

**MILWAUKIE PLANNING**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503-786-7630  
 planning@milwaukieoregon.gov

RECEIVED

NOV 23 2022

CITY OF MILWAUKIE  
 PLANNING DEPARTMENT

# Application for Land Use Action

Primary File #: CU-2022-006

Review type\*:  I  II  III  IV  V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

- |                                                           |                                                            |                                                                                    |
|-----------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------------------------|
| <input type="checkbox"/> Amendment to Maps and/or         | <input type="checkbox"/> Land Division:                    | <input type="checkbox"/> Residential Dwelling:                                     |
| <input type="checkbox"/> Comprehensive Plan Map Amendment | <input type="checkbox"/> Partition                         | <input type="checkbox"/> Manufactured Dwelling Park                                |
| <input type="checkbox"/> Zoning Text Amendment            | <input type="checkbox"/> Property Line Adjustment          | <input type="checkbox"/> Temporary Dwelling Unit                                   |
| <input type="checkbox"/> Zoning Map Amendment             | <input type="checkbox"/> Replat                            |                                                                                    |
| <input type="checkbox"/> Code Interpretation              | <input type="checkbox"/> Subdivision                       | <input type="checkbox"/> Transportation Facilities Review**                        |
| <input type="checkbox"/> Community Service Use            | <input type="checkbox"/> Miscellaneous:                    | <input type="checkbox"/> Variance:                                                 |
| <input checked="" type="checkbox"/> Conditional Use       | <input type="checkbox"/> Barbed Wire Fencing               | <input type="checkbox"/> Use Exception                                             |
| <input type="checkbox"/> Development Review               | <input type="checkbox"/> Mixed Use Overlay Review          | <input type="checkbox"/> Variance                                                  |
| <input type="checkbox"/> Director Determination           | <input type="checkbox"/> Modification to Existing Approval | <input type="checkbox"/> Willamette Greenway Review                                |
| <input type="checkbox"/> Downtown Design Review           | <input type="checkbox"/> Natural Resource Review**         | <input type="checkbox"/> Other: _____                                              |
| <input type="checkbox"/> Extension to Expiring Approval   | <input type="checkbox"/> Nonconforming Use Alteration      | <b>Use separate application forms for:</b>                                         |
| <input type="checkbox"/> Historic Resource:               | <input type="checkbox"/> Parking:                          | <input type="checkbox"/> Annexation and/or Boundary Change                         |
| <input type="checkbox"/> Alteration                       | <input type="checkbox"/> Quantity Determination            | <input type="checkbox"/> Compensation for Reduction in Property Value (Measure 37) |
| <input type="checkbox"/> Demolition                       | <input type="checkbox"/> Quantity Modification             | <input type="checkbox"/> Daily Display Sign                                        |
| <input type="checkbox"/> Status Designation               | <input type="checkbox"/> Shared Parking                    | <input type="checkbox"/> Appeal                                                    |
| <input type="checkbox"/> Status Deletion                  | <input type="checkbox"/> Structured Parking                |                                                                                    |
|                                                           | <input type="checkbox"/> Planned Development               |                                                                                    |

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): 11611 SE 33<sup>rd</sup> Ave, LLC

Mailing address: 3560 SW Troy St. Portland State/Zip: OR 97219

Phone(s): 503-891-0643 Email: \_\_\_\_\_

Please note: The information submitted in this application may be subject to public records law.

**APPLICANT'S REPRESENTATIVE** (if different than above): Crystalyn Keating

Mailing address: 3560 SW Troy St. Portland, OR 97219 State/Zip: OR 97219

Phone(s): 979-540-9348 Email: Crystal@Coast2CoastHousebuyers.com

**SITE INFORMATION:**


Address: 11611 SE 33<sup>rd</sup> Ave Map & Tax Lot(s): 11E36DB / 11E36DB & 3600

Comprehensive Plan Designation: \_\_\_\_\_ Zoning: R-MD Size of property: 5,000 sq ft

**PROPOSAL (describe briefly):**

Vacation Rental

**SIGNATURE:** I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by:  Date: 11/21/22

**IMPORTANT INFORMATION ON REVERSE SIDE**

\*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.  
 \*\* Natural Resource and Transportation Review applications may require a refundable deposit.

**WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION** (excerpted from MMC Subsection 19.1001.6.A):

**Type I, II, III, and IV** applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

**Type V** applications may be initiated by any individual.

**PREAPPLICATION CONFERENCE:**

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

**DEPOSITS:**

Deposits require completion of a Deposit Authorization Form, found at [www.milwaukieoregon.gov/building/deposit-authorization-form](http://www.milwaukieoregon.gov/building/deposit-authorization-form)

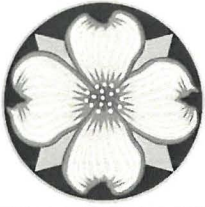
**REVIEW TYPES:**

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

**THIS SECTION FOR OFFICE USE ONLY:**

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	CU-2022-006	\$ 2,000			
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR/TFR only)			<input type="checkbox"/> Deposit Authorization Form received		
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:	RCD BY:	
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s):					
Notes:					



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# PREAPPLICATION CONFERENCE WAIVER

I/We, 11411 SE 33<sup>rd</sup> Ave, LLC (print), as applicant(s)/property owner(s) of 11411 SE 33<sup>rd</sup> Ave Milwaukie, OR (address of property), request to waive the requirement for a preapplication conference for the submission of a **Type II / III / IV / V** (circle one) land use application per MMC Subsection 19.1002.2 Applicability.

**Please provide an explanation for the waiver request:**

MMC Section 19.1002 Preapplication Conference is provided on the reverse

Applicant understands the process and request to waive the preapplication conference.

Signed:   
 Applicant/Property Owner

Approved: \_\_\_\_\_  
 Planning Director

## **19.1002 PREAPPLICATION CONFERENCE**

### **19.1002.1 Purpose**

The purpose of the preapplication conference is to acquaint the applicant or applicant's representative with the requirements of the municipal code in preparation for submission of a land use application, including relevant approval criteria, development standards, and procedures. The preapplication conference is not an exhaustive review of all potential issues or requirements. Furthermore, the information provided by the City is not binding, and it does not preclude the City from raising new issues or identifying additional requirements during the land use review process.

### **19.1002.2 Applicability**

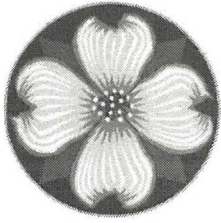
- A. For Type I applications, a preapplication conference is optional.
- B. For Type II, III, IV, and V applications, and expedited annexations per Section 19.1104, a preapplication conference is required, with the following exceptions:
  - 1. The Planning Director may waive the preapplication conference requirement for proposals that are not complex or, for some other reason, would not benefit from a formal conference.
  - 2. A preapplication conference is not required for City-initiated Type IV or V applications.

### **19.1002.3 Preapplication Conference Procedures**

The Planning Director shall adopt administrative rules for how the City processes preapplication conferences. The rules shall ensure that preapplication conferences are held in a timely fashion and provide a thorough explanation of all required City permits, fees, and approvals for any given development proposal. They shall include standards for scheduling, conducting, and communicating the outcomes of preapplication conferences.

### **19.1002.4 Preapplication Conference Expiration**

- A. A preapplication conference is valid for 2 years. If a land use application or development permit has not been submitted within 2 years of the conference date, the applicant is required to schedule a new preapplication conference prior to submittal. This requirement may be waived per Subsection 19.1002.2.B.1.
- B. An applicant may request additional preapplication conferences at any time. There is no limit to the number of preapplication conferences that may be requested.
- C. If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference. The City may refuse to accept a land use application or development permit for a significantly altered development proposal until a new preapplication conference is held.



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# Submittal Requirements

**For all Land Use Applications  
(except Annexations and Development Review)**

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov) for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.

*Applications without the required application forms and fees will not be accepted.*

2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.

*Where written authorization is required, applications without written authorization will not be accepted.*

3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

*Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.*

4. **Detailed statement** that demonstrates how the proposal meets the following:

A. All applicable development standards (listed below):

1. **Base zone standards** in Chapter 19.300.
2. **Overlay zone standards** in Chapter 19.400.
3. **Supplementary development regulations** in Chapter 19.500.
4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

B. All applicable application-specific approval criteria (check with staff).

C. Compliance with the Tree Code (MMC 16.32): [www.milwaukieoregon.gov/trees](http://www.milwaukieoregon.gov/trees)

*These standards can be found in the MMC, here: [www.qcode.us/codes/milwaukie/](http://www.qcode.us/codes/milwaukie/)*

5. **Site plan(s), preliminary plat, or final plat** as appropriate.

*See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.*

6. **Copy of valid preapplication conference report**, when a conference was required.

G:\Planning\Internal\Administrative - General Info\Applications & Handouts\Submittal Rqmts\_Form\_revised.docx—Rev. 6/22

**APPLICATION PREPARATION REQUIREMENTS:**

- Electronic copies of all application materials are required at the time of submittal.

