



June 29, 2016

Land Use Files: CU-2016-002, VR-2016-005

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on June 29, 2016.

Applicant:	Triad Grain Group, LLC (Bob's Red Mill)
Location:	5000 SE International Way
Tax Lot(s):	1S2E31CD00100
Application Types:	Conditional Use, Sign Adjustments
Decision:	Approved with Conditions
Review Criteria:	<u>Milwaukie Zoning Ordinance:</u> <ul style="list-style-type: none">• Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review• MMC Section 19.905 Conditional Uses• MMC Section 19.310 Business Industrial Zone (B-I) <u>Milwaukie Sign Ordinance:</u> <ul style="list-style-type: none">• MMC Section 14.16.050 Manufacturing Zone Sign District• MMC Section 14.24.020 Sign Lighting• MMC Chapter 14.32 Adjustments
Neighborhood(s):	NA (Milwaukie Business Industrial)

Appeal period closes: 5:00 p.m., July 14, 2016

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III 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 Brett Kelter, Associate Planner, at 503-786-7657 or kelterb@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on July 14, 2016, which is 15 days from the date of this decision. Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

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.

Findings in Support of Approval

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, Chris Hagerman on behalf of Triad Grain Group, has applied for:
 - Conditional Use approval to allow greater flexibility in the operation of the existing restaurant within the building, which is currently operating as a “limited use” as provided in the Milwaukie Municipal Code (MMC).
 - Adjustment approval to construct a second freestanding sign with a height of 40 feet where a maximum of one freestanding sign with a maximum 25-foot height is permitted (adjustments are categorized as variance applications).
2. The 85,340 square-foot site is located on the west side of International Way and immediately east of Highway 224. The entire property is zoned Business Industrial B-I. The land use application master file number is CU-2016-002, with associated file number VR-2016-005.

The proposed components of the proposed redevelopment require different application reviews. The restaurant requires a Conditional Use approval, and the second freestanding sign requires two adjustments pertaining to the maximum number of freestanding signs and the maximum height. The CU and VR components are both subject to a Type III review process,

3. The application was referred to the following city departments and agencies on May 18, 2016:
 - Milwaukie Building Department
 - Milwaukie Engineering Department
 - Clackamas Fire District #1
 - Clackamas County
 - Metro
 - Oregon Department of Transportation (ODOT)
 - TriMet
 - Paul Hawkins, Lake Road Neighborhood District Association (NDA) Land Use Committee (LUC)

The comments received are summarized as follows:

- Paul Hawkins of the Lake Road Neighborhood District Association (NDA) had no comment regarding the Conditional Use for the restaurant, and he supported the additional height for the proposed sign.
- Matt Amos, Fire Inspector, Clackamas Fire District #1 indicated the agency had no comments in an email memorandum dated December 31, 2015 (see appendix A of the application).
- Grant O'Connell, TriMet, indicated the agency had no comment regarding the application.

- ODOT responded and has no objection to the application.
 - Alex Roller, Engineering Technician II, Milwaukie Engineering Department, noted that the provisions of MMC Chapter 19.700 Public Facility Improvements are not applicable at this time, as the proposed conditional use is intended to authorize potential future expansion. Compliance with MMC 19.700 will be re-evaluated in conjunction with the development review process at such time as a more specific square footage of use is proposed.
4. The proposal is subject to the following provisions of the Milwaukie Municipal Code:
- MMC 19.1006 Type III Review
 - MMC 19.905 Conditional Uses
 - MMC 19.310 Business Industrial Zone (B-I)
 - MMC 14.16.050 Manufacturing Zone Sign District
 - MMC 14.24.020 Sign Lighting
 - MMC 14.32 Adjustments

MMC 19.1006 applies to the Conditional Use and Sign Adjustment applications. MMC 19.905 and 19.310 apply to the Conditional Use application, and MMC 14.16.050 and 14.32 apply to the Sign Adjustment application.

5. MMC Section 19.1006 Type III Review

The Conditional Use and Adjustment applications have been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held by the Planning Commission on June 28, 2016, as required by law.

