downtown Design Review; Type III Variance

Staff: Senior Planner Vera Kolias

7.0 Work Session Items

8.0 Planning Department Other Business/Updates

9.0 Forecast for Future Meetings

June 25, 2024

1. Hearing Item: (none)

2. Work Session Item: TSP – Goals and Policies, Performance Measures, Livable Streets

July 9, 2024

1. Hearing Item: DR-2024-002 (Addition to WES admin building)

2. Work Session Item: CIAC Overview (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 register to provide spoken comment at this meeting or for background information on agenda items please send an email to planning@milwaukieoregon.gov.
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
3. **FORECAST FOR FUTURE MEETINGS.** These items are tentatively scheduled but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
4. **TIME 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 an agenda item to a future date or finish the item.

Public Hearing Procedure

Those who wish to testify should attend the Zoom meeting posted on the city website, state their name and city of residence for the record, and remain available until the Chairperson has asked if there are any questions from the Commissioners. Speakers are asked to submit their contact information to staff via email so they may establish standing.

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.** Comments or questions from interested persons and testimony from those in support or opposition of the application.
5. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
6. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
7. **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.
8. **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.
9. **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.

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the city's YouTube channel and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el canal de YouTube de la ciudad y el Canal 30 de Comcast dentro de los límites de la ciudad.

Milwaukie Planning Commission:

Jacob Sherman, Chair
Joshua Freeman, Vice Chair
Aaron Carpenter
Joseph Edge
Ernestina Fuenmayor
Leesa Gratreak
Will Mulhern

Planning Department Staff:

Laura Weigel, Planning Manager
Brett Kolver, Senior Planner
Vera Koliás, Senior Planner
Adam Heroux, Associate Planner
Ryan Dyar, Associate Planner
Petra Johnson, Administrative Specialist II



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10501 SE Main Street
www.milwaukieoregon.gov

May 14, 2024

Present: Jacob Sherman, Chair
Joshua Freeman, Vice Chair
Joseph Edge
Tina Fuenmayor
Will Mulhern

Staff: Ryan Dyar, Associate Planner
Laura Weigel, Planning Manager

Absent: Aaron Carpenter

(00:18:00)

1.0 Call to Order — Procedural Matters*

Chair Sherman called the meeting to order just after 6:30 p.m., read the conduct of meeting format into the record. **Vice Chair Freeman** read the Native Lands Acknowledgment and continued to chair the rest of the meeting.

Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.

(00:19:31)

2.0 Planning Commission Minutes

The April 9, 2024, minutes were approved as presented.

(00:20:26)

3.0 Information Items

Planning Manager, Laura Weigel let the commission know that Amy Erdt has resigned from the Planning Commission and a new commissioner will be appointed in July 2024. **Weigel** gave an update that staff member **Ryan Dyar** has been promoted to Associate Planner. **Weigel** provided an update on the neighborhood HUBS continuation following the recent City Council meeting, the conversation will continue July 16, 2024.

(00:24:09)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:24:27)

5.0 Community Involvement Advisory Committee (CIAC)

No information was presented for this portion of the meeting.

(00:28:02)

6.0 Work Session Items

(00:28:07)

6.1 Draft Transportation System Plan Goals and Policies

Weigel presented an overview of the previous staff report verbally. **Weigel** moved forward with discussing each goal and policy with the commission. Regarding the equity goal, **Edge** commented on reducing urban flooding impact, heat island effects, access to nature / trails, and resiliency in natural hazard areas. **Vice Chair Freeman** agreed with **Edge** and highlighted that the vulnerable system user should be a prioritized targeted audience. **Weigel** discussed the next steps using the planning commission's feedback and revisions. **Chair Sherman** proposed sending an updated version of the goals and policies to the commission prior to meeting with council, **Edge** agreed with **Chair Sherman**. Climate friendly goals and policies: **Edge** expressed that the climate goal is currently trying to do too much and that a new goal should be created for ecological justice, **Edge** also shared his thoughts on Milwaukie becoming a leading small city in climate policy and that the goal language should reflect that ambition. **Commissioner Tina Fuenmayer** questioned the process for reviewing and prioritizing these goals. **Chair Sherman** shared his thoughts on the climate goal statement and language around the goal, **Chair Sherman & Fuenmayer** agreed with **Edge's** sentiments regarding creating an additional goal for environmental justice. **Vice Chair Freeman** questioned how many goals are truly actionable. **Weigel** discussed the city's budget and how it relates to prioritizing projects. **Associate Planner Ryan Dyar** discussed the scoring process for projects. **Commissioner Will Mulhern** shared his thoughts on adding an additional goal and recommended that the document make a clearer distinction between climate mitigation and adaptation. **Mulhern** asked about the conversation that led to striking out the term 'climate change'. **Dyar** explained that it was most likely to refine the goal's statement to be more inclusive of policies under the goal that are unrelated to climate change. Staff and the commission continued to discuss the process, function, and funding of the climate goal. Transit forward goal: **Mulhern** asked for an overview of how we work with other transit agencies. **Weigel** explained that when these agencies are in planning phases, they reach out to the city for open dialogue on what is needed. **Chair Sherman** brought up the need for transit connections to jobs, simplifying the name of the goal, and adding safety on transit. **Edge** discussed high-capacity transit routes and improvements to transit stations. Mobility, accessibility & connectivity goal: **Edge** discussed the wording in item 2. **Chair Sherman** discussed adding language to items 5 and 8. **Vice Chair Freeman** asked the commission to provide staff with potential language when making recommendations. Active healthy transportation choice's goal: **Chair Sherman** brought up the wording in item 7 and provided example language. **Edge** discussed the different classifications of commuter routes. **Weigel** talked about design standards, funding, the functional classifications of Milwaukie's streets, and performance measures. **Fuenmayer** commented on the wording in item 1. Coordination with local, regional, and state partners: **Edge** commented on state and regional work regarding wildlife mobility and habitat connectivity. **Edge** and **Weigel** discussed the ODOT and railroad facilities. **Chair Sherman** commented on the safety of the ODOT and railroad facilities. **Fuenmayer** commented on adding language to item 1. **Chair Sherman** mentioned coordinating

with the City of Portland regarding crossing elimination. Resiliency goal: **Mulhern** suggested changing this goal to emergency preparedness and proposed moving item 2 to the newly proposed ecological justice goal and provided example language. **Edge** commented on facilities being resilient to the 500-year floodplain and recommended changing the reference in item 4. **Edge** questioned the strikeout of the public works practice in this policy. **Dyar** spoke to the strikeout as well as the floodplain language. **Chair Sherman** further discussed the language around the floodplain and recommended using a more general term. Fiscal stewardship and system management: **Weigel** brought up moving 'explore and utilize grants' from other 'buckets' within the plan and placing it into this goal. **Chair Sherman** discussed the difference between a policy used to score projects vs other city policies that are important but are inoperable as evaluation criteria. **Chair Sherman** expressed the need to better understand how the goals and policies will be used to rank projects. **Edge** discussed the language in item 2 and expressed excitement for item 4. The commission continued to discuss the language within this policy. Economic vitality: **Edge** commented on item 4, expressing a desire to clearly state that the city wants to establish low-stress infrastructure in commercial hubs. **Chair Sherman** questioned how we are working with our partners in urban growth management areas on projects. **Weigel** explained how projects include committee and advisory members. **Chair Sherman** and **Edge** expressed satisfaction with item 5. **Edge** and **Chair Sherman** discussed bike transit needs. **Weigel** explained there will be more discussions regarding bike transit over the summer. **Fuenmayor** brought up language specificity regarding connectivity between living areas and economic areas. Parking Goal: **Edge** questioned what transportation projects are impacted by this goal. Staff explained that this goal is more related to how the city is managing parking and doesn't really play a role in the ranking of projects. The commission and staff discussed organizing policies throughout the TSP. Safety goal: **Mulhern** commented on splitting item 8 into 2 parts. **Chair Sherman** asked about neighborhood traffic management programs. **Weigel** linked the traffic management reference to the upcoming SPOT program. **Chair Sherman** commented on cut-through traffic policy and speed reduction. **Chair Sherman** discussed prioritized transit methods by establishing a modal hierarchy in the TSP. **Edge** commented on communicating the modal hierarchy, as well as more language around 'Vision Zero'. **Edge** questioned why item 6 was crossed out. **Dyar** explained that it is redundant to item 8. **Edge** also commented on items 2 & 3. **Chair Sherman** commented on the language in item 1 and confirmed who maintains Johnson Creek. **Fuenmayor** commented on clear vision standards and pedestrian blind spots. **Weigel** discussed the current requirements and agreed to work on additional language around the clear vision standards. **Edge** asked about including policy language about Transportation Demand Management programming for schools. **Weigel** agreed to think about what language can be added to the policy. **Chair Sherman** shared his thoughts on supporting alternative modes of transportation to schools / 'safe routes to school' plans. **Fuenmayor** mentioned including high schools along with elementary and middle schools into the policy. **Edge** asked if an agreement could be made with the county / ODOT to build to city standards. **Weigel** replied no. The commission discussed project coordination issues between the city and the county along with additional safety concerns related to slowing traffic along state-owned facilities and jurisdictional transfer of state owned facilities. The conversation came to a close.

(03:10:39)

6.2 Community Involvement Advisory Committee Overview

This work session item has been postponed for a future meeting.

(03:10:39)

7.0 Planning Department/Planning Commission Other Business/Updates

Chair Sherman asked the commission to let staff know if they will have any scheduling conflicts over the summer. **Vice Chair Freeman** informed the commission of the upcoming Juneteenth event on June 15th from 11am-3pm at Ball-Michel park.

(03:11:40)

8.0 Forecast for Future Meetings

May 28, 2024,	No items at this time
June 11, 2024,	Hearing Items: Downtown Design Review for 1847 Food Park Variance Request (11932 SE 35 th Ave) Campbell Charter School Conversion

Meeting adjourned at approximately 9:45 p.m.

Respectfully submitted,

Petra Johnson, Administrative Specialist II



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Brett Kelter, Senior Planner

Date: June 4, 2024, for June 11, 2024, Public Hearing

Subject: **File:** CSU-2024-003
Applicant/Owner: North Clackamas School District
Address: 11326 SE 47th Ave (Campbell Elementary School site)
Legal Description (Map & Tax Lot): 1S2E31BD05700 & 1S2E31CA03400
NDA: Hector Campbell

ACTION REQUESTED

Approve application CSU-2024-003 and adopt the recommended findings and conditions in support of approval found in Attachments 1 and 2, respectively. This action would modify the existing community service use approval for the Campbell Elementary School site to allow the resumption of a K-8 school operation (a charter school, in this case).

BACKGROUND INFORMATION

A. Site and Vicinity

The 9-acre site, which is located at 11326 SE 47th Ave, is the campus of Campbell Elementary School, a public school established in 1958. The site is developed with six buildings (for classrooms and a cafeteria), gymnasium, community garden, open and covered play areas, and outdoor athletic fields. There are off-street parking lots on the western and southern portions of the site.

Since the closure of Campbell Elementary in 2011, the North Clackamas School District has used several of the school buildings for an early childhood evaluation center, District employee office space, occasional meetings and trainings, specialized physical education programs, and storage of surplus furniture and materials. The gym and fields are regularly used by the North Clackamas Parks and Recreation District for after-school and weekend programs for youth and the community. Within the past couple of years, a Ukrainian private school also began operating on Saturdays in the two buildings on the northern part of the site.

The site has frontage on 47th Avenue and Railroad Avenue, with vehicular access provided from four driveways on 47th Avenue. On the north side of the campus, a pedestrian path from Adams Street extends into the site through a narrow strip of public right-of-way that enters the campus near the community garden.

As shown in Figure 1, the development surrounding the site is primarily residential (moderate density), in the form of single detached dwellings.

B. Zoning Designation

The school property is zoned Moderate Density Residential (R-MD), which allows a variety of residential development types, including single detached dwellings, plex development, and cottage clusters. Schools are allowed in the R-MD zone subject to community service use (CSU) approval. To the southeast is a small area zoned High Density Residential (R-HD) and developed with multiunit apartments. To the south across Railroad Avenue and Union Pacific Railroad tracks, the land is zoned for Business Industrial (BI) use and takes its access from International Way. The zoning in the vicinity of the school is shown in Figure 2 (see next page).

C. Comprehensive Plan Designation

Public (P)

D. Land Use History

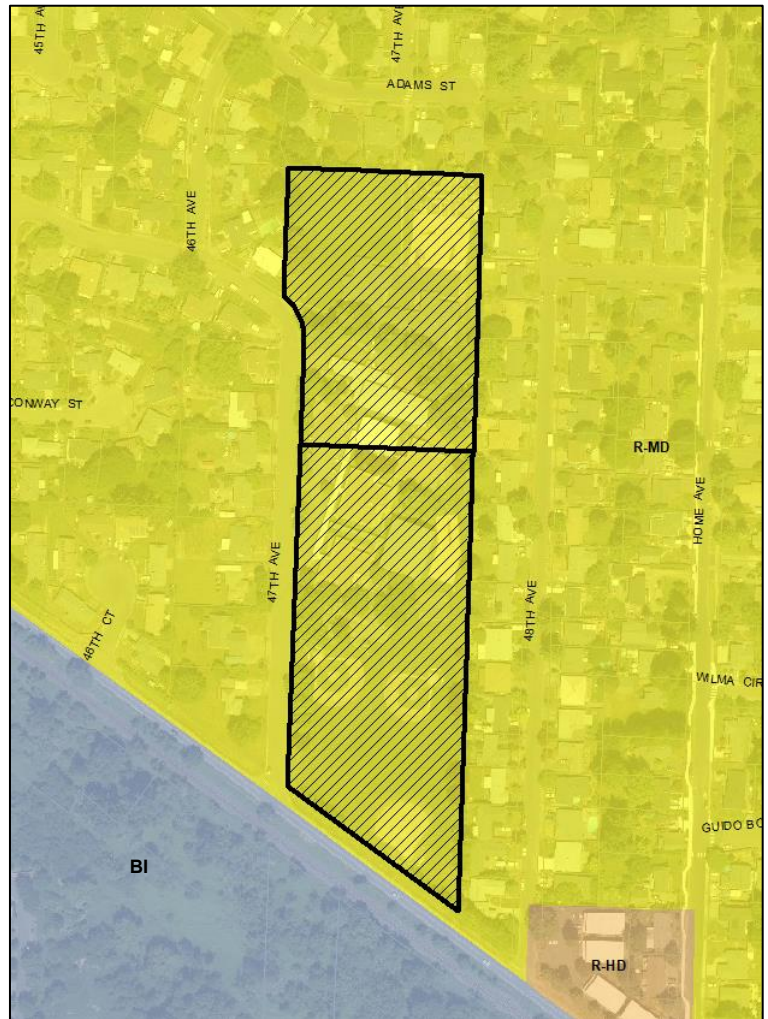
- **Original development:** The site was developed as a school campus in 1958, prior to the City's adoption of a zoning code similar in structure to the one in place today.

Figure 1. Aerial Photo (subject property outlined in yellow)



- **1992:** Land use file #CSO-92-01, community service overlay approval for construction of the covered play area and two small additions to Building E.
- **1999:** CSO-99-09, approval to construct the gymnasium. The decision included a condition of approval requiring bicycle parking (30 spaces).
- **2009:** CSU-09-05, approval for interior remodeling and fixture replacements, with improvements to existing outdoor facilities (reviewed as a minor modification).
- **2011:** The School District closed Campbell Elementary.
- **2012:** CSU-12-02, approval to establish a community garden in the northeastern corner of the campus (reviewed as a minor modification).

Figure 2. Existing Zoning



E. Proposal

The applicant (North Clackamas School District) is proposing to allow a charter school (Cascade Heights Public Charter School) to begin operating at the subject property, restarting a school use at the site for the first time since the public elementary school was closed in 2011. The charter school operates on a four-day schedule (Monday through Thursday), with school hours from 7:45 a.m. to 3:30 p.m. The school has 25 staff serving 225 students and does not provide bus pick-up and drop-off, so most students will arrive in private vehicles.

With the proposed modification, most of the floor area on campus that is currently used for storage, District employee offices, and meetings/trainings will be repurposed by the charter school for classrooms and offices. The early childhood evaluation center and the Ukrainian school will continue to operate as they do now, and the community garden will remain in use at the northeastern corner of the site. The gym and fields will be used by the charter school for physical education classes during the week but will also continue to be used for after-school and weekend youth/community programs.

A narrative description of the proposal is included in the applicant’s submittal materials (see Attachment 3).

KEY CONSIDERATION

Staff has identified the following item for consideration by the Planning Commission. Other aspects of the proposal are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

A. Traffic management plan

The subject property has been developed as an elementary school campus for over 60 years, and it functioned effectively until the public school was closed in 2011. Even after the closure, the site has continued to serve as a community resource, with a variety of activities and functions drawing visitors and traffic. Surrounding properties have coexisted harmoniously with the school throughout its history, and it seems reasonable to assume that neighboring residents understand that they live near a school and its accompanying impacts. The proposal to re-establish an elementary (grades K-8) school use is not a major modification in and of itself.

One key difference between the proposed charter school and the previous public elementary school is the way most students will get to and from the campus. In the past, the District provided bus service (3 regular-sized buses and 1 shorter bus) for 305 students; no bus service is proposed for the charter school, so most of the 225 students will arrive in private vehicles. This new arrangement will likely result in more vehicle trips, even with a robust carpooling effort, so managing the increased traffic is important to ensuring there are no new significant impacts.

Cascade Heights Public Charter School has been in operation since 2006 and over time has developed a variety of practices and techniques that have been effective in limiting and managing traffic impacts at its other locations. The school leadership has submitted a transportation plan that outlines the tools and methods that will be used to manage traffic at the Campbell Elementary site.

- **Off-street parking and queuing areas** – The school campus includes two off-street parking lots, with some spaces available for short-term parking during drop-off and pick-up times. The western parking lot includes 25 spaces for staff as well as a 150-ft-long off-street queuing area previously used for bus loading/unloading. The southern parking lot includes 39 spaces that are available for visitors and parents during drop-off and pick-up times.
- **Staggered schedules** – In the mornings, there are two primary waves of drop-offs, the first between 6:45 a.m. and 7:15 a.m. and the second between 7:45 a.m. and 8:00 a.m. (Students can also be randomly dropped off and let in to the school in the interim from 7:15 a.m. to 7:45 a.m.) In the afternoons, there are four waves of pick-ups over a shorter period of time. Students are released alphabetically in three groups at 3:20, 3:30, and 3:40 p.m.; an additional pick-up is available at 4:45 p.m.

when “homework club” ends. This allows for a gradual distribution of vehicle trips and limits queuing on the street.

- **Carpooling** – Carpooling is a long-standing practice at the charter school, one that the school leadership actively promotes and thus plays a significant role in reducing vehicle trips. (The school estimates that an average of 3 students arrive in each vehicle.) The school has a history of hiring the parents of students to serve as staff, resulting in some natural carpooling of staff with their children. And given that the school population is consistent and stable, close relationships form between families that facilitate shared carpooling duties.
- **Traffic controls and communication** – School staff with traffic control devices help direct vehicles during the afternoon pick-up sessions. School administrators periodically audit the loading/unloading functions to identify needed adjustments. The school also communicates regularly with parents about traffic controls and expectations and can adjust or pivot quickly if emerging trends are identified that need attention.
- **Alternate modes** – Although the charter school population pulls students from a larger geographic area than the previous District elementary school, there are some school families that live in the neighborhood and can let kids walk or bicycle to school. Racks for 30 bicycles were required as a past condition of approval—the racks were removed at some point in the recent past, and a condition of approval is recommended to require the reinstallation of at least 20 bike parking spaces.

The public right-of-way (ROW) on 47th Avenue is 50 ft wide and allows parking on both sides of the street. There are nearly 300 linear feet of curb length available for queuing along the school frontage, between the southernmost school driveway and the intersection with Railroad Avenue. Given that Railroad Avenue is a collector street and has no shoulder or on-street parking, staff considers it essential that school-related queuing does not extend beyond 47th Avenue onto Railroad Avenue.

With the proposed transportation plan, staff believes the school will effectively manage traffic to prevent new significant impacts to the surrounding neighborhood. The school has a simple but very organized structure for spreading drop-offs and pick-ups over time to prevent long queues and has indicated that it has the flexibility to respond to problems as they arise. If complaints arise, staff can coordinate with the school to make adjustments—if an issue cannot be resolved and problems continue, the matter can be revisited by the Planning Commission in a reconsideration of the school site’s overall CSU approval. A condition has been proposed to confirm the understanding that impacts (traffic related and otherwise) will be managed as necessary.

CONCLUSIONS

Staff recommendation to the Planning Commission is as follows:

1. Approve the proposed modification to the Campbell Elementary School site CSU, which will allow the site to be utilized by a charter school for K-8 school operations.
2. Adopt the attached findings and conditions in support of approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.301 Moderate Density Residential zone (R-MD)
- MMC Chapter 19.600 Off-Street Parking & Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.904 Community Service Uses
- MMC Section 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has four decision-making options as follows:

- A. Approve the application subject to the recommended Findings.
- B. Approve the application with modified Findings. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on this application, which includes any appeals to the City Council, must be made by August 3, 2024, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Community Development, Engineering, Building, Public Works, Police, and Code Compliance departments; City Attorney; Clackamas Fire District #1 (CFD); Clackamas County Department of Transportation & Development; Metro; TriMet; North Clackamas Parks and Recreation District; Hector Campbell Neighborhood District Association (NDA) and Land Use Committee (LUC); and NW Natural. In addition, public notice was provided as required by MMC Subsection 19.1006.3 on May 22, 2024.

To date, no responses have been received from either the referral or public notice mailing.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Submittal Materials <i>(received March 4, 2024, unless otherwise noted)</i>		
a. Application Form	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Narrative	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Site Map	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Supplemental Narrative <i>(received May 20, 2024)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. Transportation Plan <i>(received May 20, 2024)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Public Copies = materials posted online to application website (<https://www.milwaukieoregon.gov/planning/csu-2024-003>)

E-Packet = meeting packet materials available one week before the meeting, posted online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-121>

ATTACHMENT 1
Recommended Findings in Support of Approval
File #CSU-2024-003
Modification for Charter School

Sections of the Milwaukie Municipal Code (MMC) not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, North Clackamas School District (“the District”), represented by Cindy Detchon (Assistant Superintendent, Operations), has applied to modify the existing community service use approval for Campbell Elementary School. The subject property is located at 11326 SE 47th Ave and is zoned Moderate Density Residential (R-MD). The land use application file number is CSU-2024-003.
2. The applicant proposes to allow a charter school to begin operating at the subject property. Campbell Elementary is a public school established in 1958. The subject property is 9 acres and is developed with six buildings (for classrooms and a cafeteria), gymnasium, community garden, open and covered play areas, and outdoor athletic fields. There are off-street parking lots on the western and southern portions of the site.

Since the closure of Campbell Elementary in 2011, the District has used several of the school buildings for an early childhood evaluation center, District employee office space, occasional meetings and trainings, specialized physical education programs, and storage of surplus furniture and materials. The gym and fields are regularly used by the North Clackamas Parks and Recreation District for after-school and weekend programs for youth and the community. Within the past couple of years, a Ukrainian private school also began operating on Saturdays in the two buildings on the northern part of the site.

3. The proposed new charter school is Cascade Heights Public Charter School, an independent public school under the sponsorship of the District. It has been in operation since 2006 at another location that is no longer available. The school operates on a four-day schedule (Monday through Thursday), with school hours from 7:45 a.m. to 3:30 p.m. Occasional evening activities may include a concert, family night, or board meeting. The school has 25 staff serving 225 students and does not provide a regular bus pick up and drop off, so most students arrive via private transportation.

With the proposed modification, most of the spaces on the campus that are currently used for storage, District employee offices, and meetings/trainings will be replaced by the charter school for use as classrooms and offices. The early childhood evaluation center will remain in operation, as will the Ukrainian school. The community garden will remain in use at the northeastern corner of the site. The gym and fields will still be used for after-school and weekend youth/community programs as well as by the charter school for physical education classes during the week.

4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):

- MMC Section 19.301 Moderate Density Residential zone (R-MD)
- MMC Chapter 19.600 Off-Street Parking & Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.904 Community Service Uses
- MMC Section 19.1006 Type III Review

The application has been processed in accordance with MMC Section 19.1006 Type III Review. A public hearing was held by the Planning Commission on June 11, 2024, as required by law.

5. MMC Section 19.301 Moderate Density Residential Zone (R-MD)

MMC 19.301 establishes standards for the Moderate Density Residential (R-MD) zone. The application meets the applicable standards of this section as described below.

a. MMC Subsection 19.301.2 Allowed Uses

MMC 19.301.2 establishes the uses allowed outright in the R-MD zone, including single detached dwellings, middle housing types (duplexes, triplexes, quadplexes, townhouses, and cottage clusters), accessory dwelling units (ADUs), and residential homes. Community service uses are allowed with additional review as per MMC Section 19.904.

The subject property is currently developed as an elementary school campus and is acknowledged as a CSU, though the original public school was closed in 2011. The applicant is proposing to allow a charter school (grades K-8) to operate on the site, which constitutes a modification to the existing CSU approval. CSUs are permitted in the R-MD zone per MMC Table 19.301.2, and major modifications are subject to Type III review.

b. MMC Subsections 19.301.4 and 19.301.5 Development Standards

MMC 19.301.4 and 19.301.5 establish development standards for the R-MD zone for lot coverage, minimum vegetation, yard setbacks, and maximum height.

The proposed modification does not include any new development or physical changes to the site. None of the R-MD development standards are affected.

As proposed, the Planning Commission finds that the proposed modification meets all applicable standards of MMC 19.301. This standard is met.

6. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600. MMC Subsection 19.602.2 requires that existing off-street parking and loading areas remain in conformance with the requirements of Chapter 19.600 with respect to their ongoing maintenance, operations, and use.

Per Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440, which relate to Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to frequent transit provided by TriMet (bus line #33 on King Road). However, all other provisions of MMC 19.600 may still apply.

The applicant is proposing to re-establish an elementary school use (grades K-8) on the site. Although the CFEC-related limitations noted above prevent the implementation of minimum off-street vehicular parking quantity requirements, the Planning Commission finds that maintaining compliance with the other applicable sections of MMC 19.600 is required.

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand. As per the CFEC-related limitations noted above, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to frequent transit provided by TriMet (bus line #33 on King Road). However, maximum off-street vehicular parking limitations still apply. Additionally, off-street vehicular parking minimums are used to determine the required quantity of off-street bicycle parking per MMC Section 19.609 and for that reason are addressed below.

MMC Table 19.605.1 provides minimum and maximum quantity requirements for elementary schools—the minimum is 1 space per classroom and maximum is 2 spaces per classroom. The school has 18 classrooms, which results in a maximum parking allowance of 36 spaces. The site is developed with 64 off-street parking spaces and so is nonconforming with respect to the maximum quantity standard. However, no changes are proposed to the existing parking configuration, so the site will not be pushed farther out of conformance.

c. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking. Unless otherwise specified, the number of bicycle parking spaces is at least 10% of the minimum required vehicle parking for the use (CFEC limitations aside). In no case will fewer than two bicycle spaces be provided.

MMC Subsection 19.609.3.A requires that each bicycle parking space have minimum dimensions of 2 ft by 6 ft, with 5-ft-wide aisles for maneuvering. MMC Subsection 19.609.4 requires bike racks to be securely anchored and designed to allow the frame and one wheel to be locked to the rack with a U-shaped lock. Bicycle parking must be

located within 50 ft of a main building entrance, closer to the entrance than the nearest non-ADA-designated vehicle parking space, designed to provide access to a public right-of-way, in a location that is visible from the main parking lot, designed not to impede pedestrians along sidewalks, and separated from vehicle parking areas by curbing or other similar physical barriers.

With 18 classrooms, the minimum required vehicle parking quantity for the site is technically 18 spaces (CFEC limitations aside), which results in a minimum bicycle parking requirement of 2 spaces. A past land use approval (file #CSO-99-09) included a condition of approval requiring 30 bicycle parking spaces. Bicycle racks were installed accordingly but were subsequently removed a few years ago without authorization, so there are currently no bicycle parking spaces on site. A condition has been established to require the re-installation of at least 20 of the 30 previously required bicycle parking spaces. The reduced number acknowledges the fact that the new charter school will utilize only about two-thirds of the overall campus.

As conditioned, the standards of MMC 19.609 are met.

As proposed and conditioned, the Planning Commission finds that the applicable standards of MMC 19.600 are met.

7. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including expansions, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of MMC 19.700, including a new dwelling unit, any increase in gross floor area, land divisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips.

The applicant is proposing to re-establish an elementary school use (grades K-8) on the site, with most students arriving and leaving via private transportation instead of on buses. The City Engineer has determined that the proposed modification will result in an increase in trips. The proposed development triggers the requirements of MMC 19.700.

MMC 19.700 is applicable to the proposed development.

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700, including requiring a preapplication conference, establishing the type of application required, and establishing approval criteria.

The requirement for a preapplication conference with City staff was waived by the Planning Manager for this proposal. As noted in Finding 7-c, a transportation impact study (TIS) is not required; therefore, an application for transportation facilities review is not necessary.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes that the City Engineer will determine whether a proposed development has impacts on the transportation system by using existing transportation data. If the City Engineer cannot properly evaluate a proposed development's impacts without a more detailed study, a TIS will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts.

The City Engineer has determined that a TIS is not required, as the impacts on the transportation system from re-establishing a school use on the site are minimal. Although most students will arrive and leave via private transportation instead of on buses, the school's transportation plan will manage and limit traffic impacts.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts.

Finding 7-e addresses the required reconstruction of the site's northernmost driveway approach on 47th Avenue to comply with current accessibility (ADA) standards. Finding 7-f addresses the requirement for public utility easements along the property's street frontage. The proposed development does not trigger mitigation of impacts beyond those discussed in these findings.

This standard is met.

e. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. MMC Subsection 19.708.1 requires compliance with MMC Chapter 12.16 for accessway design, and establishes general requirements and standards for streets, including access management, clear vision, street design, connectivity, and intersection design and spacing standards. MMC Table 19.708.2 provides more specific street design standards for various street classifications based on the City's Transportation System Plan (TSP), including for local streets. MMC Subsection 19.708.3 establishes requirements and standards for sidewalks, including a provision for applying Americans with Disabilities Act (ADA) standards.

The subject property has frontage on both 47th Avenue and Railroad Avenue but takes access only from 47th Avenue, which is classified in the City's TSP and Transportation Design Manual as a local street. As established in MMC Table 19.708.2 Street Design Standards, the required ROW width for a local street is between 20 ft and 68 ft, depending on the required street improvements. The existing ROW of 47th Avenue is 50 ft wide, and there is curb-tight sidewalk on the east side of the street along the subject property frontage, which is adequate for the proposed modification.

The subject property has four accessways on 47th Avenue. The accessways, as well as the public sidewalks along the 47th Avenue frontage, have been evaluated by the Engineering Department for compliance with the Public Works Standards and current ADA requirements. The three southernmost driveway approaches are constructed with safe and adequate sidewalk crossings; the northernmost driveway, near the early childhood evaluation center on campus, is constructed as a small intersection, with raised curbs and noncompliant ADA ramps. There are also two significant sidewalk obstructions—a utility pole in the middle of the sidewalk just north of the northernmost driveway and a fire hydrant in the middle of the sidewalk just south of the southernmost driveway. The proposed modification does not warrant the remedy of either sidewalk obstruction, but a condition has been established to require reconstruction of the northernmost driveway to comply with the Public Works Standards and applicable ADA standards.

As conditioned, the proposed modification meets the applicable standards of MMC 19.708.

f. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes the City’s requirements and standards to ensure the adequacy of public utilities to serve development.

The proposed modification does not present new impacts to existing public utilities, which are adequate to serve the proposed use. To ensure there is sufficient room to accommodate future utility needs, a condition has been established to require a 10-ft public utility easement (PUE) along the subject property’s frontage on 47th Avenue.

As conditioned, the proposed development meets the applicable standards of MMC 19.709.

As proposed and conditioned, the Planning Commission finds that the applicable standards of MMC 19.700 are met.

8. MMC Section 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses (CSUs), including major modifications to existing CSUs. These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit. CSUs include schools and their accompanying sports facilities.

a. MMC Subsection 19.904.2 Applicability

MMC 19.904.2 establishes applicability of the CSU regulations, including a requirement for review to establish or modify a CSU.

The application is for a modification to the operation of an existing CSU.

The Planning Commission finds that the standards of MMC 19.904 are applicable to the proposed development.

b. MMC Subsection 19.904.3 Review Process

MMC 19.904.3 establishes the review process for CSUs. Applications for new CSUs or major modifications to existing CSUs are subject to Type III review (MMC 19.1006).

The proposal is to modify an existing CSU and, although the subject property has long been established as a school site, it has not been fully used as an elementary school since 2011 and is proposed to be operated without District bus service for students. There are potential new impacts related to traffic and public transportation facilities that must be evaluated, so the proposal does not meet the minor modification criteria established in MMC Subsection 19.904.5.C.

The Planning Commission finds that the proposed development is a major modification and is subject to Type III review.

c. MMC Subsection 19.904.4 Approval Criteria

MMC 19.904.4 establishes the following approval criteria for CSUs:

- (1) The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed for a CSU, the standards of the underlying zone must be met.

As discussed in Finding 5, the proposed modification does not involve changes that would affect the development standards of the underlying R-MD zone. As discussed in Finding 6, the applicant is not proposing any changes to the existing vehicular off-street parking configuration and a condition has been established to re-establish some bicycle parking.

As conditioned, this criterion is met.

- (2) Specific standards for the proposed uses as found in MMC 19.904.7-11 are met.

MMC Subsection 19.904.7 establishes specific standards for schools, which are addressed as follows:

- (a) MMC Subsection 19.904.7.A requires public elementary or secondary schools to provide a site area/pupil ratio as required by state law. Other schools must provide 1 acre of site area for each 75 pupils of capacity or for each 2.5 classrooms, whichever is greater, except as provided in Subsection 19.904.7.B below.

The school site is approximately 9 acres in size. The proposed charter school will have approximately 225 pupils, which would require a 3-acre site. There are a total of 18 classrooms, which would require at most a 7.5-acre site. By either measure, the site area/pupil ratio standard is met.

- (b) MMC Subsection 19.904.7.B requires that preschools, nursery schools, day-care centers, or kindergartens provide a fenced, outdoor play area of at least 75 sq ft for each child of total capacity. Where groups of children are scheduled at different times for outdoor play, the total play area may be reduced proportionally based on the number of children playing out-of-doors at one time, but with a maximum reduction of no more than half.

The proposed charter school will serve students from kindergarten through 8th grade. With an average of 26 kindergarteners, an outdoor play area of at least 1,950 sq ft is required. The school campus includes an outdoor play area over 125,000 sq ft (2.87 acres) in size, which is fenced where adjacent to residential uses, Railroad Avenue, and 47th Avenue.

- (c) MMC Subsection 19.904.7.C requires walkways, both on and off the site for safe pedestrian access.

The school site is developed with a network of paved walkways, including an extensive section of covered walkways between various buildings. A public sidewalk extends along the site's frontage on 47th Avenue, a distance of over 800 linear feet.

- (d) MMC Subsection 19.904.7.D requires sight-obscuring fencing of 4 to 6 ft in height to separate play areas from adjacent residential uses.

The outdoor play area that will be utilized by kindergarteners is within the larger fenced portion of the site and is not directly adjacent to any residential use.

- (e) MMC Subsection 19.904.7.E requires adequate public facilities to serve the school.

The existing public facilities were adequate to serve the previous elementary school operation and are sufficient to serve the proposed charter school. The existing driveways onto 47th Avenue allow easy access to the primary drop-off and pick-up area at the front entrance as well as to an off-street parking area on the south side of the building cluster. There is room for some on-site vehicle queuing in the drop-off/pick-up area, and 47th Avenue is wide enough to accommodate on-street parking and queuing without blocking vehicle travel lanes. The attached traffic management plan outlines the measures that will be in place to ensure that vehicle queuing does not negatively impact traffic on 47th Avenue or Railroad Avenue.

- (f) MMC Subsection 19.904.7.F requires safe loading and ingress and egress on and to the site.

As noted immediately above, the site provides adequate and safe loading and ingress/egress from 47th Avenue. Two existing driveways onto 47th Avenue access the main drop-off/pick-up area in front of the school, with at least 150 lineal feet for queuing on site and 25 off-street parking spots. Another driveway provides access from 47th Avenue to a separate off-street parking area with 39 spaces that are available for some drop-off/pick-up use. In addition, 47th Avenue is wide enough to allow on-street parking and/or queuing along the school frontage, adjacent to a curb-tight sidewalk that connects to the on-site walkway system.

- (g) MMC Subsection 19.904.7.G requires compliance with the parking standards in MMC 19.600.

Recent changes in state law have limited the ability of local jurisdictions to enforce mandatory minimum off-street vehicle parking requirements. Maximum parking allowances are still applicable, at the ratio of 2 spaces per classroom. The existing site provides up to 18 classrooms and is developed with 64 off-street parking spaces, well over the current maximum allowance of 36 spaces. However, no changes are proposed to the current parking configuration, so the site will not be pushed farther out of conformance. The excess parking is actually an important part of the proposed traffic management plan and will help in preventing vehicles from queuing on Railroad Avenue.

- (h) MMC Subsection 19.904.7.H requires minimum yard setbacks of 20 ft.

The proposed modification does not involve construction of any new structures that would be subject to setback requirements.

- (i) MMC Subsection 19.904.7.I requires bicycle facilities that “adequately serve the site.”

A previous CSU modification decision in 1999 (file #CSO-99-09) included a condition related to the provision of bicycle parking on the site. Associated documents reference 30 bicycle parking spaces distributed at two of the buildings on campus. That bicycle parking was removed at some point by the District, but the applicant proposes to re-establish at least 20 of the 30 previously required bicycle parking spaces on the main part of the campus where the proposed charter school will operate, which will bring the site closer to conformance with the past condition of approval. The applicant proposes to install the bicycle parking by the end of the first school year, to allow time to discern where the new bike racks will be most useful. A condition has been established to ensure that adequate bicycle parking is installed.

- (j) MMC Subsection 19.904.7.J requires a minimum landscaped area of 15%.

The proposed modification will not impact any of the existing landscaping on the site, which covers over 55% of the campus.

As conditioned, this criterion (regarding specific standards for schools) is met.

- (3) MMC Subsection 19.904.4.C requires the hours and levels of operation of the proposed use to be reasonably compatible with surrounding uses.

In the final year of its operation as a K-8 elementary school, Campbell Elementary had an enrollment of 305 students with 26 staff members. The hours of operation were Monday through Friday from 7:30 a.m. to 3:30 p.m., with typical after-school activities. As proposed, the charter school will operate Monday through Thursday from 7:45 a.m. to 3:30 p.m., with 225 students and 25 staff. Friday field trips, once per month, also occur in smaller groups. The other District activities that have evolved on the site since

Campbell Elementary closed in 2011—early childhood evaluation center, Ukrainian school on Saturdays, after-school and weekend youth/community programs, and community garden—will continue as they have been. The proposed modification will not increase the intensity of the historic use of the site, and the hours and levels of operation will be reasonable compatible with surrounding uses.

This criterion is met.

- (4) MMC Subsection 19.904.4.D requires that the public benefits of the proposed use be greater than the negative impacts, if any, on the neighborhood.

The subject property has functioned as a school site and has been a valuable community asset for over six decades (since 1958). Even after it closed as a public elementary school in 2011, the athletic fields, gymnasium, and community garden space have continued to be available for use by the neighborhood and larger community. And the buildings themselves have continued to be used by the School District for a number of community-based activities (e.g., early childhood evaluation center, Ukrainian school on Saturdays, after-school and weekend youth/community programs)—those uses will all continue. The proposed charter school will reinvigorate the site, restoring its historically intended use and potentially drawing young families to live in the neighborhood.

Unlike the previous elementary school, the charter school will not utilize busing for day-to-day student transportation, so most of the students will arrive in private vehicles. However, carpooling is a common practice and part of the school culture, which reduces the overall number of vehicle trips. Staggered drop-off and pick-up times spread the vehicle volume over a longer period in the mornings and afternoons, preventing excessive queuing and limiting impacts on neighboring streets. The absence of daily busing eliminates both the traffic conflicts and safety concerns that arise from the interaction of buses, cars, and pedestrians and the air pollution stemming from diesel-fueled buses. And the charter school's ability to adjust practices in response to actual conditions is an important improvement over the previous school operation, which had less flexibility as part of the larger District system.

A condition has been established to confirm that any significant impacts (traffic or otherwise) will be addressed and resolved. The applicant will meet with Planning staff to determine necessary adjustments; if traffic impacts continue to be an issue, the applicant will revisit the issue with the Planning Commission in a public hearing that reassesses the applicable CSU approval criteria.

As conditioned, this criterion is met.

- (5) MMC Subsection 19.904.4.E requires the location to be appropriate for the type of use proposed.

The Campbell Elementary site has been in the neighborhood since 1958 and functioned as a public elementary school until 2011. The 9-acre campus provides an assortment of buildings with classrooms, administrative offices, cafeteria, and gymnasium, as well as ball fields and a vast outdoor play area. The site is easily accessible from Railroad

Avenue (a collector street) and provides ample space on site and along its 47th Avenue frontage (a local street) for parking and queuing during drop-off and pick-up times. A network of walkways, half of which are covered, connect the various buildings on the site and provide safe access from the street onto the campus. In short, the site was designed to function as an elementary school and is an ideal location for the proposed charter school.

This criterion is met.

As proposed and conditioned, the Planning Commission finds that the proposed modification meets the approval criteria of MMC 19.904.4.

The Planning Commission finds that, as conditioned, the proposed modification meets all applicable standards of MMC 19.904 to be approved as a major modification to an existing CSU. This standard is met.

9. The application was referred to the following departments and agencies on May 21, 2024:
- Milwaukie Community Development Department
 - Milwaukie Engineering Department
 - Milwaukie Building Department
 - Milwaukie Public Works Department
 - Milwaukie Police Department
 - City Attorney
 - Hector Campbell Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
 - Clackamas Fire District #1 (CFD)
 - Clackamas County Department of Transportation & Development
 - Metro
 - TriMet
 - North Clackamas Parks and Recreation District (NCPRD)
 - NW Natural

In addition, public notice was provided on May 22, 2024, as required by MMC Subsection 19.1006.3. No responses were received from either the referral or public notice mailing.

ATTACHMENT 2
Recommended Conditions of Approval
File #CSU-2024-003
Modification for Charter School

Conditions

1. As per Finding 8-c-4, if the new school operation results in significant impacts in the neighborhood—including, but not limited to, vehicles queuing on Railroad Avenue or blocking residential driveways—the applicant will meet with Planning staff to determine necessary adjustments. If traffic impacts continue to be an issue, the applicant will revisit the issue with the Planning Commission in a public hearing that reassesses the applicable CSU approval criteria (Milwaukie Municipal Code (MMC) Subsection 19.904.4).
2. As per Finding 8-c-2(i), install a minimum of 20 bicycle parking spaces on the portion of the site used by the charter school. The racks must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock when both wheels are left on the bicycle. Horizontal (ground-mounted) racks must support the bicycle at two points, including the frame. Racks must be installed to meet the applicable bicycle parking space dimensional standards of MMC Section 19.609. Racks should be located within 50-100 ft of the main entrance(s) of the building(s) where installed. The racks must be installed by the end of the first school year for the charter school operating at the site.
3. As per Finding 7-e, reconstruct the northernmost driveway on 47th Avenue to comply with the applicable Public Works Standards and Americans with Disabilities Act (ADA) standards.
4. As per Finding 7-f, establish a 10-ft public utility easement (PUE) along the subject property's entire 47th Avenue frontage.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various points in the development and permitting process.

1. Expiration of Approval

As per MMC Subsection 19.1001.7.E, the land use approval granted with this decision will expire and become void unless the following criteria are satisfied:

For proposals not requiring development permits, the development must utilize its approvals within four years of land use approval.



MILWAUKIE PLANNING
 10501 SE Main St.
 Milwaukie OR 97222
 503-786-7630
 planning@milwaukieoregon.gov

Application for Land Use Action

Primary File #: CSU-2024-003

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|---|--|---|
| <input type="checkbox"/> Amendment to Maps and/or | <input type="checkbox"/> Land Division: | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Comprehensive Plan Map Amendment | <input type="checkbox"/> Final Plat | <input type="checkbox"/> Residential Dwelling |
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Lot Consolidation | <input type="checkbox"/> Manufactured Dwelling Park |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Partition | <input type="checkbox"/> Manufactured Dwelling |
| <input type="checkbox"/> Code Interpretation | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Temporary Dwelling Unit |
| <input checked="" type="checkbox"/> Community Service Use | <input type="checkbox"/> Replat | <input type="checkbox"/> Transportation Facilities Review** |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Variance: |
| <input type="checkbox"/> Development Review | <input type="checkbox"/> Mixed Use Overlay Review | <input type="checkbox"/> Use Exception |
| <input type="checkbox"/> Director Determination | <input type="checkbox"/> Modification to Existing Approval | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Downtown Design Review | <input type="checkbox"/> Natural Resource Review** | <input type="checkbox"/> Willamette Greenway Review |
| <input type="checkbox"/> Extension to Expiring Approval | <input type="checkbox"/> Nonconforming Use Alteration | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Historic Resource: | <input type="checkbox"/> Parking: | Use separate application forms for: |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> Quantity Determination | Annexation and/or Boundary Change |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Quantity Modification | • Compensation for Reduction in Property |
| <input type="checkbox"/> Status Designation | <input type="checkbox"/> Shared Parking | • Value (Measure 37) |
| <input type="checkbox"/> Status Deletion | <input type="checkbox"/> Structured Parking | Daily Display Sign |
| | | • Appeal |

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): **North Clackamas School District**

Mailing address: **12400 SE Freeman Way** State/Zip: **Oregon 97222**

Phone(s): **(503)353-6017** Email: **detchonc@nclack.k12.or.us**

Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above): **Cindy Detchon, Assistant Superintendent -- Operations**

Mailing address: State/Zip:

Phone(s): Email:

SITE INFORMATION:

Address: **11326 SE 47th Ave** Map & Tax Lot(s): **I2E3IBD 05700**

Comprehensive Plan Designation: Zoning: **Public** Size of property: **3.78 acres**

PROPOSAL (describe briefly):

Utilize lower portion of the campus, buildings A, D, E, F and Gym and lower fields for Cascade Heights Public Charter School.

School days are Monday - Thursday 7:45 am - 3:30 pm.

SIGNATURE: I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: **Cindy Detchon** Date: **3/04/2024**

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.
 ** Natural Resource and Transportation Review applications may require a refundable deposit.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

DEPOSITS:

Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	CSU-2024-003	\$ 50			Materials submitted 3/04/2024 Payment submitted 3/08/2024
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR/TFR only)			<input type="checkbox"/> Deposit Authorization Form received		
TOTAL AMOUNT RECEIVED: \$ 50			RECEIPT #: 27460		RCD BY:

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s): Hector Campbell

Notes: ~~Minor modification to existing community service use.~~ **Update (5/10/2024):** The review process was revised to Type III because the potential traffic impacts (due to no regular busing) make the proposal a major modification. The higher Type III application fee was waived because the process change resulted from an erroneous initial assessment by Planning staff.

To: Milwaukie City Planning Division
Attn: Brett Kelter

Request for Community Service Use
Site: Former Campbell Elementary School
11326 SE 47th Ave, Milwaukie, OR 97222

Owner: North Clackamas School District
12400 SE Freeman Way
Milwaukie, OR 97222

Summary:

North Clackamas School District (NCSD) proposes the use of a portion of the site at Campbell Elementary to be the new home for Cascade Heights Public Charter School (CHPCS) beginning in the 2024-2025 school year, with some prior summer activity to prepare the building for an operational school.

CHPCS has been in operation since 2006. The Charter school is an independent public school under the sponsorship of North Clackamas School District and serves approximately 225 students under the supervision of 25 staff members. The prior location of the school is no longer available to the charter school as it is owned by the County and the County has other needs for the facility. The charter school has been looking for alternative properties with no solution, and in working with NCSD, we believe the Campbell site will meet their needs perfectly.

The school operates on a four-day schedule, Monday through Thursday which school hours from 7:45 am - 3:30 pm. There are some before-school and after-school activities for tutoring or childcare. As Oregon law permits, charter schools may draw enrollment from anywhere. However, the majority of the students who currently attend CHPCS are from the North Clackamas School District. Students arrive at school via private transportation. There are no regular school bus drop off and pick up for this school. Once per month, a field trip will be planned for different grade levels on a Friday. NCSD school buses are typically provided for this purpose.

As with all schools, there are occasional evening activities such as a school concert, family night, or a board meeting.

Background:

Campbell Elementary was permitted in 1958 and operated as a K-8 public elementary school until 2011 when the recession created a massive budget shortfall for Oregon schools. Three NCSD schools were closed, including Campbell. The last year in operation, the school enrollment was 305 students with 26 staff members. The school operated Monday - Friday, 7:30 am - 3:30 pm, with typical afterschool activities of an elementary school. Transportation was provided by the school district, which included 3 full-sized buses and one small bus each

morning and afternoon Mon-Fri. In addition, there were several neighborhood students who walked to school daily.

Proposed Utilization of the site:

The school facility is comprised of an upper area that houses two buildings (B and C) as well as a Community Garden and a lower area consisting of five buildings (A, D, E, F, and a gym). CHPCS would utilize only the lower portion of the school grounds.

Additional details are below outlining current use and proposed use:

Upper Site:

Buildings B and C (five classrooms) are currently used on Saturdays only for a Ukrainian private school. *This use would not change.* Currently, the neighborhood group utilizes the upper grass and field area for a Community Garden. *This use would not change.*

Lower Site:

Building A: NCSD operates an early childhood evaluation center out of the office area of this building with 4 employees who work with families to provide early support for children who exhibit delays or disabilities that affect learning. These families visit the site by appointment only. *This use would not change.*

Building A: Cafeteria and music room. Currently NCSD houses surplus furniture in this location and sees truck deliveries and pick up on a regular basis. *This use would change.*

CHPCS would utilize both the cafeteria and the music room in this building as part of its daily operations. The surplus items will be relocated.

