CITY OF **MILWAUKIE**

AGENDA

September 10, 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-127) 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 – (no motion)

2.1 None.

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 DR-2024-001 (1847 Food Park) Continued

Summary: Type III Downtown Design Review; Type III Variance

Staff: Senior Planner Vera Kolias

7.0 Work Session Items

7.1 Natural Resources Code Amendments

Summary: Part 3: Mapping Issues

Staff: Senior Planner Brett Kelver

8.0 Planning Department Other Business/Updates

9.0 Forecast for Future Meetings

September 24, 2024	1. Hearing Item: (none) 2. Work Session Item: Planning Commission Orientation (*tentative*)
October 8, 2024	1. Hearing Item: CU-2024-001 (Vacation Rental at 11932 SE 35th Avenue) 2. Work Session Item: (none)

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 Kelver, Senior Planner
Vera Kolias, Senior Planner
Adam Heroux, Associate Planner
Ryan Dyar, Associate Planner
Petra Johnson, Administrative Specialist II

CITY OF **MILWAUKIE**

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Vera Kolias, Senior Planner

Date: Sept 3, 2024, for September 10, 2024, 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

At the direction of the Planning Commission staff has prepared a staff report and findings to deny applications DR-2024-001 and VR-2024-002. The Findings of Denial can be found in Attachment 1. This action would deny the application for the development of a food cart plaza, permanent building for a taproom and restroom facilities, covered seating area, and parking improvements.

Staff continues to recommend approval of the application based on the project's ability to meet the intent and purpose of development in the downtown – providing an active space for residents and visitors with amenities and gathering areas.

After the initial evidentiary hearing on June 11, the applicant retained counsel who has asked the Planning Commission to re-open the public hearing and the record to allow the applicant and others to present additional verbal and written testimony. The Commission voted to re-open the record and continued the hearing to September 10.

Additional written testimony from the applicant team is included as Attachment 3.

BACKGROUND INFORMATION

Detailed background information is available in the staff report and on the video of the first public hearing on June 11.

Analysis

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.

Based on the discussion at the last public hearing, staff has prepared findings for denial of the application (see Attachment 1). The direction from the commission was that the variance to the minimum floor to area ratio (FAR) was not approvable. The discussion during the hearing related to the expressed intent and purpose of development in the downtown: "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." The key issue appeared to be the lack of prominent buildings proposed for the project and that the building that was proposed (the tap room) was not located at the street to provide the type of massing to engage with the street and the pedestrian realm.

FAR in the downtown is linked to MMC 19.508 – Downtown Design Standards and Guidelines. Although the Commission did not discuss each design element in detail during the first public hearing, in preparing new findings for each design element, staff went through each element and guideline with an eye toward its relationship to FAR. Further, staff prepared findings for denial for the guidelines that clearly express a relationship between a building and the street – that buildings should be located close to the street. This is clearly provided in the purpose statements as well as the individual design elements. A few examples are as follows:

- Site frontage: "To encourage building design and site placement that enlivens the public realm and streetscape through significant building presence along site frontages and active groundfloor uses."
    - Although the proposed food park does include an open-air canopy near the corner of Scott St and Main St, it does not have walls, is not considered floor area, and its purpose is to provide weather protection for a seating area. It is not a significant building presence at the street. The taproom building is proposed to be located more than 70 ft from Main St, so it likewise does not contribute to a continuous site wall that "integrates storefront opportunities and architectural interest along the street…"
- Building entrances
    - Again, although the open-air canopy and the existing monument sign will establish the corner at Scott St and Main St and the site entrance, they do not create a prominent building entrance as identified in the design guidelines for this element.

- Plazas and usable open space: "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."
    - This element relates directly to plazas created as part of the setback of a building and is intended to be publicly available and accessible at all hours. While the food park might function as a plaza with food carts, it is a private space and would be gated and locked when the food park is not open. The site would not be available to the public unless they are customers of the food park, which is not the intent of this design element.

Please refer to Attachment 1 for detailed analysis of each design element as well as the variance to the minimum required FAR.

The proposed food park is not a typical development in the downtown and its overall design does not meet the intent and purpose of development in the downtown – it does not provide a significant or prominent building presence to 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. But much of the site will be taken up with seating and spaces for the food carts/food trucks, as well as the parking lot, so it is far below the minimum FAR of 1:1 at 0.2 based on the 4, 032-sq ft taproom building. The proposal has been found to be inconsistent with the Downtown Design Standards and Guidelines and the variance is not reasonable and appropriate for development in the downtown.

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. At the direction of the Planning Commission Staff has prepared findings to:

1. Deny the Downtown Design Review and Variance applications. This will result in the denial of 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 of Denial.

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 October 2, 2024, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant has provided a limited extension to allow for additional time to complete the process.

COMMENTS

Notice of the application and public hearing was originally provided 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.

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 Denial	☐	☒	☒	☒
2. Applicant's Narrative and Supporting Documentation received April 15, 2024.				
a. Narrative	☐	☒	☒	☒
b. Plan Set	☐	☒	☒	☒
c. Preliminary Stormwater Report	☐	☒	☐	☒
3. Additional comments received	☐	☒	☒	☒

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-127.

ATTACHMENT 1
Findings in Support of Denial
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 0.47acres 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. Public hearings with the Planning Commission were held on June 11, 2024, August 13, 2024, and September 10, 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 not met.

As proposed, and as discussed and approved elsewhere in these findings, the Planning Commission finds that the applicable standards of the DMU zone are not 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 many design elements; for the others, the application meets the design standards.

Table 1
Downtown Design Elements

A. SITE FRONTAGE **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.**	
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.	*The proposed development is a food cart pod with a covered, sunken seating area and a multi-story taproom building.*
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.	*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.* *However, the guideline is specifically written with buildings along the site frontage as a key element for compliance. The only structure proposed along the site frontage is the canopy over the sunken seating area, which occupies less than one-half of the available frontage and does not have walls. Without a strong presence of buildings at the site edge, which the proposal does not include, the proposal does not meet the guideline.* *This guideline is not met.*

A. SITE FRONTAGE

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.

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.	*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.* *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, so it does not provide a significant building presence along the site frontage. Although the areas between the taproom and these streets will act as pedestrian plazas, populated with active uses, the site will be fenced and will not be open at all hours for public use; this is a private space.* *This guideline is not met.*
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.	*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.* *However, the taproom is set more than 70 ft from the street, so there is no building edge along the street to establish a significant building presence. The only structure proposed along the site frontage is the canopy over the sunken seating area, which occupies less than one-half of the available frontage and does not have walls. Without a strong presence of buildings at the site edge, which the proposal does not include, the proposal does not meet the guideline.* *This guideline is not met.*

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
To address this design element, the development can opt to address the Design Guidelines rather than the design standards of vertical and horizontal articulation. **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.**	*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.* *However, the open-air canopy is not a building that engages the street. The canopy over the sunken seating area occupies less than one-half of the available frontage and does not have walls. Without a strong presence of buildings at the site edge, which the proposal does not include, the proposal does not meet the guideline. The taproom building is set back from Main St more than 70 ft, so it does not create an edge to the pedestrian environment and does not engage the street.* *This guideline is not met.*

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
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.	*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.* *However, at more than 70 ft from Main St, the taproom building is not located at the street and is not engaging with the street and the pedestrian environment – the sidewalk. The open-air canopy does not have walls and therefore does not have a façade that creates a rhythm or architectural element to provide visual interest at the street.* *This guideline is not met.*
c. Buildings should avoid blank wall faces on street-facing façades, particularly on ground floors and building corners at street intersections.	*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.* *This guideline is met.*

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
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.	*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.* *However, this guideline is specific to building facades creating a strong entrance and clearly demarcating areas of visual interest. No facades are proposed at the street – the open-air canopy does not have walls and the taproom building is set back more than 70 ft from Main St. Therefore, no buildings are proposed to enhance the street environment through engaging wall structures.* *This guideline is not met.*
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.	*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.* *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 future decrease the sense of building mass so that additional vertical articulation features are not necessary.* *However, no building massing at the street is proposed which is intended within the purpose statement. Façade articulation and buildings showing depth are not proposed because no buildings are proposed near the street to establish a comfortable pedestrian-friendly environment.* *This guideline is not met.*

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
To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to exterior building materials. **a. Exterior materials and finishes should be durable, long-lasting, and low maintenance and create a sense of permanence and high quality.**	*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.* *This guideline is met.*
b. Exterior materials for street-facing façades should include a palette that is visually interesting, coherent, compatible, related to its place, and observant of environmental elements of our region.	*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.* *However, at more than 70 ft from Main St, the taproom building is not located at the street and is not engaging with the street and the pedestrian environment – the sidewalk. The open-air canopy does not have walls and therefore does not have a façade that creates a visually interesting anchor or wall at the street.* *This guideline is not met.*

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
c. Ground-floor materials should consist primarily of a simple palette of longlasting materials such as brick, stone, or concrete to create a sense of groundedness.	*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.* *However, at more than 70 ft from Main St, the taproom building is not located at the street and is not engaging with the street and the pedestrian environment – the sidewalk. The open-air canopy does not have walls and therefore does not have a façade that creates a visually interesting anchor or wall at the street.* *This guideline is not met.*
d. Upper-floor materials should be attractive and compatible with the dominant materials and colors used on ground-floor façades of the building. Upper-floor materials should not overwhelm ground floor materials.	*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.* *This guideline is met.*

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
e. Street-facing façade materials should be wrapped around the edge to nonstreet facing façades to create a seamless appearance.	*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.* *However, at more than 70 ft from Main St, the taproom building is not located at the street and is not engaging with the street and the pedestrian environment – the sidewalk. The open-air canopy does not have walls and therefore does not have a façade that creates a visually interesting anchor or wall at the street.* *This guideline is not met.*
f. For renovations to existing development, new and existing materials should create a unified appearance.	*The proposal does not involve a building renovation. This guideline does not apply.*

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
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. **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.**	*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.* *However, this design element is geared towards building activation – buildings that are located at the street to promote a safe and vibrant pedestrian environment, as stated in the purpose statement. No buildings are proposed at the street, so there is no connection or engagement between active buildings and the pedestrian space.* *This guideline is not met.*
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.	*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.* *However, this guideline is intended to provide visual interest of the upper floors at the street. No buildings are proposed at the street.* *This guideline is not met.*
c. Design residential street-facing façade glazing coverage to balance transparency and privacy for residents.	*The project does not contain any residential uses. This guideline is not applicable.*

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
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.	*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.* *However, no buildings are proposed at the street: the open-air canopy does not have walls to provide a façade along the pedestrian area, and the taproom is set back more than 70 ft from Main St. No façade connection or engagement with the sidewalk is proposed.* *This guideline is not met.*
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.	*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.* *However, no physical connection between buildings and the pedestrian space is proposed because no buildings are proposed at the street. The purpose statement clearly seeks a vibrant pedestrian space created with a relationship with buildings at the street.* *This guideline is not met.*

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
To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to building entrances. The standards are not met because a building or public space is not proposed at the street.	*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.* *However, buildings and building entrances are to be located at the street to create a pedestrian-friendly development. The intent of this design element, as indicated by the purpose statement, is the construct buildings close to the street.* *This guideline is not met.*
a. Entryways should be sited to provide access where the highest amount of pedestrian activity is planned and where the pedestrian experience is designed to be exceptional. Primary building entries should be located along the Main Street or transit street frontage, where present, or at the corner of 2 such frontages for corner lots, whenever possible. Primary entries should not be oriented towards parking lots and service areas.	*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.* *However, buildings and building entrances are to be located at the street to create a pedestrian-friendly development. The intent of this design element, as indicated by the purpose statement, is the construct buildings close to the street.* *This guideline is not met.*

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
b. Building entries should be designed as prominent architectural features that are clearly defined and demarcated. Entryways should integrate features such as scale, materials, glazing, projecting or recessed forms, architectural details, and color in entryway areas, along with accent features such as lighting and landscaping to set an entry apart.	*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.* *However, buildings and building entrances are to be located at the street to create a pedestrian-friendly development. The intent of this design element, as indicated by the purpose statement, is the construct buildings close to the street. No entries are proposed as prominent architectural features because the primary site entry is identified by a monument sign and the open-air canopy – which does not have walls or provide a structural wall to the site at the street.* *This guideline is not met.*
c. Nonresidential doors should create a strong connection to the street through the use of techniques such as storefront doors and surrounding windows with a high percentage of glazing, double doors, and large glazed sectional doors.	*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.* *The entrance on the south elevation of the taproom is a fully glazed door.* *However, buildings and building entrances are to be located at the street to create a pedestrian-friendly development. The intent of this design element, as indicated by the purpose statement, is the construct buildings close to the street. No entries or doors are proposed as prominent architectural features because the primary site entry is identified by a monument sign and the open-air canopy – which does not have walls or provide a structural wall to the site at the street.* *This guideline is not met.*

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
d. Residential entryways should incorporate vertical and horizontal layering by including a comfortable change of grade or entry features such as porches, terraces, stoops, or covered landings to create a connection to the street while maintaining a respectful separation for resident privacy. Residential doors should be substantial enough to suggest privacy yet still express a welcoming sense of friendly contact for those who approach and enter.	*No residential uses are proposed. This guideline does not apply.*

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
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. **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.**	*The windows in the taproom are proposed to be 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.* *This guideline is met.*

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
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.	*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.* *However, the taproom building is not located at the street; it is proposed more than 70 ft from Main St. Therefore, there is no real visual connection between the street and the building as intended by the design element; no relationship between the street and the building is proposed, given the taproom's location at the back of the site. The taproom building is located too far back on the site to provide an invitation to pedestrians on the street.* *This guideline is not met.*
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).	*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.* *However, the taproom building is not located at the street; it is proposed more than 70 ft from Main St. Therefore, there is no real visual connection between the street and the building as intended by the design element; no relationship between the street and the building is proposed, given the taproom's location at the back of the site. The taproom building is located too far back on the site to provide an invitation to pedestrians on the street or to engage with the street.* *This guideline is not met.*

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

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
To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to corners. **a. For all nonresidential and mixed-use buildings at the corner of 2 public streets or at the corner of a street and a public area, park, or plaza, highlight and make the corner prominent through the use of features such as:** **(1) Change in building material** **(2) Window coverage pattern** **(3) Chamfered, rounded or stepped corner** **(4) Increased building height at the corner, potentially incorporating features such as tower, turret or cupola** **(5) Façade articulation** **(6) Projecting or recessed building entrances** **(7) Canopies or marquees** **(8) Active retail and semi-public spaces such as building lobbies**	*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.* *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.* *However, this design element is looking for a strong architectural statement at the corner – with a visual landmark. The food park is not proposing a building to establish the primary corner. The open-air canopy does not have walls, so it does not have a façade within which to provide articulation, recessed entry, or other way of establishing a prominent corner entrance.* *This guideline is not met.*
b. Design of the corner should have a scale and character compatible with the scale of the corner and other buildings at the corner and the level of activity at the corner.	*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.* *However, this design element is looking for a strong architectural statement at the corner – with a visual landmark. The food park is not proposing a building to establish the primary corner. The open-air canopy does not have walls, so it does not have a façade with which to establish a prominent corner entrance.* *This guideline is not met.*

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
c. For all nonresidential and mixed-use buildings, create active exterior spaces at site corners, particularly where building corners are set back, in ways that emphasize pedestrian use and encourage people to come together and gather through features such as street furnishings, special paving materials and planting materials.	*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.* *However, this design element is looking for a strong architectural statement at the corner – with a visual landmark. The food park is not proposing a building to establish the primary corner. No active exterior space is proposed at the corner – it is only the entrance way, in a fence, to the site.* *This guideline is not met.*

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
To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to building massing and transitions. **a. Building massing should contribute to a welcoming and pedestrian-scaled sense of enclosure and definition of the street.**	*No buildings are proposed at the street. Although the open-air canopy is located near the corner of Main St and Scott St, it does not have walls and so does not contribute to a sense of enclosure at the pedestrian level. The tap room is located more than 70 ft from Main St, so does not have a relationship with the pedestrian area.* *This guideline is not met.*

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
b. Buildings that utilize bonus height should mitigate impacts of additional height and mass by including step backs, façade insets, high façade permeability, and other perceived mass-reducing techniques to ensure access to light, privacy, and sky views for nearby building occupants and people on the street.	*No height bonuses are requested.* *This guideline does not apply.*
c. Building façades should incorporate variation in height or character to break up the perceived bulk and mass of the building into pedestrian-scale components that create a sense of pattern and rhythm. Such variation should be aligned with horizontal articulation elements to create a harmonious design.	*Pedestrian-scale is determined by a building's design and massing at the street. No buildings are proposed at the street. Although the open-air canopy is located near the corner of Main St and Scott St, it does not have walls and so does not engage at the pedestrian level. The tap room is located more than 70 ft from Main St, so does not have a relationship with the pedestrian area.* *This guideline is not met.*
d. For buildings abutting the moderate density residential zone, building setbacks, step backs, façade articulation, landscaping, fencing, and/or transition measures should be deployed to blend building massing between downtown and any adjacent residentially zoned neighborhoods to reduce perceived mass of buildings.	*The site does not abut the moderate density residential zone.* *This guideline does not apply.*

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
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. **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.**	*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.* *However, the tap room is not proposed at the street, so no weather protection to create an all-season pedestrian environment is proposed along all frontages – only on a portion of the Scott St frontage.* *This guideline is not met.*
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.	*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.* *However, this design element is geared toward providing weather protection for the pedestrian environment – which is the public sidewalk, not when on the site.* *Only a small portion of the Scott St sidewalk would have any weather protection in this proposal.* *This guideline is not met.*

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
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.	*The steel canopy at the taproom entry is sized to match the opening it serves. The canopy structure is effectively the building it serves.* *However, this design element is geared toward providing weather protection for the pedestrian environment – which is the public sidewalk, not when on the site.* *Only a small portion of the Scott St sidewalk would have any weather protection in this proposal.* *This guideline is not met.*
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.	*The steel canopy at the taproom entry is sized to match the opening it serves. The canopy structure is effectively the building it serves.* *However, this design element is geared toward providing weather protection for the pedestrian environment – which is the public sidewalk, not when on the site.* *Only a small portion of the Scott St sidewalk would have any weather protection in this proposal.* *This guideline is not met.*

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
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.	*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.* *However, this design element is geared toward providing weather protection for the pedestrian environment – which is the public sidewalk, not when on the site.* *Only a small portion of the Scott St sidewalk would have any weather protection in this proposal.* *This guideline is not met.*
f. Awnings, canopies, and marquees should be of high-quality materials and should not include vinyl.	*The canopy at the taproom entry is steel. The open-air canopy is a wood structure protected by standing-seam metal roofing.* *However, this design element is geared toward providing weather protection for the pedestrian environment – which is the public sidewalk, not when on the site.* *Only a small portion of the Scott St sidewalk would have any weather protection in this proposal. The tap room is proposed more than 70 ft from Main St.* *This guideline is not met.*

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
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.	*No uplighting is proposed.*

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
The following standards are applicable to rooftop design and screening of rooftop equipment. **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)** **(b) Hip roof** **(c) Gabled roof** **(d) Dormers** **(e) Shed roof**	*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.* *This standard is met.*

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
(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).** **(b) All hip or gabled roofs exposed to view from adjacent public streets and properties must have a minimum 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.** **(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.** **b. Rooftop Equipment Screening**	*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.* *The proposed gable roofs have a 4/12 pitch.* *The proposed sloped roofs have typical overhangs of 2'-6".* *The project does not propose any rooftop equipment.* *This standard is met.*

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
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. **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.**	*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 or the existing parking lot, far from pedestrian areas.* *This guideline is met.*
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.	*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.* *This guideline is met.*
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.	*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.* *This guideline is met.*
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.	*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.* *This guideline is met.*

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
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. **a. Plazas and open spaces should be inviting and create opportunities for a variety of uses.**	*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.* *However, the outdoor space would be privately owned and could be locked at any time. Plazas and usable open space are to be available during all hours and seasons and not fenced-in or gated.* *This guideline is not met.*
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.	*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.* *However, the outdoor space would be privately owned and could be locked at any time. Plazas and usable open space are to be available during all hours and seasons and not fenced-in or gated. So the site does not have a plaza or open space as intended by the design element.* *This guideline is not met.*

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
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**	*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.* *However, the outdoor space would be privately owned and could be locked at any time. Plazas and usable open space are to be available during all hours and seasons and not fenced-in or gated. So the site does not have a plaza or open space as intended by the design element.* *This guideline is not met.*
d. Plazas and open spaces should create visual interest by including a mix of hardscape and landscape elements such as trees, shrubs, and plants.	*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.* *However, the outdoor space would be privately owned and could be locked at any time. Plazas and usable open space are to be available during all hours and seasons and not fenced-in or gated. So the site does not have a plaza or open space as intended by the design element.* *This guideline is not met.*

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
e. Landscaping in plazas and open spaces should be integrated to provide shade for hardscaped areas and to provide visual interest and texture.	*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.* *However, the outdoor space would be privately owned and could be locked at any time. Plazas and usable open space are to be available during all hours and seasons and not fenced-in or gated. So the site does not have a plaza or open space as intended by the design element.* *This guideline is not met.*
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.	*The proposed taproom building features large, glazed overhead doors opening to the development's outdoor spaces.* *However, the outdoor space would be privately owned and could be locked at any time. Plazas and usable open space are to be available during all hours and seasons and not fenced-in or gated. So the site does not have a plaza or open space as intended by the design element.* *This guideline is not met.*
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.	*The site design for the development integrates stormwater planters for rainwater management.* *However, the outdoor space would be privately owned and could be locked at any time. Plazas and usable open space are to be available during all hours and seasons and not fenced-in or gated. So the site does not have a plaza or open space as intended by the design element.* *This guideline is not met.*

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
To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to lighting. **a. Exterior lighting should be used to articulate the building elements, including (but not limited to) entrances, common open spaces for residents, plazas and usable open space, signage, canopies, cornices, storefronts, and other architectural features. Lighting levels of entrances, areas underneath weather protection elements, and all open spaces should be pedestrian scale and provide a sense of safety.**	*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.* *However, at more than 70 ft from Main St, the taproom building is not located at the street and is not engaging with the street and the pedestrian environment – the sidewalk. The open-air canopy does not have walls and therefore does not have a façade so building lighting will not increase pedestrian comfort.* *This guideline is not met.*

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
b. All lighting should be designed to prevent unnecessary illumination of adjacent sites, with the exception of adjacent sidewalks within a public-right-of-Way where illumination is desired. As a rule of thumb, lighting levels should be no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.	*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.* *However, at more than 70 ft from Main St, the taproom building is not located at the street and is not engaging with the street and the pedestrian environment – the sidewalk. The open-air canopy does not have walls and therefore does not have a façade so building lighting will not increase pedestrian comfort.* *This guideline is not met.*
c. Flashing or strobe lights, fluorescent tube lights, and security spotlights are strongly discouraged from use on building exteriors.	*None of these lighting types are proposed.* *This guideline is met.*

As discussed in these findings, the Planning Commission finds that the proposed design does not meet the applicable design standards or guidelines 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, the proposed development does not satisfy the approval criteria for downtown design review.