The Planning Commission finds that the provisions of MMC 19.1006 are met.

6. MMC Section 19.905 Conditional Uses

MMC 19.905 establishes regulations for conditional use applications to evaluate the establishment of certain uses that may be appropriately located in some zoning districts, but only if appropriate for the specific site on which they are proposed.

a. MMC 19.905.3 provides that new conditional uses or major modifications of them require a Type III review process. The Planning Commission finds that the application is being processed as a Type III application.

b. MMC 19.905.4 A lists the relevant approval criteria for a conditional use:

- (1) *The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.*

The site is completely developed, and the Conditional Use application involves how the internal floor area may be used. The existing development complies with current city standards. The proposed second freestanding sign, which is subject to separate requirements in MMC Title 14, represents the only exterior change to the existing development.

- (2) *The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.*

The property is within the Omark Business Park, and the surrounding area is devoted primarily to a combination of manufacturing and office uses. The property is fully developed with driveway access and parking to accommodate

the existing activities on the properties. The basic activities on the property, as described in the applicant's narrative and the staff report, include a wholesale bakery, retail outlet store, and restaurant. According to the applicant, the wholesale bakery, which includes a warehouse space and a test kitchen, comprises 61% of the total building floor area. At approximately 4,000 square feet each, the retail outlet store and restaurant account for the remaining floor area. The proposal would allow for some additional flexibility regarding how the building floor area is utilized. The applicant has no immediate plans to expand the building or change its appearance.

- (3) *All identified impacts will be mitigated to the extent practicable.*

As described further under Criterion 6 (below) regarding Comprehensive Plan policies, the primary potential adverse impact is the introduction of commercial uses in an industrial district, which have a market area that extends well beyond the district. With the conditions of approval to limit the extent of the commercial activities on the site (retail outlet and restaurant), this policy issue will be addressed.

- (4) *The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.*

The current uses within the building and on the property do not currently create any impacts of this type. The proposed Conditional Use application to allow some additional flexibility regarding how floor area is allocated in the building will not change the character of the current use of the property.

- (5) *The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.*

All the applicable standards in the Milwaukie Municipal Code will continue to be satisfied by the existing development and improvements on the site.

- (6) *The proposed Conditional Use is consistent with applicable Comprehensive Plan policies related to the proposed use.*

The applicant's narrative (Chapter IV Legal Findings, pages IV-10 to IV-14) provides a thorough review of the relevant plan policies. With the exception of the policy findings below, the applicant Comprehensive Plan findings are included by reference.

Objective #4 — Industrial Land Use

To encourage new industries to locate within the three major industrial areas of the City, in order to take maximum advantage of existing access and public facilities serving industry.

Policies

- 1. New industrial uses will be confined to the three major industrial areas in the City: Milwaukie Industrial Park, Omark industrial area, and the Johnson Creek industrial area, as shown on Map 8.*
- 3. Lands designated for industrial use as shown on Map 8, Land Use, should be reserved for industrial, manufacturing, distribution, and supporting land*

uses, except where otherwise indicated in the Tacoma Station Area Plan and the Central Milwaukie Land Use and Transportation Plan.

4. *Lands located in "Employment" and "Industrial" areas shown on the Milwaukie Comprehensive Plan Title 4 Lands Map are reserved for manufacturing, industrial, distribution, and supporting land uses, for the purpose of preserving land supply for industrial uses and ensuring adequate opportunity for uses with high employment density. Development of large-scale retail uses is inappropriate on these lands.*

The policies under Objective #4 clearly call for the retention of industrially designated land for industrial purposes. The existing development includes the retail outlet store as an accessory use, which is permitted outright with a maximum floor area of 25% of the associated manufacturing building or 4,000 square feet, whichever is less. As a limited use, the restaurant is subject to the same maximum floor area requirements. The proposed Conditional Use application is requesting more flexibility as to how floor area may be assigned for these uses, but the applicant does not specify an area number or limit. The conditional use process permits additional flexibility for only the restaurant (a limited use).

