



CITY OF MILWAUKIE

February 6, 2025

Land Use File(s): PLA-2024-003, VR-2024-008

Permit(s): TBD

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Manager on February 6, 2025.

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):	Vera Budnik
Location(s):	4404 SE Monroe St
Tax Lot(s):	1S2E31BB, lot 9300
Application Type(s):	Property Line Adjustment with Type II Variance Request
Decision:	Approved with Conditions
Review Criteria:	<ul style="list-style-type: none">• Milwaukie Municipal Code (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 and Procedure○ 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 Section 19.502 Accessory Structures• MMC Chapter 19.600 Off-street Parking & Loading• MMC Chapter 19.700 Public Facility Improvements• MMC Section 19.911 Variances
Neighborhood(s):	Hector Campbell

Appeal period closes: 5:00 p.m., February 21, 2025

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 Adam Heroux, Associate Planner, at 503-786-7658 or heroux@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at <http://www.milwaukieoregon.gov/planning/PLA-2024-003>.

This decision may be appealed by 5:00 p.m. on February 21, 2025, 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

As per MMC Subsection 17.040.050.A, all decisions on boundary changes and land divisions expire one year after the date of approval. Reactivation of expired decisions may only be made by submission of a new application and related fees. As per MMC Subsection 17.04.050.B, approvals may be extended up to six months upon submission of formal request to the original decision-making authority. One extension of the approval period not to exceed six months will be granted if the criteria in MMC 17.04.050.B are satisfied.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

1. As per Finding 9-a, establish a 10-ft wide public utility easement (PUE) along the Monroe Street frontage. Show the required PUE on the final plat to be recorded.

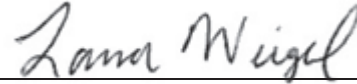
Manager's Declaration of Impartiality

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.

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.

Decision

- Approved
 Approved with Conditions
 Denied



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in Support of Approval
2. Proposed plat

cc: Vera Budnik, applicant (via email)
Paul Roeger, CMT Surveying & Consulting, applicant's representative (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)
Shawn Olson, Fire Marshal, CFD#1 (via email)
NDA(s): Hector Campbell (via email)
Land Use File(s): PLA-2024-003
Address File(s): 4404 SE Monroe St

EXHIBIT 1
Findings in Support of Approval
Primary File #PLA-2024-003 (4404 SE Monroe St)

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, Vera Budnik, has applied for approval to adjust the common boundary between the two underlying lots that comprise the property addressed as 4404 SE Monroe St. The application includes a request to vary the lot width standard for one of the parcels. The site is zoned Moderate Density Residential (R-MD). The proposed boundary adjustment is being processed as a property line adjustment, primary land use application file number PLA-2024-003 (with VR-2024-008).
2. The subject property is comprised of two underlying lots (Lots 23 and 24 in Block 67) from the Minthorn Addition subdivision, which was platted in 1890. In addition, the subject property includes the eastern half of the adjacent right-of-way (ROW) from 44th Avenue to the west, which was vacated by the City in 2013 (Resolution No. 81-2013). The two underlying subdivision lots are each approximately 25 ft wide by 115 ft deep, and the subject property's portion of the vacated ROW is 30 ft wide by 115 ft deep. The overall subject property is approximately 9,190 sq ft in area (0.21 acres).

The subject property is developed with a detached single-unit house and accessory structure on the east side of the lot. The proposed boundary adjustment would retain the existing house on Parcel 1 (approximately 5,625 sq ft). The western part of the property would become Parcel 2 (approximately 3,660 sq ft) and could be developed with a plex development as per the allowances of the underlying R-MD zone. The common boundary between the two parcels would be compound, jogging 5.23 ft to the west at a point approximately 96 ft from the front lot line. The applicant has proposed the compound line so Parcel 2 can meet the 30-ft lot width requirement for smaller lots while retaining an existing accessory structure on the south side of Parcel 1. A Type II variance is requested to allow Parcel 1 to be only 47.1 ft wide instead of the minimum required lot width of 50 ft.

