

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

Application for Land Use Action

Primary File #: **CU-2024-001**

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

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

RESPONSIBLE PARTIES:

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

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

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

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

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: State/Zip:

Phone(s): Email:

SITE INFORMATION:

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

Comprehensive Plan Designation: MD Zoning: RMD Size of property: 7,160 sqft Milwaukie Maps: 6,990 sqft

PROPOSAL (describe briefly):

Proposal to use the property at 11932 SE 35th Ave Portland OR 97222 as a short term vacation rental

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

Submitted by:

Date: 8/12/2024

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

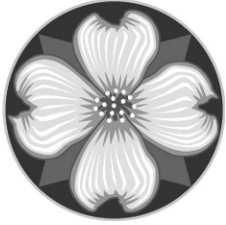
REVIEW TYPES:

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 | CU-2024-001 | \$ 2,000.00 | | | Materials received on 8/12/24. |
| Concurrent application files | | \$ | | | |
| | | \$ | | | Payment received on 8/17/24. |
| | | \$ | | | |
| | | \$ | | | |
| Deposit (NR/TFR only) | | | | <input type="checkbox"/> Deposit Authorization Form received | |
| TOTAL AMOUNT RECEIVED: \$ | | | RECEIPT #: | | RCD BY: |
| Associated application file #s (appeals, modifications, previous approvals, etc.): | | | | | |
| Neighborhood District Association(s): Lake Road NDA | | | | | |
| Notes: Applicant is applying to operate a vacation rental. | | | | | |



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Submittal Requirements

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

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

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

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

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

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

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

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

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

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

A. All applicable development standards (listed below):

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

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

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

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

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

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

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

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

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) _____, 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:  _____

Date: 8/14/24 _____

Official Use Only

Date Received (date stamp below):

Land use application form
submitted 8/12/2024.

Submittal requirements form
submitted 8/14/2024.

Received by: Ryan Dyar, Associate Planner

Staff Note: Detailed Application Statement

Type III Conditional Use Request
11932 SE 35th Ave. Milwaukie OR 97222

Type III conditional use to operate as a vacation rental at 11932 SE 35th Ave. Milwaukie OR 97222.

The single family detached home has 3 bedrooms and 2 bathrooms and is an 1805 sqft house. The lot is 7,160 sq ft and completely fenced. Driveway and garage accomodates 3 vehicles. The location provides public transportation and has been remodeled and fully fenced making it suitable for the proposed use. It is located in the moderate density residential zone R-MD. The owners will remain local and manage all bookings and communication and property maintenance.

The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses. The house will remain residential in nature and retain its current residential appearance, not affecting the use of nearby properties. No more than allowed number of 6 persons will be staying at a time. The primary use remains a residential use for the renters of the house, as it is continued to be used as a dwelling for eating and sleeping keeping the residential designation with no commercial meetings or events or parties allowed.

All identified impacts will be mitigated to the extent practicable. No trees or natural resources are affected by the conditional use. The property is fully fenced eliminating any impact to adjacent properties. The applicant will continue to maintain the landscaping and trees belonging to the property.

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 home will remain residential in nature. The entire home has a strict non smoking policy and quiet hours between 10 pm and 7 am. These rules will be presented on the booking page, sent to the renter upon booking, made visible inside the house, and be enforced by the applicant.

