



July 16, 2013

File(s): DEV-13-07  
NR-13-02

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on July 16, 2013.

**Applicant(s):** Raven & Associates/Royal Proctor and  
PDG Planning Design Group/David Kimmel

**Appellant (if applicable)**

**Location(s):** 5000 SE International Way

**Tax Lot(s):** 1S2E31CD 00100

**Application Type(s):** Development Review, Natural Resources Review

**Decision:** Approved with Conditions

**Review Criteria:** Milwaukie Zoning Ordinance:

- MMC 19.310 Business Industrial BI
- MMC 19.402 Natural Resources Overlay NR
- MMC 19.504 Site Design Standards
- MMC 19.700 Public Facility Requirements
- MMC 19.906 Development Review
- MMC 19.1005 Type II Review

**Neighborhood(s):** Business Industrial / Lake Road

This notice is issued in accordance with Milwaukie Municipal Code Section 19.1005 Type II Review. The complete case file for this application is available for review between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Kari Svanstrom, Associate Planner, at 503-786-7653 or [svanstromk@milwaukieoregon.gov](mailto:svanstromk@milwaukieoregon.gov), if you wish to view this case file.

Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission. The period during which an appeal can be filed expires on the date shown below. This decision becomes final on the date below if no appeal is filed during the appeal period.

**Appeal period closes: 5:00 p.m., July 31, 2013**

Appeals to the Planning Commission must follow the procedures of Milwaukie Municipal Code Section 19.1010 Appeals. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).

### **Findings in Support of Approval**

See Attachment 1: Findings for Development Review for File #DEV-13-07 and NR-13-02.

### **Conditions of Approval**

1. The applicant shall submit for City approval a Construction Management Plan that meets the requirements of Milwaukie Municipal Code (MMC) 19.402.9 Construction Management Plans.
2. The applicant shall submit documentation that demonstrates the site lighting provides a minimum of 0.5 footcandles at ground level for pedestrian walkways and a maximum of 0.5 footcandles at the boundary of the site.
3. The applicant shall maintain a minimum 26 ft clear drive aisle for fire apparatus access along both sides of the structure for access to the rear of the building. This drive aisle shall be demarked per the standards of Clackamas County Fire District #1 as described below:
  - a. "No Parking Fire Lane" signs shall be placed on one or both sides of a fire apparatus access road when road widths are less than 26 feet wide and 26 feet to 32 feet in width. Signs shall be placed on both sides of a fire apparatus access road when roads are less than 26 feet in width and on one side when roads are 26 feet to 32 feet in width. Red painted curbs can be used in lieu of signs.
4. The applicant shall provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.

### **On-going Conditions of Approval**

1. The applicant shall maintain a clear drive aisle for fire apparatus access per the standards of Clackamas County Fire District #1.
2. The applicant shall maintain loading areas in compliance with MMC 19.608.4.

### **Other requirements**

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

1. Prior to issuance of any building permit, the following shall be resolved:
  - a. Final plans submitted for building permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on June 19, 2013, except as otherwise modified by these conditions. The required changes are as follows:
    - (1) Plans submitted for the building permit shall be prepared by a registered design professional [ORS 671.030].
    - (2) The size and scope of the kitchen expansion will require an upgrade to the grease retention system [MMC 13.12.063 D (2) (c)].

- (3) Fire Apparatus access roads shall be within 150 feet of all portions of the exterior of the first story of the building as measured by an approved route around the exterior of the building.
- b. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
2. Prior to commencement of any earth-disturbing activities, the applicant shall obtain an erosion control permit. Requirements for erosion control permits can be found here: <http://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control>
3. Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, per MMC Subsection 8.08.070(l).
4. Prior to final inspection of any building permit, the following shall be resolved:
  - a. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.