Building D: This building is currently not utilized except for storage. *This use would change.* CHPCS would use this building for classrooms.

Building E: This building is currently the offices of 6 employees and two large meeting spaces where meetings and training occur regularly for staff. *This use would change.*

CHPCS would utilize this space for their main office staff, classrooms, and counselor services.

Building F: This building contains four classrooms that are used regularly by staff for training and meeting spaces. Many of these trainings occur in the evenings. This use would change.

CHPCS would use this building for classrooms.

Gym: This is a full-sized elementary school gym that serves students in a specialized program twice weekly for physical education. It is also leased regularly for after-school and weekend

rentals to the North Clackamas Parks and Recreation District for youth and community programs. The field is also used for youth programs. *This use would change.*

The use of this building and the fields will continue the afterschool program needs for the community but will also be operated Monday through Thursday by CHPCS for daily physical education classes.

Per Section 19.1004 Type I Review, we believe this request meets the requirements. Specifically:

1. Does not increase the intensity of any use;

The use of the facility is equal to or less than previous Community Service Use. The number of students enrolled in CHPCS is slightly less than the previous school. The amount of traffic is reduced to 4 days instead of 5, and there will be no daily bus traffic. Parent pick-up and drop-off lasts approximately 15-20 minutes at each end of the school hours, Monday through Friday.

2. Meets all requirements of the underlying zone relating to building size and location and off-street parking and the standards of Title 19;

Campbell Elementary is in the Residential Zone R-7. The proposed project does not change the physical properties of the site related to setbacks, building height, lot coverage, and frontage.

None of the work in the proposed project impacts the standards for schools in the community service use chapter of MMC 19.321.10 as it met these standards with the prior use of a school.

3. Does not result in deterioration or loss of any protected natural feature or open space, and does not negatively affect nearby properties;

There is no new construction planned on the property. The Community Garden in the upper section of the school property will be maintained. There are no wetlands or other protected land natural features. The field open space will remain and be open to community use during non-school hours.

4. Does not alter or contravene any conditions specifically placed on the development by the Planning Commission or City Council;

According to City records, the building was permitted in 1958. Several improvements have been added to the site in the intervening years. Most of these improvements have been reviewed and approved by the Planning Commission as a CSO or CSU. The list of City land use records for this property is as follows:

CSO-92-01: Major modification of a CSO; approval of construction of a 3,869 sq ft covered play area and 884 sq ft addition.

CSO-99-09: Major modification of a CSO; approval of construction of a new 6,121 sq ft gym.

CSU-09-05: Minor modification of a CSO; approval of interior remodeling and fixture replacements.

These land use decisions do not contain any conditions that the proposed work would contravene. Only minor interior improvements may be made for cosmetic or security measures will be made.

5. Does not cause any public facility, including transportation, water, sewer, and storm drainage, to fail to meet any applicable standards relating to the adequacy of the public facility.

No changes to the site are being made that would cause any changes to prior Community Service Use, including transportation, water, sewer, or storm drainage.

Exhibit C
The Premises



[To be

attached.]

Building A: Cafeteria, kitchen, stage, and music room and access to restrooms.

Buildings D, E, F, and Gym

Lower playfields and playground areas

Covered Play located between Buildings, A and E

Parking lots adjacent to the playfields, behind Building F, and assigned parking spaces in upper lot closest to building E. Up to 10 parking spaces will be labeled for use by District only closest to Building A.

**Narrative Supplement
Cascade Heights Public Charter School
File #CSU-2024-003**

The proposal is to allow a public charter school (K-8) to operate at the site where a traditional public elementary school operated until 2011. No new construction or significant physical changes to the existing school campus are proposed. The new charter school will serve approximately 225 students with 25 staff, while the previous elementary school served approximately 305 students with 26 staff. However, the absence of a busing component for the proposed charter school presents potential traffic impacts that warrant consideration of the project as a major modification to the existing CSU, subject to Type III review.

City staff initially indicated that the application could be processed as a minor modification with Type I review, so the original request and narrative addressed the minor modification approval criteria. Now that the application has been reclassified as a major modification, this narrative is provided as a supplement to the original narrative. The response to the approval criteria for a major modification should replace the original response to the minor modification criteria.

Approval Criteria for CSU Major Modification

Milwaukie Municipal Code (MMC) Subsection 19.904.4 provides the following approval criteria for establishment of a new community service use (CSU) or the major modification to a CSU:

- A. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed for a CSU, the standards of the underlying zone must be met.

The proposed modification does not include changes that would affect the development standards of the underlying Moderate Density Residential (R-MD) zone.

- B. Specific standards for the proposed uses as found in MMC Subsections 19.904.7-11 are met.

MMC Subsection 19.904.7 establishes specific standards for schools, which are addressed as follows:

- 1. MMC Subsection 19.904.7.A requires public elementary or secondary schools to provide a site area/pupil ratio as required by state law. Other schools must provide 1 acre of site area for each 75 pupils of capacity or for each 2.5 classrooms, whichever is greater, except as provided in Subsection 19.904.7.B below.

The school site is approximately 9 acres in size. The new charter school will have approximately 225 pupils, which would require a 3-acre site. There are a total of 18 classrooms, which would require at most a 7.5-acre site. By either measure, the site area/pupil ratio standard is met.

- 2. MMC Subsection 19.904.7.B requires that preschools, nursery schools, day-care centers, or kindergartens provide a fenced, outdoor play area of at least 75 sq ft for each child of total capacity. Where groups of children are scheduled at different times

for outdoor play, the total play area may be reduced proportionally based on the number of children playing out-of-doors at one time, but with a maximum reduction of no more than half.

The proposed charter school will serve students from kindergarten through 8th grade. With an average of 26 kindergarteners, an outdoor play area of at least 1,950 sq ft is required. The school campus includes an outdoor play area over 125,000 sq ft (2.87 acres) in size, which is fenced where adjacent to residential uses, Railroad Avenue, and 47th Avenue.

3. MMC Subsection 19.904.7.C requires walkways, both on and off the site for safe pedestrian access.

The school site is developed with a network of paved walkways, including an extensive section of covered walkways between various buildings. A public sidewalk extends along the site's frontage on 47th Avenue, a distance of over 800 linear feet.

4. MMC Subsection 19.904.7.D requires sight-obscuring fencing of 4 to 6 ft in height to separate play areas from adjacent residential uses.

The outdoor play area that will be utilized by kindergarteners is within the larger fenced portion of the site and is not directly adjacent to any residential use.

5. MMC Subsection 19.904.7.E requires adequate public facilities to serve the school.

The existing public facilities were adequate to serve the previous elementary school operation and are sufficient to serve the new charter school. The existing driveways onto 47th Avenue allow easy access to the primary pick-up and drop-off area at the front entrance as well as to an off-street parking area on the south side of the building cluster. There is room for some on-site vehicle queuing in the pick-up/drop-off area, and 47th Avenue is wide enough to accommodate on-street parking and queuing without blocking vehicle travel lanes. The attached traffic management plan outlines the measures that will be in place to ensure that vehicle queuing does not negatively impact traffic on 47th Avenue or Railroad Avenue.

6. MMC Subsection 19.904.7.F requires safe loading and ingress and egress on and to the site.

As noted immediately above, the site provides adequate and safe loading and ingress/egress from 47th Avenue. Two existing driveways onto 47th Avenue access the main pick-up/drop-off area in front of the school, with at least 150 lineal feet for queuing on site and 25 off-street parking spots. Another driveway provides access from 47th Avenue to a separate off-street parking area with 39 spaces that are available for some pick-up/drop-off use. In addition, 47th Avenue is wide enough to allow on-street parking and/or queuing along the school frontage, adjacent to a curb-tight sidewalk that connects to the on-site walkway system.

7. MMC Subsection 19.904.7.G requires compliance with the parking standards in MMC 19.600.

Recent changes in state law have limited the ability of local jurisdictions to enforce mandatory minimum off-street vehicle parking requirements. Maximum parking allowances are still applicable, at the ratio of 2 spaces per classroom. The existing site provides up to 18

classrooms and is developed with 64 off-street parking spaces, well over the current maximum allowance of 36 spaces. However, no changes are proposed to the current parking configuration, so the site will not be pushed farther out of conformance. The “excess” parking is actually an important part of the proposed traffic management plan and will help in preventing vehicles from queuing on Railroad Avenue.

8. MMC Subsection 19.904.7.H requires minimum yard setbacks of 20 ft.

The proposed modification does not involve construction of any new structures that would be subject to setback requirements.

9. MMC Subsection 19.904.7.I requires bicycle facilities that “adequately serve the site.”

A previous CSU modification decision in 1999 (file #CSO-99-09) included a condition related to the provision of bicycle parking on the site. Associated documents reference 30 bicycle parking spaces distributed at two of the buildings on campus. That bicycle parking was removed at some point by the School District, but the applicant proposes to re-establish at least 20 of the 30 previously required bicycle parking spaces on the main part of the campus where the new charter school will operate, which will bring the site closer to conformance with the past condition of approval. The applicant proposes to install the bicycle parking by the end of the first school year, to allow time to discern where the new bike racks will be most useful.

10. MMC Subsection 19.904.7.J requires a minimum landscaped area of 15%.

The proposed modification will not impact any of the existing landscaping on the site, which covers over 55% of the campus.

- C. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

In the final year of its operation as a K-8 elementary school, Campbell Elementary had an enrollment of 305 students with 26 staff members. The hours of operation were Monday through Friday from 7:30 a.m. to 3:30 p.m., with typical after-school activities. As proposed, the new charter school will operate Monday through Thursday from 7:45 a.m. to 3:30 p.m., with 225 students and 25 staff. Friday field trips, once per month, also occur in smaller groups. The other District activities that have evolved on the site since Campbell Elementary closed in 2011—early childhood evaluation center, Ukrainian school on Saturdays, after-school and weekend youth/community programs, and community garden—will continue as they have been. The proposed modification will not increase the intensity of the historic use of the site, and the hours and levels of operation will be reasonable compatible with surrounding uses.

- D. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

The subject property has functioned as a school site and has been a valuable community asset for over six decades (since 1958). Even after it closed as a public elementary school in 2011, the athletic fields, gymnasium, and community garden space have continued to be available for use by the neighborhood and larger community. And the buildings themselves have continued to be used by the School District for a number of community-based activities (e.g., early childhood evaluation

center, Ukrainian school on Saturdays, after-school and weekend youth/community programs)—those uses would continue. The new charter school would reinvigorate the site, restoring its historically intended use and potentially drawing young families to live in the neighborhood.

Unlike the previous elementary school, the new charter school will not utilize busing for day-to-day student transportation, so most of the students will arrive in private vehicles. However, carpooling is a common practice and part of the school culture, which reduces the overall number of vehicle trips. Staggered drop-off and pick-up times spread the vehicle volume over a longer period in the mornings and afternoons, preventing excessive queuing and limiting impacts on neighboring streets. The absence of daily busing eliminates both the traffic conflicts and safety concerns that arise from the interaction of buses, cars, and pedestrians and the air pollution stemming from diesel-fueled buses. And the new charter school’s ability to adjust practices in response to actual conditions is an important improvement over the previous school operation, which had less flexibility as part of the larger District system.

E. The location is appropriate for the type of use proposed.

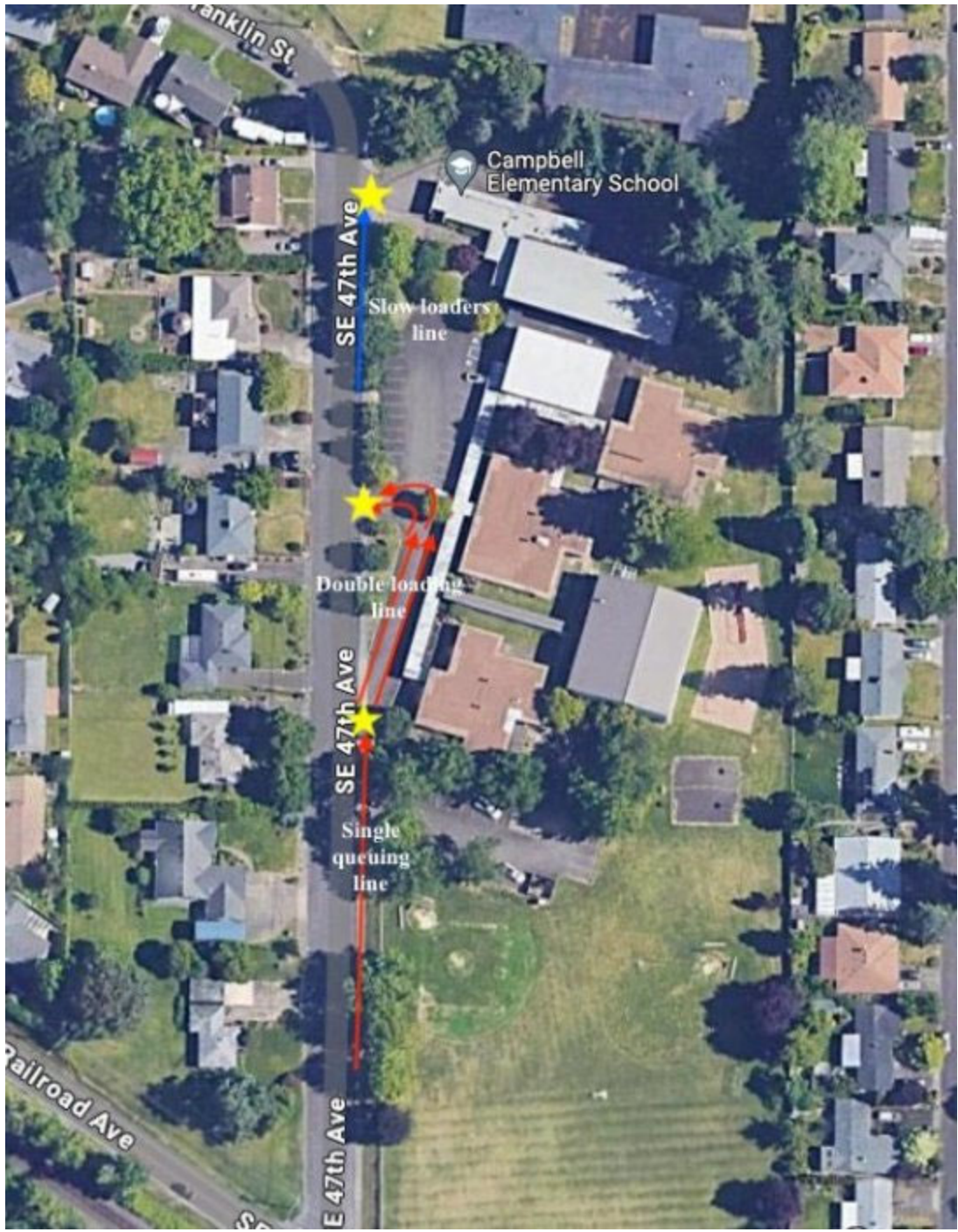
The Campbell Elementary School site has been in the neighborhood since 1958 and functioned as a public elementary school until 2011. The 9-acre campus provides an assortment of buildings with classrooms, administrative offices, cafeteria, and gymnasium, as well as ball fields and a vast outdoor play area. The site is easily accessible from Railroad Avenue (a collector street) and provides ample space on site and along its 47th Avenue frontage (a local street) for parking and queuing during drop-off and pick-up times. A network of walkways, half of which are covered, connect the various buildings on the site and provide safe access from the street onto the campus. In short, the site was designed to function as an elementary school and is an ideal location for the new charter school.

Cascade Heights Public Charter School Transportation Plan

NCSD believes there is little traffic difference or impact on the neighborhood with Cascade Heights Public Charter School at the Campbell location compared to when Campbell last operated as an NCSD school. If anything, the efficiency of the charter school will create a much smoother and seamless pickup time. After collecting the data and speaking with the former principal and others who understand the impact of buses and morning/afternoon traffic patterns at our elementary schools, we are confident that Cascade Heights will be a welcomed addition to the neighborhood. The following outlines details of the school's plan to manage traffic flow for the campus.

- Morning drop off
 - Morning drop-off happens in two waves. Morning club and regular drop-off
 - Morning club is approximately 30 cars that arrive between 6:45 am and 7:15 am
 - Regular drop-off begins at 7:45 am and ends at 8:00 am. This is gradual and results in queuing of up to 15 cars.
 - Cascade Heights has a long history of hiring parents to build community. Currently, 27 students' parents are staff members. Their cars park in off-street parking spaces and arrive well before school begins.
- Afternoon pick up
 - Afternoon pick-up begins at 3:20 pm and lasts until 3:45 pm.
 - Cars begin to queue up at 3:15 p.m. Students A-H will load at 3:20 p.m., I-M at 3:30, and N-Z at 3:40 p.m. The highest number of cars we have counted for afternoon pickup is 89. Other days have ranged between 33 and 77, giving an average of 64 vehicles for afternoon pickup over three waves of times.
 - Queuing and loading of vehicles will be led by three traffic control staff members
 - Teachers will walk students to cars
 - There will be an additional "slow loader" parking area for additional options for families. We anticipate allowing 10 families/cars to load in this area.
 - 27 students will leave with their parent staff member independent of the carline process.
 - See site map for queuing and loading areas.
 - An additional pickup option is at 4:45 p.m. when homework club ends. This is a maximum of 35 cars.
- Carpool Plan
 - CHPCS Carpooling is a long-standing practice that will increase in use for the 2024/2025 school year.
 - Our population is consistent and stable with low attrition. This creates close relationships between families and the overall community.
 - A carpool advertising campaign is in effect for the coming year.
 - CHPCS currently averages just 64 cars per day during pickup or drop-off times. This means an average of 3 children arrive in each car (they may all be from one family or are ride-sharing).
 - Bike and walking access
 - We anticipate 12-15 students will walk or bike to school based on their residence location
 - CHPCS is working on increasing this number by providing bike storage and information about the environmental and health benefits of walking and biking.
 - Permanent bike racks will be installed during the 2024/2025 school year. In the meantime, storage for bikes will be under the covered, fenced-in area outside. This keeps them safe and free from damage.

- A bike and walk campaign will be in place in the summer of 2024, utilizing guidance from Safe Routes to Schools
- Special Events
 - Special events such as concerts, presentations, board meetings, harvest festivals, and other community events will occur periodically. These are traditions of the CHPCS community.
 - We will continue to create events that add to the community without harming the local community by staggering start times and communicating expectations thoroughly with families.
 - Example A—Music performance day: Grades K-2 start at 12:30, grades 3-5 start at 1:30, and grades 6-8 start at 2:30. This allows time for parents of different age groups to arrive and leave at other times, preventing overflow parking issues.
 - Example B—Night of the Notables and The Living History Wax Museum events are on the same evening. 4th-grade families attend The Living History Wax Museum at 5:00 p.m., and Middle School families attend Night of the Notables at 6:30 p.m.
 - Parents will be reminded frequently through handouts, emails, and newsletters that there is no parking on Railroad and outlining any other expectations.
- Traffic controls
 - Staff with traffic control devices will direct traffic in the afternoon pick up lines
 - Periodic audits will be conducted to review the timing and the amount of cars that queue in afternoon pick-up lines
 - Temporary or permanent signs can be added as needed.
 - Regular communication goes out to parents regarding traffic controls, expectations, and any emerging trends that must be addressed.
- Parking
 - There are 64 parking spots on the campus between the front and the side parking lot. There are 25 spots for staff members, leaving 39 spots for parents/visitors. This does not include street parking.
- Community Use
 - The ball field and gym will remain available for community use during non-school times through our facility rental process in our Community Services department. As with all schools in NCSD, schools block out the calendar for any special event needs so that group use does not overlap.
- Community Outreach
 - March 2024: presented at the Campbell NDA meeting
 - Summer 2024: Door knocking and flyer distribution/invitation to the Ribbon Cutting and Open House to the immediate neighborhood
 - August 28th: Ribbon Cutting (neighbors invited!)
 - Quarterly: Community outreach will involve checking in with the Campbell NDA and asking for feedback from neighbors.



The red arrow on 47th Ave represents where car queuing will begin in one line. A staff member will be stationed at the entrance to the first driveway entrance as indicated by the yellow star at that location. Another staff member will assist families in safely loading and exiting the line in the second driveway. The red arrows allow **39 vehicles** to be queued up at any time. Given that there will be three waves of pick-up times for families, **we anticipate never having more than 29 vehicles in line at any given time**. This plan alleviates any concern that cars will ever be backed up onto Railroad Avenue. Up to 10 families will be identified who may need more time to load and will be asked to join the “slow loader” line, as indicated by the blue arrow. A staff member will be assigned to this area, as indicated by the yellow star at the top of the map.



CITY OF MILWAUKIE

To: Planning Commission
Through: Laura Weigel, Planning Manager
From: Vera Koliás, Senior Planner
Date: June 4, 2024, for June 11, 2023, Public Hearing
Subject: **File:** VR-2024-003
Applicant: Kristina Fedorovskiy
Owner(s): Kristina Fedorovskiy
Address: 11932 SE 35th Ave
Legal Description (Map & Tax Lot): 11E36DB09500
NDA: Lake Road

ACTION REQUESTED

Approve application VR-2024-003 and adopt the Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for a 13-ft addition to the existing attached garage with a 0.5-ft side yard setback.

BACKGROUND INFORMATION

A. Site and Vicinity

The site is located at 11932 SE 35th Ave. The site contains a single detached home on a 7,160-sq ft lot. The property is surrounded by single detached homes except for the adjacent lot to the north, which is vacant and will be developed with a duplex. The existing home meets the required minimum 5-ft side yard setback to the north, but has a pre-existing, nonconforming side yard setback of 0.5 ft on the south, rather than the minimum 10 ft required. A fence marks the boundary between the subject and adjacent properties.



Figure 1. Site area and vicinity

B. Zoning Designation

The site is in the Moderate Density Residential Zone (R-MD).

C. Comprehensive Plan Designation

Moderate Density - MD

D. Land Use History

- **R-2023-003; FP-2023-007:** A Type II application to divide the property to create a 4,138-sq ft developable property for a duplex.

E. Proposal

The applicant is seeking a variance to allow the construction of a 13-ft addition to the existing attached garage. The home was originally built in 1949 and has an existing 0.5-ft side yard setback where the attached garage is located. The applicant wishes to remodel a portion of the garage into a bedroom and bathroom to increase the living space in the house. Doing that, however, would not leave the applicant with usable garage space. The 13-ft addition would match the home's existing front yard setback by aligning with the front wall of the house. The proposal would preserve garage space for the homeowner while still meeting all development standards, except for the minimum side yard setback. See Figures 2-6.

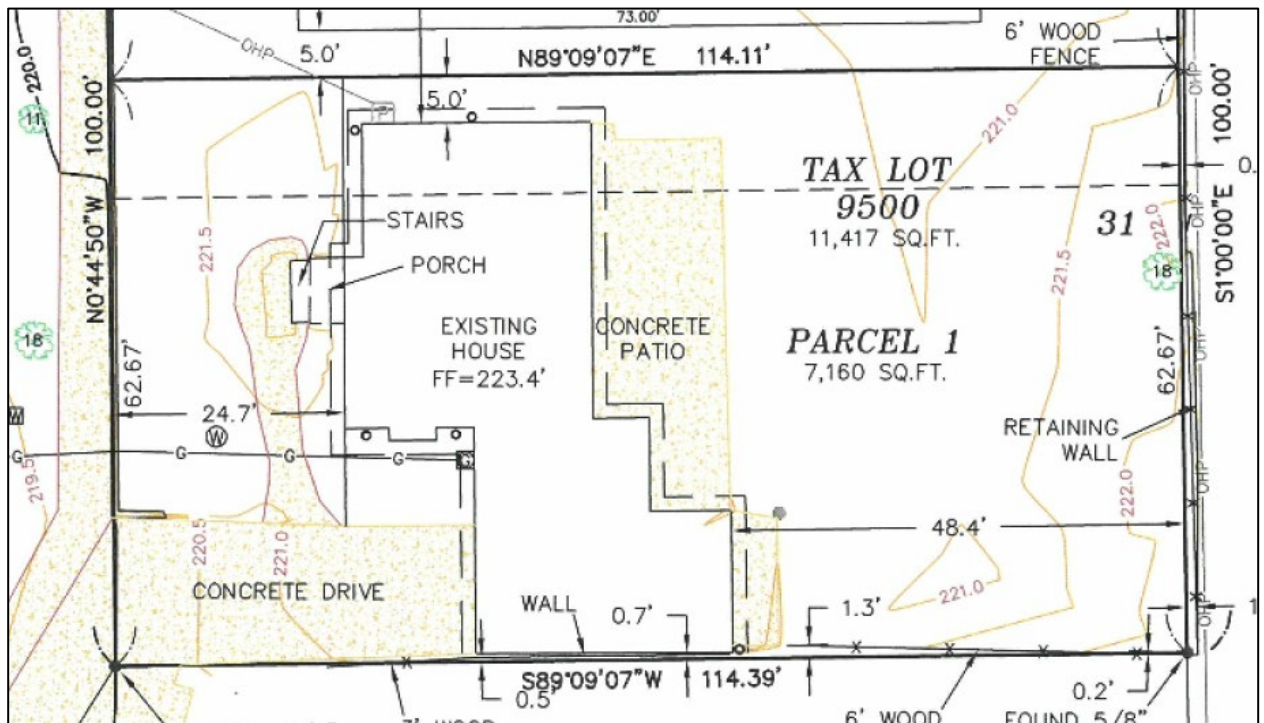


Figure 2. Existing conditions – site plan.

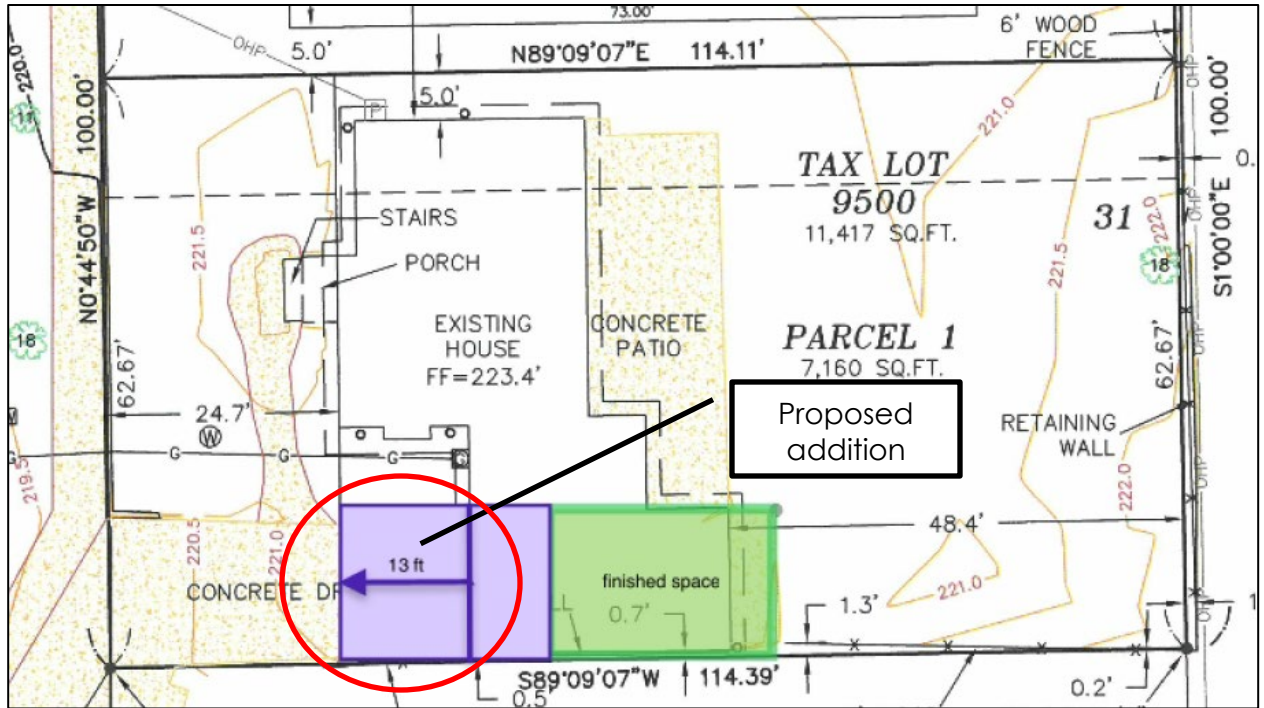


Figure 3. Proposed development – site plan

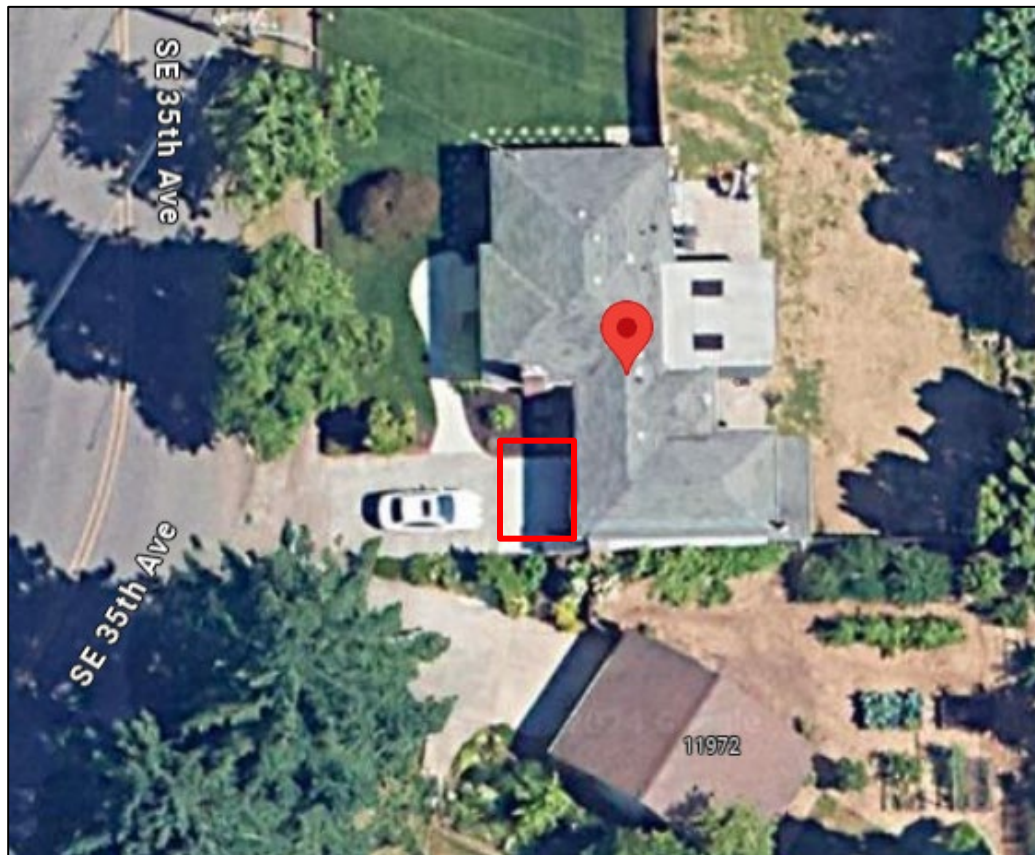


Figure 4. Aerial photo of property with the location of the proposed addition outlined in red



Figure 5. Street view of existing development with location of proposed addition



Figure 6. Elevation with proposed addition projection shown.

The project requires approval of the following applications:

1. VR-2024-003: Type III Variance (minimum side yard setback)

Analysis

The subject property is considered pre-existing nonconforming for the side yard setback. Extending the garage forward by 13 ft extends the non-conformity and requires a Type III variance to the standard.

Staff has identified the following question for the Commission’s deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion.

A. Is the request for the side yard setback variance reasonable and approvable?

As noted above, the existing home has a nonconforming side yard setback. The nonconforming side yard is for an attached garage that is adjacent to the neighbor’s driveway at 11972 SE 35th Ave. A 3-ft fence identifies the shared property line and there is existing landscaping on the neighbor’s property along the fence (see Figure 4). The structure located at 11972 SE 35th Ave is a large, detached garage serving the home located at 11974 SE 35th Ave. It is built with a front yard setback of approximately 40 ft – much larger than the minimum 20 ft – and is fronted with a large garage door.

The proposed addition would maintain the existing front yard setback of 24.7 ft and would align the garage with the front wall of the house. The proposed addition would occupy a portion of the existing driveway, so no landscaping would be lost as a result of the addition. Given the existing design and construction of the house, it would be effectively impossible to construct the addition and still meet the required 10-ft setback. The proposed addition is modest in size, maintains the existing front yard setback, and would be adjacent to the neighbor’s driveway – not adjacent to their home or usable yard space. Staff has not identified any impacts from the proposed one-story, 13-ft addition on the adjacent property. However, owner of the abutting property has expressed concern about the visual impacts of the proposed addition on their property. Staff suggests a condition requiring a 6-ft sight impervious fence be installed along the shared property line to mitigate these impacts.

Comments from the neighbor and the Lake Road NDA oppose the variance and include comments stating that there is no way to construct the addition without accessing the neighbor’s property. Staff has confirmed with the building official that there is more than one way to construct the addition (without eaves) without entering the adjacent property.

CONCLUSIONS

A. Staff recommendation to the Planning Commission:

1. Approve the Variance application. This will result in the development of a one-story, 13-ft addition to the existing structure with the existing 0.5-ft side yard setback.
2. Adopt the attached Findings and Conditions of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC 19.301 Moderate Density Residential Zone
- MMC 19.508 Downtown Site and Building Design Standards and Guidelines
- MMC 19.804 Alteration of Nonconforming Uses and Development
- MMC 19.911 Variances
- MMC 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public meeting.

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on these applications, which includes any appeals to the City Council, must be made by August 28, 2024, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes will be provided prior to the public hearing to the following agencies and persons: City of Milwaukie Engineering, Building, and Public Works Departments, Clackamas Fire District #1, and the Lake Road Neighborhood District Association (NDA). Notice was also sent to all properties within 300 ft of the site.

Comments in opposition to the requested variance were received from:

- Lake Road NDA
- Barbara Allan: 11972-11974 SE 35th Ave
- Mary Kay Doane: 11973 SE 35th Ave
- Matthew Baxter
- Margueritte Kosovich, 12012 SE 35th Ave
- Paul Hawkins, Lake Road NDA

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation received April 29, 2024.				
a. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Site plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Comments Received	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early PC Mailing = paper materials provided to PC at the time of application referral.

PC Packet = paper materials provided to PC 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the PC meeting.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-121>.

ATTACHMENT 1
Findings in Support of Approval
File # VR-2024-003 – Fedorovskiy Addition

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Kristina Fedorovskiy, has applied for approval to construct an addition to the existing attached garage on the property located at 11932 SE 35th Ave. This site is in the R-MD Zone. The land use application primary file number is VR-2024-003.
2. The proposal is to construct a one-story, 13-ft addition to the existing attached garage. The existing home has a pre-existing nonconforming side yard setback of 0.5 ft rather than the minimum 10 ft required. A variance is requested to allow the extension of the nonconforming side yard setback.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Title 12: Streets, Sidewalks, and Public Places
 - MMC Section 19.301 Moderate Density Residential Zone
 - MMC Chapter 19.700 Public Improvements
 - MMC Section 19.804 Nonconforming Uses and Development
 - MMC Section 19.911 Variances
 - MMC Section 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing with the Planning Commission was held on June 11, 2024, as required by law.

4. MMC Title 12 Streets, Sidewalks, and Public Places
 - a. MMC Chapter 12.08 – Street & Sidewalk Excavations, Construction, and Repair

This will apply to all construction that is completed in the right of way including, but not limited to, all public utilities, accessways, and all pedestrian/bicycle facilities including those located within public sidewalk easements. The public improvement process will follow MMC 12.08.020.

No changes to the existing sidewalk is proposed as part of this development.

As proposed, this development meets the requirements of MMC 12.08.
 - b. MMC Chapter 12.16.040 – Access Requirements and Standards

MMC Section 12.16.040 establishes standards for access (driveway) requirements, including accessway design. New or updated accessways must meet all applicable standards of the Americans with Disabilities Act, and the Public Works Standards.

No changes to the existing accessway is proposed as part of this development. Any changes, upgrades, or repairs to the existing shared accessway would require conformance to MMC 12.16.

As proposed, the Planning Commission finds that the proposed development is consistent with the applicable standards of MMC 12.16.

5. MMC Section 19.301 Moderate Density Residential Zone (R-MD)

MMC 19.301 establishes standards for the Moderate Density Residential (R-MD) zone. The application meets the applicable standards of this section as described below.

a. MMC Subsection 19.301.2 Allowed Uses

MMC 19.301.2 establishes the uses allowed outright in the R-MD zone, including single detached dwellings, middle housing types (duplexes, triplexes, quadplexes, townhouses, and cottage clusters), accessory dwelling units (ADUs), and residential homes.

The subject property is developed with a single detached dwelling with an attached garage. The existing and proposed uses are permitted outright in the R-MD zone.

b. MMC Subsections 19.301.4 and 19.301.5 Development Standards

MMC 19.301.4 and 19.301.5 establish development standards for the R-MD zone. The applicable standards are addressed and met as described in Table 4-b below.

Table 4-b Applicable R-MD Development Standards (for lots 7,000 sq ft and larger)		
Standard	R-MD Requirement	Subject Property
Lot Area	7,000 sq ft	7,160
Lot Width	60 ft	62.67 ft
Lot Depth	80 ft	114.11 ft
Public Street Frontage	35 ft	62.67 ft
Front Yard	20 ft	24.7 ft
Side Yard	5 ft/10 ft	5 ft/0.5 ft (Requested variance, see Finding 8 for discussion of setback reduction)
Rear Yard	20 ft	48.4 ft
Maximum lot coverage	30%	28%

Minimum vegetation	30%	> 50%
Front Yard Minimum Vegetation	40%	> 60%

As proposed and with the variance approved as discussed in Finding 8, the applicable development standards of these subsections are met.

As proposed and with the variance approved as discussed in Finding 8, the Planning Commission finds that the proposed development meets all applicable standards of MMC 19.301. This standard is met.

6. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC 19.702.2 establishes the applicability of the provisions of MMC 19.700 for single detached residential expansions based on the combined gross floor area of all structures.

The proposed addition has a combined gross floor area of all structures by less than 800 square feet. Per MMC 19.702.2 none of Chapter 19.700 applies.

As proposed, the development does not trigger any public facility improvements of MMC 19.700.

The Planning Commission finds that the proposed development meets the applicable public facility improvement standards of MMC 19.700.

7. MMC Section 19.804 Alteration of Nonconforming Uses and Development

MMC Chapter 19.800 establishes requirements for the continuation, alteration, and rebuilding of nonconforming uses and development. Nonconforming uses and development are uses and development that do not conform to the City’s current land use and development regulations, either because they were established prior to the regulations’ enactment or because they conformed when they were established but the applicable regulations have since changed.

Most nonconforming uses and development may be maintained, but may not be altered, without land use review. Nonconforming uses and development may be rebuilt if destroyed in some instances. In general, however, nonconforming uses and development shall be brought into conformance with applicable land use and development regulations when redevelopment occurs.

MMC 19.804 establishes provisions related to the alteration of nonconforming uses and development, with MMC Subsection 19.804.2 specifically applicable to nonconforming development.

a. MMC Subsection 19.804.2.A Provisions

Alterations or expansions that increase or extend the nonconformity are not allowed unless a variance is approved pursuant to Section 19.911.

As noted above in Finding 5, the existing single detached home has a pre-existing nonconforming side yard setback of 0.5 ft rather than the minimum 10 ft. The applicant is proposing to extend the attached garage toward the street by 13 ft. The proposed development is an extension of the nonconforming development, so land use review is required.

The applicant has requested a Type III variance to allow the addition to be constructed following the existing wall line with a side yard setback of 0.5 ft.

Subject to approval of the requested variance, the Planning Commission finds that this standard is met.

The Planning Commission finds that the proposed development meets the applicable standards of MMC 19.804 for alteration of a nonconforming use.

8. MMC Section 19.911 Variances

a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests.

Variances may be requested to any standard of MMC Title 19, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B. Ineligible variances include requests that result in any of the following: change of a review type, change or omission of a procedural step, change to a definition, increase in density, allowance of a building code violation, allowance of a use that is not allowed in the base zone, or the elimination of restrictions on uses or development that contain the word “prohibited.”

The applicant has requested a variance from the minimum side yard setback to allow for the construction of an addition to the existing single detached dwelling.

The requested variance meets the eligibility requirements.

b. MMC Subsection 19.911.3 Review Process

MMC 19.911.3 establishes review processes for different types of variances. MMC Subsection 19.911.3.B establishes the Type II review process for limited variations to certain numerical standards. MMC Subsection 19.911.3.C establishes the Type III review process for larger or more complex variations to standards that require additional discretion and warrant a public hearing.

The requested variance is not eligible for Type II review; it is subject to the Type III review process.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests. For Type III variances, MMC Subsection 19.911.4.B.1 provides approval criteria related to

discretionary relief and MMC Subsection 19.911.4.B.2 provides approval criteria related to economic hardship.

(1) MMC Subsection 19.911.4.B.1 Discretionary Relief Criteria

- (a) The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The variance requested is for a reduction to the minimum required side yard setback of 10 ft. The existing home was built with a 0.5 ft side yard setback; the proposed addition would extend that nonconformity by 13 ft.

The existing home has a side yard setback of 0.5 ft. Building an addition that meets the minimum 10 ft setback would not be possible given the layout of the existing home. The purpose of the one-story addition is to remodel a portion of the existing garage into living space and add the smallest amount needed to maintain a usable one-car garage.

Without the variance, the garage space would not accommodate a vehicle after the remodel. This side of the existing home is adjacent to the neighbor's driveway; the neighbor's home is set back approximately 40 ft from the street, so there are no impacts to the neighbor's home or use of the front yard area.

The Planning Commission finds that the analysis of the impacts and benefits of the requested variance compared to the baseline requirements is adequate. This criterion is met.

- (b) The proposed variance is determined to be both reasonable and appropriate, and it meets one or more of the following criteria:

- The proposed variance avoids or minimizes impacts to surrounding properties.
- The proposed variance has desirable public benefits.
- The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

The proposed one-story addition extends an existing nonconforming 0.5-ft side yard setback by 13 ft. The addition would match the front wall of the house, with a front yard setback of 24.7 ft, which is larger than the minimum of 20 ft. The proposed addition would be located on a portion of the existing driveway, so no landscaping will be removed to accommodate the construction. The adjacent property is developed with a single detached home with a 40-ft front yard setback, and a driveway is located adjacent to the subject property. Therefore, the proposed addition would not impact the use and enjoyment of the neighboring property. The proposed addition can be built without needing to access the adjacent property, so construction impacts would be minimized.

The Planning Commission finds that the requested variance is reasonable and appropriate and that it meets one or more of the criteria provided in MMC Subsection 19.911.B.1.b.

- (c) Impacts from the proposed variance will be mitigated to the extent practicable.

The proposed 13-ft addition is modestly sized; it is one-story and would align with the front wall of the house, resulting in a larger than required front yard setback of 24.7 ft. The addition would be located on a portion of the existing driveway, so no landscaping will be removed. The proposed addition would be adjacent to the neighbor's driveway and side yard landscaping, so there would be no impacts to the neighbor's use and enjoyment of the front yard area. The neighbor's home is set back approximately 40 ft, and is fronted by a garage, not living space, there would be no impacts on the home by the proposed addition. The proposed addition provides for usable garage space for one vehicle, thereby maintaining two parking spaces on the subject property.

If necessary, a new 6-ft sight-obscuring fence could be constructed to replace the existing 3-ft fence to provide a buffer between the proposed addition and the neighbor's driveway.

The Planning Commission finds that the requested variance could result in a visual impact to the abutting property. A condition requiring a fence is required as mitigation. This criterion is met.

As proposed, the Planning Commission finds that, as conditioned, the requested variance meets the approval criteria established in MMC 19.911.4.B.1 for Type III variances seeking discretionary relief.

The Planning Commission finds that the requested variance is allowable as per the applicable standards of MMC 19.911.

9. The application was referred to the following departments and agencies on January 24, 2024:

- Milwaukie Engineering Department
- Milwaukie Building Department
- Milwaukie Public Works Department
- Lake Road Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
- Clackamas Fire District #1 (CFD)
- NW Natural

Public notice was sent to all properties within 300 ft of the site on January 24, 2024. Comments in objection to the requested variance were received from:

- **Lake Road NDA**
- **Barbara Allan, 11972-11974 SE 35th Ave**

- **Mary Kay Doane, 11973 SE 35th Ave**
- **Matthew Baxter**
- **Margueritte Kosovich, 12012 SE 35th Ave**
- **Paul Hawkins, Lake Road NDA**

ATTACHMENT 2
Recommended Conditions of Approval
Primary File #VR-2024-003, 11932 SE 35th Ave Addition

Conditions

1. At the time of submittal of the associated development permit application(s), the following must be resolved:
 - a. Final plans submitted for development permit review must be in substantial conformance with the plans and drawings approved by this action, which are the revised plans and drawings received by the City on April 29, 2024, except as otherwise modified by these conditions of approval.
 - b. Final plans submitted for development permit review must include a 6-ft sight-obscuring fence along the affected side property line, per MMC 19.502.2.B.
 - c. Provide a narrative describing all actions taken to comply with these conditions of approval. In addition, describe any changes made after the issuance of this land use decision that are not related to these conditions of approval.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code (MMC) and Public Works Standards that are required at various points in the development and permitting process.

1. Prior to commencement of any earth-disturbing activities, the applicant must obtain a City erosion control permit.

2. Expiration of Approval

As per MMC Subsection 19.1001.7.E, the land use approval granted with this decision will expire and become void unless the following criteria are satisfied. For proposals requiring any kind of development permit, the development must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within two years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four years of land use approval.



MILWAUKIE PLANNING
 10501 SE Main St.
 Milwaukie OR 97222
 503-786-7630
 planning@milwaukieoregon.gov

Application for Land Use Action

Primary File #: **VR-2024-003**

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|---|--|---|
| <input type="checkbox"/> Amendment to Maps and/or | <input type="checkbox"/> Land Division: | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Comprehensive Plan Map Amendment | <input type="checkbox"/> Final Plat | <input type="checkbox"/> Residential Dwelling |
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Lot Consolidation | <input type="checkbox"/> Manufactured Dwelling Park |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Partition | <input type="checkbox"/> Manufactured Dwelling |
| <input type="checkbox"/> Code Interpretation | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Temporary Dwelling Unit |
| <input type="checkbox"/> Community Service Use | <input type="checkbox"/> Replat | <input type="checkbox"/> Transportation Facilities Review** |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Subdivision | <input checked="" type="checkbox"/> Variance: |
| <input type="checkbox"/> Development Review | <input type="checkbox"/> Mixed Use Overlay Review | <input type="checkbox"/> Use Exception |
| <input type="checkbox"/> Director Determination | <input type="checkbox"/> Modification to Existing Approval | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Downtown Design Review | <input type="checkbox"/> Natural Resource Review** | <input type="checkbox"/> Willamette Greenway Review |
| <input type="checkbox"/> Extension to Expiring Approval | <input type="checkbox"/> Nonconforming Use Alteration | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Historic Resource: | <input type="checkbox"/> Parking: | Use separate application forms for: |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> Quantity Determination | Annexation and/or Boundary Change |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Quantity Modification | • Compensation for Reduction in Property |
| <input type="checkbox"/> Status Designation | <input type="checkbox"/> Shared Parking | • Value (Measure 37) |
| <input type="checkbox"/> Status Deletion | <input type="checkbox"/> Structured Parking | Daily Display Sign |
| | | • Appeal |

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Kristina Fedorovski

Mailing address: 11932 SE 35th Ave Milwaukie OR 97222 State/Zip:

Phone(s): 503-739-1032 Email: kristina.ifed@gmail.com

Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: State/Zip:

Phone(s): Email:

SITE INFORMATION:

Address: 11932 SE 35th Ave. Milwaukie OR 97222 Map & Tax Lot(s): 11E36DB09500

Comprehensive Plan Designation: Zoning: R-MD Size of property: 7,160 sq ft

PROPOSAL (describe briefly):

Maintain current .5 ft setback on south side of property line while extending garage 13 feet forward.

SIGNATURE: I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by:  Date: 4/29/2024

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.
 ** Natural Resource and Transportation Review applications may require a refundable deposit.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

DEPOSITS:

Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	VR-2024-003	\$ 2,000			
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:	RCD BY:	
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s): Lake Road					
Notes:					

Type III Variance Proposal
11932 SE 35th Ave. Milwaukie OR 97222
Narrative

The purpose of this application is to apply for a variance of 9.5 feet pertaining to the setback on the south property line at 11932 SE 35th Ave. Milwaukie OR 97222 to construct an addition to the house.

Current conditions:

- The south side of the house sits .5 ft off the property line as an original constructed feature. The current development standards require the setback to be 10 feet.