As addressed throughout these findings (particularly in Findings 6 and 10) the Planning Commission finds that the proposed development does not meet 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 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, very little building or FAR would be proposed. The nature of a food cart pod is not to have significant buildings. While the proposed food park creates a variety of covered and uncovered outdoor spaces for the express purpose of being actively engaged by the public, the purpose of a minimum FAR is to ensure that a base amount of activity and building massing occurs on a site.

It is understood that floor area is defined as area within exterior building walls. 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, but the overall site FAR would still be significantly less than the minimum required.

The 1847 Food Park would be experienced more like an active plaza than a building. But most, if not all, of the design standards that apply to development in the downtown, as well as the development standards in MMC 19.304, are clearly targeting significant buildings on a site. This is a key deficiency in the proposed development – there is very little permanent building mass on the site.

The Planning Commission finds that the analysis of the impacts and benefits of the requested variance compared to the baseline requirements is not adequate. This criterion is not 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.

However, by developing a food cart pod, the site would not have a significant building on it, as do the other sites in the downtown. One half of the site would be devoted to parking, and the remaining portion of the site would have a small building, an open-air canopy, and areas for food carts and food trucks. It would not be developed to the minimum intensity that is expected in the downtown, as identified by a minimum FAR of 1:1.

The Planning Commission finds that the requested variance is not reasonable or appropriate. It does not meet the criteria provided in MMC Subsection 19.911.B.1.b.

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

By developing a food cart pod, the site would not have a significant building on it, as do other sites in the downtown and as identified in the purpose statement for downtown development. One half of the site would be devoted to parking, and the remaining portion of the site would have a small building, an open-air canopy, and areas for food carts and food trucks. It would not be developed to the minimum intensity that is expected in the downtown, as identified by a minimum FAR of 1:1.

The Planning Commission finds that the requested variance does not mitigate the impacts of the variance.

As proposed, the Planning Commission finds that the requested variance does not meet 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 not 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

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; VR-2024-002

Review type*: ☐ I ☐ II ☒ III ☐ IV ☐ V

CHECK ALL APPLICATION TYPES THAT APPLY:

- ❑ Amendment to Maps and/or
  - ❑ Comprehensive Plan Map Amendment
  - ❑ Zoning Text Amendment
  - ❑ Zoning Map Amendment
- ❑ Code Interpretation
- ❑ Community Service Use
- ❑ Conditional Use
- ❑ Development Review
- ❑ Director Determination
- ☒ Downtown Design Review
- ❑ Extension to Expiring Approval
- ❑ Historic Resource:
  - ❑ Alteration
  - ❑ Demolition
  - ❑ Status Designation
  - ❑ Status Deletion
- ❑ Land Division:
  - ❑ Partition
  - ❑ Property Line Adjustment
  - ❑ Replat
  - ❑ Subdivision
- ❑ Miscellaneous:
  - ❑ Barbed Wire Fencing
- ❑ Mixed Use Overlay Review
- ❑ Modification to Existing Approval
- ❑ Natural Resource Review**
- ❑ Nonconforming Use Alteration
- ❑ Parking:
  - ❑ Quantity Determination
  - ❑ Quantity Modification
  - ❑ Shared Parking
  - ❑ Structured Parking
- ❑ Planned Development
- ❑ Residential Dwelling:
  - ❑ Manufactured Dwelling Park
  - ❑ Temporary Dwelling Unit
- ❑ Transportation Facilities Review**
- ☒ Variance:
  - ❑ Use Exception
  - ☒ Variance
- ❑ Willamette Greenway Review
- ❑ Other: _____

Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

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 (after discount, if any)	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)				☐ **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.

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

/kōblə/CREATIVE

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 are 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 are 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 Milwaukie 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

	Allowed Status of Material P = Primary S = Secondary A = Accent R = Review needed X = Prohibited	
Material Type	**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 as 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 withing 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 interested 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.

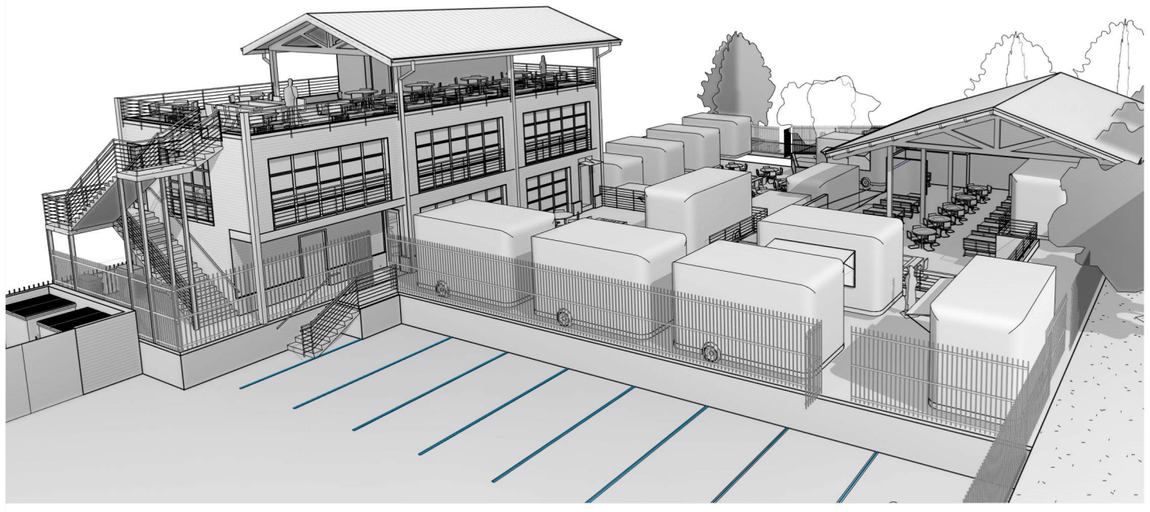
On-site trees on private property are not regulated by tree code in this zone.

Conclusion

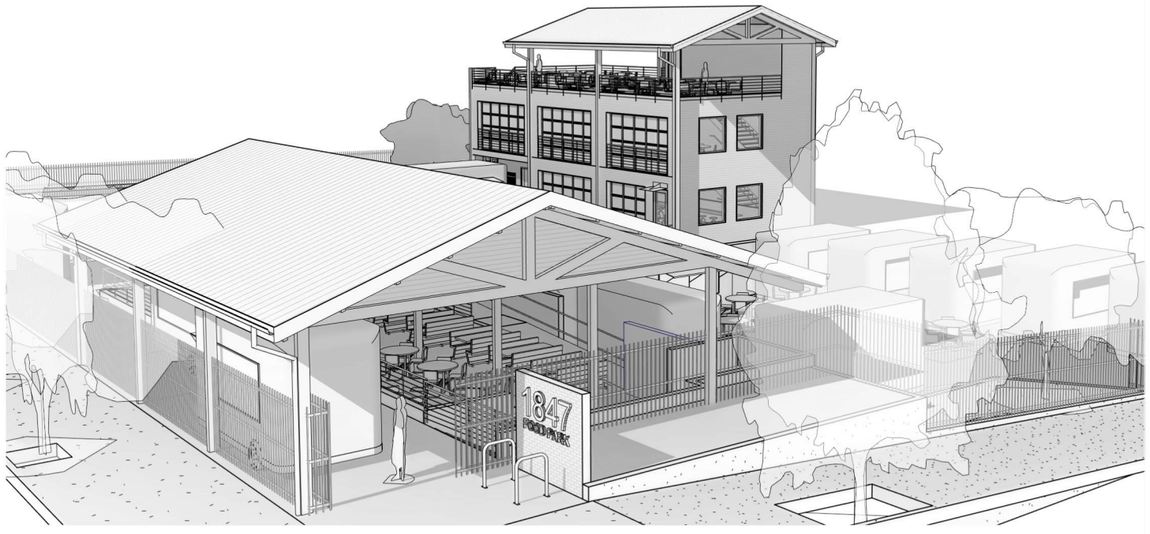
The preceding sections address conformance of the proposed 1847 Food Park with the applicable approval criteria of Milwaukie Development Code. The Applicant respectfully requests that the City review the Type III Downtown Design Review and Variance application materials as submitted.

1847 Food Park

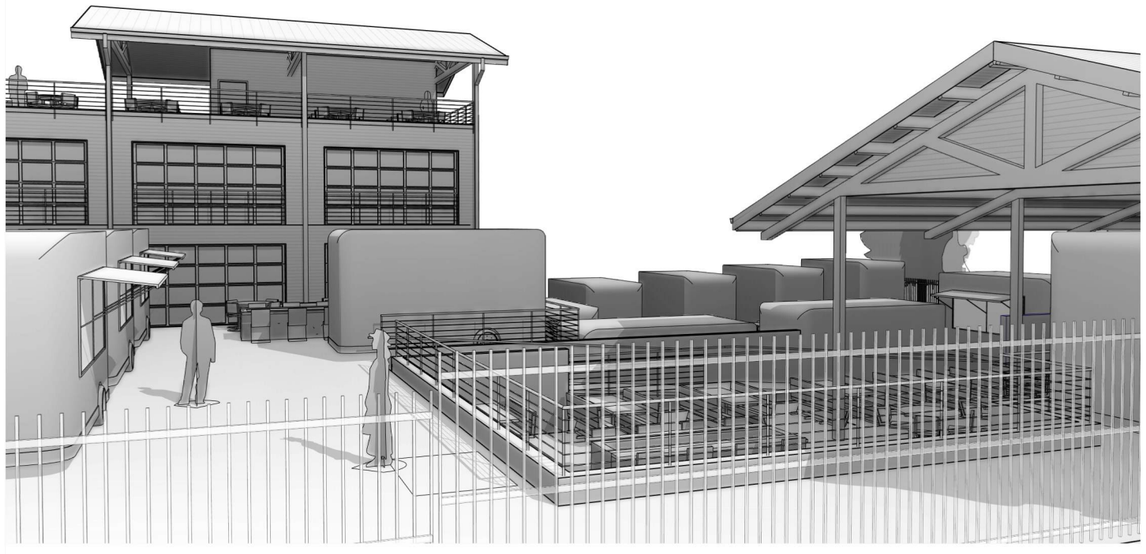
Drawing Index



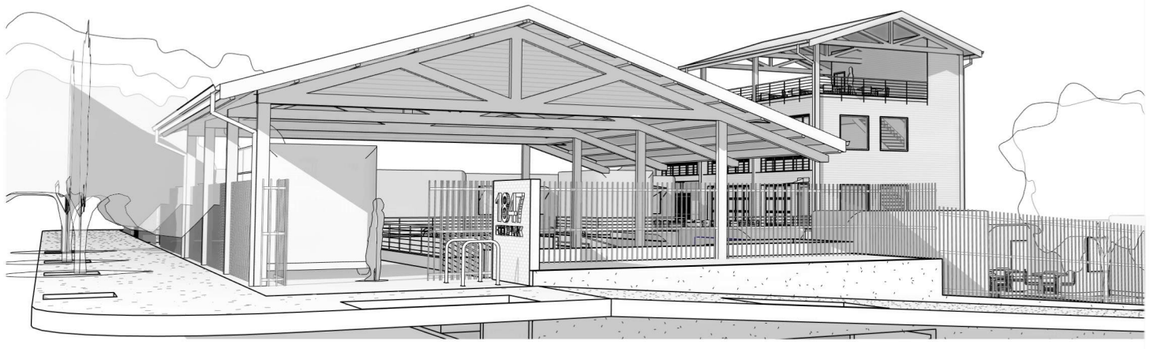
Southwest Aerial Perspective



Southeast Aerial Perspective



Park Interior View



Southeast Entrance

1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222

/kōblə/CREATIVE

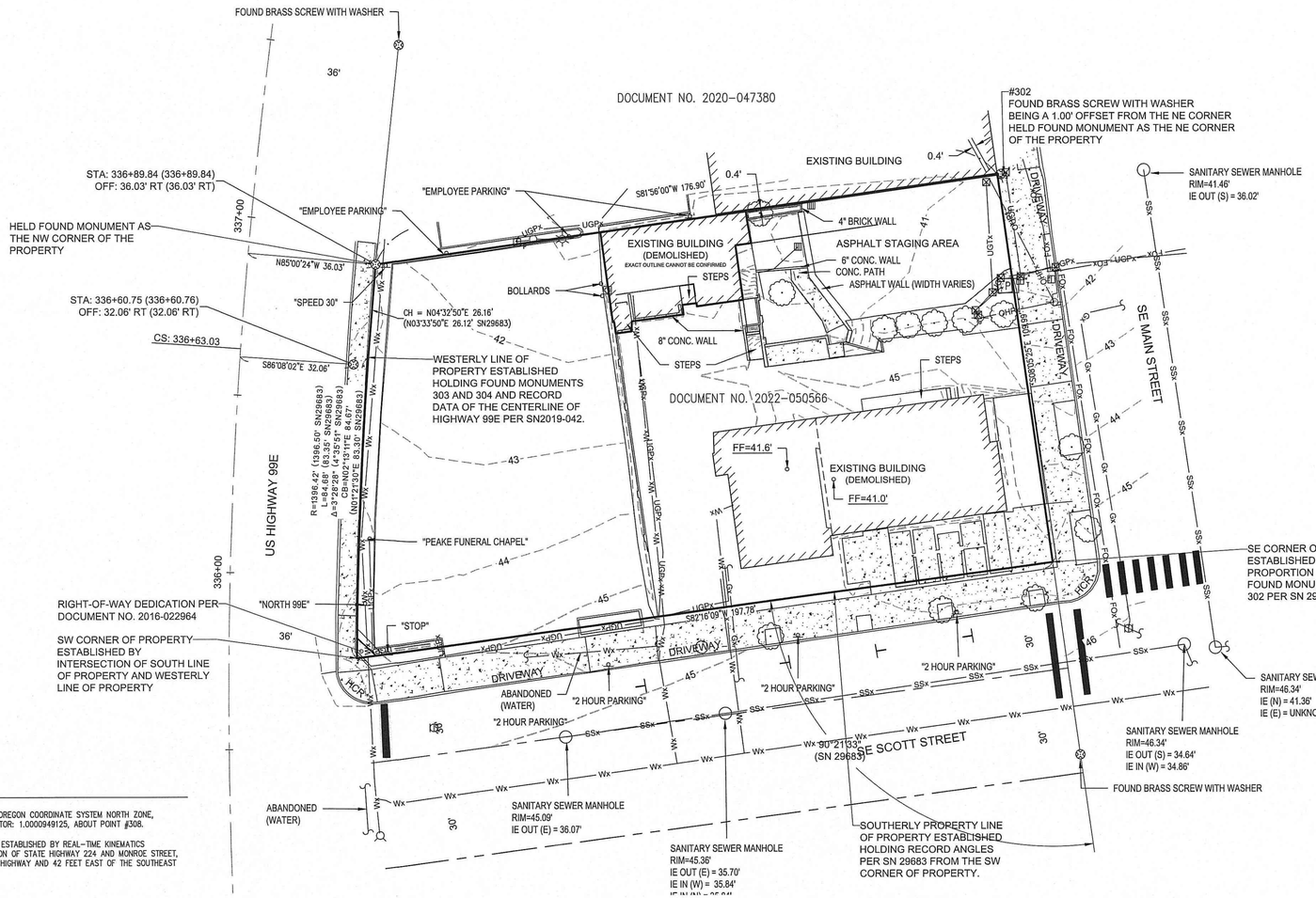
A0.1 - PERSPECTIVES
Land-Use Review
04.05.2024

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

N

SCALE
20 0 10 20 40
(FEET)
1 INCH = 20 FT.



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. B 723 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.

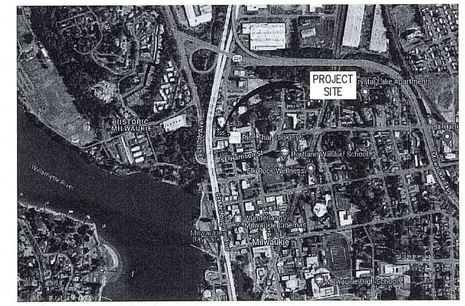
ELEVATION = 97.93 FEET (NAVD 88)

THE BENCHMARK WAS OBSERVED AS PROJECT POINT #308.

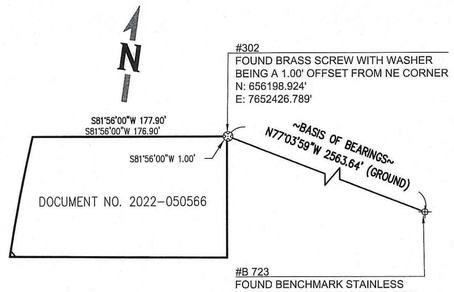
NOTE

1. 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.
2. 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.
3. NO TITLE REPORT WAS PROVIDED. EASEMENTS NOT PLOTTED.

VICINITY MAP
(N.T.S.)



BASIS OF BEARINGS DETAIL (NTS)



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
- Gx — EXISTING UNDERGROUND POWER LINE
- UGPx — EXISTING UNDERGROUND POWER LINE
- FOx — EXISTING UNDERGROUND FIBER OPTIC LINE
- SSx — EXISTING SANITARY SEWER LINE
- Wx — EXISTING WATER LINE
- PROPERTY LINE
- CENTERLINE
- RIGHT OF WAY LINE
- BUILDING
- CONCRETE
- HCR — HANDICAP RAMP
- UTILITY LOCATES END

NV5
9450 | SW COMMERCE CIRCLE | STE 300
WILSONVILLE | OR | 97080
WWW.NV5.COM | PH: 503-626-0455 | FX: 503-526-0775

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 14, 2006 AUSTIN RUSSELL SNYDER 102025
RENEWS: 6/30/2024

REVISIONS			
NO.	BY	DATE	REMARKS

SHEET INFO		
DRAWN	CAJ	
CHECKED	ARS	
APPROVED	ARS	3/6/2024
LAST EDIT		3/6/2024
PLOT DATE		3/6/2024
SUBMITTAL		3/6/2024

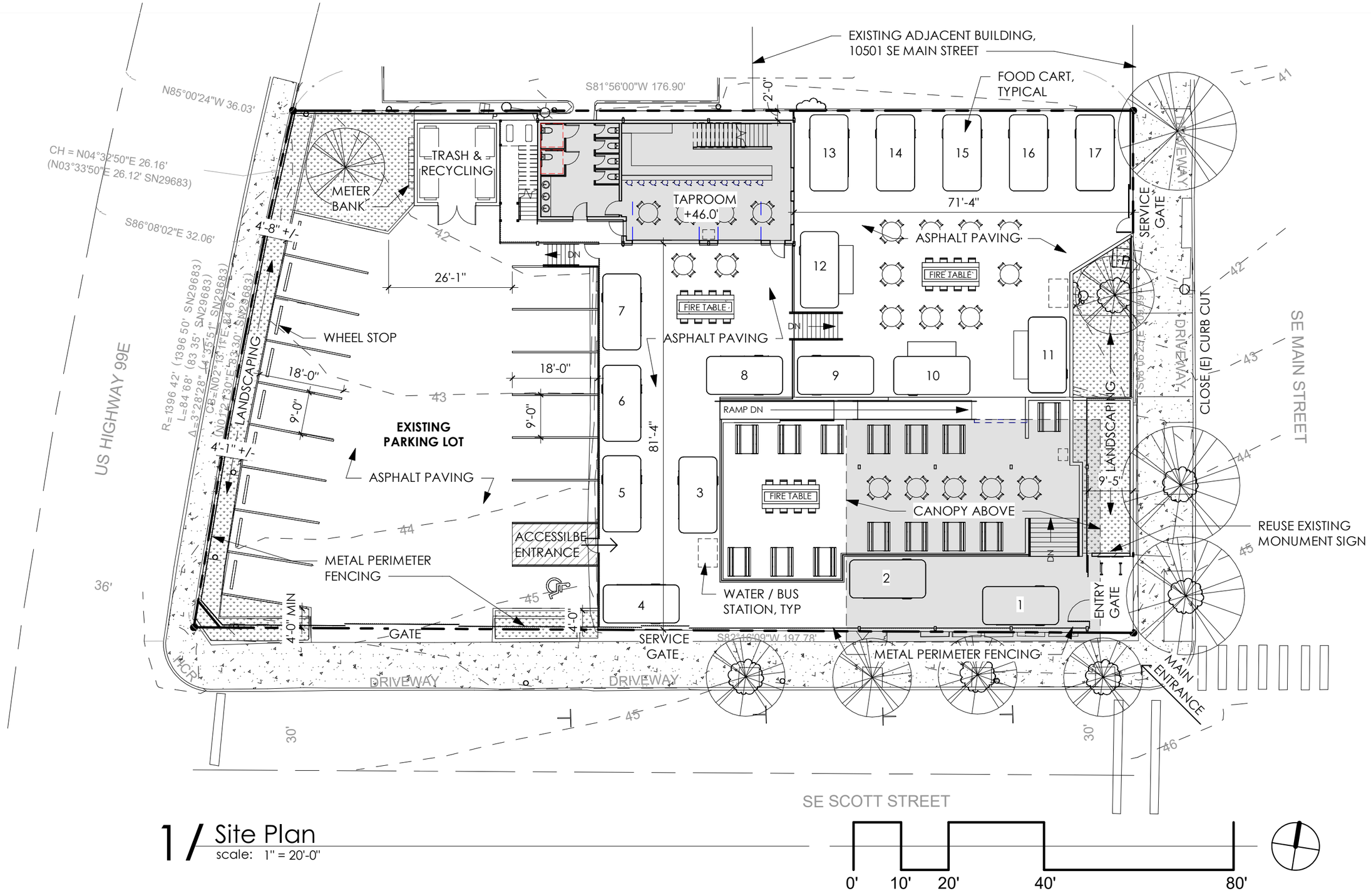
TOPOGRAPHIC & BOUNDARY SURVEY
SWISS MOUNTAIN CONSTRUCTION
NE 1/4 OF THE NE 1/4 SECTION 35, T. 1 S., R. 1 E., W.M.
CLACKAMAS COUNTY, OREGON

DRAWING SCALE
1" = 20'

PROJECT NUMBER
23024-C000271.00

DRAWING FILE NAME
23024-C000271.00 - TOPO

SHEET NUMBER
1 OF 1



1 / Site Plan

scale: 1" = 20'-0"

0' 10' 20' 40' 80'

