



CITY OF MILWAUKIE

October 11, 2024

Land Use File(s): MLP-2024-002

Permit(s): NA

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Manager on October 11, 2024.

Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email espanol@milwaukieoregon.gov.

Applicant(s):	DBRE Investments (Don Snair)
Location(s):	11004 SE Stanley Ave
Tax ID:	1S2E31AA, tax lot 7800
Application Type(s):	Minor Land Partition
Decision:	Approved with Conditions
Review Criteria:	Milwaukie Municipal Code (MMC): <ul style="list-style-type: none">• MMC Chapter 12.16 Access Management• MMC Title 17 Land Division, including:<ul style="list-style-type: none">○ MMC Chapter 17.12 Application Procedure○ MMC Chapter 17.16 Application Requirements & Procedures○ MMC Chapter 17.18 Approval Criteria○ MMC Chapter 17.20 Preliminary Plat○ MMC Chapter 17.28 Design Standards○ MMC Chapter 17.32 Improvements• MMC Section 19.301 Moderate Density Residential (R-MD)• MMC Subsection 19.504.6 Flag Lot and Back Lot Design & Development Standards• MMC Chapter 19.600 Off-Street Parking and Loading• MMC Chapter 19.700 Public Facility Improvements• MMC Section 19.1005 Type II Review
Neighborhood(s)	Linwood

Appeal period closes: 5:00 p.m., October 28, 2024

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning

Department, City Hall, 10501 SE Main St. Please contact Brett Kelper, Senior Planner, at 503-786-7657 or kelperb@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at www.milwaukieoregon.gov/planning/mlp-2024-002.

This decision may be appealed by 5:00 p.m. on October 28, 2024, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) 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 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.

Expiration

Per MMC Subsections 17.04.050.A and 19.1001.7.E.1.c, all decisions on boundary changes and land divisions expire two years after the date of approval. As per MMC Subsections 17.04.050.B and 19.908.3, an extension may be approved up to two years, with additional extensions available. Per MMC Section 17.04.120, an application for final plat must be submitted to both the City Planning Department and the County Surveyor.

Conditions of Approval

1. As per Finding 9-e, dedicate 5 ft of public right-of-way (ROW) to establish a 27.5-ft half-street ROW along the Stanley Avenue frontage.
2. As per Finding 9-f, establish a 10-ft wide public utility easement (PUE) along the Stanley Avenue frontage, following the ROW dedication noted in Condition 1. Show the required PUE on the final plat to be recorded.
3. Prior to the City's approval of the final plat, the following items must be resolved:
 - a. As per Finding 6-b, modify or remove any portions of the existing primary structure on Parcel 1 (including the rear patio cover) as needed to comply with the rear yard requirement of the underlying zone.
 - b. As per Finding 7-a, the applicant is required to either remove the existing accessory structures from Parcel 2 or establish a deed restriction to ensure that the accessory structures will be removed within 24 months of final plat approval unless one of the following conditions is satisfied:
 - (1) Building permits for a primary dwelling unit(s) to be sited on Parcel 2 are applied for and obtained within the 24-month period, with construction commencing within three months of permit receipt and final inspection for the primary dwelling(s) being concluded within 12 months of permit receipt.

¹ As per MMC Section 19.1010, if the 15th day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

- (2) Parcel 2 is maintained in mutual ownership with an adjacent lot containing a primary structure and will remain in mutual ownership with that adjacent lot unless/until a primary dwelling is constructed per Condition 3-b-(1) above.

In addition, modify or remove those portions of any structures remaining on Parcel 1 that would otherwise encroach onto Parcel 2, ensuring that applicable setback requirements are met.

4. Prior to development on Parcel 2, the following items must be resolved:
 - a. As per Finding 7-b, construct a shared driveway within the proposed 20-ft access easement and confirm that the applicable standards of MMC Subsection 19.504.6.C.3 are met.
 - b. As per Findings 4 and 8-c, ensure that any changes to the existing driveway are consistent with the applicable provisions of MMC Chapter 12.16 and MMC Subsection 19.607.1, respectively.

Other requirements

1. MMC Section 17.04.120 Recording

As per MMC 17.04.120, partitions must be recorded by plat. Prior to the issuance of any development permits on the new or re-configured parcels, the applicant must submit a copy of the recorded partition plat to the City.

2. MMC Subsection 19.504.6.E Landscaping Plan Required (Flag Lots and Back Lots)

As per MMC 19.504.6.E, a landscaping plan must be submitted to the Planning Manager prior to issuance of a building permit for new construction on Parcel 2 as a back lot. The plan must provide the relevant information listed in this subsection, including a list of existing vegetation and natural features, details for protection of existing trees, location and space of existing and proposed plant materials, size and quantity of proposed plant materials, and location of structures on adjoining lots (with location of windows, doors, and outdoor use areas on lots that adjoin the flag lot or back lot driveway). As per Finding 7-b-(2), screening of the shared driveway is required in conjunction with the development of Parcel 2.