**Informational Items:**

1. Construction Management Plan (CMP) and Erosion Control Plan documentation may be shown on the same plan. CMP shall address the following issues, in addition to the information previously provided:
  - a. Identify all storm drains/catch basins on site and inlet protection measures, including those within construction staging areas and the Natural Resource compliance zone. This should include protection of the drain to be relocated both prior to and after relocation.
  - b. Protection of downslope to Habitat Conservation Area from construction activity runoff.
  - c. Identification of concrete clean-out areas for concrete work.
2. Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

**Exhibits**

1. Attachment 1: Findings for Development Review for File #DEV-13-07 and NR-13-02



Stephen C. Butler, FAICP  
Planning Director

cc: Applicant  
Planning Commission (*via email*)

Steve Butler, Interim Community Development Director (*via email*)  
Kari Svanstrom, Associate Planner (*via email*)  
Jason Rice, Engineering Manager (*via email*)  
Brad Albert, Civil Engineer (*via email*)  
Tom Larsen, Building Official (*via email*)  
Bonnie Lanz, Permit Specialist (*via email*)  
Mike Boumann and Shawn Olson, CCFD#1 (*via email*)  
NDA(s): Lake Road (*via email*)  
File(s): DEV-13-07, NR-13-02

**ATTACHMENT 1**  
**Findings for Development Review for File #DEV-13-07 and NR-13-02**  
**Raven & Associates/Royal Proctor for Bob's Red Mill**

The proposal meets the applicability criteria listed in Milwaukie Municipal Code (MMC) Subsection 19.906.2.B. The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review. This table contains the City's findings on the Development Review criteria in MMC 19.906.4 and the standards associated with each criterion. Standards that are not identified in the table are found to not be applicable to the proposal.

**MMC SUBSECTION 19.906.4.A**

*The proposal complies with all applicable base zone standards in Chapter 19.300.*

Applicable Standards	Findings
<p>5000 SE International Way ("site") is located in the Business Industrial (BI) zone, and the following standards of MMC 19.310 are applicable:</p> <p>19.310.2 Uses Permitted Outright</p> <p>A. The following business and industrial uses are allowed outright, subject to the standards of Subsection 19.310.6.</p> <p style="padding-left: 20px;">2. Manufacturing, processing, fabrication, packaging, or assembly of products from previously prepared materials;</p> <p>B. Business and professional offices, including product design, sales, service, packaging; corporate headquarters or regional offices.</p> <p>C. Warehousing and distribution.</p>	<p>The site is used as a warehouse and distribution center, with an accessory retail outlet and a limited use restaurant. The commercial kitchen is used in production of products sold both on-site and distributed.</p> <p>The retail and restaurant uses total 7,982 sq ft.</p> <p>The proposed development would result in a 20,044 sq ft building:</p> <p style="padding-left: 20px;">12,062 sq ft (60.2%) will be manufacturing and warehouse uses</p> <p style="padding-left: 20px;">3,992 sq ft (19.9%) will be retail outlet</p> <p style="padding-left: 20px;">3,990 sq ft (19.9%) will be restaurant uses.</p> <p>This standard is met.</p>

**MMC SUBSECTION 19.906.4.A**

*The proposal complies with all applicable base zone standards in Chapter 19.300.*

