



December 21, 2016

Land Use File(s): DEV-2016-009  
Permit(s): 601-16-001643

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on December 21, 2016.

**Applicant(s):** Bella Caramella, LLC; Michelle Aver (rep)  
**Location(s):** 2100 SE Ochoco St, Milwaukie, OR 97222  
**Tax Lot(s):** 11E25BB06500  
**Application Type(s):** Development Review: Change in primary use to allow extraction, processing, and packaging of recreational marijuana products.  
**Decision:** Approved with Conditions  
**Review Criteria:** Milwaukie Zoning Ordinance:

- Section 19.906 Development Review
- Section 19.1004 Type I Review

**Appeal period closes: 5:00 p.m., January 5, 2017**

### Conditions of Approval

1. Per MMC 19.609.2.A, 2 bicycle parking spaces shall be installed near the front entrance to the building prior to the issuance of a certificate of occupancy.

### Other requirements

1. Business Registration

Per MMC 5.08, the applicant must register as a business prior to operation. This is done by submitting an application and the appropriate fees to the Finance Department. The full year registration fee is \$121.00 standard base fee plus \$6.00 for each full-time employee, including owners. Two part-time employees equal one full-time employee. A new business which begins January through June will pay the full year fee. A new business which begins July through December will pay a \$64.00 standard base fee plus \$6.00 for each full-time employee, owner and part-time employee. More information can be found at <http://www.milwaukieoregon.gov/finance/business-registration-1>.

2. Limitations on Development Activity

Development activity on the site shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, as per MMC 8.08.070(l).

### 3. Odor Control and Security

#### MMC 19.509.2 Security and Odor Control for Certain Marijuana Businesses

A. The operation shall be entirely indoors, within a fully-enclosed, secure building meeting building codes adopted by the City of Milwaukie and all other applicable state regulations.

B. Odor shall be managed through the installation of activated carbon filters on exhaust outlets to the building exterior from any rooms used for production, processing, testing, research, and warehousing. Negative air pressure shall be maintained within the rooms. Exhaust outlets shall be a minimum of 25 feet from a property line.

C. An alternative odor control system may be approved by the building official based on a report by a mechanical engineer licensed by the state of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

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

The Findings for this application are included as Exhibit 1.

#### **Case File**

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1004 Type I 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 Vera Koliass, Associate Planner, at 503-786-7653 or [koliassv@milwaukieoregon.gov](mailto:koliassv@milwaukieoregon.gov), if you wish to view this case file.

#### **Appeal**

**This decision may be appealed by 5:00 p.m. on January 5, 2017, which is 15 days from the date of this decision.** An appeal of this decision would be heard by the Milwaukie Planning Commission 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](mailto:planning@milwaukieoregon.gov).

#### **Expiration**

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the development utilizes its approvals within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

#### **Exhibits**

1. Findings in Support of Approval



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Dennis Egner, FAICP  
Planning Director

cc: Bella Caramella, LLC (2100 SE Ochoco St, Milwaukie, OR 97222)  
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*)  
Land Use File(s): DEV-2016-009

**EXHIBIT 1**  
**Findings for Development Review for File #DEV-2016-009**  
**Bella Caramella LLC**

The proposal meets the applicability criteria listed in Milwaukie Municipal Code (MMC) Subsection 19.906.2.A. The application has been processed in accordance with MMC Section 19.1004 Type I 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.

<b>MMC SUBSECTION 19.906.4.A</b>	
<i>The proposal complies with all applicable base zone standards in Chapter 19.300.</i>	
<b>Applicable Standards</b>	<b>Findings</b>
<p>2100 SE Ochoco St ("site") is located in the Manufacturing (M) Zone, and the following standards of MMC Section 19.312 are applicable.</p> <p>19.309.2 Permitted Uses</p> <p>General manufacturing and production are permitted uses in the M Zone per MMC 19.309.2.</p>	<p>The proposal is to use the 2,500-sf former veterinary clinic for processing marijuana into concentrates, edibles, and extracts. This change of use triggers Type I Development Review. This change establishes a manufacturing use that is permitted outright in the M Zone.</p> <p>This standard is met.</p>

<b>MMC SUBSECTION 19.906.4.B</b>	
<i>The proposal complies with all applicable overlay zone and special area standards in Chapter 19.400.</i>	
<b>Applicable Standards</b>	<b>Findings</b>
<p>City staff has not identified any provisions in Chapter 19.400 that are applicable to the proposal.</p>	<p>There are no applicable overlay zones or special areas on the subject property. The standard of 19.906.4.B is not applicable.</p>

**MMC SUBSECTION 19.906.4.C**

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

Applicable Standards	Findings
<p>The proposed project is subject to MMC 19.509.2 Security and Odor Control for Certain Marijuana Businesses.</p>	<p>The provisions of MMC 19.509.2 have been included in the Notice of Decision.             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>19.602.5 Improvements to Existing Off-Street Parking and Loading Areas             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>The site does not provide bicycle parking. The proposed development will therefore require 2 bicycle parking spaces, which is the minimum quantity required per 19.609.2.             As conditioned, this standard is met.</p>
<p>19.604.1 Parking Provided with Development Activity             All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity.</p>	<p>The existing site provides 5 off street parking spaces for a building of approximately 2,500 sq ft. A minimum of 3 parking spaces would be required under the current zoning code and a maximum of 6 spaces would be allowed. The proposed change in use does not trigger additional improvements.             This standard is met.</p>
<p>19.605.1 Minimum and Maximum Requirements             MMC 19.605.1 requires a minimum of 2 and a maximum of 3.4 parking spaces per 1,000 sq ft of floor area for office uses.             MMC 19.605.1 requires a minimum of 1 and a maximum of 2 parking spaces per 1,000 sq ft of floor area for manufacturing uses.</p>	<p>A minimum of 3 parking spaces would be required under the current zoning code and a maximum of 6 spaces would be allowed, for a manufacturing floor area of 2,000 sq ft and 500 sq ft of office use.             This standard is 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
The Engineering Department finds that MMC Chapter 19.700 does not apply to this application. Existing vehicle trips for a veterinary office is significantly higher than the trips generated by the proposed processing facility.	This standard is met.

**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.*

Applicable Standards	Findings
There are no prior or concurrent approvals.	This standard is met.