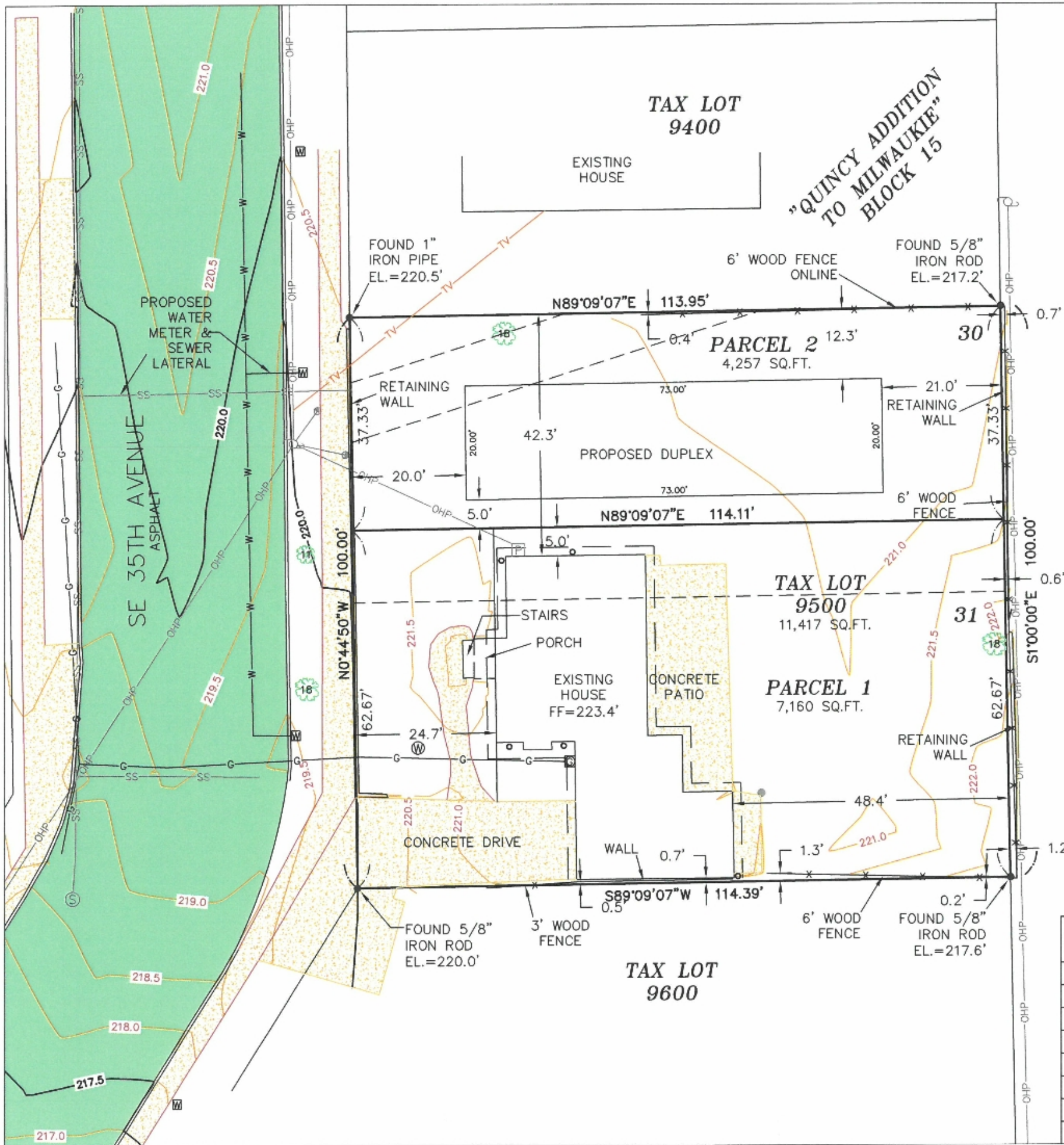
The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay or special areas and the standards in section 19.905. All building and fire code standards are met on the property. Smoke detectors, carbon monoxide detectors are as required. No exterior alterations will be made to the house. The property is not in an overlay zone or special area.

The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700. Transportation maps and public transit access are available in the area and the details information will be provided to the renters.

Staff Note: Addition to narrative provided by applicant on August 21, 2024 regarding the status of a development project that was approved through a separate land-use application (VR-2024-003). This information was provided by the applicant to establish additional context regarding site development.

We decided not to extend the garage at this time. We are moving, and would like to rent out our current house. We will be managing the rental as we will still be in Clackamas county. In case our new plans don't work out, we are keeping the option of the approved variance open.



LEGEND

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



SCALE 1" = 20'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David Roeger

OREGON
SEPTEMBER 11, 2018
DAVID ROEGER
86811

EXPIRES DECEMBER 31, 2024

NOTES

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

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