Applicable Standards	Findings
<p>19.310.3 Accessory Uses</p> <p>Uses accessory to and in conjunction with uses permitted outright may include the following:</p> <p>H. Retail outlets associated with manufacturing uses as outlined in Subsection 19.310.2.A.2 of this section. Products sold at the accessory retail outlet shall be primarily those assembled or manufactured onsite. The accessory retail outlet shall be located within the associated manufacturing building and occupy up to a maximum of 25% of the floor area of the associated manufacturing building or 4,000 sq ft, whichever is less.</p>	<p>As noted above, no changes are proposed to the retail outlet use. The retail outlet use will be 3,992 sq ft and 19.9% of the space.</p> <p>This standard is met.</p>
<p>19.310.4 Limited Uses</p> <p>A. Limited retail or service uses may be allowed that primarily service the needs of BI Zone clients, employees, and businesses, as opposed to the general public. These uses, subject to the provisions of Subsection 19.310.4.B below, shall include:</p> <p>1. A restaurant or deli, offering at least breakfast and/or lunch items, without a drive-in or drive-through service;</p>	<p>No changes are proposed to the restaurant dining areas. The restaurant kitchen is proposed to be reconfigured, with no change to the overall sq ft. The restaurant kitchen and dining areas total 3,990 sq ft and 19.9% of the space.</p> <p>This standard is met.</p>
<p>19.310.6 Standards</p> <p>In the BI district, the following standards shall apply to all uses:</p> <p>B. Front yard. A front yard shall be at least 20 ft unless additional setback is required in Subsection 19.501.2.A.</p>	<p>No changes are proposed to the front yard setback, which is greater than 20 ft.</p> <p>This standard is met.</p>
<p>D. Rear yard. No rear yard shall be required except as provided in Subsection 19.501.2.A.</p>	<p>Rear yard setback is proposed to be 6 ft for the building. A 3-4 ft tall keystone wall containing a planter area is proposed that has a 0 ft setback to the rear line.</p> <p>This standard is met.</p>
<p>E. Off-street parking and loading. As specified in Chapter 19.600.</p>	<p>See findings below for MMC 19.600.</p>

**MMC SUBSECTION 19.906.4.A**

*The proposal complies with all applicable base zone standards in Chapter 19.300.*

Applicable Standards	Findings
<p>G. Height restriction. Maximum height of a structure shall be 3 stories or 45 ft, whichever is less.</p>	<p>The existing structure is 25'6" in height. The proposed addition is a maximum height of 19'1<math>\frac{7}{8}</math>".                      This standard is met.</p>
<p>H. Landscaping                      15% of the site must be landscaped, except for sites adjacent to Hwy 224, which shall provide landscaping to 20% of the site. This should consist of a variety of lawn, trees, shrubbery, and ground cover. Street trees must be provided along street frontages and within required off-street parking lots to help delineate entrances, provide shade, and permeable areas for stormwater runoff. A bond or financial guarantee for landscape completion shall be required.</p>	<p>The site is 85,339 sq ft. 19,280 sq ft, or 22.5%, is landscaped.                      This standard is met.</p>
<p>I. Screening and Outside Storage                      Outside storage adjacent to International Way, Freeman Way, 37th Ave., Lake Road, or Hwy. 224 is prohibited. Outside storage in side or rear yards is allowed, provided it is enclosed by a sight-obscuring fence or vegetative screen.</p>	<p>No outdoor storage is proposed.                      This standard is met.</p>
<p>J. Building Siting and Design                      Buildings and sites shall be designed using the following principles:                      1. Sites shall be developed to the maximum extent practicable, so that buildings have solar access and utilize other natural features in their design.</p>	<p>The proposal is for a 2,828 sq ft addition to an existing building and developed site. The addition is proposed at the rear of the building, utilizing what is currently a paved drive aisle behind the building.                      This addition will increase the development of the site without developing landscaped areas or other natural areas of the site.                      The addition is a distance from nearby structures such that the addition will not impact solar access for any other properties or structures.                      This standard is met.</p>

**MMC SUBSECTION 19.906.4.A**

*The proposal complies with all applicable base zone standards in Chapter 19.300.*