3. The proposed boundary adjustment involves the reconfiguration of lots from a recorded subdivision plat without the creation of a new unit of land. Therefore, the proposed adjustment constitutes a property line adjustment 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 & Approval Criteria
 - 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 Zone (R-MD)
- MMC Section 19.502 Accessory Structures
- MMC Chapter 19.600 Off Street Parking & Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.911 Variances
- MMC Section 19.1005 Type II Review

The application was submitted on December 11, 2024, and deemed complete on December 18, 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

- a. 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.3 prohibits individual accessways to single detached residential lots from arterial and collector streets. The City Engineer has the authority to adjust or modify the restrictions on accessway location.

The subject property abuts Monroe Street to the north. Parcel 1 will retain an existing accessway onto Monroe Street that conforms to accessway size and setback requirements; Parcel 2 does not currently have an accessway. No changes to accessways are proposed in conjunction with the proposed property line adjustment.

Monroe Street is a collector street. The accessway serving the existing single-unit dwelling on Parcel 1 constitutes an existing nonconforming situation. As per MMC Section 12.16.030, future development on Parcel 2 may require permitting for a new accessway and/or utilization of a shared accessway with Parcel 1.

The Planning Manager finds that the applicable standards of MMC 12.16 are met.

5. MMC Chapter 17.12 Application Procedure

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

- a. MMC Section 17.12.020 Application Procedure

MMC Table 17.12.020 outlines the applicable review procedures for various types of land divisions and property boundary changes, including replat.

As noted in Finding 3, the proposed boundary adjustment involves the reconfiguration of lots from a recorded subdivision plat and so is being processed as a property line adjustment. The subject property is comprised of Lots 23 and 24 from Block 67 of the Minthorn Addition

subdivision (platted in 1890) as well as the eastern half of the 60-ft public ROW of 44th Avenue that was vacated in 2013. The vacated ROW was technically absorbed into Lot 24 upon vacation. The proposed adjustment would shift the common boundary between the two underlying lots to the west.

As per MMC Table 17.12.020, a boundary adjustment that is consistent with state law and MMC Title 17 and does not result in a change in the number of lots will be processed as a property line adjustment. As discussed in these findings, the proposed property line adjustment is consistent with all applicable standards and criteria. The subject property is comprised of two underlying lots and a width of vacated ROW that was absorbed into one of the lots, and the proposed adjustment will not change the number of existing lots.

The Planning Manager finds that Type I review is required for the proposed boundary adjustment.

b. MMC Section 17.12.030 Lot Consolidation, Property Line Adjustment

MMC 17.12.030 establishes the process and procedures for lot consolidation and property line adjustment as outlined below.

- (1) Approval Process. Property line adjustment is processed through a Type I procedure.

The proposed boundary adjustment is being processed as a property line adjustment through a Type I procedure alongside a Type II variance request to reduce the lot width of Parcel 1.

- (2) Approval Criteria. The approval authority may approve, approve with conditions, or deny a lot consolidation or property line adjustment based on the approval criteria in Section 17.18.010.

The proposed boundary adjustment meets the approval criteria in Section 17.18.010 as addressed in Finding 7.

- (3) Recording Requirements. Upon approval of the property line adjustment, the applicant must record or file the signed property line adjustment with Clackamas County and submit a copy of the recorded instrument to the City to be incorporated into the record, including references to required recorded deeds.

Upon final approval, the applicant will formalize the proposed boundary adjustment by filing a final plat with Clackamas County and submitting a copy to the City.

- (4) Time Limit. The applicant must submit the copy of the recorded property line adjustment survey map to the City prior to the issuance of any development permits on the reconfigured lots.

The applicant will file a final plat as a recording tool for the proposed boundary adjustment with Clackamas County and submit a copy to the City prior to pursuing additional development on the subject property.

The Planning Manager finds that the proposed boundary adjustment follows the applicable procedures for a property line adjustment.

The Planning Manager finds that the proposed boundary adjustment meets all applicable standards of MMC 17.12.

6. MMC Chapter 17.16 Application Requirements & Procedures

MMC 17.16 establishes the submittal requirements for lot consolidation, property line adjustment, partition, and subdivision. For property line adjustments, MMC Section 17.16.050 requires a completed application form, application fee, narrative report addressing approval criteria, and any of the information normally required for preliminary plats as deemed necessary by the Planning Manager.

The applicant's submittal materials include the necessary forms and fee, a narrative that describes the project and addresses the various applicable standards, deed documents, existing conditions map, and a preliminary plat map that portrays the proposed adjustment. The required preapplication conference was waived by the Planning Manager. The application was deemed complete on December 18, 2024.