1847 Food Park

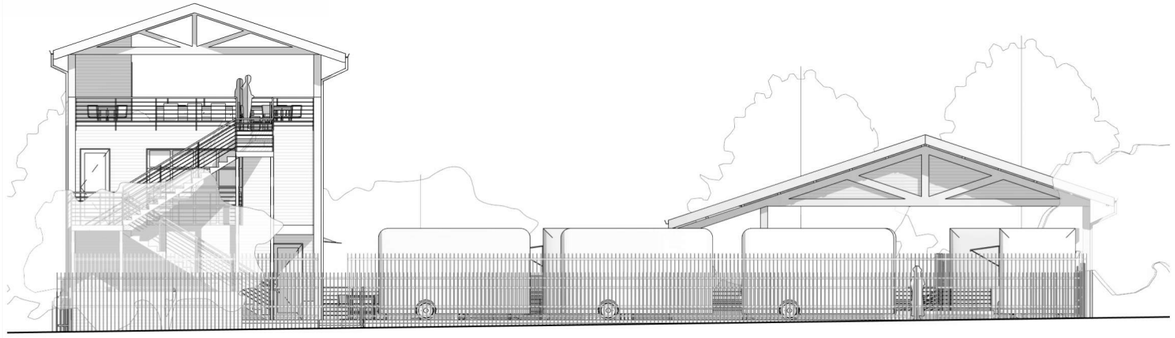
1915 & 1925 SE Scott Street
Milwaukie, OR 97222

/kōblə/CREATIVE

A1.1 - SITE PLAN
Land-Use Review
04.05.2024

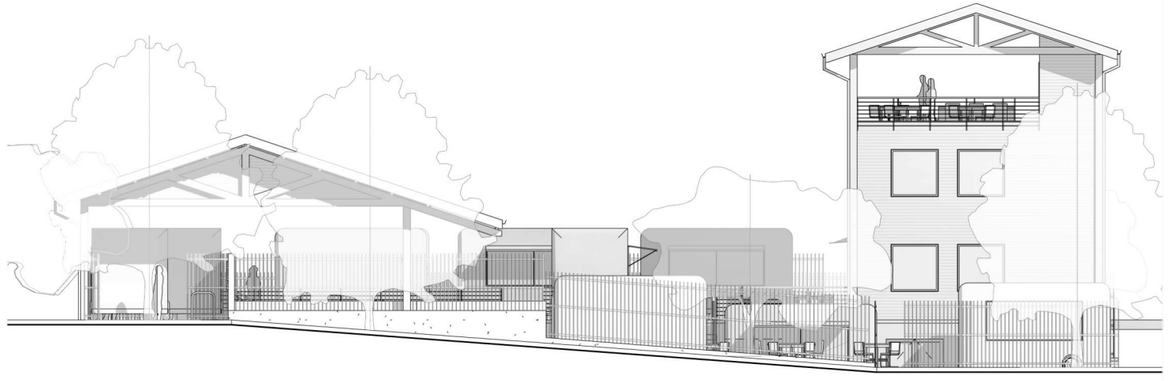
1/ South Elevation @ SE Scott Street

scale: 1/16" = 1'-0"



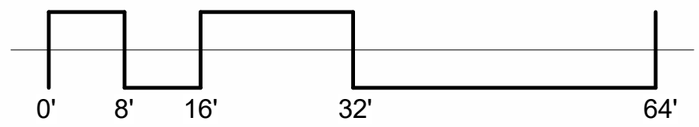
3/ West Elevation @ SE McLoughlin Boulevard

scale: 1/16" = 1'-0"



2/ East Elevation @ SE Main Street

scale: 1/16" = 1'-0"

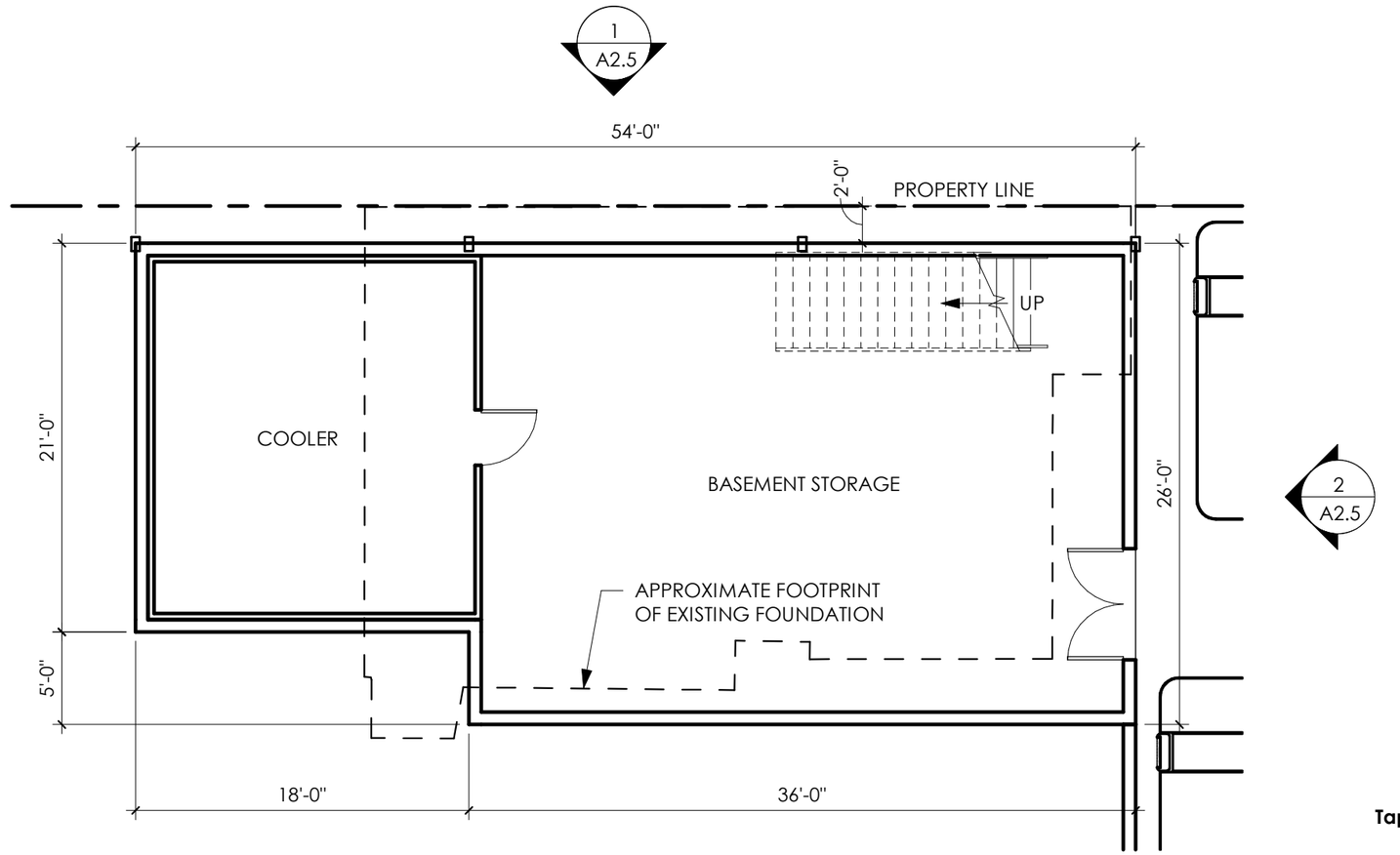


1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222

/kōblə/CREATIVE

A1.2 - SITE ELEVATIONS
Land-Use Review
04.05.2024

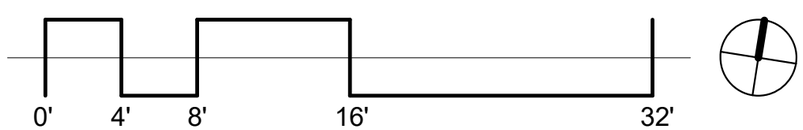


Taproom Building Area

Basement	1,314 SF
Level 1	1,314 SF
Level 2	1,404 SF
Total	4,032 SF

1
A2.4

Taproom Basement

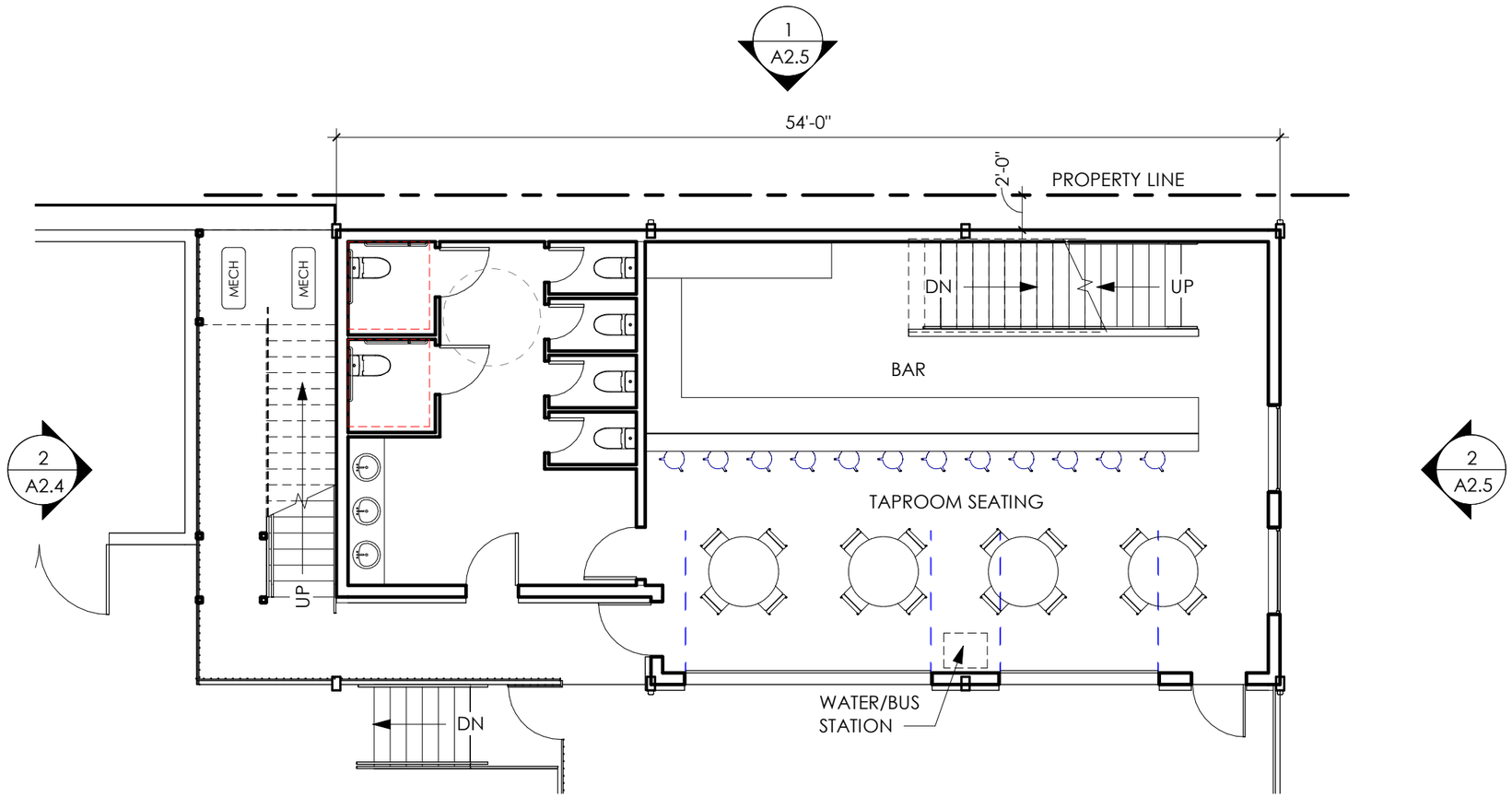


/kōblə/CREATIVE

1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222

A2.0 - TAPROOM BASEMENT
Land-Use Review
04.05.2024



1
A2.4

Taproom - Level 1

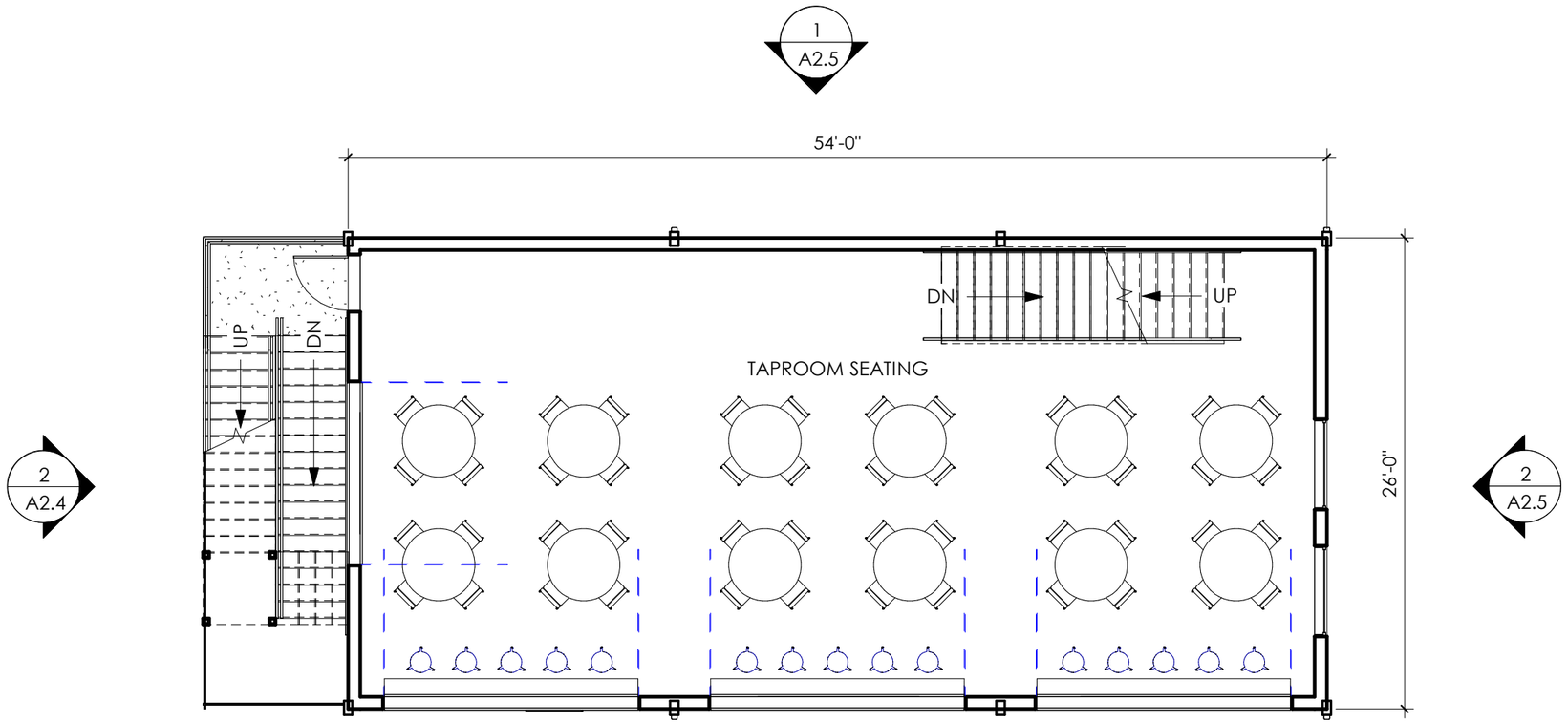
0' 4' 8' 16' 32'

1847 Food Park

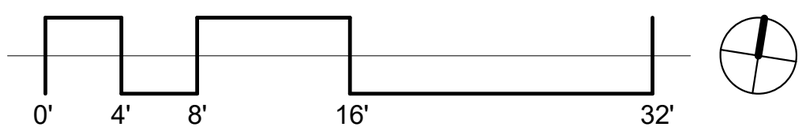
1915 & 1925 SE Scott Street
Milwaukie, OR 97222

/kōblə/CREATIVE

A2.1 - TAPROOM LEVEL 1
Land-Use Review
04.05.2024



Taproom - Level 2

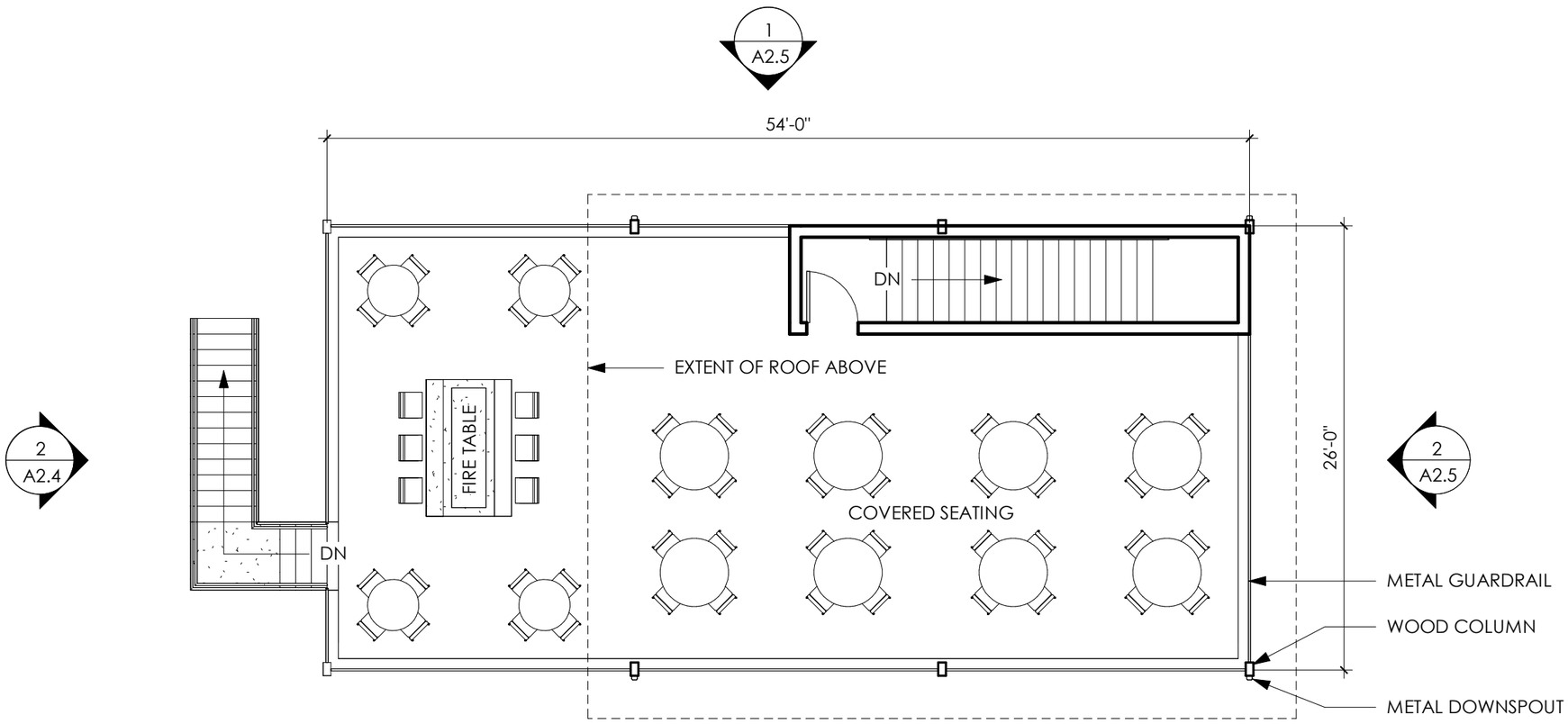


/kōblə/CREATIVE

1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222

A2.2 - TAPROOM LEVEL 2
Land-Use Review
04.05.2024



1
A2.4

Taproom - Roof Deck

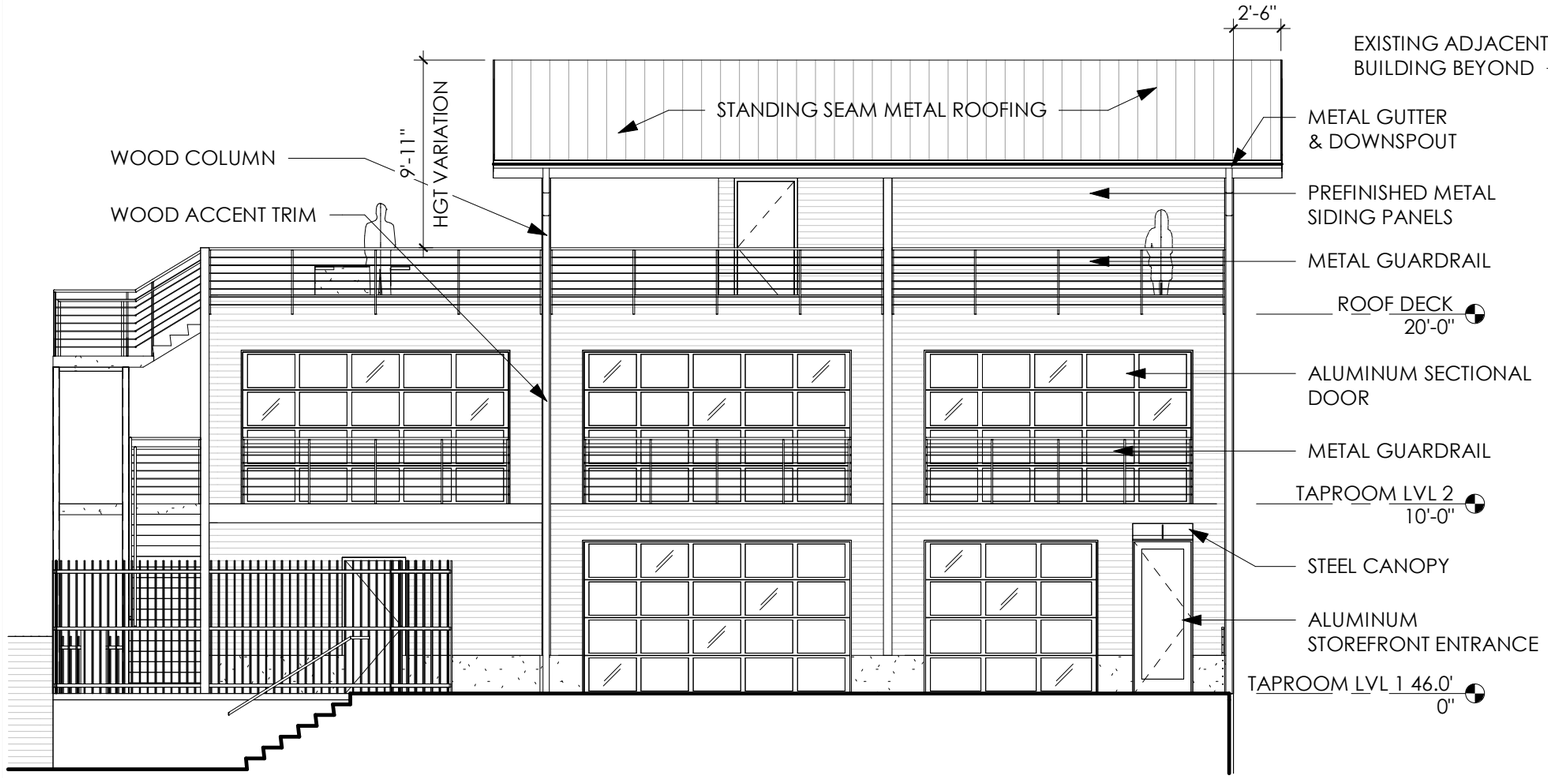
0' 4' 8' 16' 32'