Applicable Standards	Findings
<p>2. Assure that building placement and orientation and landscaping allow ease of security surveillance.</p>	<p>The addition will not be visible from the front of the building or right-of-way of SE International Blvd. The rear elevation of the building, including the proposed addition, is set below Highway 224, with the upper part of the elevation visible from the highway.</p> <p>The addition is a solid wall at the rear of the building, without alcoves that could present security concerns greater than what currently exists on the site. There will be no significant changes to the ability to survey the site.</p> <p>This standard is met.</p>
<p>3. Design buildings with shapes, colors, materials, textures, lines, and other architectural design features which enhance the character of the district and complement the surrounding area and development, considering, but not limited to, the following techniques:</p> <ul style="list-style-type: none"> <li>a. Use color, materials, and architectural design to visually reduce the scale and impact of large buildings;</li> <li>b. Use building materials and features that are durable and consistent with the proposed use of the building, level of exposure to public view, and exposure to natural elements.</li> </ul>	<p>The addition will not be visible from the front of the building or right-of-way of SE International Blvd. The rear elevation of the building, including the proposed addition, is approximately 12 feet below Highway 224. The upper portion of the elevation is visible from the highway, especially during the winter when the deciduous trees lose their leaves.</p> <p>The proposed addition has two distinct architectural forms:</p> <p>1) The western kitchen addition is proposed to have a flat roof to accommodate HVAC equipment. This portion of the addition includes a parapet and mechanical screen at the roof level. While the use of a flat roof is a departure from the original construction, the use of the roof to house and screen mechanical equipment from view will enhance the rear façade, which currently has mechanical units at grade and mechanical ductwork attached to the exterior of the building in several locations. The mechanical ductwork which is currently visible on the rear façade will</p>

**MMC SUBSECTION 19.906.4.A**

*The proposal complies with all applicable base zone standards in Chapter 19.300.*

Applicable Standards	Findings
	<p>be routed internally in the new addition and will not be visible on the exterior of the building.</p> <p>This portion of the addition is inset from the western elevation, further reducing its visibility from neighboring properties.</p> <p>2) The eastern portion of the addition, for warehouse uses, emulates the existing structure with an offset and lower roof that matches the slope of the existing structure. No new windows are proposed on the addition. This addition extends to the southeastern corner of the building but does not extend beyond to the covered loading area.</p> <p>Both of these areas of the addition are lower in height than the original construction, which helps to reduce the impact of bulk on the site.</p> <p>Proposed materials for the addition are metal siding for cladding and metal roofing that matches the existing building, and are proposed to be painted to match the existing building colors of red, silver, and white.</p> <p>As conditioned, this standard will be met.</p>
<p>4. To the extent possible, screen or mask roof-mounted mechanical equipment, except solar collection apparatus, from view.</p>	<p>The mechanical units are proposed to be located on the roof of the commercial kitchen addition. As shown on the site plan, the western addition is visible from Hwy 224. Screening of the rooftop mechanical equipment is appropriate in this location.</p> <p>The proposed screening is a 30 inch metal screen on top of a 16 inch parapet. Given the height of the screening and the slope to Hwy 224, the mechanical equipment will be fully screened to a level of approximately 7 ft above grade at Highway 224 or higher, significantly above eye</p>

**MMC SUBSECTION 19.906.4.A**

*The proposal complies with all applicable base zone standards in Chapter 19.300.*

Applicable Standards	Findings
	level for all but the tallest motor vehicles. This standard is met.
5. Orient major service activity areas (e.g., loading, delivery, and garbage collection, etc.) of the development away from major streets.	No changes are proposed to the loading, delivery, or garbage collection. These services currently occur on the east side of the building. This standard is met.
6. Arrange use and buildings to maximize opportunities for shared circulation, access, parking, loading, pedestrian walkways and plazas, recreation areas, and transit-related facilities.	No changes to site circulation or parking are proposed. The fire apparatus access aisle, which currently allows for access around the entire building, will be altered by the proposed addition. Clackamas County Fire District #1 (CCFD#1) has reviewed the proposed alterations to the fire access aisle. As conditioned, this standard will be met.
K. Nuisances The use shall not be of a type or intensity which produces dust, odor, smoke, fumes, noise, glare, heat, or vibrations which are incompatible with other uses allowed in this zone; and the use does not produce off-site impacts that create nuisance as defined by the Oregon D.E.Q. and the City Noise Ordinance.	No nuisance uses are proposed. This standard is met.