The Planning Manager finds that no additional information is required and that the proposed boundary adjustment meets all applicable standards of MMC 17.16.

7. MMC Chapter 17.18 Approval Criteria

MMC 17.18 establishes approval criteria for lot consolidation, property line adjustment, preliminary plat, and final plat.

a. MMC 17.18.010 Approval Criteria for Lot Consolidation and Property Line Adjustment

- (1) The boundary change is compliant with Title 17 Land Division Ordinance and Title 19 Zoning Ordinance.

Findings 4-14 address compliance with Titles 17 and 19. The proposed boundary adjustment meets all applicable standards.

This standard is met.

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

The proposed boundary adjustment will result in two parcels that are each suitable for development or redevelopment. Parcel 1 will retain the existing house on the east side of the subject property; Parcel 2 will be vacant and available for development with a plex development. With approval of a Type II variance to lot width for Parcel 1 as detailed in Finding 14, both parcels are adequately sized for redevelopment in conformance with the standards of the underlying R-MD zone without creating the need for a variance from any land division or zoning standard.

This standard is met.

- (3) The boundary change will not reduce the residential density below the minimum density requirements of the zoning district.

For lots over 7,000 sq ft in area, the minimum density in the R-MD zone for single detached dwellings is 5.0 units per acre. For the overall 0.21-acre property, the minimum density is 1.05 units, which rounds down to 1 unit as per the standards for density measurement established in MMC Subsection 19.202.4.B. For each of the proposed parcels—Parcel 1 at 0.13 acres and Parcel 2 at 0.08 acres—the minimum density for single detached dwellings is 1 unit each. The proposed boundary adjustment will not reduce density below the minimum R-MD requirement.

This standard is met.

The Planning Manager finds that the proposed boundary adjustment meets the applicable approval criteria for property line adjustments.

- b. MMC Section 17.18.020 Approval Criteria for Preliminary Plat

MMC 17.12.040 establishes the approval criteria for preliminary plat, which is the mechanism that will be used to record the proposed boundary adjustment.

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

Findings 10-14 address compliance with Title 19. Finding 4 addresses compliance with Title 12 and Findings 5-9 address compliance with Title 17. The proposed property line adjustment meets all applicable standards.

This standard 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 boundary adjustment will result in two parcels that are each suitable for development or redevelopment. Parcel 1 will retain the existing house on the east side of the subject property; Parcel 2 will be vacant and available for development with a plex development. With approval of a Type II variance to lot width for Parcel 1 detailed in Finding 14, both parcels are adequately sized for redevelopment in conformance with the standards of the underlying R-MD zone without creating the need for a variance from any land division or zoning standard.

- (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 boundary adjustment 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.

This standard 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 involved in the proposed boundary adjustment.

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.

This standard is met.

The Planning Manager finds that the proposed boundary adjustment meets the applicable approval criteria for preliminary plat.

The Planning Manager finds that the proposed boundary adjustment meets the applicable approval criteria for property line adjustments.

8. 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 provided as part of the proposed boundary adjustment submittal is to scale and includes existing conditions and proposed new boundaries.

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

9. MMC Chapter 17.28 Design Standards

a. MMC Section 17.28.030 Easements

MMC 17.28.030 requires that easements for sewers, water mains, electric lines, or other public facilities be dedicated whenever necessary.

A 10-ft-wide easement to benefit Portland General Electric extends diagonally across the northern part of Parcel 2. 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 Monroe Street frontage of both parcels.

As conditioned, this standard is met.

b. MMC Section 17.28.040 General Lot Design

MMC Section 17.28.040 establishes general design standards for lots, including standards for size, shape, compound lot line segments, and frontage.

(1) Size and Shape

MMC 17.28.040.A requires that the lot size, width, shape, and orientation shall be appropriate for the location and the type of use contemplated. Minimum lot standards shall conform to Title 19.

Finding 10 addresses the R-MD zone standards for lot size, dimension, and street frontage. Finding 14 addresses the lot width variance requested for Parcel 1. As proposed, and with the variance for lot width addressed in Finding 14, this standard is met.

(2) Rectilinear Lots Required

MMC 17.28.040.B requires that lot shape shall be rectilinear, except where not practicable due to location along a street radius, or existing lot shape. The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. As far as practicable, the rear lot line shall run parallel to the street.