Proposal:

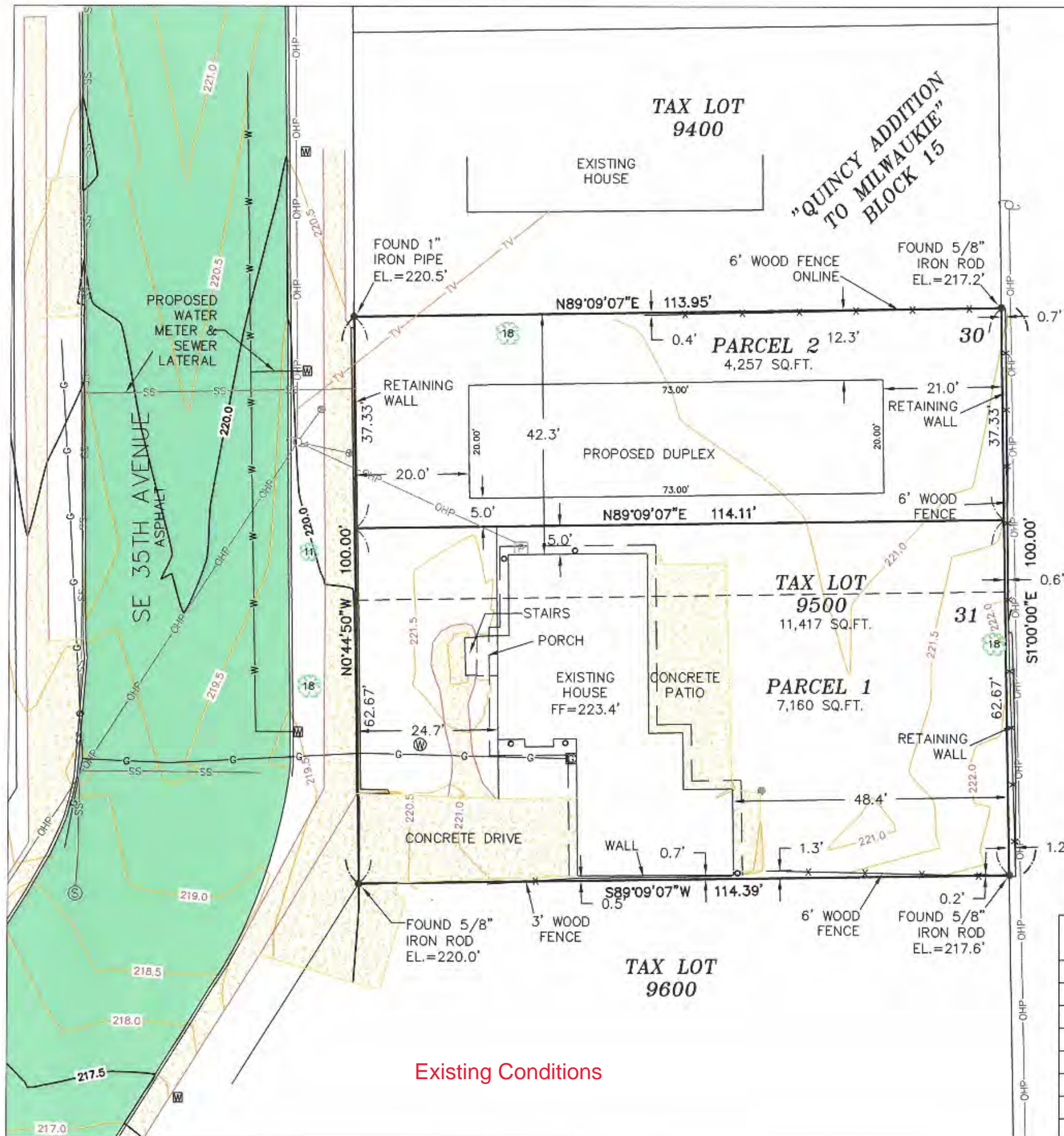
- Proposing to maintain the current setback as is (0.5 ft) while extending the garage 13 feet towards the front yard/street. It will be a one-story addition.

Purpose:

- The current garage has existing plumbing in the rear of the garage for a bathroom, which was there originally when we purchased the house. We would like to finish the bathroom and finish a portion of our garage into a bedroom for personal use. It would allow for a more comfortable main level space for our family of 5. In order to not lose the majority of our garage space, we would like to extend it forward a total of 13 feet allowing us to keep some useable garage space.

Approval Criteria:

- The proposal will maintain the current 0.5 ft set back for 13 more feet. As already grandfathered, it would not make design sense or financial sense to meet the setback as it would make for an irregularly-shaped garage, and make a useless "pocket" that is not through, since the rest of the house side already doesn't maintain a setback. Since currently the setback is 0.5 feet, standards would require a 10 ft setback on this property line, making our desired remodel infeasible.
- The lot coverage for the site will still be maintained under 30% in accordance with R-MD development standards and the addition will not impact any vegetated areas.
- The proposal will comply with design standards by not extending past the rest of the front facing house footprint and will comply with the front yard setback of at least 20 ft (27 ft). The proposed variance avoids all impacts to surrounding properties. The proposed variance has no impact to surrounding properties as the next door neighbor has their driveway and a detached garage adjacent to our garage. The addition will not impact their home or living space. The extension will not protrude into any driveways or affect the shared driveway of the next door neighbor. The proposed remodel will have great visual appeal and a new roof. The proposed variance responds to the existing built or natural environment in a creative and sensitive manner because it will maintain a consistent setback with the existing house. No trees or natural resources will be disrupted or affected by this remodel because the addition will occupy the existing driveway.
- The proposed variance would have no affect on any existing tree, and no affect on the opportunity to plant new trees. The extension protrudes only on a currently paved area.
- Impacts from the proposed variance will be mitigated to the extent possible. During the development we will minimize any effects on surrounding environment as much as possible.



LEGEND

- # EXISTING DECIDUOUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
- ⊠ EXISTING ELECTRIC METER
- ⊕ EXISTING POWER POLE
- ⊙ EXISTING GUY ANCHOR
- OHP— EXISTING OVERHEAD POWER LINES
- ⊠ EXISTING WATER METER
- ⊙ EXISTING DRY WELL
- W— EXISTING UNDERGROUND WATER
- ⊠ EXISTING GAS METER
- G— EXISTING UNDERGROUND GAS LINE
- ⊙ EXISTING SANITARY MANHOLE
- EXISTING CLEANOUT
- SS— EXISTING SANITARY SEWER LINE
- X— EXISTING FENCE
- TV— EXISTING CABLE TV LINE
- EXISTING DOWN SPOUTS
- FOUND MONUMENTS
- EXISTING CONCRETE
- EXISTING ASPHALT



SCALE 1" = 20'

REGISTERED PROFESSIONAL LAND SURVEYOR

David Roeger

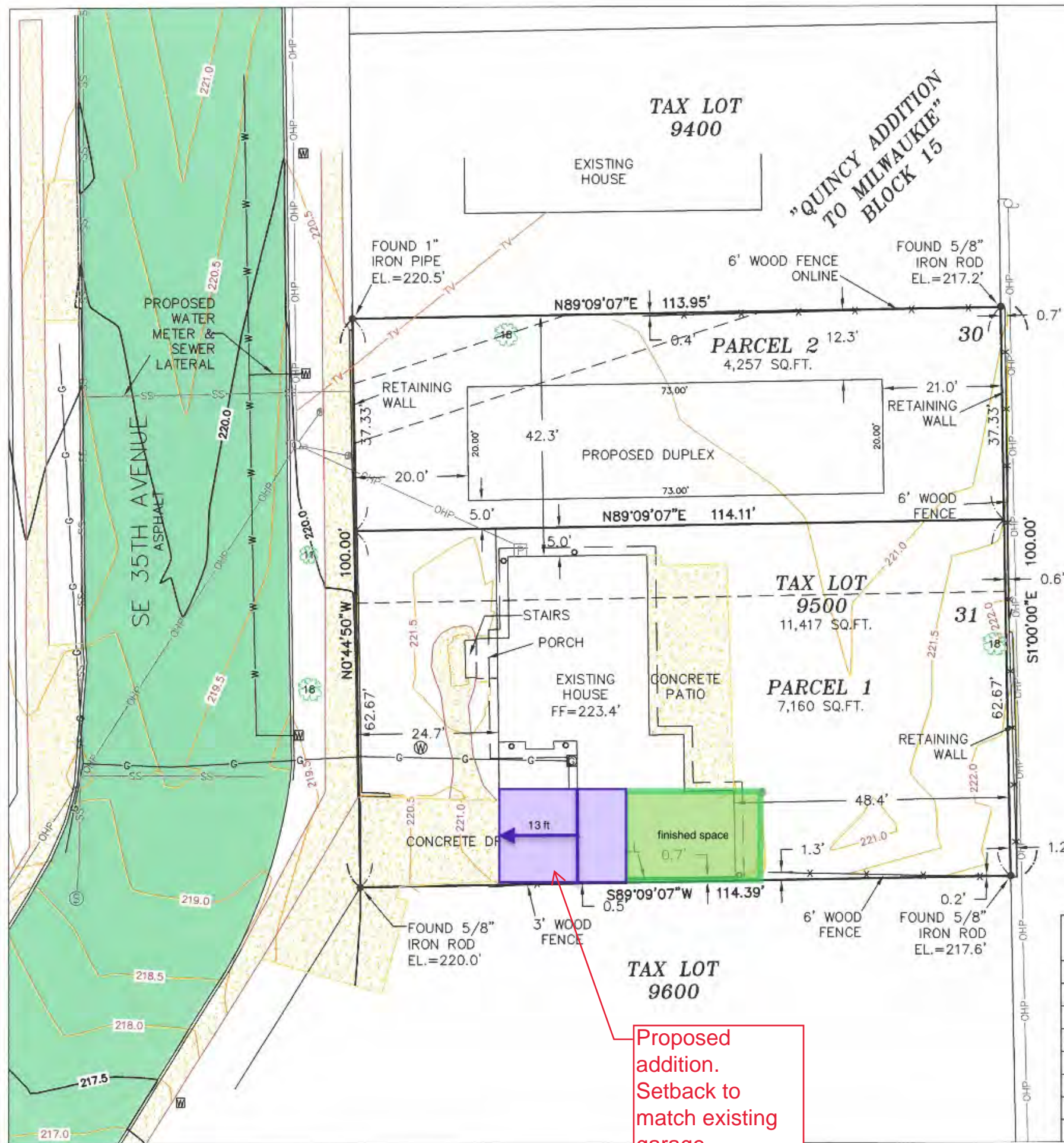
OREGON
SEPTEMBER 11, 2018
DAVID ROEGER
86811

EXPIRES DECEMBER 31, 2024

NOTES

1. THE PURPOSE OF THIS MAP WAS TO SHOW THE EXISTING CONDITIONS FOR 11932 SE 35TH AVENUE.
2. THE BASIS OF BEARINGS WAS PER THE PLAT OF "QUINCY ADDITION TO MILWAUKIE" CLACKAMAS COUNTY RECORDS.
3. LOCAL DATUM WAS ESTABLISHED PER MANHOLE RIM ELEVATION ON CITY OF MILWAUKIE SEWER ASBUILTS.
4. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF KRISTINA FEDOROVSKIY.
5. THIS MAP WAS PREPARED BY PLAT RECORDS, CALCULATED DATA, AND FIELD MEASUREMENTS, A RECORDED PARTITION PLAT WILL BE FILED AT A DATE TO BE DETERMINED.
6. ALL UTILITY LOCATIONS ARE SHOWN BY ABOVE GROUND FEATURES AND LOCATION OF PAINT MARKS SUPPLIED BY THE LOCAL UTILITY COMPANIES. CMT TAKES NO RESPONSIBILITY OF UNDERGROUND LOCATION. PLEASE NOTIFY THE UTILITY NOTIFICATION CENTER BEFORE ANY DIGGING 1-800-332-2344.

EXISTING CONDITIONS & PROPOSED REPLAT	11932 SE 35TH AVENUE
SE 1/4 SEC 36, T1S, R1E, W.M.	
CITY OF MILWAUKIE CLACKAMAS COUNTY, OREGON APRIL 19, 2023	
DRAWN: JMR CHECKED: DMR SCALE 1"=20' ACCOUNT #500-1349	CMT SURVEYING AND CONSULTING
Y:\500-1349\DWG\5001349BASE	20330 SE HIGHWAY 212 DAMASCUS, OR 97089 PHONE (503) 850-4672 FAX (503) 850-4590



LEGEND

- ## EXISTING DECIDUOUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
- Ⓜ EXISTING ELECTRIC METER
- Ⓜ EXISTING POWER POLE
- EXISTING GUY ANCHOR
- OHP— EXISTING OVERHEAD POWER LINES
- EXISTING WATER METER
- Ⓜ EXISTING DRY WELL
- W— EXISTING UNDERGROUND WATER
- EXISTING GAS METER
- G— EXISTING UNDERGROUND GAS LINE
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- EXISTING DOWN SPOUTS
- FOUND MONUMENTS
- EXISTING CONCRETE
- EXISTING ASPHALT



SCALE 1" = 20'

REGISTERED
PROFESSIONAL
LAND SURVEYOR


David Roeger

OREGON
SEPTEMBER 11, 2018
DAVID ROEGER
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EXISTING CONDITIONS & PROPOSED REPLAT	11932 SE 35TH AVENUE
SE 1/4 SEC 36, T1S, R1E, W.M.	
CITY OF MILWAUKIE	 CMT SURVEYING AND CONSULTING 20330 SE HIGHWAY 212 DAMASCUS, OR 97089 PHONE (503) 850-4672 FAX (503) 850-4590
CLACKAMAS COUNTY, OREGON	
APRIL 19, 2023	
DRAWN: JMR CHECKED: DMR	
SCALE 1"=20' ACCOUNT #500-1349	
Y:\500-1349\DWG\5001349BASE	









width of addition

From: [Teresa Bresaw](#)
To: [Vera Kolia](#)
Cc: [Paul Hawkins](#)
Subject: 11932 SE 35th Ave
Date: Thursday, May 9, 2024 2:55:19 PM

This Message originated outside your organization.

Hi, Vera!

The owner (Kristina) of the above property did not come to the Lake Rd NDA meeting. We did talk to Barbara Allan, the neighbor to the South.

Lake Road NDA did approve that we support Barbara in her refusal to accept her neighbor's variance request to extend out the garage 13 ft. I did send her the application for review.

Setbacks have a specific purpose and continuing a 6" setback further extends the infringement and should not be done without the approval of the neighboring property.

The look of pier block for the firewall is not a desired view.

Important note: the construction of the garage can NOT be done without accessing Barbara's property (another reason why setbacks are necessary).

The subject property has a 5 ft setback to the north since they got approval for a duplex lot and 10 ft was "supposed to" or was chosen to be on the south side. The fact of the garage being 6" from the property line does not mean everyone can ignore the 10 ft setback.

I love my 5 and 10 ft side setbacks and glad that the city has them in place!

Sincerely

Teresa Bresaw

Lake Rd NDA

Land-use member

From: [Teresa Bresaw](#)
To: [Vera Kolia](#)
Subject: 11932 SE 35th Ave variance request
Date: Sunday, May 26, 2024 11:55:10 AM

This Message originated outside your organization.

Vera,
Please add this photo for the record for Planning Commission hearing.
Picture of existing firewall.

Sincerely
Teresa Bresaw
Lake Rd NDA Land Use



Type 3 Variance Proposal File#VR-2024-003

Re: 11932 SE 35th Ave.

Dear Vera Kolas, Senior Planner
and Planning commission members

I am the owner of the land at 11972 SE 35th Ave. Milwaukie 97222,
and at 11974 SE 35th Ave 2 side by side lots.

I am writing to express my objection to the requested variance by
the owner of the property at 11932 SE 35th Ave. with whom I share
a property line.

The proposal requests a variance of a nine and a half feet
encroachment into the setback on the South property line at 11932
SE 35th Ave. to construct garage space. This would extend a wall,
that was grandfathered in during the 1940s, a further thirteen feet
and only 6” from our shared property line.

In opposition to this variance, there is no precedent that something
that was “grandfathered” in an earlier era should support a
continuation of this unfortunate lack of foresight and the practical
need for adequate setbacks. Milwaukie has had a subdivision
ordinance since 1967.....57 years! I think it’s fair to assume today’s
codes serve our residents in a more thoughtful, practical manner.

I understand that new zoning laws have created a moderate density
zone within which the properties sit. In striving to provide needed
housing a great many changes have been made to the zoning laws
and requirements. I would point out however that the setbacks for a
seven thousand square feet lot(10ft/5ft) remained unchanged
despite huge changes in new zoning laws. Obviously in developing
new codes, the need for setbacks between properties was still found
to be important both for the quality of living and for access to
property for maintenance, This would not be possible with a six-inch

setback. How would it even be possible to construct a further building without access onto my property?

On reviewing the narrative accompanying the application there are some points that I would like to clarify.

It is presumptive to assume that a 13-foot wall where there is now open space, has no impact on my home or my living space. Surely as a resident of Milwaukie my property is entitled to the same considerations that other properties in the neighbourhood enjoy. Furthermore, my property at 11972 SE 35th Ave. Is forty-one feet wide at its narrowest point east of the sidewalk an added 13-foot wall may seriously limit future development of this property as well as provide a formidable visual barrier on the north side of my property. In reference to the proposed remodel having great visual appeal this is certainly subjective depending on who is looking at it and the viewing angle, and I can assure you for me looking out of my living room window at a cinder block wall is not an attractive view, the extension of this wall by thirteen feet will devalue my property with an unsightly cinder block wall.

Incidentally, I would add that the properties do not “share a driveway” I have a well established garden bed and a fence on my property line which does and always has distinctly separated the two properties.

I trust that the city of Milwaukie seeks to provide comfortable visually appealing neighbourhood's for all its citizens including me. Clearly in rezoning the city saw the importance of retaining the building code maintaining the ten feet/five feet setbacks on properties seven thousand square feet or greater, in moderate density areas it identifies garages of less significant importance. Since zoning allows for on street parking there is no requirement in building codes to provide garage space. When looking at present codes this application is requesting a variance to the side setback of a required

ten feet down to six inches which is 95% non compliant for the purpose of providing garage space. In reality because of code changes some people in Milwaukie have given up their garages to provide extended living place. This is certainly a choice in this situation, removing the need for a thirteen feet extension within 6 inches of the property boundary. My neighbor actually parks in their driveway now so it would not affect the environment to leave the building as is.

I have lived in Milwaukie for 20 years, I know it is a wonderful place to call home, my husband and I worked to maintain and improve our property in a manner always compliant with building codes and considerate of our 6 neighbors on 35th Ave. and 36th Ave with whom we share a property boundary. I follow local affairs and have an understanding of many of the challenges that housing presents the community today. I had no opposition to the division of the property at 11932 in 2023 because it follows the present building code. However, this variance proposal does not provide any new housing, it will detract from the visual appeal of the present neighborhood and serves only to satisfy the perceived needs of one property owner to the detriment of another. It is my personal feeling that my needs and property boundaries, which follow clearly defined codes are equally important. I ask you - will negating the 10ft setback to allow the building of a garage in moderate density neighbours become available to all residents of Milwaukie who would like a little more space than their four bedroom home affords? Is this the intent of our revised city codes? I am asking that the planning commission thoughtfully consider my objection and protect compliance for the interest of my property.

Respectfully,

Barbara Allan.

From: [Paul Hawkins](#)
To: [Petra Johnson](#)
Cc: [Vera Kolas](#)
Subject: Re: VR-2024-003 Notice of Type III Land Use Proposal and Referral
Date: Wednesday, May 1, 2024 6:06:30 PM

This Message originated outside your organization.

Petra,

Re:VR-2024-003

I rode my bike to 11932 SE 35th today and visited with the neighbor next to the garage. They are definitely not in favor of allowing a building six inches from their property to be extended. And; I agree with them.

Thank you,
Paul Hawkins
Lake Rd Neighborhood Land Use

On Wed, May 1, 2024 at 1:58 PM Petra Johnson <JohnsonP@milwaukieoregon.gov> wrote:

Greetings,

Please see the link below to find the Notice of Type III Land Use Proposal and Application Referral for land use application VR-2024-003 for site location 11932 SE 35th Ave. If you have any questions, please feel free to contact Senior Planner Vera Kolas at 503-786-7653 or koliasv@milwaukieoregon.gov.

<https://www.milwaukieoregon.gov/planning/vr-2024-003>

Thank you,

Petra Johnson

Administrative Specialist II

she • her • hers

503.786.7603

City of Milwaukie

10501 SE Main St • Milwaukie, OR 97222

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This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd.**

From: [Vera Kolias](#)
To: [matthew baxter](#)
Subject: RE: 11932 se 35th ave
Date: Tuesday, May 28, 2024 6:39:00 AM

Good morning Matthew,

Thank you for your comments. They will be made part of the record and will be shared with the applicant.

Please note that the 6-inch setback is the existing non-conforming setback for the existing attached garage. The application is to extend that garage by 13 ft, thereby extending the existing non-conforming setback.

-Vera

VERA KOLIAS, AICP

Senior Planner
she • her

503.786.7653
City of Milwaukie
10501 SE Main St • Milwaukie, OR 97222

Please note that my work schedule is Monday – Thursday from 6 a.m. – 4:30 p.m.

-----Original Message-----

From: matthew baxter <skipdanish@gmail.com>
Sent: Tuesday, May 28, 2024 6:36 AM
To: Vera Kolias <KoliasV@milwaukieoregon.gov>
Subject: 11932 se 35thave

This Message originated outside your organization.

I do not agree with a less than 5 ft set back for the garage project, if I read it correctly they only want a 1/2 foot setback ? Allowing that would be setting a terrible precedent, next will be apartment complexes being able to do 1/2 ft setbacks from single family homes.

Sent from my iPhone

May 22, 2024

Vera Kolas, Senior Planner
Milwaukie Planning Department
10501 SE Main St
Milwaukie, OR 97222

Subject: Type III Variance Proposal File No. VR-2024-003
11932 SE 35th Ave, Milwaukie, OR 97222
Applicant: Kristina Fedorovskiy

Dear Ms. Kolas,

This letter is to register my objection to the subject variance request. After reading the Application Referral and reviewing the attached photos and maps, I have several concerns concerning this request. They are as follows:

Applicants Statements	My Concerns
<ul style="list-style-type: none">• Current setback of 0.5 ft is grandfathered.• Avoids all impacts to surrounding properties.• Neighbor's garage is adjacent.• Will not impact the neighbor's home or living space.• Great visual appeal.	<p>An inappropriate building of the garage within 0.5 ft of the neighboring property doesn't seem right to give license to continue with the offense.</p> <p>Continuing 13 ft out from the garage at 0.5 ft of the property line does impact the neighboring property in an unattractive and invasive manner. This suggests that the two garages are extremely close or touching which is not the case.</p> <p>The existing unattractive cinder block wall being extended an additional 13 ft would likely not be a nice site for the neighbor. I disagree.</p>

The existing 3 ft wood fence and shrubs are all on the neighbor's property at 11972/11974. The proposed wall and the construction to extend the garage into living space would likely cause trampling onto the fence and shrubs causing damage in the neighboring yard.

I also have safety concerns for the neighbor when backing out of their garage and driveway with the proposed 13 ft wall. This would impact the visibility of 35th

Ave traffic heading southbound as well as pedestrian walking on the eastside of 35th Ave. The applicant's vehicles (3) are always parked in the street and driveway causing more blockage of traffic and pedestrian view.

Based on the map provided, there is an existing concrete patio in the back of the applicant's house that appears to attach to the backside of the existing garage. There is also substantial land in the backyard that possibly be a good candidate for expanding the house without causing an impact on the neighbor at 11972/11974.

Thank you in advance for considering my concerns about this requested variance. I hope that you will give consideration to the negative impact I believe this request will have on their neighbor.

Thank you.

Sincerely,

Mary Kay Doane
11973 SE 35th Ave
Milwaukie, OR 97222

May 25, 2024

Vera Kolias, Senior Planner

City of Milwaukie Planning Department
10501 S. E. Main Street
Milwaukie Oregon 97222

RECEIVED
MAY 28 2024
CITY OF MILWAUKIE
PLANNING DEPARTMENT

Re: File Number VR-2024-003
Location: 11932 SE 35th Avenue

Dear Vera Kolias:

I am the owner of the property at 12012 SE 35th Avenue, Milwaukie and I regularly attend the Lake Road NDA meetings. At our meeting on 5-08-24 I learned of a neighbor's request for a variance to the city building code. Today I received the "Notice of Public Hearing" on this proposal.

I have talked at length with my neighbor Barbara Allan at 11972 SE 35th whose property would be impacted by the approval of a variance. Having seen the location in question I can now see that the changes proposed by her neighbor could impact both her enjoyment of her property at the present and the options for use of her property in the future. I am writing to support her opposition to the variance.

I do fully support the new zoning laws that provide for a moderate density zone in our area in order to create additional housing. The neighbors requesting the variance have already planned for a division of their property in order to build a duplex at the site. Hopefully they will find an alternative way to expand their existing living space without negatively impacting a neighbor.

I hope that you will uphold the city building codes and deny the variance. Thank you for your consideration

Sincerely,

Margueritte Kosovich

Margueritte Kosovich
12012 SE 35th Avenue
Milwaukie, OR 97222



CITY OF MILWAUKIE

To: Planning Commission
Through: Laura Weigel, Planning Manager
From: Vera Kalias, Senior Planner
Date: June 4, 2024, for June 11, 2023, Public Hearing
Subject: **File:** DR-2024-001; VR-2024-002
Applicant: Terry Amundson, Koble Creative Architecture LLC
Owner(s): RMCC Development LLC
Address: 1915-1925 SE Scott St
Legal Description (Map & Tax Lot): 11E35AA00200; 11E35AA00101
NDA: Historic Milwaukie

ACTION REQUESTED

Approve applications DR-2024-001 and VR-2024-002 and adopt the Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the development of a food cart plaza, permanent building for a taproom and restroom facilities, covered seating area, and parking improvements.

BACKGROUND INFORMATION

A. Site and Vicinity

The site is located at 1915-1925 SE Scott St and is the former site of the Peake Funeral Chapel and parking lot. The site is currently vacant and has frontages on McLoughlin Blvd, Scott St, and Main St.



Figure 1. Site area and vicinity

B. Zoning Designation

The site is in the Downtown Mixed Use Zone (DMU).

C. Comprehensive Plan Designation

Town Center - TC

D. Land Use History

A search of our department’s land use files shows no indication that this property was ever granted any variances, special exceptions, or conditional use permits.

E. Proposal

The applicant is seeking land use approval to develop the site as a food park. The development would include two permanent structures: a timber canopy structure over a sunken seating area and a new two-story taproom building which will include a bar, indoor and roof-deck seating areas, and permanent restrooms to serve the development. The existing parking lot to the west of the food park site would be improved and remain to serve the site. See Figures 2-4.

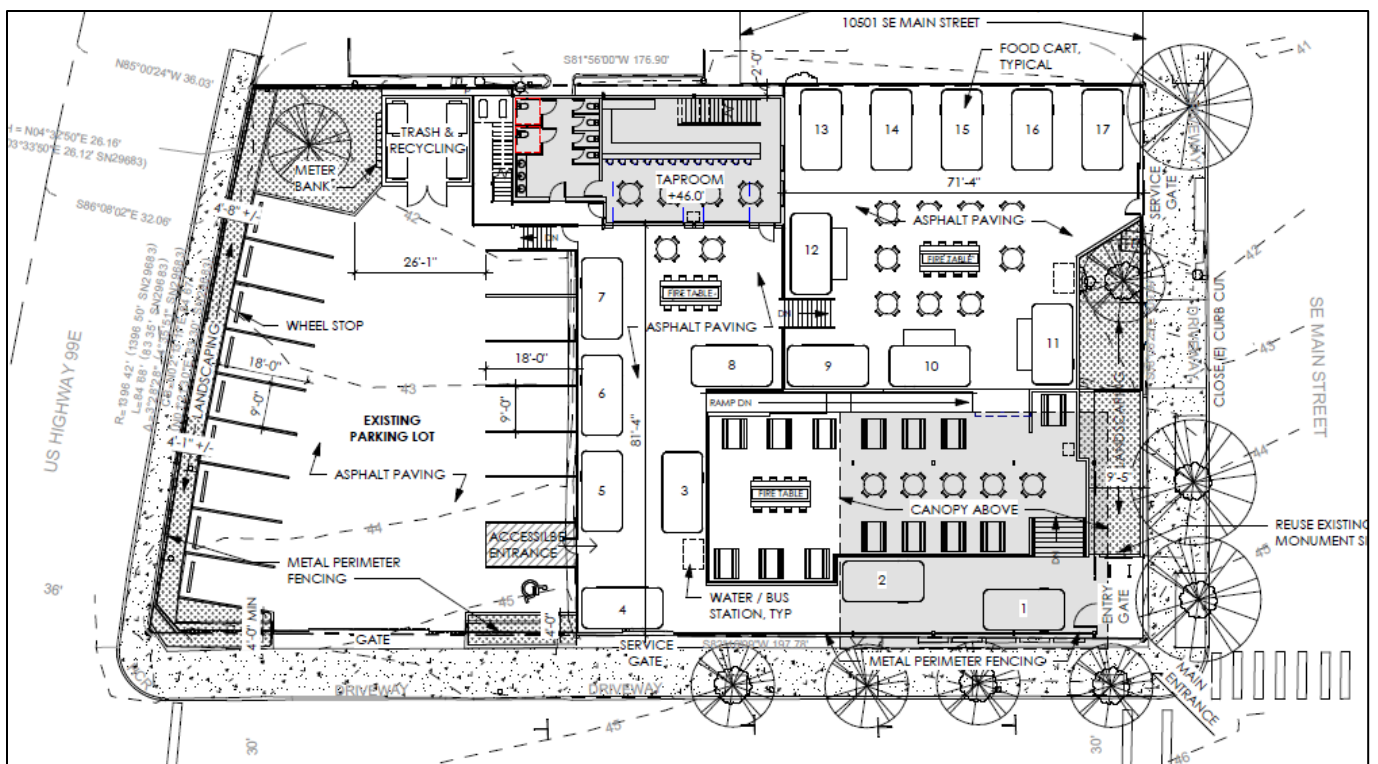


Figure 2. Proposed development – site plan



Figure 3. Proposed development - perspective



Figure 4. Proposed development – interior perspective

The project requires approval of the following applications:

1. DR-2024-001: Type III Downtown Design Review
2. VR-2024-002: Type III Variance (minimum FAR)

Analysis

The proposal is not typical of recent downtown development in that it does not include a large building occupying most of the site. The food park would include two permanent structures: an open timber canopy over a sunken seating area and the permanent taproom/seating area/restroom building. Much of the site will be taken up with seating and spaces for the food carts/food trucks, so it is far below the minimum FAR of 1:1 at 0.2 based on the 4, 032-sq ft taproom building. Therefore, a Type III variance from the minimum FAR requirement is necessary.

Development in the downtown is subject to MMC 19.508 – Downtown Design Standards and MMC 19.907 – Downtown Design Review. There are two tracks for review of development in downtown:

- Compliance with the clear and objective standards in 19.508; **OR**
- Meeting the **design guidelines** in 19.508 in lieu of complying with the design standards.

Meeting the design guidelines is a discretionary review track and is done via a Type III review. The downtown design standards are clear and objective and are generally targeted toward construction of large buildings on a site. Because of the nature of this proposal, and the additional design flexibility necessary for the development of a food park rather than a more traditional multi-story building, consistency with the **downtown design guidelines**, rather than standards, is required. Therefore, Type III Downtown Design Review is required for this proposal. Please refer to the detailed analysis of the proposal's compliance with 19.508 in Attachment 1 – Findings; each design element is discussed.

Staff has identified the following question for the Commission's deliberation. Aspects of the proposal not discussed below are addressed more specifically in the Findings.

A. Is the proposal consistent with the purpose and intent of the Downtown Design Guidelines?

The downtown design standards and guidelines are intended to "...encourage high-quality building design and construction that complements district development patterns, fosters human-scale design, and adds vitality. The design standards and guidelines will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards and guidelines do not prescribe a particular building or architectural style."

The proposed food park is not a typical development in the downtown, but its design meets the intent and purpose of development in the downtown – providing an active space for residents and visitors with amenities and gathering areas.

The design elements in MMC 19.508 are intended to encourage building and site design that “enlivens the public realm and streetscape” through significant building presences along site frontages and, importantly, active ground-floor uses. One of the key design standards related to this is a minimum frontage occupancy of 90% along Main St. However, a food park does not include large buildings situated at the street. Rather, they are designed to be an open and active space with multiple food vendors and seating areas. The proposed large open-air canopy provides a key structural element to the site and provides shelter for patrons of the site. It will be located at the property line on Scott St and about 10 ft from Main St to allow for a monument sign and a landscaped area at the entrance. As discussed in the Findings, meeting the design guidelines would have building placement that provides architectural interest along the street, provide plazas and open space between buildings and the sidewalk, and provide ample space for active uses for visitors to the site. The proposed food park meets the guidelines related to frontage occupancy and active ground-floor space.

The proposed multi-story taproom building is set back from the street to anchor the back of the site and establish a plaza area for the vendors and central sunken seating area. The entire site would be an active pedestrian plaza with large amounts of foot traffic and activity that would be clearly visible from the street. The proposal includes a variety of seating options throughout the site.

Although there is not a street-facing building façade, the open-air canopy is located very close to the corner of Scott St and Main St establishing a key corner entrance that is transparent to the street, inviting patrons to the site. The proposed taproom building establishes a key corner to the back of the site. The design includes a partially covered roof deck, large, glazed openings, and wood columns, as well as pre-finished metal panels. The upper floors of the taproom would have large operable windows which frame seating counters providing another visual connection from the street to the activity on the site.

No blank walls are proposed at the street – the entire site is open to pedestrians and activity is highly visible, setting a clear physical and visual relationship between people and the site. The canopy structure and the taproom are scaled appropriately between the three-story City Hall building to the north and the one-story multi-tenant development to the south. The nature of a food park allows for design flexibility with food carts and moveable furniture providing a variety of configurations.

The Downtown Mixed Use Zone allows a wide range of uses—including retail, office, commercial, and residential—that will bring visitors to the downtown to live, work, shop, dine, and recreate. As stated in MMC 19.304.1.A, the desired character for this zone is a pedestrian friendly and vibrant urban center, with a prominent main street and connections to the riverfront, and which includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots.

While the proposal does not emphasize large buildings, it is proposed with permanent structures in key locations to anchor the site with shelter, seating, and activity areas as well as open plaza-like spaces with vendors. The site is open and visible to pedestrians and creates an obvious connection to the street.

CONCLUSIONS

A. Staff recommendation to the Planning Commission:

1. Approve the Downtown Design Review and Variance applications. This will result in the development of a food park with a large open-air canopy over a seating area, multi-story taproom building with a roof deck and restrooms, areas for food vendors, and improvements to the existing parking area.
2. Adopt the attached Findings and Conditions of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC 19.304 Downtown Zones
- MMC 19.508 Downtown Site and Building Design Standards and Guidelines
- MMC 19.907 Downtown Design Review
- MMC 19.911 Variances
- MMC 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public meeting.

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on these applications, which includes any appeals to the City Council, must be made by August 27, 2024, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes will be provided prior to the public hearing to the following agencies and persons: City of Milwaukie Engineering, Building, and Public Works Departments, Clackamas Fire District #1, Metro, Oregon Department of Transportation, Clackamas County Engineering Division, and the Historic Milwaukie Neighborhood District Association (NDA). Notice was also sent to all properties within 300 ft of the site. Comments were received from (see Attachment 4):

- Oregon Department of Transportation
- Hamid Shibata Bennett

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation received April 15, 2024.				
a. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Plan Set	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Preliminary Stormwater Report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Comments Received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early PC Mailing = paper materials provided to PC at the time of application referral.

PC Packet = paper materials provided to PC 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the PC meeting.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-121>.

ATTACHMENT 1
Findings in Support of Approval
Primary File #DR-2024-001; 1847 Food Park

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Terry Amundson, Koble Creative Architecture LLC, on behalf of RMCC Development, has applied for approval to develop a food park and make improvements to an existing parking lot on the two lots that comprise the development site at 1915-1925 SE Scott St. The site is in the Downtown Mixed Use (DMU) zone. The land use application primary file number is DR-2024-001, with applications for downtown design review and a variance to the minimum FAR development standard.

2. The subject property is 0.47 acres in area and is comprised of two tax lots: a lot developed with an existing parking lot and a second lot which would be developed with the food park. The site fronts McLoughlin Blvd, Scott St, and Main St.

The proposed development of the food park includes: improvements to the parking area; an open-air timber canopy structure over a sunken seating area; spaces for a variety of food vendors; and a multi-story taproom building with seating areas (including a rooftop area) and permanent restrooms to serve the development.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):

- MMC Title 12: Streets, Sidewalks, and Public Places
- MMC Section 19.304 Downtown Mixed Use Zone
- MMC Section 19.508 Downtown Site and Building Design Standards and Guidelines
- MMC Chapter 19.600 Off-Street Parking and Loading
- MMC Chapter 19.700 Public Improvements
- MMC Section 19.907 Downtown Design Review
- MMC Section 19.911 Variances
- MMC Section 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing with the Planning Commission was held on June 11, 2024, as required by law.

4. MMC Chapter 12.16 Access Management

MMC Section 12.16.040 establishes standards for access (driveway) requirements, including access spacing, number and location of accessways, and limitations for access onto collector and arterial streets. New driveways accessing arterial streets must be spaced at least 600 ft from the nearest intersection and at least 10 ft from the side property line. New multifamily driveways onto local streets must be at least 100 ft from the nearest

intersection. For multifamily residential uses with more than eight units, the driveway apron must have a minimum width of 24 ft and maximum width of 30 ft.

Site access is provided via existing accessways on Scott and Main Streets. As established in the Preapplication Report dated November 30, 2023, the project is permitted to retain one existing accessway on Scott Street and one accessway on Main Street. The abandonment of the two other existing accessways will be required as part of the public works improvements. As also discussed in the Preapplication Report, the Scott Street driveway will be limited to right turn in and right turn out movements only to prevent conflicts with McLoughlin Boulevard.

The project has frontage on three streets: Main Street, Scott Street, and McLoughlin Boulevard. Scott Street has the lowest classification of the three. Access to on-site parking is provided from Scott Street through an existing driveway. The second existing accessway on Scott Street will be closed and the curb rebuilt.

SE McLoughlin Blvd is an arterial street, but no access is provided at the McLoughlin frontage. Neither Scott St nor Main Street is an arterial street, where access is provided. This standard is met.

Main Street is a collector street. The Project has 110' of frontage and two existing accessways on Main Street. One existing accessway will be closed and the curb rebuilt. The remaining accessway will be a service entrance for cart access and deliveries only.

The existing driveway to be retained at Scott Street measures approximately 24'-9" from the SW property corner and meets this standard. The existing driveway to be retained at Main Street is tight to the north side property line. While it does not meet the current distance standard, it is existing and will be utilized for service and deliveries only.

Scott Street is a local street. The existing parking lot access measures approximately 31' from the McLoughlin Curb face, and 148' from the Main Street curb face. Given that the Scott Street property line measures only 197.78', it would be impossible to meet the 100' minimum in both directions. The City Engineer has determined that limiting the Scott Street accessway to right turn in and right turn out movements will help mitigate any conflicts with the proximity to McLoughlin Boulevard.

Main Street is a collector street. As the Project's Main Street property line measures only 110', it would be impossible to meet the 300' minimum on the Main Street frontage.

The Applicant acknowledges that that driveway approaches must meet accessibility and other jurisdictionally required standards.

The Project proposes a net reduction in access points to the site. The access points retained are existing. As discussed in the Preapplication Report, the Scott Street driveway will be limited to right turn in and right turn out movements only to prevent conflicts with McLoughlin Boulevard. The Applicant acknowledges the City Engineer's authority to restrict access points.

The existing paved areas accessed by the retained existing driveways allow for onsite vehicle maneuvering so that backing into the right-of-way is not required. The existing accessway at Scott measures approximately 36'. The existing accessway at Main Street measures approximately 18'.

As proposed, the Planning Commission finds that the proposed development is consistent with the applicable standards of MMC 12.16.

5. MMC Section 19.304 Downtown Zones (including Downtown Mixed Use DMU)

MMC 19.304 establishes standards for the downtown zones, including the Downtown Mixed Use (DMU) zone.

a. MMC Subsection 19.304.2 Uses

MMC 19.304.2 establishes the uses allowed in the DMU zone, including eating and drinking establishments.

The proposed development is a food cart pod and taproom.

This standard is met.

b. MMC Subsection 19.304.3 Use Limitations, Restrictions, and Provisions

MMC Subsection 19.304.3.A.3 establishes limitations for eating and drinking establishments on the ground floor at no more than 20,000 sq ft.

The entire ground floor area of the 1847 Food Park measures approximately 11,545 sq ft, which includes indoor, outdoor, covered, and uncovered areas for dining and food preparation.

This standard is met.

c. MMC Subsections 19.304.4 and 19.304.5 Development Standards and Detailed Development Standards

MMC Table 19.304.4 lists the general categories of development standards for the DMU zone and MMC 19.304.5 provides additional detail for each category.

(1) MMC Subsection 19.304.5.A Floor Area Ratios

The Floor Area Ratio (FAR) is a tool for regulating the intensity of development. The minimum FAR established in MMC Table 19.304.4.B.1 apply only to nonresidential development. The minimum FAR is 1:1 and the maximum FAR is 6:1.

The total area of the taproom building is 4,032 sq ft on a total consolidated site area of 20,576 sq ft which results in an FAR of 0.2. A variance has been requested to the minimum FAR.

Subject to approval of the requested variance, this standard is met.

(2) MMC Subsection 19.304.5.B Building Height

Base maximum building heights are specified in MMC Figure 19.304-4, with height bonuses available for buildings that meet the standards of MMC Subsection 19.304.5.B.3. The minimum building height is 25 ft and the base maximum is 45 ft.

The proposed taproom building is 30'-6" high.

This standard is met.

(3) MMC Subsection 19.304.5.G Off-Street Parking

No off-street parking is required for non-residential uses, but if it is provided, then the parking maximums MMC Table 19.605.1, and all other applicable standards of MMC Chapter 19.600, apply. Off-street surface parking lots (including curb cuts) must not be located within 50 ft of the Main Street ROW. Off-street parking must not be located between a building and the street-facing lot line.

The site has an existing parking area that is proposed to be maintained to serve the development.

As discussed in Finding 7 for off-street parking, this standard is met.

d. MMC Subsection 19.304.6 Public Area Requirements

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan and are intended to ensure a safe, comfortable, contiguous pedestrian-oriented environment as revitalization occurs in downtown. The PAR are defined as improvements within the public ROW and include such features as sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through MMC Chapter 19.700 and the Public Works Standards.

As discussed in Finding 8-e, the required street improvements are minimal and are consistent with the applicable standards of MMC 19.700 and the Public Works Standards.

This standard is met.

e. MMC Subsection 19.304.7 Additional Standards

Depending upon the type of use and development proposed, the standards for general site design (MMC Section 19.504), for general building design (MMC Section 19.505), and/or downtown site and building design (MMC Section 19.508) may apply.

The design standards of MMC 19.508 are applicable to the proposed development. As discussed in Finding 6 and elsewhere in these findings, the applicable standards of MMC 19.508 are met or are addressed with the necessary variances or conditions of approval as needed.

As proposed, and as discussed and approved elsewhere in these findings, the Planning Commission finds that the applicable standards of the DMU zone are met.

6. MMC Section 19.508 Downtown Site and Building Design Standards

MMC 19.508 establishes design standards for downtown development, to encourage building design and construction with durable, high-quality materials. The design standards are applicable to all new development. MMC Subsection 19.508.4 establishes standards for seven different elements of design.

The proposed development is for a new food cart pod with a covered sunken seating area and a multi-story taproom. The findings for each of the applicable design elements are provided in Table 1, below. The applicant has opted to meet the design guidelines for each design element.

**Table 1
 Downtown Design Elements**

A. SITE FRONTAGE <u>Purpose:</u> To encourage building design and site placement that enlivens the public realm and streetscape through significant building presence along site frontages and active ground-floor uses.	
Standard	Findings
To address this design element, the development can opt to address the Design Guidelines rather than the standards of active ground floors space, frontage occupancy, and build-to lines.	<i>The proposed development is a food cart pod with a covered, sunken seating area and a multi-story taproom building.</i>
a. A strong and high-percentage presence of buildings on the site edge, and spacious active ground-floor spaces and uses should be provided to create a continuous building frontage on the street to create compatibility and harmony between buildings and to encourage pedestrian activities. Building placement along the street should contribute to a continuous street wall that integrates storefront opportunities and architectural interest along the street, and should bring buildings up to the sidewalk for pedestrian interest. The amount of building presence should be scaled to the uses and intensity of the street.	<p><i>The proposal is for a food cart pod, not a large building, so by its very nature creates spacious and active ground-floor spaces. The transparent perimeter fencing defines the sidewalk edge while inviting pedestrians into the site to engage with food vendors, and the ample indoor/outdoor seating areas encourage patrons to stay and enjoy their food and drink. The open-air canopy is a building without walls that is brought to the property's edge on Scott Street to establish an edge for the site. The canopy brings a pedestrian scale and shelter to the development's entrance at the corner of Scott and Main Streets.</i></p> <p><i>This guideline is met.</i></p>

A. SITE FRONTAGE <u>Purpose:</u> To encourage building design and site placement that enlivens the public realm and streetscape through significant building presence along site frontages and active ground-floor uses.	
Standard	Findings
b. Where buildings are set back from the property line and sidewalk, the setback distance should be minimized and plazas and open space should be located between the building and sidewalk edge, helping to enliven the street edge and pedestrian realm. The plaza and open space area should incorporate pedestrian-scale features consistent with guidelines in Subsection 19.508.4.M.	<p><i>The open-air canopy would be built to the south property line on Scott St, and 9 ft to 10 ft from the Main St (east) property line. The proposed setback on Main St is controlled by the existing monument sign and landscape areas that are being retained, as well as the existing chapel foundation that is incorporated into the design.</i></p> <p><i>The multi-story taproom is proposed to be located in the center rear of the site, approximately 71 ft from Main St, and 81 ft from Scott St; it creates a structural frame for the site. The areas between the taproom and these streets will act as pedestrian plazas, populated with active uses: food vendors, gathering places, and furniture for sitting and dining.</i></p> <p><i>This guideline is met.</i></p>
c. Ground floors of commercial, public, and mixed-use buildings should be flexible and offer ample space for active uses serving occupants and visitors, such as retail, service, or food service. The amount of active groundfloor space should be scaled to match the uses and intensity of the street, with the greatest amount in new buildings along Main Street. High groundfloor heights and adequate depths should provide flexible interior spaces for active uses.	<p><i>Ground floor areas of the food park will act as pedestrian plazas, populated with active uses: food vendors, gathering places, furniture for sitting and dining. Ceiling heights at the open-air canopy range from 12 ft at the sidewalk to 17 ft at the sunken dining area. Site furniture will provide a variety of seating options that can be reconfigured for new uses or special events.</i></p> <p><i>This guideline is met.</i></p>

B. WALL STRUCTURE AND BUILDING FAÇADE DETAIL

Purpose: To add visual interest to buildings and enhance the street environment with engaging and varied wall structures. Use design features and details to break down the scale and mass of a building to create comfortable, pedestrian-friendly environments and enclosure to public areas.

Standard	Findings
<p>To address this design element, the development can opt to address the Design Guidelines rather than the design standards of vertical and horizontal articulation.</p> <p>a. Street-facing façades should engage the street, achieving a distinct and high-quality treatment that contributes to the downtown as the center of the community.</p>	<p><i>The open-air canopy engages the south property line on Scott St and is 9 ft to 10 ft from the Main Street (east) property line. The proposed setback on Main St is governed by the existing monument sign and landscape areas that are being retained, as well as the existing chapel foundation that is incorporated into the design. Site perimeter fencing gives definition to the sidewalk edge while its transparency allows visual connection to activities of interest within the site.</i></p> <p><i>This guideline is met.</i></p>
<p>b. Building façades should create a sense of coherence through holistic and human-scale design. They should be designed with vertical divisions such as a tripartite façade of base, middle, and top, and horizontal design elements that reference traditional storefront widths and create a sense of rhythm, or an alternative design of vertical and horizontal elements that bring a human scale to the space of the street. Such vertical and horizontal architectural elements should create a coherent pattern and visual interest at a pedestrian scale, particularly for larger buildings.</p>	<p><i>Both the taproom and open-air canopy share a structural appearance that gives them a common rhythm and scale. Wood columns support wood trusses in equally spaced bays. Both structures are modestly scaled relative to other downtown buildings. The taproom appears as a two-story building with a partially covered roof deck. Its large, glazed openings further decrease the sense of building mass such that additional vertical articulation features are not necessary.</i></p> <p><i>This guideline is met.</i></p>
<p>c. Buildings should avoid blank wall faces on street-facing façades, particularly on ground floors and building corners at street intersections.</p>	<p><i>The food park does not present any blank walls to the street. The open-air canopy is an open, visually transparent structure. The taproom features large openings, both fixed and operable, on its east, south, and west elevations. The metal fencing at the site perimeter is visually transparent.</i></p> <p><i>This guideline is met.</i></p>

B. WALL STRUCTURE AND BUILDING FAÇADE DETAIL

Purpose: To add visual interest to buildings and enhance the street environment with engaging and varied wall structures. Use design features and details to break down the scale and mass of a building to create comfortable, pedestrian-friendly environments and enclosure to public areas.

Standard	Findings
<p>d. Building façades should integrate façade articulation techniques to add visual interest to the built environment and clearly demarcate areas of visual interest, highlighting entries or displays.</p>	<p><i>The project's entrance at the prominent corner of Scott St and Main St is articulated as a portal into the open-air canopy structure, which is further accentuated by the repurposed monument sign.</i></p> <p><i>This guideline is met.</i></p>
<p>e. Massing should be purposeful and cohesive, boldly showing depth and/or visual lightness to enrich the pedestrian zone, integrating façade articulation techniques to reduce the perceived scale of larger buildings.</p>	<p><i>Both the open-air canopy and the taproom share a structural appearance that gives them a common rhythm and scale. Wood columns support wood trusses in equally spaced bays, and their gable roof form and shared use of materials strengthen their visual relationship.</i></p> <p><i>Both structures are modestly scaled relative to other downtown buildings. The taproom is a two-story structure with a partially covered roof deck. Its large, glazed openings further decrease the sense of building mass so that additional vertical articulation features are not necessary.</i></p> <p><i>This guideline is met.</i></p>

C. EXTERIOR BUILDING MATERIALS

Purpose: To encourage the construction of attractive buildings with materials that evoke a sense of permanence and are compatible with downtown Milwaukie and the surrounding built and natural environment.