Determining and enforcing the market area for commercial uses is difficult at best, and therefore the Milwaukie Municipal Code utilizes floor area limits to ensure that commercial uses in the BI zone do not become "large-scale retail uses. In addition, MMC 19.905.9 states:

A conditional use shall comply with the standards of the base zone, and any overlay zones or special areas, in which it is located, except as the standards have been modified by the Planning Commission when authorizing the conditional use...

Conditional use approval provides the ability to remove the limited use restriction for the restaurant to only serve the industrial area in which it is located, and instead be able to serve a larger market area, as established by the conditions of approval. The total floor area limit for the combination of the retail outlet store and the restaurant would continue to limit commercial activity in the BI Zone in compliance with the intent of these Comprehensive Plan policies, while allowing conversion of existing floor area to restaurant use.

- (7) *Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.*

The city departments have verified that adequate public facilities and utilities are available to serve the site. In addition, TriMet and ODOT expressed no objection to the application.

As conditioned, the Planning Commission finds that the application meets all applicable standards of MMC 19.905.

7. MMC Section 19.310 Business Industrial Zone (BI)

The BI Zone supports the Comprehensive Plan policy direction in the purpose statement (MMC 19.310.1), which states: This section is adopted to implement the policies of the Comprehensive Plan for industrial land uses providing a mix of clean, employee-intensive, industrial and office uses, with associated services, in locations supportive of mass transit and the regional transportation network.

- a. MMC 19.310.4 identifies limited uses, which may be allowed in the BI Zone subject to the requirements in MMC 19.310.4.B. The existing restaurant complies with the limited use provisions, but the proposal to potentially allow a restaurant with more than 25% of the building floor area does not. As a result, a conditional use approval is sought.
- b. MMC 19.310.5 provides the opportunity for limited uses (allowed in MMC 19.310.4) to be approved as conditional uses when they would exceed 25% of the building floor area (MMC 19.310.5.B). MMC 19.310.5.A contains four criteria, which must be satisfied to approve a conditional use in the B-I Zone:

- (1) *Will have minimal adverse impact on the appropriate development of uses permitted outright on abutting properties and the surrounding area considering location, size, design, and operating characteristics of the use;*

As noted in the application and staff report, the Bob's Red Mill operation, which includes the retail outlet store and restaurant, is well-established and has not created any adverse impacts on the surrounding area. The proposed ability to allow a more flexible approach regarding space allocation between the retail outlet and restaurant (both currently limited to a maximum of 4,000 square feet each) will not have any discernible effect on the character of the business or the surrounding area. A limit on the amount of restaurant use, as set forth in the conditions of approval, satisfies this criterion.

- (2) *Is compatible with the character and scale of uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use;*

The building, parking area, and landscaping are very consistent with the type of development found in the Omark Business Park.

- (3) *Will provide vehicular and pedestrian access, circulation, parking, and loading areas which are compatible with uses on the same site or adjacent sites; and*

The property provides for on-site pedestrian circulation, and it has a fully improved street frontage with sidewalk. The parking and loading areas meet current city standards, and no modification of these facilities is proposed. The conditions of approval require development review when floor area is converted to restaurant use. The development review process will ensure that parking standards continue to be met.

- (4) *Is a needed service/product in the district, considering the mix of potential clientele and the need to maintain high-quality development in a highly visible area.*

The retail outlet store and restaurant have been providing a beneficial service to the businesses and employees in the area for several years. As noted, the property is developed in accordance with current city standards, and it satisfies all relevant requirements for access, parking, building design and setbacks, and landscaping. The Conditional Use application represents a more flexible approach for allocating the commercial floor area allocation between the retail outlet store and restaurant. No changes are proposed for the exterior of the building.

- c. MMC 19.310.6 contains the development standards for the BI Zone:

- (1) *Lot size, front yard, side yard, and rear yard.*

The BI Zone has no specific standards, and therefore, the existing development complies with these requirements.