The parcels resulting from the proposed boundary adjustment will be rectilinear in shape. As proposed, the side lines of both parcels run at right angles to their frontage on Monroe Street and the rear lot lines run parallel to Monroe Street. This standard is met.

(3) Limits on Compound Line Segments

MMC 17.28.040.C prohibits cumulative lateral changes in direction of a side or rear lot line exceeding 20% of the distance between opposing lot corners along a given lot line. Changes in direction shall be measured from a straight line drawn between opposing lot corners.

To address the minimum lot width standard for each parcel, the applicant has proposed a compound lot line between the two parcels, with a single lateral change of just over 5 ft. The total distance between opposing lot corners along that compound line is approximately 115 ft. The proposed lateral change is approximately 4.5% of the total distance. This standard is met.

(4) Limits on Double and Reversed Frontage Lots

MMC 17.28.040.D limits double and reversed frontage lots except where essential to provide separations of residential development from railroads, traffic arteries, or adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.

As proposed, both parcels will have a single frontage on Monroe Street. This standard is met.

(5) Measurement of Required Frontage

MMC 17.28.040.E requires that required frontage be measured along the street upon which the lot takes access.

The minimum required street frontage for each parcel is addressed in Finding 10 and is measured along Monroe Street, the street upon which each parcel will take access. The proposed boundary adjustment meets all applicable standards for general lot design as provided in MMC 17.28.040. This standard is met.

As proposed, the proposed boundary adjustment meets the applicable standards for general lot design.

As proposed and conditioned, the Planning Manager finds that the proposed boundary adjustment complies with all applicable standards for lot design as established in MMC 17.28.

10. 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-unit dwelling, which will be retained on Parcel 1. As proposed, Parcel 2 can be developed with a plex development. Both uses are allowed outright in the R-MD zone. This standard is met.

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. The applicable standards are addressed and met as described in Table 8-b below.

As reflected in Table 10-b below, the proposed boundary adjustment meets every applicable standard except the lot width requirement for Parcel 1. The applicant has requested a variance from that standard; the variance request is addressed in Finding 14.

MMC Subsection 19.301.5.C allows less than 40% front-yard vegetation if necessary to provide an on-site turnaround for vehicles to enter an arterial or collector street in a forward motion. Monroe Street is a collector street, and the existing graveled parking/maneuvering area adjacent to the west side of the driveway can serve as an on-site turnaround for vehicles. The front-yard minimum vegetation standard is effectively met at the 35% vegetation currently provided.

Table 10-b Applicable Development Standards for the R-MD zone				
Standard	R-MD Requirement		Parcel 1	Parcel 2
Lot Area	3,000 to 4,999 sq ft	5,000 to 6,999 sq ft	5,626 sq ft	3,659 sq ft
Lot Width	30 ft	50 ft	47.1 ft (Variance requested— See Finding 14.)	30 ft
Lot Depth	80 ft		115 ft	115 ft
Public Street Frontage	30 ft	35 ft	47.1ft	32.8 ft
Front Yard	20 ft		19.9 ft (legal non-conforming)	To Be Determined at time of development (TBD)
Side Yard (interior)	5 ft		14.7 ft & 3 ft	TBD
Rear Yard	20 ft		32.2 ft	TBD
Side Yard Height Plane	20 ft / 45°		Not applicable (existing single-story house)	TBD
Maximum lot coverage	35%		c.32%	TBD
Minimum vegetation	25%		>30%	TBD
Front Yard Minimum Vegetation	40%		c.35%* (*see discussion above)	TBD
Density requirements (Note: Maximum density does not apply to duplexes and other middle housing development.)	Min. density = 7.0 units/acre Max. density = 8.7 units/acre		Min. & max. density = 1 dwelling unit Existing single-unit dwelling = 1 unit	Minimum density = 2 dwelling units Plex developments are not subject to max density.

The Planning Manager finds that, with approval of the variance discussed in Finding 14, the proposed boundary adjustment meets all applicable development standards of MMC 19.301.

11. MMC Section 19.502 Accessory Structures

MMC 19.502 establishes standards for accessory structures. As per MMC Table 19.502.2.A.1.a, accessory structures that are no more than 15 ft in height and no larger than 600 sq ft in area are subject to a minimum side and rear yard setback of 5 ft.