1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222

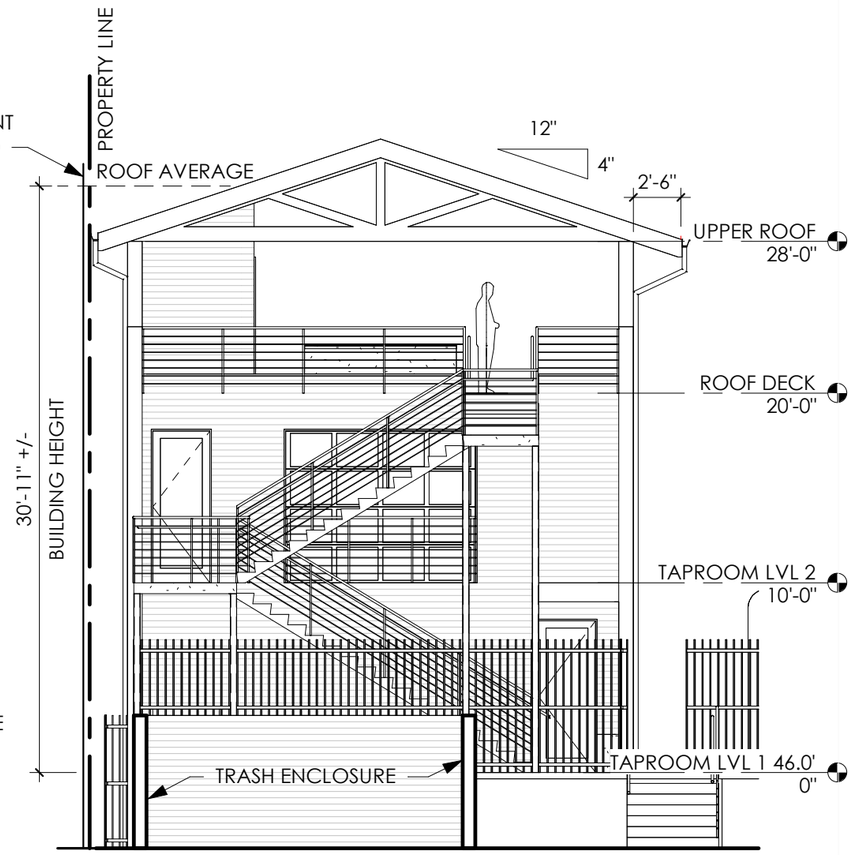
/kōblə/CREATIVE

A2.3 - TAPROOM ROOF
Land-Use Review
04.05.2024



1/ South Elevation - Taproom

scale: 1/8" = 1'-0"



2/ West Elevation - Taproom

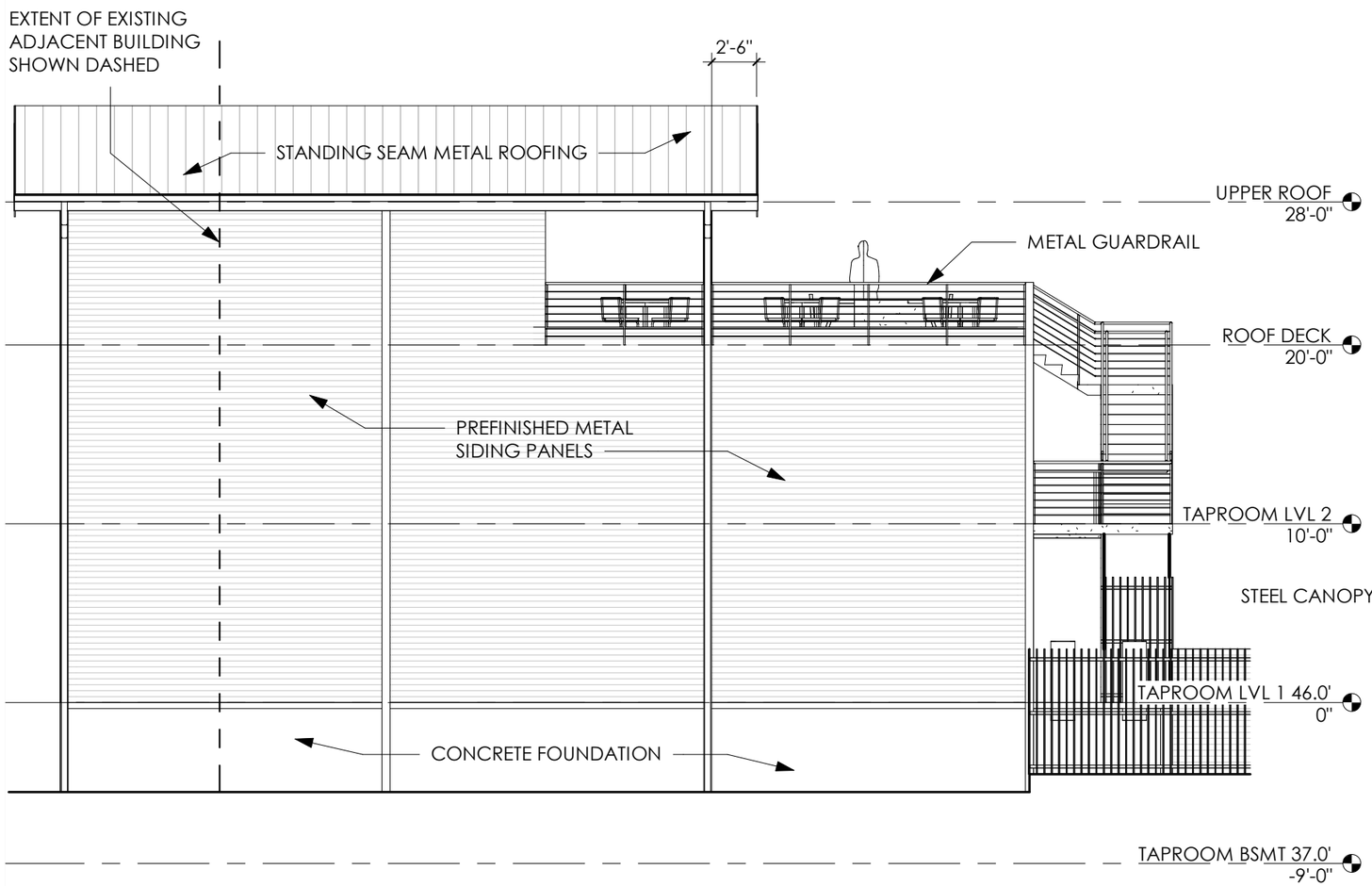
scale: 1/8" = 1'-0"

1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222

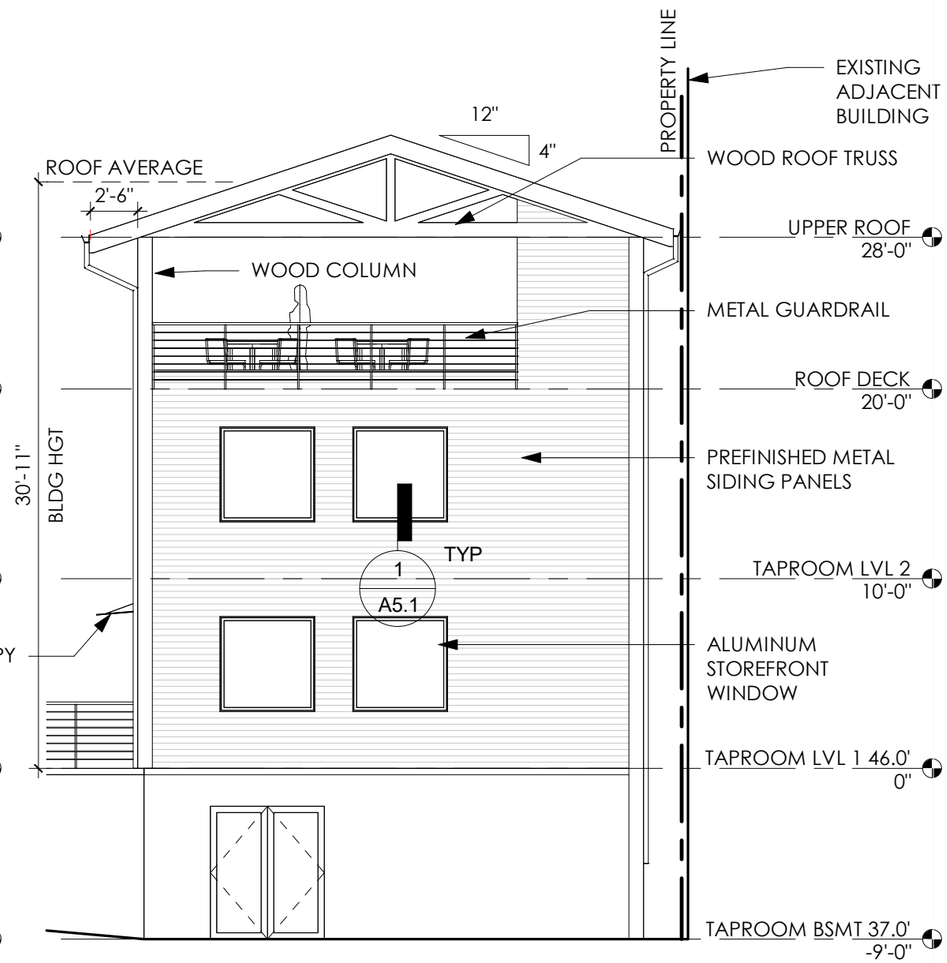
/kōblə/CREATIVE

A2.4 - TAPROOM ELEVS
Land-Use Review
04.05.2024



1/ North Elevation - Taproom

scale: 1/8" = 1'-0"



2/ East Elevation - Taproom

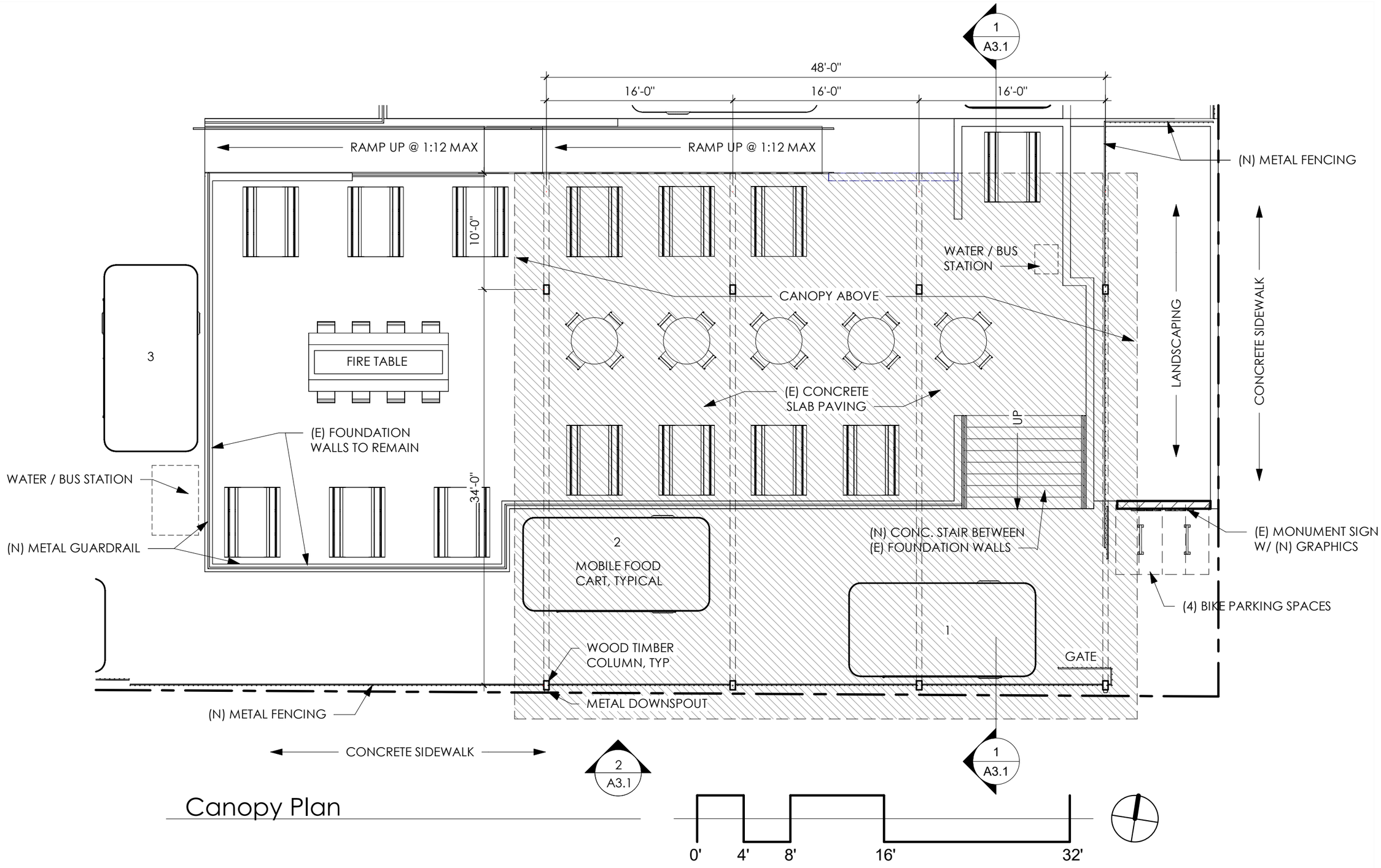
scale: 1/8" = 1'-0"

/kōblə/CREATIVE

1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222

A2.5 - TAPROOM ELEVS
Land-Use Review
04.05.2024



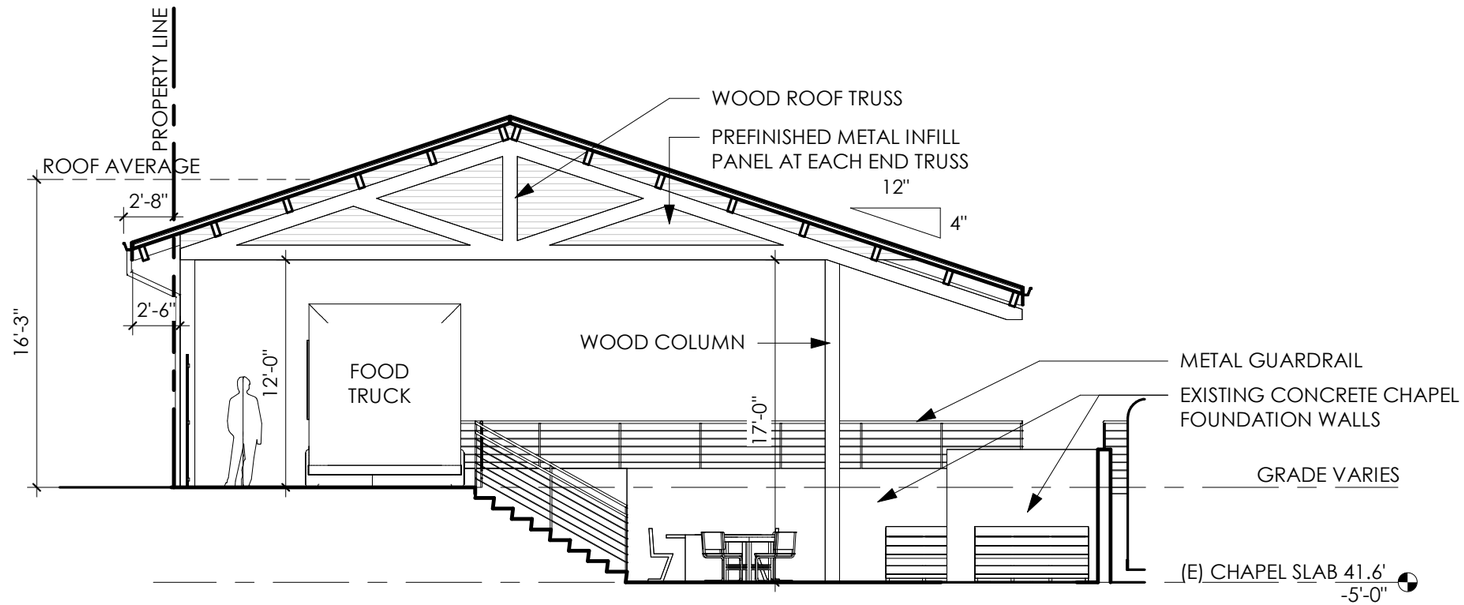
Canopy Plan

1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222

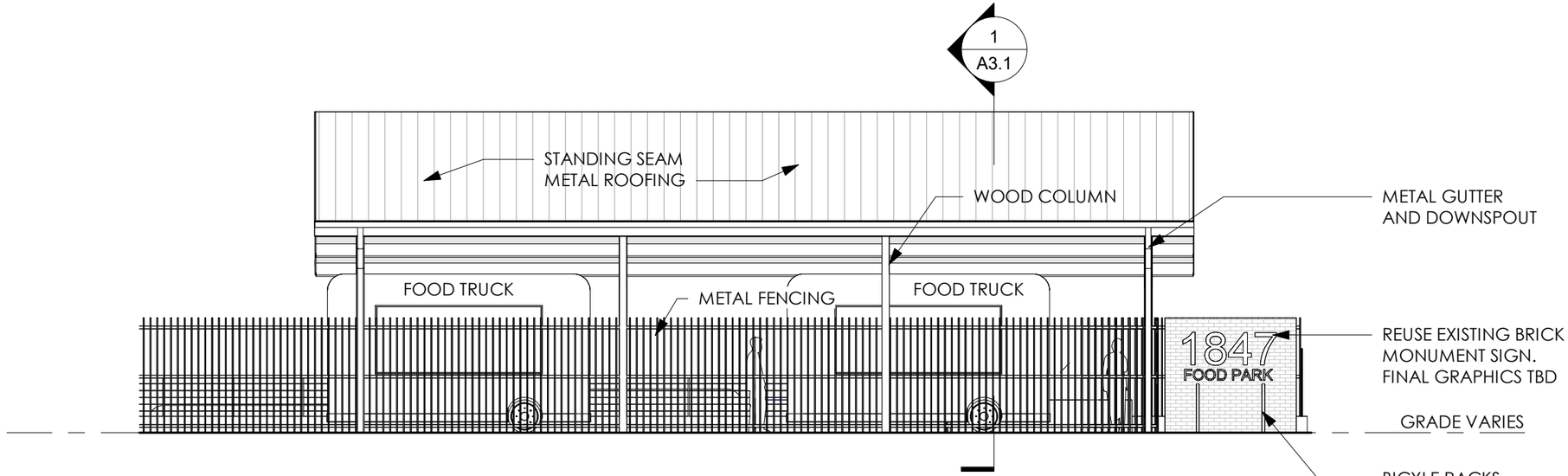
/kōblə/CREATIVE

A3.0 - CANOPY PLAN
Land-Use Review
04.05.2024



1 / Building Section - Canopy

scale: 1/8" = 1'-0"



2 / South Elevation - Canopy

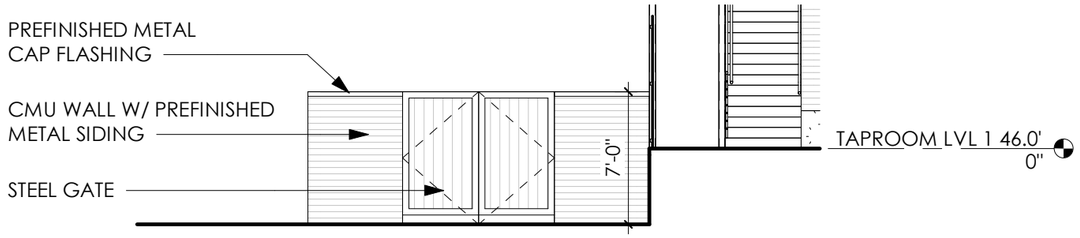
scale: 1/8" = 1'-0"

/kōblə/CREATIVE

1847 Food Park

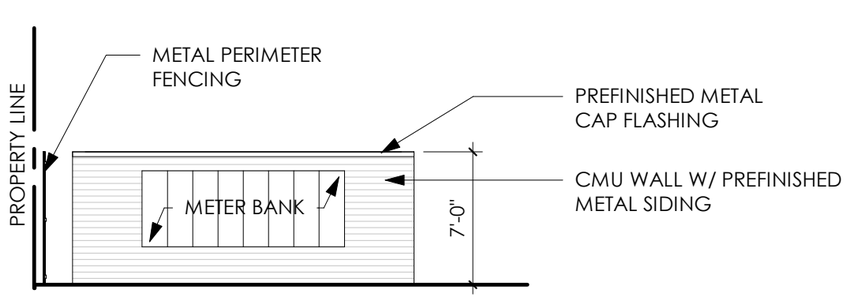
1915 & 1925 SE Scott Street
Milwaukie, OR 97222

A3.1 - CANOPY ELEVS
Land-Use Review
04.05.2024



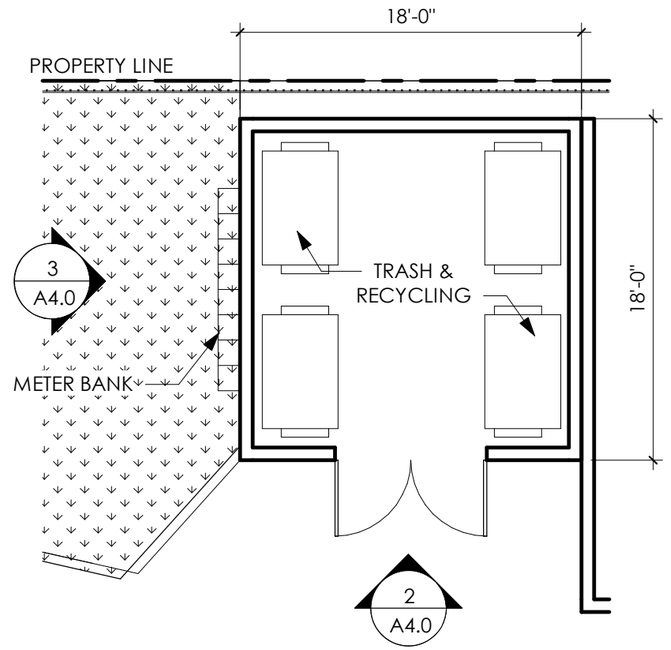
2/ South Elevation - Trash Enclosure

scale: 1/8" = 1'-0"



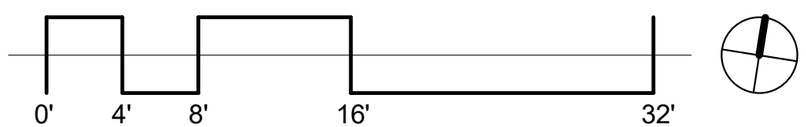
3/ West Elevation - Trash Enclosure

scale: 1/8" = 1'-0"



1/ Trash Enclosure Plan

scale: 1/8" = 1'-0"



SITE PERIMETER FENCING SYSTEM

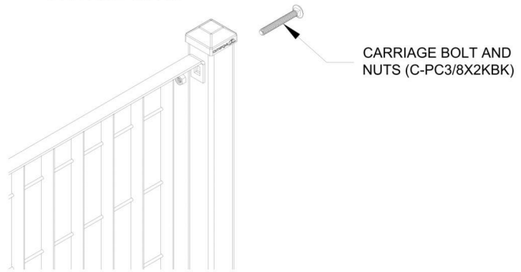
RECTANGULAR PATTERN

OMEGA 10 is widely used. This rectangular pattern offers extensive design versatility. Made with a combination of flat vertical bars and round horizontal wires.

