



# CITY OF MILWAUKIE

## NOTICE OF TYPE II LAND USE PROPOSAL

Date mailed: December 20, 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 Monday, January 6, 2025. 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>	PLA-2024-003 (primary file, with VR-2024-008)
<b>Location:</b>	4404 SE Monroe St Tax Lot ID 1S2E31BB 09300 <i>A map of the site is located on the last page of this notice.</i>
<b>Proposal:</b>	Adjust the boundary between the two underlying platted lots that comprise the subject property to establish a buildable lot on the west side of the site. The adjusted boundary will result in the eastern lot (Parcel 1) being 47.1 ft wide, which is 2.9 ft less than the underlying R-MD zone standard and requires a Type II variance.
<b>Applicant/Primary Contact Person:</b>	Paul Roeger, CMT Surveying & Consulting (applicant's representative) 20330 SE Hwy 212, Damascus, OR 97089 Tel. (503) 860-2545, email <a href="mailto:paul@cmtsc.net">paul@cmtsc.net</a>
<b>Owner(s):</b>	Vera Budnik 4404 SE Monroe St, Milwaukie, OR 97222
<b>Staff contact:</b>	Adam Heroux, Associate Planner City of Milwaukie Planning Department 10501 SE Main St, Milwaukie, OR 97222 503-786-7658, <a href="mailto:heroux@milwaukieoregon.gov">heroux@milwaukieoregon.gov</a>
<b>Neighborhood District Association(s):</b>	Hector Campbell NDA, contact Corinn deTorres at 971-350-9675.

<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 and Procedure</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 19.911 Variances</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:** Call or email the staff contact assigned to the proposal or visit the project webpage to find the application materials at <http://www.milwaukieoregon.gov/planning/pla-2024-003>. 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 (including via email), 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 sent 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.

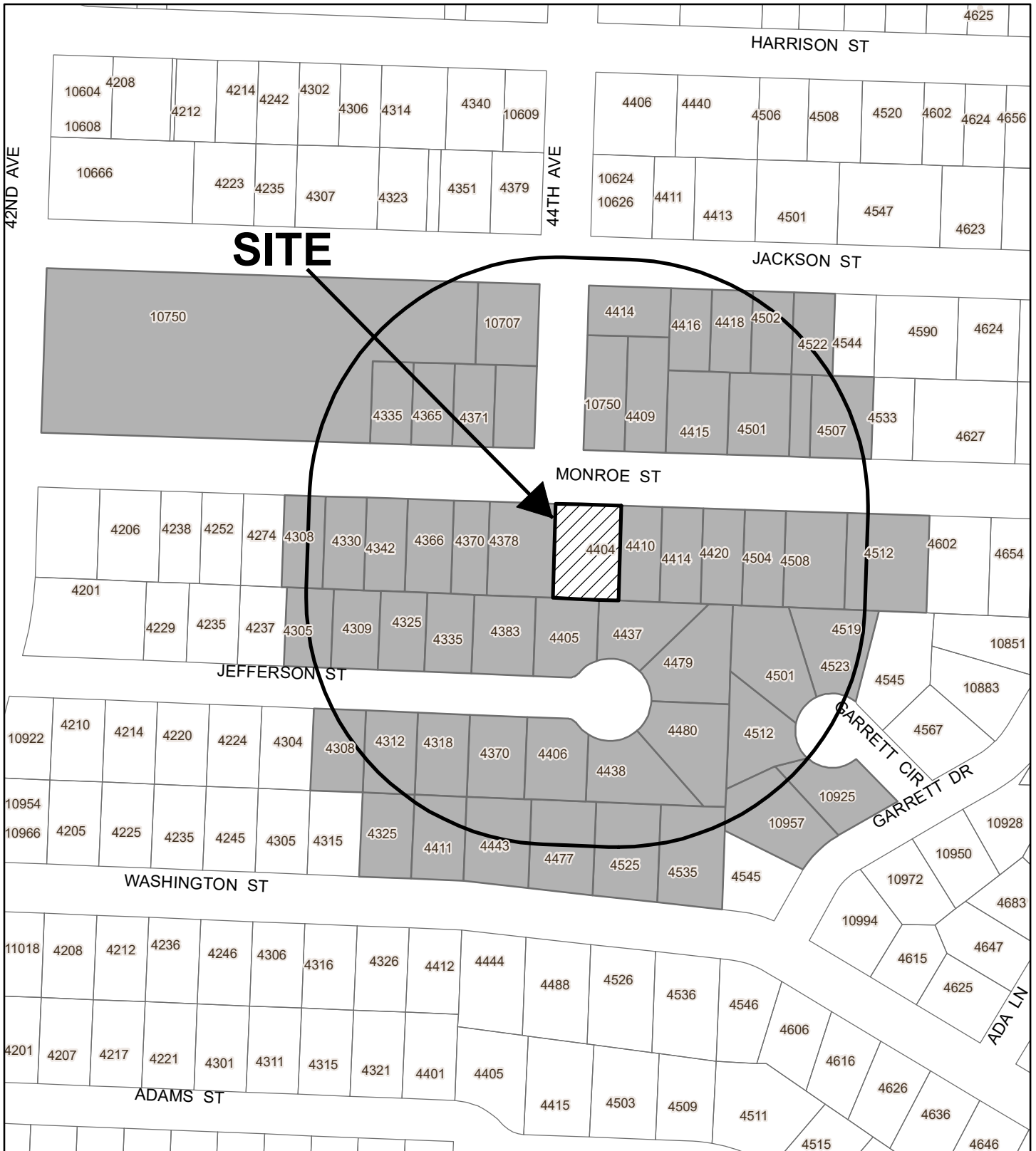
After an appeal hearing, the Planning Commission’s decision may be appealed to the Oregon Land Use Board of Appeals (LUBA), 550 Capitol St SE, Suite 235, Salem, OR 97301 (503-373-1265). Any issue that is intended to provide a basis for appeal to LUBA must be raised prior to the issuance of the Planning 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
- Preliminary plat