**MMC SUBSECTION 19.906.4.B**

*The proposal complies with all applicable overlay zone and special area standards in Chapter 19.400.*

Applicable Standards	Findings
<p>19.402.3 Applicability</p> <p>A. The regulations in Section 19.402 apply to all properties that contain, or are within 100 ft of a WQR and/or HCA (including any locally significant Goal 5 wetlands or habitat areas identified by the City of Milwaukie) as shown on the Milwaukie Natural Resource Administrative Map (hereafter "NR Administrative Map").</p> <p>B. For properties that do not contain, but are within 100 ft of, a WQR and/or HCA, as shown on the NR Administrative Map, and where an activity not listed as exempt in Subsection 19.402.4.A will disturb more than 150 sq ft, a construction management plan is required in accordance with Subsection 19.402.9 (see also Table 19.402.3).</p>	<p>The site contains a Habitat Conservation Area (HCA) at the northwestern portion of the site. The proposed improvements and ground disturbance is within the 100 ft compliance line, and will be greater than 150 sq ft.</p> <p>The requirements of 19.402 are applicable to this project.</p>
<p>J. Nonexempt activities outside of WQR or HCA, but within 100 ft of WQR or HCA that disturb more than 150 sq ft requires a construction management plan.</p>	<p>The proposed improvements and ground disturbance is within the 100 ft compliance line, and will be greater than 150 sq ft.</p> <p>This standard is applicable.</p>
<p>19.402.9 Construction Management Plans</p> <p>A. Construction management plans are subject to Type I review per Section 19.1004.</p>	<p>As conditioned, this standard will be met.</p>

**MMC SUBSECTION 19.906.4.B**

*The proposal complies with all applicable overlay zone and special area standards in Chapter 19.400.*

Applicable Standards	Findings
<p>B. Construction management plans shall provide the following information:</p> <ol style="list-style-type: none"> <li>1. Description of work to be done.</li> <li>2. Scaled site plan showing a demarcation of WQRs and HCAs and the location of excavation areas for building foundations, utilities, stormwater facilities, etc.</li> <li>3. Location of site access and egress that construction equipment will use.</li> <li>4. Equipment and material staging and stockpile areas.</li> <li>5. Erosion and sediment control measures.</li> <li>6. Measures to protect trees and other vegetation located within the potentially affected WQR and/or HCA. A root protection zone shall be established around each tree in the WQR or HCA that is adjacent to any approved work area.</li> </ol>	<p>The applicant has submitted a description of the work to be done and a scaled site plan showing the location of the HCA and buffer zone and area of work.</p> <p>The applicant proposes to utilize existing paved driveways for construction access. The area furthest away from the HCA on the east side of the site, which is a paved area, is proposed for construction staging.</p> <p>The proposed area of work is currently paved. There are no trees or other vegetation that will be disturbed within the proposed area of work. There are trees on the adjacent ODOT ROW/property near the proposed work. Silt fencing is proposed for the protection of these trees near the construction area.</p> <p>As conditioned, this standard will be met.</p>

**MMC SUBSECTION 19.906.4.C**

*The proposal complies with all applicable supplementary development regulations in Chapter 19.500.*

Applicable Standards	Findings
<p>City staff has identified the following provision in Chapter 19.500 that are applicable to the proposal.</p> <p>19.504.5 Distance from Property Line</p> <p>Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.</p>	<p>The proposed setback for the rear yard is 3.5 ft.</p> <p>This standard is met.</p>