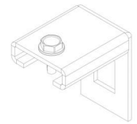
- Versatile and attractive rectangular pattern
- Unobtrusive security

BRACKET KITS FOR OMEGA 10 PANEL ON SQUARE POST

STANDARD BRACKET INSTALLATION



TELESCOPIC BRACKET

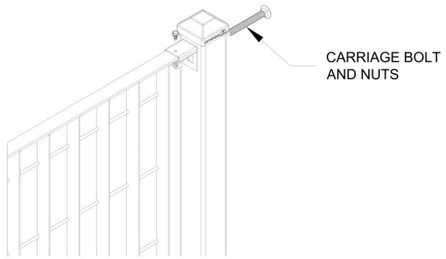


C-GTBKBK

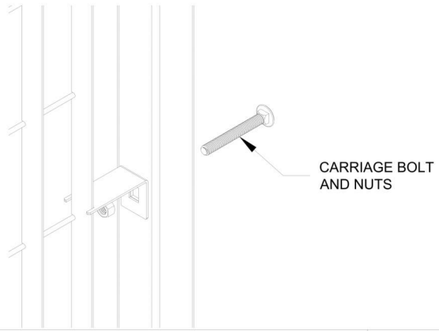
SUPPORT BRACKET

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.

SYSTÈMES DE CLÔTURES omega II FENCE SYSTEMS

Omega II Fence Systems
1735, Blvd. St-Elzéar West
Laval, Quebec
H7L 3N6

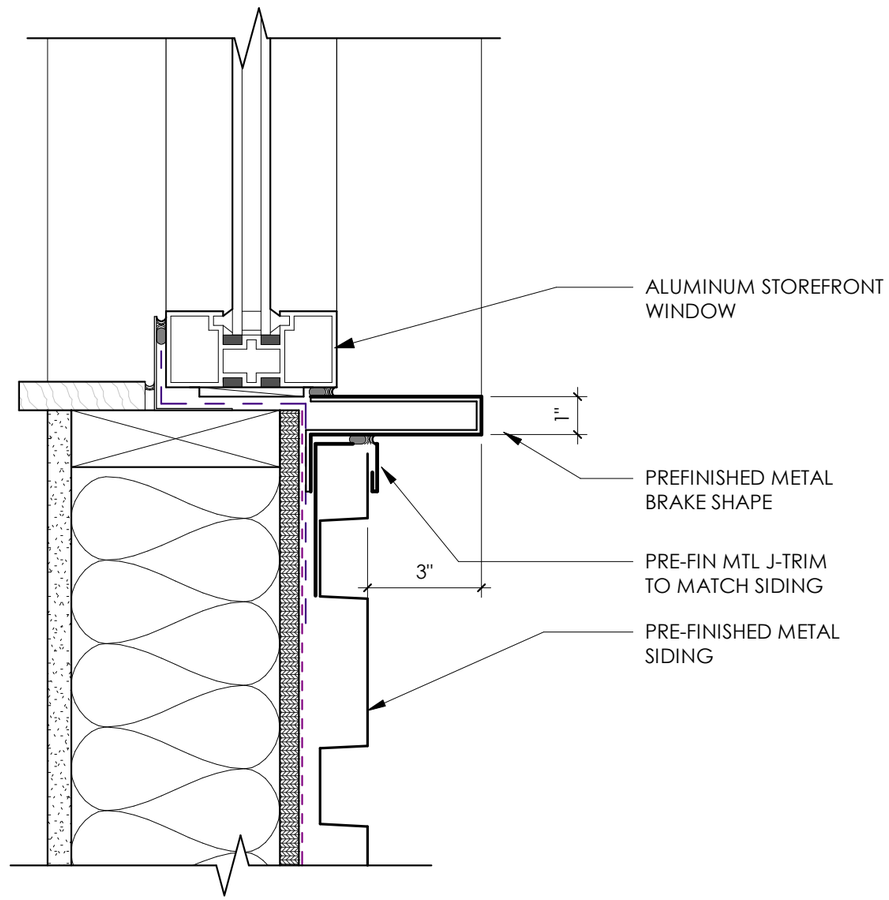
Tel: 450-686-9600
1-800-836-6342
Fax: 450-681-5318
www.omegafence.com

GB10-03
REVISION : 11/21

/kōblə/CREATIVE

1847 Food Park
1915 & 1925 SE Scott Street
Milwaukie, OR 97222

A5.0 - FENCING
Land-Use Review
04.05.2024



1 / Typical Window Trim

scale: 3" = 1'-0"

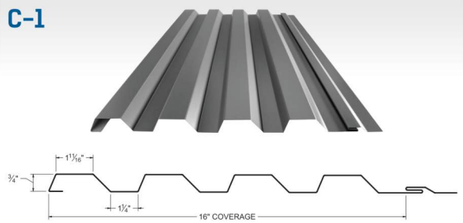
Contour Series™ C-1 to C-8

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.

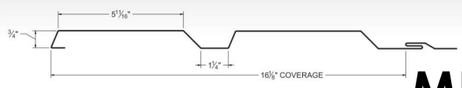
Contour panels are available in a wide variety of "Cool" baked on Kynar® colors, Rusteel Plus™ (A606), Copper and .032 Kynar 500® Painted Aluminum.

FEATURED PROJECT:
C-5 Panel | Oregon State - Cascades | Bend, OR

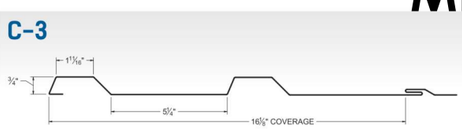
C-1



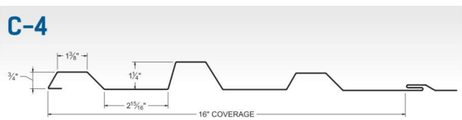
C-2



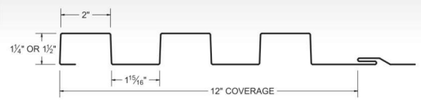
C-3



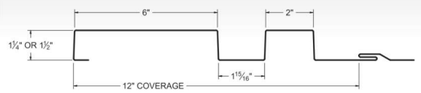
C-4



C-5

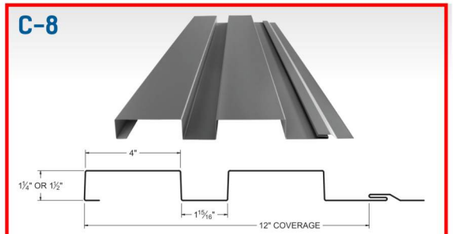


C-6



C-7

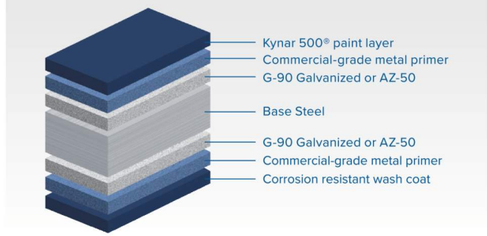
C-8

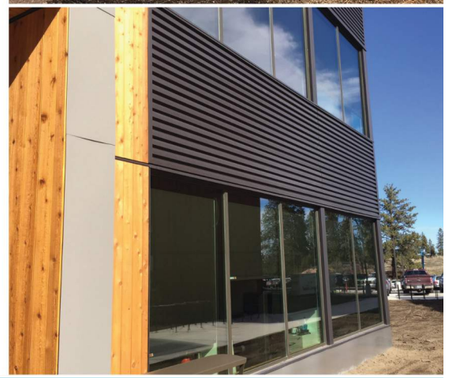


METAL SIDING AT TAPROOM

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)





TAYLOR METAL PRODUCTS

/kōblə/CREATIVE

1847 Food Park
1915 & 1925 SE Scott Street
Milwaukie, OR 97222

A5.2 - METAL SIDING
Land-Use Review
04.05.2024

ALUMINUM SECTIONAL DOORS

Wayne Dalton™
COMMERCIAL DOORS

MODELS 451/452

ALUMINUM FULL-VIEW

Brown powder coated aluminum, Satin Etched glass

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

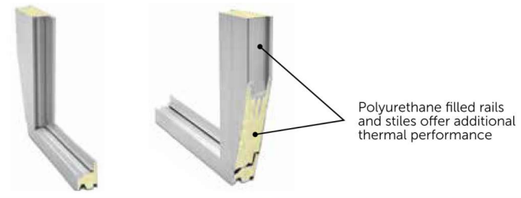
GLASS OPTIONS

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	•	
Polycarbonate	1/8", 1/4"	Clear	•	
	1/4", 5/8" Multi-Wall	Clear, White, Bronze	•	

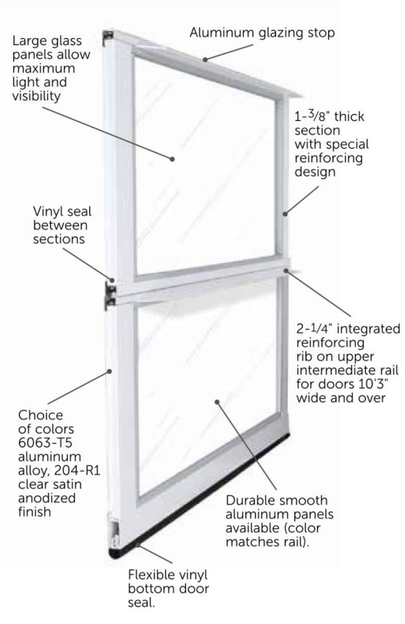
Custom glazing available

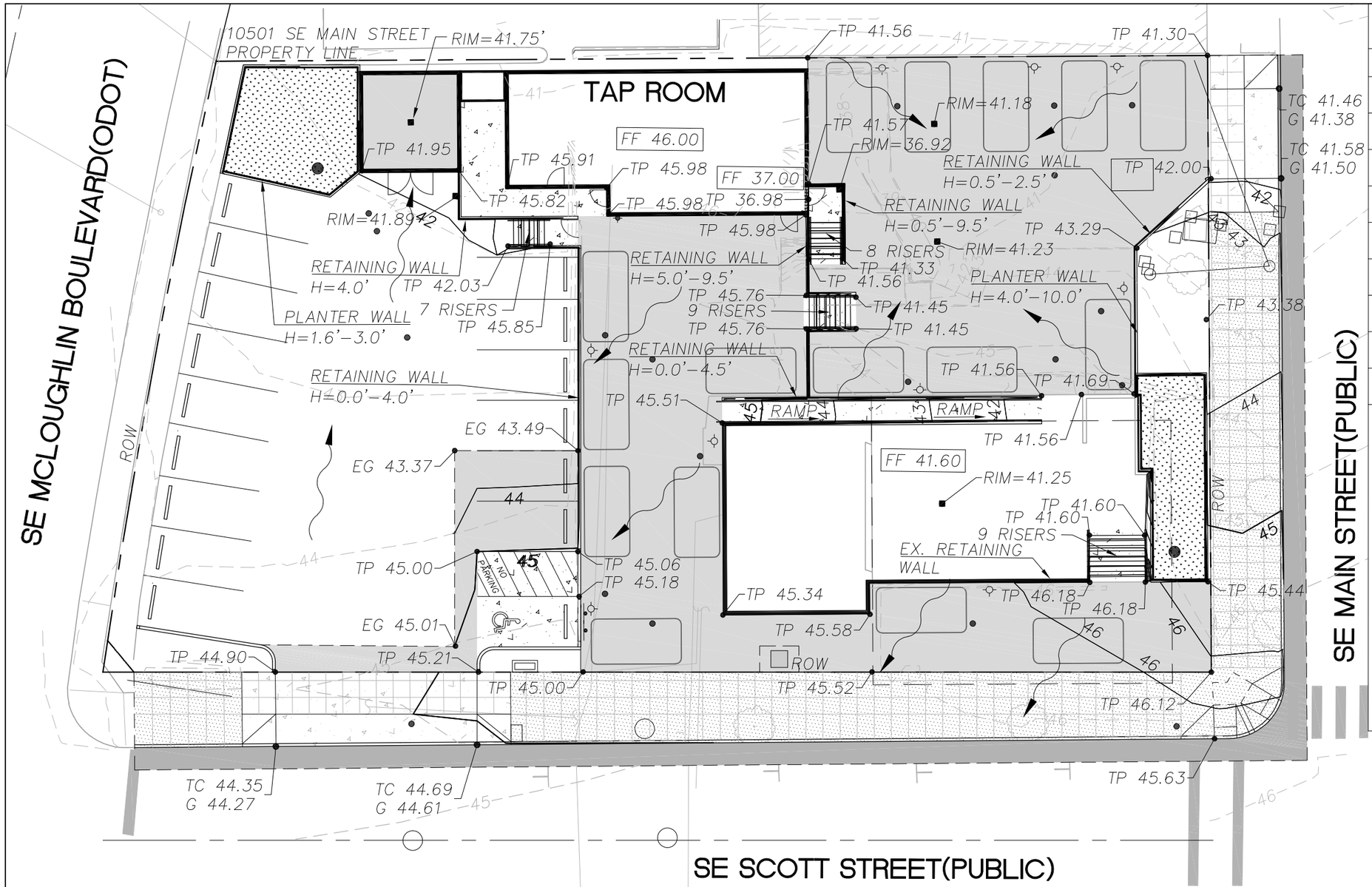
OPTIONAL POLYURETHANE INSULATION

(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





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% GB	SLOPE ARROW GRADE BREAK

LAYOUT AND GRADING PLAN

SCALE: 1"=20'

GRAPHIC SCALE

0 20 40

1 inch = 20 ft.

REGISTERED PROFESSIONAL ENGINEER
87835PE
OREGON
PRELIMINARY
SEPT. 12, 2017
KRISTIAN ANN MCCOMBS

EXPIRES 12-31-2024

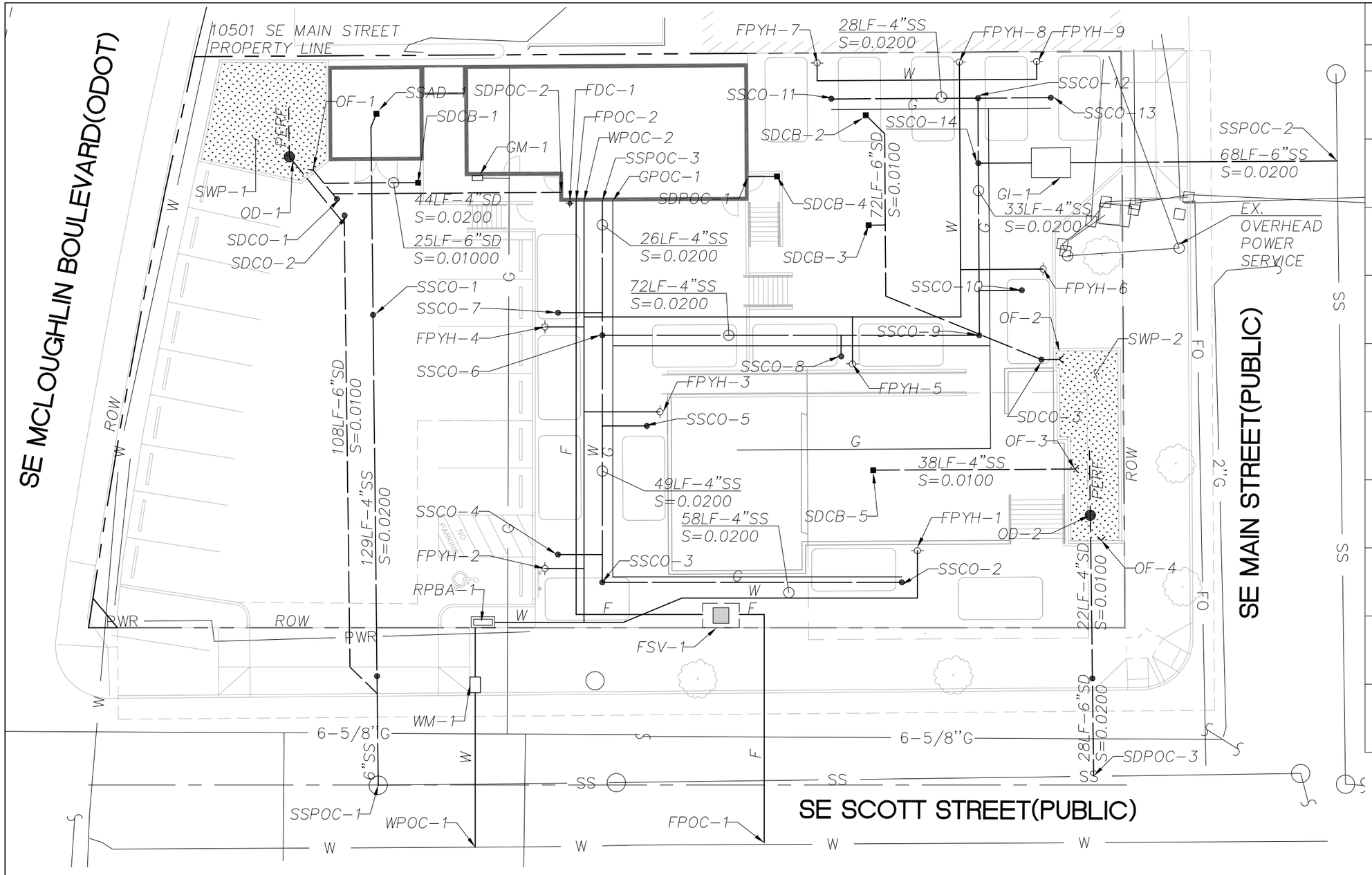
/kōble/CREATIVE

Humber Design Group, Inc.
Civil Engineering • 503.946.6690 • hdgpdx.com

1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222

C1.00 - PAVING AND GRADING PLAN
Land-Use Review
03.22.2024



SHEET LEGEND

ITEM	DESCRIPTION
SD	STORM
SS	SANITARY
W	WATER
F	FIRE
G	GAS
PERF.	PERF. PIPE
■	CATCH BASIN/ AREA DRAIN
•	CLENAOUT
•	OVERFLOW DRAIN
	STORMWATER PLANTER

UTILITY PLAN

SCALE: 1"=20'

GRAPHIC SCALE

0 20 40

1 inch = 20 ft.

REGISTERED PROFESSIONAL ENGINEER
87835PE
PRELIMINARY
OREGON
SEPT 12, 2017
KRISTIAN ANN MCCOMBS
EXPIRES 12-31-2024

/kōble/CREATIVE

Humber Design Group, Inc.
Civil Engineering • 503.946.6690 • hdgpdx.com

1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222

C2.00 - UTILITY PLAN

Land-Use Review
03.22.2024

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 RIPRAP?	
OF–2	OUTFALL, IE=XXXX RIPRAP?	
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	

REGISTERED PROFESSIONAL ENGINEER 87835PE
PRELIMINARY
OREGON
SEPT 12, 2017
KRISTIAN ANN MCCOMBS
EXPIRES 12–31–2024

/köble/CREATIVE

Humber Design Group, Inc.
Civil Engineering • 503.946.6690 • hdgpdx.com

1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222

C2.01 - UTILITY SCHEDULES

Land-Use Review
03.22.2024

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.

