



# CITY OF MILWAUKIE

## NOTICE OF TYPE II LAND USE PROPOSAL

Date mailed: November 22, 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](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 Tuesday, December 6, 2022. After that date, there is no guarantee that comments will be incorporated into the decision. The decision may be issued as early as 14 days from the date of this public notice. Please include the land use file number for reference.**

<b>File Number(s):</b>	R-2022-005– Replat; VR-2022-012—Variance
<b>Location:</b>	10903 SE Home Ave Tax Lot ID: 1S2E31BA10900 <i>A map of the site is located on the last page of this notice.</i>
<b>Proposal:</b>	The applicant is proposing to divide a 21,070 sq ft lot through a partition replat process to create two total lots—one 9,070 sq ft lot containing the current house, and one new 11,897 sq ft flag lot.  The applicant is also seeking a variance to reduce the front and rear yard setback from 30 ft to 22.5 ft to accommodate a new single-detached dwelling on the flag lot.
<b>Owner(s):</b>	Joe Troychak
<b>Staff contact:</b>	Ryan Dyar, Assistant Planner City of Milwaukie Planning Department 6101 SE Johnson Creek Blvd Milwaukie, OR 97206 503-786-7661 or <a href="mailto:dyarr@milwaukieoregon.gov">dyarr@milwaukieoregon.gov</a>
<b>Neighborhood District Association(s):</b>	Hector Campbell NDA, contact Corinn deTorres at <a href="mailto:corinn@chapeltheatremilwaukie.com">corinn@chapeltheatremilwaukie.com</a>  Meetings are held quarterly: Jan. 11, 2023 (6-8 PM) / Mar. 19, 2023 (3-5 PM) / May 10, 2023 (6-8 PM)  The next regular NDA meeting is Wednesday, Jan. 11, 2023 (6-8 PM)

<b>Applicable Criteria:</b>	<p>Milwaukie Municipal Code (MMC) Title 17 Land Division</p> <ul style="list-style-type: none"> <li>• MMC 17.12 Application Procedure and Approval Criteria</li> <li>• MMC 17.16 Application Requirements and Procedures</li> <li>• MMC 17.20 Preliminary Plat</li> <li>• MMC 17.28 Design Standards</li> <li>• MMC 17.32 Improvements</li> </ul> <p>MMC Title 19 Zoning</p> <ul style="list-style-type: none"> <li>• MMC 19.301 Moderate Density Residential Zone (R-MD)</li> <li>• MMC 19.504 Site Design Standards</li> <li>• MMC 19.600 Off-Street Parking and Loading</li> <li>• MMC 19.700 Public Facility Improvements</li> <li>• MMC 19.911 Variances</li> <li>• MMC 19.1005 Type II</li> </ul> <p>Review 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 <https://www.milwaukieoregon.gov/planning/r-2022-005>. The application materials and the applicable approval criteria and development standards are available for review at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please call the staff contact ahead of time to schedule a review of the application materials. Copies of this information can be obtained for a reasonable fee.

**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 14 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

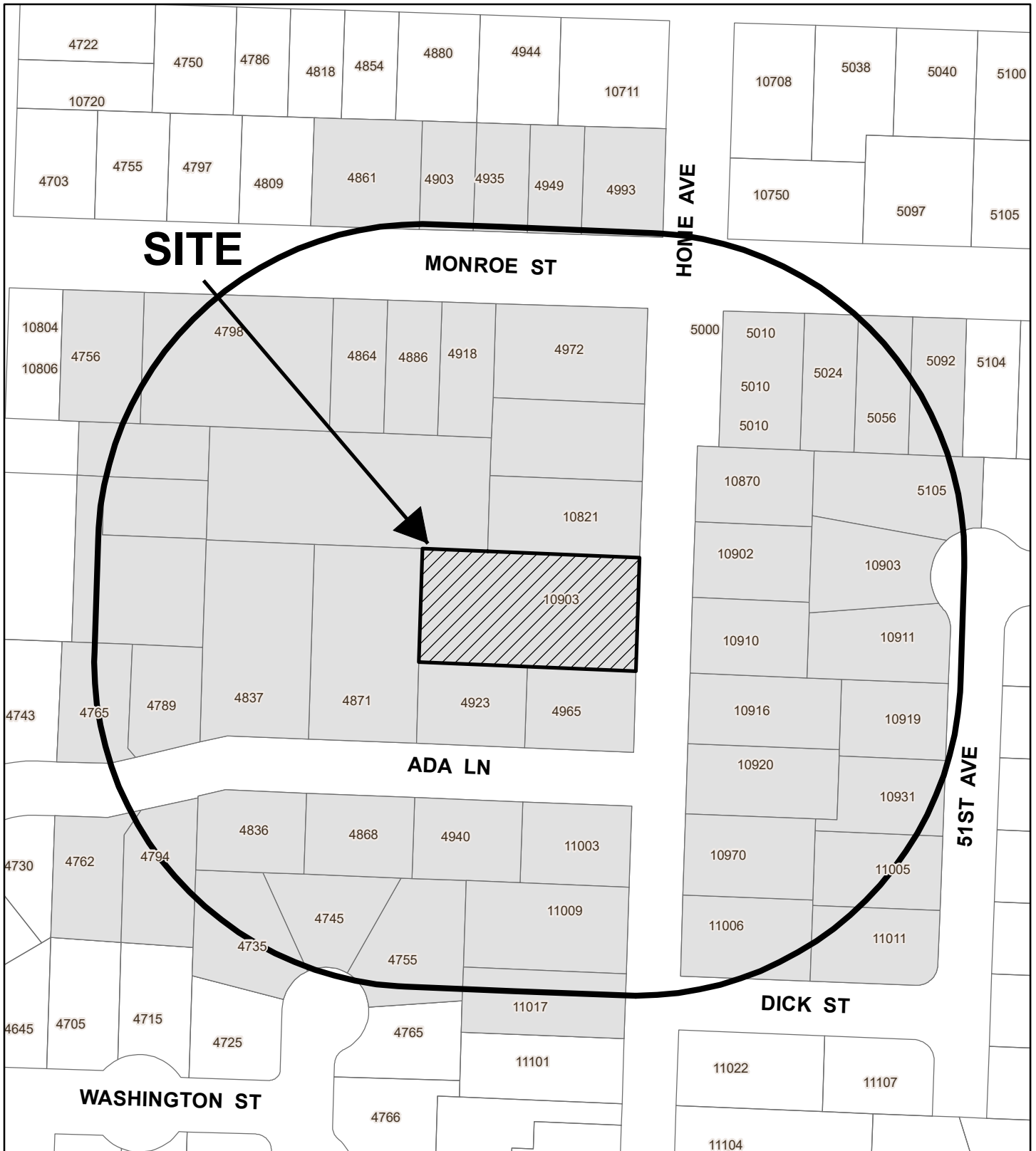
evaluation of the approval standards and criteria for the proposal. Appeals are heard by the Planning Commission and must be filed within 15 days of the issuance of a decision. Notice of an appeal hearing will be sent to all parties that received this notice. Appeals must be made in writing, use forms 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:**

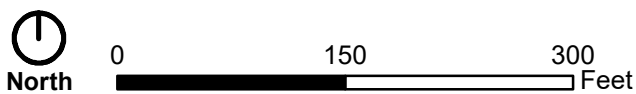
- Location map

**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**  
**10903 SE Home Ave**  
**(12E31BA10900)**  
**File# R-2022-005; VR-2022-012**



**Legend**

-  300 ft Buffer
-  R-2022-005/VR-2022-012 property
-  Properties receiving notice