Standard	Findings
<p>The following standards are applicable to the street-facing façades of all new buildings. For the purposes of this standard, street-facing façades are those abutting streets, courtyards, and/or public squares in all of the downtown. Table 19.508.4.D specifies the primary, secondary, and prohibited material types referenced in this standard.</p> <p>a. Buildings shall utilize primary materials for at least 90% and 65% of each applicable building façade (groundfloor and upper floor facades respectively).</p>	<p><i>The Taproom building features prefinished metal siding panels, which is approved as a primary exterior building material. The expression of the wood structural columns serves as an accent material on no more than 10% of the building façade. No prohibited materials are proposed.</i></p> <p><i>This standard is met.</i></p>
<p>b. Secondary materials are permitted on no greater than 35% of each applicable building façade.</p>	
<p>c. Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).</p>	
<p>d. Buildings shall not use prohibited materials on any exterior wall, whether or not it is a street-facing façade.</p>	

D. FAÇADE TRANSPARENCY AND ACTIVATION

Purpose: To activate building interiors and exteriors by ensuring transparency through the building, allowing for daylighting of ground-floor commercial and public uses of buildings, and promoting a safe and vibrant pedestrian environment through visual and physical connections between interior and exterior spaces. To limit blank walls and promote alternatives to glazing where needed to activate façades and engage pedestrians viewing building exteriors.

Standard	Findings
<p>To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to glazing in doors and windows.</p> <p>a. Design street-facing nonresidential and mixed-use ground floors with a high percentage of glazing to create transparency and engagement at the pedestrian eye level.</p>	<p><i>The street faces of the 1847 Food Park are extremely transparent, as they are not defined by walls per se. The open-air canopy structure and perimeter fencing are purposefully left open to the air, allowing pedestrians a visual connection to the active site interior.</i></p> <p><i>This guideline is met.</i></p>
<p>b. Design nonresidential and mixed-use street-facing upper floors with sufficient glazing coverage to create visual interest along the façade and access to views, light, and air for building inhabitants.</p>	<p><i>The upper floors of the Taproom, while not sited directly on the street face, feature large operable openings measuring up to 14 ft wide by 8 ft tall. These openings frame bar-style seating counters, effectively advertising the activity happening within while affording panoramic views for taproom patrons.</i></p> <p><i>This guideline is met.</i></p>
<p>c. Design residential street-facing façade glazing coverage to balance transparency and privacy for residents.</p>	<p><i>The project does not contain any residential uses. This guideline is not applicable.</i></p>
<p>d. Arrange glazing to provide balanced coverage of the façade and limit blank walls on both street-facing and street-visible façades. If blank walls are proposed, use alternatives to glazing such as artwork, murals, vertical landscaping, and changes in materials or articulation to create visual interest.</p>	<p><i>As shown on the taproom architectural drawings, the street-facing/street-visible east, south, and west facades are articulated with a combination of large windows, doors, and other features. The north elevation is built within three feet of the interior property line, at which distance openings are not permitted by the building code.</i></p> <p><i>This guideline is met.</i></p>

D. FAÇADE TRANSPARENCY AND ACTIVATION

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Standard	Findings
<p>e. Design window and doors to maximize transparency and flexibility for ongoing use and adaptation that can be integrated into planned and future building uses and operations, considering such future treatments as shades, curtains, security fencing, and product shelving near windows or doors. 40% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors.</p>	<p>The 1847 Food Park design is flexible by necessity. Food carts vary in size and design, and different vendors may come and go as the project matures. Outdoor paved areas will allow for various configurations of food carts and site furniture for patrons. The taproom building interior has an open-concept plan on each floor with large openings to the exterior.</p> <p>This guideline is met.</p>

E. BUILDING ENTRANCES

Purpose: To create pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

Standard	Findings
<p>a. All new buildings must have at least one primary entrance facing an abutting street. For purposes of this standard, "facing" means within 45 degrees of the street property line.</p>	<p>The primary project entrance faces Main St at the Scott St corner. While not an enclosed building, the open-air canopy is both the functional and symbolic entry point to the food park.</p> <p>This standard is met.</p>

E. BUILDING ENTRANCES

Purpose: To create pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

Standard	Findings
<p>b. For lots with frontage along more than one street, including multiple lots under common ownership being developed as a single site, the primary entrance must be located as follows:</p> <p>(1) For lots with one frontage along a transit street, the primary entrance must be oriented to the transit street with the exception of Subsection 19.508.4.E.2.c.</p> <p>(2) For lots with frontage along 2 transit streets, the primary entrance must be oriented to the street with higher-frequency transit service or the corner of the 2 streets.</p> <p>(3) For lots with frontage along Main Street, the primary entrance must be oriented to Main Street or the corner of the 2 streets, even if the other frontage is along a transit street.</p> <p>(4) For lots without frontage on Main Street or a transit street, the primary entrance may be oriented to either street.</p>	<p><i>The primary project entrance faces Main St at the Scott St corner. While not an enclosed building, the open-air canopy is both the functional and symbolic entry point to the food park.</i></p> <p><i>This standard is met.</i></p>
<p>c. Where a development contains multiple buildings or multiple individual storefronts or residential units and there is insufficient street frontage to meet the above entrance location standards for all buildings, storefronts, or residential units on the subject site, the primary entrances for each Building, storefront, or residential unit may orient to a plaza, courtyard, or similar pedestrian space designed as usable open space meeting the standards of Subsection 19.508.4.M. When oriented this way, the primary entrances must be connected to the street by an on-site pedestrian walkway either directly or through a plaza, courtyard, or similar pedestrian space</p>	<p><i>The taproom building, set back in the site, has its entrance oriented to a pedestrian courtyard used by patrons of the food park for gathering and dining.</i></p> <p><i>This standard is met.</i></p>

E. BUILDING ENTRANCES

Purpose: To create pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

Standard	Findings
<p>d. For nonresidential and mixed-use buildings:</p> <p>(1) Primary entrances for mixed-use and nonresidential buildings must be clearly defined and distinguished from other parts of the building by incorporating at least one of the following design elements:</p> <ul style="list-style-type: none"> (a) Recessed or projected entry. (b) Entry surrounds such as arches, columns, insets, and design elements above and/or flanking the entrance. (c) Transom windows above the entrance door. <p>(2) The glazed portions of doors for primary entrances must be 75% or more of the door area.</p>	<p><i>The project entrance on Main St at the Scott St corner is defined by being pulled back from the sidewalk and anchored by the repurposed monument sign. While not an enclosed building, the open-air canopy is both the functional and symbolic entry point to the food park.</i></p> <p><i>The entrance on the south elevation of the taproom is a fully glazed door.</i></p> <p><i>This standard is met.</i></p>

F. WINDOWS

Purpose: To integrate windows made of high-quality materials that are compatible with the building design to create visually interesting exterior façades and that function to create sufficient interior light and enhance connections between interior and exterior spaces.

Standard	Findings
<p>To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to window openings, materials, placement, and proportion.</p> <p>a. Window materials should be compatible with other primary wall and surface materials while providing a degree of contrast. Materials should be high quality and provide a high degree of transparency. Windows should provide shadowing through use of trim and/or recesses.</p>	<p><i>The windows proposed are aluminum storefront. Aluminum storefront is the standard of quality for commercial windows and entrances. As shown in the architectural drawings, the typical window and door details incorporate a projecting metal trim profile for a deep shadow line.</i></p> <p><i>This guideline is met.</i></p>

F. WINDOWS

Purpose: To integrate windows made of high-quality materials that are compatible with the building design to create visually interesting exterior façades and that function to create sufficient interior light and enhance connections between interior and exterior spaces.

Standard	Findings
<p>b. Nonresidential uses should provide windows at the street level, inviting pedestrians in and providing views both in and out, maintaining transparency and visibility regardless of the time of day.</p>	<p><i>The project proposes no windows directly on the street front. Rather, visibility through the metal perimeter fencing provides views in and out of the activities on the site. The taproom incorporates large, glazed overhead doors connecting the interior to adjacent site areas.</i></p> <p><i>This guideline is met.</i></p>
<p>c. Ground-floor street-facing nonresidential windows should engage with the street and connect indoor and outdoor spaces, such as through the use of operable, opening windows (e.g., sliding, pivoting, or articulating windows).</p>	<p><i>The project proposes no windows directly on the street face. Rather, visibility through the metal perimeter fencing provides views in and out of the activities on the site. The taproom incorporates large, glazed overhead doors connecting the interior to adjacent site areas.</i></p> <p><i>This guideline is met.</i></p>
<p>d. Window groupings, proportions and orientation should create a sense of rhythm and pattern to provide architectural interest to the overall building composition.</p>	<p><i>Both the taproom and the open-air canopy have an inherent rhythm established by their expressed structure. The canopy is an open, windowless structure. As shown in the architectural drawings, the taproom incorporates regular, large, aligned openings within the framework of its structural bays.</i></p> <p><i>This guideline is met.</i></p>

G. CORNERS

Purpose: To create a strong architectural statement at street corners, provide opportunities for pedestrian-scale activity, establish visual landmarks, and enhance visual variety.

Standard	Findings
<p>On corner lots or development sites consisting of more than one lot under common ownership at the corner of 2 public streets—or at the corner of a street and a public area, park, or plaza—nonresidential or mixed-use Buildings must incorporate at least 2 of the following features:</p> <p>(1) The primary entrance located within 5 ft of the corner of the building.</p> <p>(2) A lobby or retail space a minimum of 100 sq ft in floor area with 90% transparency on facing windows and entrances within 5 ft of the corner of the building.</p> <p>(3) A pedestrian canopy or marquee at least 10 ft long at the corner of the building.</p> <p>(4) A chamfered corner at least 10 ft wide with an entry on the chamfer, or a similarly dimensioned rounded or stepped corner.</p> <p>(5) Enhanced pedestrian amenities including at least 2 of the following 3 options adjacent to the public right-of-way: a minimum of 100 sq ft of special paving materials, a minimum of 2 pieces of street furniture such as a bench or garbage can, water fountain, and/or a minimum of 20 sq ft of landscaping or planters.</p>	<p><i>As shown on the submitted site plan, the main entrance to the project is at the corner of Main St and Scott St, through a gate into the open-air canopy structure. The main entrance is further demarcated by the re-purposed monument sign.</i></p> <p><i>The main entrance at the corner of Main St and Scott St enters an area populated by food vendors and dining areas. The surrounding fencing is transparent.</i></p> <p><i>This standard is met.</i></p>

H. BUILDING MASSING AND TRANSITIONS

Purpose: To promote building massing that creates compatible building scale and relationships between adjacent downtown buildings including massing variation that reflects the rhythm of traditional storefronts and breaks up the perceived massing of larger buildings, while creating an inviting pedestrian realm on the street by increasing access to light and air. To provide scaled transitions to adjacent residential uses to minimize impacts of building massing.

Standard	Findings
<p>a. Building Massing For any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4, buildings must include:</p> <p>(1) A step back of at least 6 ft along the street-facing portion of the building.</p> <p>(2) The step back area may be used for balconies, roof-top gardens, or other common or private open spaces.</p>	<p><i>The base maximum height identified in Figure 19.304-4 is 45 ft for the site. The tallest structure proposed for the development is the taproom, which measures 30'-11" to the average roof height.</i></p> <p><i>As the proposed structures are below the maximum base height, this standard is not applicable.</i></p>

H. BUILDING MASSING AND TRANSITIONS

Purpose: To promote building massing that creates compatible building scale and relationships between adjacent downtown buildings including massing variation that reflects the rhythm of traditional storefronts and breaks up the perceived massing of larger buildings, while creating an inviting pedestrian realm on the street by increasing access to light and air. To provide scaled transitions to adjacent residential uses to minimize impacts of building massing.

Standard	Findings
<p>b. Building Façade Height Variation The height of building elements along street-facing façades must be varied in order to break up the overall bulk and mass of buildings as illustrated in Figure 19.508.4.H.2.b. At least one variation in height along the street-facing façade(s) must be provided for every 50-ft interval or portion thereof. Exact spacing of variations may vary provided that the total number of variations required is met and no portion of the façade exceeds 50 ft without a variation. Building façade height variation must be accomplished by using one or more of the following methods:</p> <ul style="list-style-type: none"> (1) Vertical offset of height along the façade by minimum of 4 ft. (2) Dormer or other projecting element along or within 2 ft of the façade with minimum 4-ft height and 4-ft width. (3) Recessed balcony or step back from the façade on the upper floor with a minimum 4-ft depth and minimum 6-ft width. (4) Other techniques approved by the Planning Manager, shown to create variation along the top of street-facing façade through modulations in height, mass or bulk. 	<p><i>The taproom building's longest elevation measures 54 ft and faces Scott St to the south. As shown in the submitted architectural drawings, the roofline is broken by a vertical offset between the pitched roof/covered area and the guardrail/parapet.</i></p> <p><i>The open-air canopy measures 48 ft along Scott St (its longest dimension) and is divided into three 16-ft structural bays. Because it is an open-air structure, each bay is effectively a recess that reduces the perceived mass of the structure. In addition, it is only a single-story structure. As such, its perceived scale and mass is sufficiently managed.</i></p> <p><i>This standard is met.</i></p>

I. WEATHER PROTECTION

Purpose: To create an all-season pedestrian environment shielded from the elements, whether by the building structure itself or with added-on features such as awnings and canopies, that is integrated with rather than obscures the building design. Overhead protection encourages window shopping and lingering, and weather protection features can provide interest and detail to a façade as well as create outdoor sidewalk seating areas for restaurants and cafés.

Standard	Findings
<p>To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to weather protection coverage, materials, design, and details.</p> <p>a. Along the ground floor, buildings should protect pedestrians from inclement weather and provide shade in the summer through use of awnings, canopies, marquees, or elements of the building structure itself such as recesses or balconies. The total amount of awning, canopy, and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.</p>	<p><i>The open-air canopy structure abuts the sidewalk at the Scott St property line. Its primary purpose is to provide weather protection for patrons (pedestrians) who visit the Food Park. As shown on the architectural drawings, the canopy projects approximately 2'-8" into the Scott St right-of-way providing an eave for weather protection.</i></p> <p><i>This guideline is met.</i></p>
<p>b. Awnings, canopies, and marquees should be placed over all building entrances and storefront windows or other similar locations and integrated with other entryway design features. (See Subsection 19.508.4.E.) The total amount of awning, canopy and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.</p>	<p><i>As shown on the architectural drawings, the entrance to the taproom is protected with a steel canopy. The canopy structure is, in itself, a canopy providing shelter at the main entrance to the project.</i></p> <p><i>This guideline is met.</i></p>
<p>c. The design of awnings, canopies, marquees, and elements of the building structure should be an integral and well-proportioned component of the building façade. Awnings, canopies and marquees should not obscure or negatively impact the character-defining features of the subject building.</p>	<p><i>The steel canopy at the taproom entry is sized to match the opening it serves. The canopy structure is effectively the building it serves. In this case, the guideline is not applicable.</i></p>

I. WEATHER PROTECTION

Purpose: To create an all-season pedestrian environment shielded from the elements, whether by the building structure itself or with added-on features such as awnings and canopies, that is integrated with rather than obscures the building design. Overhead protection encourages window shopping and lingering, and weather protection features can provide interest and detail to a façade as well as create outdoor sidewalk seating areas for restaurants and cafés.

Standard	Findings
<p>d. Canopies and awnings should be sized to match individual entrances and storefront windows. They should be placed directly above such features and should not extend outside the piers and lintel of the storefront opening. A single awning or canopy spanning across multiple commercial storefronts and that obscures character-defining features is strongly discouraged.</p>	<p><i>The steel canopy at the taproom entry is sized to match the opening it serves. The canopy structure is effectively the building it serves. In this case, the guideline is not applicable.</i></p>
<p>e. Weather protection features should be well proportioned relative to the sidewalks. Features should not be so project so far into the public right-of-Way as to detract from street trees, light fixtures, or street furniture, but should extend far enough to provide coverage for pedestrians at entrances and windows. Features should provide adequate vertical clearance for pedestrian movement.</p>	<p><i>The open-air canopy structure abuts the sidewalk at the Scott St property line. Its primary purpose is to provide weather protection for patrons (pedestrians) who visit the Food Park. The canopy projects approximately 2'-8" into the Scott St right-of-way and provides over 11 ft of vertical clearance.</i></p> <p><i>This guideline is met.</i></p>
<p>f. Awnings, canopies, and marquees should be of high-quality materials and should not include vinyl.</p>	<p><i>The canopy at the taproom entry is steel. The open-air canopy is a wood structure protected by standing-seam metal roofing.</i></p> <p><i>This guideline is met.</i></p>
<p>g. Awning or canopy lighting, if provided, should highlight the building or illuminate the sidewalk and should not illuminate awnings or canopies from below or internally.</p>	<p><i>No uplighting is proposed.</i></p>

J. ROOFTOPS AND ROOFTOP SCREENING

Purpose: To create a visually interesting feature at the top of the building that enhances the quality and character of the building and complements the building design, while reducing or eliminating the visual impact of rooftop equipment on the street pedestrian environment by providing screening or other concealing design features that also contribute to the high-quality design and visual interest of the building.

Standard	Findings
<p>The following standards are applicable to rooftop design and screening of rooftop equipment.</p> <p>Design Standards</p> <p>a. Rooftop Design</p> <p>(1) The roof of a building must follow one (or a combination) of the following forms:</p> <ul style="list-style-type: none"> (a) Flat roof (less than 1/12 pitch) or low-slope roof (between 1/12 and 4/12 pitch) (b) Hip roof (c) Gabled roof (d) Dormers (e) Shed roof 	<p><i>The project proposes a gabled roof with a 4/12 pitch on the open-air canopy structure. The taproom building features both a gable with a 4/12 pitch in addition to a flat-roofed occupiable area.</i></p> <p><i>This standard is met.</i></p>

J. ROOFTOPS AND ROOFTOP SCREENING

Purpose: To create a visually interesting feature at the top of the building that enhances the quality and character of the building and complements the building design, while reducing or eliminating the visual impact of rooftop equipment on the street pedestrian environment by providing screening or other concealing design features that also contribute to the high-quality design and visual interest of the building.

Standard	Findings
<p>(2) Roofs are subject to the following standards as applicable:</p> <p>(a) All flat or low-slope roofs must be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in. See Figure 19.508.4.B.2.a(3).</p> <p>(b) All hip or gabled roofs exposed to view from adjacent public streets and properties must have a minimum 4/12 pitch.</p> <p>(c) Sloped roofs with a 4/12 pitch or higher must have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.</p> <p>(d) When an addition to an existing structure, or a new structure, is proposed in an existing development, the roof forms for the new structure(s) must have the same slope and be constructed of the same materials as the existing roofing.</p> <p>b. Rooftop Equipment Screening</p>	<p><i>The flat-roofed portion of the taproom is surrounded by a metal guardrail that is face-mounted to the curb surrounding the roof. These elements provide articulation to the parapet condition.</i></p> <p><i>The proposed gable roofs have a 4/12 pitch.</i></p> <p><i>The proposed sloped roofs have typical overhangs of 2'-6".</i></p> <p><i>The project does not propose any rooftop equipment.</i></p> <p><i>This standard is met</i></p>

K. SERVICE AREAS (SCREENING)

Purpose: To preserve well-designed building frontages and pedestrian environments by minimizing the potential negative impacts of service areas on visual design and circulation while maintaining sufficiently accessible and functional loading, waste collection, utility, and other service areas.

Standard	Findings
<p>To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to service areas location and screening.</p> <p>a. Service areas, loading docks, waste enclosures, external utility structures, and other similar features should be located away from pedestrian areas, public street frontages especially Main Street, or at a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.</p>	<p><i>The trash and recycling enclosure is accessed from Scott St, the lowest classification street of the three streets bounding the property. It is located at the back of the existing parking lot, far from pedestrian areas.</i></p> <p><i>This guideline is met.</i></p>
<p>b. Whenever possible, all sides of service areas, loading docks, waste enclosures, and other outbuildings should be screened and concealed. Solid gates or doors should be used on sides requiring access.</p>	<p><i>The trash and recycling enclosure is screened on all four sides. Solid walls form its north, east, and west elevations. A solid metal gate provides access and screening on the south elevation.</i></p> <p><i>This guideline is met.</i></p>
<p>c. Screening, fencing, landscaping, decorative walls, or other treatments should be used to provide screening, using materials and designs compatible with the primary building they serve. Screening should be of a height, width, and opacity necessary to sufficiently screen all equipment and service areas.</p>	<p><i>The trash and recycling enclosure is screened on all four sides. Solid walls form its north, east, and west elevations. The enclosure's walls are 7 ft tall and will be clad in metal siding to match the taproom building. A solid metal gate provides access and screening on the south elevation.</i></p> <p><i>This guideline is met.</i></p>
<p>d. Waste collection areas should be located and designed to minimize visual, odor, and noise nuisances, and should be integrated into the building. If separate waste collection enclosures are utilized, they must be screened, covered with a roof or be self-contained.</p>	<p><i>The trash and recycling enclosure is located at the north end of the existing parking lot to minimize the impact on pedestrians while being commonly accessible to all food vendors on site. It is screened on all four sides, and its stand-alone location allows for ample ventilation.</i></p>

L. PLAZAS AND USABLE OPEN SPACE

Purpose: To ensure that downtown plazas and open spaces are designed for usability and a variety of activities during all hours and seasons; provide amenities for downtown visitors, businesses, and residents; promote livability; and help soften the effects of built and paved areas.

Standard	Findings
<p>To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to size, design, seating, and lighting of plazas and open space areas.</p> <p>a. Plazas and open spaces should be inviting and create opportunities for a variety of uses.</p>	<p><i>The 1847 Food Park creates a variety of outdoor spaces for food service and dining. Seating arrangements for different sized groups are provided in a combination of covered and uncovered areas.</i></p> <p><i>This guideline is met.</i></p>
<p>b. Plazas and open spaces should avoid separation from the street by visual barriers or significant change of grade. Plazas and open spaces should create visual and physical connections to abutting buildings.</p>	<p><i>The 1847 Food Park maintains visual connections to the street through its transparent perimeter. As described in the application materials, it is of key importance that the activities of the development be inviting to pedestrians on the sidewalk. The proposed site plan is designed to work with existing grading and site features to allow multiple points of entry to the Project.</i></p> <p><i>This guideline is met.</i></p>
<p>c. Plazas and open spaces should be human-scaled, accessible, durable, and attractive, and should enhance users' comfort and enjoyment by integrating features such as:</p> <ul style="list-style-type: none"> (1) Pedestrian amenities such as water features, drinking fountains, and/or distinctive paving or artwork (2) Permanent or movable seating (3) Weather protection, especially weather protection that can be moved or altered to accommodate conditions (4) Transitional zones along building edges to allow for outdoor eating areas and a planted buffer (5) Lighting 	<p><i>The 1847 Food Park creates a variety of outdoor spaces for food service and dining. Seating arrangements for different sized groups are provided in a combination of covered and uncovered areas.</i></p> <p><i>This guideline is met.</i></p>

L. PLAZAS AND USABLE OPEN SPACE

Purpose: To ensure that downtown plazas and open spaces are designed for usability and a variety of activities during all hours and seasons; provide amenities for downtown visitors, businesses, and residents; promote livability; and help soften the effects of built and paved areas.

Standard	Findings
<p>d. Plazas and open spaces should create visual interest by including a mix of hardscape and landscape elements such as trees, shrubs, and plants.</p>	<p><i>A combination of new and existing landscape areas are located at the site perimeter. As shown on the site plan hardscaped areas are a combination of existing and new asphalt and concrete.</i></p> <p><i>This guideline is met.</i></p>
<p>e. Landscaping in plazas and open spaces should be integrated to provide shade for hardscaped areas and to provide visual interest and texture.</p>	<p><i>A combination of new and existing landscape areas are located at the site perimeter. The new open-air canopy is the primary source of shade and shelter for the development's plaza-like outdoor spaces. The combination of outdoor furnishings, new structures, and spaces created of various size and elevation lend visual interested and texture to the project.</i></p> <p><i>This guideline is met.</i></p>
<p>f. Buildings adjacent to plazas and open spaces should incorporate transparent windows and doors to provide physical and visual access to the space and should include active use areas that front the open space.</p>	<p><i>The proposed taproom building features large, glazed overhead doors opening to the development's outdoor spaces.</i></p> <p><i>This guideline is met.</i></p>
<p>g. Plazas and open space should be designed to integrate sustainability and enhance the relationship to the natural environment, including consideration of the sun angle at noon and the wind pattern in the design of the space and incorporation of water treatment features such as rain gardens.</p>	<p><i>The site design for the development integrates stormwater planters for rainwater management.</i></p> <p><i>This guideline is met.</i></p>

M. OUTDOOR AND EXTERIOR BUILDING LIGHTING

Purpose: To incorporate outdoor and exterior building lighting that increases pedestrian comfort, accentuates design and architectural features, enhances safety, and minimizes light pollution (both spill and casting or glare).

Standard	Findings
<p>The following lighting standards apply to the site and building.</p> <p>Design Standards</p> <p>a. Lighting must be designed to comply with the following standards:</p> <ul style="list-style-type: none"> (1) Primary building entrances required in Subsection 19.508.4.E must have a minimum illumination of 2.0 foot-candles. (2) All other building entrances and areas underneath weather protection elements described in Element I (Weather Protection) must have a minimum illumination of 1.0 foot-candles. (3) Common open spaces for residents subject to Subsection 19.508.4.L must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 1.0 foot-candles throughout the space. (4) Plazas and usable open space subject to Subsection 19.508.4.M must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 2.0 foot-candles throughout the space. (5) If off-street parking areas are present, lighting must comply with standards in Subsection 19.606.3.F. <p>b. Lighting luminaires must have a cutoff angle of 90 degrees or greater to ensure that lighting is directed downward, except as provided for uplighting of flags and permitted building-mounted signs.</p> <p>c. Lighting must not cause a light trespass of more than 0.5 footcandles measured vertically at all shared property lines of the site, with the exception of property lines along public right-of-way.</p> <p>d. Flashing or strobe lights, fluorescent tube lights, and security spotlights are prohibited on building exteriors.</p>	<p><i>As stated in the application materials, providing a well-lit and secure site is important for the development. While an engineered lighting plan has not been finalized, the Applicant acknowledges the standards with the intent that they be met or exceeded in the final design. Safety and crime prevention will be considered through good lighting design.</i></p> <p><i>As conditioned, to include a photometric plan with the development permit plans, this standard is met.</i></p>

As discussed in these findings, and as conditioned, the Planning Commission finds that the proposed design meets the applicable design standards of MMC 19.508.

7. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600, and MMC Subsection 19.602.3 establishes thresholds for full compliance with the standards of MMC 19.600. Development of a vacant site is required to provide off-street parking and loading areas that conform fully to the requirements of MMC 19.600.

Per Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440, which relate to Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to a TriMet bus stop. However, all other provisions of MMC 19.600 may still apply.

The proposed development includes improvements to an existing off-street parking area to serve the proposed food cart pod. The parking area is required to conform fully to the requirements of MMC 19.600.

The Planning Commission finds that the provisions of MMC 19.600 are applicable to the proposed development.

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand.

(1) MMC Subsection 19.605.1 Minimum and Maximum Requirements

MMC Table 19.605.1 provides minimum and maximum quantity requirements for eating and drinking establishments. For these uses located in the DMU, no off-street parking is required; the maximum parking permitted is 15 spaces per 1,000 sq ft of floor area.

The proposed development would include a taproom with a total floor area of 4,032 square feet. Based on this floor area, the maximum number of parking spaces permitted on the site is 60. The existing parking area has 16 spaces.

c. MMC Section 19.606 Parking Area Design and Landscaping

MMC 19.606 establishes standards for parking area design and landscaping, to ensure that off-street parking areas are safe, environmentally sound, and aesthetically pleasing, and that they have efficient circulation.

(1) MMC Subsection 19.606.1 Parking Space and Aisle Dimension

MMC 19.606.1 establishes dimensional standards for required off-street parking spaces and drive aisles. For 90°-angle spaces, the minimum width is 9 ft and minimum depth is 18 ft, with a 9-ft minimum curb length and 22-ft drive aisles.

The existing parking area includes 16 surface parking spaces with 90°-angle stalls that measure 9 ft by 18 ft, with a minimum 22-ft-wide drive aisle.

As proposed, this standard is met.

(2) MMC Subsection 19.606.2 Landscaping

MMC 19.606.2 establishes standards for parking lot landscaping, including for perimeter and interior areas. The purpose of these landscaping standards is to provide buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate between parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

In the DMU zone, perimeter buffer areas abutting a ROW must be at least four ft wide (measured from the inside of curbs); no buffer is required abutting another property. Within perimeter buffer areas, at least one tree must be planted every 30 lineal feet. All parking areas adjacent to a residential use must have a continuous visual screen in the abutting landscape perimeter area (opaque year-round from one ft to four ft above the ground).

At least 25 sq ft of interior landscaped area must be provided for each parking space, either a divider median between opposing rows of parking or a landscape island in the middle or at the end of a parking row. Interior landscaped areas must be a minimum of 6 ft wide (measured from the inside of curbs). For landscape islands, at least one tree must be planted per island; for divider medians, at least one tree must be planted every 40 lineal feet.

The landscaping requirements apply to outdoor parking lots, and the proposed development includes one adjacent to the development site. As shown on the submitted existing site survey and proposed Site Plan, an existing perimeter buffer area along McLoughlin Blvd measures 4 ft. The existing landscape buffers along Scott St, while do measure 4 ft, they straddle the property line. Landscaping at the south property line will be expanded to measure 4 ft from the property line to meet this requirement.

The existing parking lot maintains 16 parking spaces. Based on 25 sq ft of landscaping per space, this totals 400 sq ft of required interior landscaping. The proposed site plan creates a new landscape island at the northwest end of the parking lot. The landscape island produces approximately 520 sq ft of new landscaping beyond the perimeter buffer.

The applicable standards are met.

(3) MMC Subsection 19.606.3 Additional Design Standards

MMC 19.606.3 establishes various additional design standards for off-street parking areas. Paving and striping are required for all required maneuvering

and standing areas. Parking bumpers or wheel stops are required to prevent vehicles from encroaching onto public rights-of-way, adjacent landscaped areas, or pedestrian walkways. Driveways and on-site circulation must be designed so that vehicles enter the ROW in a forward motion. Pedestrian access must be provided so that no off-street parking space is farther than 100 ft away from a building entrance or a walkway that is continuous, leads to a building entrance, and meets the design standards of MMC Subsection 19.504.9.E. Lighting must not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site and must provide a minimum illumination of 0.5 footcandles for pedestrian walkways in off-street parking areas.

The existing parking area is proposed to be improved to meet the requirements of this section. A condition has been established to ensure that this standard is met.

As conditioned, the applicable standards are met.

As proposed and conditioned, the Planning Commission finds that the applicable design and landscaping standards of MMC 19.606 are met.

d. MMC Section 19.608 Loading

MMC 19.608 establishes standards for off-street loading areas and empowers the Planning Manager to determine whether loading spaces are required. Off-street loading is not required in the DMU zone. Where loading spaces are required, spaces must be at least 35 ft long and 10 ft wide, with a height clearance of 13 ft, and located where not a hindrance to drive aisles or walkways.

The subject property is zoned DMU, so no off-street loading is required. This standard is not applicable.

e. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking for new development of various uses, however, eating and drinking establishments are not included. Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use. MMC Subsection 19.609.4 requires bike racks to be located within 50 ft of a main building entrance.

The minimum number of vehicle spaces for the 4,032-sq ft taproom would be 4 spaces per 1,000 sq ft, for a total of 16 spaces. Therefore, the minimum number of bicycle spaces must be at least 10% of 16, or 2 bicycles. Four bike parking spaces are proposed at the main entrance to the project at the southeast corner of the site. Additional bike parking spaces are proposed to be installed in one vehicle parking space as well.

As proposed and conditioned, the Planning Commission finds that the applicable standards are met.

f. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes carpool parking standards for new industrial, institutional, and commercial development with 20 or more required parking spaces.

The existing parking area has 16 parking spaces. This standard is not applicable.

As proposed and conditioned, the Planning Commission finds that the proposed development meets all applicable standards MMC 19.600 for off-street parking.

8. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including new construction.

The applicant proposes to develop a food park with a multi-story taproom building, outdoor seating, permanent restrooms, and space for a variety of food vendors. The proposed new construction triggers the requirements of MMC 19.700.

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700, including requiring a preapplication conference, establishing the type of application required, and providing approval criteria.

The applicant had a preapplication conference with City staff on November 16, 2023, prior to application submittal. The City Engineer determined that the proposed development does not trigger a Transportation Impact Study. Finding 8-e addresses the proposal's compliance with the approval criteria established in MMC Subsection 19.703.3, particularly the required frontage improvements.

c. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts. Mitigation of impacts, due to increased demand for transportation facilities associated with the proposed development, must be provided in rough proportion. Guidelines require consideration of a ½ mile radius, existing use within the area, applicable TSP goals, and the benefit of improvements to the development property.

Based on proportionality guidelines found in MMC 19.705.2, the City Engineer has determined that the applicant is found responsible for constructing pedestrian improvements for the development.

The existing pedestrian facilities on all three frontages of the subject property were found to be insufficient, however, the City Engineer has determined that frontage improvements for all three frontages would not be proportional to the development impacts. A condition has been

established to require pedestrian improvements on both the Main Street and Scott Street frontages only.

These improvements include new curb, two new pedestrian ramps (on Scott Street at the corners of McLoughlin Boulevard and Main Street), and new sidewalk in compliance with the Americans with Disabilities Act and the City of Milwaukie Public Works Standards.

As conditioned, this standard is met.

d. MMC Section 19.707 Agency Notification and Coordinated Review

MMC 19.707 establishes provisions for coordinating land use application review with other agencies that may have some interest in a project that is in proximity to facilities they manage.

The subject property fronts Main Street, which is classified as a collector street and is part of a transit route. The subject property also abuts McLoughlin Blvd, which is a state-controlled highway. The application was referred to the Oregon Department of Transportation (ODOT), Clackamas County Department of Transportation and Development (DTD), TriMet, and Metro for comment.

This standard is met.

e. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities.

(1) MMC Subsection 19.708.1 General Street Requirements and Standards

MMC 19.708.1 provides general standards for streets, including access management, clear vision, street layout and connectivity, and intersection design and spacing.

As proposed and conditioned, the development is consistent with the applicable standards of MMC 19.708.1.

(2) MMC Subsection 19.708.2 Street Design Standards

MMC 19.708.2 provides design standards for streets, including dimensional requirements for the various street elements (e.g., travel lanes, bike lanes, on-street parking, landscape strips, and sidewalks).

Pedestrian improvements for the development include new sidewalks for the Main Street and Scott Street frontages. Downtown standards for Main Street from the City of Milwaukie Public Works Standards require curb-tight sidewalk to be 12'-16' wide. Standards for Scott Street require a minimum curb-tight sidewalk width of 8'. Street tree planting in compliance with the City of Milwaukie Public Works Standards will be required where able.

As conditioned, this standard is met.

(3) MMC Subsection 19.708.3 Sidewalk Requirements and Standards

MMC 19.708.3 provides standards for public sidewalks, including the requirement for compliance with applicable standards of the Americans with Disabilities Act (ADA).

The proposed development includes two new ADA ramps on Scott Street at the corners of McLoughlin Boulevard and Main Street.

Sidewalks shall conform to the City of Milwaukie Public Works Standards and the Americans with Disabilities Act requirements.

As conditioned, the development is consistent with all applicable standards of MMC 19.708.3.

(4) MMC Subsection 19.708.6 Transit Requirements and Standards

MMC 19.708.6 provides standards for transit facilities.

The portion of Main Street fronting the proposed development is classified as a transit route in the Milwaukie Transportation System Plan (TSP). However, transit facilities are already in place. As a result, transit facility improvements are not required for the proposed development.

As proposed, the development is consistent with all applicable standards of MMC 19.708.6.

As conditioned and proposed, the development will meet all applicable standards of MMC 19.708 and any other applicable City requirements.

The Planning Commission finds that the proposed development meets the applicable public facility improvement standards of MMC 19.700.

9. MMC Section 19.907 Downtown Design Review

MMC 19.907 establishes the applicability, procedure, and approval criteria for design review of development downtown.

a. MMC Subsection 19.907.2 Applicability

A project, addition, or expansion that proposes to meet one or more of the design guidelines of Section 19.508 in lieu of complying with the design standards of Section 19.508 is subject to Type III review.

As addressed in Finding 6, the design does not meet all of the downtown design standards of MMC 19.508. The proposed development is subject to Type III review.

b. MMC Subsection 19.907.5 Approval Criteria

MMC 19.907.5 establishes the approval criteria for Type I, II, and III downtown design review. For Type III review, projects must meet the following criteria:

(1) Compliance with MMC Title 19.

- (2) Compliance with applicable design standards in MMC 19.508.
- (3) Substantial consistency with the purpose statement of the applicable design standard and the applicable Downtown Design Guideline(s) being utilized in place of the applicable design standard(s).

For the proposed development, compliance with the applicable standards of MMC Title 19 is discussed throughout these findings. Finding 6 discusses the project's compliance with the applicable design standards of MMC 19.508, as well as consistency with the purpose statement of any design standards that are not met and any applicable downtown design guidelines.

As discussed throughout these findings, and particularly in Finding 6, and as conditioned where necessary, the proposed development satisfies the approval criteria for downtown design review.

As addressed throughout these findings (particularly in Findings 6 and 10), and as conditioned where necessary, the Planning Commission finds that the proposed development meets the approval criteria for Type III downtown design review.

10. MMC Section 19.911 Variances

a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests.

Variances may be requested to any standard of MMC Title 19, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B. Ineligible variances include requests that result in any of the following: change of a review type, change or omission of a procedural step, change to a definition, increase in density, allowance of a building code violation, allowance of a use that is not allowed in the base zone, or the elimination of restrictions on uses or development that contain the word "prohibited."

The applicant has requested a variance from the minimum FAR standard in the DMU zone.

The requested variance meets the eligibility requirements.

b. MMC Subsection 19.911.3 Review Process

MMC 19.911.3 establishes review processes for different types of variances. MMC Subsection 19.911.3.B establishes the Type II review process for limited variations to certain numerical standards. MMC Subsection 19.911.3.C establishes the Type III review process for larger or more complex variations to standards that require additional discretion and warrant a public hearing.

The requested variance is not eligible for Type II review; it is subject to the Type III review process.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests. For Type III variances, MMC Subsection 19.911.4.B.1 provides approval criteria related to discretionary relief and MMC Subsection 19.911.4.B.2 provides approval criteria related to economic hardship.

(1) MMC Subsection 19.911.4.B.1 Discretionary Relief Criteria

- (a) The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The variance requested is for a reduction to the minimum required FAR of 1:1. The total area of the taproom building is 4,032 SF. Total site area after lot consolidation is approximately 20,576 SF.

$$4,032 \text{ SF} / 20,576 \text{ SF} = 0.2 \text{ FAR Proposed}$$

The intent of FAR standards is to regulate the intensity of development. However, for a project like the 1847 Food Park, project intensity is not proportional to enclosed floor area. The food park creates a variety of covered and uncovered outdoor spaces for the express purpose of being actively engaged by the public.

It is understood that floor area is defined as area within exterior building walls. While the open-air canopy and covered roof deck of the Taproom do not count as floor area, staff notes that these structured areas do contribute to perceived mass and intensity of use for the development.

The 1847 Food Park is experienced more like a public plaza than a building per se. MMC 19.304.5.A.3 offers exemptions to the minimum FAR for public parks and plazas in recognition of their value to the community. However, because the Food Park will be privately owned, it cannot claim this exemption and must request a variance.

The Planning Commission finds that the analysis of the impacts and benefits of the requested variance compared to the baseline requirements is adequate. This criterion is met.

- (b) The proposed variance is determined to be both reasonable and appropriate, and it meets one or more of the following criteria:
- The proposed variance avoids or minimizes impacts to surrounding properties.
 - The proposed variance has desirable public benefits.
 - The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

The proposed development creates desirable public spaces designed to be engaged by the community year-round through a combination of indoor, outdoor, covered, and uncovered areas. As described in the application materials, the project was

designed to respond to the history and topography of the site that was once Peake Funeral Chapel.

The Planning Commission finds that the requested variance is reasonable and appropriate and that it meets one or more of the criteria provided in MMC Subsection 19.911.B.1.b.

- (c) Impacts from the proposed variance will be mitigated to the extent practicable.

The impacts of the food park and its associated FAR will be significantly less than a conventional, full-block building would be. The retention of the existing parking lot provides onsite parking for a project type that typically does not offer it, leaving on-street parking for the surrounding businesses. The large site area ensures that disruptions during construction will be minimized, as the site has plenty of room for construction staging and material storage.

The Planning Commission finds that the requested variance will not result in any impacts that require mitigation. This criterion is met.

As proposed, the Planning Commission finds that the requested variance meets the approval criteria established in MMC 19.911.4.B.1 for Type III variances seeking discretionary relief.

The Planning Commission finds that the requested variance is allowable as per the applicable standards of MMC 19.911.

11. The application was referred to the following departments and agencies on May 1, 2024:

- Milwaukie Community Development Department
- Milwaukie Engineering Department
- Milwaukie Building Department
- Milwaukie Public Works Department
- Milwaukie Police Department
- City Attorney
- Historic Milwaukie Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
- Clackamas Fire District #1 (CFD #1)
- Clackamas County Department of Transportation & Development
- Metro
- ODOT
- TriMet
- NW Natural

The comments received are summarized as follows:

- ODOT: summary of permitting requirements for any work performed in the state highway right-of-way
- Hamid Shibata Bennett: support for bike parking and a variety of food cart options

ATTACHMENT 2
Recommended Conditions of Approval
Primary File #DR-2024-001, 1847 Food Park

Conditions

1. Prior to submittal of the associated development permit application(s), the required application and survey plans to consolidate the parcels on the site must be submitted to the Planning Department.
2. At the time of submittal of the associated development permit application(s), the following must be resolved:
 - a. Final plans submitted for development permit review must be in substantial conformance with the plans and drawings approved by this action, which are the revised plans and drawings received by the City on April 15, 2024, except as otherwise modified by these conditions of approval.
 - b. Provide a narrative describing all actions taken to comply with these conditions of approval. In addition, describe any changes made after the issuance of this land use decision that are not related to these conditions of approval.
 - c. As per Finding 7-e, provide sufficient detail to confirm that the dimensional requirements for bicycle parking are met (as established in MMC Subsection 19.609.3) for the bike racks. Additional bike racks will be installed in one vehicle parking space in the parking lot.
3. Prior to final inspection of the required building permit and issuance of a certificate of occupancy, the following must be resolved:
 - a. Submit documentation from the project landscape designer attesting that all required site plantings have been completed in conformance with the approved site plans and with City standards.
 - b. As per Finding 4, two existing accessways for the development must be abandoned and reconstructed with new curb. The remaining accessway on Scott Street shall be limited to right turn only movements to mitigate conflicts with McLoughlin Boulevard.
 - c. As per Finding 8-e, construct all pedestrian improvements including: new curb sidewalk on the Scott Street and Main Street frontages, a new ADA ramp at the corner of Scott Street and McLoughlin boulevard, and a new ADA ramp at the corner of Scott Street and Main Street.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code (MMC) and Public Works Standards that are required at various points in the development and permitting process.

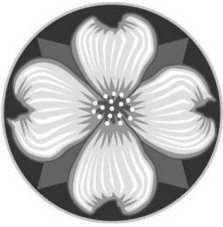
1. At the time of submittal of the associated development permit application(s), the following must be resolved:
 - a. Submit a final stormwater management plan to the City of Milwaukie Engineering Department for review and approval. The plan must be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department. All utilities must conform to the Milwaukie Public Works Standards.
2. Prior to commencement of any earth-disturbing activities, the applicant must obtain a City erosion control permit.
3. Obtain a City right-of-way (ROW) permit for construction of all required public improvements and accessway alterations.
 - a. Provide an engineering estimate for the cost of the public improvements.
 - b. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - c. Provide a payment and performance bond for 130% of the cost of the required public improvements.
 - d. Install all underground utilities, including stubs for utility service prior to surfacing any streets. Utilities must be designed to minimize or eliminate infiltration of floodwaters into the system. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters. Relocate or provide a private utility easement for all utilities encroaching onto adjacent properties.
 - e. Clear vision areas must be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection. Remove all signs, structures, or vegetation more than 3 ft in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.
 - f. The final site plan must be approved by the City Engineer prior to construction.
 - g. Provide a 12-month Maintenance Bond upon completion of the construction.
 - h. Provide a final approved set of electronic (PDF) “As Constructed” drawings to the City of Milwaukie prior to final inspection.
4. As discussed in Finding 7-c(2), note that perimeter parking landscaping adjacent to a right-of-way must have a continuous visual screen in the abutting landscape perimeter area (opaque year-round from one ft to four ft above the ground). These standards must be met at the time of planting.

5. Expiration of Approval

As per MMC Subsection 19.1001.7.E, the land use approval granted with this decision will expire and become void unless the following criteria are satisfied. For proposals requiring

any kind of development permit, the development must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within two years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four years of land use approval.



MILWAUKIE PLANNING
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206
 503-786-7630
 planning@milwaukieoregon.gov

Application for Land Use Action

Primary File #: DR-2024-001;

Review type*: I II III IV V

VR-2024-002

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|--|--|---|
| <input type="checkbox"/> Amendment to Maps and/or | <input type="checkbox"/> Land Division: | <input type="checkbox"/> Residential Dwelling: |
| <input type="checkbox"/> Comprehensive Plan Map | <input type="checkbox"/> Partition | <input type="checkbox"/> Manufactured Dwelling Park |
| <input type="checkbox"/> Amendment | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Temporary Dwelling Unit |
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Replat | |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Transportation Facilities Review** |
| <input type="checkbox"/> Code Interpretation | <input type="checkbox"/> Miscellaneous: | <input checked="" type="checkbox"/> Variance: |
| <input type="checkbox"/> Community Service Use | <input type="checkbox"/> Barbed Wire Fencing | <input type="checkbox"/> Use Exception |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Mixed Use Overlay Review | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Development Review | <input type="checkbox"/> Modification to Existing Approval | <input type="checkbox"/> Willamette Greenway Review |
| <input type="checkbox"/> Director Determination | <input type="checkbox"/> Natural Resource Review** | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Downtown Design Review | <input type="checkbox"/> Nonconforming Use Alteration | Use separate application forms for: |
| <input type="checkbox"/> Extension to Expiring Approval | <input type="checkbox"/> Parking: | • Annexation and/or Boundary Change |
| <input type="checkbox"/> Historic Resource: | <input type="checkbox"/> Quantity Determination | • Compensation for Reduction in Property Value (Measure 37) |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> Quantity Modification | • Daily Display Sign |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Shared Parking | • Appeal |
| <input type="checkbox"/> Status Designation | <input type="checkbox"/> Structured Parking | |
| <input type="checkbox"/> Status Deletion | <input type="checkbox"/> Planned Development | |

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Terry Amundson, Koble Creative Architecture LLC

Mailing address: 2117 NE Oregon St., Suite 301, Portland State/Zip: OR, 97232

Phone(s): 503-539-4300 Email: terry@koblecreative.com

Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: State/Zip:

Phone(s): Email:

SITE INFORMATION:

Address: 1915 & 1925 SE Scott St., Milwaukie, OR 97222 Map & Tax Lot(s): 11E35AA00101 & 11E35AA00200

Comprehensive Plan Designation: TC Zoning: DMU Size of property: 0.47 acres

PROPOSAL (describe briefly):

The new 1847 Food Park includes an open-air timber Canopy structure and a Taproom building with a bar, permanent restrooms, and indoor/outdoor seating areas. Utility infrastructure for food vendors will be provided. Existing on-site parking is preserved.

SIGNATURE: I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by:  Terry Amundson, Koble Creative Date: 04/05/2024

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.
 ** Natural Resource and Transportation Review applications may require a refundable deposit.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

DEPOSITS:

Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	DR-2024-001	\$ 2,000			
Concurrent application files	VR-2024-002	\$ 1,500	25%		
		\$			
		\$			
	Total	\$ 3,500			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	

TOTAL AMOUNT RECEIVED: \$

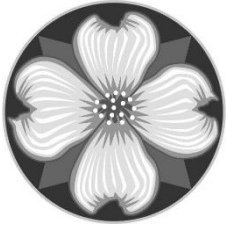
RECEIPT #:

RCD BY:

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s): HISTORIC MILWAUKIE

Notes:



MILWAUKIE PLANNING
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503-786-7630
planning@milwaukieoregon.gov

Submittal Requirements

**For all Land Use Applications
(except Annexations and Development Review)**

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.

Applications without the required application forms and fees will not be accepted.

2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.

Where written authorization is required, applications without written authorization will not be accepted.

3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.

4. **Detailed statement** that demonstrates how the proposal meets the following:

A. All applicable development standards (listed below):

1. **Base zone standards** in Chapter 19.300.
2. **Overlay zone standards** in Chapter 19.400.
3. **Supplementary development regulations** in Chapter 19.500.
4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

B. All applicable application-specific approval criteria (check with staff).

C. Compliance with the Tree Code (MMC 16.32): www.milwaukieoregon.gov/trees

These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/

5. **Site plan(s), preliminary plat, or final plat** as appropriate.

See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.

6. **Copy of valid preapplication conference report**, when a conference was required.

G:\Planning\Internal\Administrative - General Info\Applications & Handouts\Submittal Rqmts_Form_revised.docx—Rev.

6/22

APPLICATION PREPARATION REQUIREMENTS:

- Electronic copies of all application materials are required at the time of submittal.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

As the authorized applicant I, (print name) Terry Amundson, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature:  Terry Amundson, Koble Creative Architecture LLC

Date: 04/05/2024

Official Use Only

Date Received (date stamp below):

Received by: _____

April 5, 2024

Milwaukie Planning Department
10501 SE Main Street
Milwaukie, OR 97222

Re: Letter of Authorization - 1847 Food Park
Type III Downtown Design Review & Variance
1915 & 1925 SE Scott Street

Dear Planning Department,

This letter serves as my formal authorization for Koble Creative Architecture LLC to initiate a Land Use Review for proposed development on properties that I own. The subject properties are located at 1915 and 1925 SE Scott Street, Milwaukie, OR 97222, and are comprised of tax lots 11E35AA00101 and 11E35AA00200. Representatives of Koble Creative are authorized to act on my behalf for the duration of the application and review process.