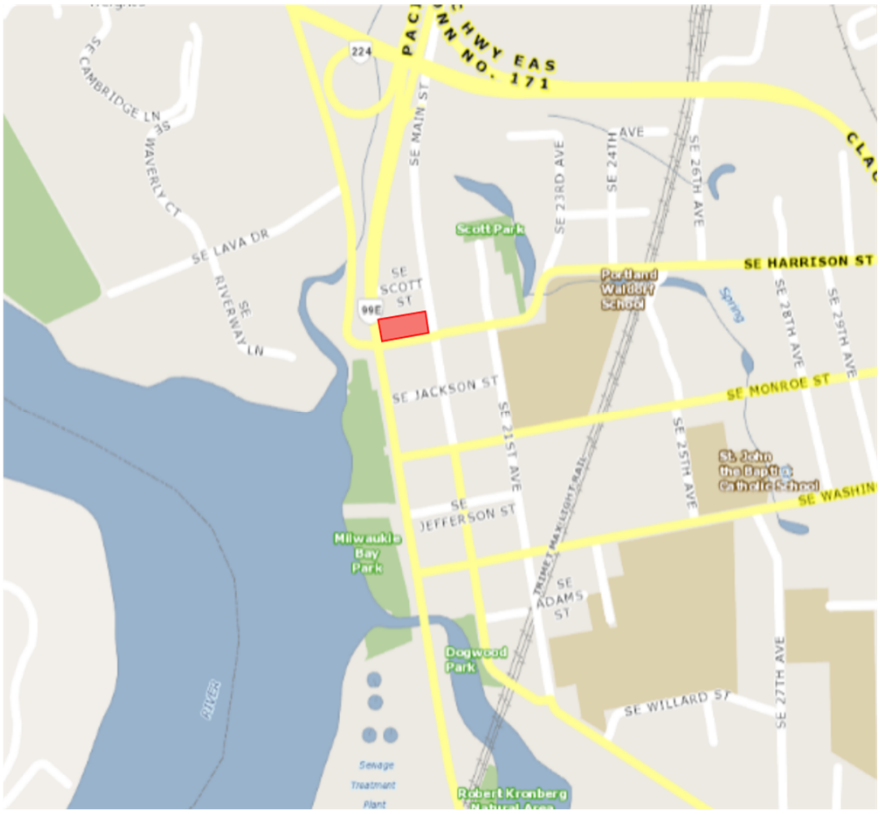
Date: April 5, 2024

Table of Contents

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 ot 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

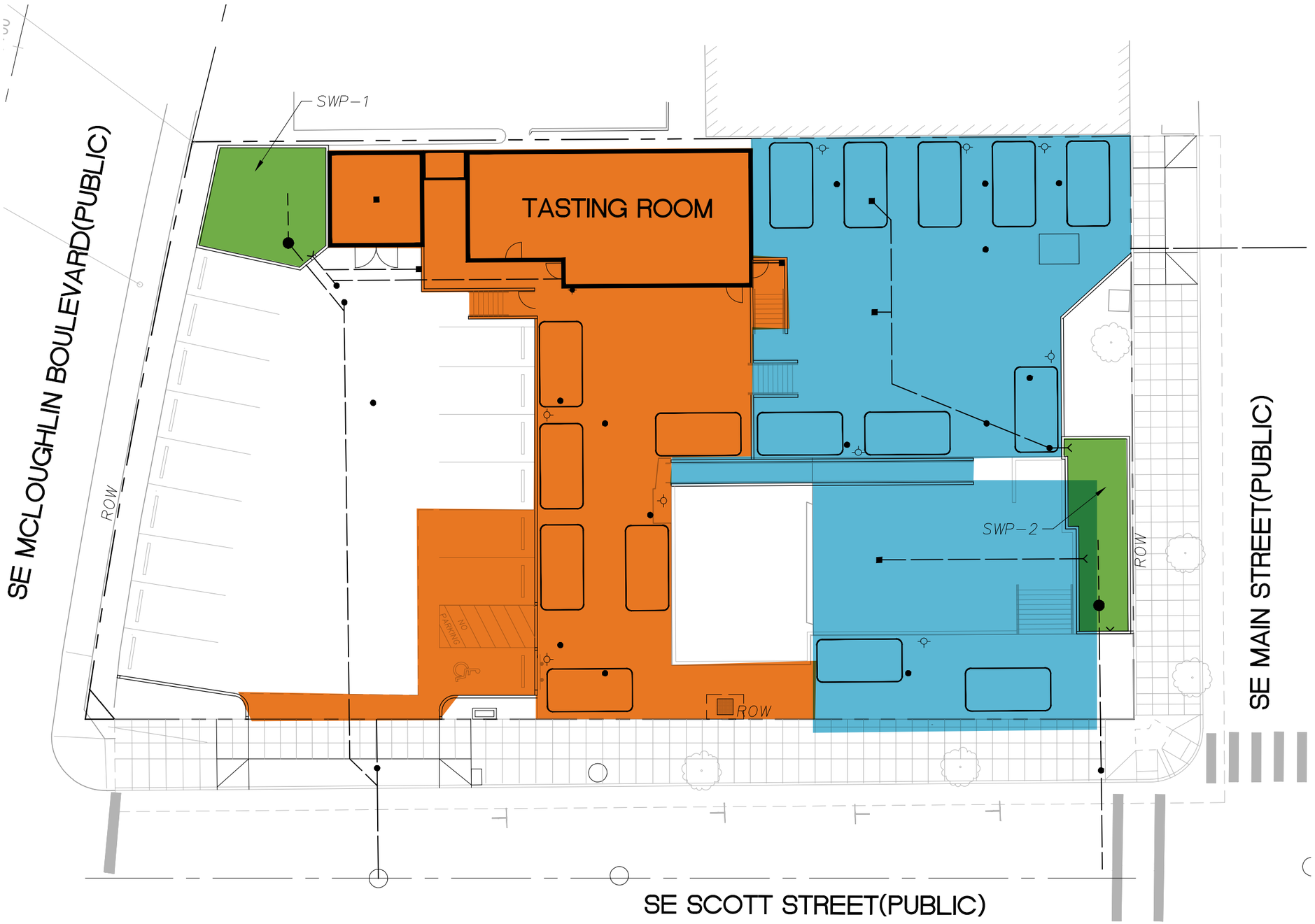
The preceding methodologies and calculations presented indicate compliance with the current jurisdictional stormwater management codes and requirements. A summarized breakdown is presented below:

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



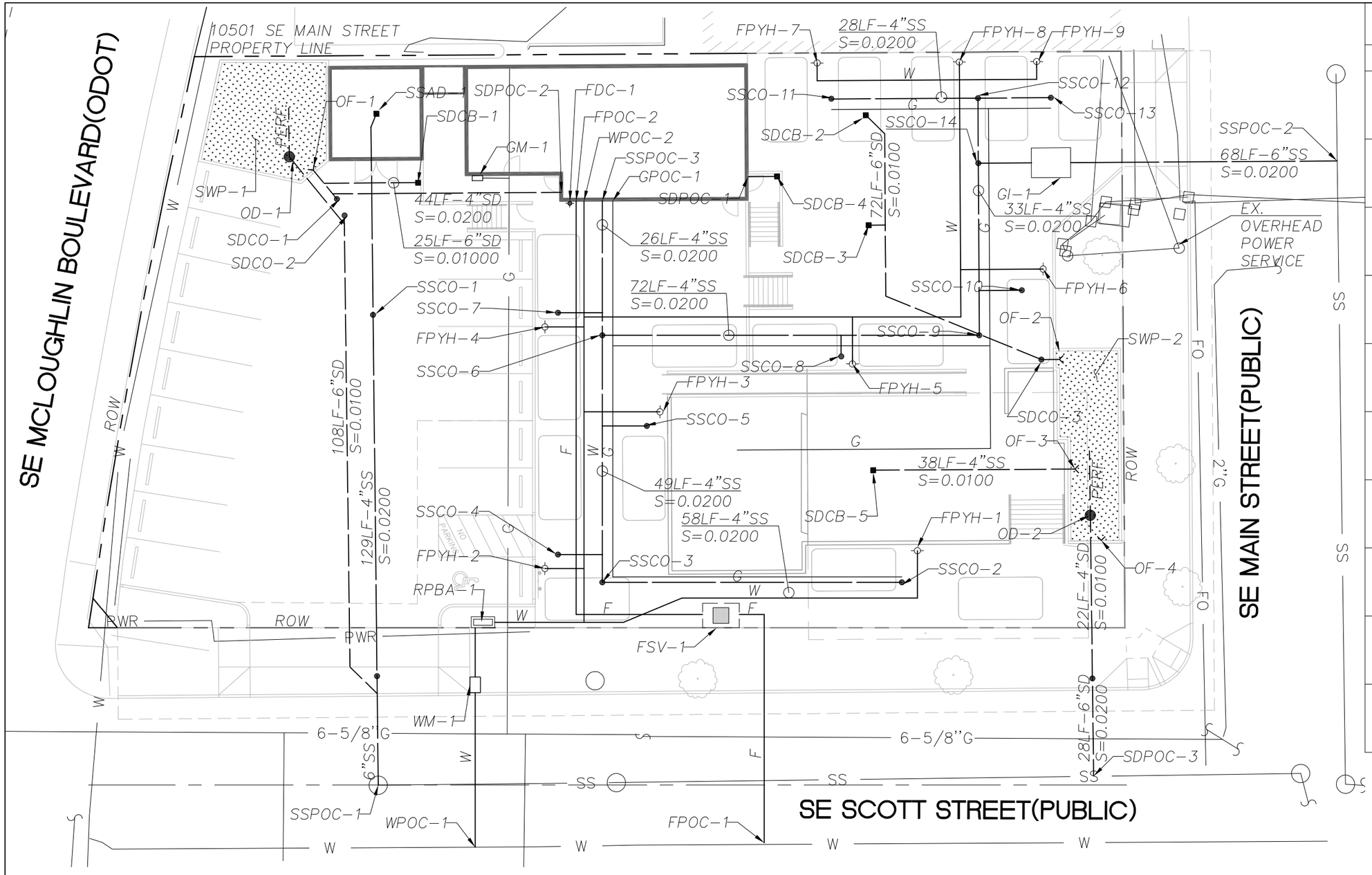
CATCHMENT MAP

1925 SE SCOTT STREET

PROJECT NO.:	K0B003
DRAWN BY:	JKB
DESIGN BY:	CCM
REVIEWED BY:	CCM
DATE:	04/05/2024

Humber Design Group, Inc.
Civil Engineering ▪ 503.946.6690 ▪ hdgpdx.com

P:\K0B003 - Scott Street MUV7 - CAD Drawings\B - Exhibits\Catchment maps\Catchment map.dwg Apr 05, 2024 - 1:40pm



SHEET LEGEND

ITEM	DESCRIPTION
SD	STORM
SS	SANITARY
W	WATER
F	FIRE
G	GAS
PERF.	PERF. PIPE
■	CATCH BASIN/ AREA DRAIN
•	CLENAOUT
•	OVERFLOW DRAIN
	STORMWATER PLANTER

UTILITY PLAN

SCALE: 1"=20'

GRAPHIC SCALE

0 20 40

1 inch = 20 ft.

REGISTERED PROFESSIONAL ENGINEER
87835PE
PRELIMINARY
OREGON
SEPT 12, 2017
KRISTIAN ANN MCCOMBS
EXPIRES 12-31-2024

/kōble/CREATIVE

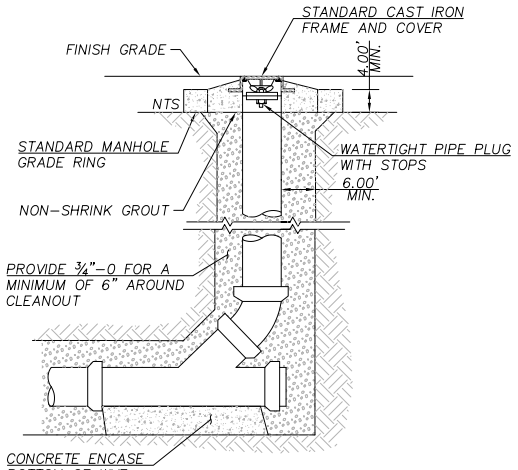
Humber Design Group, Inc.
Civil Engineering • 503.946.6690 • hdgpdx.com

1847 Food Park

1915 & 1925 SE Scott Street
Milwaukie, OR 97222

C2.00 - UTILITY PLAN

Land-Use Review
03.22.2024

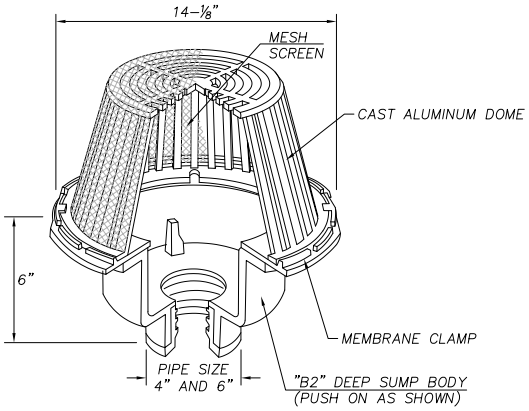


NOTE:

1. CONCRETE ENCASE ENTIRE WYE SECTION AND 45° BEND FOR CONCRETE PIPE.

3 CLEAN OUT

NTS

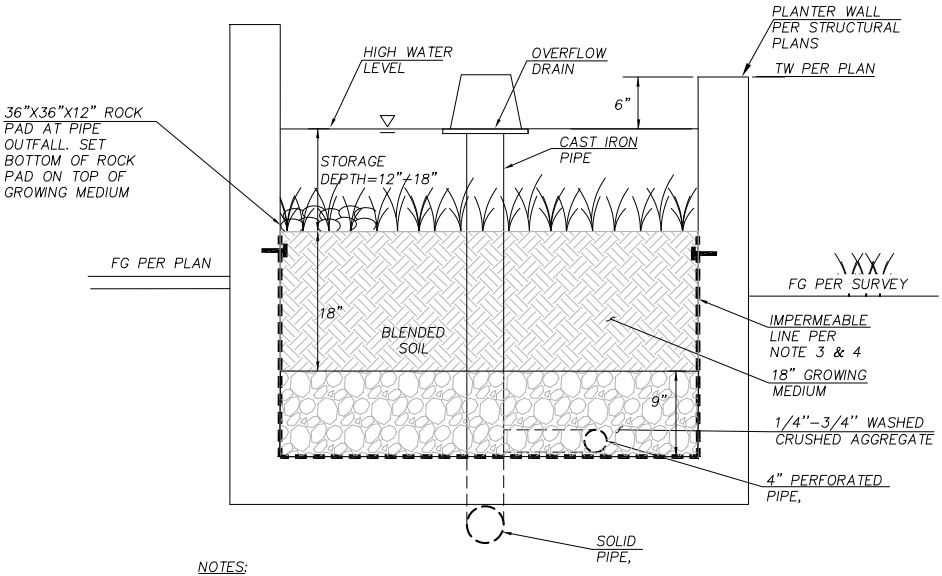


NOTES:

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

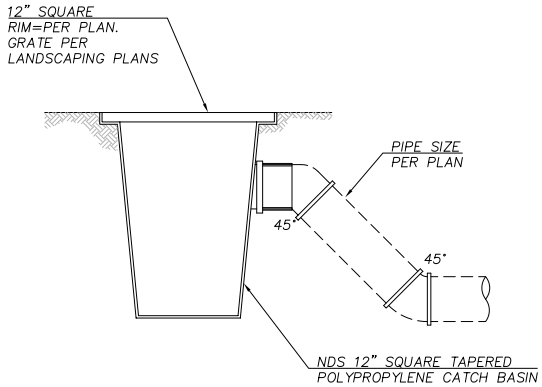


NOTES:

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.

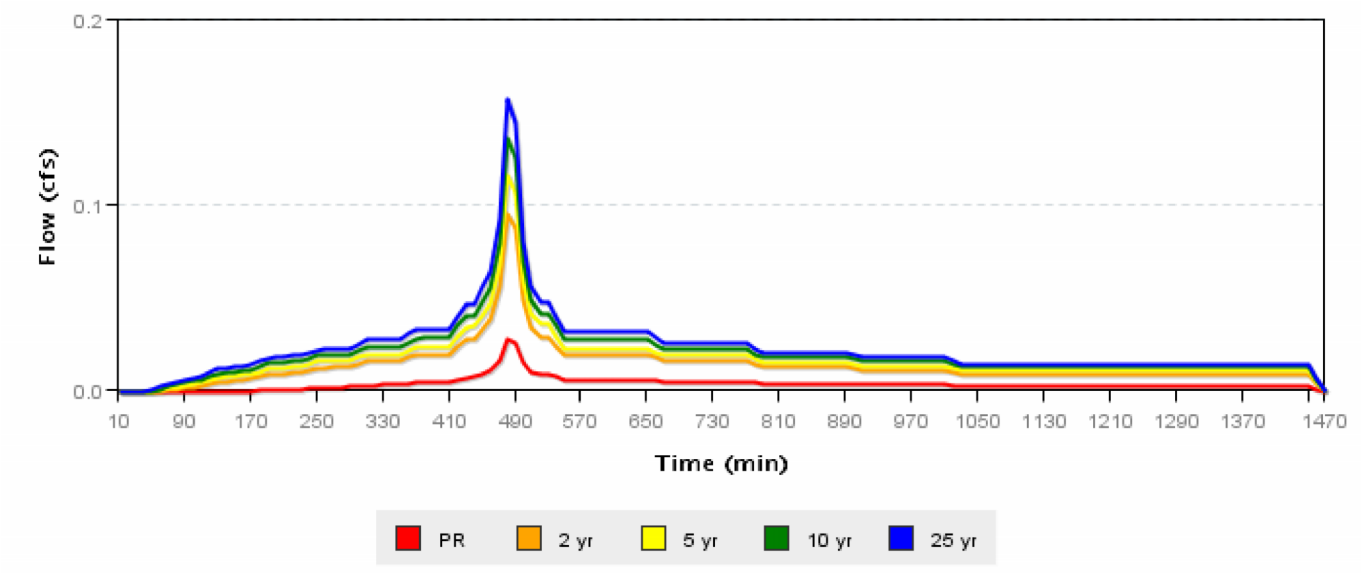
Catchment Name	Impervious Area (sq ft)	Native Soil Design Infiltration Rate	Hierarchy Category	Facility Type	Facility Config	Facility Size (sq ft)	Facility Sizing Ratio	PR Results	Flow Control Results
A	6700	0.00	4	Planter (Flat)	D	365	5.4%	Pass	Pass
B	6000	0.00	4	Planter (Flat)	D	450	7.5%	Pass	Pass

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 (Tc)	**5**
	Pre-Development Curve Number (CN_{pre})	**72**
	Post-Development Curve Number (CN_{post})	**98**

⚠ Indicates value is outside of recommended range

SBUH Results



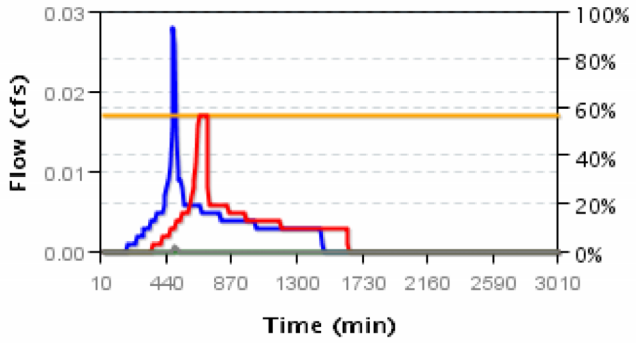
	Pre-Development Rate and Volume		Post-Development Rate and Volume	
	Peak Rate (cfs)	Volume (cf)	Peak Rate (cfs)	Volume (cf)
PR	0	0.386	0.028	350.094
2 yr	0.008	266.609	0.095	1212.337
5 yr	0.019	418.331	0.116	1490.023
10 yr	0.032	589.627	0.136	1768.125
25 yr	0.046	776.308	0.157	2046.488

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**

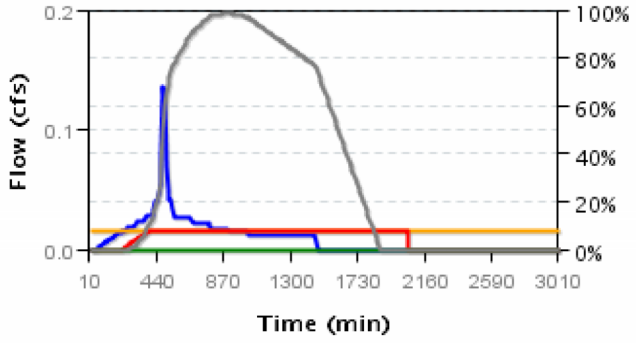
Pollution Reduction Event Surface Facility Modeling



Inflow from rain
Infiltration capacity
Total flow to below grade storage
Flow bypassing growing medium
Percent surface capacity

Pollution Reduction Event Below Grade Modeling

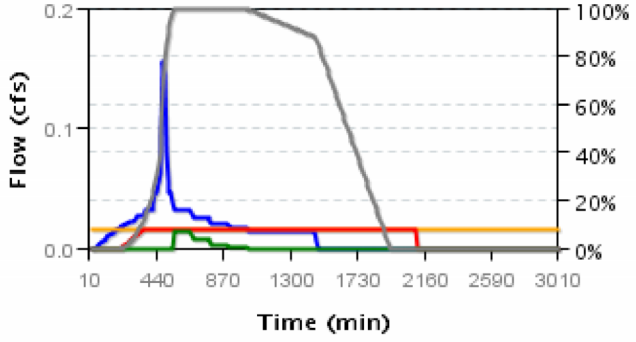
10 Year Event Surface Facility Modeling



Inflow from rain
Infiltration capacity
Total flow to below grade storage
Flow bypassing growing medium
Percent surface capacity

10 Year Event Below Grade Modeling

25 Year Event Surface Facility Modeling



Inflow from rain
Infiltration capacity
Total flow to below grade storage
Flow bypassing growing medium
Percent surface capacity

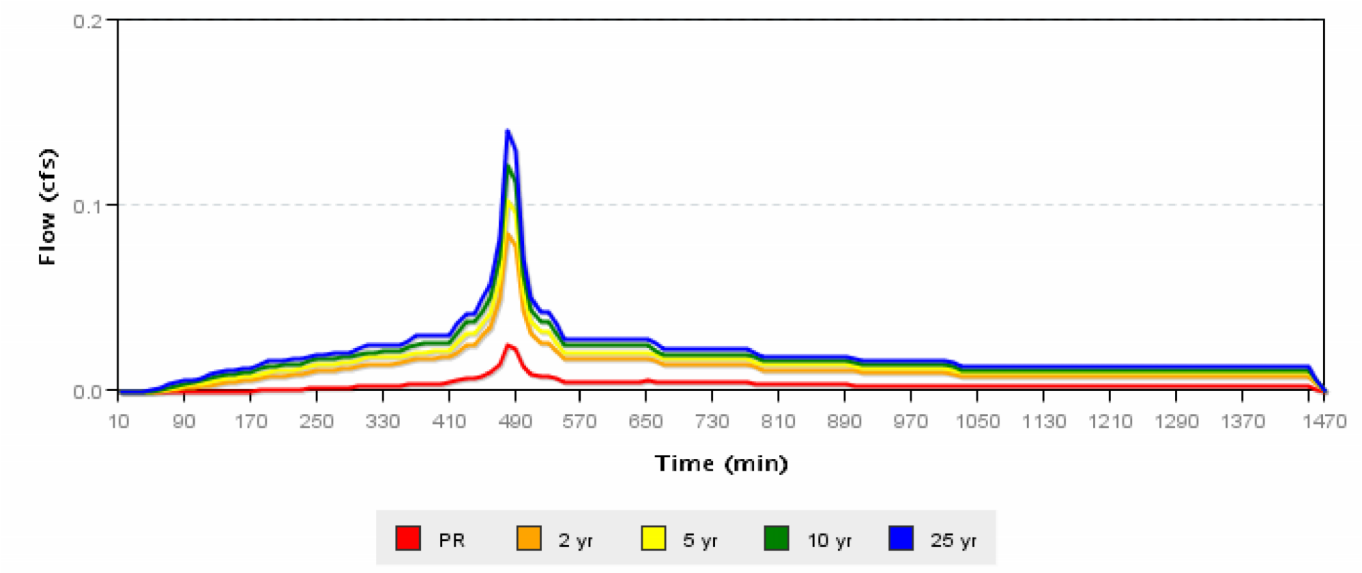
25 Year Event Below Grade Modeling

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 (Tc)	**5**
	Pre-Development Curve Number (CN_{pre})	**72**
	Post-Development Curve Number (CN_{post})	**98**

⚠ Indicates value is outside of recommended range

SBUH Results



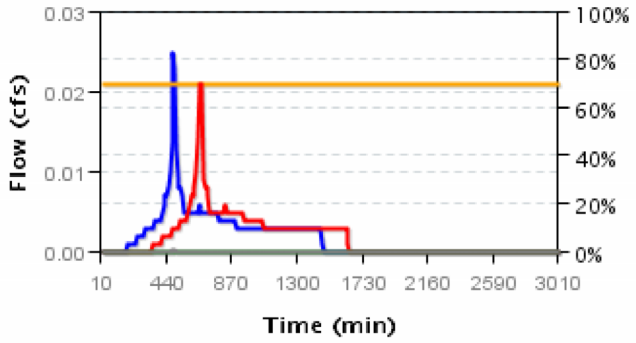
	Pre-Development Rate and Volume		Post-Development Rate and Volume	
	Peak Rate (cfs)	Volume (cf)	Peak Rate (cfs)	Volume (cf)
PR	0	0.346	0.025	313.517
2 yr	0.007	238.754	0.085	1085.675
5 yr	0.017	374.625	0.103	1334.349
10 yr	0.029	528.024	0.122	1583.395
25 yr	0.041	695.202	0.141	1832.676

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%**

25 year post-development outflow (cfs)		10 year pre-development inflow (cfs)	
0.021	≤	0.029	**Pass**

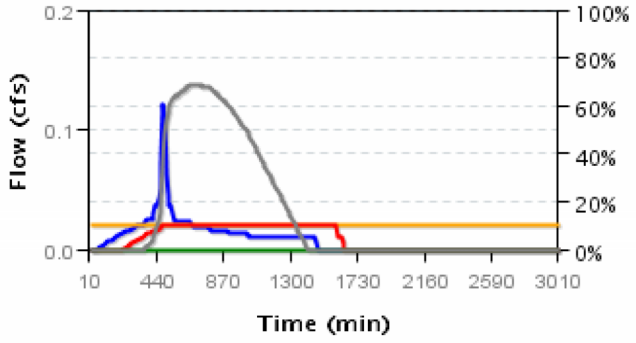
Pollution Reduction Event Surface Facility Modeling



Inflow from rain
Infiltration capacity
Total flow to below grade storage
Flow bypassing growing medium
Percent surface capacity

Pollution Reduction Event Below Grade Modeling

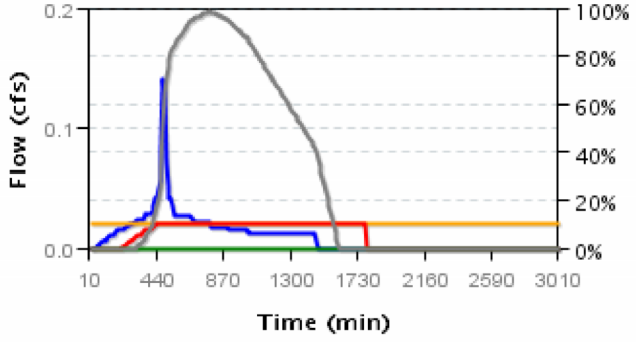
10 Year Event Surface Facility Modeling



Inflow from rain
Infiltration capacity
Total flow to below grade storage
Flow bypassing growing medium
Percent surface capacity

10 Year Event Below Grade Modeling

25 Year Event Surface Facility Modeling



Inflow from rain
Infiltration capacity
Total flow to below grade storage
Flow bypassing growing medium
Percent surface capacity

25 Year Event Below Grade Modeling

Appendix C

Operations and Maintenance Plan

To be provided at time of building permit

Attachment 3

From: Siri Bernard
To: Vera Kolias
Date: Wednesday, August 28, 2024 12:37:26 PM

This Message originated outside your organization.

