



CITY OF MILWAUKIE

February 18, 2022

Land Use File(s): R-2022-001

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Manager on February 18, 2022.

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):	Joseph Briglio, Community Development Director
Location(s):	10722 SE Main St
Tax Lot(s):	11E36BB02500
Application Type(s):	Replat
Decision:	Approved
Review Criteria:	Milwaukie Zoning Ordinance: <ul style="list-style-type: none">• MMC Section 19.304 Downtown Zones (including DMU)• MMC Chapter 19.700 Public Facility Improvements• MMC Section 19.1005 Type II Review Milwaukie Land Division Ordinance: <ul style="list-style-type: none">• MMC Chapter 17.12 Application Procedure & Approval Criteria• MMC Chapter 17.16 Application Requirements & Procedures• MMC Chapter 17.20 Preliminary Plat• MMC Chapter 17.28 Design Standards
Neighborhood(s):	Historic Milwaukie

Appeal period closes: 5:00 p.m., March 5, 2022

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, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Vera Koliass, Senior Planner, at 503-786-7653 or koliassv@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at www.milwaukieoregon.gov/planning/R-2022-001.

This decision may be appealed by 5:00 p.m. on March 5, 2022, 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.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

None.

Other requirements

1. MMC Section 17.04.120 Recording
 - a. As per MMC Subsection 17.04.120.A, the recording instruments for boundary changes must be submitted to the County Surveyor within 6 months of City approval.
 - b. As per MMC Subsection 17.04.120.B, prior to recording a property line adjustment the applicant must submit the recording instruments to the Planning Manager for a determination of consistency with the City Code and required approvals.
 - c. As per MMC Subsection 17.04.120.E, a copy of the recording instruments must be submitted to the Planning Manager no later than 15 days after filing with the County Surveyor.

Expiration

As per MMC Subsection 17.040.050.A, all decisions on boundary changes and land divisions expire 1 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 6 months upon submission of formal request to the original

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-making authority. One extension of the approval period not to exceed 6 months will be granted if the criteria in MMC 17.04.050.B are satisfied.

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
- cc: Joseph Briglio, Community Development Director (via email)
Brad Kilby, HHPR (Applicant’s Representative – via email)
Planning Commission (via email)
Steve Adams, City Engineer (via email)
Engineering Development Review (via email)
Samantha Vandagriff, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Technician (via email)
Alex McGladrey, CFD#1 (via email)
NDA(s): Historic Milwaukie (via email)
Interested Persons
Land Use File(s): R-2022-001

EXHIBIT 1
Findings in Support of Approval
File #R-2022-001 (10722 SE Main St – City Hall)

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, Joseph Briglio, Community Development Director, on behalf of the City of Milwaukie, has applied for approval to consolidate eight underlying lots into two lots on the property located at 10722 SE Main St. The site is the location of Milwaukie City Hall and is in the Downtown Mixed Use Zone DMU. The consolidation is being processed as a replat, with land use application file number R-2022-001.
2. The subject property is a full city block and is comprised of eight underlying subdivision lots totaling approximately 42,000 sq ft in area (0.96 acres). The property is developed with City Hall, a parking lot, and landscaped areas.

The proposal is to consolidate lots 1-8 of Block 13 of the plat of “Milwaukie” into two lots. The existing City Hall building would be located on proposed lot #1 and all parking and open space that currently surrounds City Hall on the north, east, and south would occupy proposed lot #2.

3. The proposed boundary adjustment involves the reconfiguration of a lot from a recorded subdivision plat. Therefore, the proposed adjustment constitutes a replat 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 17.12 Application Procedure & Approval Criteria
 - MMC Chapter 17.16 Application Requirements & Procedures
 - MMC Chapter 17.20 Preliminary Plat
 - MMC Chapter 17.28 Design Standards
 - MMC Section 19.304 Downtown Zones (including DMU)
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.1005 Type II Review

The application was submitted on February 2, 2022, and deemed complete on February 3, 2022. 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 17.12 Application Procedure & Approval Criteria
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, because the proposal involves the consolidation of lots from a recorded subdivision plat, it is being processed as a partition replat. The proposal is to consolidate lots 1-8 of Block 13 of the plat of "Milwaukie" platted in 1865 into two lots.

As per MMC Table 17.12.020, a subdivision replat that modifies a plat affecting four or more lots is subject to Type III review. However, as per MMC Subsection 17.12.020.B.1, Type III review may be changed to Type II review upon finding that the proposal is consistent with applicable standards and criteria, that the proposal is consistent with the basis and findings of the original approval, and that the proposal does not increase the number of lots.

As discussed in these findings, the proposed consolidation is consistent with all applicable standards and criteria. The city did not have an adopted subdivision ordinance in 1865 and there is no available record of a review of the plat against any applicable standards and criteria. The proposed boundary adjustment will not increase the number of lots.