**MMC SUBSECTION 19.906.4.D**

***The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.***

Applicable Standards	Findings
<p>19.602.3 The provisions of Chapter 19.600 apply to development and changes of use as described in Subsection 19.602.3.</p> <p>B. Existing off-street parking and loading areas shall be brought closer into conformance with the standards of Chapter 19.600, per Subsection 19.602.5, when the following types of development or change in use occur:</p> <ol style="list-style-type: none"> <li>1. Development that results in an increase of less than 100% of the existing floor area and/or structure footprint.</li> </ol>	<p>The proposed development will increase the floor area by 2,828, which is less than 100% of the existing floor area (17,801 sq ft) and less than 100% of the structure's footprint (15,000 sq ft).</p> <p>Therefore, this section is applicable.</p>
<p>19.602.5 Improvements to Existing Off-Street Parking and Loading Areas</p> <p>A. Purpose</p> <p>The purpose of Subsection 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.</p> <p>B. Limitations on Required Improvements</p> <p>The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing, heating, venting, or air conditioning equipment.</p>	<p>The applicant has not submitted development permits, and the valuation of the work is unknown. The cost of bringing existing parking areas closer to conformance is limited to no more than 10% of the development permit value.</p>

**MMC SUBSECTION 19.906.4.D**

***The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.***

Applicable Standards	Findings
<p>C. Areas of Required Improvement                      The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.</p> <ol style="list-style-type: none"> <li>1. Paving and striping of parking areas, per Subsection 19.606.3.A.</li> <li>2. Minimum required vehicle parking spaces, per Section 19.605.</li> <li>3. Minimum required bicycle parking spaces, per Section 19.609.</li> <li>4. Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D.</li> <li>5. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.E.</li> <li>6. Other applicable standards within Chapter 19.600, as determined by the Planning Director.</li> </ol>	<p>The Planning Director has reviewed the applicant's parking plan and has determined no additional improvements are required.</p> <p>This standard is met.</p>
<p>19.605.1 Vehicle Parking Quantity Requirements - Minimum and Maximum Requirements</p> <p>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. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.</p> <p>Minimum/Maximum parking (per 1,000 sq ft of floor area):</p> <p>Manufacturing: 1 / 2 spaces</p> <p>Retail: 2 / 5 spaces</p> <p>Restaurant: 4 / 15 spaces</p>	<p>Required parking for the development, including the proposed addition, is 36 minimum / 104 maximum parking spaces:</p> <p>Manufacturing (12,062 sq ft): 12 min / 24 max</p> <p>Retail (3,992 sq ft): 8 min / 20 max</p> <p>Restaurant (3,990 sq ft): 16 min / 60 max</p> <p>The site has 1 loading space, which is excluded from the min/max parking space requirements. The site has 88 parking spaces, which meets these parking quantity requirements.</p> <p>This standard is met.</p>

**MMC SUBSECTION 19.906.4.D**

***The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.***

Applicable Standards	Findings
<p>19.609.2 Quantity of Spaces</p> <p>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.</p> <p>1. Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use.</p>	<p>The required minimum vehicle parking is 36 spaces, therefore, at least 4 bicycle parking spaces are required.</p> <p>There are 11 existing bicycle parking spaces near the front entry.</p> <p>This standard is met.</p>
<p>19.608.2. Number of Loading Spaces</p> <p>The Planning Director shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.</p> <p>B. Nonresidential and Mixed Use Buildings</p> <p>Buildings where any floor area is in nonresidential uses should meet the following standards:</p> <p>2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.</p>	<p>The building size after the addition will be greater than 20,000 sq ft in floor area, with a majority of this being used for warehousing and distribution.</p> <p>Therefore, the Planning Director has determined that 1 off-street loading space shall be provided for this site.</p> <p>One loading space is currently provided at the site.</p> <p>This standard is met.</p>
<p>19.608.3 Loading Space Standards</p> <p>A. Loading spaces shall be at least 35 ft long and 10 ft wide, and shall have a height clearance of at least 13 ft.</p>	<p>The existing loading space clear of the required fire access aisle is approximately 18 ft wide by 65 ft long with a height clearance of 14 ft minimum at the covered loading dock area.</p> <p>This standard is met.</p>
<p>B. Loading areas shall be provided on the site and be separate from parking spaces.</p>	<p>The loading area is entirely on the site. It is set off from vehicle parking spaces by a landscape buffer and small retaining wall and the fire apparatus access drive aisle.</p> <p>This standard is met.</p>