(2) *Off-street parking and loading.*

This section refers to MMC 19.600. The minimum parking requirement is approximately 36 spaces and a maximum of 100 spaces based upon the following standards:

Off-Street Parking Standards		
Use	Min. Spaces/1,000 sq. ft.	Max. Spaces/1,000 sq. ft.
Manufacturing	1	2
Restaurant	4	15
Retail	2	5

The site has 88 parking spaces, meeting these standards.

(3) *Site access.*

Curb cuts cannot be more frequent than one per 100 feet of street frontage.

The site has two driveways and over 400 feet of frontage on International Way, satisfying this standard.

(4) *Height restriction.*

Buildings are limited to a height of 3 stories or 45 feet.

The existing building is two stories, and this standard is met.

(5) *Landscaping.*

Sites adjacent to Highway 224 are required to have a minimum landscaped area of 20%.

The property currently has 23% of the site landscaped, meeting this standard.

(6) *Screening and outside storage.*

Outside storage is not allowed adjacent to International Way, and it is allowed within side and rear yards with sight-obscuring fencing or landscaping.

The site does not include any outdoor storage.

(7) *Building siting and design.*

The property was fully developed according to the requirements in place at that time. The character of the site continues to satisfy city requirements. Because the applicant does not propose any exterior changes for the site or expansion of the existing building, this section is not relevant.

(8) *Nuisances.*

Uses are not allowed to produce dust, odor, glare, vibration, and similar objectionable impacts.

The existing use has demonstrated full compliance with this requirement.

The Planning Commission finds that the relevant provisions of MMC 19.310 are satisfied.

8. MMC Section 14.16.050 Manufacturing Zone Sign District

Table 14.16.050 provides standards for a variety of sign types. The applicable portions of this section pertaining to freestanding signs are addressed below:

a. *Area.*

A freestanding sign may have a maximum of 1.5 square feet of area for every foot of street frontage, and for each foot of frontage over 100 feet, an additional square foot may be added to the maximum allowable. The maximum sign area allowed is 250 square feet per side up to 1,000 square feet total.

The International Way frontage is over 400 feet. The applicant did not provide the dimensions of the existing sign, but the staff estimates it to be approximately 120 to 140 square feet per side – well within the 250 square foot maximum. In addition, MMC Table 14.16.050 allows a second freestanding for frontages that exceed 300 feet.

The proposed second sign is along the Highway 224 frontage, which also exceeds 300 feet. Based upon the BI Zone standards, this sign would also be eligible for a maximum size of 250 square feet (if there was no sign on International Way). The proposed sign has a total area of approximately 200 square feet per sign face. The sign features a combination of message formats including, internally illuminated clock (8± square feet), Bob's Red Mill identification (54± square feet and externally illuminated with LED bulbs), internally illuminated restaurant/retail store identification panel (34± square feet), an electronic message sign (50± square feet), and directional sign (16± square feet).

b. *Height.*

A maximum height of 25 feet is permitted.

The existing sign is approximately 20 feet high, meeting this requirement. The proposed sign is 40 feet in height, and is subject to the adjustment criteria. These criteria are addressed in Finding 10 below.

c. *Location.*

Freestanding signs may not be located in any portion of the street, sidewalk, or public right-of-way.

The existing and proposed freestanding signs comply with this standard by being located on the property.

d. *Number.*

One freestanding sign is allowed. However, where the frontage exceeds 300 feet, a second freestanding is permitted. This code provision is interpreted to mean a single street frontage and not multiple street frontages.

The request to have two freestanding signs where only one is permitted is subject to the adjustment criteria. These criteria are addressed in Finding 10 below.

e. *Illumination.*

Freestanding signs may be illuminated.

As noted above, the sign will be illuminated.

The Planning Commission finds these provisions are met.

9. MMC Section 14.24.020 Sign Lighting

MMC 14.24.020.G.2 provides standards for electronic display signs. For this location, electronic display signs are required to be a maximum of 50% of the total sign face area or 50 square feet, whichever is less.