Regards,

Eric Saunders
Owner
RMCC Development

Date April 5, 2024

Project 1847 Food Park

Site Address 1915 & 1925 SE Scott Street
Milwaukie, OR 97222
Tax Lots 11E35AA00101 & 11E35AA00200

**Architect/
Applicant** Koble Creative Architecture LLC
Terry Amundson
2117 NE Oregon St. #301
Portland, OR 97232

**Owner/
Developer** RMCC Development
Eric Saunders

Re: Type III Downtown Design Review
Type III Variance (FAR)

Project Description

The 1847 Food Park is proposed for 1925 SE Scott Street, the former home of the Peake Funeral Chapel, now demolished. The name "1847 Food Park" honors the year Milwaukie was first settled by the Luelling family. The Project includes two permanent structures designed to take advantage of the existing topography and "ruins" left by the old chapel. Utility connections for gas, water, and electricity will be provided for food vendors throughout the site.

The foundation of the former chapel becomes a recessed dining area, 2/3 of which is sheltered by a new, open-air canopy. The timber canopy structure is located at the property line on Scott Street and creates an entry to the Food Park at the corner of Scott and Main Streets.

At the northern property line, a new taproom building occupies the location of the apartment dwellings that once stood there. The multi-story taproom incorporates a bar, indoor and roof-deck seating areas, and permanent restrooms to serve the development. The existing parking lot at the west side of the property remains, providing on-site parking for patrons of the food park.

The Applicant anticipates applying for the consolidation of the two lots comprising the Project (tax lots 11E35AA00101 & 11E35AA00200) prior to building permit application.

Background

A Preapplication Conference was conducted on November 16, 2023, with the Preapplication Report being issued November 30th, 2023 under Project ID: 23-009PA. A copy of the Preapplication Report has been included as an attachment to this submittal.

Following the Preapplication, the Owner and Applicant presented the Project to the Historic Milwaukie Neighborhood District Association on January 8th, 2024 at their regular meeting. The proposal was well-received, and the Applicant expects favorable support of the Project from neighboring residents and business owners during this review process.



Request

Given that this is a unique proposal for the DMU zone, the Applicant acknowledges that the Project will need to meet the Downtown Site and Building Design Standards of MMC 19.508 through a Type III, Downtown Design Review process consistent with MMC 19.907. The following pages detail specific responses to each required design element.

The Project is also requesting a variance to the minimum required Floor Area Ratio (FAR) defined by Table 19.304.4 and Figure 19.304-3. A detailed description of the variance request can be found under Chapter 19.911 – Variances in the pages that follow. The Applicant respectfully requests that the City review the Type III Land-Use application materials as submitted herein.

Conformance to Applicable Standards

Chapter 19.300 – Base Zone Standards

19.304 Downtown Zones

The subject site falls in the DMU (Downtown Mixed Use) zone. The standards of this chapter apply as the Base Zone, in addition to the standards of 19.508 - Downtown Site and Building Design Standards and Guidelines. See further information in Section 19.508 below.

19.304.2 Uses

As detailed in Table 19.304.2, the DMU zone allows for a variety of uses, including eating and drinking establishments, which is how the City would categorize the proposed food cart pod and taproom. As such, the proposed Food Park is a permitted use for this zone.

19.304.3 Use Limitations, Restrictions, and Provisions

Per Section 19.304.3.A.3, eating/drinking establishments are limited to 20,000 SF on the ground floor. The entire ground floor area of the 1847 Food Park measures approximately 11,545 SF. That includes indoor, outdoor, covered and uncovered areas for dining and food preparation. The proposed Food Park is within the use limitations of this section.

19.304.4 Development Standards

Table 19.304.4 summarizes development standards for downtown zones.

Table 19.304.4 Section A – Lot Standards

1. *Minimum lot size:* 750 SF
2. *Minimum street frontage:* 15 FT

RESPONSE: Prior to issuance of a building permit, the Applicant acknowledges that the two lots comprising the Project must be consolidated. The resulting property will total approximately 20,576 SF or 0.47 acres, with approximately 419 FT of combined street frontage on Scott Street, Main Street, and McLoughlin Boulevard. This standard is met.



Table 19.304.4 Section B – Development Standards

1. Floor area ratio: 1:1 Minimum, 6:1 Maximum (Min FAR per Figure 19.304-3)

RESPONSE: Total area of the Taproom Building is 4,032 SF. Total site area after lot consolidation is approximately 20,576 SF.

4,032 SF / 20,576 SF = 0.2 FAR Proposed

The proposed 0.2 FAR is below the minimum required, and a variance is being requested. A detailed description of the variance request can be found under Chapter 19.911 – Variances in the pages that follow.

2. Building height: 25 FT Minimum, 45-55 FT Maximum

RESPONSE: As shown on the East Elevation, the Taproom measures approximately 30'-11" high. This standard is met.

3. Setbacks
 - a. Minimum street setback: 0
 - b. Side and rear setbacks: None

RESPONSE: As the site has no minimum street, side, or rear setbacks, this standard is met.

4. Off-street parking required: Yes, where applicable

RESPONSE: As confirmed in the Preapplication Report, Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440 prohibit the City mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to a TriMet bus stop.

No off-street vehicle parking is required for the proposed development. However, parking is proposed for the development, so the general parking design standards apply. See additional discussion of chapter 19.600 that follows. This standard is met.

Table 19.304.4 Section C – Other Standards

1. Residential density requirements

RESPONSE: As the Project contains no residential uses, this standard is not applicable.

2. Signs: See section 14.16.060 Downtown Zones - A. Freestanding Sign

In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than 60% of the total area of the monument. Pole signs are prohibited.

RESPONSE: The site had an existing pole sign at the west property line. This sign was non-conforming, and it has been removed. New signage at this location will be of the monument type, conforming with current codes. The site also has an existing monument sign at the east property line that will be retained and repurposed for the 1847 Food Park. The existing monument sign measures approximately 7' x 7'. At this time, final graphics and branding for the project have not been confirmed. Placeholder graphics are included with this land-use submittal.



Chapter 19.400 – Overlay Zone Standards

There are no special overlays on the subject property. This section does not apply.

Chapter 19.500 – Supplementary Development Regulations

19.508 Downtown Site and Building Design Standards

19.508.4 Downtown Design Elements

A. Site Frontage

1. Purpose

To encourage building design and site placement that enlivens the public realm and streetscape through significant building presence along site frontages and active ground-floor uses.

2. Design Standards

a. Frontage Occupancy

Table 19.508.4.A.2.a.(1) Minimum Frontage Occupancy Requirements		
Block Faces ¹	Minimum Frontage Occupancy Requirement	Notes
Main Street	90%	If the development site has frontage on Main Street and another street, the frontage occupancy requirement must be met on Main Street only.

b. Build-To Lines / Street Setbacks

c. Active Ground-Floor Space

RESPONSE: The proposed 1847 Food Park does not meet prescriptive Design Standards for frontage and therefore must address the Design Guidelines below.

3. Design Guidelines

a. A strong and high-percentage presence of buildings on the site edge, and spacious active ground-floor spaces and uses should be provided to create a continuous building frontage on the street to create compatibility and harmony between buildings and to encourage pedestrian activities. Building placement along the street should contribute to a continuous street wall that integrates storefront opportunities and architectural interest along the street, and should bring buildings up to the sidewalk for pedestrian interest. The amount of building presence should be scaled to the uses and intensity of the street.



RESPONSE: The 1847 Food Park by its very nature creates spacious and active ground-floor spaces. The transparent perimeter fencing defines the sidewalk edge while inviting pedestrians into the site to engage with food vendors, and the ample indoor/outdoor seating areas encourage patrons to stay and enjoy their food and drink. The open-air Canopy is a building without walls that is brought to the property's edge on Scott Street. The canopy brings a pedestrian scale and shelter to the Park's entrance at the corner of Scott and Main streets.

b. Where buildings are set back from the property line and sidewalk, the setback distance should be minimized and plazas and open space should be located between the building and sidewalk edge, helping to enliven the street edge and pedestrian realm. The plaza and open space area should incorporate pedestrian-scale features consistent with guidelines in Subsection 19.508.4.M.

RESPONSE: The open-air Canopy is built to the south property line on Scott Street, and 9' to 10' from the Main Street (east) property line. The proposed setback on Main Street is governed by the existing monument sign and landscape areas that are being retained, as well as the existing chapel foundation that is incorporated into the design.

The Taproom is located at the heart of the site, approximately 71'-4" from Main Street, and 81'-4" from Scott Street. The areas between the Taproom and these streets act as pedestrian plazas, populated with active uses: food vendors, gathering places, furniture for sitting and dining.

c. Ground floors of commercial, public, and mixed-use buildings should be flexible and offer ample space for active uses serving occupants and visitors, such as retail, service, or food service. The amount of active ground-floor space should be scaled to match the uses and intensity of the street, with the greatest amount in new buildings along Main Street. High ground-floor heights and adequate depths should provide flexible interior spaces for active uses.

RESPONSE: Ground floor areas of the Food Park act as pedestrian plazas, populated with active uses: food vendors, gathering places, furniture for sitting and dining. Ceiling heights at the Canopy range from 12' at the sidewalk to 17' at the sunken dining area. See the Building Section. Site furniture provides a variety of seating options that can be reconfigured for new uses or special events.

B. Wall Structure and Building Façade Detail

1. Purpose

To add visual interest to buildings and enhance the street environment with engaging and varied wall structures. Use design features and details to break down the scale and mass of a building to create comfortable, pedestrian-friendly environments and enclosure to public areas.

2. Design Standards...

RESPONSE: The proposed 1847 Food Park does not meet prescriptive Design Standards for vertical and horizontal articulation and therefore must address the Design Guidelines below.



3. Design Guidelines

a. *Street-facing façades should engage the street, achieving a distinct and high-quality treatment that contributes to the downtown as the center of the community.*

RESPONSE: The open-air Canopy engages the south property line on Scott Street and is 9' to 10' from the Main Street (east) property line. The proposed setback on Main Street is governed by the existing monument sign and landscape areas that are being retained, as well as the existing chapel foundation that is incorporated into the design. Site perimeter fencing gives definition to the sidewalk edge while its transparency allows visual connection to activities of interest within the site.

b. *Building façades should create a sense of coherence through holistic and human-scale design. They should be designed with vertical divisions such as a tripartite façade of base, middle, and top, and horizontal design elements that reference traditional storefront widths and create a sense of rhythm, or an alternative design of vertical and horizontal elements that bring a human scale to the space of the street. Such vertical and horizontal architectural elements should create a coherent pattern and visual interest at a pedestrian scale, particularly for larger buildings.*

RESPONSE: Both the Taproom and Canopy share a structural expression that gives them a common rhythm and scale. Wood columns support wood trusses in equally spaced bays. Both structures are modestly scaled relative to other downtown buildings. The Taproom reads as a two-story building with a partially covered roof deck. Its large, glazed openings further decrease the sense of building mass such that additional vertical articulation features aren't warranted.

c. *Buildings should avoid blank wall faces on street-facing façades, particularly on ground floors and building corners at street intersections.*

RESPONSE: The 1847 Food Park does not present any blank walls to the street. The Canopy is an open, visually transparent structure. The Taproom features large openings, both fixed and operable, on its east, south, and west elevations. The metal fencing at the site perimeter is visually transparent.

d. *Building façades should integrate façade articulation techniques to add visual interest to the built environment and clearly demarcate areas of visual interest, highlighting entries or displays.*

RESPONSE: The Project's entrance at prominent corner of SE Scott & Main Streets is articulated as a portal into the Canopy structure, which is further accentuated by the repurposed monument sign.

e. *Massing should be purposeful and cohesive, boldly showing depth and/or visual lightness to enrich the pedestrian zone, integrating façade articulation techniques to reduce the perceived scale of larger buildings.*

RESPONSE: Both the Taproom and Canopy share a structural expression that gives them a common rhythm and scale. Wood columns support wood trusses in equally spaced bays. Their gable roof forms and shared use of materials strengthen their visual relationship.



Both structures are modestly scaled relative to other downtown buildings. The Taproom reads as a two-story building with a partially covered roof deck. Its large, glazed openings further decrease the sense of building mass such that additional vertical articulation features aren't warranted.

C. Exterior Building Materials

1. Purpose

To encourage the use of high-quality building materials that highlight architectural elements, create a sense of permanence, are compatible with downtown Milwaukee and the surrounding built and natural environment, and activate the building around the pedestrian realm.

2. Design Standards

Table 19.508.4.C.2 specifies the primary, secondary, accent, and prohibited material types referenced in this standard.

Table 19.508.4.C.2 Exterior Building Materials for Street-Facing Façades		
Material Type	Allowed Status of Material P = Primary S = Secondary A = Accent R = Review needed X = Prohibited	
	Ground Floor (First story down to sidewalk grade)	Upper Floors
Brick or brick veneer	P	P
Architectural concrete block or veneer	P	S
Architectural treated poured in place concrete	P	S
Tilt-up concrete walls (finished)	P	P
Pre-cast concrete	P	P
Stone veneer (natural or manufactured)	A-R	A-R
Stucco (topcoat with sand finish)	P	P
Exterior insulation finishing system (EIFS) or other synthetic stucco panels	P-R	P-R
Metal siding = Finished metal panels (e.g., anodized aluminum, stainless steel, copper) featuring a polished, brushed, or patina finish	P	P
Composite wall panels	P	P
Ceramic tile	A	S
Finished natural wood siding and composite wood siding	A	A
Fiber-reinforced cement siding and panels (5/16-in or thicker)	A	P
Through color reinforced cement siding and panels	A	S
Glazing (refer to Façade Transparency element)	P	P
Table 19.508.4.C.2 CONTINUED Exterior Building Materials for Street-Facing Façades		
Material Type	Ground Floor (First story down to sidewalk grade)	Upper Floors
Vinyl siding	X	X
Plywood paneling	X	X
Plastic or vinyl fencing	X	X
Chain-link fencing	X	X

RESPONSE: The Taproom building features prefinished metal siding panels, which is approved as a primary exterior building material. The expression of the wood structural columns serves as an accent material. This standard is met.

3. Design Guidelines...

RESPONSE: See the preceding response to Design Standards.



D. Façade Transparency and Activation

1. Purpose

To activate building interiors and exteriors by ensuring transparency through the building, allowing for daylighting of ground-floor commercial and public uses of buildings, and promoting a safe and vibrant pedestrian environment through visual and physical connections between interior and exterior spaces. To limit blank walls and promote alternatives to glazing where needed to activate façades and engage pedestrians viewing building exteriors.

2. Design Standards...

RESPONSE: The proposed 1847 Food Park does not meet prescriptive Design Standards for Façade Transparency and Activation and therefore must address the Design Guidelines below.

3. Design Guidelines

a. *Design street-facing nonresidential and mixed-use ground floors with a high percentage of glazing to create transparency and engagement at the pedestrian eye level.*

RESPONSE: The street faces of the 1847 Food Park are extremely transparent, as they are not defined by walls per se. The Canopy structure and perimeter fencing are purposefully left open to the air, allowing pedestrians a visual connection to the active site interior.

b. *Design nonresidential and mixed-use street-facing upper floors with sufficient glazing coverage to create visual interest along the façade and access to views, light, and air for building inhabitants.*

RESPONSE: The upper floors of the Taproom, while not sited directly on the street face, feature large operable openings measuring up to 14' wide by 8' tall. These openings frame bar-style seating counters, effectively advertising the activity happening within while affording panoramic views for Taproom patrons.

c. *Design residential street-facing façade glazing coverage to balance transparency and privacy for residents.*

RESPONSE: The project does not contain any residential uses. This guideline is not applicable.

d. *Arrange glazing to provide balanced coverage of the façade and limit blank walls on both street-facing and street-visible façades. If blank walls are proposed, use alternatives to glazing such as artwork, murals, vertical landscaping, and changes in materials or articulation to create visual interest.*

RESPONSE: Reference Taproom Elevation drawings. The street-facing/street-visible east, south, and west facades are articulated with a combination of large windows, doors, and other features. The north elevation is built within three feet of the interior property line, at which distance openings are not permitted by the building code.

e. *Design window and doors to maximize transparency and flexibility for ongoing use and adaptation that can be integrated into planned and future*



building uses and operations, considering such future treatments as shades, curtains, security fencing, and product shelving near windows or doors.

RESPONSE: The 1847 Food Park is flexible by necessity. Food carts vary in size and design, and different vendors may come and go as the project matures. Outdoor paved areas will allow for various configurations of food carts and site furniture for patrons. The Taproom building interior has an open-concept plan on each floor with large openings to the exterior.

E. Building Entrances

1. Purpose

To create pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

2. Design Standards

a. All new buildings must have at least one primary entrance facing an abutting street. For purposes of this standard, "facing" means within 45 degrees of the street property line.

RESPONSE: The Project entrance faces Main Street at the Scott Street corner. While not an enclosed building, the open-air Canopy is both the functional and symbolic entry point to the 1847 Food Park. This standard is met.

b. For lots with frontage along more than one street, including multiple lots under common ownership being developed as a single site, the primary entrance must be located as follows:

(1) For lots with one frontage along a transit street, the primary entrance must be oriented to the transit street with the exception of Subsection 19.508.4.E.2.c.

(2) For lots with frontage along 2 transit streets, the primary entrance must be oriented to the street with higher-frequency transit service or the corner of the 2 streets.

(3) For lots with frontage along Main Street, the primary entrance must be oriented to Main Street or the corner of the 2 streets, even if the other frontage is along a transit street.

RESPONSE: The Project entrance faces Main Street at the Scott Street corner. While not an enclosed building, the open-air Canopy is both the functional and symbolic entry point to the 1847 Food Park. This standard is met.

(4) For lots without frontage on Main Street or a transit street, the primary entrance may be oriented to either street.

c. Where a development contains multiple buildings or multiple individual storefronts or residential units and there is insufficient street frontage to meet the above entrance location standards for all buildings, storefronts, or residential units



on the subject site, the primary entrances for each building, storefront, or residential unit may orient to a plaza, courtyard, or similar pedestrian space designed as usable open space meeting the standards of Subsection 19.508.4.M. When oriented this way, the primary entrances must be connected to the street by an on-site pedestrian walkway either directly or through a plaza, courtyard, or similar pedestrian space as shown in Figure 19.508.4.E.2.

RESPONSE: The Taproom building, set back in the site, has its entrance oriented to a pedestrian courtyard used by patrons of the food park for gathering and dining. This standard is met.

d. For nonresidential and mixed-use buildings:

(1) Primary entrances for mixed-use and nonresidential buildings must be clearly defined and distinguished from other parts of the building by incorporating at least one of the following design elements:

(a) Recessed or projected entry.

(b) Entry surrounds such as arches, columns, insets, and design elements above and/or flanking the entrance.

RESPONSE: The Project entrance on Main Street at the Scott Street corner is defined by being pulled back from the sidewalk and anchored by the repurposed monument sign. While not an enclosed building, the open-air Canopy is both the functional and symbolic entry point to the 1847 Food Park. This standard is met.

(c) Transom windows above the entrance door.

(2) The glazed portions of doors for primary entrances must be 75% or more of the door area.

RESPONSE: The entrance on the south elevation of the Taproom is a fully glazed door. This standard is met.

3. Design Guidelines...

RESPONSE: See the preceding responses to Design Standards.

F. Windows

1. Purpose

To integrate windows made of high-quality materials that are compatible with the building design to create visually interesting exterior façades and that function to create sufficient interior light and enhance connections between interior and exterior spaces.

2. Design Standards...

RESPONSE: The proposed 1847 Food Park does not meet prescriptive Design Standards for windows and therefore must address the Design Guidelines below.



3. Design Guidelines

a. *Window materials should be compatible with other primary wall and surface materials while providing a degree of contrast. Materials should be high quality and provide a high degree of transparency. Windows should provide shadowing through use of trim and/or recesses.*

RESPONSE: The windows proposed are aluminum storefront. Aluminum storefront is the standard of quality for commercial windows and entrances. The typical window and door details incorporate a projecting metal trim profile for a deep shadow line. Reference the Typical Window Trim detail shown on drawing sheet A5.0.

b. *Nonresidential uses should provide windows at the street level, inviting pedestrians in and providing views both in and out, maintaining transparency and visibility regardless of the time of day.*

RESPONSE: The project proposes no windows directly on the street front. Rather, visibility through the metal perimeter fencing provides views in and out of the activities on the site. The Taproom incorporates large, glazed overhead doors connecting the Taproom interior to adjacent site areas.

c. *Ground-floor street-facing nonresidential windows should engage with the street and connect indoor and outdoor spaces, such as through the use of operable, opening windows (e.g., sliding, pivoting, or articulating windows).*

RESPONSE: The project proposes no windows directly on the street face. Rather, visibility through the metal perimeter fencing provides views in and out of the activities on the site. The Taproom incorporates large, glazed overhead doors connecting the Taproom interior to adjacent site areas.

d. *Window groupings, proportions and orientation should create a sense of rhythm and pattern to provide architectural interest to the overall building composition.*

RESPONSE: Both the Taproom and the Canopy have an inherent rhythm established by their expressed structure. The Canopy is a windowless structure. The Taproom incorporates regular, large, aligned openings within the framework of its structural bays. Reference the South Elevation of the Taproom.

G. Corners

1. Purpose

To create a strong architectural statement at street corners, provide opportunities for pedestrian-scale activity, establish visual landmarks, and enhance visual variety.

2. Design Standards

a. *Nonresidential or Mixed-Use Buildings*

On corner lots or development sites consisting of more than one lot under common ownership at the corner of 2 public streets—or at the corner of a street and a public



area, park, or plaza—nonresidential or mixed-use buildings must incorporate at least 2 of the following features:

(1) *The primary entrance located within 5 ft of the corner of the building.*

RESPONSE: The main entrance to the Project is at the corner of SE Main and Scott Streets, through a gate into the canopy which is further demarcated by the monument sign. Reference the Site Plan. This standard is met.

(2) *A lobby or retail space a minimum of 100 sq ft in floor area with 90% transparency on facing windows and entrances within 5 ft of the corner of the building.*

RESPONSE: The main entrance at SE Main and Scott Street enters an area populated by food vendors and dining areas. The surrounding fencing is transparent. This standard is met.

(3) *A pedestrian canopy or marquee at least 10 ft long at the corner of the building.*

(4) *A chamfered corner at least 10 ft wide with an entry on the chamfer, or a similarly dimensioned rounded or stepped corner.*

(5) *Enhanced pedestrian amenities including at least 2 of the following 3 options adjacent to the public right-of-way: a minimum of 100 sq ft of special paving materials, a minimum of 2 pieces of street furniture such as a bench or garbage can, water fountain, and/or a minimum of 20 sq ft of landscaping or planters.*

(6) *Only for corner lots with frontage along Main Street and either Harrison, Monroe, Washington or Adams Streets, a prominent architectural element including one of the following...*

RESPONSE: The Project, while it is on Main Street, is not at the Harrison, Monroe, Washington, or Adams Street intersections. This standard is not applicable.

3. Design Guidelines...

RESPONSE: See the preceding responses to Design Standards.

H. Building Massing and Transitions

1. Purpose

To promote building massing that creates compatible building scale and relationships between adjacent downtown buildings including massing variation that reflects the rhythm of traditional storefronts and breaks up the perceived massing of larger buildings, while creating an inviting pedestrian realm on the street by increasing access to light and air. To provide scaled transitions to adjacent residential uses to minimize impacts of building massing.



2. Design Standards

a. Building Massing

For any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4, buildings must include:

- (1) A step back of at least 6 ft along the street-facing portion of the building.
- (2) The step back area may be used for balconies, roof-top gardens, or other common or private open spaces.

RESPONSE: The base maximum height identified in Figure 19.304-4 is 45 feet for the Site. The tallest structure proposed for the 1847 Food Park is the Taproom, which measures 30'-11" to the average roof height. As the proposed structures are below the maximum base height, this standard is not applicable.

b. Building Façade Height Variation

The height of building elements along street-facing façades must be varied in order to break up the overall bulk and mass of buildings as illustrated in Figure 19.508.4.H.2.b. At least one variation in height along the street-facing façade(s) must be provided for every 50-ft interval or portion thereof. Exact spacing of variations may vary provided that the total number of variations required is met and no portion of the façade exceeds 50 ft without a variation. Building façade height variation must be accomplished by using one or more of the following methods:

- (1) Vertical offset of height along the façade by minimum of 4 ft.

RESPONSE: The Taproom building's longest elevation measures 54' and faces Scott Street to the south. The roofline is broken by a vertical offset between the pitched roof/covered area and the guardrail/parapet. See South Elevation – Taproom. This standard is met.

- (2) Dormer or other projecting element along or within 2 ft of the façade with minimum 4-ft height and 4-ft width.
- (3) Recessed balcony or step back from the façade on the upper floor with a minimum 4-ft depth and minimum 6-ft width.
- (4) Other techniques approved by the Planning Manager, shown to create variation along the top of street-facing façade through modulations in height, mass or bulk.

RESPONSE: The Canopy measures 48' along Scott Street (its longest dimension) and is divided into three 16' structural bays. Because it is an open-air structure, each bay is effectively a recess that reduces the perceived mass of the structure. In addition, it is only a single-story structure. As such, its perceived scale and mass is well-managed and this standard is met.



c. *Building Transitions*

For any property in the Downtown Mixed Use (DMU) zone that is north of Harrison Street and within 50 ft of the property line abutting the moderate density residential zone (R-MD), the following transition measures are required for any new building (see Figure 19.508.4.H.2.c):

(1) The new building must be located at least 6 ft from any property line abutting a low-density residential zone. This requirement supersedes the applicability of the transition area measures provided in Subsection 19.504.6.

(2) The new building must provide a step back of at least 6 ft for any portion of the building above 35 ft in height above grade.

RESPONSE: The 1847 Food Park is located north of Harrison Street but is not within 50 feet of the R-MD zone. This standard is not applicable.

3. *Design Guidelines*

RESPONSE: See the preceding responses to Design Standards.

I. Weather Protection

1. *Purpose*

To create an all-season pedestrian environment shielded from the elements, whether by the building structure itself or with added-on features such as awnings and canopies, that is integrated with rather than obscures the building design. Overhead protection encourages window shopping and lingering, and weather protection features can provide interest and detail to a façade as well as create outdoor sidewalk seating areas for restaurants and cafés.

2. *Design Standards...*

RESPONSE: See responses to the Design Guidelines below.

3. *Design Guidelines*

a. *Along the ground floor, buildings should protect pedestrians from inclement weather and provide shade in the summer through use of awnings, canopies, marquees, or elements of the building structure itself such as recesses or balconies. The total amount of awning, canopy, and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.*

RESPONSE: The Canopy structure abuts the sidewalk at the Scott Street property line. Its primary purpose is to provide weather protection for patrons (pedestrians) who visit the Food Park. The Canopy projects approximately 2'-8" into the Scott Street right-of-way. See the Building Section – Canopy drawing.



b. *Awnings, canopies, and marquees should be placed over all building entrances and storefront windows or other similar locations and integrated with other entryway design features. (See Subsection 19.508.4.E.) The total amount of awning, canopy and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.*

RESPONSE: The entrance to the Taproom is protected with a steel canopy. See South Elevation – Taproom. The Canopy structure is, in itself, a canopy providing shelter at the main entrance to the Project.

c. *The design of awnings, canopies, marquees, and elements of the building structure should be an integral and well-proportioned component of the building façade. Awnings, canopies and marquees should not obscure or negatively impact the character-defining features of the subject building.*

RESPONSE: The steel canopy at the Taproom entry is sized to match the opening it serves. The Canopy structure is, in itself, the building it serves. In this case, the guideline is not applicable.

d. *Canopies and awnings should be sized to match individual entrances and storefront windows. They should be placed directly above such features and should not extend outside the piers and lintel of the storefront opening. A single awning or canopy spanning across multiple commercial storefronts and that obscures character-defining features is strongly discouraged.*

RESPONSE: The steel canopy at the Taproom entry is sized to match the opening it serves. The Canopy structure is, in itself, the building it serves. In this case, the guideline is not applicable.

e. *Weather protection features should be well proportioned relative to the sidewalks. Features should not be so project so far into the public right-of-way as to detract from street trees, light fixtures, or street furniture, but should extend far enough to provide coverage for pedestrians at entrances and windows. Features should provide adequate vertical clearance for pedestrian movement.*

RESPONSE: The Canopy structure abuts the sidewalk at the Scott Street property line. Its primary purpose is to provide weather protection for patrons (pedestrians) who visit the Food Park. The Canopy projects approximately 2'-8" into the Scott Street right-of-way and provides over 11' of vertical clearance. See the Building Section – Canopy drawing.

f. *Awnings, canopies, and marquees should be of high-quality materials and should not include vinyl.*

RESPONSE: The canopy at the Taproom entry is steel. The open-air Canopy is a wood structure protected by standing-seam metal roofing.

g. *Awning or canopy lighting, if provided, should highlight the building or illuminate the sidewalk and should not illuminate awnings or canopies from below or internally.*

RESPONSE: The Project will not propose uplighting the canopies.



J. Roof and Rooftop Equipment Screening

1. Purpose

To create a visually interesting feature at the top of the building that enhances the quality and character of the building and complements the building design, while reducing or eliminating the visual impact of rooftop equipment on the street pedestrian environment by providing screening or other concealing design features that also contribute to the high-quality design and visual interest of the building.

2. Design Standards

a. Rooftop Design

(1) The roof of a building must follow one (or a combination) of the following forms:

(a) Flat roof (less than 1/12 pitch) or low-slope roof (between 1/12 and 4/12 pitch)

RESPONSE: The Project proposes a gabled roof with a 4/12 pitch at the Canopy structure. The Taproom building features both a gable with a 4/12 pitch in addition to a flat-roofed occupiable area.

(b) Hip roof

(c) Gabled roof

RESPONSE: The Project proposes a gabled roof with a 4/12 pitch at the Canopy structure. The Taproom building features both a gable with a 4/12 pitch in addition to a flat-roofed occupiable area.

(d) Dormers

(e) Shed roof

(2) Roofs are subject to the following standards as applicable:

(a) All flat or low-slope roofs must be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in. See Figure 19.508.4.B.2.a(3).

RESPONSE: The flat-roofed portion of the Taproom is surrounded by a metal-guardrail that is face-mounted to the curb surrounding the roof. These elements provide articulation to the parapet condition.

(b) All hip or gabled roofs exposed to view from adjacent public streets and properties must have a minimum 4/12 pitch.

RESPONSE: The proposed gable roofs have a 4/12 pitch.



(c) Sloped roofs with a 4/12 pitch or higher must have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.

RESPONSE: The proposed sloped roofs have typical overhangs of 2'-6". See exterior elevations of the Taproom and Canopy.

(d) When an addition to an existing structure, or a new structure, is proposed in an existing development, the roof forms for the new structure(s) must have the same slope and be constructed of the same materials as the existing roofing.

RESPONSE: The Project is not an addition to an existing structure. This standard is not applicable.

b. Rooftop Equipment Screening

(1) The following rooftop elements do not require screening:

(a) Solar panels, wind generators, and green roof features.

(b) Equipment under 2 ft high, if set back a minimum of 10 ft from the outer edge of the roof.

(2) If visible from public street view, elevator mechanical equipment or a mechanical penthouse may not extend above the height limit by more than 16 ft, and must use a consistent exterior building material for the mechanical shaft or penthouse.

(3) Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment must be set back a minimum of 10 ft from the roof edge and must be screened from public street view. For purposes of this standard, "public street view" means the pedestrian level from across the adjacent public street and does not include views from adjacent buildings. If necessary, screening from public street view must be achieved by one of the following methods that is at least as tall as the tallest part of the equipment being screened:

(a) A screen around the equipment that is made of an exterior building material used on other portions of the building, or masonry.

(b) Vertical green roof features or regularly maintained, dense foliage that forms an opaque barrier year-round when planted.

(4) Required screening will not be included in the building's maximum height calculation.

RESPONSE: The Project does not propose any rooftop equipment.

3. Design Guidelines...

RESPONSE: See the preceding responses to Design Standards.



K. Service Areas (Screening)

1. Purpose

To preserve well-designed building frontages and pedestrian environments by minimizing the potential negative impacts of service areas on visual design and circulation while maintaining sufficiently accessible and functional loading, waste collection, utility, and other service areas.

2. Design Standards...

RESPONSE: See responses to the Design Guidelines below.

3. Design Guidelines

a. Service areas, loading docks, waste enclosures, external utility structures, and other similar features should be located away from pedestrian areas, public street frontages especially Main Street, or at a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

RESPONSE: The Trash & Recycling Enclosure is accessed from SE Scott Street, the lowest classification street of the three streets bounding the property. It is located at the back or the existing parking lot, far from pedestrian areas.

b. Whenever possible, all sides of service areas, loading docks, waste enclosures, and other outbuildings should be screened and concealed. Solid gates or doors should be used on sides requiring access.

RESPONSE: The Trash & Recycling Enclosure is screened on all four sides. Solid walls form its north, east, and west elevations. A solid metal gate provides access and screening on the south elevation.

c. Screening, fencing, landscaping, decorative walls, or other treatments should be used to provide screening, using materials and designs compatible with the primary building they serve. Screening should be of a height, width, and opacity necessary to sufficiently screen all equipment and service areas.

RESPONSE: The Trash & Recycling Enclosure is screened on all four sides. Solid walls form its north, east, and west elevations. The Enclosure's walls are 7' tall and will be clad in metal siding to match the Taproom building. A solid metal gate provides access and screening on the south elevation.

d. Waste collection areas should be located and designed to minimize visual, odor, and noise nuisances, and should be integrated into the building. If separate waste collection enclosures are utilized, they must be screened, covered with a roof or be self-contained.

RESPONSE: The Trash & Recycling Enclosure is located at the north end of the existing parking lot to minimize the impact on pedestrians while being commonly accessible to all food vendors on site. It is screened on all four sides, and its stand-alone location allows for ample ventilation.



e. *Residential-only multifamily and mixed-use buildings should provide recycling areas that are appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.*

RESPONSE: The 1847 Food Park has no residential uses. This guideline is not applicable.

L. Resident Open Space

RESPONSE: The 1847 Food Park has no residential uses. This standard is not applicable.

M. Plazas and Usable Open Space

1. Purpose

To ensure that downtown plazas and open spaces are designed for usability and a variety of activities during all hours and seasons; provide amenities for downtown visitors, businesses, and residents; promote livability; and help soften the effects of built and paved areas.

2. Design Standards...

RESPONSE: See responses to the Design Guidelines below.

3. Design Guidelines

a. *Plazas and open spaces should be inviting and create opportunities for a variety of uses.*

RESPONSE: The 1847 Food Park creates a variety of outdoor spaces for food service and dining. Seating arrangements for different sized groups are provided in a combination of covered and uncovered areas. See the Site Plan.

b. *Plazas and open spaces should avoid separation from the street by visual barriers or significant change of grade. Plazas and open spaces should create visual and physical connections to abutting buildings.*

RESPONSE: The 1847 Food Park maintains visual connections to the street through its transparent perimeter. It is of key importance that the activities of the Food Park be readable and inviting to pedestrians on the sidewalk. The Site Plan is designed to work with existing grading and site features to allow multiple points of entry to the Project.

c. *Plazas and open spaces should be human-scaled, accessible, durable, and attractive, and should enhance users' comfort and enjoyment by integrating features such as:*

(1) *Pedestrian amenities such as water features, drinking fountains, and/or distinctive paving or artwork*

(2) *Permanent or movable seating*



(3) *Weather protection, especially weather protection that can be moved or altered to accommodate conditions*

(4) *Transitional zones along building edges to allow for outdoor eating areas and a planted buffer*

(5) *Lighting*

RESPONSE: The 1847 Food Park provides a variety of human-scaled spaces and furnishings for food service and dining. Seating arrangements for different sized groups are provided in a combination of covered and uncovered areas.

d. *Plazas and open spaces should create visual interest by including a mix of hardscape and landscape elements such as trees, shrubs, and plants.*

RESPONSE: A combination of new and existing landscape areas are located at the site perimeter. Hardscaped areas are a combination of existing and new asphalt and concrete. See the Site Plan.

e. *Landscaping in plazas and open spaces should be integrated to provide shade for hardscaped areas and to provide visual interest and texture.*

RESPONSE: A combination of new and existing landscape areas are located at the site perimeter. The new open-air Canopy is the primary source of shade and shelter for the Food Park's plaza-like outdoor spaces. The combination of outdoor furnishings, new structures, and spaces created of various size and elevation lend visual interest and texture to the project.

f. *Buildings adjacent to plazas and open spaces should incorporate transparent windows and doors to provide physical and visual access to the space and should include active use areas that front the open space.*

RESPONSE: The new Taproom building features large, glazed overhead doors opening to its outdoor spaces.

g. *Plazas and open space should be designed to integrate sustainability and enhance the relationship to the natural environment, including consideration of the sun angle at noon and the wind pattern in the design of the space and incorporation of water treatment features such as rain gardens.*

RESPONSE: The site design for the 1847 Food Park incorporates stormwater planters for rainwater management. Reference preliminary Civil drawings.

N. Outdoor and Exterior Building Lighting

1. Purpose

To incorporate outdoor and exterior building lighting that increases pedestrian comfort, accentuates design and architectural features, enhances safety, and minimizes light pollution (both spill and casting or glare).



2. Design Standards

a. *Lighting must be designed to comply with the following standards:*

(1) *Primary building entrances required in Subsection 19.508.4.E must have a minimum illumination of 2.0 foot-candles.*

(2) *All other building entrances and areas underneath weather protection elements described in Element I (Weather Protection) must have a minimum illumination of 1.0 foot-candles.*

(3) *Common open spaces for residents subject to Subsection 19.508.4.L must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 1.0 foot-candles throughout the space.*

(4) *Plazas and usable open space subject to Subsection 19.508.4.M must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 2.0 foot-candles throughout the space.*

(5) *If off-street parking areas are present, lighting must comply with standards in Subsection 19.606.3.F.*

b. *Lighting luminaires must have a cutoff angle of 90 degrees or greater to ensure that lighting is directed downward, except as provided for up-lighting of flags and permitted building-mounted signs.*

c. *Lighting must not cause a light trespass of more than 0.5 footcandles measured vertically at all shared property lines of the site, with the exception of property lines along public right-of-way.*

d. *Flashing or strobe lights, fluorescent tube lights, and security spotlights are prohibited on building exteriors.*

3. Design Guidelines...

RESPONSE: Providing a well-lit and secure site is important for the 1847 Food Park. While an engineered lighting plan has not been finalized, the Applicant acknowledges the standards with the intent that they be met or exceeded in the final design. Safety and crime prevention will be considered through good lighting design.

Chapter 19.600 – Off-Street Parking and Loading Standards and Requirements

19.605.1 Minimum and Maximum Requirements

A. *Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605.*



Table 19.605.1 CONTINUED		
Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
B. Community Service and Other Public Uses CONTINUED		
2. Day-care center ("family day-care" as defined in Section 19.201 has no parking requirements).	2 spaces per 1,000 sq ft of floor area.	3.5 spaces per 1,000 sq ft of floor area.
3. School—elementary/junior high.	1 space per classroom.	2 spaces per classroom.
4. School—senior high.	0.25 spaces per student, plus 1 space per staff.	0.33 spaces per student, plus 1 space per staff.
5. Meeting room, club, lodge, or association.	5 spaces per 1,000 sq ft of floor area, or 1 space per 4 seats if seats are permanently installed.	16.66 spaces per 1,000 sq ft of floor area, or 1 space per 3 seats if seats are permanently installed.
6. Library, museum, art gallery.	1 space per 1,000 sq ft of floor area.	1.2 spaces per 1,000 sq ft of floor area.
7. Residential care facilities.	1 space per 4 beds.	1 space per 3 beds.
C. Lodging Places		
1. Motel, hotel, boarding house.	1 space per lodging unit.	1.5 spaces per lodging unit.
2. Bed and breakfast establishments.	1 space per lodging unit, plus 1 space for the permanent residence.	1.5 spaces per lodging unit, plus 2 spaces for the permanent residence.
D. Commercial Uses—Recreational		
1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.	3 spaces for each 1,000 sq ft of floor area.	5.5 spaces per 1,000 sq ft of floor area.
2. Theater, auditorium, or stadium.	1 space per 4 seats.	1 space per 3 seats.
E. Commercial Uses—Retail Goods		
1. Eating and drinking establishments.	4 spaces per 1,000 sq ft floor area.	15 spaces per 1,000 sq ft of floor area.

RESPONSE: As confirmed in the Preapplication Report, per Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440, which relate to Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to a TriMet bus stop.

No off-street vehicle parking is required for the proposed development. However, parking is proposed for the development, so the Maximum Allowed and Parking Area Design standards apply.

Eating and drinking establishments have a minimum parking ratio of 4 spaces per 1,000 sq ft of floor area to a maximum of 15 spaces per 1,000 sq ft of floor area. The floor areas of the taproom basement, first and second levels total 4,032 square feet. Based on this floor area, the maximum number of parking spaces permitted on the site is 60. The 16 existing parking spaces retained on the Site Plan comply with the maximum quantity requirements in MMC 19.605.

Chapter 19.606 – Parking Area Design and Landscaping

19.606.1 Parking Space and Aisle Dimensions

A. The dimensions for required off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1 are illustrated in Figure 19.606.1.



Table 19.606.1 Minimum Parking Space And Aisle Dimensions					
Angle (A)	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Depth (E)
0° (Parallel)	8.5'	22'	12'	19'	8.5'
30°	9'	17'	12'	19'	16.5'
45°	9'	12'	13'	19'	18.5'
60°	9'	10'	17'	19'	19'
90°	9'	9'	22'	22'	18'

RESPONSE: The existing parking lot maintains 16 parking spaces. The dimensions provided meet the minimum requirements of Table 19.606.1. Reference the Site Plan.

19.606.2 Landscaping

A. Purpose

The purpose of the off-street parking lot landscaping standards is to provide vertical and horizontal buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

C. Perimeter Landscaping

Table 19.606.2.C.1 Minimum Perimeter Landscape Strip Dimensions		
Location	Downtown Zones	All Other Zones
Lot line abutting a right-of-way	4'	8'
Lot line abutting another property, except for abutting properties that share a parking area	0'	6'

RESPONSE: As shown on the submitted existing site Survey and proposed Site Plan, an existing perimeter buffer area along McLoughlin Blvd measures 4' minimum. The existing landscape buffers along SE Scott Street, while do measure 4' minimum, straddle the property line. Landscaping at the south property line will be expanded to measure 4' minimum from the property line to meet this requirement. See the Site Plan.

D. Interior Landscaping

1. General Requirements

Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site. Landscaping that is contiguous to a perimeter landscaping area and exceeds the minimum width required by Subsection 19.606.2.C.1 will be counted as interior landscaping if it meets all other requirements of Subsection 19.606.2.D.



2. Required Amount of Interior Landscaped Area

At least 25 sq ft of interior landscaped area must be provided for each parking space. Planting areas must be at least 120 sq ft in area and dispersed throughout the parking area.

RESPONSE: The existing parking lot maintains 16 parking spaces. Based on 25 sf of landscaping per space, this totals 400 square feet of required interior landscaping.

3. Location and Dimensions of Interior Landscaped Areas

a. Interior landscaped area shall be either a divider median between opposing rows of parking, or a landscape island in the middle or at the end of a parking row.

b. Interior landscaped areas must be a minimum of 6 ft in width. Where a curb provides the border for an interior landscape area, the dimension shall be measured from the inside of the curb(s).

RESPONSE: The proposed Site Plan creates a new landscape island at the northwest end of the parking lot. The landscape island produces approximately 520 square feet of new landscaping beyond the perimeter buffer. The size and location of the landscaping meet the requirements of this section.

19.608 Loading

B. Nonresidential and Mixed-Use Buildings

Buildings where any floor area is in nonresidential uses should meet the following standards:

1. Less than 20,000 sq ft of total floor area: no loading spaces required.

RESPONSE: The Project proposes 4,032 SF of floor area at the Taproom Building. Therefore, no dedicated loading space is required, and this standard is met.

19.609 Bicycle Parking

19.609.2 Quantity of Spaces

A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.

1. Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use.

RESPONSE: The minimum number of vehicle spaces for the 4,032 square foot taproom would be 4 vehicles / 1,000 SF or 16 vehicles. Therefore, the minimum number of bicycles shall be at least 10% of 16, or 2 bicycles. Four bike parking spaces have been provided at the main entrance to the Project at the southeast corner of the site. This standard is met.

B. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

1. When 10% or more of vehicle parking is covered.



2. *If more than 10 bicycle parking spaces are required.*

RESPONSE: Covered or enclosed bicycle parking is not required.

Chapter 19.700 – Public Facility Improvements

RESPONSE: As established in the Preapplication Report dated November 30, 2023, facility improvements are required for the Project. Construction and replacement of existing sidewalk on both Scott Street and Main Street frontages will be required. Existing accessways that will not be retained will be abandoned and new sidewalk and curb will be constructed in place. Reference preliminary Civil drawings. Specific requirements will be addressed through a public works permit process.

Chapter 19.703 – Review Process

RESPONSE: As established in the Preapplication Report dated November 30, 2023, the proposed development does not trigger a Transportation Facilities Review.

Chapter 19.704 – Transportation Impact Evaluation

RESPONSE: As established in the Preapplication Report dated November 30, 2023, the proposed development does not trigger a Transportation Impact Study.

Chapter 19.907 – Downtown Design Review

RESPONSE: The Applicant acknowledges that the 1847 Food Park is subject to Type III Downtown Design Review, which is the subject and purpose of this Statement of Compliance.

Chapter 19.911 – Variances

19.911.3.C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

RESPONSE: The Project is requesting a variance for FAR which must be evaluated through a Type III review.

19.911.4 Approval Criteria

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.



1. *Discretionary Relief Criteria*

- a. *The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.*

RESPONSE: The variance requested is for a reduction to the minimum required FAR of 1:1. Total area of the Taproom Building is 4,032 SF. Total site area after lot consolidation is approximately 20,576 SF.

4,032 SF / 20,576 SF = 0.2 FAR Proposed

The intent of FAR standards is to regulate the intensity of development. However, for a project like the 1847 Food Park, project intensity is not proportional to enclosed floor area. The 1847 Food Park creates a variety of covered and uncovered outdoor spaces for the express purpose of being actively engaged by the public.

It is understood that floor area is defined as area within exterior building walls. While the open air Canopy and covered roof deck of the Taproom do not count as floor area, it's worth noting that these structured areas do contribute to perceived mass and intensity of use for the Project.

The 1847 Food Park is experienced more like a public park or plaza than a building per se. In fact, Milwaukie code section 19.304.5.A.3 offers exemptions to the minimum FAR for public parks and plazas in recognition of their value to the community. However, because the Food Park will be privately owned, it cannot claim this exemption and must request a variance.

- b. *The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:*

(1) *The proposed variance avoids or minimizes impacts to surrounding properties.*

(2) *The proposed variance has desirable public benefits.*

(3) *The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.*

(4) *The proposed variance would allow the development to preserve a priority tree or trees, or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32.*

RESPONSE: The 1847 Food Park creates desirable public spaces designed to be engaged by the community year-round through a combination of indoor, outdoor, covered, and uncovered areas. The Project is designed to respond to the history and topography of the site that was once Peake Funeral Chapel.

- c. *Impacts from the proposed variance will be mitigated to the extent practicable.*

RESPONSE: The impacts of the Food Park and its associated FAR will be significantly less than a conventional, full-block building would be. The retention of the existing parking lot provides on-site parking for a project type that can rarely offer such an amenity. The ample site area ensures that disruptions during construction will be minimized, as the site has plenty of room for construction staging and material storage.



Chapter 16.32 – Tree Code

RESPONSE: The Applicant acknowledges that trees in the right-of-way (sidewalk) are regulated by Milwaukie Tree Code. Specific requirements for street trees will be identified in a public works permit process.

On-site trees on private property are not regulated by tree code in this zone.

Conclusion

The preceding sections address conformance of the proposed 1847 Food Park with the applicable approval criteria of Milwaukie Development Code. The Applicant respectfully requests that the City review the Type III Downtown Design Review and Variance application materials as submitted.