We don't need another food cart pod

Siri Bernard
2437 SE Lake Rd, Milwaukie
503 515 4322

From: Valerie Sutton
To: Vera Kolias
Subject: 1847 Food Park - Primary File-DR - 2024-001-1915-1925 SE Scott ST
Date: Thursday, August 29, 2024 11:39:30 AM

This Message originated outside your organization.

Greetings:

Please include the following comments in the Planning Commission packet for Sept. 10, 2024.

I strongly oppose the proposed food park referenced above and encourage the Planning Commission to vote to deny the application. I live in the North Main Village Condos and can see the site of the proposed food park from my balcony and bedroom windows.

As detailed in staff Findings of Denial, the proposal stunningly fails to meet nearly all of the Downtown Design Elements. In my view, to ignore these findings and try to have us imagine that the proposal in some vague unexplainable way meets the overall "intent" of the design guidelines is sadly laughable.

The design elements represent the culmination of hundreds of hours, thousands of dollars, numerous committees, countless meetings and citizen input over the past 25 years or so that resulted in plans with corresponding guidelines and regulations to implement the community's vision for the Downtown Historic Milwaukie town center. Do we really want to ignore that vision and sacrifice an opportunity to build a project of substance that meets the needs of the community - something we can all be proud of. Let's be prudent and wait for the right project that fulfills the community's vision for downtown Milwaukie.

A perimeter fence along Main Street that would allow us to peer through to the so called "open space" between food trucks into the seating areas for paying customers is a far cry from true public open space/plazas where people can go for a little respite in a shady natural setting, maybe bring their lunch to eat at a picnic table, and so on. Again, why would we squander such a prime site on a proposal so contrary to decades of thought and hard work of volunteers, professionals and elected officials planning for the future of downtown Milwaukie?

As to the applicant's request for a variance to the FAR requirement for the site of 1:1, a reduction to 0.2 is frankly absurd. Such a request clearly demonstrates this is NOT the right site for the project. And what public benefit would be derived from granting such an absurd request? Absolutely none. The required FAR of 1:1 sets a baseline intensity for this prime corner location to ensure deliberate development at a scale that is appropriate and desirable in building a town center. In a region that controls growth and outward expansion with an urban growth boundary creating a constrained land supply, the proposed food park is second only to parking lots with regard to inefficient site utilization. The Planning Commission had it right in determining the FAR variance could not be approved.

Thank you very much for your consideration of my comments.

Valerie Sutton
10606 SE Main Street Apt 211
Milwaukie, OR 97222

RECEIVED
By Vera Kolias at 11:49 am, Aug 29, 2024

Schwabe

August 29, 2024

VIA E-MAIL

Garrett H. Stephenson
Admitted in Oregon
D: 503-796-2893
C: 503-320-3715
gstephenson@schwabe.com

Jacob Sherman, Chair
City of Milwaukie Planning Commission
c/o Laura Weigel, Planning Manager
10501 SE Main Street
Milwaukie, OR 97222

RE: 1847 Food Park (City casefiles DR-2024-001; VR-2024-002)
Our File No.: 142940-286253

Dear Chair Sherman and Commissioners:

This office represents RMCC Development, applicant (the "Applicant") for the food cart pod proposed at 1915-1925 SE Scott Street (also known as the "1847 Food Park Project"). The Planning Commission (the "Commission") held the initial evidentiary hearing on June 11, 2024. At the conclusion of that hearing, the Commission closed the public record and began deliberations. During these deliberations, the Commission raised concerns about the perceived incompatibility of the Application with the City's Downtown Site and Building Design Guidelines (MCC 19.508, et. seq.). The Planning Commission reconvened on August 13, 2024, and agreed to reopen the record and continue the hearing to December 10, 2024. This letter is intended to address the concerns raised by the Commission at its June 11 hearing.

1. **The Application satisfies the Downtown Design Guidelines because it directly accomplishes the objectives of the Guidelines.**

As you know, the application is subject to the City's Downtown Design Elements in MMC 19.508.4. As relevant here, these standards 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." MCC 19.508.1.

Stated simply, the design guidelines are not ends in themselves—they are mechanisms by which the City can ensure that proposed development "will support the development of a cohesive, attractive, and safe downtown area and encourage private investment."

These objectives are consistent with the Milwaukie Downtown and Riverfront Land Use Framework Plan, adopted in 2015. The Framework Plan calls for a downtown that is, above all, a vibrant place for residents, workers, and visitors. To that end, the Framework Plan's economic goals include the following:

- Spur further private investment.
- Recognize and respond to the current marketplace.
- Establish a strategy for capturing unrealized market niches.

In terms of urban form, the Framework Plan calls for Main Street to be a "Retail Spine," which it describes as follows:

> "Reactivating Main Street is a major focus— reestablishing and strengthening a lively storefront retail character with a pedestrian emphasis and 24-hour use. The Framework Plan establishes an environment in which people can shop, work, live, and socialize along Main Street. It addresses and repairs the fundamental problems that have drained downtown of its vitality."

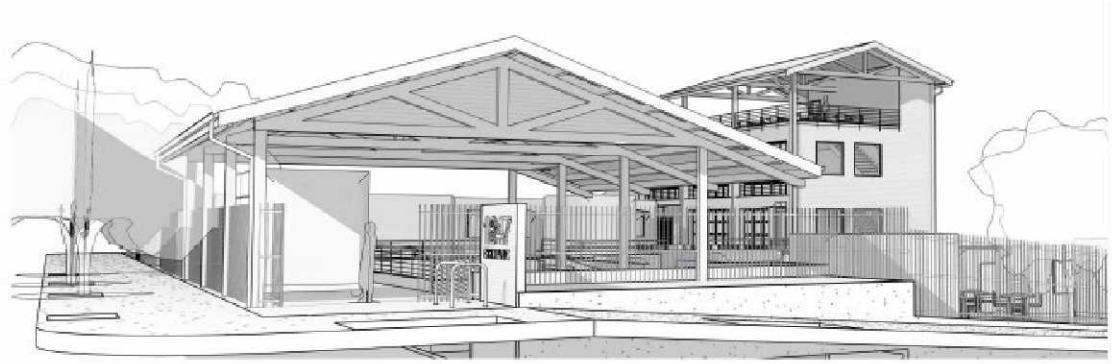
While it does not involve a typical downtown building, the proposal before you accomplishes the City's objectives, and likely far more so than a typical building that might otherwise meet a rigid application of the design guidelines. Approval of the Application will not just result in new building, which may or may not host uses that further the City's objectives for its Downtown—it will realize the actual objectives of the design guidelines and Framework Plan. In other words, the City's stated objective for its downtown is not buildings that meet the design guidelines. Rather, the design guidelines are one of several mechanisms by which the City intends to encourage the very sort of active uses that 1847 Food Park directly entails.

The Planning Commission is not required, nor is it necessarily encouraged, to apply the design standards rigidly. The purpose of the Planning Commission's review in this case is consider a novel sort of development – a food park – that was likely not considered when the guidelines were created. The Commission is therefore empowered to consider how the food park satisfies the intent of the guidelines in furtherance of the objectives discussed above.

Based on the Commission's comments during its initial deliberations, we understand that it has concerns about MMC 19.508.4, subsections A.3 (Site Frontage) and B.3 (Wall Frontage). We provide additional remarks about these standards, below.

- A. Site Frontage
  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.
    - 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.
    - 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 clear intent of the site frontage standard is "to enliven the public realm and streetscape." With regard to a building, this would require active ground floor uses placed close the to the street frontage. The proposed tap room is proposed directly on the site edge to the north. The rest of the project is located as close as possible to the sidewalk along SE Main Street, as shown below:



A portion of the cart pod area is located directly on Main Street, which plainly meets subsection (a), above. A portion of the covered dining area is set back for the entrance and to accommodate the retaining wall needed to create a level grade for the canopy. In this sense, the retaining wall is equivalent to the foundation of the building, which would presumably be located at the same location. For this reason, the Commission can find that the entire project satisfies (a). Even if this area is viewed as a setback, the landscaping behind the retaining wall will give a sense of openness and plain views into the food park, meeting the objectives of (b), above.

In either case, substantial amounts of human activity will be visible in all hours the food carts are open. Thus, while it does not propose a building at the Main Street frontage in a traditional sense, the Application provides the active streetscape that subsections (a) and (b), above, are intended to achieve.

- 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.

RESPONSE: The purpose of the above guideline is to "create comfortable, pedestrian-friendly environments and enclosure to public areas." In this instance, the "public area" to be enclosed Main Street itself. The Commission can find that this Guideline is met because of the sheer diversity of visual interest the project offers along Main Street. This includes the food cart area itself, covered dining area, entrance, and landscaping. The food park is plainly at a human scale and is pedestrian friendly, given that its very use is intended to cater to passersby. People will be naturally drawn into activities within the food park instead of being driven from it by a large building façade.

As you can see above, our technical response to these standards does not differ from Staff's conclusions in its original recommendation, which found that the proposal satisfies the purpose of both regulations. This is best explained by staff in the following excerpt:

> "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."

As explained above, the Commission can find that the guidelines it was concerned about on June 11 will be satisfied. This is all the more apparent when the objectives for Milwaukie's Downtown are taken into account when analyzing the Application.

2. The requested FAR variance is warranted.

As you may recall, the Application requests a variance to minimum floor area ratio requirements. It is worth noting that, while the proposed FAR is only .02 due to the fact that most of the use occurs outside of a building, if the active and occupiable portions of the food park were all counted as FAR, the amount would be far higher. To the extent that floor area ratio requirements are intended to assure a certain minimum development intensity, with the exception of the parking lot and trash and recycling areas, virtually the entire site and three floors worth of the taproom are fully activated spaces. Thus, the objectives of the 1:1 minimum FAR are well met by the project. With respect to the variance criteria, there can be little doubt that approving the Application has desirable public benefits, that will have no impact on surrounding properties, and that the proposal "responds to the existing built or natural environment in a creative and sensitive manner."

3. The Application is not for a public plaza.

At one point during the June 11 hearing, some Commissioners believes that the Application could not be approved because it did not meet the guidelines for a public plaza in 19.508.4.M,[1] and in particular, that the food park could not be used for a "variety of activities during all hours and seasons." To be clear, the Application has not been processed as a proposal for a "plaza" or "useable open space," which include "open spaces such as plazas, courtyards, gardens, terraces, outdoor seating, small parks, and similar spaces." It is true that many aspects of the food park operate similar to a plaza or open space. But the Application is for an eating and drinking establishment, which is why planning staff have applied the other design guidelines, discussed above.

If the Commission finds that the plaza and other open spaces guidelines apply, the June 11 staff report explains why the Application satisfies these guidelines. However, neither the guidelines nor the standards require such plazas and open spaces to be open to the public 24-hours per day in all seasons. Rather, that objective is in the purpose statement of the section; it is not a criterion, standard or guideline.

4. Conclusion.

The Applicant understands that the project is novel and may not be well-categorized by the City's existing design guidelines. However, the City's objectives for the Downtown are not buildings; rather, they concern people, lifestyle, and commerce. Few uses foster the continuous active street presence and local draw as well as a food cart pod or food park do. In this way, the Application is not "a square peg in a round hole" – it is precisely the sort of land use that City policy encourages in its Downtown.

While it is true that the Planning Commission has the discretion to deny the Application, it need not do so. Planning staff have provided well-written findings explaining why the Application satisfies the design guidelines, and there is no question that the use itself furthers the objectives intended by those guidelines. While planning staff have provided draft findings for denial as instructed by the Commission, its updated staff report clearly states that staff remain in support of the Application for the reasons stated in in its June 11 staff report and recommendation. Thus, the Commission has the well-supported discretion to approve the Application, and given the obvious benefits it will bring to the City, we strongly encourage the Planning Commission to do so.

---

[1] This subsection was identified as (L) in the staff report.

Chair Jacob Sherman
August 29, 2024

Sincerely,

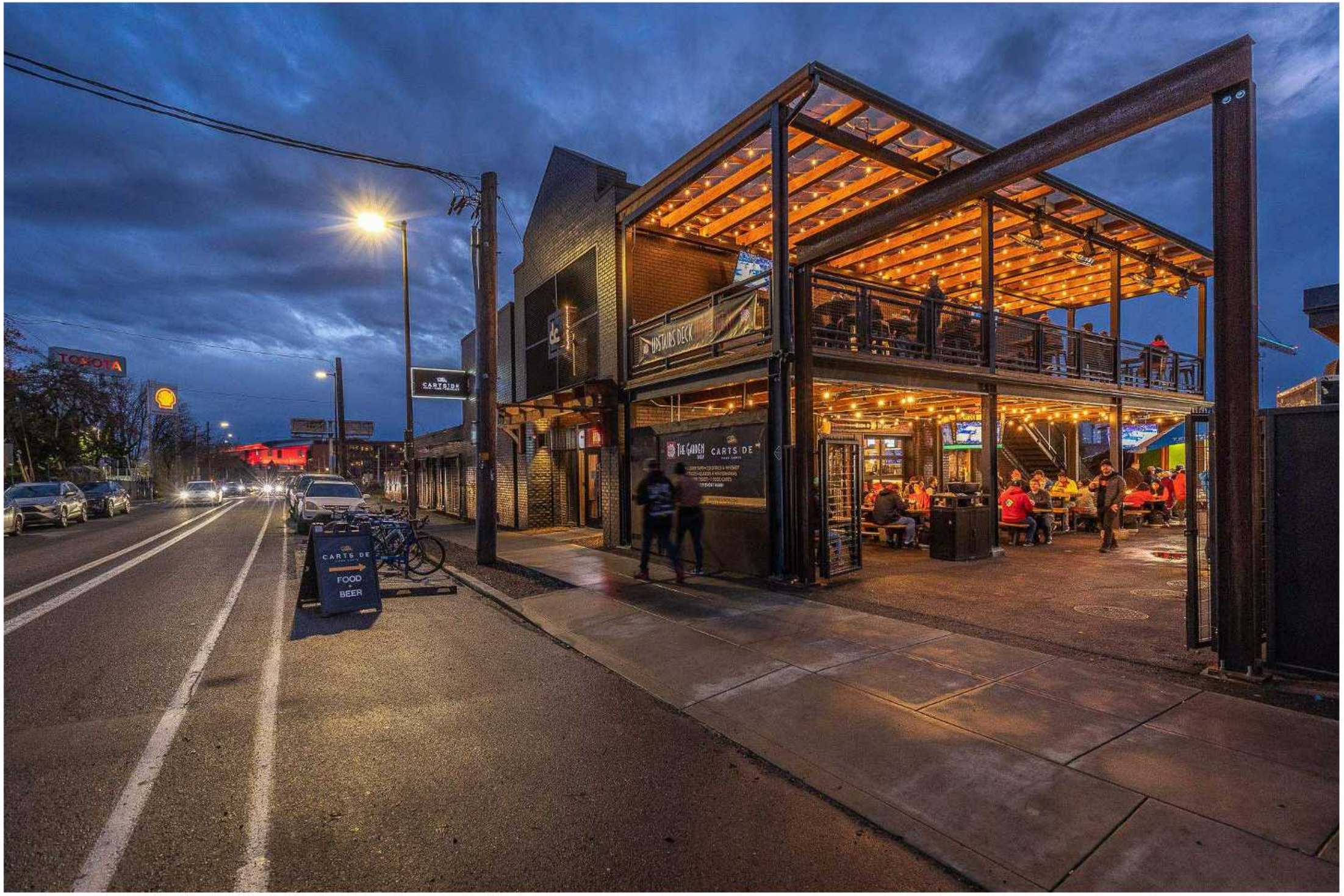
SCHWABE, WILLIAMSON & WYATT, P.C.

Garrett H. Stephenson

GST:jmhi
Enclosures

cc: Ms. Vera Kolias
Ms. Laura Weigel
Mr. Eric Saunders
Mr. Terry Amundson
Mr. Karl Refi


Korean Twist


TOYOTA
CARTSIDE
UPSTAIRS DECK
THE GARDEN
CARTSIDE
FOOD
+
BEER


THE STATION
NOW OPEN!
Welcome
TO
STATION


WILLAMETTE
GARAGE


GRAND CENTRAL BAKERY
GRAND CENTRAL
BAKERY-CAFE
ENJOY!


HB
MÜNCHEN
FRIED EGG

CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Brett Kelver, Senior Planner

Date: September 3, 2024, for September 10, 2022, Work Session

Subject: Natural resources update (NR map)

ACTION REQUESTED

None. Staff are briefing the Planning Commission on efforts to update the natural resources code and maps. This session is focused on updates to the natural resource map.

BACKGROUND INFORMATION

Natural resources are distinguished as water quality resource (WQR) areas and habitat conservation areas (HCAs) and are regulated by Milwaukie Municipal Code (MMC) Section 19.402 (referred to as the NR code). At work sessions on April 9 and July 9, 2024, staff discussed various aspects of the current effort to update the NR code. The April 9 session focused on coordination with the residential tree code (MMC Section 16.32.042); the July 9 session addressed WQR standards and other needed code fixes.

The discussion continues with the next topic—updating the City's natural resource mapping.

TOPIC 3 — UPDATING THE NR MAP

The City's natural resource administrative map ("NR map") shows where the WQR and HCA resources in the city are located and is important in determining whether land use review is needed. The NR map is not a distinct printed map but instead is maintained as a collection of geographic image system (GIS) data layers that are overlayed with the zoning map for clearer communication with property owners and the general public. (See Attachment 1 for the current version of the NR map for the entire city.[1])

For WQRs, the NR map serves as a general indicator; the specific WQR location must be determined in the field, usually by engaging a professional natural resource specialist who can find the top-of-bank location or work through the state's wetland delineation process. For HCAs, the NR map shows the specific location of the resource and is understood to be correct

[1] For more detail, turn on the various NR layers in the Milwaukie zoning map online and zoom in.

unless demonstrated otherwise. Minor adjustments to HCA boundaries can be made with simple documentation of discrepancies between the map and on-the-ground conditions; more detailed verifications require a complete reassessment of the site using the methodology originally applied by Metro.

Staff have identified the following key needs for this part of the update project:

Detailed verification of HCA boundaries

For detailed verifications of HCA boundaries, the provisions of MMC Subsection 19.402.15.A.2.b outline the process of reassessing the resource based on the methods and maps used by Metro when the HCA designation was initially established in 2011. However, the Metro maps were not very detailed to begin with, have not been maintained or updated, and are not readily available. As a result, applicants and staff alike have not had a clear path to navigate when a detailed HCA verification is requested or proposed.

Staff have reviewed the verification methodology and been reminded that the Metro maps and classification tables referenced in MMC 19.402.15.A.2.b were based in part on Metro's original designation of High, Moderate, and Low value HCAs. For purposes of administrative simplicity and because most of the HCAs identified in Milwaukie were either High or Moderate, when adopting the new HCA rules the City opted to recognize only a single HCA type (comprised of the High and Moderate HCAs mapped by Metro). This means distinguishing riparian areas as either Class I or Class II and cross-checking that with an urban development value does not matter as much for HCA identification as whether the area is riparian or upland (see Figure 1 below).

Figure 1. MMC Table 19.402.15.A.2.b(2)(c)

Table 19.402.15.A.2.b(2)(c)
Method for Identifying Habitat Conservation Areas (HCAs)

Fish & Wildlife Habitat Classification	High Urban Development Value[1]	Medium Urban Development Value[2]	Low Urban Development Value[3]	Other Areas: Parks and Open Spaces (no design types outside UGB)
Class I Riparian	HCA	HCA	HCA	HCA
Class II Riparian	HCA	HCA	HCA	HCA
Class A Upland Wildlife	No HCA	No HCA	No HCA	No HCA/HCA[4]
Class B Upland Wildlife	No HCA	No HCA	No HCA	No HCA/HCA[4]

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an HCA adjustment.

1 Primary 2040 design type: Central City, Regional Centers, Town Centers, and Regionally Significant Industrial Areas.

2 Secondary 2040 design type: Main Streets, Station Communities, Other Industrial areas, and Employment Centers.

3 Tertiary 2040 design type: Inner and Outer Neighborhoods, Corridors.

4 All Class A and B upland wildlife habitat in publicly-owned parks and open spaces shall be considered HCA, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses.

Because the City has chosen not to designate sub-classifications of HCA, the lack of more detailed mapping is not as much of an issue as previously believed. The primary basis for identifying HCAs is vegetative cover and the identification of the area as riparian. In the future,

if the City has the capacity and chooses to draw finer distinctions among HCA resources (e.g., High, Moderate, Low), the City can develop its own assessments of "urban development value" and "critical habitat" areas as part of its method for identifying different classifications of HCA. It is not necessary to maintain the complexity of tables and verbiage in this section of the NR code to provide the existing level of resource protection.