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

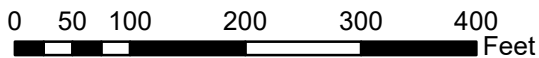
THE MILWAUKIE MUNICIPAL CODE REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT SHALL BE PROMPTLY FORWARDED TO THE PURCHASER.



**Site Map**  
**4404 SE Monroe St**  
 (Tax ID = 1S2E31BB, lot 9300)  
 Primary File #PLA-2024-003 (with VR-2024-008)

**Legend**

-  300 Foot Buffer
-  PLA-2024-003 Property
-  Properties Receiving Public Notice
-  Other Tax Lots



**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 11864
- (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.

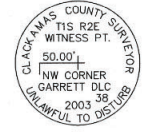
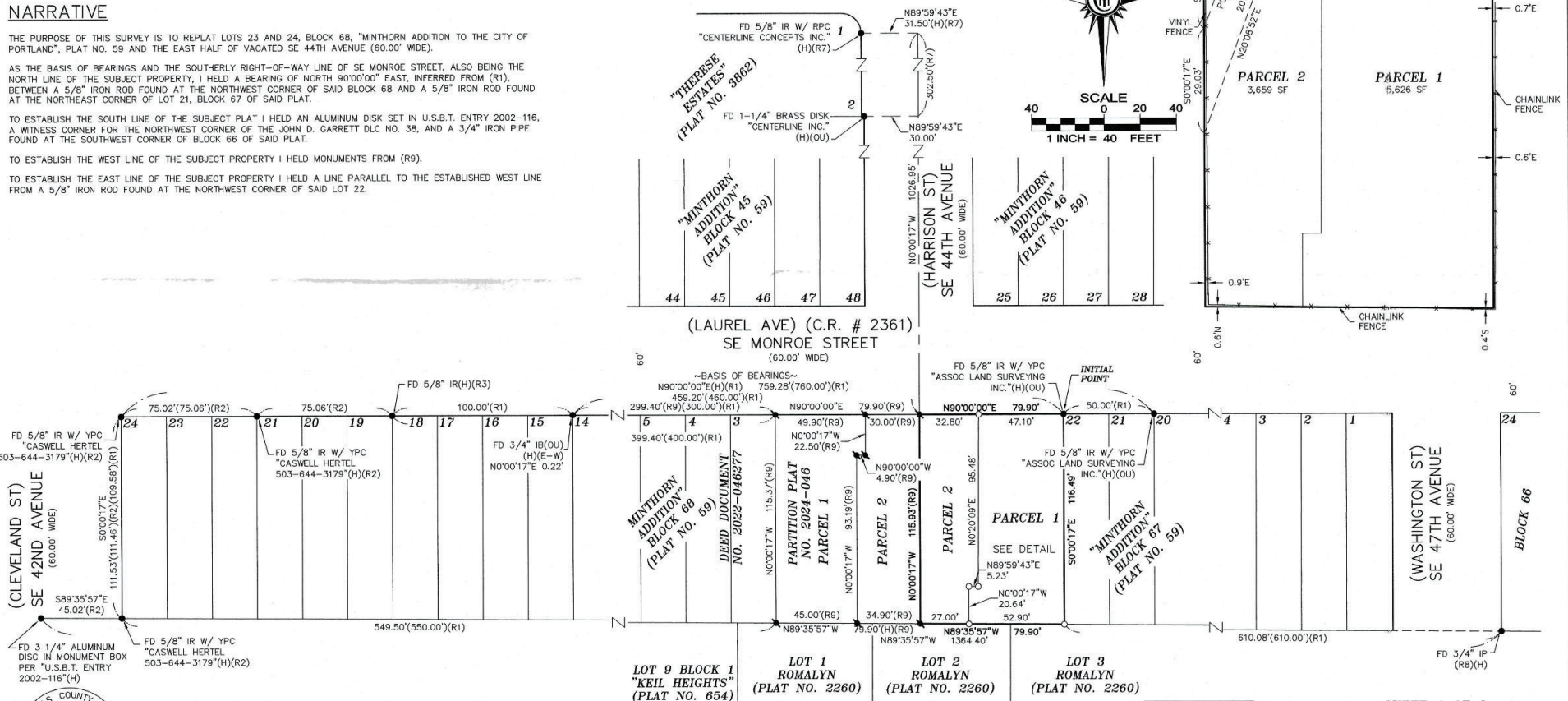
# PARTITION PLAT NO.

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



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
 SEPTEMBER 11, 2018  
 DAVID ROEGER  
 86811



**SHEET 1 OF 2**  
 CMT SURVEYING AND CONSULTING  
 20330 SE HIGHWAY 212  
 DAMASCUS, OR 97089  
 PHONE (503) 850-4672 FAX (503) 850-4590  
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EXPIRES DECEMBER 31, 2026