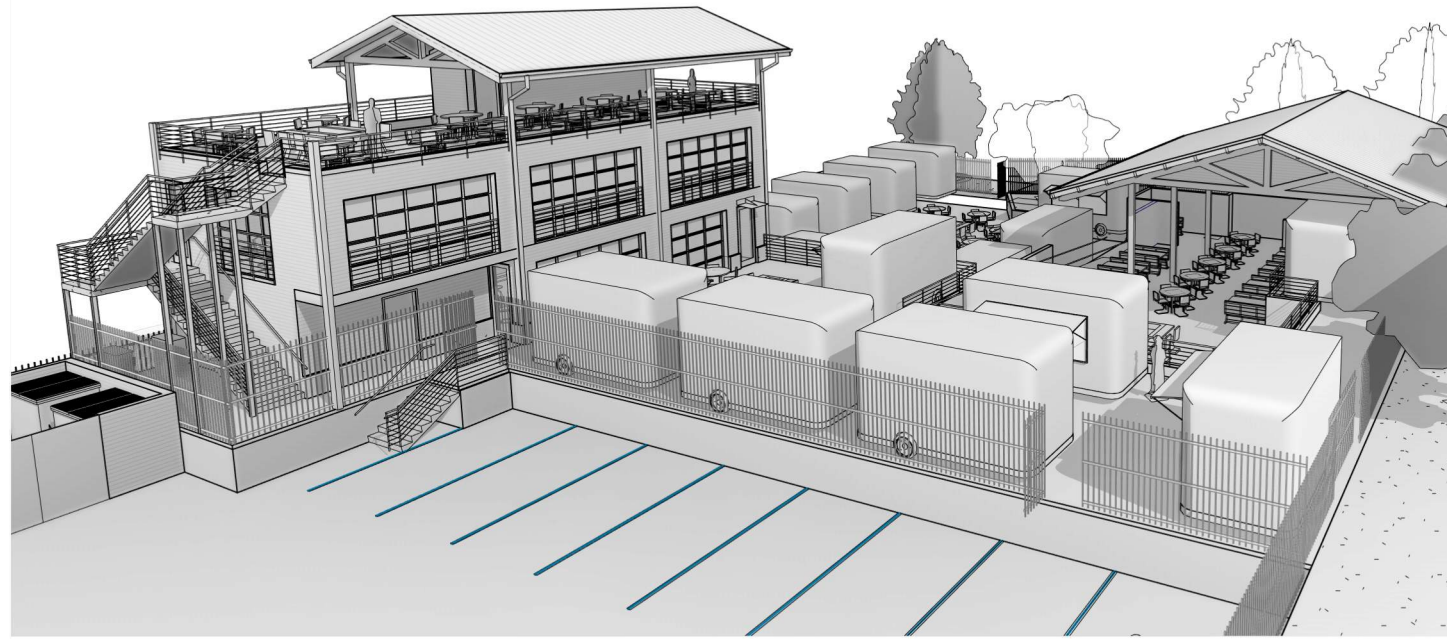




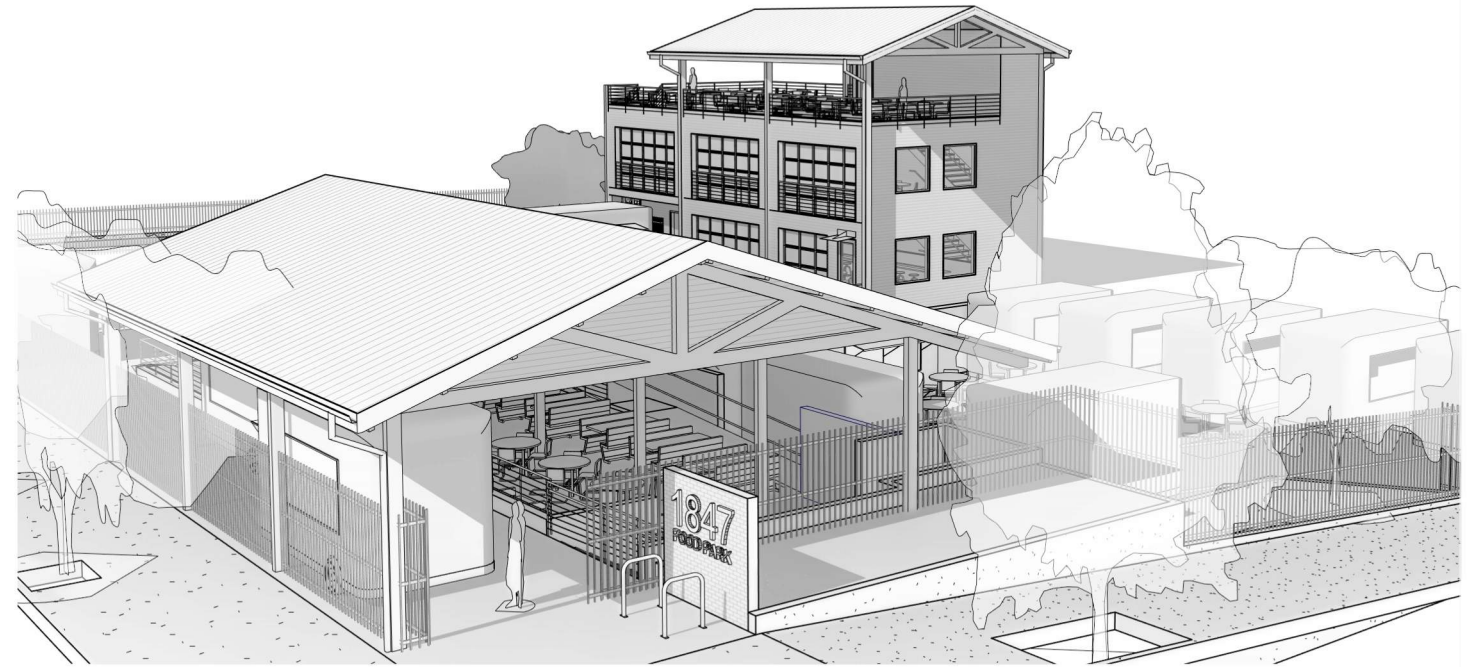
1847 Food Park

Drawing Index

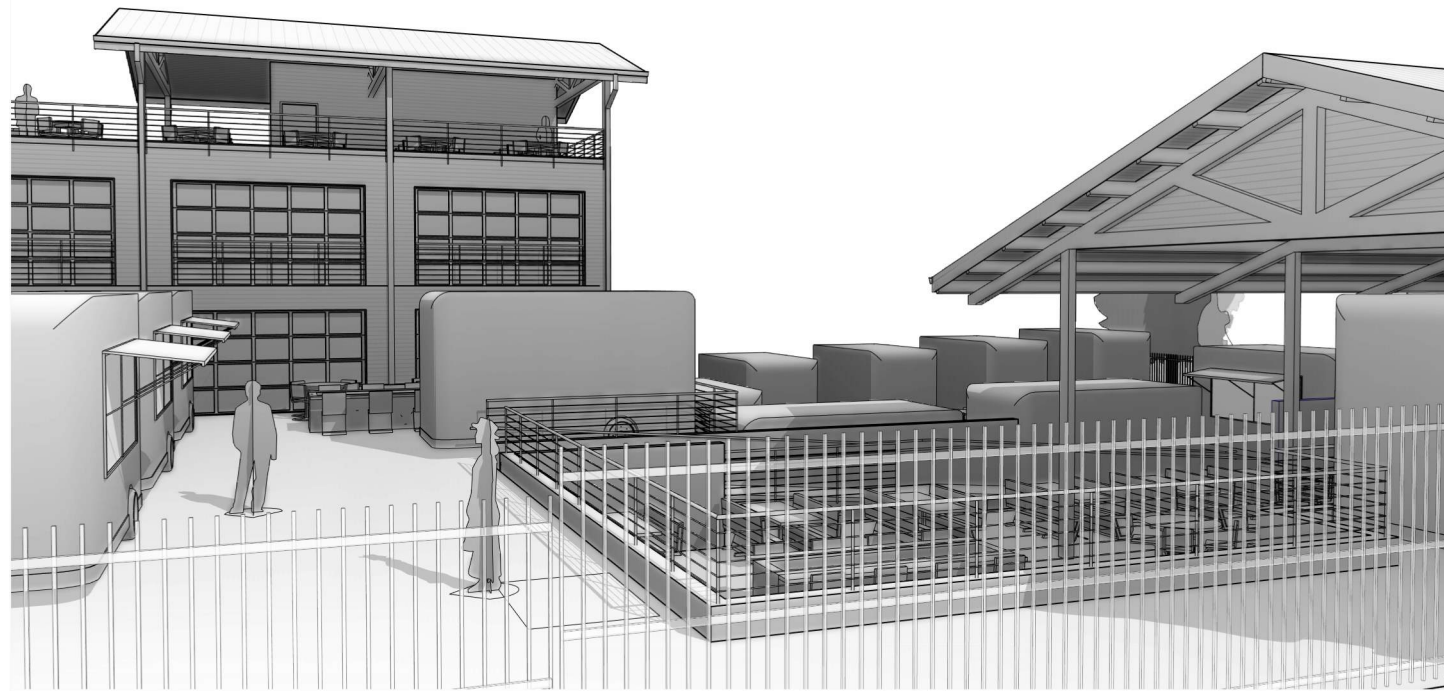
A0.0	COVER SHEET
A0.1	PERSPECTIVES
A1.0	SURVEY
A1.1	SITE PLAN
A1.2	SITE ELEVATIONS
A2.0	TAPROOM BASEMENT
A2.1	TAPROOM LEVEL 1
A2.2	TAPROOM LEVEL 2
A2.3	TAPROOM ROOF
A2.4	TAPROOM ELEVS
A2.5	TAPROOM ELEVS
A3.0	CANOPY PLAN
A3.1	CANOPY ELEVS
A4.0	TRASH ENCLOSURE
A5.0	FENCING
A5.1	WINDOW DETAIL
A5.2	METAL SIDING
A5.3	SECTIONAL GLASS DOORS
C1.00	PAVING & GRADING PLAN
C2.00	UTILITY PLAN
C2.01	UTILITY SCHEDULES



Southwest Aerial Perspective



Southeast Aerial Perspective

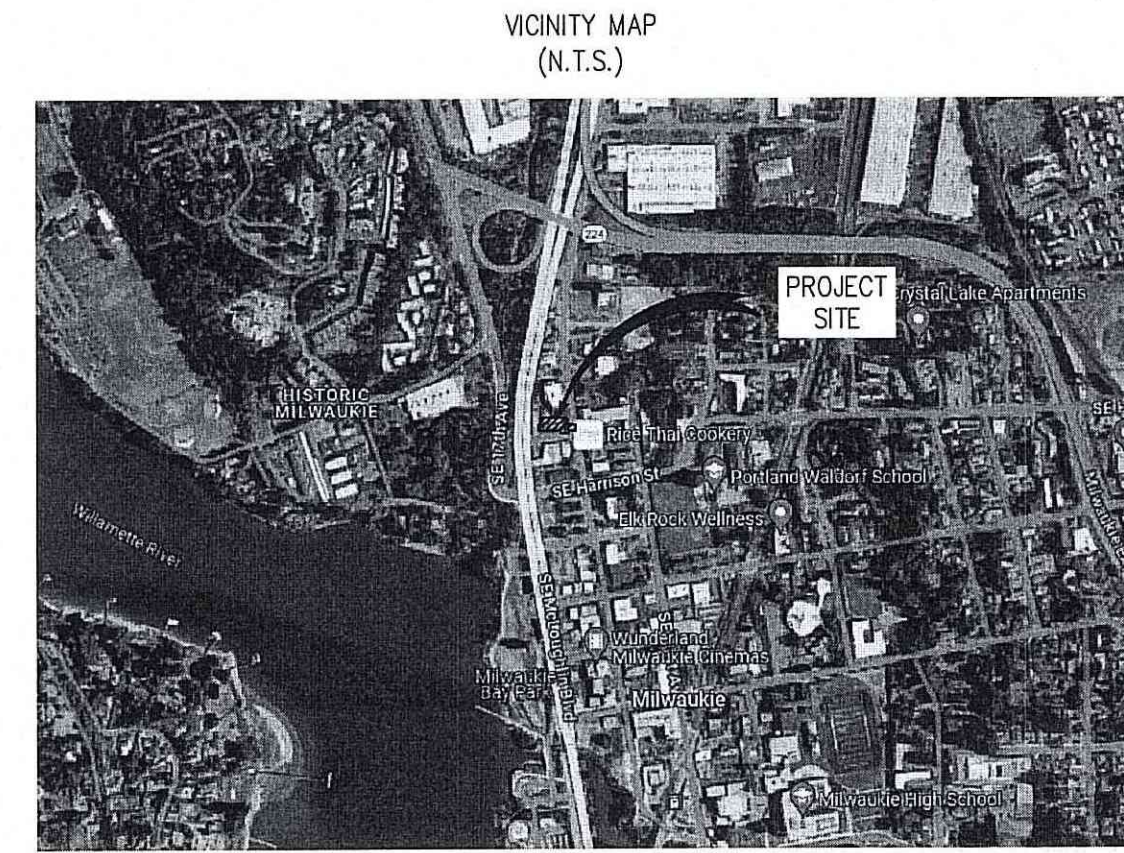
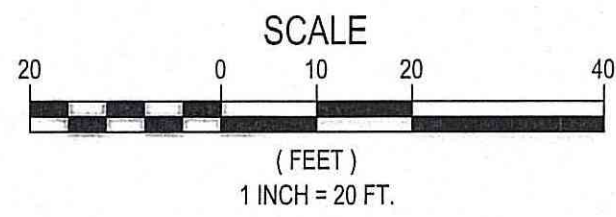
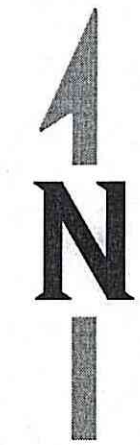


Park Interior View



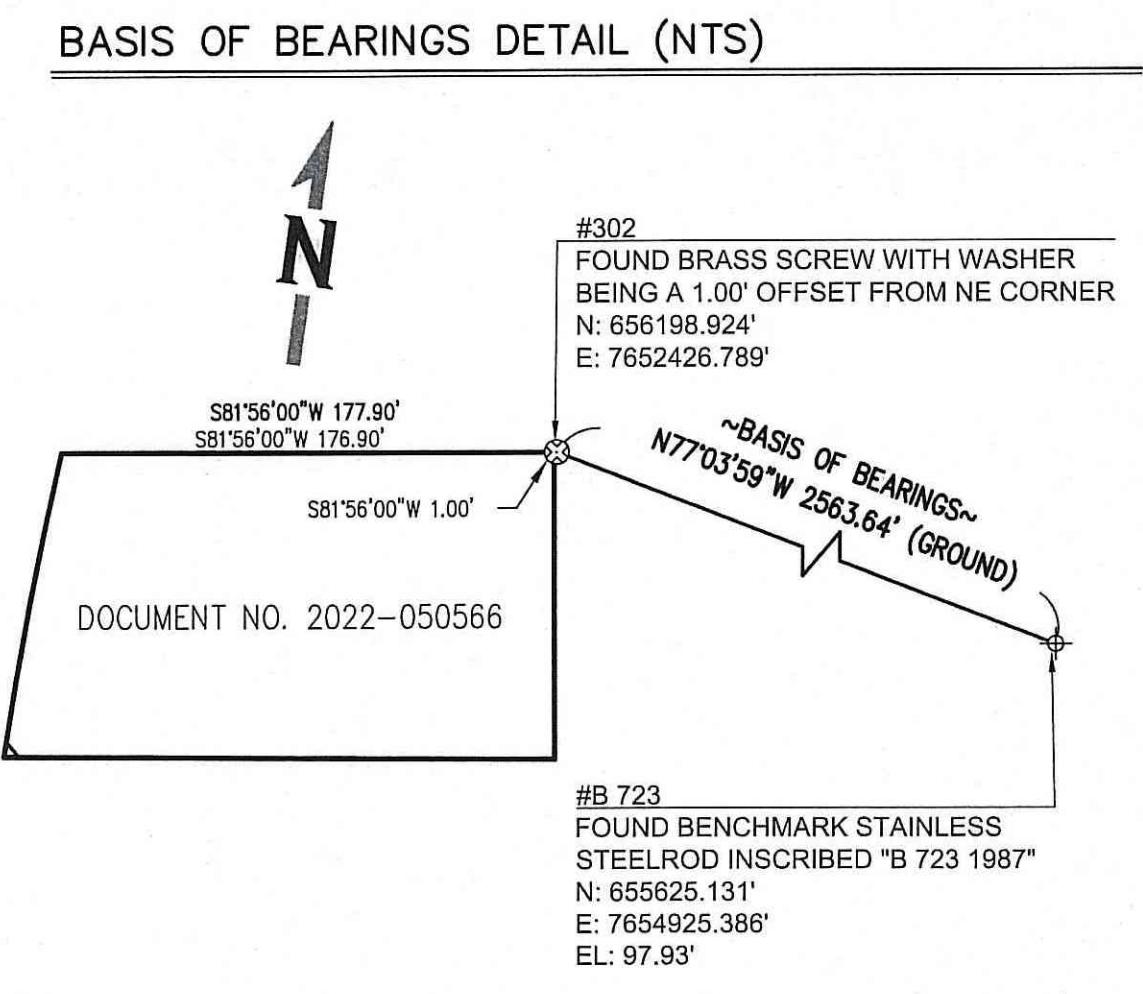
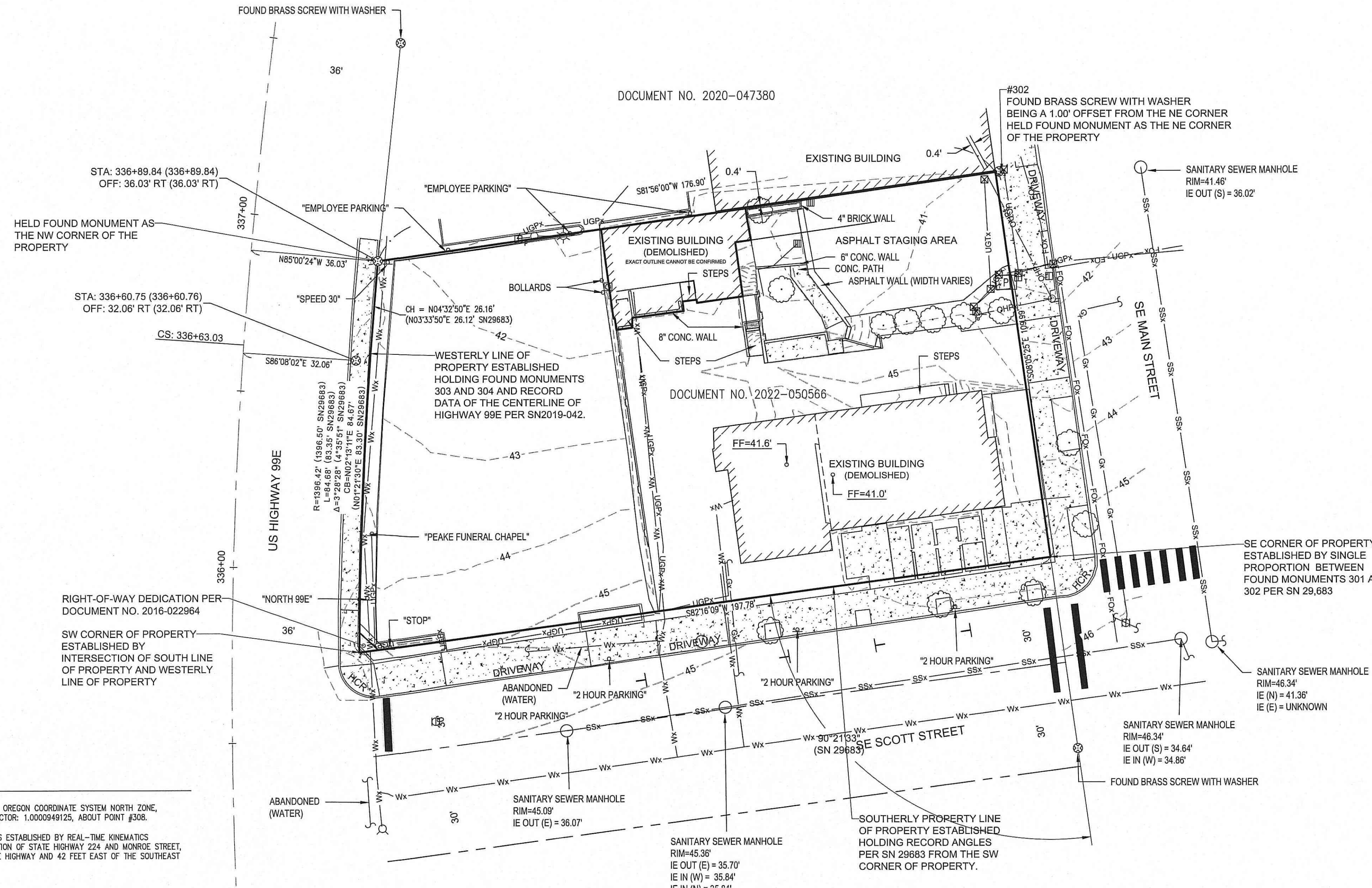
Southeast Entrance

EXISTING CONDITIONS MAP
 PORTIONS OF LOTS 1, 2, 3 AND 4, BLOCK 2 OF "LEWELLING PARK"
 LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 1 EAST, W.M.
 CLACKAMAS COUNTY, OREGON
 DATE: MARCH 6, 2024



NW5
 9450 | SW COMMERCE CIRCLE | STE 300
 WILSONVILLE | OR | 97080
 WWW.NW5.COM | PH: 503-626-0455 | FX: 503-526-0775

REGISTERED PROFESSIONAL LAND SURVEYOR
Austin Russell Snyder
 OREGON
 MARCH 14, 2023
 AUSTIN RUSSELL SNYDER
 102825
 REVIEWS: 6/30/2024



LEGEND

	SET CONTROL POINT
	FOUND BRASS SCREW WITH WASHER
	FOUND MONUMENT
	DECIDUOUS TREE
	POWER JUNCTION BOX
	SIGN (ON POST)
	STORM TYPE 1 CATCH BASIN
	TELEPHONE JUNCTION BOX
	FIRE HYDRANT
	GAS METER
	UTILITY LIGHT POLE
	TELEPHONE PEDESTAL
	POWER VAULT
	UTILITY LIGHT POLE
	UTILITY LIGHT POLE WITH DROP
	GAS METER
	EXISTING UNDERGROUND POWER LINE
	EXISTING UNDERGROUND POWER LINE
	EXISTING UNDERGROUND FIBER OPTIC LINE
	EXISTING SANITARY SEWER LINE
	EXISTING WATER LINE
	PROPERTY LINE
	CENTERLINE
	RIGHT OF WAY LINE
	BUILDING
	CONCRETE
	HANDICAP RAMP
	UTILITY LOCATES END

PROJECT DATUM
 HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983, (NAD83), EPOCH 2011, OREGON COORDINATE SYSTEM NORTH ZONE, INTERNATIONAL FEET, DISTANCES SHOWN ARE AT GROUND, COMBINED SCALE FACTOR: 1.0000949125, ABOUT POINT #308.
 VERTICAL DATUM/BENCHMARK: THE BASIS OF ELEVATION FOR THIS SURVEY WAS ESTABLISHED BY REAL-TIME KINEMATICS OBSERVATION ON THE NGS BENCHMARK NO. 8723 LOCATED AT THE INTERSECTION OF STATE HIGHWAY 224 AND MONROE STREET, 108.9 FEET WEST OF THE CENTERLINE OF THE SOUTHEASTBOUND LANES OF THE HIGHWAY AND 42 FEET EAST OF THE SOUTHEAST CORNER OF AN APARTMENT BUILDING.
 ELEVATION = 97.93 FEET (NAVD 88)
 THE BENCHMARK WAS OBSERVED AS PROJECT POINT #308.

- NOTE**
- UTILITY LOCATIONS ARE AN APPROXIMATION BASED ON SURVEYOR'S OBSERVATIONS ON UTILITY MARKS AND ABOVE GROUND STRUCTURES. PRIVATE LOCATES WERE CONDUCTED BY ADVANCED UTILITY UNDERGROUND LOCATES (AUUL) INC. 811 LOCATES SHOULD BE CALLED BY CONTRACTOR BEFORE ANY ONSITE DIGGING OCCURS TO VERIFY UTILITY LOCATIONS.
 - THE MAP DOES NOT CONSTITUTE A RECORD OF SURVEY AND THE BOUNDARY SHOWN IS BASED ON FOUND MONUMENTS. NO NEW PROPERTY CORNERS SET AND NO RECORD OF SURVEY WAS FILED WITH THE COUNTY FOR THIS SURVEY.
 - NO TITLE REPORT WAS PROVIDED. EASEMENTS NOT PLOTTED.

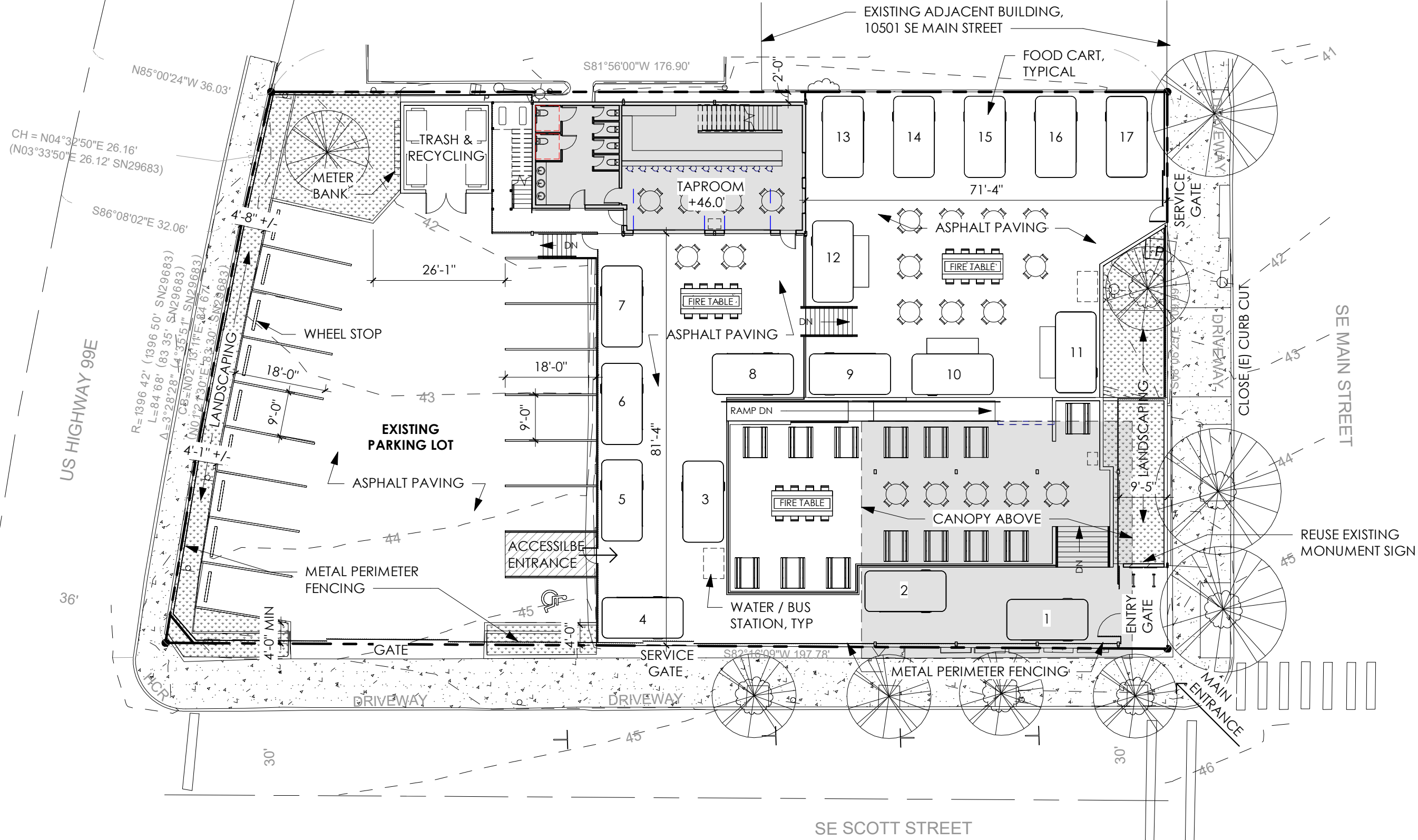
NO.	BY	DATE	REMARKS

SHEET INFO

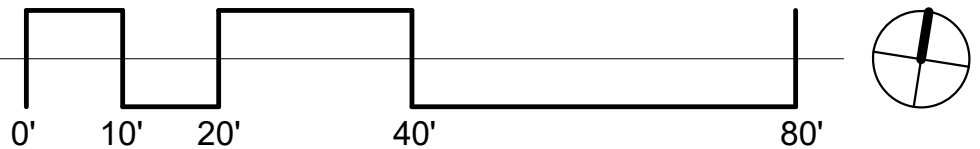
DRAWN	CAJ	CHECKED	ARS	APPROVED	ARS	LAST EDIT	3/6/2024	PLOT DATE	3/6/2024	SUBMITTAL

TOPOGRAPHIC & BOUNDARY SURVEY
SWISS MOUNTAIN CONSTRUCTION
 NE 1/4 OF THE NE 1/4 SECTION 35, T. 1 S., R. 1 E., W.M.
 CLACKAMAS COUNTY, OREGON

PROJECT NUMBER: 22824-C000271.00 - TOPO
 DRAWING FILE NAME: 22824-C000271.00 - TOPO
 DRAWING SCALE: 1" = 20'



1 / Site Plan
scale: 1" = 20'-0"



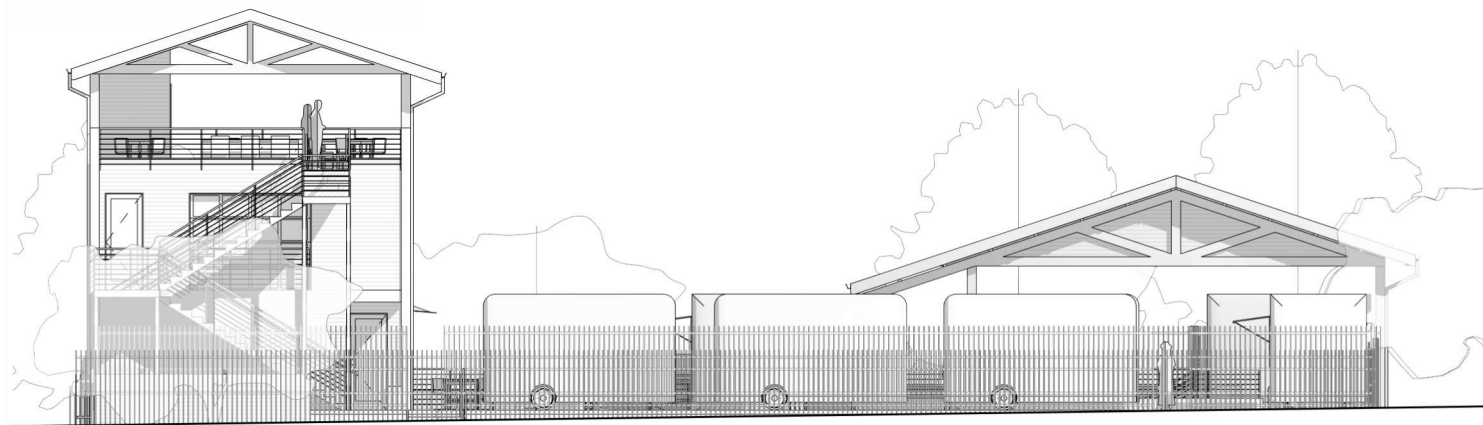
1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222
6.3 Page 84

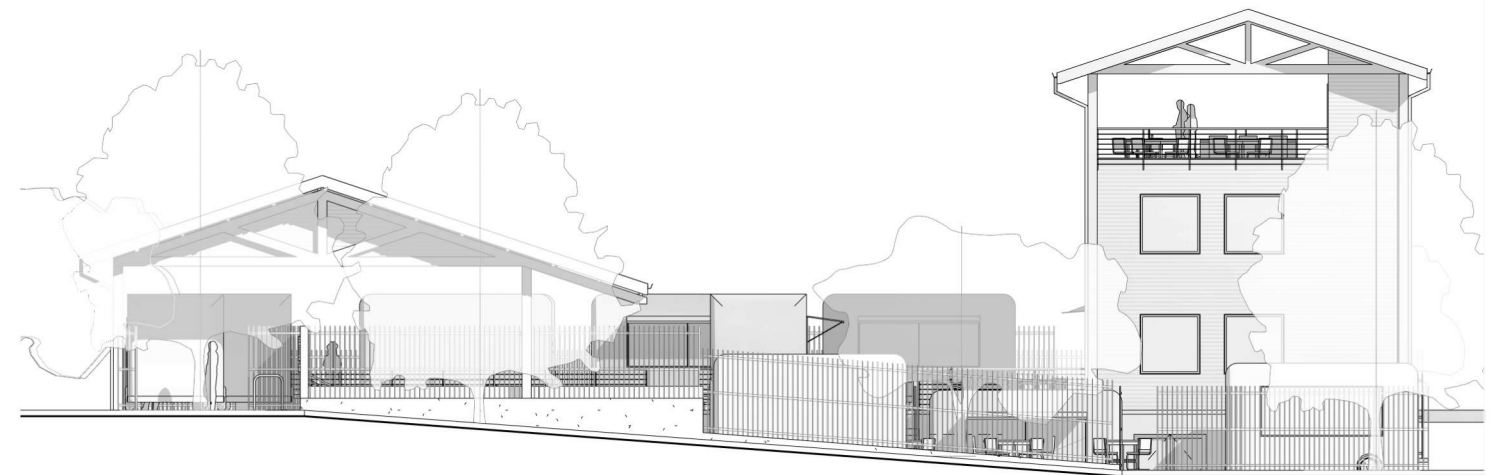
A1.1 - SITE PLAN
Land-Use Review
04.05.2024



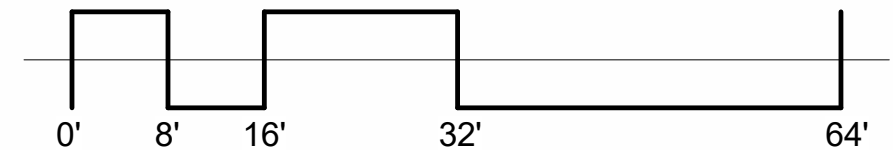
1 / South Elevation @ SE Scott Street
 scale: 1/16" = 1'-0"

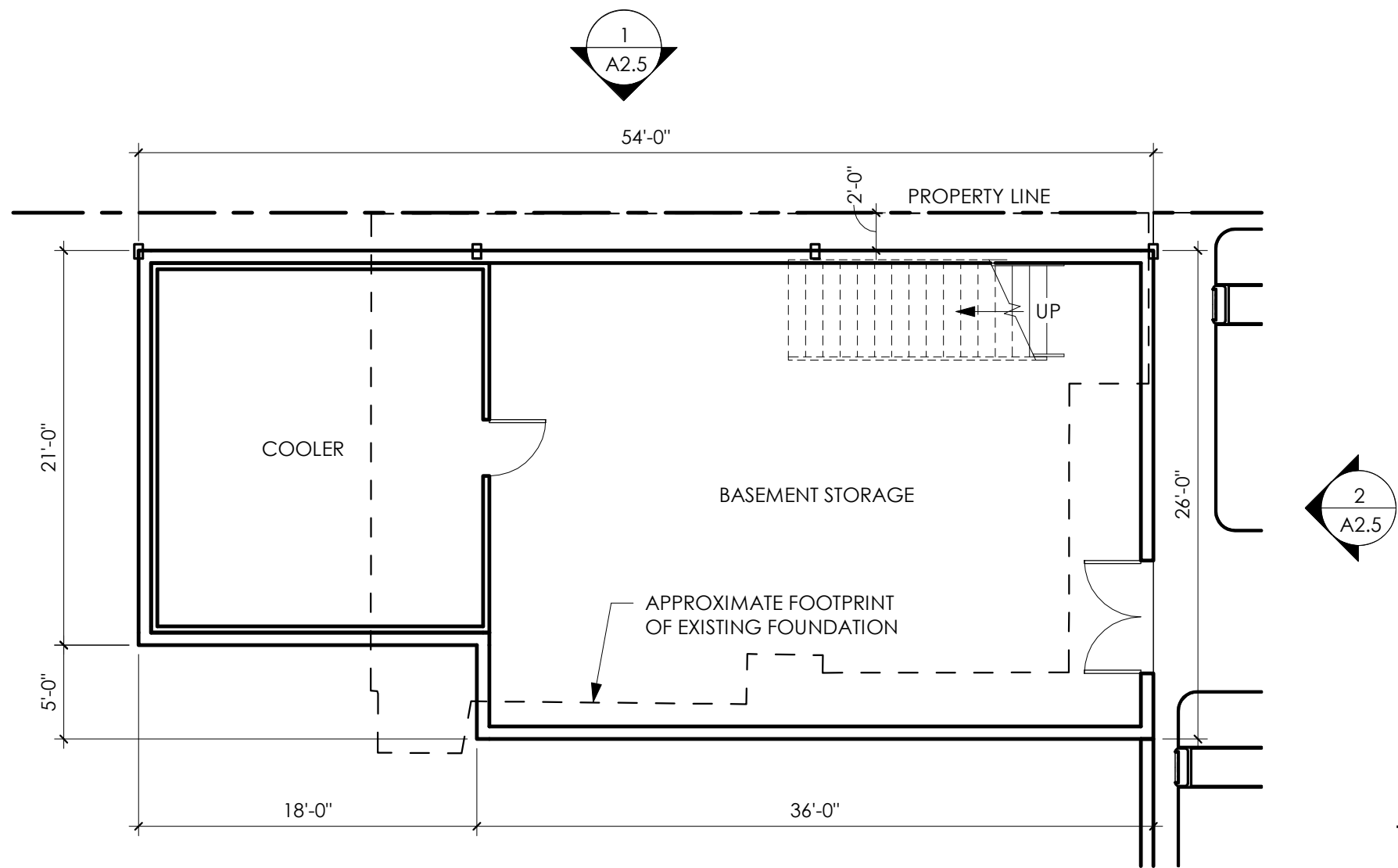


3 / West Elevation @ SE McLoughlin Boulevard
 scale: 1/16" = 1'-0"



2 / East Elevation @ SE Main Street
 scale: 1/16" = 1'-0"

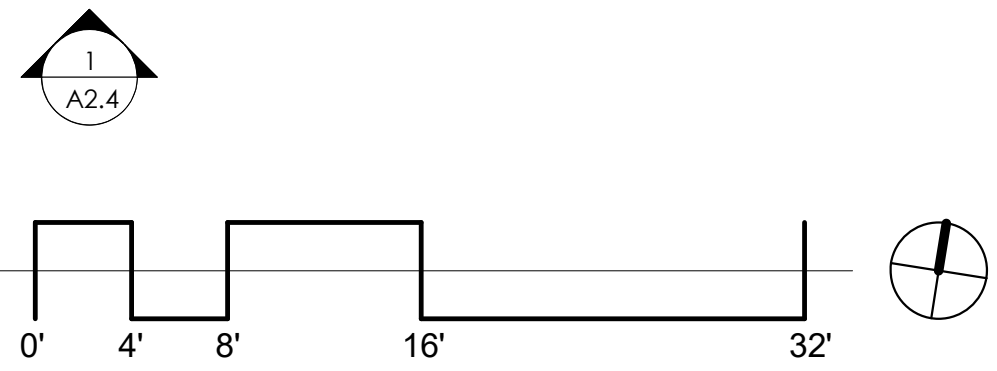


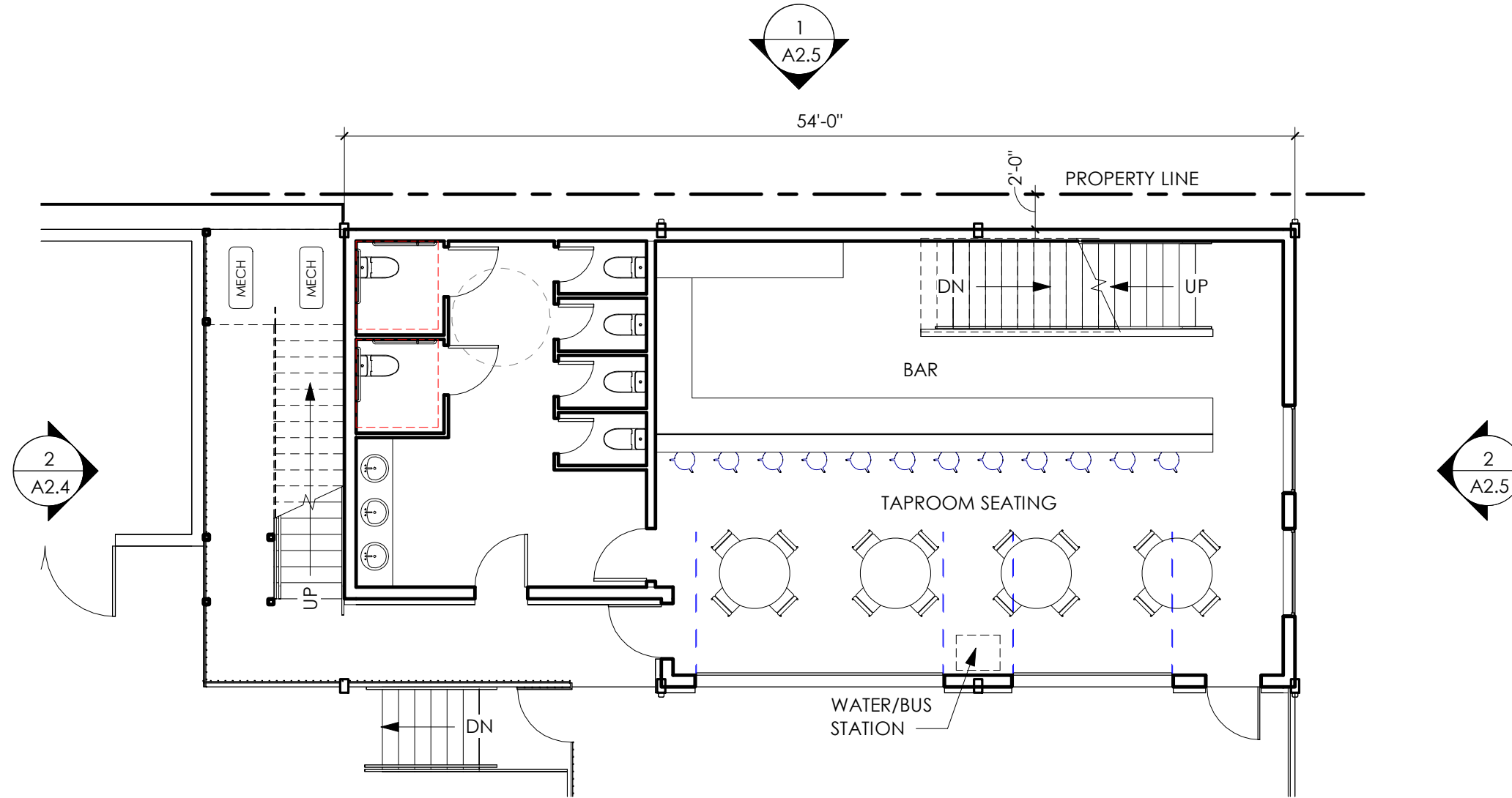


Taproom Building Area

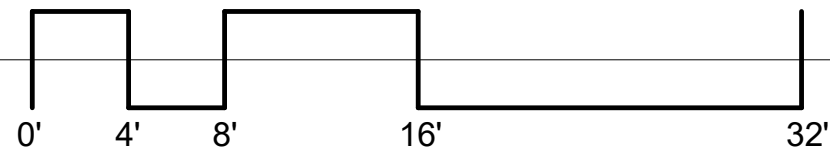
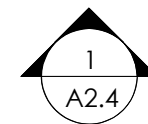
Basement	1,314 SF
Level 1	1,314 SF
Level 2	1,404 SF
Total	4,032 SF