As proposed, the existing accessory structure that will remain on Parcel 1 will be 5 ft from the new side property line to the west (its location with respect to the southern property line will remain unchanged). As the detached garage is approximately 240 sq ft and no more than 15 ft in height, it is subject to and meets the minimum 5-ft rear yard setback.

The Planning Manager finds that the applicable standards for accessory structures are met.

12. 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 within a half mile of TriMet frequent transit corridors on Harrison Street and King Road, so minimum off-street parking is not required.

b. 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 within a front, street-side, or side yard 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 front yard. Parking areas and driveways must align with the approved driveway approach and may not be wider than the approach within 5 ft of the ROW boundary. Properties taking access from other than local streets and neighborhood routes must provide an on-site turnaround that allows vehicles to enter the ROW in a forward motion.

The proposed boundary adjustment will effectively establish two developable lots where there currently appears to be only one, retaining the existing house on Parcel 1 and establishing Parcel 2 for new future development. The existing concrete driveway in front of Parcel 1 is approximately 17 ft wide by 20 ft long and provides one off-street parking space.

Along the east side of the driveway, a graveled area provides parking for one additional vehicle. The gravel does not meet the surface standard of MMC Subsection 19.607.1.C.1 and the alignment of the graveled area does not meet the standards of Subsection 19.607.1.E.1. However, the graveled area has been in place since before the City established the applicable

standards and so is considered nonconforming. The graveled area can serve as an on-site turnaround for vehicles.

The Planning Manager finds that the applicable residential parking standards of this section are met.

As proposed, the Planning Manager finds that the applicable off-street parking standards of MMC 19.600 are met.

13. 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.

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

The applicant proposes to adjust the boundary between the two underlying lots that comprise the subject property. The proposed boundary adjustment will not result in any increase in vehicle trips or gross floor area. Development or redevelopment of either parcel will trigger consideration of impacts to public facilities and a requirement for public improvements (or collection of a fee in lieu of construction, if requested). There are no additional applicable requirements related to public facilities.

As proposed, the Planning Manager finds that the applicable requirements of MMC 19.700 are met.

14. MMC Section 19.911 Variances

a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests.

Variances may be requested to any standard of MMC Title 19, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B. Ineligible variances include requests that result in a change of a review type, change or omission of a procedural step, change to a definition, increase in density, allowance of a building code violation, allowance of a use that is not allowed in the base zone, or the elimination of restrictions on uses or development that contain the word “prohibited.”

The applicant has requested a variance to the R-MD zone’s lot width standard for Parcel 1.

The requested variance meets the eligibility requirements.

b. MMC Subsection 19.911.3 Review Process

MMC 19.911.3 establishes review processes for different types of variances. MMC Subsection 19.911.3.B establishes the Type II review process for limited variations to certain numerical standards, including a variance of up to 10% for lot width or depth standards. MMC Subsection 19.911.3.C establishes the Type III review process for

larger or more complex variations to standards that require additional discretion and warrant a public hearing.

For lots in the R-MD zone that are between 5,000 and 6,999 sq ft, the minimum required lot width is 50 ft. As per the definitions established in MMC Section 19.201, "lot width" is the distance between side lot lines measured at the building line. For Parcel 1, which is approximately 5,625 sq ft in area, the applicant is proposing a lot width of 47.1 ft as measured at the front face of the existing house. The requested deviation is only 5.8%, less than the maximum 10% lot width variance allowed through Type II review.

c. MMC Subsection 19.911.4 Approval Criteria

MMC Subsection 19.911.4.A establishes approval criteria for Type II variance requests.

- (1) The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.

The proposal to reduce the required width of Parcel 1 by 2.9 ft under the standard will not have any effect on surrounding properties or public health, safety, or welfare, and there are no designated natural resources on or near the subject property. The proposed adjustment is so small as to not be noticeable while providing more flexibility to develop Parcel 2. This standard is met.

- (2) The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.

Lot width is not an element that will impact any future public improvements. Parcel 1 will still be wide enough to allow ample room for reconstructing the existing driveway and driveway approach if needed in the future, sufficient to meet all applicable standards related to accessway spacing and location. This standard is met.

- (3) Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.