The Planning Manager finds that Type III review may be changed to Type II review for the proposed boundary change.

b. MMC Section 17.12.030 Approval Criteria for Lot Consolidation, Property Line Adjustment, and Replat

MMC 17.12.030 establishes three approval criteria for boundary changes.

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

Findings 4-9 address compliance with Titles 17 and 19. The proposed boundary adjustment meets all applicable standards.

- (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 consolidation will result in two parcels that are each suitable for redevelopment. Parcel 1 will retain the existing City Hall Building; Parcel 2 will be the parking lot and open space areas that surround City Hall on the north, east, and south. As proposed, both parcels are adequately sized for redevelopment in conformance with the standards of the underlying DMU zone without creating the need for a variance of any land division or zoning standard.

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

Multifamily, mixed-use residential, rowhouses and live/work units are all allowed residential uses in the DMU zone. The minimum density for rowhouses and live/work

units is 10 dwelling units per acre; the minimum density for standalone residential development is 30 dwelling units per acre. However, ground-floor residential uses are not permitted on this site, per Figure 19.304-2. There is no minimum density requirement for mixed-use buildings. This standard is not applicable.

The Planning Manager finds that these criteria are met.

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

5. MMC Chapter 17.16 Application Procedure & Approval Criteria

MMC 17.16 establishes the submittal requirements for boundary changes and land division. For replats, 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, and a preliminary plat map that portrays the proposed adjustment.

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

6. 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 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.

7. 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.

There are existing water and sanitary sewer lines serving the City Hall Building which will be located on proposed Lot #1. No additional easements are necessary at this time.

As proposed, 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. This section does not apply to units of land that are created for purposes other than land

development including parks, natural areas, right-of-way dedications, or reservations of a similar nature.

When this block was sold from the North Clackamas School District to the City of Milwaukie, it was written into the deed that the open space surrounding the City Hall building should remain as such. If the City could not maintain it as open space, then that area would revert back to NCSD (Reversionary Rights). The proposed lot consolidation creates two separate lots, placing the City Hall building on its own lot and maintains the open space area on its own lot. The open space will continue to be maintained as park space by the city and the City Hall building can change use without issue.

The Planning Manager finds that MMC 17.28.040 does not apply to the proposal because it involves park land.

The Planning Manager finds that the proposed consolidation complies with all applicable standards for lot design as established in MMC 17.28.

8. MMC Section 19.304 Downtown Zones (including the DMU zone)

MMC 19.312 establishes standards for the North Milwaukie Innovation Area, including the Tacoma Station Area Mixed Use (MUTSA) zone. The application meets the applicable standards of this section as described below.

a. MMC Subsection 19.304.2 Allowed Uses

MMC 19.304.2 establishes the uses allowed in the DMU zone, including traditional offices uses and parks.

The subject property is used by the city as City Hall with the surrounding property uses and parking and park land/open space. The uses are permitted by right in the DMU zone. No change in use is proposed.

This standard is met.

b. MMC Subsection 19.304.4 Development Standards

MMC 19.304.4 establishes development standards for the DMU zone. The applicable standards are addressed and met as described in Table 8-b below.

Table 8-b Applicable Development Standards for the DMU zone			
Standard	DMU Requirement	Parcel 1	Parcel 2
Front Yard Setback	0 ft (minimum) 10-20 ft (maximum)	38 ft (existing – no change proposed)	N/A – no building proposed
Side Yard Setback	0 ft	0 ft	N/A
Rear Yard Setback	0 ft	0 ft	N/A

Minimum lot size	750 sq ft	10,264.38 sq ft	31,735.77 sq ft
Minimum street frontage	15 ft	105.91 ft	619.99 ft
Minimum Frontage occupancy requirements	50%	100%	N/A

In most cases, the proposed adjustment meets the applicable standard; where it does not, there is either no change from the existing situation (such as for the front yard setbacks for the existing City Hall building or no buildings proposed on Lot 2). As proposed, the applicable development standards of this subsection are met.

The Planning Manager finds that the proposed boundary adjustment meets all applicable development standards of MMC 19.312. This standard is met.

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.

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 replat the subject property to consolidate the underlying eight subdivision lots into two lots. No increase in vehicle trips or gross floor area is associated with the proposed consolidation and there are no impacts to public facilities. Although MMC 19.700 is technically applicable to the proposed consolidation, there are no additional applicable requirements related to public facilities.

The Planning Manager finds that the applicable requirements of MMC 19.700 are met.

10. The application was referred to the following departments and agencies on February 3, 2022:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Milwaukie Public Works Department
- Clackamas Fire District #1 (CFD#1)
- North Clackamas School District
- Historic Milwaukie NDA

In addition, notice of the public hearing was mailed to owners and residents of properties within 300 ft of the subject property on February 3, 2022.