3. ROW Encroachment Permit

In conjunction with City approval of the final plat, coordinate with the Engineering Department to obtain a ROW permit that formalizes the location of the existing retaining wall within the public ROW along the Stanley Avenue frontage of Parcel 1.

Findings in Support of Approval


The Findings for this application are included as Exhibit 1.

Manager's Declaration of Impartiality

I certify that neither I nor any member of my immediate family has a material, personal, or financial relationship with the applicant. I further certify that no other relationship, bias, or ethical conflict exists which would have prevented me from evaluating the land use application solely on its merits and in accordance with the Milwaukie Municipal Code.

Decision

- Approved
 Approved with Conditions
 Denied



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in support of approval
2. Preliminary partition plat

cc: Don Snair, owner/applicant (via email)
Planning Commission (via email)
Joseph Briglio, Community Development Director (via email)
Jennifer Garbely, City Engineer (via email)
Engineering Development Review (via email)
Patrick McLeod, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Coordinator (via email)
Emilie Bushlen, Building Permit Technician (via email)
Shawn Olson, Fire Marshal, Clackamas Fire District #1 (via email)
Interested Persons
NDA(s): Linwood (via email)
Land Use File(s): MLP-2024-002
Address File(s): 11004 SE Stanley Ave

EXHIBIT 1
Findings in Support of Approval
File #MLP-2024-002 (11004 SE Stanley Ave)

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, Don Snair for DBRE Investments, has applied for approval to partition the subject property to create two parcels: one new parcel with an existing house and a back-lot parcel to be developed in the future. The subject property is addressed as 11004 SE Stanely Ave and is zoned Moderate Density Residential (R-MD). The land use application file number is MLP-2024-002.
2. The subject property is approximately 0.75 acres (32,612 sq ft) and is developed with a single detached dwelling and several small accessory structures. The property is approximately 110 ft wide and 295 ft deep, with a single frontage on Stanley Avenue to the west. As proposed, Parcel 1 includes the existing house and is approximately 12,600 sq ft in area; Parcel 2 to the east is vacant and developable at approximately 20,010 sq ft.
3. The proposed land division constitutes a partition as per the definitions in Milwaukie Municipal Code (MMC) Chapter 17.08. The proposal is subject to the following provisions of the MMC:
 - MMC Chapter 12.16 Access Management
 - MMC Title 17 Land Division, including:
 - MMC Chapter 17.12 Application Procedure
 - MMC Chapter 17.16 Application Requirements and Procedures
 - MMC Chapter 17.18 Approval Criteria
 - MMC Chapter 17.20 Preliminary Plat
 - MMC Chapter 17.28 Design Standards
 - MMC Chapter 17.32 Improvements
 - MMC Section 19.301 Moderate Density Residential zone (R-MD)
 - MMC Subsection 19.504.6 Flag Lot and Back Lot Design & Development Standards
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.1005 Type II Review

As required by MMC Subsection 19.1002.2.B, a preapplication conference was held on June 20, 2024. The application was submitted on September 17, 2024, and deemed complete on September 19, 2024. The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review as required by law, with a decision by the Planning Manager.

4. MMC Chapter 12.16 Access Management

MMC 12.16 regulates access from private property onto public streets, with specific requirements and standards provided in MMC Section 12.16.040, including for access spacing, location, number, design, and size. For example, MMC Subsection 12.16.040.B.4 requires that the nearest edge of the driveway apron must be at least 5 ft from the side property line in residential districts. MMC Subsection 12.16.040.C requires that accessways onto collector streets be minimized and shared when possible. MMC Subsection 12.16.040.E requires that accessways for single detached residential uses and plex development up to four units on collector streets must have a minimum driveway apron width of 16 ft and a maximum of 20 ft. The width requirements increase for development of five to eight units on collector streets, with a minimum of 16 ft and maximum of 24 ft. The City Engineer has the authority to restrict the location of accessways.

The subject property has frontage on Stanley Avenue (which is designated as a collector street) along its western boundary. The existing accessway for Parcel 1, which is developed with a single-unit dwelling, is approximately 18 ft wide and is located approximately 12 ft from the side property line to the north. As proposed, the driveway will be modified to provide shared access to Parcel 2, which is an undeveloped back lot with no public street frontage. A condition has been established to ensure that any changes to the existing accessway are consistent with the applicable provisions of this chapter.

As conditioned, the Planning Manager finds that the applicable standards of MMC 12.16 are met.

5. MMC Title 17 Land Division

MMC Title 17 establishes the standards and procedures for land division and property boundary changes.

a. MMC Chapter 17.12 Application Procedure

MMC 17.12 establishes the process and procedures for lot consolidation, property line adjustment, partition, subdivision, and replat.

MMC Section 17.12.020 provides that applications for land division and property boundary changes will be processed in accordance with MMC Chapter 19.1000 procedures as indicated in this section. MMC Table 17.12.020 specifies that land divisions resulting in up to three lots are processed as partitions with Type II review.

MMC 17.12.040 provides that all land partition proposals must comply with the state regulations in Oregon Revised Statutes (ORS) Chapter 92 (Subdivisions and Partitions). Partition applications require a two-step process: (1) a preliminary plat that is processed with Type II review (MMC Section 19.1005) and (2) a final plat that satisfies all conditions of approval imposed as part of the preliminary plat approval pursuant to MMC Chapter 17.20. The sale of partitioned lots is prohibited until the final partition plat is recorded.

The subject property is a lot approximately 32,610 sq ft (0.75 acres) in size. The proposed land division will create two new parcels. This action constitutes a partition and is subject to Type

It review as per the guidance of MMC Table 17.12.020. The current application is for preliminary plat approval and will be followed by a final plat review process.

The Planning Manager finds that the application is being processed in accordance with the applicable procedures for a partition.

b. MMC Chapter 17.16 Application Requirements and Procedures

MMC Section 17.16.060 establishes the application requirements for preliminary plat, including completed application forms and checklists, applicable fees, and the information specified in MMC Chapter 17.20 Preliminary Plat.

The applicant's submittal materials include the necessary forms, checklists, and fees, as well as a narrative, existing conditions plan, preliminary plat document, and other information sufficient to demonstrate compliance with the applicable standards and criteria.

As proposed, the Planning Manager finds that the application meets the applicable requirements for preliminary plat submittal.

c. MMC Chapter 17.18 Approval Criteria

MMC 17.18 establishes the approval criteria for land division and property boundary changes. Specifically, MMC Section 17.18.020 establishes the following approval criteria for preliminary plat.

- (1) The proposed preliminary plat complies with Title 19 and other applicable ordinances, regulations, and design standards.

As demonstrated by the applicant's submittal materials and evidenced by these findings, the proposed replat complies with all applicable standards of MMC Titles 17 and 19. As proposed, this criterion is met.

- (2) The proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.

The proposed partition will establish two parcels—one that will accommodate the existing house and another that will be redeveloped in the future. The proposed partition does not create the need for any variances. As proposed, this criterion is met.

- (3) The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of Oregon Revised Statutes (ORS) 92.090(1).

The proposed partition will be assigned a filing number by the Clackamas County Surveyor and does not require a plat name. As required for the final plat submittal, the plat will meet all applicable provisions of the ORS. As proposed, this criterion is met.

- (4) The streets and roads are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street or road pattern.

No new streets or roads are included in the proposed partition. This standard is not applicable.

- (5) A detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.

The applicant's submittal materials include a narrative that addresses all applicable code sections and design standards.

As proposed, the Planning Manager finds that the preliminary plat meets the applicable criteria.

d. MMC Chapter 17.20 Preliminary Plat

MMC 17.20 establishes the information required for a preliminary plat, including general information to be shown on the plat and existing and proposed conditions.

The applicant's preliminary plat submittal is to scale and includes a map of existing conditions, contour lines, utilities, and other general information.

As proposed, the Planning Manager finds that the proposed preliminary plat includes the relevant and necessary information as outlined in MMC 17.20.

e. MMC Chapter 17.28 Design Standards

MMC 17.28, particularly MMC Section 17.28.040, establishes standards for lot design for land divisions and boundary changes. These standards do not apply to units of land that are created for purposes other than land development, including parks and natural areas.

- (1) MMC Subsection 17.28.040.A requires that the lot size, width, shape, and orientation must be appropriate for the location and the type of use contemplated, as well as that minimum lot standards must conform to Title 19.

As discussed in Finding 6, the proposed new parcels both meet the minimum area and dimensional requirements for the underlying R-MD zone. As proposed, this standard is met.

- (2) MMC Subsection 17.28.040.B requires that lot shape must be rectilinear, except where not practicable due to location along a street radius, or existing lot shape.

As proposed, both parcels are rectilinear in shape. As proposed, this standard is met.

- (3) MMC Subsection 17.28.040.C limits compound lot lines for side or rear lot lines. Cumulative lateral changes in direction exceeding 20% of the distance between opposing lot corners along a given lot line may only be permitted through the variance provisions of MMC Subsection 19.911. Changes in direction must be measured from a straight line drawn between opposing lot corners.

The proposed partition does not result in any compound line segments. This standard is met.

- (4) MMC Subsection 17.28.040.D limits double frontage and reversed frontage lots, stating that they should be avoided except in certain situations.

Neither of the proposed parcels is a double frontage or reversed frontage lot. This standard is met.

- (5) MMC Subsection 17.28.040.E requires that, pursuant to the definition and development standards contained in Title 19 for frontage, required frontage will be measured along the street upon which the lot takes access.

The subject property has frontage only on Stanley Avenue. The underlying R-MD zone requires lots over 7,000 sq ft to provide a minimum of 35 ft of street frontage. Parcel 1 presents approximately 110 ft of frontage on Stanley Avenue; Parcel 2 is a back lot, which by definition has no street frontage. This standard is met.

As proposed, the Planning Manager finds that the new parcels presented in the applicant's preliminary plat meet the applicable design standards established in MMC 17.28.

f. MMC Chapter 17.32 Improvements

MMC 17.32 establishes procedures for public improvements, including a requirement that work will not begin until plans have been approved by the City.

As discussed in Finding 9, no frontage improvements are required in conjunction with the proposed partition, only the dedication of public right-of-way and provision of public utility easements. The requirements of physical public facility improvements will be assessed in conjunction with the review of proposed development on Parcel 2 and/or the redevelopment of Parcel 1.

As proposed, the Planning Manager finds that the applicable standards of MMC 17.32 are met.

The Planning Manager finds that the proposed partition meets all applicable standards of MMC Title 17.

6. MMC Section 19.301 Moderate Density Residential Zone (R-MD)

MMC 19.301 establishes standards for the Moderate Density Residential (R-MD) zone. The application meets the applicable standards of this section as described below.

a. MMC Subsection 19.301.2 Allowed Uses

MMC 19.301.2 establishes the uses allowed in the R-MD zone, including single detached dwellings, middle housing types (duplexes, triplexes, quadplexes, townhouses, and cottage clusters), accessory dwelling units (ADUs), and residential homes as outright permitted uses.

The subject property is currently developed with a single detached dwelling that will be retained on Parcel 1. Parcel 2 is vacant and may be developed in the future in compliance with the applicable standards of the R-MD zone.

b. MMC Subsections 19.301.4 and 19.301.5 Development Standards

MMC 19.301.4 and 19.301.5 establish development standards for the R-MD zone. For the two proposed parcels, the applicable standards are addressed and met as described in Table 6-b below; the development standards are not applicable to the proposed natural resources tract.

Table 6-b Applicable Development Standards for the R-MD zone			
Standard	R-MD Requirement	Parcel 1	Parcel 2
Lot Area	7,000 sq ft & up	c. 12,050 sq ft (after required ROW dedication)	c. 20,010 sq ft
Minimum Lot Width	60 ft	110 ft	110 ft
Lot Depth	80 ft	109 ft (after required ROW dedication)	181 ft
Public Street Frontage (for standard lot)	35 ft	110 ft	Not applicable (back lot)
Front Yard	20 ft	39 ft (after required ROW dedication)	To Be Determined at time of development (TBD)
Side Yard (interior)	5 ft & 10 ft	11 ft (north side) 16 ft (south side)	TBD
Rear Yard	20 ft	20 ft (Note: A condition has been established to ensure that portions of the existing house that encroach into the setback will be removed.)	TBD
Side Yard Height Plane	20 ft / 45°	Not applicable (existing single-story house)	TBD
Maximum lot coverage	30%	24%	TBD
Minimum vegetation	30%	48%	TBD
Front Yard Minimum Vegetation	40%	76%	TBD
Density requirements (Note: Maximum density does not apply to middle housing development.)	Min. density = 5.0 units/acre Max. density = 6.2 units/acre	Min. & max. density = 1 unit Site has capacity for adding up to 3 more units as middle housing.	Min. density = 2 units Max. density = 3 units Compliance with density requirements to be assessed with future development.

As reflected in Table 6-b above, the proposed partition meets all applicable development standards of this subsection. A condition has been established to ensure that the necessary modifications are made to the existing house on Parcel 1 so it complies with the rear yard requirement.

As conditioned, the Planning Manager finds that the proposed partition meets all applicable development standards of MMC 19.301.

7. MMC Chapter 19.500 Supplementary Development Regulations

a. MMC Section 19.502 Accessory Structures

MMC 19.502 establishes standards for accessory structures, including setback requirements (based on height and size) and design standards. MMC Subsection 19.502.1.A prohibits accessory structures from encroaching upon or interfering with the use of any adjoining property. MMC Subsection 19.502.2.C allows an uncovered patio or deck not exceeding 18 in above the average grade to be within 3 ft of a side, rear, or front lot line. (Note: MMC Section 19.201 defines “accessory structure” as a structure that is incidental and subordinate to the main use of the property and located on the same lot as the main use—an accessory structure cannot be on a lot that is not developed with a primary use.)

The subject property is developed with a single-unit house and three accessory structures. As proposed, two of the accessory structures that would be on Parcel 2 will be removed; the third structure, a gazebo on the proposed new boundary between the two parcels, will be modified to remove the encroachment onto Parcel 2, as will the existing rear deck. A condition has been established to ensure that no accessory structures remain on Parcel 2 unless that parcel is developed with a primary use or maintained in ownership with an adjacent lot developed with a primary use. Another condition has been established to ensure that the deck and any portion of the gazebo that remains on Parcel 1 are modified to eliminate any encroachment onto Parcel 2 and provide the minimum applicable setback from the new rear lot line.

The Planning Manager finds that, as conditioned, the proposed partition meets the applicable requirements of this section.

b. MMC Subsection 19.504.6 Flag Lot and Back Lot Design and Development Standards

MMC 19.504.6 establishes standards for flag lots and back lots in all zones.

(1) MMC Subsection 19.504.6.C Development Standards—Back Lots

MMC 19.504.6.C establishes development standards for back lots, including setbacks and driveway design.

The front and rear yard requirement for a single detached dwelling is 30 ft; for middle housing it is reduced to 20 ft. The minimum side yard requirement for primary and accessory structures is 10 ft.

The driveway serving a back lot must have a minimum paved width of 14 ft and maximum paved width of 20 ft. The easement for access to a back lot must be a

minimum of 6 ft wider than the driveway throughout its entire length. The back lot driveway must be consolidated with the driveway on the parent lot to the greatest extent practicable.

Parcel 2 is proposed as a back lot. Yard requirements will be assessed in conjunction with proposed development on Parcel 2.

As proposed, the existing driveway for Parcel 1 will be shared with Parcel 2 within a 20-ft-wide easement. A condition has been established to ensure that a driveway is constructed in accordance with the applicable requirements of this subsection prior to development on Parcel 2.

As conditioned, the applicable standards of this subsection are met.

(2) MMC Subsection 19.504.6.D Screening of Adjoining Properties

MMC 19.504.6.D establishes requirements for screening flag lots and back lots from adjoining properties, which must be provided at the time of development. Driveways must be screened to the greatest extent practicable, and continuous screening must be provided along the lot lines of the flag lot or back lot abutting any neighboring lot that is not part of the parent lot. The screening may be a combination of fencing and dense plantings of trees and shrubs that will provide continuous sight obstruction for the benefit of adjoining properties within three years of planting.

An existing mature hedge provides screening adjacent to the shared driveway, and most of the perimeter of the proposed back lot (Parcel 2) is also screened from adjoining properties by existing mature hedges. The requirement for screening is applicable at the time of development of Parcel 2 and will be confirmed at that time.

As proposed, the applicable standards of this subsection will be met at the time of development of Parcel 2.

The Planning Manager finds that, as conditioned, the applicable standards of MMC 19.504.6 are met.

As conditioned, the Planning Manager finds that the proposed partition meets the applicable supplementary development regulations of MMC 19.500.

8. MMC Chapter 19.600 Off Street Parking & Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600. Per Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440, which relate to Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is

prohibited from mandating minimum off-street vehicular parking quantity requirements on sites within a half mile of a frequent transit corridor or within three quarters of a mile of a rail transit stop. However, all other provisions of MMC 19.600 may still apply.

As per MMC Subsection 19.602.3.B, existing off-street parking areas must be brought closer to conformance when new development or changes of use occur; conversely, new development cannot cause existing parking areas to fall out of compliance (or farther out of conformance).

The subject property is near two TriMet frequent transit corridors—it is within approximately a quarter mile of one corridor on Linwood Avenue and just under a half mile of a corridor on King Road.

The Planning Manager finds that minimum off-street parking is not required but that other provisions of MMC 19.600 may still apply.

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand. As per the CFEC-related limitations noted above, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to frequent transit provided by TriMet. Maximum off-street vehicular parking limitations still apply, although there is no maximum parking quantity restriction for single detached dwellings (as per MMC Table 19.605.1).

The subject property is developed with an existing house, with a driveway that provides several off-street parking spaces. The proposal to establish Parcel 1 with the existing house and driveway does not change the situation with respect to maximum parking. Parking quantity limitations for Parcel 2 will be evaluated at the time of future development on that parcel.

The Planning Manager finds that the proposed partition is compliant with the applicable standards of MMC 19.605.

c. MMC Section 19.607 Off-Street Parking Standards for Residential Areas

MMC Subsection 19.607.1 establishes standards for residential driveways and vehicle parking areas, including a requirement that off-street parking spaces be a durable, dust-free surface and at least 9 ft wide by 18 ft deep. No more than 50% of the front yard area can be used for parking, with no more than three parking spaces allowed in the required front yard.

The proposed partition will establish two developable lots where there is currently only one, retaining the existing house on Parcel 1 and establishing Parcel 2 for future development. Only approximately 20% of the front yard for Parcel 1 is developed as parking or maneuvering area with room for four parking spaces. The need to establish a shared driveway for access to Parcel 2 will change the parking/maneuvering arrangement in the front yard of

Parcel 1. A condition has been established to ensure that any changes are consistent with the applicable standards of MMC 19.607.1.

The Planning Manager finds that, as conditioned, the proposed partition is consistent with the applicable residential parking standards of MMC 19.607.

As conditioned, the Planning Manager finds that the proposed partition meets the applicable off-street parking standards of MMC 19.600.

9. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 establishes provisions to ensure that development provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC Section 19.702 establishes the applicability of MMC 19.700, including for land divisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that results in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to partition the subject property to create two developable parcels. The proposed partition is subject to the requirements of MMC 19.700.

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700, including requiring a preapplication conference, establishing the type of application required, and establishing approval criteria.

A preapplication conference for this proposal was held with City staff on June 20, 2024. As noted in Finding 9-c, a transportation impact study (TIS) is not required; therefore, an application for transportation facilities review is not necessary.

This standard is met.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes that the City Engineer will determine whether a proposed development has impacts on the transportation system by using existing transportation data. If the City Engineer cannot properly evaluate a proposed development's impacts without a more detailed study, a TIS will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts.

The City Engineer has determined that a TIS is not required, as the partition will establish two parcels on a collector street that are developable in accordance with the applicable standards of the underlying R-MD zone.

This standard is met.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts.

As discussed in Finding 9-e, the required transportation facility improvements for the proposed partition are limited to the dedication of public right-of-way (ROW) along the Stanley Avenue frontage. Parcel 1 is already developed with a single detached dwelling, and Parcel 2 has a broad potential for development in the future. The impacts of the proposed partition are minimal, and the impacts of future development will be assessed when development is proposed. The required ROW dedication is roughly proportional to the general impacts to the street of creating a new developable lot.

This standard is met.

e. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. MMC Subsection 19.708.1 requires compliance with MMC Chapter 12.16 and establishes general requirements and standards for streets, including access management, clear vision, street design, connectivity, and intersection design and spacing standards. MMC Table 19.708.2 provides more specific street design standards for various street classifications, including for collector routes. All streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public ROW and abutting the development site must be adequate at the time of development or must be made adequate in a timely manner. The City's street design standards are based on the street classification system described in the City's Transportation System Plan (TSP).

The subject property is a deep lot with frontage on Stanley Avenue, a collector street. Access from Stanley Avenue is provided through an existing driveway near the northern boundary. The current width of the Stanley Avenue ROW is 45 ft. A 5-ft ROW dedication is necessary to establish a 27.5-ft half-street ROW along the subject property frontage, to match the 55-ft ROW width of Stanley Avenue further south. A condition has been established accordingly.

The Stanley Avenue frontage of the subject property is not fully improved to the standards for a collector street as established in MMC Table 19.708.2—there is an asphalt travel lane and on-street parking, but no curb/gutter, sidewalk, or landscape strip. (There is also no bike lane, but Stanley Avenue is designated as a neighborhood greenway in the TSP and a specific greenway design has not yet been identified.) Parcel 1 is already developed with a single detached dwelling, and Parcel 2 has a broad potential for development in the future. As noted in Finding 9-d, the impacts of the proposed partition are minimal. Frontage improvements are not warranted for the proposed partition and will be assessed at such time as future development is proposed for either parcel.

As conditioned, this standard is met.

f. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes the City's requirements and standards to ensure the adequacy of public utilities to serve development.

The proposed development does not present significant new impacts to existing public utilities, which are adequate to serve the proposed use. To ensure there is sufficient room to accommodate future utility needs, a condition has been established to require a 10-ft public utility easement (PUE) along the subject property's frontage on Stanley Avenue (following the required ROW dedication noted in Finding 9-e).

As conditioned, this standard is met.

As conditioned, the Planning Manager finds that the applicable standards of MMC 19.700 are met.

10. The application was referred to the following departments and agencies on September 19, 2024:

- Milwaukie Community Development Department
- Milwaukie Building Department
- Milwaukie Engineering Department
- Milwaukie Public Works Department
- Milwaukie Police Department
- Milwaukie City Attorney
- Clackamas Fire District #1 (CFD#1)
- Clackamas County Department of Transportation and Development
- Metro
- Linwood Neighborhood District Association (NDA) and Land Use Committee (LUC)
- North Clackamas School District
- NW Natural

In addition, notice of the public hearing was mailed to owners and residents of properties within 300 ft of the subject property on September 19, 2024.

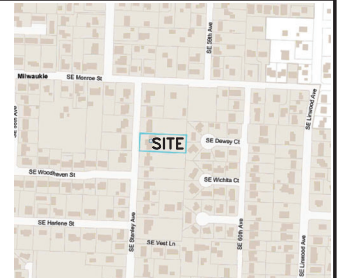
No comments have been received for this application.

Exhibit 2

PRELIMINARY PLAT PLAN

11004 S.E. STANLEY AVENUE
 IN THE N.E. 1/4 OF SECTION 31
 T. 1 S., R. 2 E., W.M.
 CITY OF MILWAUKIE
 CLACKAMAS COUNTY
 OREGON

OWNER:
 DBRE INVESTMENTS INC.
REQUESTED BY:
 DON SNAIR
SITE ADDRESS:
 11004 S.E. STANLEY AVENUE



AREA SUMMARY

ORIGINAL TRACT: 32,611 SQ. FT., 0.75 ACRES
 PROPOSED PARCEL 1: 12,601 SQ. FT., 0.29 ACRES
 PROPOSED PARCEL 2: 20,011 SQ. FT., 0.46 ACRES

LEGAL DESCRIPTION (PER DEED)

A TRACT OF LAND IN THE JOHN GARRETT DONATION LAND CLAIM IN SECTION 31, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, AS DESCRIBED AS:

BEGINNING AT AN IRON PIPE ON THE EAST LINE OF A TRACT CONVEYED TO GEORGE HARTUNG BY DEED RECORDED IN BOOK 160, PAGE 537, DEED RECORDS, SAID PIPE BEING 744.26 FEET WEST AND 325.0 FEET SOUTH OF THE NORTHEAST CORNER OF SAID DONATION LAND CLAIM; THENCE SOUTH ALONG THE EAST LINE 110.6 FEET TO AN IRON PIPE; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID DONATION LAND CLAIM, 300.0 FEET TO AN IRON PIPE ON THE EAST LINE OF STANLEY AVENUE; THENCE NORTH ALONG SAID EAST LINE 110.6 FEET TO AN IRON PIPE; THENCE EAST 300.0 FEET TO THE PLACE OF BEGINNING.

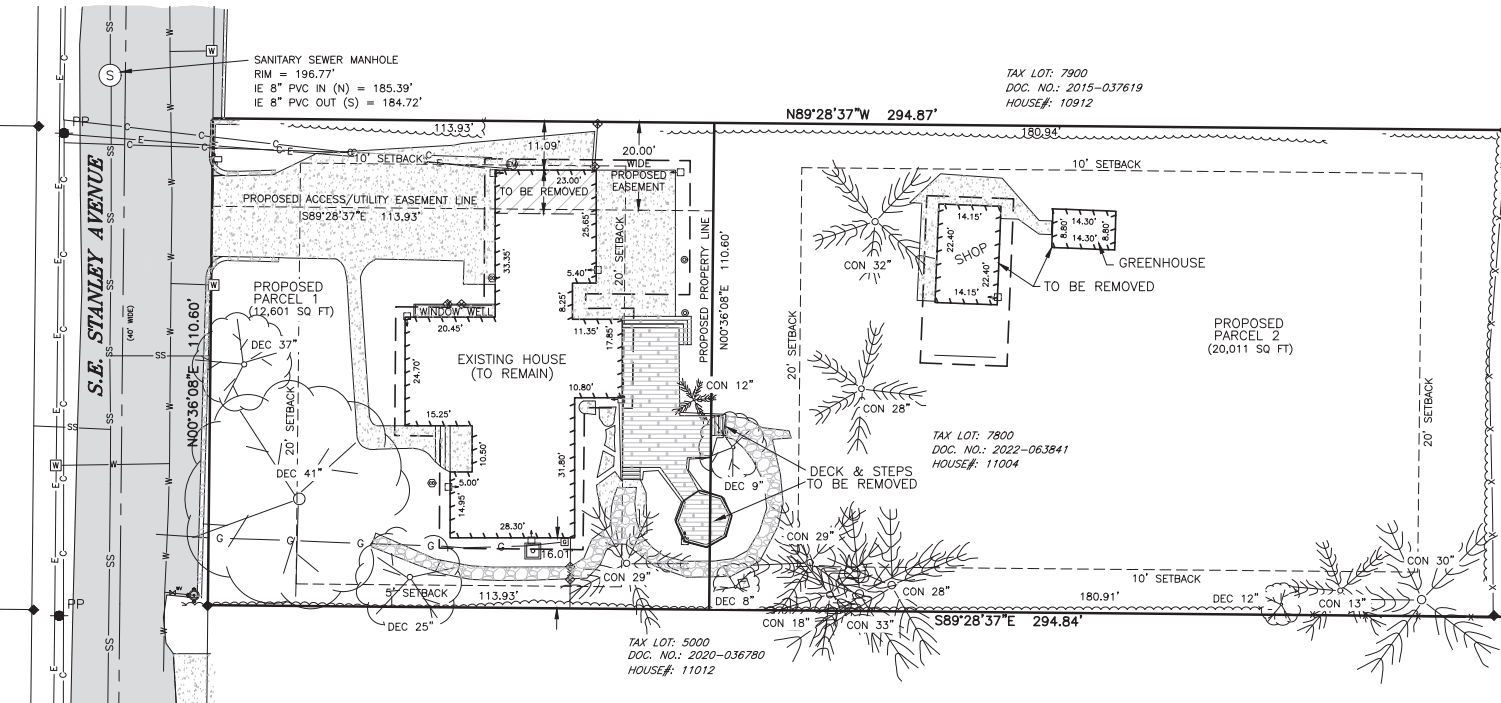
EXCEPTING THEREFROM THAT PORTION LYING WITHIN ROADS.

SURVEYOR'S NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS PER SURVEY NO. 2022-055, CLACKAMAS COUNTY SURVEY RECORDS. THIS IS NOT A RECORDABLE BOUNDARY SURVEY.
2. UNDERGROUND UTILITIES ARE SHOWN PER SURFACE MARKINGS AND AS-BUILT INFORMATION PROVIDED BY THE CONTROLLING JURISDICTIONS. THE SURVEYOR MAKES NO GUARANTEE AS TO THE EXACT LOCATION, EXISTENCE, NON-EXISTENCE OR COMPLETENESS OF ANY SUBSURFACE UTILITIES SHOWN, OR NOT SHOWN ON THE MAP. CALL 811 BEFORE DIGGING.
3. PROPERTY IS LOCATED IN RESIDENTIAL ZONE R-MD (MODERATE DENSITY RESIDENTIAL ZONE). THIS ZONE IMPLEMENTS THE MODERATE DENSITY RESIDENTIAL LAND USE DESIGNATION IN THE MILWAUKIE COMPREHENSIVE PLAN. DEVELOPMENT STANDARDS: MINIMUM LOT WIDTH 60 FT
 MINIMUM LOT DEPTH 80 FT
 MINIMUM STREET FRONTAGE 35 FT (STANDARD LOT)
 FRONT YARD 20 FT
 SIDE YARD 5/10 FT
 STREET SIDE YARD 20 FT
 REAR YARD 20 FT



SCALE: 1" = 20'
 AUGUST 23, 2024



TAX LOT: 7900
 DOC. NO.: 2015-037619
 HOUSE#: 10912

TAX LOT: 7800
 DOC. NO.: 2022-063841
 HOUSE#: 11004

TAX LOT: 5000
 DOC. NO.: 2020-036780
 HOUSE#: 11012

TAX LOT: 8705
 DOC. NO.: 99-019404
 HOUSE#: 5923

TAX LOT: 8706
 DOC. NO.: 2023-008399
 HOUSE#: 5924

LEGEND

	AC UNIT		SPOT ELEVATION		CONCRETE
	AREA DRAIN		BW = BOTTOM OF WALL		PAVEMENT
	BUSH		EA = EDGE OF ASPHALT		STONE (WALK/WALL)
	CLEAN OUT		EC = EDGE OF CONCRETE		WOOD DECK
	DOWNSPOUT		ED = EDGE OF DECK		DEC = DECIDUOUS
	ELECTRIC METER		EW = EDGE OF WALK		
	FIRE HYDRANT		G = GUTTER LINE		
	GAS METER		T = TOP OF CURB		
	GATE POST		TC = TOP OF CONCRETE		
	MAILBOX		TP = TOP OF PAVEMENT		
	NATURAL GROUND		TW = TOP OF WALL		
	POWER POLE		SURVEY MONUMENT		CON = CONIFEROUS
	SANITARY SEWER MANHOLE		WATER METER		WATER
			WATER VALVE		

REGISTERED PROFESSIONAL LAND SURVEYOR

ANTHONY B. RYAN
 58833
 EXPIRES: DECEMBER 31, 2024

WEDDLE SURVEYING INC.
 Excellence is our benchmark.

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 PH: (503) 941-9585 FAX: (503) 941-9640
 www.weddlesurveying.com