Parcel 1 is developed with a single-unit dwelling that is approximately 28 ft wide. With the proposed boundary adjustment, the existing house will remain approximately 3 ft from the existing eastern lot line and 14.7 ft from the proposed western lot line. The proposed compound line segment that jogs 5 ft away from the house will allow an existing accessory structure on the south side to meet the 5-ft setback standard for the zone. The proposed adjustment is so small as to not be noticeable, and the existing house will have a front yard width of 47.1 ft. This standard is met.

- (4) Impacts from the proposed variance will be mitigated to the extent practicable.

There are no perceivable impacts from the proposed lot width variance, so no mitigation is necessary. This standard is met.

- (5) The proposed variance would allow the development to preserve a priority tree or trees or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32.

The requested variance does not involve the removal of any existing trees and will not impact the opportunity to plant new trees on Parcel 1 in the future. This standard is met.

The Planning Manager finds that the requested variance meets the approval criteria for Type II variances.

As proposed, the Planning Manager finds that the requested variance is allowable as per the applicable standards of MMC 19.911.

15. The application was referred to the following departments and agencies on December 20, 2024:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Milwaukie Public Works Department
- City Attorney
- Hector Campbell Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
- Clackamas Fire District #1 (CFD#1)
- Clackamas County Department of Transportation & Development (DTD)
- Metro
- 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 December 20, 2024.

No comments have been received.

Exhibit 2

PARTITION PLAT NO.

A REPLAT OF LOTS 23 AND 24, BLOCK 68, "MINTHORN ADDITION TO THE CITY OF PORTLAND" (PLAT NO. 59), AND VACATED 44TH AVENUE, LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON

DATE: NOVEMBER 15, 2024

SURVEYED FOR: VERA BUDNIK
4404 SE MONROE STREET
MILWAUKIE OR 97222

S.E. MONROE STREET

LEGEND

- FOUND MONUMENT AS NOTED
- ⦿ FOUND 5/8" IRON ROD WITH GREEN PLASTIC CAP INSCRIBED "CMT LS 86811"(H)(R9)
- SET 5/8" X 30" IRON ROD WITH GREEN PLASTIC CAP INSCRIBED "CMT LS 86811" SET ON _____
- FD FOUND
- IR IRON ROD
- IP IRON PIPE
- IB IRON BAR
- W/ WITH
- YPC YELLOW PLASTIC CAP
- RPC RED PLASTIC CAP
- (R#) REFERENCE SURVEY OR PLAT
- PP PARTITION PLAT
- (OU) ORIGIN UNKNOWN
- (H) HELD
- C.R. COUNTY ROAD
- OHC OVERHEAD CABLE

REFERENCE SURVEYS

- (R1) "MINTHORN ADDITION TO THE CITY OF PORTLAND" (PLAT NO. 59)
- (R2) SN2023-051
- (R3) SN 11884
- (R4) SN 2008-193
- (R5) SN 12767
- (R6) SN 3155
- (R7) "THERESE ESTATES" PLAT NO. 3862
- (R8) SN 5511
- (R9) PP 2024-046