**MMC SUBSECTION 19.906.4.D**

*The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.*

Applicable Standards	Findings
<p>C. Off-street loading areas shall have a durable and dust-free hard surface. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.</p>	<p>The entire parking lot, including the loading space, is paved.                      This standard is met.</p>
<p>D. Lighting of loading areas shall conform to the standards of Subsection 19.606.3.F.</p>	<p>There is existing lighting throughout the parking area that illuminates walkways, including on either side of the loading zone area. The light fixtures provide full cut-off at 90 degrees.                      As conditioned, this standard will be met.</p>
<p>E. Off-street loading areas for materials and merchandise shall be located outside of the minimum front and side yard requirements for structures.</p>	<p>The off-street loading space is located at the northeast corner of the building and the back corner of the parking lot. The space is away from the main building entry and does not cross any walkways. It is more than 200 ft from the right-of-way/street at SE International Way and is more than 20 ft from the nearest adjacent property.                      This standard is met.</p>
<p>F. Off-street loading areas shall be located where not a hindrance to drive aisles, walkways, public or private streets, or adjacent properties.</p>	<p>The loading space is beyond the parking drive aisles, walkways, streets, and adjacent properties.                      The loading space is adjacent to the southernmost required fire apparatus access lane to the rear of the building. Clackamas County Fire District #1 comments on this application state that this fire apparatus access road must be maintained.                      As conditioned, this standard will be met.</p>

**MMC SUBSECTION 19.906.4.D**

*The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.*

Applicable Standards	Findings
<p>19.608.4 Prohibitions</p> <p>A. Loading activity for a site, regardless of whether loading spaces are required, shall not obstruct travel within the right-of-way.</p> <p>B. The accumulation of goods in loading areas shall be prohibited when it renders the space useless for loading and unloading of goods and passengers.</p>	<p>As conditioned, this standard will be met.</p>

**MMC SUBSECTION 19.906.4.E**

*The proposal complies with all applicable public facility standards and requirements, including any required street improvements, in Chapter 19.700.*

Applicable Standards	Findings
<p>19.702.1 General</p> <p>Chapter 19.700 applies to the following types of development in all zones:</p> <p>E. Modification or expansion of an existing structure or a change or intensification in use that results in any one of the following. See Subsections 19.702.2-3 for specific applicability provisions for single-family residential development and development in downtown zones.</p> <ol style="list-style-type: none"> <li>2. Any increase in gross floor area.</li> <li>3. Any projected increase in vehicle trips, as determined by the Engineering Director.</li> </ol>	<p>The Engineering Department finds that MMC Chapter 19.700 does apply to this application.</p> <p>All necessary frontage improvements were constructed with the redevelopment of this site in 2002.</p> <p>Therefore, the requirements of MMC Chapter 19.700 have been met.</p>

**MMC SUBSECTION 19.906.4.F**

***The proposal complies with all applicable conditions of any land use approvals for the proposal issued prior to or concurrent with the development review application.***

<b>Applicable Standards</b>	<b>Findings</b>
<p>Prior approvals: CSO-98-02/NR-98-02/VR-98-03, for a Wireless Communication Facility at this site. This approval has conditions. TPR-01-06 approved a Transportation Plan Review associated with the construction of the original 15,000 sq ft building and site at 5000 SE International Way. Conditions were met and Certificate of Occupancy was issued in 2003. CU-07-01 was a conditional use application applied for in 2007. It was determined by the Planning Director that this application not to be needed. The Planning Director also allowed for the termination of the shared parking agreement between 5209 SE International Way and 5000 SE International Way at that time.</p>	<p>There are no conditions of the prior approvals that will be contravened by this application or any of its conditions of approval.  This standard will be met.</p>