In the application materials, the electronic display portion of the sign appears to be approximately 65 square feet. However, the applicant has revised the plans to clarify that the electronic display is actually only 50 square feet. As clarified, the proposed sign complies with this standard.

The Planning Commission finds that this criterion is met.

10. MMC Chapter 14.32 Adjustments

- a. MMC 14.32.010 authorizes the Planning Commission to review sign adjustments. The two aspects of the adjustment application are to: 1) allow a second freestanding sign (referenced by the applicant as "Adjustment #1"); and 2) to allow a freestanding sign with a height of 40 feet where a maximum of 25 feet is permitted (referenced by the applicant as "Adjustment #2"). MMC 14.32.010.C provides two criteria, of which an adjustment must meet one:

- (1) *Strict application of this chapter would cause an undue or unnecessary hardship.*

Adjustment #1

As a conditional use, the restaurant has a reasonable need to be identified along major street frontages. In addition to freestanding signs, the BI Zone allows wall signs (up to 10% of the wall area) and awning signs. The building has wall signs on the second story of the building facing both International Way and Highway 224. The signs appear to be significantly less than the 10% maximum size standard. As noted above, the existing freestanding sign on International Way appears to be less than 140 square feet.

The Milwaukie Municipal Code would allow a second freestanding sign along the International Way frontage, but the applicant would like to place the sign along the Highway 224 frontage instead. This second freestanding sign of approximately 205 square feet would mean that the total freestanding area would be in the neighborhood of 350 square feet per side – about 150 square feet less than what is currently allowed on International Way (with 400+ feet of frontage, 2 freestanding signs at a maximum of 250 sq. ft. per side are currently permitted). Because the wall signs are smaller than the maximum allowed, the proposed total sign area would continue to be consistent with what the Milwaukie Municipal Code requires.

The particular way in which the city sign requirements apply to this property make it uniquely difficult to adequately advertise the retail and restaurant services offered when on two street frontages. The sign types – not the sign area – make it more difficult to be effectively visible. Conditions of approval and MMC standards will maintain total sign area to be consistent with the intent of the BI Zone sign requirements.

Adjustment #2

The sign height requirements are based on normal commercial or industrial sites in the city, which are generally flat with minimal difference in elevation,

especially between the street and the property. The frontage along Highway 224 is clearly different with a drop in elevation of approximately 20 feet between the roadway and the southeastern corner of the property. The additional 15 feet in height simply compensate for this difference, and strict enforcement of the 25-foot height would mean the sign would not be sufficiently visible.

- (2) *The adjustment serves to protect or enhance significant features such as, but not limited to, trees, historic or culturally significant buildings, or landmark signs.*

This criterion is not relevant because this adjustment application is not proposed in response to a need to protect significant features.

- b. MMC 14.32.030 contains five criteria, which must be satisfied:

- (1) *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Sign Ordinance.*

This criterion is essentially the same as MMC 14.32.010.C.1, and Adjustment #1 and #2 are addressed above in Finding 10-a-1.

- (2) *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other properties classified in the same zoning district.*

Adjustment #1

The applicant is entitled to two freestanding signs along the International Way frontage. With the retail outlet store and restaurant (assumed in this finding as receiving conditional use approval), the property is unique in that it has sufficient frontage to have two freestanding signs. Because of the commercial aspects of the operation, the applicant has a legitimate need to be identified to a broader audience than the majority of businesses in the BI Zone.

Adjustment #2

As noted above in Finding 10-a-1, the sign height requirements are based upon relatively flat terrain, not a 20-foot drop in elevation between the roadway edge and the property boundary. The additional 15 feet of height simply compensates for this elevation difference. The sign will be perceived as a 25-foot high sign from the Highway 224 vantage point.

- (3) *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.*

Adjustment #1

The overall intent of the sign regulations is to allow for appropriate identification of businesses and prevent an undue proliferation of signs and sign area. As noted above, the total amount of sign area on the property, including the proposed freestanding sign, is well within the limits for the BI Zone. The applicant could place the proposed freestanding along the International Way frontage, but is asking for the adjustment to simply place it along the Highway 224 frontage instead. The total sign area on the property is consistent with what is allowed for other properties in the district.