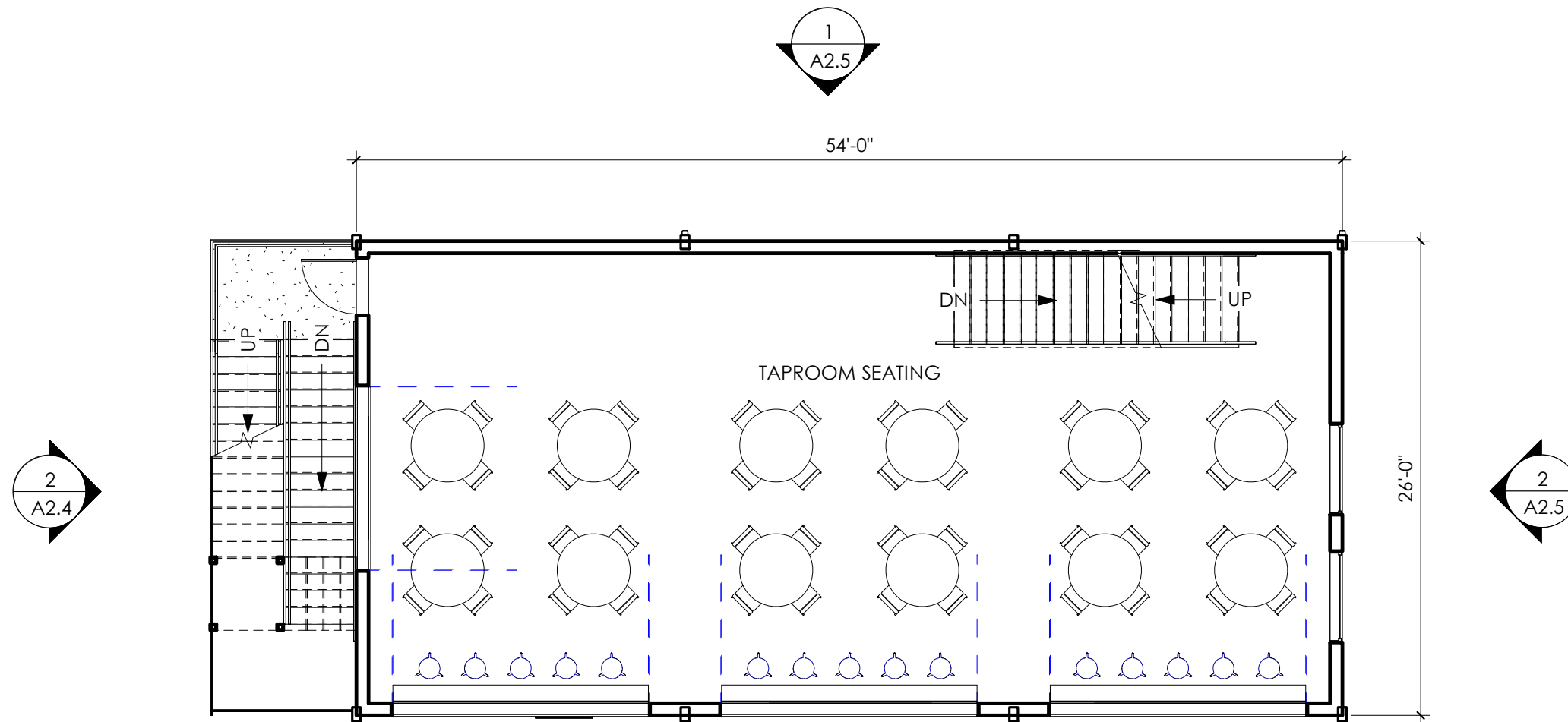
Taproom Basement



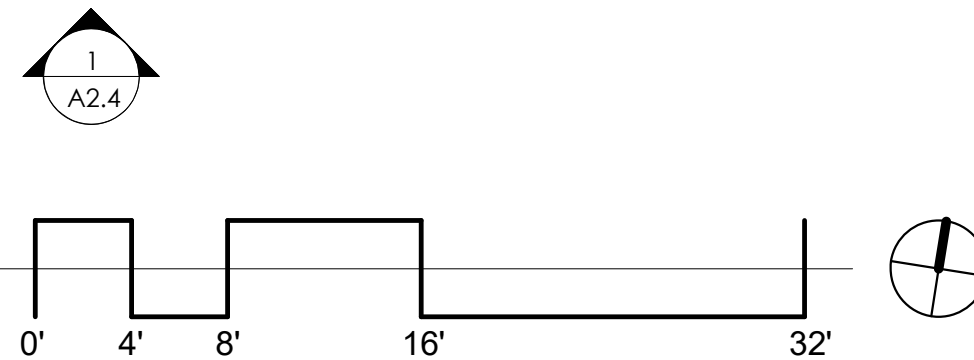


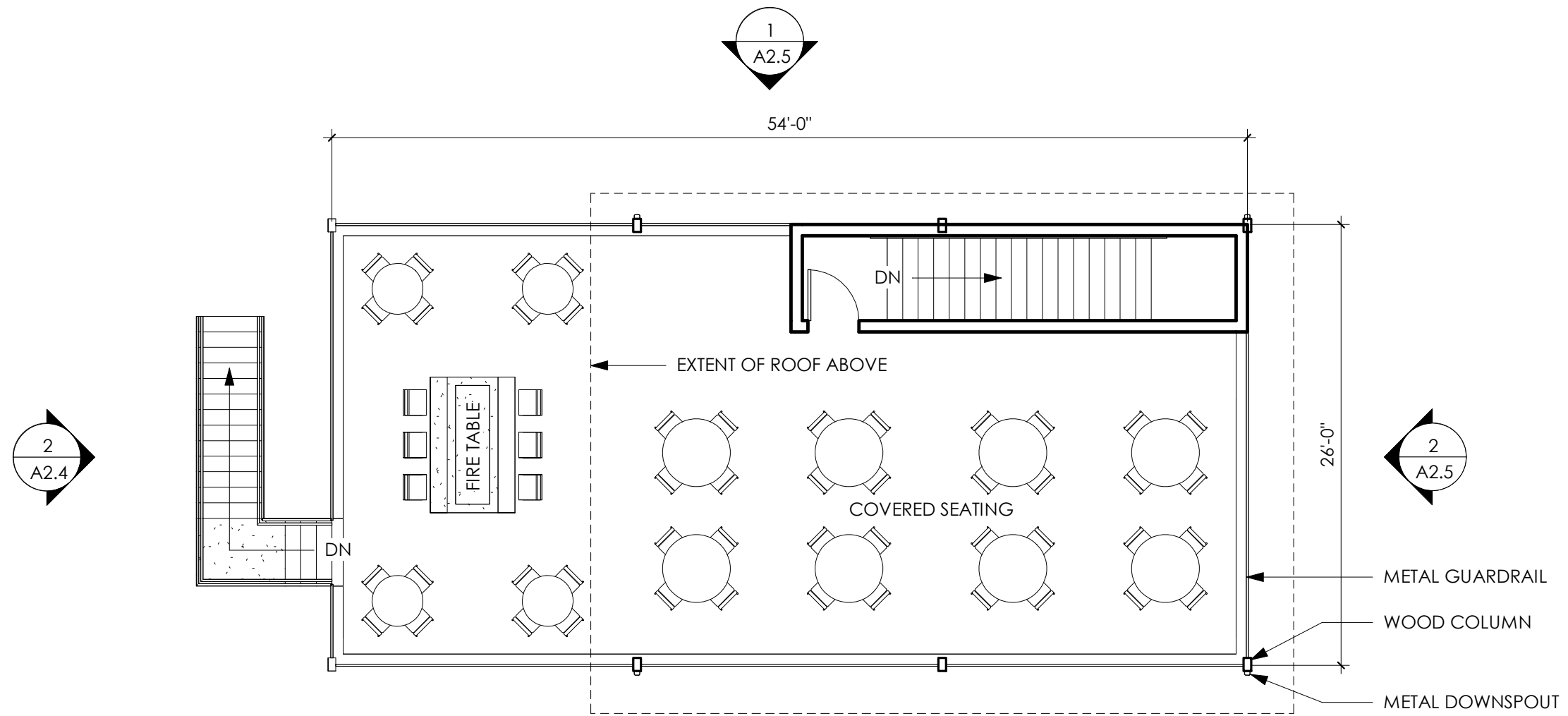
Taproom - Level 1



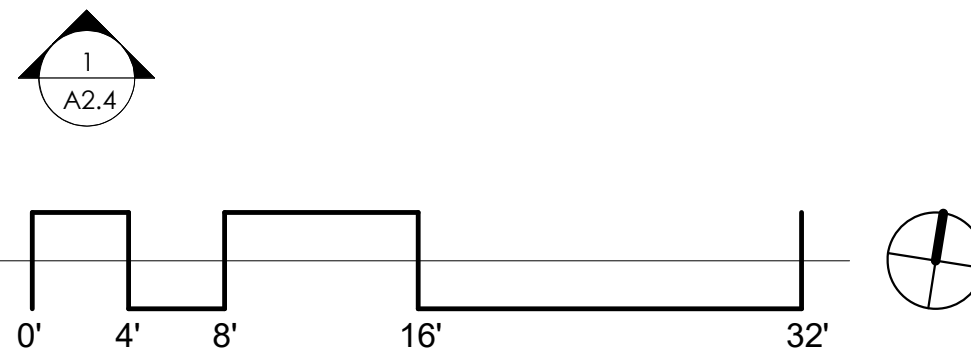


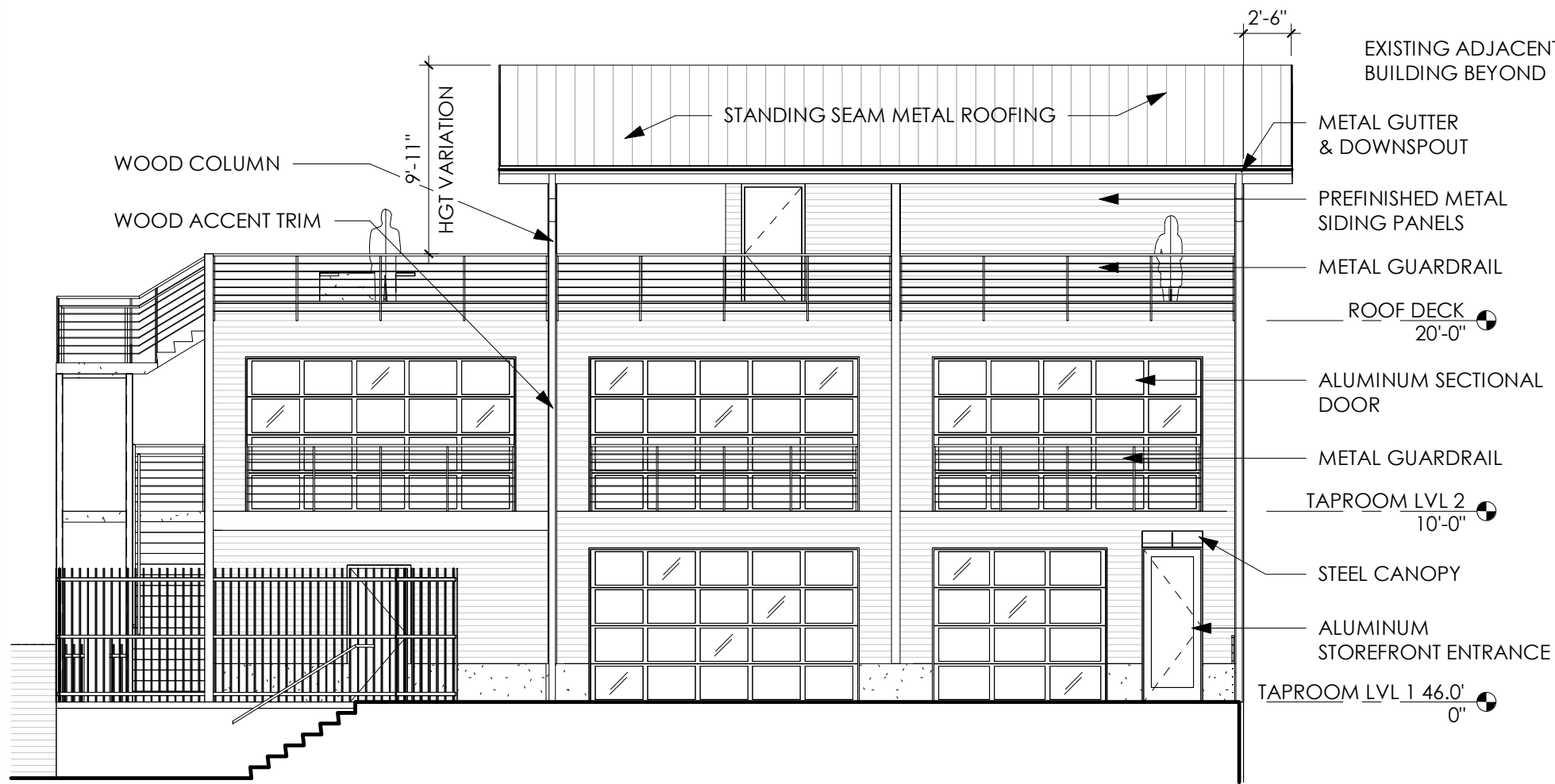
Taproom - Level 2



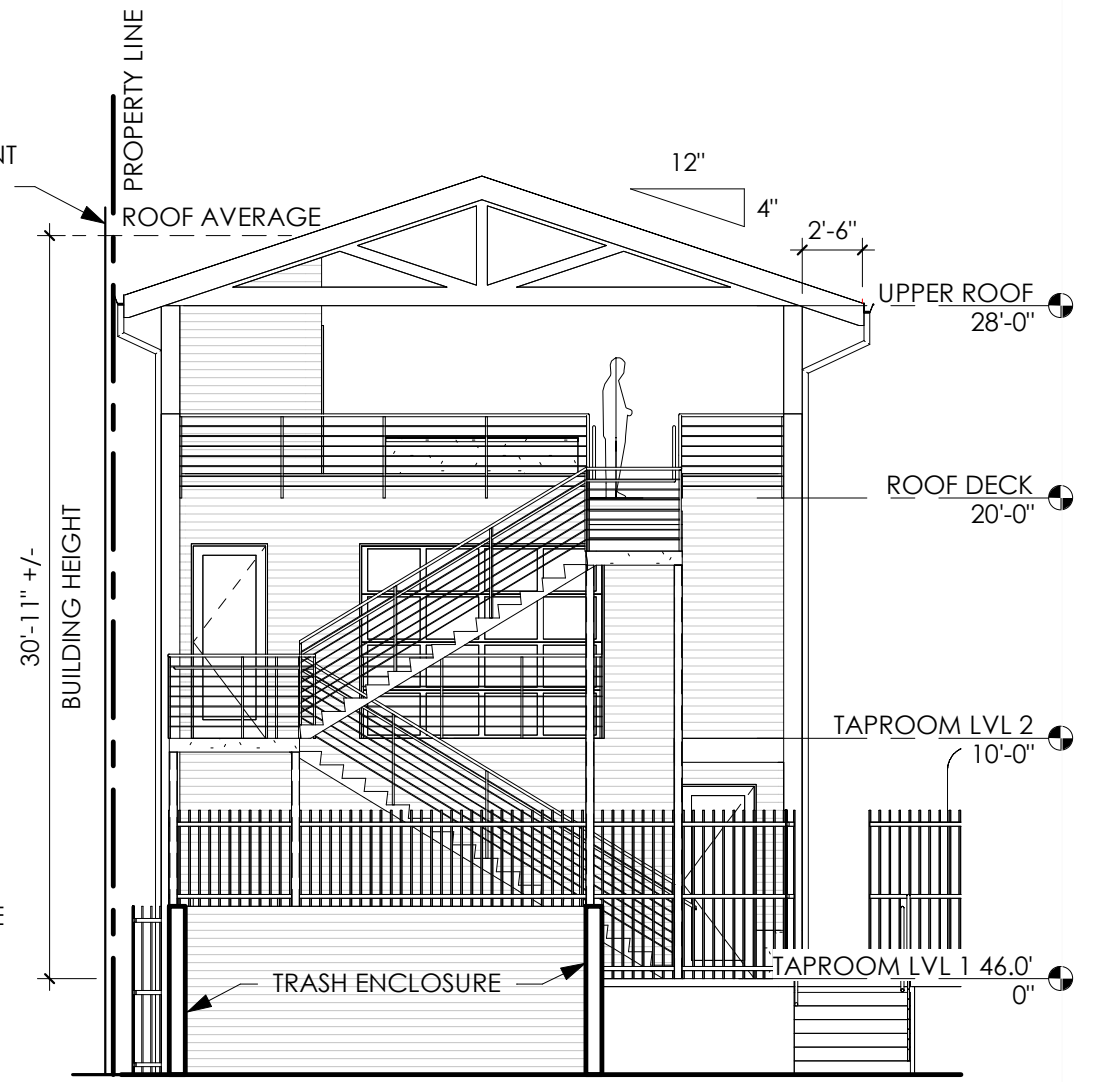


Taproom - Roof Deck

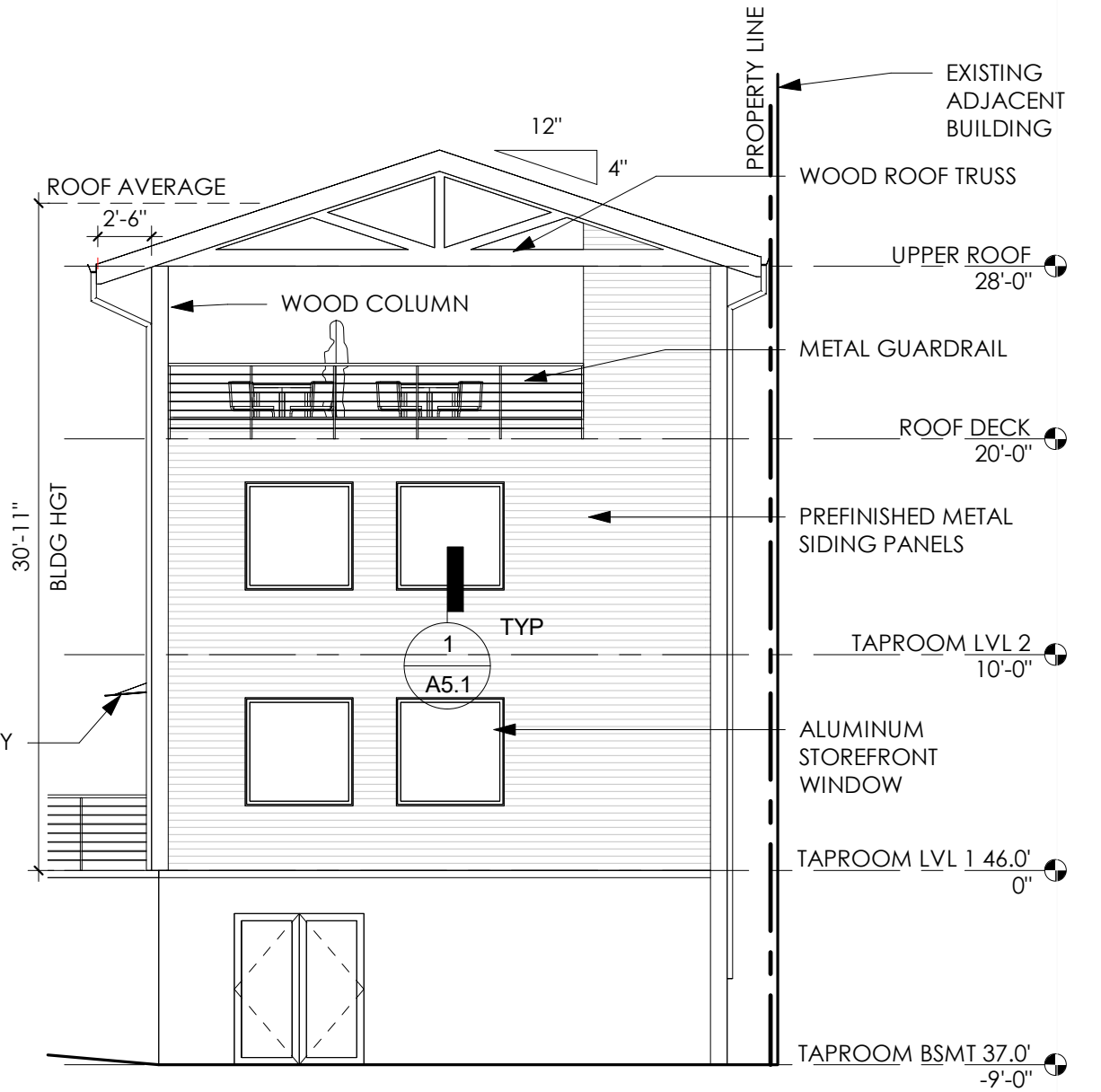
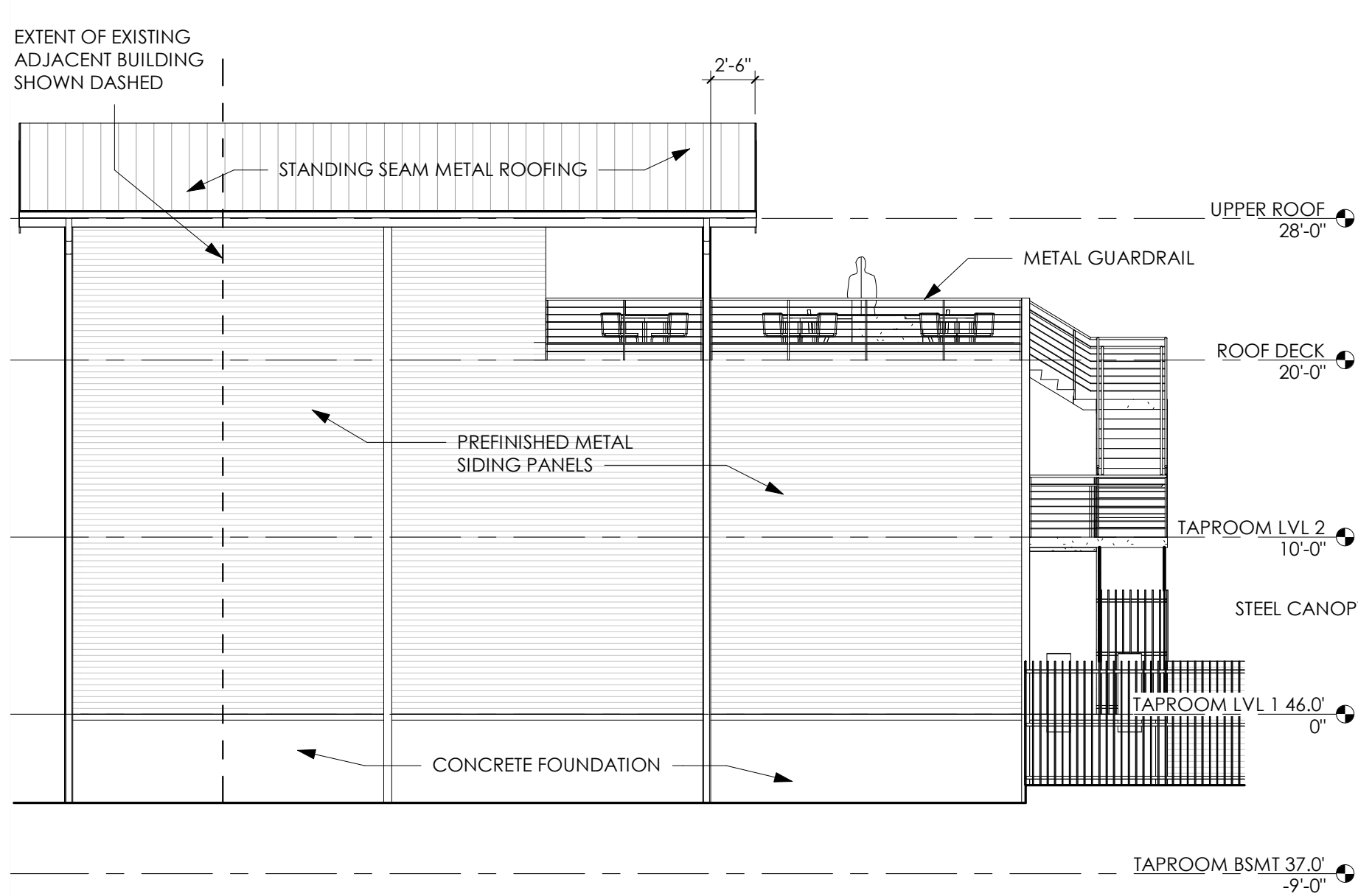




1 / South Elevation - Taproom
scale: 1/8" = 1'-0"

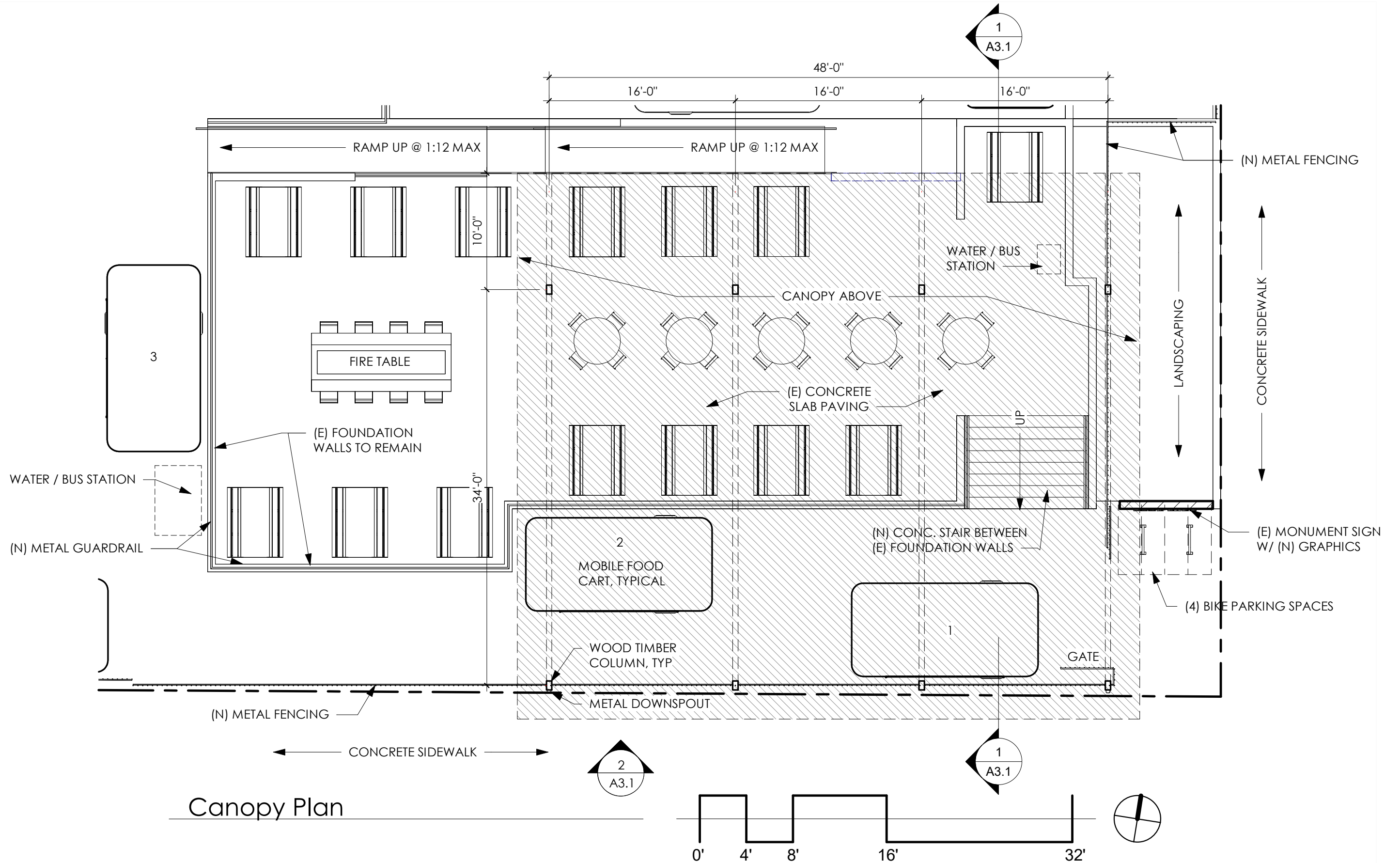


2 / West Elevation - Taproom
scale: 1/8" = 1'-0"



1 / North Elevation - Taproom
scale: 1/8" = 1'-0"

2 / East Elevation - Taproom
scale: 1/8" = 1'-0"

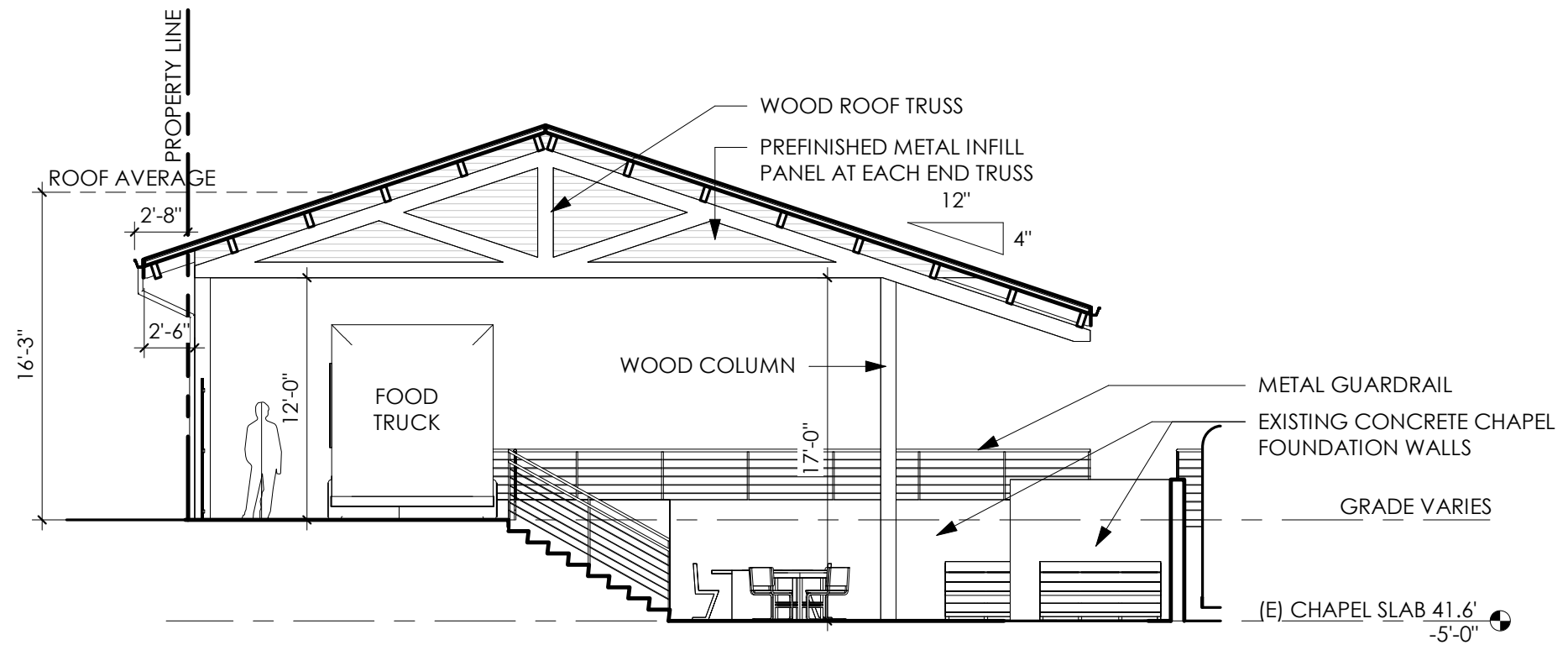


Canopy Plan

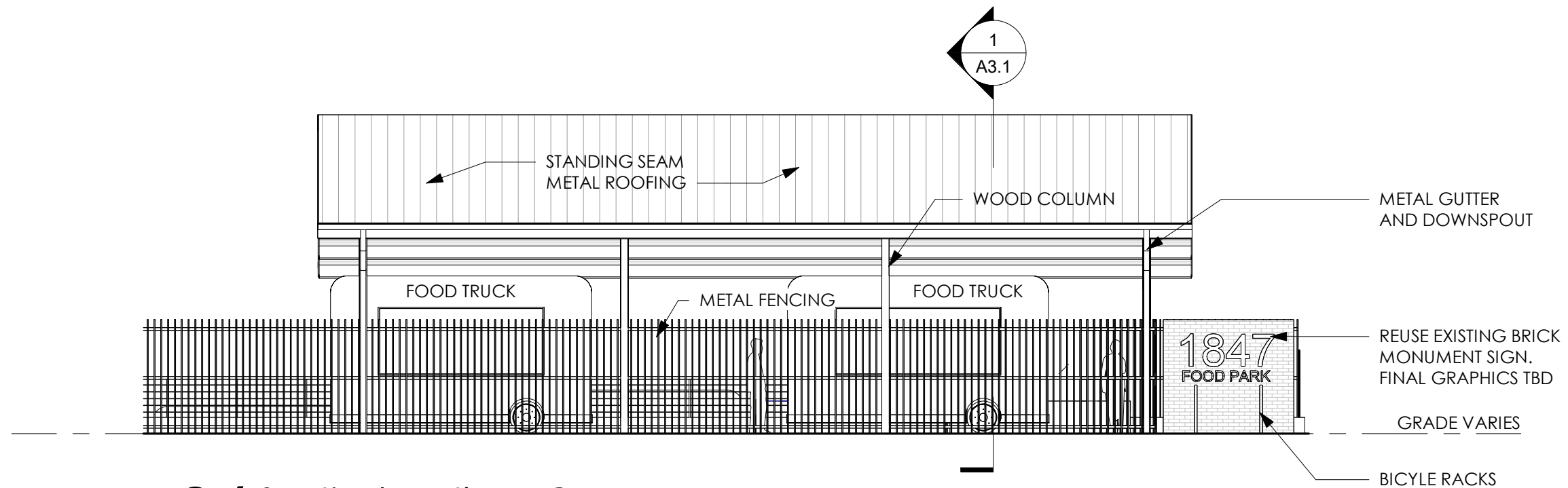
1847 Food Park

1915 & 1925 SE Scott Street
 Milwaukie, OR 97222
 6.3 Page 92

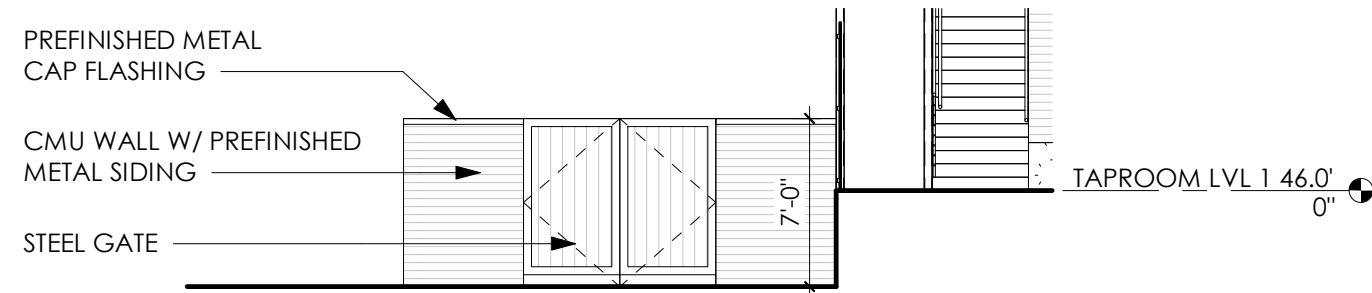
A3.0 - CANOPY PLAN
 Land-Use Review
 04.05.2024



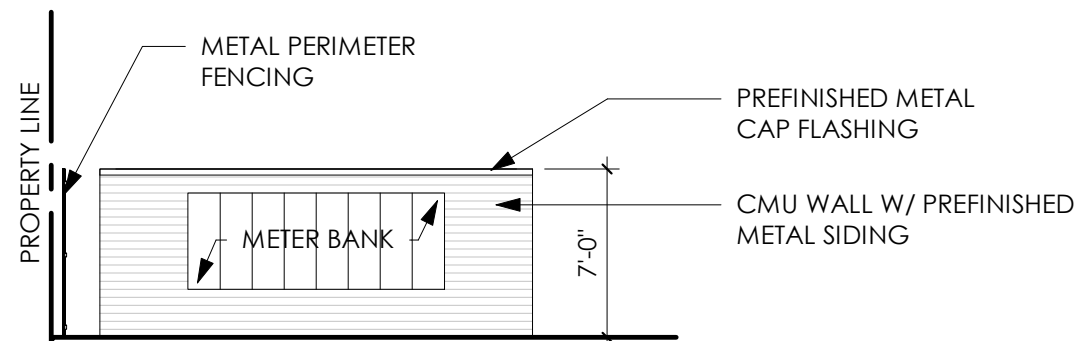
1 / Building Section - Canopy
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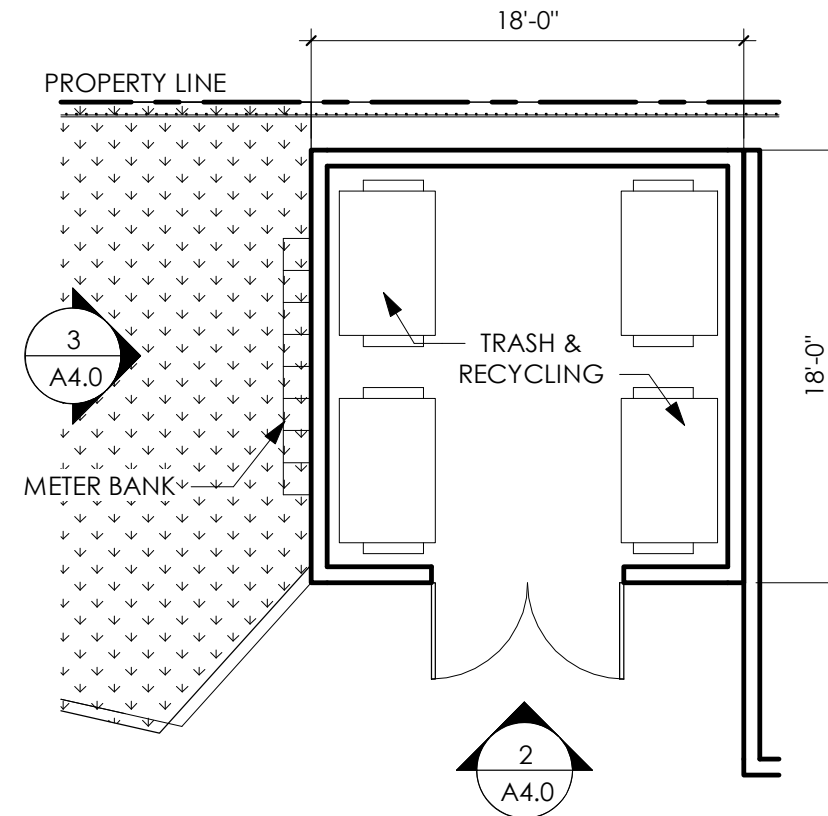
2 / South Elevation - Canopy
 scale: 1/8" = 1'-0"



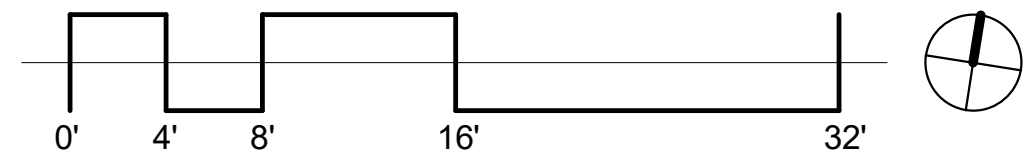
2/ South Elevation - Trash Enclosure
 scale: 1/8" = 1'-0"



3/ West Elevation - Trash Enclosure
 scale: 1/8" = 1'-0"



1/ Trash Enclosure Plan
 scale: 1/8" = 1'-0"



SITE PERIMETER FENCING SYSTEM



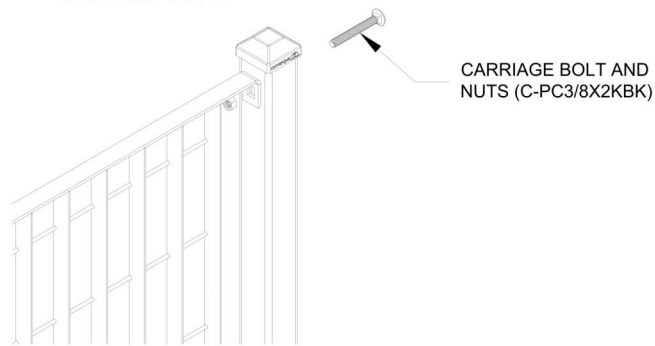
RECTANGULAR PATTERN

OMEGA 10 is widely used. This rectangular pattern offers extensive design versatility. Made with a combination of flat vertical bars and round horizontal wires.

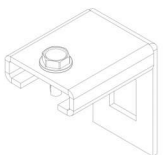
- Versatile and attractive rectangular pattern
- Unobtrusive security

BRACKET KITS FOR OMEGA 10 PANEL ON SQUARE POST

STANDARD BRACKET INSTALLATION

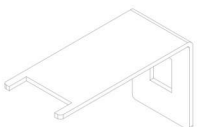


TELESCOPIC BRACKET



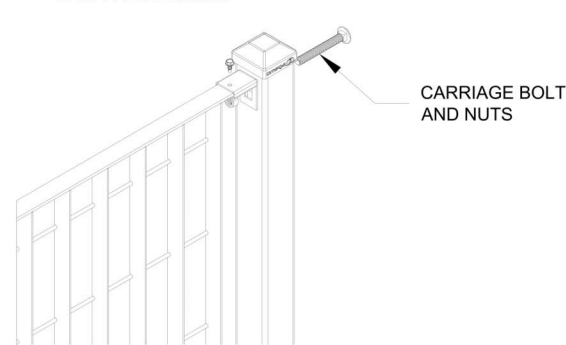
C-GTBK BK

SUPPORT BRACKET

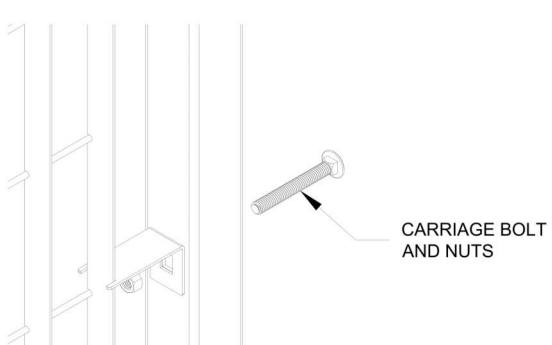


C-GSABK

TELESCOPIC BRACKET INSTALLATION



SUPPORT BRACKET INSTALLATION
78" AND 99" HIGH PANELS



NOTES:
FOR COLORS OTHER THAN BLACK, ALL PARTS ARE POLYESTER POWDER COATED EXCEPT NUTS & BOLTS.

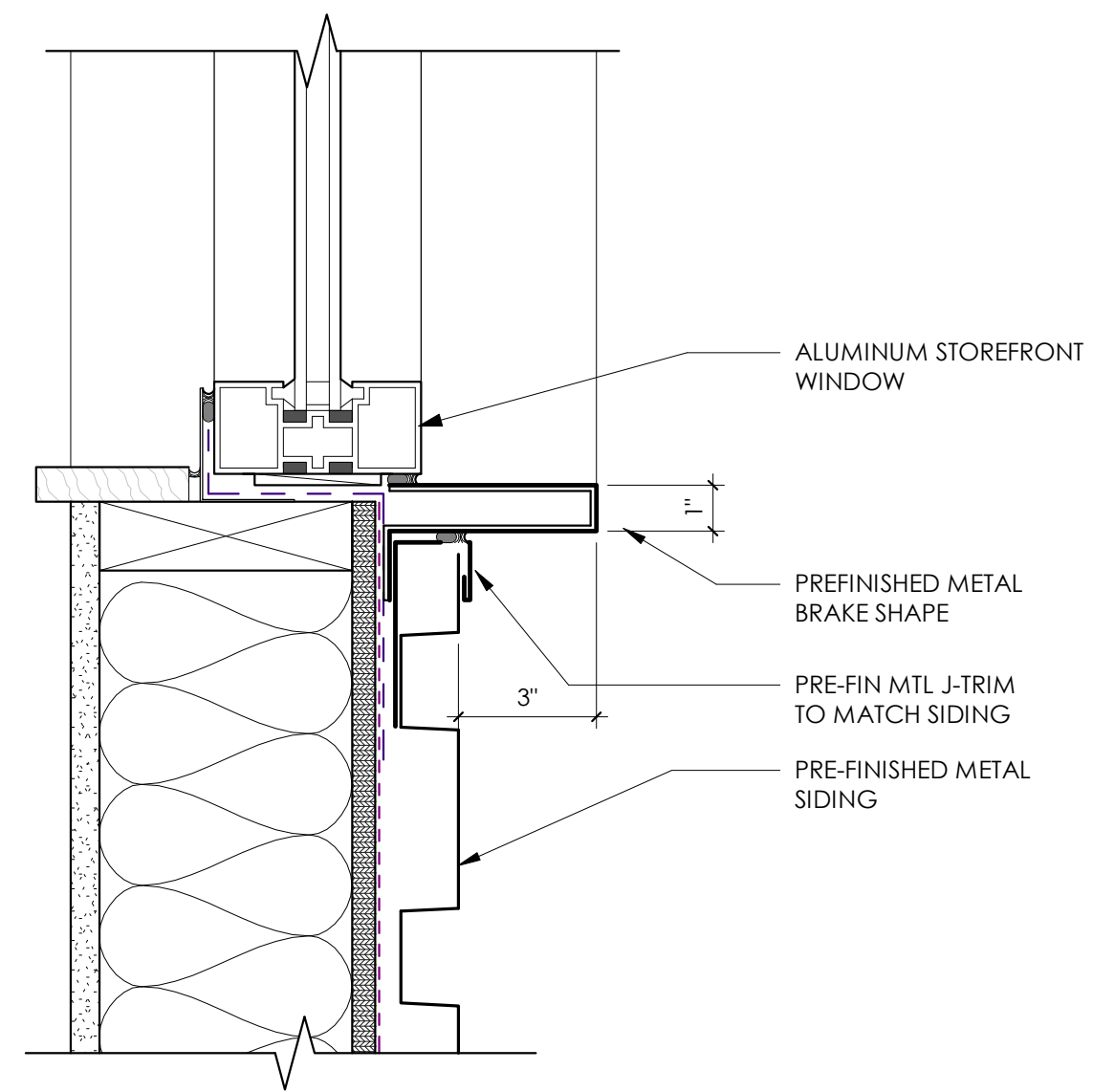


Omega II Fence Systems
1735, Blvd. St-Elzéar West
Laval, Quebec
H7L 3N6

Tel: 450-686-9600
1-800-836-6342
Fax: 450-681-5318
www.omegafence.com

GB10-03

REVISION : 11/21



1 / Typical Window Trim
 scale: 3" = 1'-0"

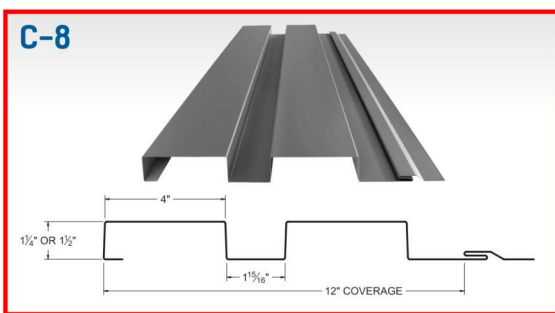
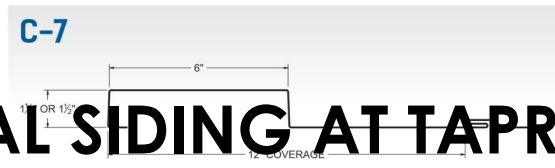
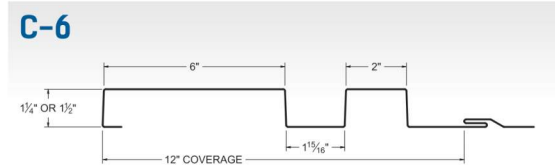
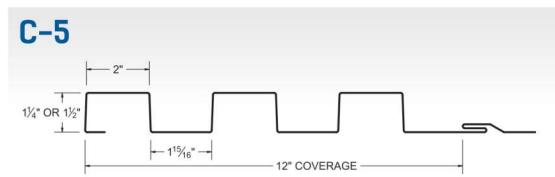
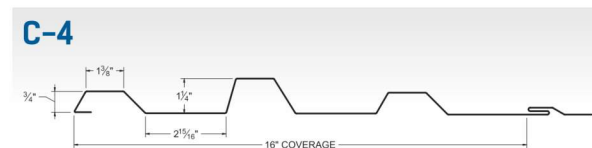
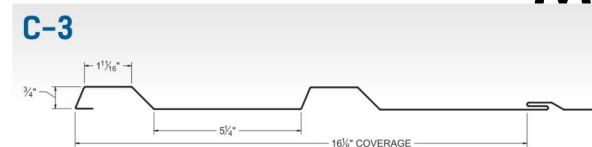
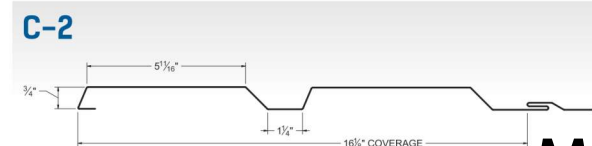
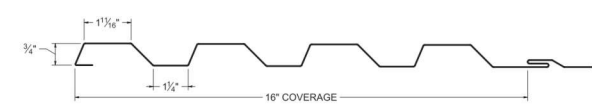
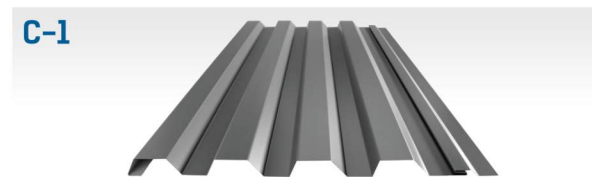
Contour Series™ C-1 to C-8

Contour Series™ gives you the custom look you want within your budget. If one of our standard profiles does not match your design requirements, no problem, TMP will fabricate the profile that matches your projects needs – not ours. Contact us so we can help fulfill your vision of the perfect look.

Contour panels are available in a wide variety of “Cool” baked on Kynar® colors, Rusteel Plus™ (A606), Copper and .032 Kynar 500® Painted Aluminum.



FEATURED PROJECT:
C-5 Panel | Oregon State - Cascades | Bend, OR



METAL SIDING AT TAPROOM

SPECIAL KEY FEATURES Contour Series™ C-1 to C-8

2' to 20'6" panel lengths

3/4", 1-1/4" and 1-1/2" depths

Clip systems available – flush mount and high performance standoff clip (required for 18-20 gauge)

Air and Water Infiltration Testing ASTM 283, 330 and 331

Custom profiles available

Contour Series™ is available in 20 standard colors, 5 Metallic Colors and 4 Specialized Colors

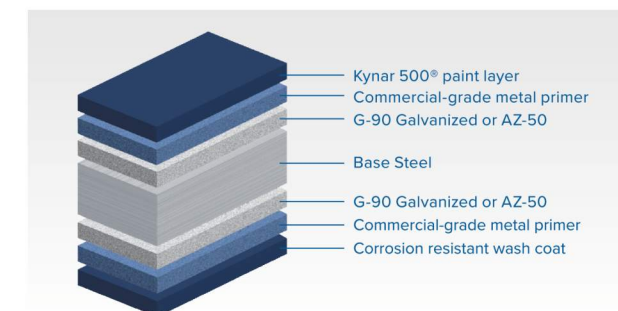
Kynar 500® Paint System - the ultimate in exterior durability and color retention

“Cool” color pigments are specifically designed to reflect infrared light, reducing heat gain to dwelling, and conform with ENERGY STAR® criteria

Superior quality, two-coat, 70% resin finish, applied at 1mm thickness

40 year residential paint warranty

20 and 30 year commercial paint warranty
(Contact TMP for warranty specifications)



ALUMINUM SECTIONAL DOORS



MODELS 451/452 ALUMINUM FULL-VIEW



SECTIONAL DOORS THAT OFFER MAXIMUM LIGHT AND VISIBILITY

Wayne Dalton's Aluminum Full-View doors are the preferred choice when visibility and light transmission are just as important as aesthetics.

These doors are weather-resistant, virtually maintenance-free, and are ideal for commercial applications such as auto dealerships, car washes and restaurant patios.