NARRATIVE

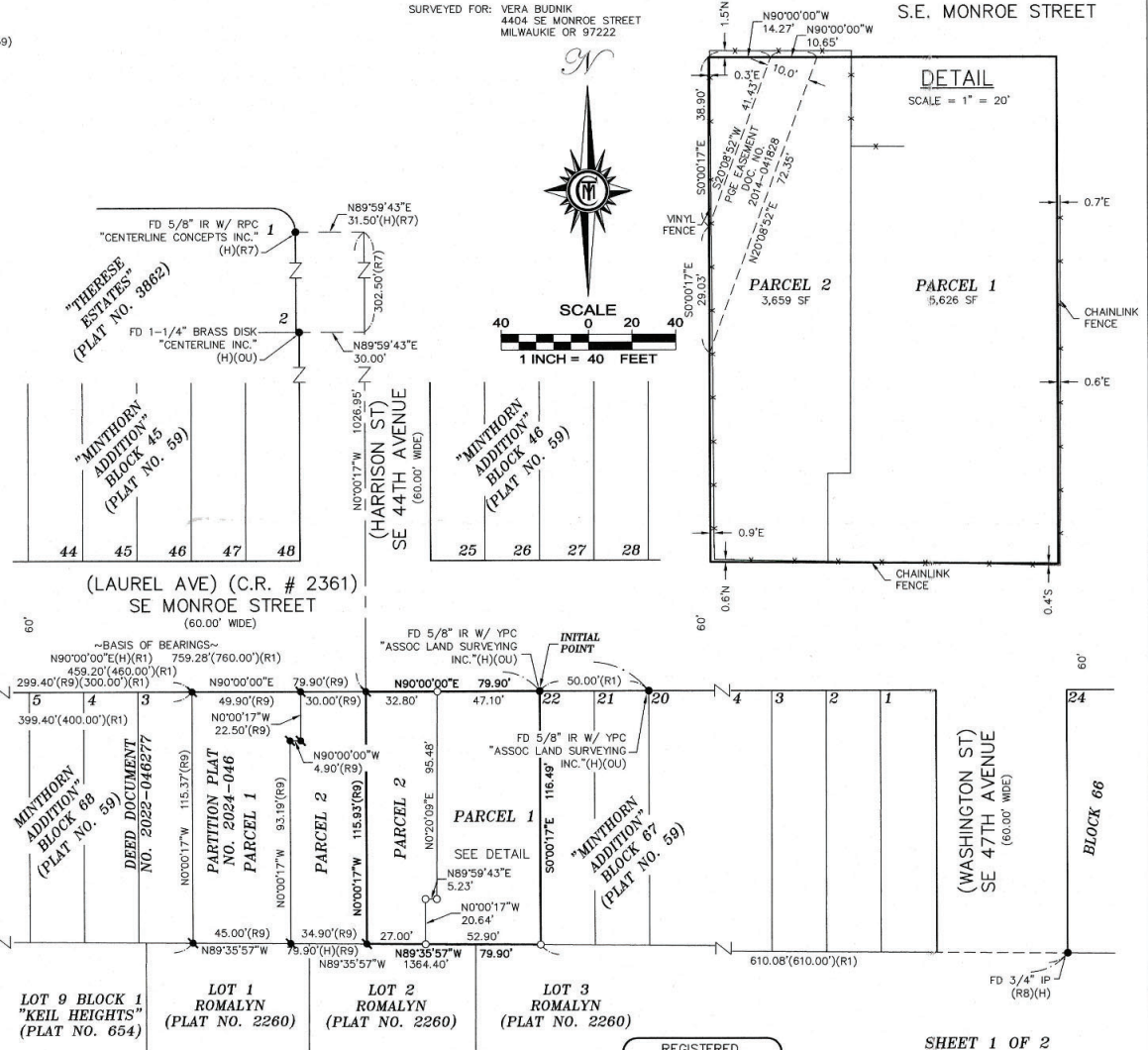
THE PURPOSE OF THIS SURVEY IS TO REPLAT LOTS 23 AND 24, BLOCK 68, "MINTHORN ADDITION TO THE CITY OF PORTLAND", PLAT NO. 59 AND THE EAST HALF OF VACATED SE 44TH AVENUE (60.00' WDE).

AS THE BASIS OF BEARINGS AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SE MONROE STREET, ALSO BEING THE NORTH LINE OF THE SUBJECT PROPERTY, I HELD A BEARING OF NORTH 90°00'00" EAST, INFERRED FROM (R1), BETWEEN A 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID BLOCK 68 AND A 5/8" IRON ROD FOUND AT THE NORTHEAST CORNER OF LOT 21, BLOCK 67 OF SAID PLAT.

TO ESTABLISH THE SOUTH LINE OF THE SUBJECT PLAT I HELD AN ALUMINUM DISK SET IN U.S.B.T. ENTRY 2002-116, A WITNESS CORNER FOR THE NORTHWEST CORNER OF THE JOHN D. GARRETT DLC NO. 38, AND A 3/4" IRON PIPE FOUND AT THE SOUTHWEST CORNER OF BLOCK 66 OF SAID PLAT.

TO ESTABLISH THE WEST LINE OF THE SUBJECT PROPERTY I HELD MONUMENTS FROM (R9).

TO ESTABLISH THE EAST LINE OF THE SUBJECT PROPERTY I HELD A LINE PARALLEL TO THE ESTABLISHED WEST LINE FROM A 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID LOT 22.



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 11, 2018
DAVID ROEGER
86811

SHEET 1 OF 2



CMT SURVEYING AND CONSULTING
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DAMASCUS, OR 97089
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Y:\5001-1596\DWG\5001596PART.DWG

EXPIRES DECEMBER 31, 2026