Adjustment #2

Because of the topography issue noted above, the additional height is necessary for the sign to be visible from Highway 224. Requiring a 25-foot maximum height would greatly compromise the effectiveness of the sign without providing a corresponding visual or aesthetic benefit.

- (4) *That the granting of the adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.*

Adjustment #1

As noted above, the property would not be granted a special privilege to have a second freestanding sign. It meets the Milwaukie Municipal Code criteria for two signs, and the only question is whether it can place the second sign on a different street frontage. Both street frontages are greater than 300 feet, being individually qualified to have two, 250 square foot freestanding signs. Allowing the location of the second sign on another street frontage complies with the purpose and intent of the sign requirements for the BI Zone and does not allow for additional signs or sign area than is allowed by right for any property in the BI Zone.

Adjustment #2

The additional 15 feet of height are appropriate given the topographic situation over which the applicant has no control. In the context of its location, the taller sign will not appear more dominant than other signs along Highway 224.

- (5) *That the granting of the adjustment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.*

Adjustment #1

As supported in the findings above, the second freestanding sign will not represent an increase in the number of signs or total sign area beyond what is permitted in the BI Zone. The new sign will be appropriately located to not have an adverse impact on nearby properties or other identification signs.

Adjustment #2

With its location adjacent to Highway 224, the modest increase in sign height will not create a distraction for motorists, or have any effect upon adjoining properties. ODOT has no objection regarding the sign.

The Planning Commission finds that the above criteria are met.

Conditions of Approval

1. The following shall apply to CU-2016-002:
 - a. The restaurant may exceed 4,000 square feet of floor area, but the total floor area for both the restaurant and retail outlet store uses shall not exceed 50% of the total floor area of the building (including any future changes to the building floor area). The retail store shall not exceed the 4,000-square-foot floor area limit, which applies to accessory uses in the BI Zone. Documentation of any change in square footage of

either the restaurant or retail outlet store uses shall be provided to the Planning Department at the time of any such change.

- b. This conditional use is granted exclusively for Bob's Red Mill and its successors. It is not transferrable to restaurants or retailers not associated with the primary industrial use on the property.
 - c. Compliance with MMC 19.600 (Parking) and 19.700 (Public Facilities) will be assessed by the City through the development review process (MMC 19.906) if an enlarged restaurant intensifies the use sufficiently to generate a significant projected increase in vehicle trips.
2. The following shall apply to VR-2016-005:
- a. At the time of submittal of the associated sign permit application, the following shall be resolved:
 - (1) Final plans for the proposed new freestanding sign submitted for sign permit review shall be in substantial conformance with plans approved by this action, which are the revised plans stamped received by the City on June 16, 2016.
 - (2) As needed, provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
 - b. The proposed new freestanding sign shall not exceed 40 feet in height.
 - c. The proposed freestanding sign shall comply with all other relevant standards in MMC Sections 14.16.050 and 14.24.020.

3. Expiration of Approval

As per MMC 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within two (2) years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.

As per MMC 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.



Dennis Egner, FAICP
Planning Director

- cc: Triad Grain Group, LLC, applicant (13521 SE Pheasant Ct, Milwaukie, OR 97222)
Chris Hagerman, applicant's representative (The Bookin Group LLC) (*via e-mail*)
Planning Commission (*via e-mail*)
Alma Flores, Community Development Director (*via e-mail*)
Chuck Eaton, Engineering Director (*via e-mail*)
Alex Roller, Engineering Technician II (*via e-mail*)

Samantha Vandagriff, Building Official (*via e-mail*)
Bonnie Lanz, Permit Specialist (*via e-mail*)
Mike Boumann and Matt Amos, CFD#1
Interested Persons
NDA: NA (Milwaukie Business Industrial)
Land Use File(s): CU-2016-002, VR-2016-005