Recommendation by staff: *Remove much of the existing language and tables related to detailed verification of HCA boundaries and replace it with a simpler methodology and clear means for identifying vegetated cover (see Attachment 2).*

Stormwater facilities as WQRs

Stormwater facilities and retention areas—including natural wetlands, constructed wetlands or detention facilities, and "daylighted" storm pipes—present challenges with respect to natural resource protection. Some stormwater facilities in the city are currently categorized on the NR map as WQRs while others are not. The code does not provide considerations for assessing stormwater facilities as protected water features, so it is unclear whether the NR map consistently and accurately represents these various types of facilities as natural resources.

For example, as recently as 2022 a storm pipe that daylights into a ditch along Stanley Avenue was shown on the NR map as a primary protected water feature with a vegetated corridor width of 50 ft on each side. Over time, the ditch has developed the types of vegetation found in a riparian corridor, and it runs west and south into an area that was officially delineated as a wetland (see Figure 2). Yet the source of the intermittent water in the ditch is the storm pipe and not a natural spring. A proposed development on an adjacent property conducted a formal reassessment of the ditch as a protected water feature, which concluded that it should have secondary and not primary status; this reduced the regulatory vegetated corridor width from 50 ft to only 15 ft.

Figure 2. WQR feature on Stanley Avenue

There is some question as to whether a day-lit storm ditch should be considered a protected water feature at all. The definition of "protected water feature" in MMC Section 19.201 considers the acreage that drains into the water feature, but it does not specify whether or how much human

manipulation should factor in to such a determination. Where City-built stormwater facilities are concerned (such as at Oak Street and Railroad Avenue or the one under construction at the western ends of Kelvin and Balfour Streets), it is not clear what determines whether they are or could become habitat worthy of protection or features that are important for water quality.

Staff are discussing the issue with the City's on-call natural resources consultant and are working to identify thresholds for when constructed or engineered stormwater facilities should be regulated as protected water features. For wetland-type facilities, one key consideration is whether there was originally a natural wetland that was modified for or joined to the engineered stormwater facility. Another is whether the new facility was constructed to compensate for the loss of a natural wetland. In either case, it is reasonable to regulate the facility as a protected water feature. Otherwise, it is hard to justify treating a constructed wetland as a natural resource.

Where piped storm features are concerned, it seems reasonable to consider the upstream "drainage shed" and determine whether day-lit storm channels constitute primary or secondary protected water features. If so, WQR boundaries should be adjusted accordingly on the NR map; if not, the WQR designation should be removed from that portion of the NR map.

Recommendation by staff: *Staff will identify existing stormwater facilities that may need a reassessment of status and will also review the NR code language to determine whether there should be any clarification of the principles noted above regarding stormwater facility regulation.*

Wetland mapping

Wetlands that have been formally delineated (including a review and confirmation by the Department of State Lands (DSL)) are shown on the NR map with relative precision. For non-delineated wetland areas, the map uses a combination of data from Metro and the state and national wetland inventories to show approximate locations. The current code requires that a wetland be formally delineated when development activity is proposed within 100 ft of the wetland or its 50-ft vegetated buffer.

Considering the scale and impacts of the proposed activity in addition to its proximity to a wetland, the Planning Manager is empowered to waive the delineation requirement. This waiver option is useful for those situations when the vegetated corridor extends beyond the boundary of the property that contains the wetland. Not only is the formal delineation process time-consuming and expensive, but an adjacent property owner would also need permission to assess the wetland property and would incur expenses for evaluating a resource that is not under their control.

The delineation requirement aside, a proposed development can still be pulled into the NR review process in situations where it may not be warranted because the actual location of the wetland is different than what is shown on the NR map. Where wetland features are shown quite grossly on the map, it would be useful for both the wetland property owner and adjacent property owners to have the wetland more accurately identified (if not formally delineated).

Recommendation by staff: *Staff will identify key un-delineated wetland areas that impact multiple lots and arrange for an informal delineation to improve the accuracy of the NR map.*

Relationship of NR map to zoning map

With the incorporation of HCA resources into the regulations of MMC 19.402, an understanding that the HCA mapping was imperfect (due to the nature of the data obtained from Metro) made it seem wise to create some separation between the NR map and the zoning map (as is stated in MMC Subsection 19.402.15.B.1). The code establishes a clear process for administering and updating the map and is set up to avoid the need for a formal zoning map amendment process every time the City obtains new or revised natural resource data.

The current NR code amendment project provides an opportunity to confirm that the approach of maintaining the NR map as a separate entity from the zoning map remains a defensible one. Especially if the City takes opportunities in the future to proactively update the NR map to improve its accuracy (whether on public or private properties), we do not want to inadvertently subvert the public involvement aspects of the land use review process. But we also want the NR map to remain accurate without requiring an extensive process for updates.

Recommendation by staff: *Confirm with the City Attorney that the current method of NR map administration remains workable. If necessary, develop an alternative approach, perhaps involving an annual "batch" update of changes to the zoning map.*

ATTACHMENTS

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

	E-Packet
1. NR Map (current version, overall city view)	☒
2. Proposed methodology for detailed HCA verification	☒

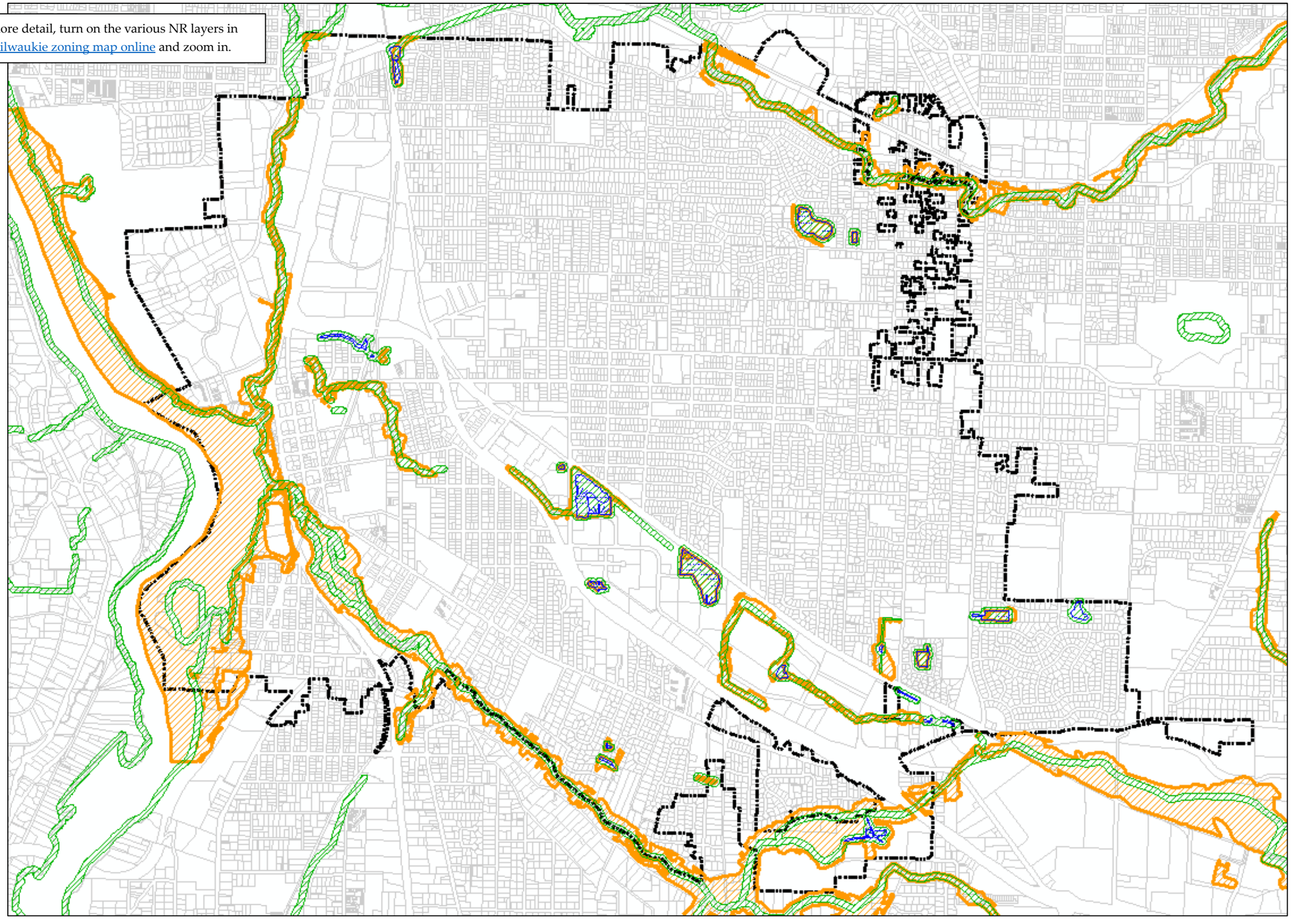
Key:
E-Packet = meeting packet materials available one week before the meeting, posted online at https://www.milwaukieoregon.gov/bc-pc/planning-commission-127.

Attachment 1
NR Map

For more detail, turn on the various NR layers in the Milwaukie zoning map online and zoom in.

Legend

- Vegetated Corridors
- Habitat Conservation Areas
- Wetlands



Attachment 2
Proposed Methodology for Detailed HCA Verification

(proposed clean version, compressed to focus on the language in question)

19.402.15 Boundary Verification and Map Administration

A. Boundary Verification

1. Type I Boundary Verification
2. Type II Boundary Verification
   a. Corrections to WQRs
   b. Detailed Verification of HCAs
      (1) Submittal Requirements
      (2) Approval Criteria

A boundary verification request submitted under Subsection 19.402.15.A.2.b will be evaluated according to the following three-step process:

(a) Identify Riparian Habitat

Locate the water feature that is the basis for identifying riparian habitat:

(i) Locate the top of bank of all streams, rivers, and open water within 200 ft of the property.

(ii) Locate all flood areas within 100 ft of the property.

(iii) Locate all wetlands within 150 ft of the property, based on the NR Map. Identified wetlands must be further defined or informally delineated consistent with methods currently accepted by DSL and the Corps.

(b) Identify Vegetative Cover Status

Identify the vegetative cover status of all undeveloped areas on the property that are within 200 ft of the top of bank of streams, rivers, and open water; are wetlands or are within 150 ft of wetlands; and are flood areas (i.e., 100-year floodplain) and within 100 ft of flood areas. For purposes of this subsection, “undeveloped areas” means those portions of the property that have not been changed from a more natural, pre-development state by buildings, accessory structures, parking and loading areas, paved or graveled areas, improved open areas (such as plazas and walkways), hardscape landscaping, above-ground utilities, and/or similar improvements.

Determine whether these undeveloped areas fall into any of the following three categories:

(i) Low structure vegetation or open soils = Undeveloped areas that are part of a contiguous area 1 acre or larger of grass, meadow, croplands, or areas of open soils located within 300 ft of a surface stream. Low structure vegetation areas may include areas of shrub vegetation less than 1 acre in size; if they are contiguous with areas of grass, meadow,

croplands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 ft of a surface stream; and if those contiguous areas together form an area of 1 acre in size or larger.

(ii) Woody vegetation = Undeveloped areas that are part of a contiguous area 1 acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 ft of a surface stream.

(iii) Forest canopy = Undeveloped areas that are part of a contiguous grove of trees of 1 acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 ft of the relevant water feature.

(c) Confirm HCA Boundaries

Using Table 19.402.15.A.2.b.(2).(c), determine whether any portion of the identified undeveloped riparian areas on the subject property is classifiable as HCA.

Table 19.402.15.A.2.b.(2).(c)
Identifying Habitat Conservation Areas (HCAs)

Distance from Protected Water Feature	**Vegetation Status of Undeveloped Riparian Area**		
	Low Structure Vegetation or Open Soils	**Woody Vegetation** (shrub and scattered forest canopy)	**Forest Canopy** (closed to open forest canopy)
Surface Streams			
0 ft – 100 ft	HCA	HCA	HCA
101 ft – 200 ft	HCA if slope >25%[1] (otherwise not HCA)	HCA if slope >25%[1] (otherwise not HCA)	HCA[2]
Wetlands (wetland feature itself is an HCA)			
0 ft – 100 ft	HCA	HCA	HCA
101 ft – 150 ft	Not HCA	Not HCA	HCA
Flood Areas (FEMA's 1% annual chance flood hazard area or 1996 Metro flood area)			
Within 300 ft of river or surface stream	HCA	HCA	HCA
More than 300 ft from river or surface stream	HCA	HCA	HCA
0 ft – 100 ft from edge of flood area	Not HCA	HCA	HCA

[1] Measure slope adjacent to the protected water feature using the methodology outlined in Table 19.402.15.

[2] Those portions of the riparian area that are 151 to 200 ft from the protected water feature and have a slope less than 25% are not HCA.

(~~strikeout~~ / underline version, showing proposed changes)

(2) Approval Criteria

A boundary verification request submitted under Subsection 19.402.15.A.2.b ~~shall~~ will be evaluated according to the following three-step process:

(a) ~~Verify Boundaries of Inventoried~~ Identify Riparian Habitat

~~Locating habitat and determining the riparian habitat class of the designated natural resource is a four-step process:~~

~~(i)~~ Locate the water feature that is the basis for identifying riparian habitat.

- (i) Locate the top of bank of all streams, rivers, and open water within 200 ft of the property.
- (ii) Locate all flood areas within 100 ft of the property.
- (iii) Locate all wetlands within 150 ft of the property, based on the NR ~~Administrative~~ Map. Identified wetlands ~~shall~~ must be further defined or informally delineated consistent with methods currently accepted by DSL and the Corps.

(b) Identify Vegetative Cover Status

~~(ii)~~ Identify the vegetative cover status of all undeveloped areas on the property that are within 200 ft of the top of bank of streams, rivers, and open water; are wetlands or are within 150 ft of wetlands; and are flood areas (i.e., 100-year floodplain) and within 100 ft of flood areas. For purposes of this subsection, "undeveloped areas" means those portions of the property that have not been changed from a more natural, pre-development state by buildings, accessory structures, parking and loading areas, paved or graveled areas, improved open areas (such as plazas and walkways), hardscape landscaping, above-ground utilities, and/or similar improvements.

Determine whether these undeveloped areas fall into any of the following three categories:

(i) Low structure vegetation or open soils = Undeveloped areas that are part of a contiguous area 1 acre or larger of grass, meadow, croplands, or areas of open soils located within 300 ft of a surface stream. Low structure vegetation areas may include areas of shrub vegetation less than 1 acre in size; if they are contiguous with areas of grass, meadow, croplands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 ft of a surface stream; and if those contiguous areas together form an area of 1 acre in size or larger.

(ii) Woody vegetation = Undeveloped areas that are part of a contiguous area 1 acre or larger of shrub or open or scattered forest canopy (less

than 60% crown closure) located within 300 ft of a surface stream.

(iii) Forest canopy = Undeveloped areas that are part of a contiguous grove of trees of 1 acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 ft of the relevant water feature.

- ~~Vegetative cover status shall be as identified on the latest Metro Vegetative Cover Map (available from the City and/or the Metro Data Resource Center).~~
- ~~The vegetative cover status of a property may be adjusted only if: (1) the property was legally developed prior to September 15, 2011, the effective date of Ordinance #2036 (see Subsection 19.402.15.A.1.b); or (2) an error was made at the time the vegetative cover status was determined. To assert the latter type of error, applicants shall submit an analysis of the vegetative cover on their property, using the aerial photographs on which the latest Metro Vegetative Cover Map is based and the definitions of the different vegetative cover types identified in Table 19.402.15.A.2.b(2)(a)(iv).~~

~~(iii) Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 ft of the property is greater than or less than 25%, using the methodology outlined in Table 19.402.15.~~

~~(iv) Identify the riparian habitat classes applicable to all areas on the property using Table 19.402.15.A.2.b(2)(a)(iv) and the data identified in Subsections 19.402.15.A.2.b(2)(a)(i) through (iii).~~

(c) Confirm HCA Boundaries

Using Table 19.402.15.A.2.b.(2).(c), determine whether any portion of the identified undeveloped riparian areas on the subject property is classifiable as HCA.

Table 19.402.15.A.2.b.(2).(c)
Identifying Habitat Conservation Areas (HCAs)

Distance from Protected Water Feature	**Vegetation Status of Undeveloped Riparian Area**		
	Low Structure Vegetation or Open Soils	**Woody Vegetation** (shrub and scattered forest canopy)	**Forest Canopy** (closed to open forest canopy)
Surface Streams			
0 ft – 100 ft	HCA	HCA	HCA
101 ft – 200 ft	HCA if slope >25%[1] (otherwise not HCA)	HCA if slope >25%[1] (otherwise not HCA)	HCA[2]

Table 19.402.15.A.2.b.(2).(c) Identifying Habitat Conservation Areas (HCAs)			
Distance from Protected Water Feature	**Vegetation Status of Undeveloped Riparian Area**		
	Low Structure Vegetation or Open Soils	**Woody Vegetation (shrub and scattered forest canopy)**	**Forest Canopy (closed to open forest canopy)**
Wetlands (wetland feature itself is an HCA)			
0 ft – 100 ft	HCA	HCA	HCA
101 ft – 150 ft	Not HCA	Not HCA	HCA
Flood Areas (FEMA's 1% annual chance flood hazard area or 1996 Metro flood area)			
Within 300 ft of river or surface stream	HCA	HCA	HCA
More than 300 ft from river or surface stream	HCA	HCA	HCA
0 ft – 100 ft from edge of flood area	Not HCA	HCA	HCA

[1] Measure slope adjacent to the protected water feature using the methodology outlined in Table 19.402.15.

[2] Those portions of the riparian area that are 151 to 200 ft from the protected water feature and have a slope less than 25% are not HCA.

~~Table 19.402.15.A.2.b(2)(a)(iv) Method for Determining Classification of Riparian Areas~~			
~~Distance from Protected Water Feature~~	~~Development/Vegetation Status[1]~~		
	~~Low Structure Vegetation or Open Soils[2]~~	~~Woody Vegetation (shrub and scattered forest canopy)[3]~~	~~Forest Canopy (closed to open forest canopy)[4]~~
~~Surface Streams~~			
~~0'-50'~~	~~Class I[5]~~	~~Class I~~	~~Class I~~
~~51'-100'~~	~~Class II[6]~~	~~Class I~~	~~Class I~~
~~101'-150'~~	~~Class II[6] if slope>25%~~	~~Class II[6] if slope>25%~~	~~Class II[6]~~

Table 19.402.15.A.2.b(2)(a)(iv) Method for Determining Classification of Riparian Areas			
Distance from Protected Water Feature	Development/Vegetation Status[1]		
	Low Structure Vegetation or Open Soils[2]	Woody Vegetation (shrub and scattered forest canopy)[3]	Forest Canopy (closed to open forest canopy)[4]
151'-200'	Class II[6] if slope>25%	Class II[6] if slope>25%	Class II[6] if slope>25%
Wetlands (wetland feature itself is a Class I riparian area)			
0'-100'	Class II[6]	Class I	Class I
101'-150'	-	-	Class II[5]
Flood Areas			
Within 300' of river or surface stream	Class I	Class I	Class I
More than 300' from river or surface stream	Class II[6]	Class II[6]	Class I
0'-100' from edge of flood area	-	Class II[6, 7]	Class II[6]

[1] The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged.

[2] "Low structure vegetation or open soils" means areas that are part of a contiguous area 1 acre or larger of grass, meadow, croplands, or areas of open soils located within 300 ft of a surface stream. Low structure vegetation areas may include areas of shrub vegetation less than 1 acre in size; if they are contiguous with areas of grass, meadow, croplands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 ft of a surface stream; and if those contiguous areas together form an area of 1 acre in size or larger.

[3] "Woody vegetation" means areas that are part of a contiguous area 1 acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 ft of a surface stream.

[4] "Forest canopy" means areas that are part of a contiguous grove of trees of 1 acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 ft of the relevant water feature.

[5] Except that areas within 50 ft of surface streams shall be Class II riparian areas if their vegetation status is "low structure vegetation or open soils," and they are high gradient streams. High gradient streams are identified on the Metro Vegetative Cover Map. If a property

owner believes the gradient of a stream was incorrectly identified, then the property owner may demonstrate the correct classification by identifying the channel type using the methodology described in the *Oregon Watershed Assessment Manual*, published by OWEB, and appended to Metro's *Riparian Corridor and Wildlife Habitat Inventories Report*, Attachment 1 to Exhibit F to Metro Ordinance No. 05-1077C.

[6] Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office), shall be treated as Class I riparian habitat areas in all cases; subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro's *Technical Report for Fish and Wildlife*. Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

[7] Only if within 300 ft of a river or surface stream.

(b) Determine the Property's Urban Development Value

The urban development value of property designated as regionally significant habitat is depicted on the Metro Habitat Urban Development Value Map (available from the Metro Data Resource Center).

(i) A property's urban development value designation shall be adjusted upward if the Metro 2040 Design Type designation for the property lot or parcel has changed from one with a lower urban development value to one with a higher urban development value. 2040 Design Type designations are identified on the Metro 2040 Applied Concept Map (available from the Metro Data Resource Center).

(ii) Properties in areas designated on the 2040 Applied Concept Map as Central City, Regional Centers, Town Centers, and Regionally Significant Industrial Areas are considered to be of high urban development value; properties in areas designated as Main Streets, Station Communities, Other Industrial Areas, and Employment Centers are of medium urban development value; and properties in areas designated as Inner and Outer Neighborhoods and Corridors are of low urban development value.

(iii) As designated in Title 13 of the UGMFP, properties owned by a regionally significant educational or medical facility are designated as high urban development value.

(c) Cross-Reference Habitat Class with Urban Development Value

City verification of the locations of HCAs shall be consistent with Table 19.402.15.A.2.b(2)(c).

Table 19.402.15.A.2.b(2)(c) Method for Identifying Habitat Conservation Areas (HCAs)				
Fish & Wildlife Habitat Classification	**High Urban Development Value[1]**	**Medium Urban Development Value[2]**	**Low Urban Development Value[3]**	**Other Areas: Parks and Open Spaces (no design types outside UGB)**
Class I Riparian	HCA	HCA	HCA	HCA
Class II Riparian	HCA	HCA	HCA	HCA
Class A Upland Wildlife	No HCA	No HCA	No HCA	No HCA/HCA[4]
Class B Upland Wildlife	No HCA	No HCA	No HCA	No HCA/HCA[4]

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an HCA adjustment.

[1] Primary 2040 design type: Central City, Regional Centers, Town Centers, and Regionally Significant Industrial Areas.

[2] Secondary 2040 design type: Main Streets, Station Communities, Other Industrial areas, and Employment Centers.

[3] Tertiary 2040 design type: Inner and Outer Neighborhoods, Corridors.

[4] All Class A and B upland wildlife habitat in publicly-owned parks and open spaces shall be considered HCA, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses.