



# CITY OF MILWAUKIE

## NOTICE OF TYPE II LAND USE PROPOSAL

Date mailed: September 19, 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](mailto:espanol@milwaukieoregon.gov).*

You are receiving this notice because development has been proposed in your neighborhood. The proposed development requires notice to the property owner; applicant; and all property owners, residents, and neighborhood district association(s) within 300 feet of the subject property. A summary of the proposal and information on how to respond to this notice are described below.

**The City will consider written comments on the proposal prior to issuing a decision.**

**To ensure that your comments are considered in the decision, please submit written comments to the staff contact listed below before 5:00 p.m. on Thursday, October 3, 2024. After that date, there is no guarantee that comments will be incorporated into the decision.**

**The decision may be issued as early as 15 days from the date of this public notice.**

**Please include the land use file number for reference.**

<b>File Number(s):</b>	MLP-2024-002
<b>Location:</b>	11004 SE Stanley Ave Tax Lot ID 1S2E31AA, lot 7800 <i>A map of the site is located on the last page of this notice.</i>
<b>Proposal:</b>	Partition the property to create one parcel with the existing house and a second, developable back-lot parcel behind the existing house.
<b>Primary Contact Person:</b>	Don Snair (applicant) Tel. 503-560-4206; Email <a href="mailto:don@db-workspace.com">don@db-workspace.com</a>
<b>Applicant/Owner:</b>	DBRE Investments (Don Snair) 1300 SW 5 <sup>th</sup> Ave, Portland, OR 97201
<b>Staff contact:</b>	Brett Kelter, AICP, Senior Planner City of Milwaukie Planning Department 10501 SE Main St, Milwaukie, OR 97222 503-786-7657, <a href="mailto:kelterb@milwaukieoregon.gov">kelterb@milwaukieoregon.gov</a>
<b>Neighborhood District Association(s):</b>	Linwood NDA, contact Laura Kirk (Chair) at 503-421-5705 or <a href="mailto:linwoodnda@gmail.com">linwoodnda@gmail.com</a>

<b>Applicable Criteria:</b>	<ul style="list-style-type: none"><li>• Milwaukie Municipal Code (MMC) Chapter 12.16 Access Management</li><li>• MMC Title 17 Land Division, including:<ul style="list-style-type: none"><li>○ MMC Chapter 17.12 Application Procedure</li><li>○ MMC Chapter 17.16 Application Requirements &amp; Procedures</li><li>○ MMC Chapter 17.18 Approval Criteria</li><li>○ MMC Chapter 17.20 Preliminary Plat</li><li>○ MMC Chapter 17.28 Design Standards</li><li>○ MMC Chapter 17.32 Improvements</li></ul></li><li>• MMC Section 19.301 Moderate Density Residential zone (R-MD)</li><li>• MMC Chapter 19.600 Off-Street Parking &amp; Loading</li><li>• MMC Chapter 19.700 Public Facility Improvements</li><li>• MMC Section 19.1005 Type II Review</li></ul> <p>Copies of these criteria are available upon request and can also be found at <a href="http://www.qcode.us/codes/milwaukie/">www.qcode.us/codes/milwaukie/</a>.</p>
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**To learn more about a proposal:** Contact the staff contact assigned to the proposal or visit the project webpage at [www.milwaukieoregon.gov/planning/mlp-2024-002](http://www.milwaukieoregon.gov/planning/mlp-2024-002). The application materials and the applicable approval criteria and development standards are available for review online—please call or email the staff contact for more information.

**To comment on a proposal:** You are invited to submit comments in writing before the City issues a decision. Comments should be addressed to the staff contact listed above and be directed toward the applicable criteria. If you submit a written comment, you will be sent a copy of the decision. All written comments become part of the permanent record. City staff can discuss this proposal in person or via telephone. However, the City will consider only written comments when issuing the decision on this proposal.

**Neighborhood District Association:** The Neighborhood District Association (NDA), listed on the first page of this notice, may take a position on this proposal. The application materials have been referred to the NDA Chairperson and Land Use Committee members. The proposal may be discussed at an open meeting of the NDA. Please contact the person listed as the neighborhood contact to determine the status of the NDA’s review and position on this proposal.

**Decision:** The Planning Manager will consider any comments received and issue a decision to approve the proposal, approve the proposal with conditions, or deny the proposal. The earliest the decision would be issued is 15 days from the date of this public notice. The decision may be issued after that date depending upon the amount of comments received and complexity of the proposal.

*A copy of the decision will be mailed only to persons that submit written comments prior to the issuance of a decision.*

**To appeal the decision:** The Planning Manager’s decision may be appealed by any party that is aggrieved or adversely impacted by the decision, or that believes an error was made regarding the evaluation of the approval standards and criteria for the proposal. Appeals are heard by the Planning Commission and must be filed within 15 days of the issuance of a decision. Notice of an appeal hearing will be sent to all parties that received this notice.

Appeals must be made in writing, use forms provided by the City, and include the fee for an appeal. The appeal process and requirements are explained in Milwaukie Municipal Code Section 19.1010 Appeals. Contact staff at 503-786-7630 for information about the appeal process.

After an appeal hearing, the Planning Commission’s decision may be appealed to the Oregon Land Use Board of Appeals (LUBA), 550 Capitol St SE, Suite 235, Salem, OR 97301 (503-373-1265). Any issue that is intended to provide a basis for appeal to LUBA must be raised prior to the issuance of the Planning Manager’s decision or prior to the conclusion of the Planning Commission’s appeal hearing. Failure to raise an issue with sufficient specificity and accompanied by statements or evidence sufficient to afford the responsible parties an opportunity to respond to the issue will preclude any appeal on that issue to LUBA.

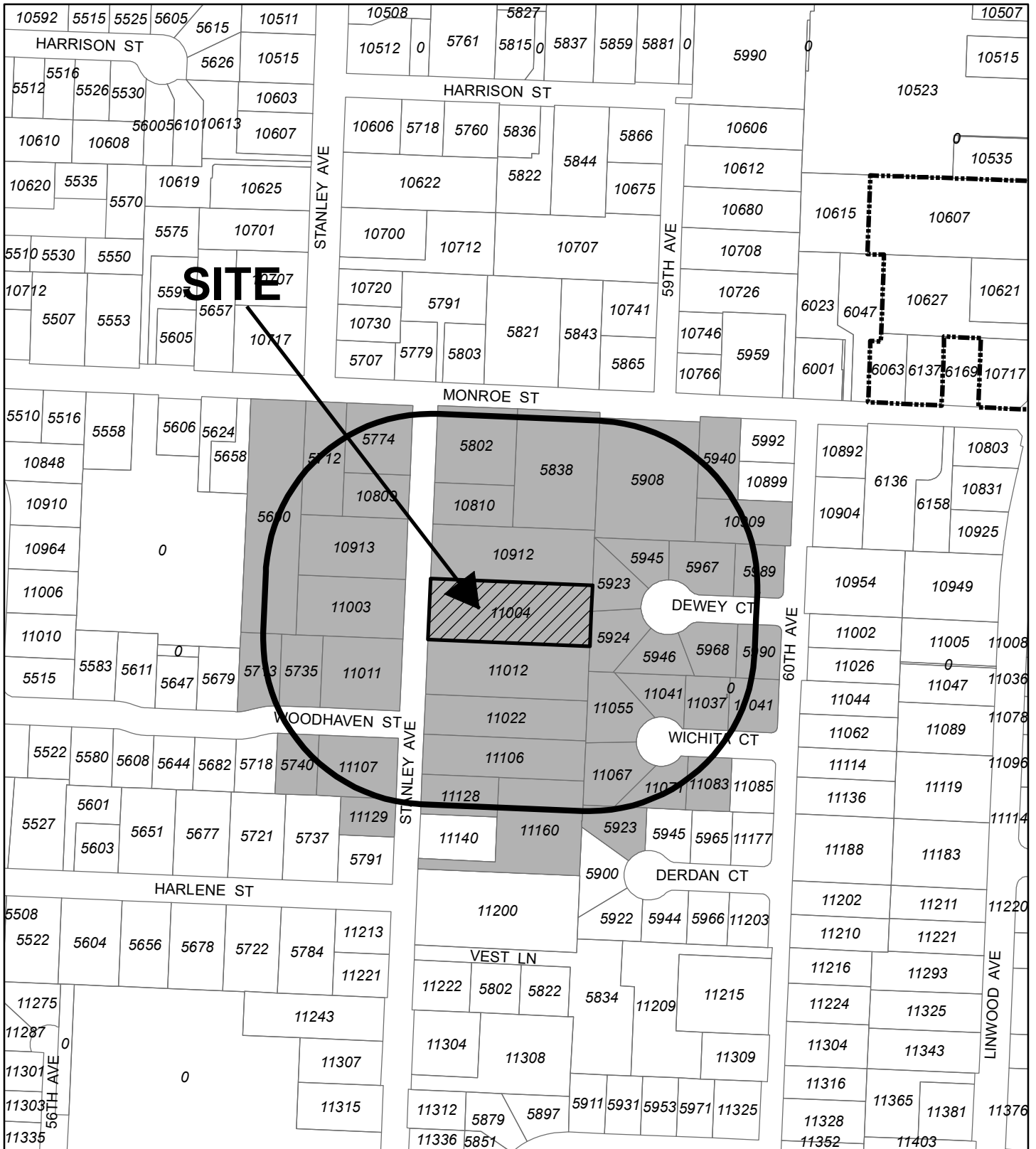
**Enclosures:**

- Location map
- Existing conditions map and preliminary plat

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER:**





THE MILWAUKIE MUNICIPAL CODE REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT SHALL BE PROMPTLY FORWARDED TO THE PURCHASER.

# Enclosure 1



**Site Map**  
**11004 SE Stanley Ave**  
**(Tax ID = 1S2E31AA, lot 7800)**  
**File #MLP-2024-002**

## Legend

-  MLP-2024-002 site
-  300-ft public notice boundary
-  Properties receiving notice
-  City Limit

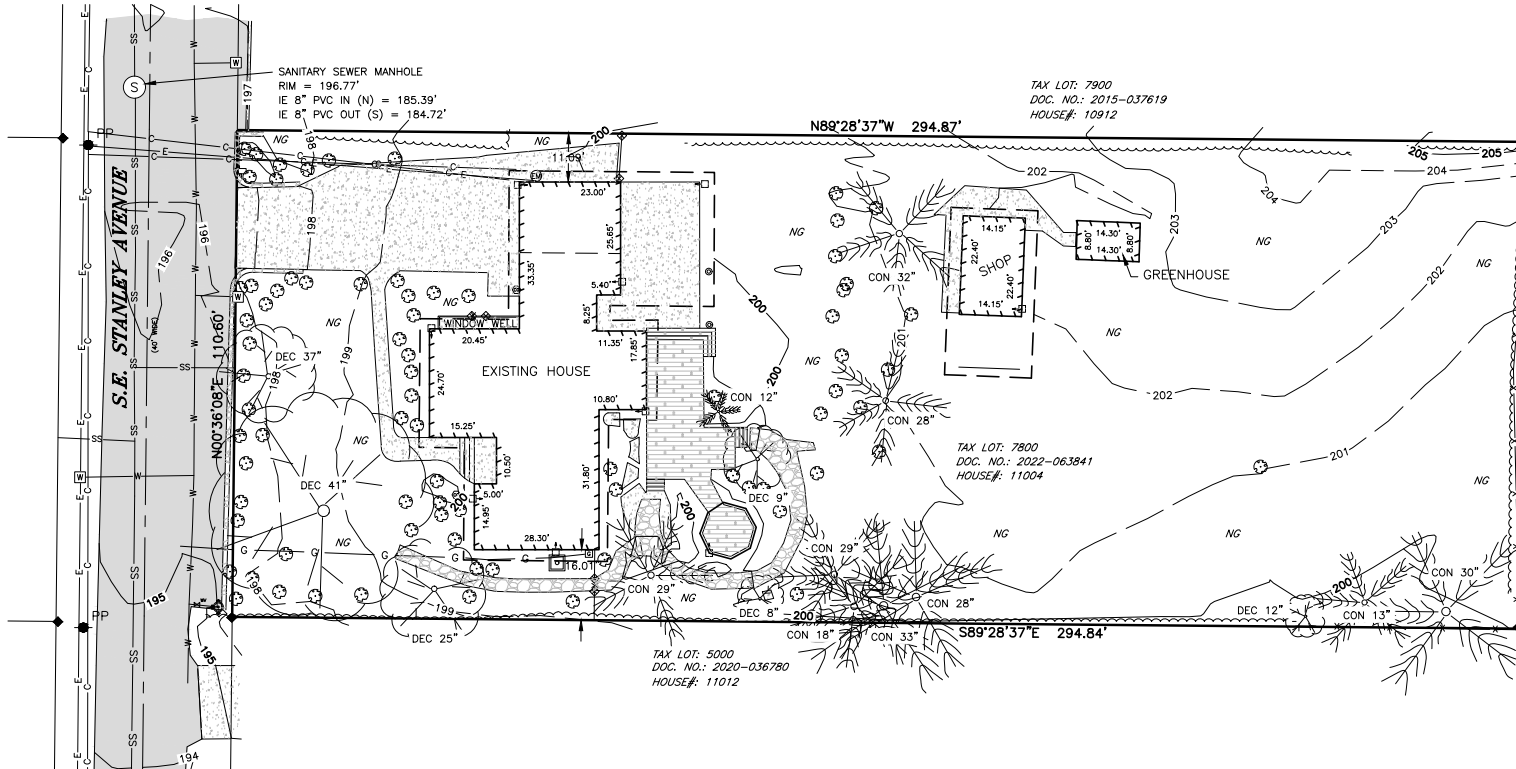


# Enclosure 2

## EXISTING CONDITIONS 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



**WEDDLE SURVEYING**

SCALE: 1" = 20'  
 1-FT CONTOUR INTERVAL  
 AUGUST 23, 2024

- 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 NOT IN A FLOODWAY OR FLOODPLAIN, PER FEMA MAP NUMBER 41005000280, WITH AN EFFECTIVE DATE OF JUNE 17, 2008.

**BENCHMARK**  
 THE BENCHMARK USED FOR THIS PROJECT IS AN OPUS DERIVED ELEVATION, ON A NAIL IN THE BACK YARD, NEAR THE EAST END OF THE PROPERTY.  
 ELEVATION: 203.57' NAV88 DATUM (GEOID18)

- AC UNIT
- AREA DRAIN
- BUSH
- CLEAN OUT
- DOWNSPOUT
- ELECTRIC METER
- FIRE HYDRANT
- GAS METER
- GATE POST
- MAILBOX
- NATURAL GROUND
- POWER POLE
- SANITARY SEWER MANHOLE

- SPOT ELEVATION
- BW = BOTTOM OF WALL
- EA = EDGE OF ASPHALT
- EC = EDGE OF CONCRETE
- ED = EDGE OF DECK
- EG = EDGE OF GRAVEL
- EW = EDGE OF WALK
- G = GUTTER LINE
- T = TOP OF CURB
- TC = TOP OF CONCRETE
- TG = TOP OF GRAVEL
- TP = TOP OF PAVEMENT
- TW = TOP OF WALL
- ◆ SURVEY MONUMENT
- WATER METER
- WATER VALVE

**LEGEND**

- BUILDING
- BUILDING OVERHANG
- FENCE
- GAS
- OVERHEAD COMMUNICATION
- OVERHEAD ELECTRIC
- SANITARY SEWER
- VEGETATION
- WATER
- CONCRETE
- PAVEMENT
- STONE (WALK/WALL)
- WOOD DECK
- CON = CONIFEROUS
- DEC = DECIDUOUS

**REGISTERED PROFESSIONAL LAND SURVEYOR**  
  
**OREGON**  
 JULY 15, 2004  
**ANTHONY B. RYAN**  
 58833  
 EXPIRES: DECEMBER 31, 2024

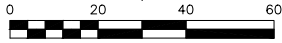
**WEDDLE SURVEYING**  
 Excellence is our benchmark. INC.  
 6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223  
 PH: (503) 941-9585 FAX: (503) 941-9640  
 www.weddlesurveying.com



# 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



SCALE: 1" = 20'  
 AUGUST 23, 2024

**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)**

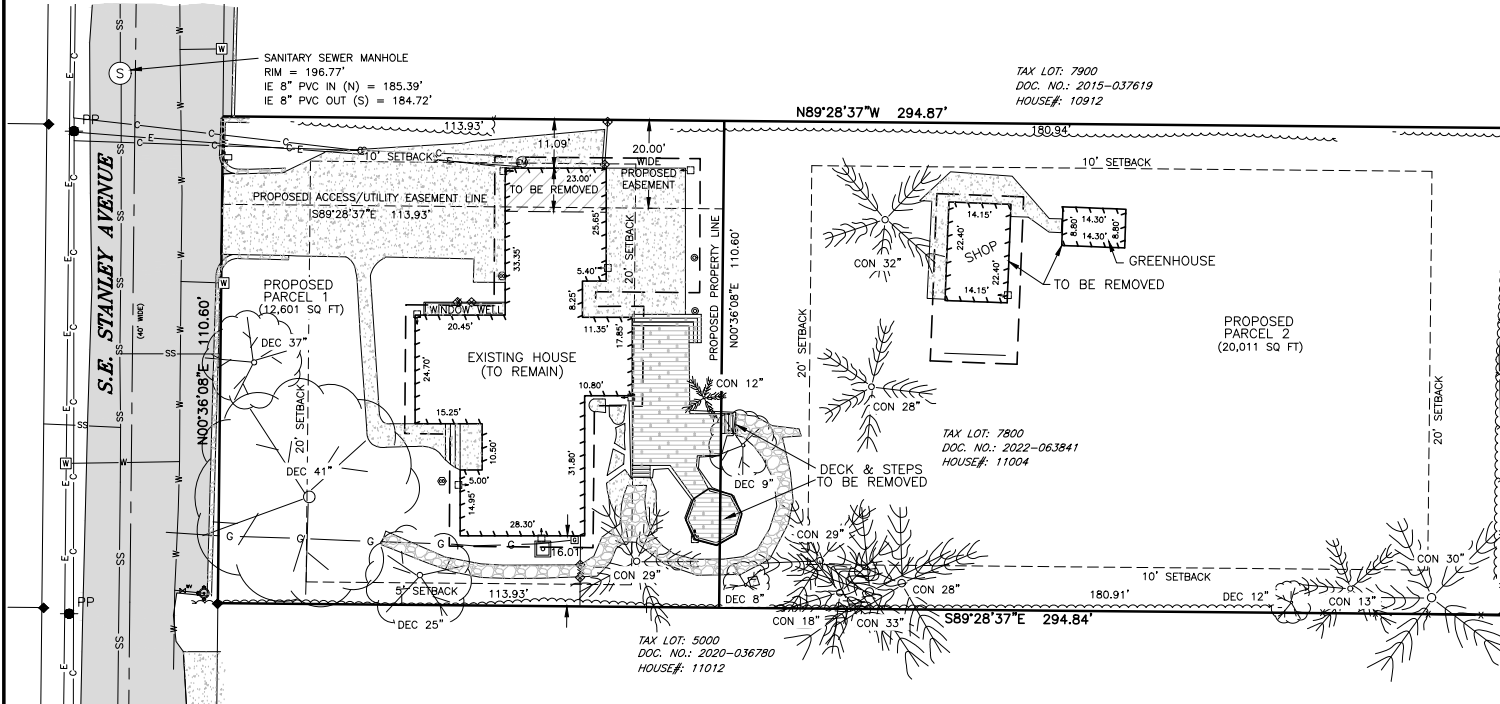
A TRACT OF LAND IN THE JOHN GARRETT DONATION LAND CLAIM IN SECTION 31, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, AS DESCRIBED AS:

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**

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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



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ANTHONY B. RYAN  
 JULY 13, 2004  
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EXPIRES: DECEMBER 31, 2024



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JOB NO. 6677