» CHOOSE FROM A WIDE VARIETY OF GLASS INCLUDING ANNEALED, ACRYLIC, INSULATED AND POLYCARBONATE GLASS

» STANDARD SIZES UP TO 22'2" WIDE AND 16'1" HIGH

» AVAILABLE IN ANODIZED AND POWDER COAT FINISHES

ALUMINUM FULL-VIEW

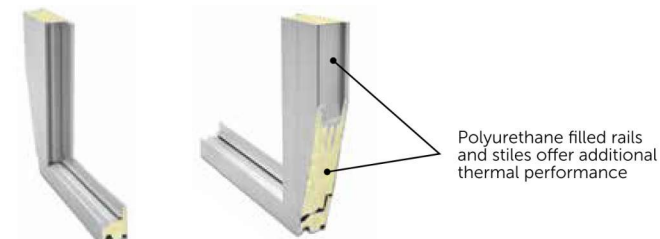
GLASS OPTIONS

TYPE OF GLASS	THICKNESS	TINT	MODEL 451	MODEL 452
Annealed	1/2" Insulated	Clear, Gray, Satin Etched		•
	1/2" Low E	Clear		•
	1/4"	Clear, Gray, Bronze, Satin Etched		•
	1/8"	Clear, Gray, Bronze, Satin Etched	•	
Tempered	1/2" Insulated	Clear, Gray, Bronze, Satin Etched		•
	1/2" Insulated Low E	Clear, Gray		•
	1/4"	Clear, Gray, Bronze, Satin Etched		•
	1/4" Low E	Clear		•
	1/8"	Clear, Gray, Bronze, Solex Green, Satin Etched	•	
Wire	1/4"	Clear		•
Laminated	1/4"	Clear		•
Acrylic	1/8", 1/4"	Clear	•	
	1/8", 1/4"	Clear	•	
Polycarbonate	1/8", 1/4"	Clear	•	
	1/4", 5/8" Multi-Wall	Clear, White, Bronze	•	

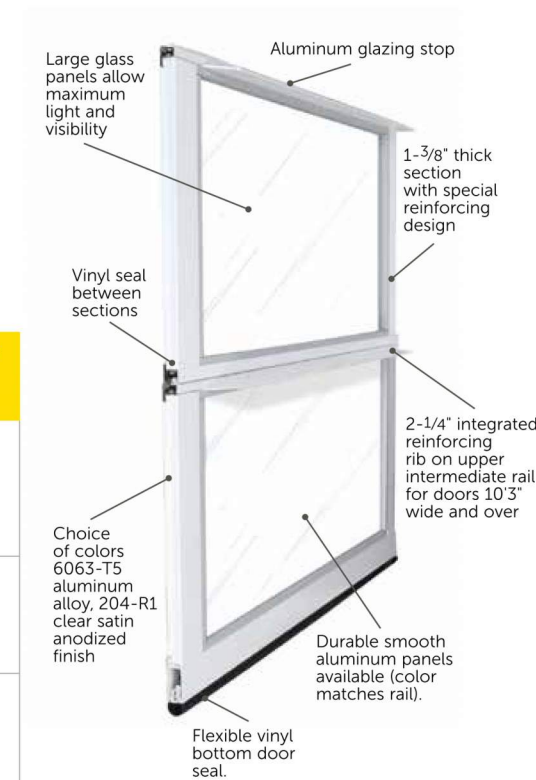
Custom glazing available

OPTIONAL POLYURETHANE INSULATION

(Model 452 only)



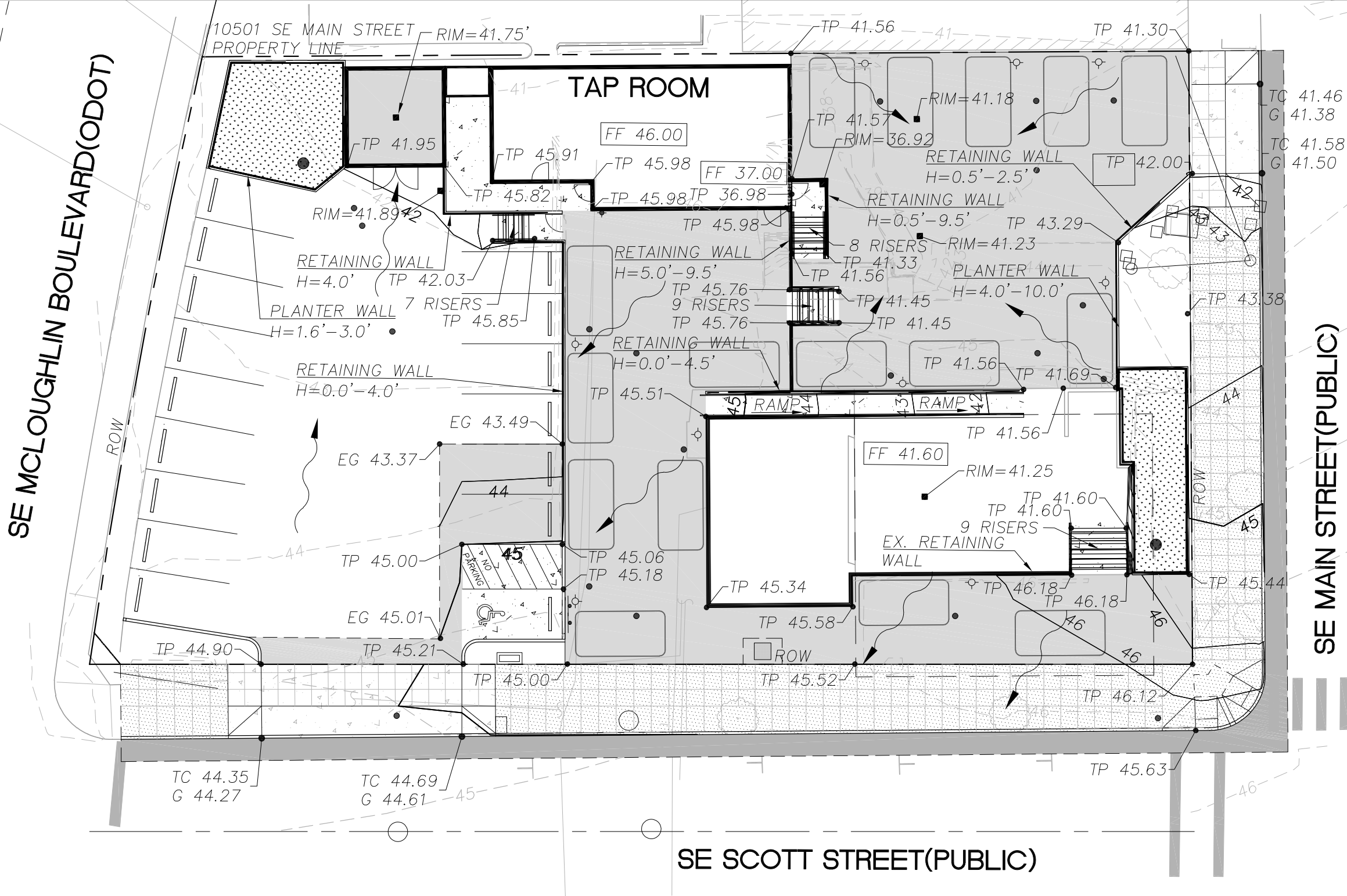
MODEL 452	U-FACTOR*	R-VALUE** 10x10 DOOR	R-VALUE** 12x12 DOOR	R-VALUE** 14x14 DOOR
1/2" Insulated glass Solar Ban 70XL argon filled with polyurethane filled rails and stiles	0.31	3.97	3.92	3.91
1/2" Insulated glass Low E with polyurethane filled rails and stiles	0.28	3.31	3.25	3.25
1/2" Insulated glass with polyurethane filled rails and stiles	0.31	2.79	2.69	2.69



1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222
6.3 Page 98

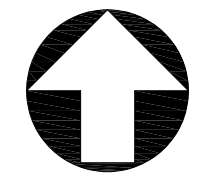
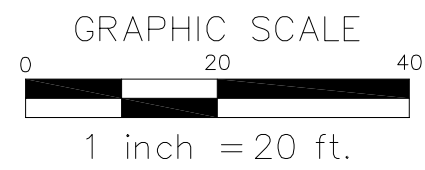
A5.3 - SECTIONAL GLASS DOORS
Land-Use Review
04.05.2024



SHEET LEGEND

ITEM	DESCRIPTION
--- 43 ---	EXISTING COUNTOUR
— 43 —	PROPOSED COUNTOUR
	PUBLIC CONCRETE SIDEWALK
	PUBLIC ASPHALT PAVEMENT
	PRIVATE ASPHALT PAVEMENT
	PUBLIC CONCRETE PAVEMENT
	PRIVATE CONCRETE PAVEMENT
	STORMWATER PLANTER
	FLOW ARROW
G XXX.XX	GRADE AT GUTTER
TC XXX.XX	GRADE AT TOP OF CURB
TP XXX.XX	GRADE AT TOP OF PAVEMENT
FF XX.XX	FINISH FLOOR ELEVATION
FG XXX.XX	FINISHED GRADE
TW XXX.XX	GRADE AT TOP OF WALL
EG XXX.XX	EXISTING GRADE
(E)	EXISTING
X.X%	SLOPE ARROW
GB	GRADE BREAK

LAYOUT AND GRADING PLAN
SCALE: 1"=20'



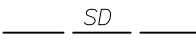
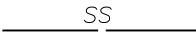
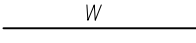
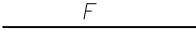
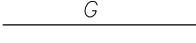
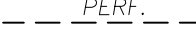



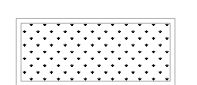
SE MCLOUGHLIN BOULEVARD(ODOT)

10501 SE MAIN STREET
PROPERTY LINE

SE SCOTT STREET(PUBLIC)

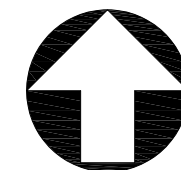
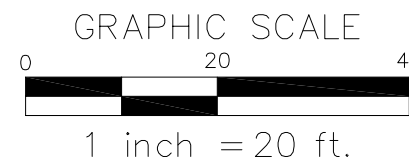
SE MAIN STREET(PUBLIC)

SHEET LEGEND

ITEM	DESCRIPTION
	STORM
	SANITARY
	WATER
	FIRE
	GAS
	PERF. PIPE
	CATCH BASIN/ AREA DRAIN
	CLENAOUT
	OVERFLOW DRAIN
	STORMWATER PLANTER

UTILITY PLAN

SCALE: 1"=20'



EXPIRES 12-31-2024

STORM SEWER SCHEDULE

ITEM	DESCRIPTION	REFERENCE
SDPOC-1	CONNECT FROM PROPOSED BUILDING IE=TBD	
SDPOC-2	CONNECT FROM PROPOSED BUILDING IE=TBD	
SDPOC-3	CONNECT TO EX. SANITARY SEWER MAIN IE=TBD	
OD-1	OVERFLOW DRAIN RIM=XXX IE=XXX	
OD-2	OVERFLOW DRAIN RIM=XXX IE=XXX	
SWP-1	STORMWATER PLANTER, 100 SF FLOW-THROUGH, WATER QUALITY ONLY	
SWP-2	STORMWATER PLANTER, 100 SF FLOW-THROUGH, WATER QUALITY ONLY	
CB-1	CATCH BASIN RIM=XXX IE=XXX	
CB-2	CATCH BASIN RIM=XXX IE=XXX	
CB-3	CATCH BASIN RIM=XXX IE=XXX	
CB-4	CATCH BASIN RIM=XXX IE=XXX	
CB-5	CATCH BASIN RIM=XXX IE=XXX	
SDCO-1	STORMWATER CLEANOUT TO GRADE, IE=XXX	
SDCO-2	STORMWATER CLEANOUT TO GRADE, IE=XXX	
SDCO-3	STORMWATER CLEANOUT TO GRADE, IE=XXX	
OF-1	OUTFALL, IE=XXXX <i>RIPRAP?</i>	
OF-2	OUTFALL, IE=XXXX <i>RIPRAP?</i>	

OF-3 OUTFALL, IE=XXXX *RIPRAP?*

OF-4 OUTFALL, IE=XXXX *RIPRAP?*

SANITARY SEWER SCHEDULE

ITEM	DESCRIPTION	REFERENCE
SSPOC-1	CONNECT TO EX. SANITARY SEWER MAIN IE=TBD	
SSPOC-2	CONNECT TO EX. SANITARY SEWER MAIN IE=TBD	
SSPOC-3	4" SANITARY SEWER POINT OF CONNECTION, CONNECT TO BUILDING SEWER IE=TBD	
SSCO-1	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	
SSCO-2	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	
SSCO-3	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	
SSCO-4	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	
SSCO-5	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	
SSCO-6	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	
SSCO-7	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	
SSCO-8	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	
SSCO-9	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	
SSCO-10	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	
SSCO-11	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	
SSCO-12	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	
SSCO-13	SANITARY SEWER CLEANOUT TO GRADE, IE=XXX	

SSCO-14 SANITARY SEWER CLEANOUT TO
GRADE, IE=XXX

GI-1 GREASE INTERCEPTOR, RIM=
IE IN=
IE OUT=

SSAD-1 SANITARY SEWER AREA DRAIN,
TRAPPED AND PRIMED, COORDINATE
WITH PLUMBING FOR WATER SOURCE

WATER SCHEDULE

ITEM	DESCRIPTION	REFERENCE
WM-1	WATER METER	
RPBA-1	PREMISES ISOLATION (PI) REDUCED PRESSURE BACKFLOW ASSEMBLY, TO BE INSTALLED IN ABOVE GROUND HEATED ENCLOSURE ON NEW WATER LINE SERVICE PER WATER BUREAU REQUIREMENTS. 110V/1PH POWER SUPPLY PER ELECTRICAL.	
FSV-1	FIRE SERVICE VAULT	
WPOC-1	WATER POINT OF CONNECTION, ALL WATER RELATED WORK WITHIN ROW TO BE PERFORMED BY PWB	
FPOC-1	FIRE POINT OF CONNECTION, ALL WATER RELATED WORK WITHIN ROW TO BE PERFORMED BY PWB	
FPYH - 1-9	FREEZE-PROOF YARD HYDRANT ASSEMBLY	
FDC	FIRE DEPARTMENT CONNECTION, MOUNTED TO BUILDING FACE	
WPOC-2	CONNECT FROM PROPOSED BUILDING	
FPOC-2	CONNECT FROM PROPOSED BUILDING	



EXPIRES 12-31-2024

Stormwater Management Facilities DR Stormwater Report 1847 Food Park

HDG Job #: KOB003

Prepared For:

Prepared By:



**Humber
Design
Group, Inc.**

110 SE Main St. Suite 200
Portland, OR 97214
(P) 503 946 6690

I hereby certify that this Stormwater Management Report for the 1847 Food Park project has been prepared by me or under my supervision and meets minimum standards of City of Milwaukee and normal standards of engineering practice.

I hereby acknowledge and agree that the jurisdiction does not and will not assume liability for the sufficiency, suitability, or performance of drainage facilities designed by me.

Date: April 5, 2024



EXPIRES 12-31-2024

Table of Contents

Project Overview and Description	2
Vicinity Map	3
Methodology	4
Analysis	5
Engineering Conclusions	6

APPENDICES

Appendix A Stormwater Facility Details / Exhibits	A
Catchment Map	
DR Utility Plan	
Details	

Appendix B Support Calculations	B
PAC Report	

Appendix C Operations and Maintenance Plan	C
To be provided at time of building permit	

Project Overview and Description

Location of Project	1925 SE Scott Street
Site Area/Acreage	0.47 ac
Proposed Impervious Area	12700
Nearest Cross Street	SE Main Street
Property Zoning	COM - Commercial Land
Existing Conditions	The existing site consists of a parking lot, landscaping including trees and bushes and remaining foundations of previous buildings onsite.
Proposed Development	The project proposes a new tasting room, food cart pods with seating area. Along with the existing parking lot to remain.
Watershed Description	Johnson Creek
Subwatershed	Spring
Tax Map	11E35AA
Tax Lot	200
Flood Zone	NA
Permits Required	Building Permit Public Works Permit

Vicinity Map



Site Location

Methodology

Existing Drainage

Stormwater appears to be managed through the use of catch basins and existing combined sewer in SE Scott Street or SE Main Street.

Infiltration Results

Infiltration testing has not occurred at the site.

PRIVATE Proposed Stormwater Management Techniques

Per City of Milwaukie standards, stormwater management will fall under the 2016 Portland SWMM. Stormwater runoff from the 12,700 square feet of proposed impervious area will be managed by flow-through planters sized to manage water quality and quantity. Stormwater will outfall to the south of the project site to the existing combined sewer located in the public right-of-way in SE Scott Street.

PUBLIC Proposed Stormwater Management Techniques

The curb alignments along SE Scott Street and SE Main Street are expected to remain unchanged; therefore, no stormwater management is required in the public right-of-way.

Discharge Point

Combined Sewer

Stormwater Hierarchy Justification

Infiltration rate is unknown so it is assumed that infiltration is not feasible at this site. There is an existing combined sewer in SE Scott Street that the project is proposing to tie into; therefore this project will fall under category 4 of the stormwater hierarchy.

Analysis

Computational Method Used The Presumptive Approach Calculator (PAC) was used to calculate the stormwater management facility area needed to treat the water quality storm and the peak flows of the catchment area. See attached PAC Calculations. Below is a summary of the results.

Hydrologic Soil Group Unknown

Table 1 – Curve Numbers

Predeveloped Pervious CN	72
Predeveloped Impervious CN	98
Post-Developed Pervious CN	89
Post-Developed Impervious CN	98

Table 2 – Design Storms

WQ Storm	0.83 inches
2-year	2.40 inches
10-year	3.40 inches
25-year	3.90 inches
100-year	4.40 inches

Table 3 – Time of Concentration

Predeveloped TOC	5 min
Post-Developed TOC	5 min

Stormwater Management Narrative The project proposes 12,700 sf of new impervious area. The PAC was used to size flow-through stormwater planters for each catchment. These planters will treat roof areas and new impervious area for seating/plaza areas. Runoff will be collected and piped to the stormwater planters for water quality and quantity control. Overflow will be delivered to public combined sewer system in SE Scott Street.

Table 4 – Catchment Areas and Facility Table

Catchment/ Facility ID	Source (roof, road, etc.)	Treatment Area (sf)	Ownership (private/ public)	Facility Type/ Function	Facility Size (sf)
Catchment A	Roof/Sidewalk	6700	Private	Flow-through Planter	365
Catchment B	Roof/Sidewalk	6000	Private	Flow-through Planter	450

*All flow-through planters sized using PAC to meet water quality and flow control requirements

Table 5 - Flow Rates

Catchment/ Facility ID	10-Year Pre-Developed	25-Year Post Developed with Planter
A	0.032 cfs	0.032 cfs
B	0.029cfs	0.021 cfs

Engineering Conclusions

The preceding methodologies and calculations presented indicate compliance with the current jurisdictional stormwater management codes and requirements. A summarized breakdown is presented below:

Water Quality

The proposed development will meet the provisions for water quality per the 2016 Portland Stormwater Management Manual.

Water Quantity

The proposed development will meet the provisions for water quantity per the 2016 Portland Stormwater Management Manual.

Downstream / Upstream Impacts

There are no upstream or downstream impacts created by this proposed development.

100 year storm

The 100 year storm will be safely conveyed away from structures and will overflow to the stormwater planter overflow structure and be routed to the combined sewer in SE Scott Street.

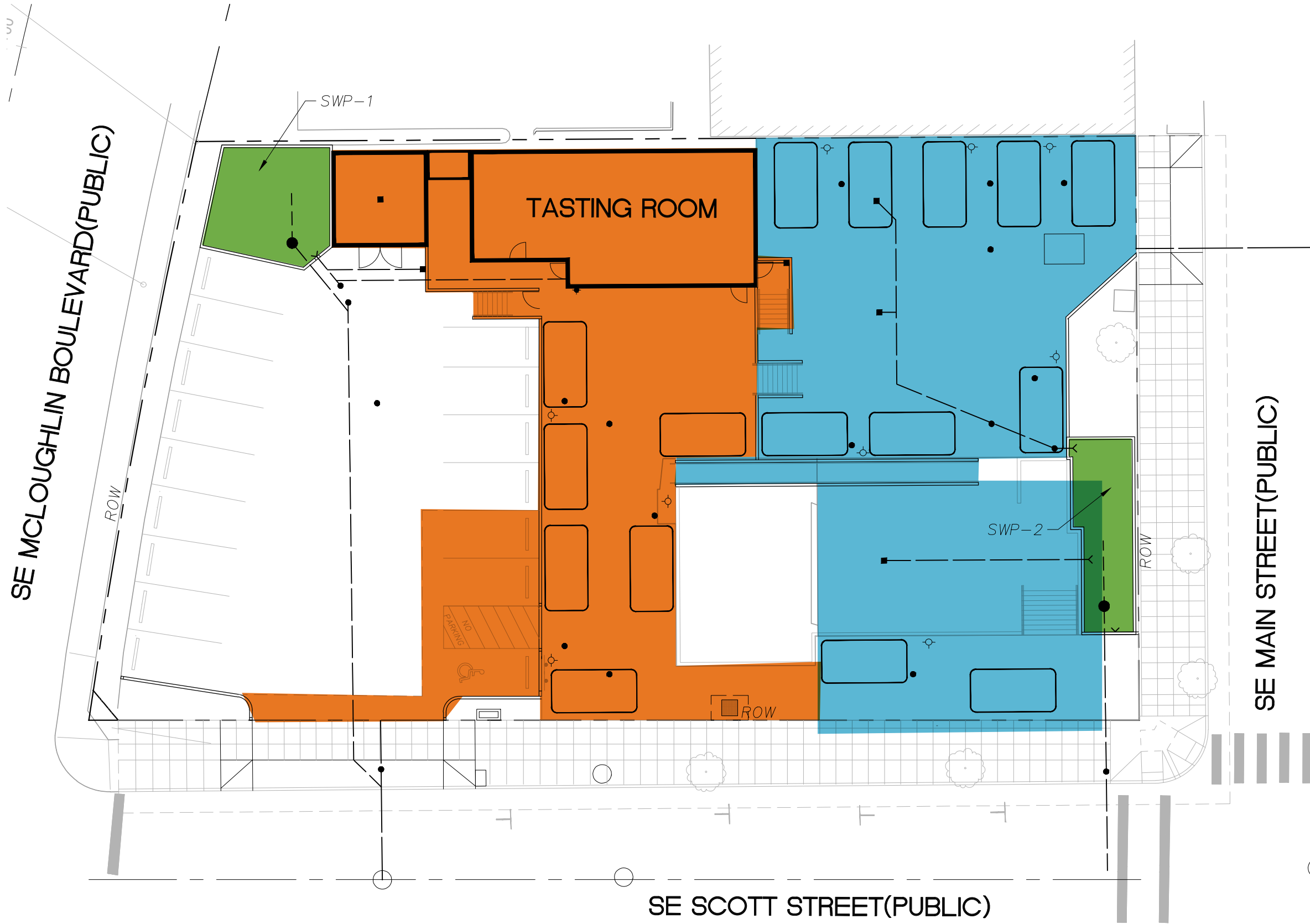
Appendix A

Stormwater Facility Details / Exhibits

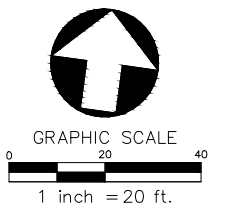
Catchment Map

DR Utility Plan


Details



- CATCHMENT A
AREA: 6,700 SF
- CATCHMENT B
AREA: 6,000 SF
- STORMWATER PLANTER(SWP-1)
AREA: 365SF
- STORMWATER PLANTER(SWP-2)
AREA: 450SF



CATCHMENT MAP
1925 SE SCOTT STREET

PROJECT NO.: KOB003 DRAWN BY: JKB DESIGN BY: CCM REVIEWED BY: CCM DATE: 04/05/2024	 Humber Design Group, Inc. <small>Civil Engineering • 503.946.6690 • hdgpd.com</small>
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P:\KOB003 - Scott Street M-U-V - CAD Drawings\B - Exhibits\Catchment - maps\Catchment map.dwg Apr 05, 2024 - 1:40pm

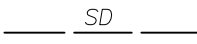
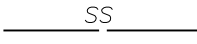
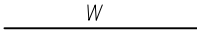
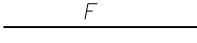
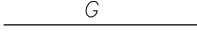
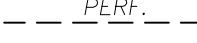



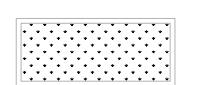
SE MCLOUGHLIN BOULEVARD(ODOT)

10501 SE MAIN STREET
PROPERTY LINE

SE SCOTT STREET(PUBLIC)

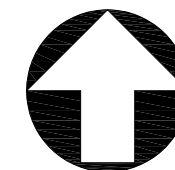
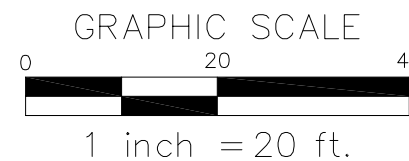
SE MAIN STREET(PUBLIC)

SHEET LEGEND

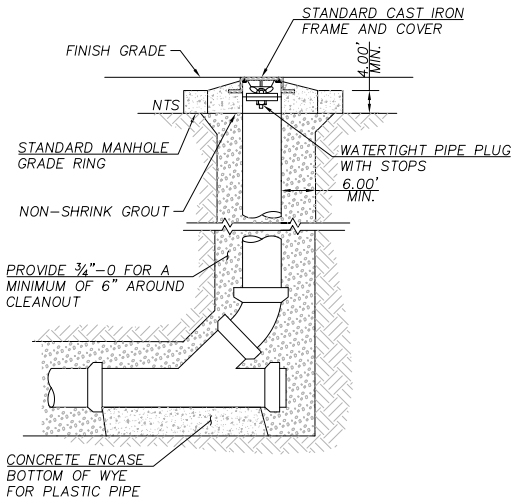
ITEM	DESCRIPTION
	STORM
	SANITARY
	WATER
	FIRE
	GAS
	PERF. PIPE
	CATCH BASIN/ AREA DRAIN
	CLENAOUT
	OVERFLOW DRAIN
	STORMWATER PLANTER

UTILITY PLAN

SCALE: 1"=20'



EXPIRES 12-31-2024

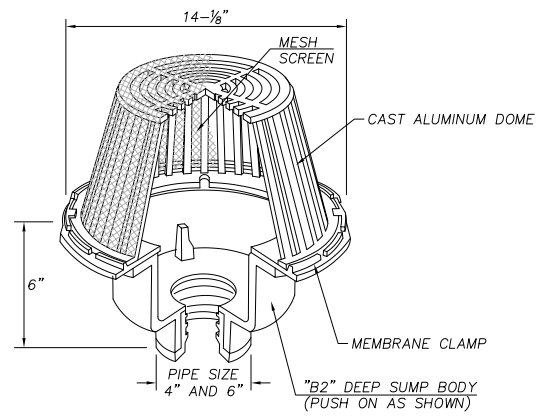


NOTE:

1. CONCRETE ENCASE ENTIRE WYE SECTION AND 45° BEND FOR CONCRETE PIPE.

3 CLEAN OUT

NTS

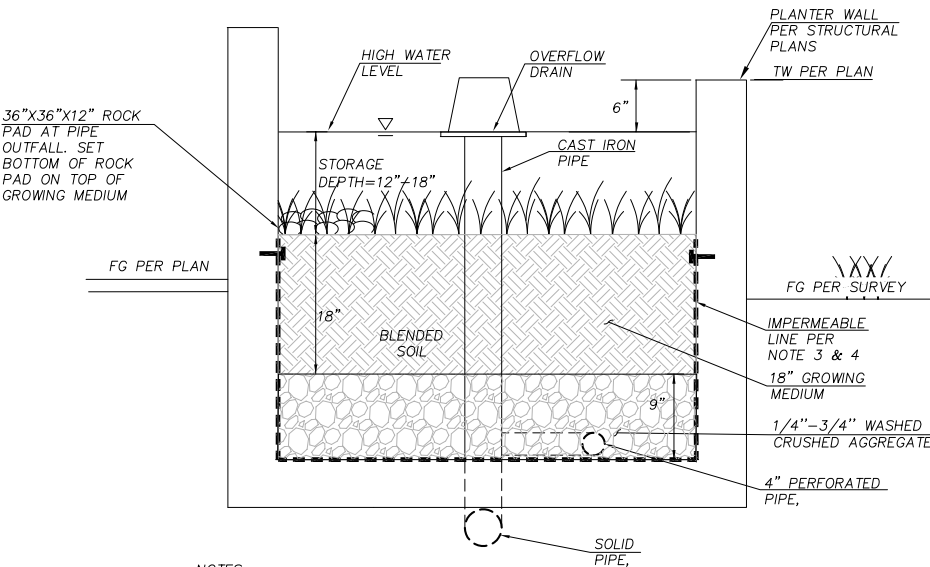


NOTES:

1. MODEL NO. FD-870 AS MANUFACTURED BY WATTS DRAINAGE, OR APPROVED EQUAL.
2. PIPE SIZE TO MATCH DRAINAGE PIPE SIZE.

4 OVERFLOW DRAIN

NTS

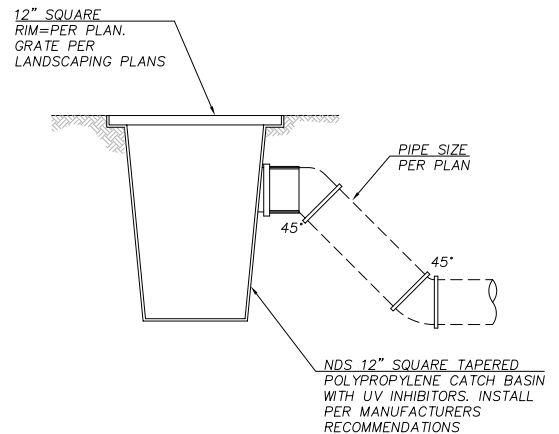


NOTES:

1. PLANTING PER LANDSCAPE PLANS.
2. GROWING MEDIUM PER SPECIFICATIONS.
3. FLUID APPLIED IMPERMEABLE LINER SHALL BE 30 MIL MINIMUM.
4. CONNECT SLOTTED PIPE TO SOLID PIPE DOWNSTREAM OF AREA DRAIN.
5. PROVIDE WATERTIGHT PENETRATION THROUGH IMPERMEABLE LINER FOR OUTFLOW FROM OVERFLOW DRAIN.
6. CONCRETE PLANTER BOX SHALL BE POURED MONOLITHICALLY WITH NO COLD JOINTS.
7. CONNECT PERFORATED PIPE TO SOLID PIPE DOWNSTREAM OF AREA DRAIN.
6. CONSTRUCT ROCK PAD AT PIPE OUTFALLS AND/OR WALL AND CURB OPENINGS.

2 STORMWATER FLOW-THROUGH PLANTER

NTS



1 AREA DRAIN

NTS

Appendix B

Support Calculations PAC Report

PAC Report

Project Name KOB003	Permit No.	Created 4/3/24 2:33 PM
Project Address SCOTT AND MAIN MILWAUKIE, OR 97222	Designer CAMILLE MORGAN	Last Modified 4/5/24 7:15 AM
	Company HUMBER DESIGN GROUP	Report Generated 4/5/24 7:15 AM

Project Summary

PROJECT DEVELOPMENT INCLUDES A PROPOSED TASTING ROOM WITH BASEMENT, FOOD CART POD SPACES, COVERED EATING AREA AND EXISTING PARKING LOT.

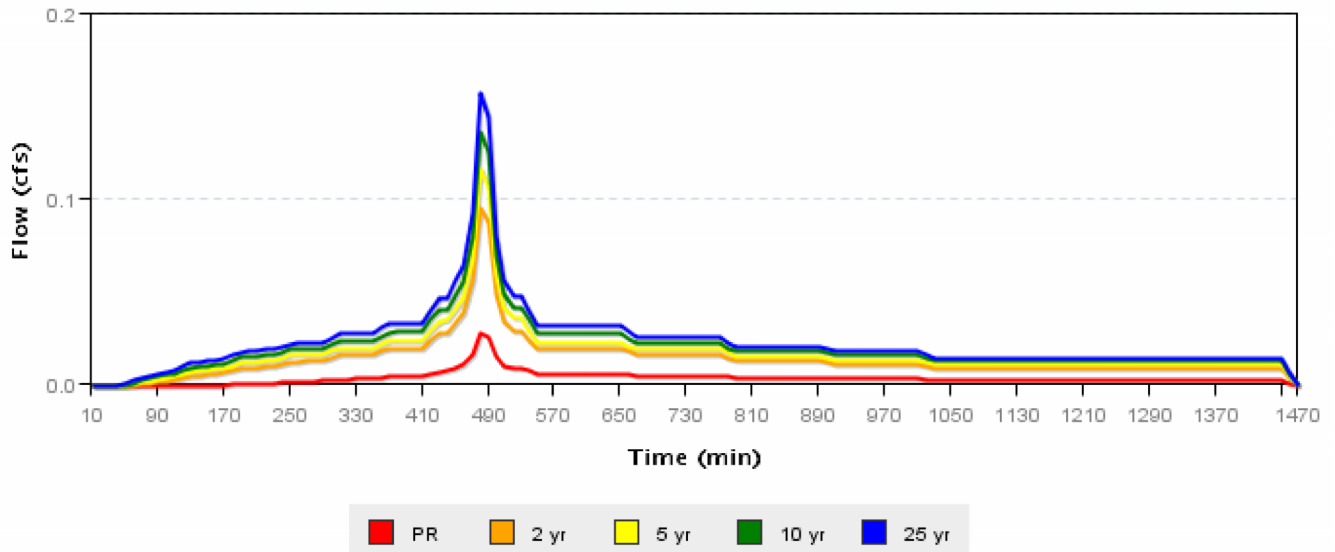
Catchment Name	Impervious Area (sq ft)	Native Soil Design Infiltration Rate	Hierarchy Category	Facility Type	Facility Config	Facility Size (sq ft)	Facility Sizing Ratio	PR Results	Flow Control Results
A	6700	0.00	4	Planter (Flat)	D	365	5.4%	Pass	Pass
B	6000	0.00	4	Planter (Flat)	D	450	7.5%	Pass	Pass

Catchment A

Site Soils & Infiltration Testing Data	Infiltration Testing Procedure	Open Pit Falling Head
	Native Soil Infiltration Rate (I_{test})	0.00 ⚠️
Correction Factor	CF_{test}	2
Design Infiltration Rates	Native Soil (I_{dsgn})	0.00 in/hr ⚠️
	Imported Growing Medium	2.00 in/hr
Catchment Information	Hierarchy Category	4
	Hierarchy Description	Off-site flow to a combined sewer
	Pollution Reduction Requirement	Pass
	10-year Storm Requirement	N/A
	Flow Control Requirement	25-yr post-dev peak runoff rate ≤ 10-yr pre-dev peak rate
	Impervious Area	6700 sq ft 0.154 acre
	Time of Concentration (T_c)	5
	Pre-Development Curve Number (CN_{pre})	72
	Post-Development Curve Number (CN_{post})	98

⚠️ Indicates value is outside of recommended range

SBUH Results



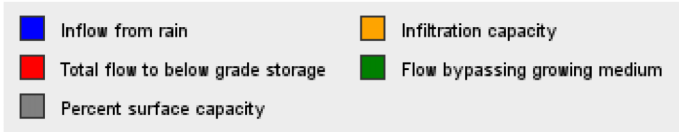
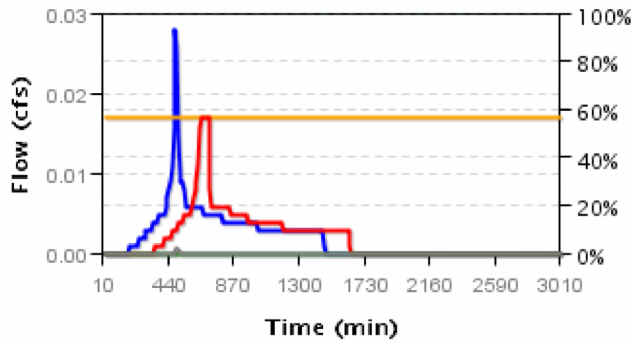
	Pre-Development Rate and Volume		Post-Development Rate and Volume	
	Peak Rate (cfs)	Volume (cf)	Peak Rate (cfs)	Volume (cf)
PR	0	0.386	0.028	350.094
2 yr	0.008	266.609	0.095	1212.337
5 yr	0.019	418.331	0.116	1490.023
10 yr	0.032	589.627	0.136	1768.125
25 yr	0.046	776.308	0.157	2046.488

Facility A

Facility Details	Facility Type	Planter (Flat)
	Facility Configuration	D: Lined Facility with RS and Ud
	Facility Shape	Planter
Above Grade Storage Data		
	Bottom Area	365 sq ft
	Bottom Width	9.00 ft
	Storage Depth 1	18.0 in
	Growing Medium Depth	18 in
	Surface Capacity at Depth 1	547.5 cu ft
	Design Infiltration Rate for Native Soil	0.000 in/hr
	Infiltration Capacity	0.017 cfs
Facility Facts	Total Facility Area Including Freeboard	365.00 sq ft
	Sizing Ratio	5.4%
Pollution Reduction Results	Pollution Reduction Score	Pass
	Overflow Volume	352.792 cf
	Surface Capacity Used	2%
Flow Control Results	Flow Control Score	Pass
	Overflow Volume	1766.878 cf
	Surface Capacity Used	99%

25 year post-development outflow (cfs)		10 year pre-development inflow (cfs)	
0.032	≤	0.032	Pass

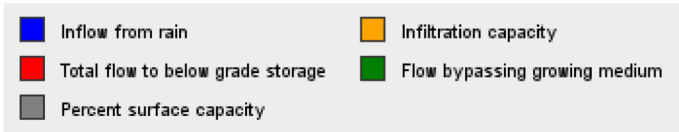
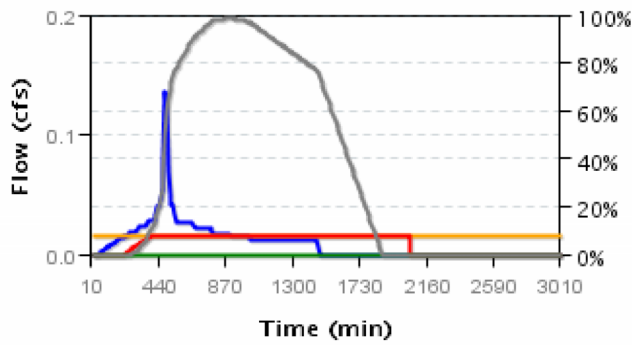
Pollution Reduction Event Surface Facility Modeling



Pollution Reduction Event Below Grade Modeling



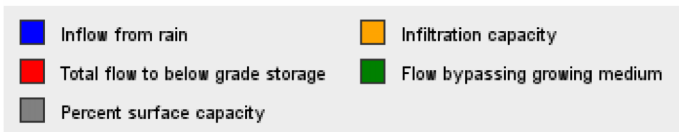
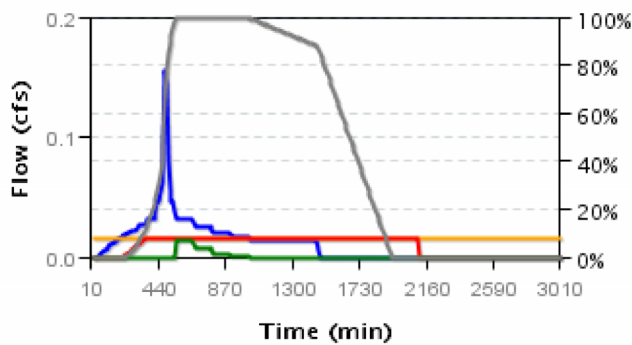
10 Year Event Surface Facility Modeling



10 Year Event Below Grade Modeling



25 Year Event Surface Facility Modeling



25 Year Event Below Grade Modeling

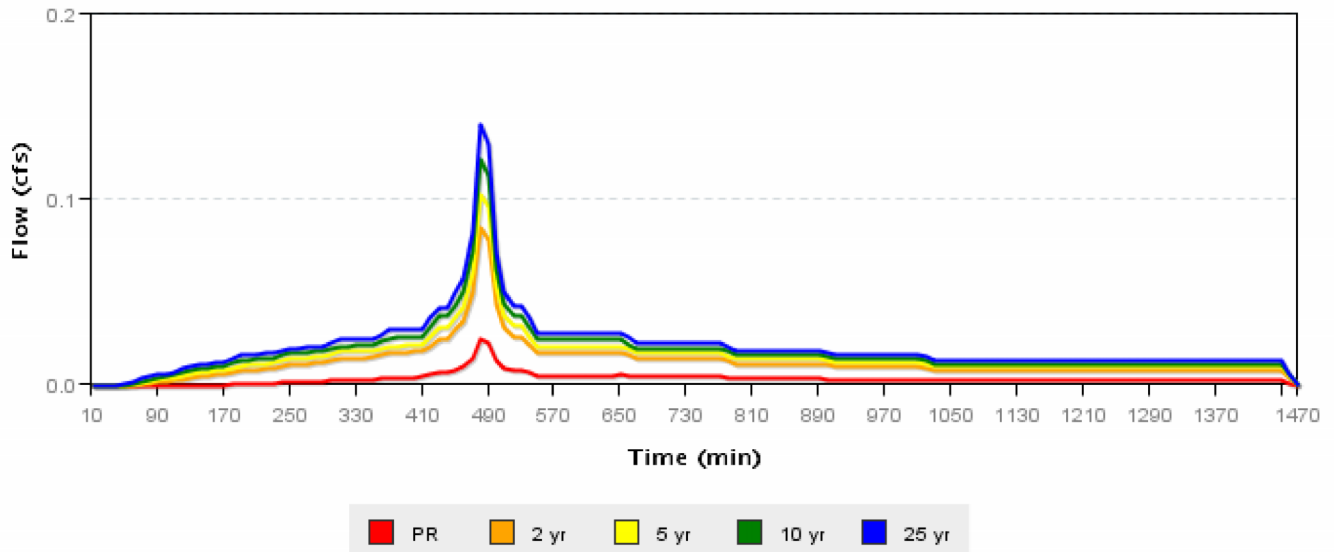


Catchment B

Site Soils & Infiltration Testing Data	Infiltration Testing Procedure	Open Pit Falling Head
	Native Soil Infiltration Rate (I_{test})	0.00 ⚠
Correction Factor	CF_{test}	2
Design Infiltration Rates	Native Soil (I_{dsgn})	0.00 in/hr ⚠
	Imported Growing Medium	2.00 in/hr
Catchment Information	Hierarchy Category	4
	Hierarchy Description	Off-site flow to a combined sewer
	Pollution Reduction Requirement	Pass
	10-year Storm Requirement	N/A
	Flow Control Requirement	25-yr post-dev peak runoff rate ≤ 10-yr pre-dev peak rate
	Impervious Area	6000 sq ft 0.138 acre
	Time of Concentration (T_c)	5
	Pre-Development Curve Number (CN_{pre})	72
	Post-Development Curve Number (CN_{post})	98

⚠ Indicates value is outside of recommended range

SBUH Results



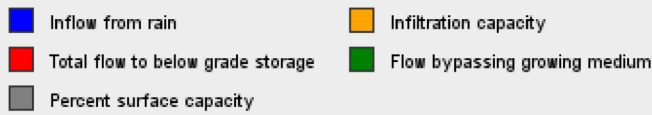
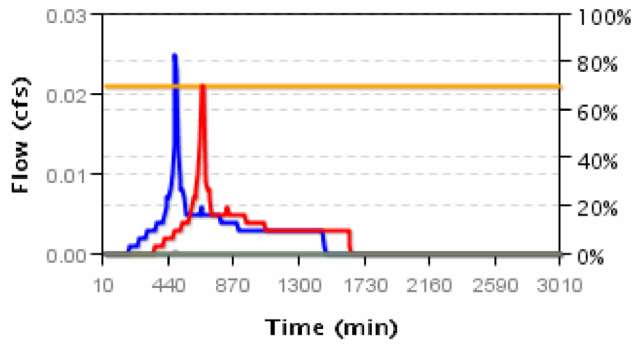
	Pre-Development Rate and Volume		Post-Development Rate and Volume	
	Peak Rate (cfs)	Volume (cf)	Peak Rate (cfs)	Volume (cf)
PR	0	0.346	0.025	313.517
2 yr	0.007	238.754	0.085	1085.675
5 yr	0.017	374.625	0.103	1334.349
10 yr	0.029	528.024	0.122	1583.395
25 yr	0.041	695.202	0.141	1832.676

Facility B

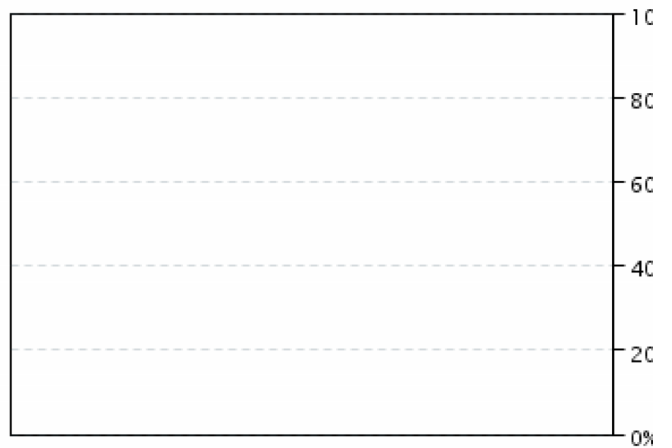
Facility Details	Facility Type	Planter (Flat)
	Facility Configuration	D: Lined Facility with RS and Ud
	Facility Shape	Planter
Above Grade Storage Data		
	Bottom Area	450 sq ft
	Bottom Width	18.00 ft
	Storage Depth 1	12.0 in
	Growing Medium Depth	18 in
	Surface Capacity at Depth 1	450.0 cu ft
	Design Infiltration Rate for Native Soil	0.000 in/hr
	Infiltration Capacity	0.021 cfs
Facility Facts	Total Facility Area Including Freeboard	450.00 sq ft
	Sizing Ratio	7.5%
Pollution Reduction Results	Pollution Reduction Score	Pass
	Overflow Volume	314.227 cf
	Surface Capacity Used	1%
Flow Control Results	Flow Control Score	Pass
	Overflow Volume	1590.461 cf
	Surface Capacity Used	69%

$$\begin{array}{ccc}
 \text{25 year} & & \text{10 year} \\
 \text{post-development} & & \text{pre-development} \\
 \text{outflow (cfs)} & & \text{inflow (cfs)} \\
 \hline
 \boxed{0.021} & \leq & \boxed{0.029} \quad \text{Pass}
 \end{array}$$

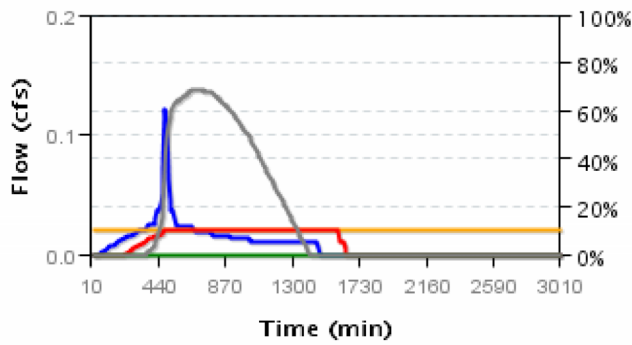
Pollution Reduction Event Surface Facility Modeling



Pollution Reduction Event Below Grade Modeling



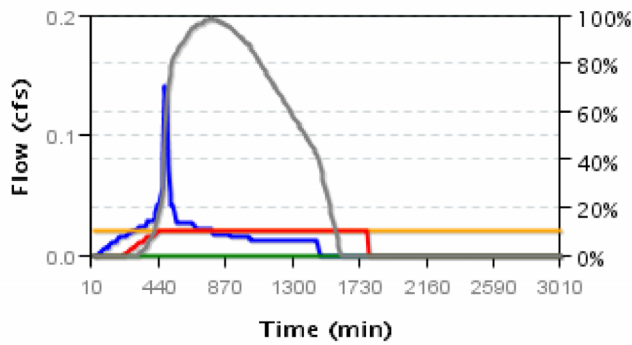
10 Year Event Surface Facility Modeling



10 Year Event Below Grade Modeling



25 Year Event Surface Facility Modeling



25 Year Event Below Grade Modeling



Appendix C

Operations and Maintenance Plan

To be provided at time of building permit

From: [Hamid Shibata Bennett](#)
To: [Vera Kolas](#)
Subject: Food pod proposal
Date: Thursday, May 2, 2024 9:08:04 AM

This Message originated outside your organization.

Howdy,

I saw this posted on the Historic Downtown NDA's social media and thought I'd chime in:

Food Pod proposal for the funeral home on Scott and Main Street. The city is requesting comments by June 11th prior to the City Planning Commission meeting. This is your opportunity. Send comments to mailto:koliasv@milwaukieoregon.gov Or if you prefer an open discussion, feel free to comment here.

I would love to see a multi-culturally diverse representation of food choices, with healthier options, including more plant-based options in a comfortable outdoor setting with covered areas, heaters, fire pits, ample, unobstructed bike racks, and well-maintained, bathroom buildings. Let's make Milwaukie a foodie mecca for our region!

Thanks kindly,
~Hamid

~

Hamid Shibata Bennett, LMT, CAMTII
Myofascial Bodywork • Music & Sound Therapy • Photography & Video

503-975-1259
www.compassionartspdx.com
hamidshibatabennett.bandcamp.com

OBMT #301



5/13/24

ODOT # 13262

ODOT Formal Response

Project Name: 1847 Food Park	Applicant: Terry Amundson, Koble Architecture
Jurisdiction: City of Milwaukie	Jurisdiction Case #: DR-2024-001
Site Address: 1915 & 1925 SE Scott St	State Highway: McLoughlin Blvd (OR 99E)

The site of this proposed land use action is adjacent to McLoughlin Blvd (OR 99E). ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

All ODOT permits and approvals must reach 100% plans before the District Contact signs off on a local jurisdiction building permit or other necessary requirement before construction. **The applicant should contact the District Contact indicated below to determine permit requirements and to obtain application information.**

These comments, standards, and requirements are current as of the date of this letter. If the project scope and/or timeline has been modified, the applicant should contact the ODOT Region 1 Development Review program (ODOT_R1_DevRev@odot.oregon.gov) for an updated letter as updated comments may be necessary.

LAND USE PROPOSAL

Proposed open-air timber canopy structure and taproom building with bar, permanent restrooms and indoor/outdoor seating areas. Proposal includes utility infrastructure for up to 17 food vendors. Existing on-site parking.

COMMENTS/FINDINGS

State Highway Frontage Improvements

The applicant's site plan shows sidewalk upgrades to the existing local sidewalks in the city's downtown. While these improvements are likely to see the most pedestrian traffic, existing pedestrian facilities along McLoughlin Blvd are significantly substandard and do not meet city, ODOT or Americans with Disabilities Act (ADA) standards.

ODOT recommends that the City of Milwaukie require the pedestrian facilities along the State highway including the corner curb ramp to be brought up to current city, ODOT, and ADA standards. Additional right of way will be needed to accommodate the new public pedestrian infrastructure. ODOT recommends the city require the applicant to donate right of way to ODOT for the pedestrian improvements.

Permits **are required** by ODOT for all work in the State highway right of way.

Vehicular Access to Scott St

The applicant is proposing to access the parking lot on Scott St through a driveway that is close proximity to the State highway. ODOT has concerns that vehicle operations at the driveway could spill back to the highway and result in safety and operational concerns for the traveling public. Therefore, ODOT supports city staff requirements to restrict the driveway with signage to right in/right out operation. Additionally, ODOT appreciates that city staff will be monitoring the driveway operations to ensure it operates safely.

ODOT Technical Review Requirements

All alterations within the State highway right of way are subject to ODOT standards. Alterations along the State highway but outside of the ODOT right of way may also be subject to ODOT review pending its potential impact on the safe operation of the State highway.

The following ODOT manuals may apply:

- ODOT Traffic Manual
- ODOT Highway Design Manual
- ODOT Hydraulics Design Manual

The ODOT Traffic Manual (TM) identifies items that require ODOT Region Traffic Engineer (RTE) approval. Items requiring RTE approval must be prepared by an Oregon-registered Professional Engineer (P.E.) and will be reviewed by the ODOT Region 1 Technical Center. See the TM for information on authorities and required approvals. Some approvals require a unique request form (Traffic Approval).

Deviations from ODOT Standards

Proposed alterations that deviate from ODOT standards will require a Design Exception/Deviation prepared by an Oregon-registered Professional Engineer (P.E.) for review by the ODOT Region 1 Technical Center. ODOT can only determine if design elements will require a Design Exception/Deviation or RTE approval once detailed plans have been reviewed.

Note: A Design Exception/Deviation or RTE approval items may take **6 months or longer to process**. The preparation of a Design Exception or RTE approval does not guarantee its ultimate approval.

ODOT RECOMMENDED CONDITIONS OF APPROVAL FOR LOCAL JURISDICTION

State Highway Frontage Improvements

- Curb, sidewalk, and curb ramps shall be constructed as necessary to implement the jurisdiction's planned cross section along the State highway consistent with ODOT Highway Design Manual, ODOT Traffic Manual, and Americans with Disabilities Act (ADA) standards.

Note: Ownership of public frontage improvements constructed by the development shall be consistent with jurisdictional boundaries.

- The applicant shall verify the existing Americans with Disabilities Act (ADA) infrastructure at the corner of McLoughlin Blvd and Scott St is consistent with current ADA standards. Verification should be completed by a professional with an ODOT ADA Curb Ramp Certification and submitted to the District Contact identified below.

If the existing ADA infrastructure is not up to current standards, the applicant shall construct required improvements.

- Right of way shall be donated to ODOT as necessary to accommodate the planned cross section on the ODOT owned facility. The donation deed must be to the State of Oregon - Oregon Department of Transportation and shall be recorded with the County. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site before the property is transferred to ODOT. The ODOT District Contact will assist in coordinating the transfer. ODOT should verify with the local jurisdiction that this requirement has been fulfilled prior to final permitting.

Note: All public frontage improvements on State owned facilities must be within State owned right of way. Donation of additional property to ODOT may be necessary to construct required improvements.

Note: It may take **6 months or longer** to transfer property ownership to ODOT.

Permits and Agreements to Work in State Highway

- An ODOT Miscellaneous Permit must be obtained for all work in the State highway. When the total value of improvements within the State highway is estimated to be \$100,000 or more, a Cooperative Improvement Agreement (CIA) with ODOT is required. A CIA will address the transfer of the improvements to ODOT and any associated technical and administrative costs for projects that meet this improvement threshold. Agreements shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.

Note: If a CIA is required, it may take **6 months or longer** to process.

- The applicant must obtain an ODOT Miscellaneous Permit to place trees in the State right of way. Tree placement must be consistent with the ODOT Highway Design Manual section 406.1. If the proposed tree placement does not meet ODOT Highway Design Manual criteria, a Design Exception must be prepared by an Oregon-registered Professional Engineer (P.E.) for review by the Region 1 Technical Center. The preparation of a Design Exception request does not guarantee its ultimate approval.

Note: It may take **6 months or longer** to process a Design Exception.

Contact the ODOT Development Review Planner identified below for further coordination or questions regarding ODOT comments and requirements during the land use process.

Please send a copy of the Notice of Decision/Staff Report with conditions of approval to:

ODOT_RI_DevRev@odot.oregon.gov

Development Review Planner: Marah Danielson	Marah.b.danielson@odot.oregon.gov
Traffic Contact: Avi Tayar, P.E.	Abraham.tayar@odot.oregon.gov
District Contact: District 2B Permits	D2bup@odot.oregon.gov