**ADDITIONAL INFORMATION:**

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: [www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association](http://www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association).
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

As the authorized applicant I, (print name) Scott Dalinger, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: 

Date: 11/21/22

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**Official Use Only**

Date Received (date stamp below):

Received by: \_\_\_\_\_

# Google Maps



Imagery ©2022 Metro, Portland Oregon, Map data ©2022 20 ft

## **TYPE III CONDITIONAL USE REQUEST**

11611 SE 33rd Ave Milwaukie, OR

Tax Lot: 11E36DB03600

### **REQUEST**

Applicant/owner, Scott Dalinger as registered owner of 11611 SE 33rd Ave LLC., is requesting a Type-III Conditional Use to operate a Vacation Rental located at 11611 SE 33rd Ave. The property is a single family detached home totaling 1,178 square feet and has three (3) bedrooms, two (2) bathrooms, full kitchen, living room, and dining room and 2 car garage.

The applicant will use ITrip, a vacation rental management company, to manage all bookings, enforcement of house rules, and handle all cleaning, including the garbage and recycling. ITrip will be immediately available 24 hours a day to respond and address any issues that may arise via phone and will also have someone on the staff in the area that can respond in a timely manner.

The home will continue to retain the appearance of a residential household and will not house more persons' than the property was built for. The home will have 3 bedrooms used for the vacation rental and will be rented as a whole-house to one group of no more than 8 persons at a time. This would allow for two families with multiple children staying together.

The home has a two car garage with two additional off- street parking spaces in the driveway. House Rules will state there is to be no on-street parking and provide information to all guests as to where parking is allowed on the property.

All guests will be provided information on local restaurants/shopping, local transportation and transit information, maps, and access locations. Neary medical facilities and other resources will be provided.

The home will be designated as a non-smoking property and guests will be informed of that policy prior to arrival as well as that information posted in the house rules.

Kitchen access will be provided in the home, but there will be no provisions for food or alcohol services provided. No commercial events, meetings or events are proposed.

Smoke detectors are provided in each bedroom of the home and hallway and carbon monoxide detectors are provided in each floor where a carbon monoxide source is located.

No exterior alterations to the house are proposed.

House Rules will require that there are quiet hours between 10PM and 7AM. Rules will be continually implemented and will be enforced by ITrip. A full copy of the House Rules will be



emailed to all guests prior to their arrival and a copy will be placed in the home in a prominent location. ITrip uses decibel meters to maximize noise levels and will take quick action when noise levels reach above a certain level. They also use an electronic device counter to monitor how many bodies are in the home to ensure it does not surpass the allowed limit. A copy of the house rules pertaining to noise, parking, emergency contacts is included in this application and enforcement of the rules is outlined therein.

### **PROPERTY DESCRIPTION**

The property is a one level single family home with a two car attached garage and two car driveway. The home has a fence around the sides and back of the yard, covered deck in the backyard and landscaped lawn. Spacious living room, kitchen with island that opens to a dining room. Two guest bedrooms, guest bathroom, and a primary bedroom with ensuite bath.

### **BENEFITS TO LOCAL BUSINESS**

Guests will be provided with a guidebook to local businesses. Vacation rentals are a great way of generating income for local businesses.

### **BENEFITS TO NEIGHBORS**

Vacation rentals provide a great resource for neighbors and locals of the area who have family and friends that would like to visit and stay close to the area. Vacation Rental properties are also maintained frequently to ensure that both the interior and exterior of the property are kept to high standards of cleanliness and appearance which is an important aspect for the neighboring homes.

### **NEIGHBORHOOD IMPACTS**

The property will be maintained, cleaned, and reviewed after every guest departure and on a routine basis to ensure it is kept to the high standards for the neighborhood and surrounding areas. House rules and regulations will be strictly enforced. Any interior or exterior issues that need to be addressed will be done so immediately. Designated parking spaces will be provided for guests to ensure there are no parking or traffic issues that may arise.

# **TITLE 19 ZONING**

## **Chapter 19.300- Base Zones-**

\*Response: Property is located in zone R-MD in which vacation rentals are allowed as a Conditional Use.

## **Chapter 19.400-Overlay Zones and Special Areas**

\*Reponse: Property is not located in an overlay zone

## **Chapter 19.600-Off Street Parking and Loading**

\*Response: The home has a two car garage with 2 additional off-street parking spaces in the driveway for a total of 4 off-street parking spaces. Guests will be providing information regarding rules for parking and location of designated parking spaces which will be located in the driveway and garage.

## **Chapter 19.905-Conditional Uses**

### **19.905.4-Approval Criteria**

**A) Establishment of a new conditional use, or major modification of an existing conditional use, shall be approved if the following criteria are met:**

1.The Characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements and natural features.

**RESPONSE:** Applicant feels the characteristics of the lot are suitable for a Vacation Rental property. The size, shape, topography, existing improvements and natural features of the property are consistent with other properties in the area and do not conflict with the properties in the area or with the proposed use. Home is located in the Lake Road Neighborhood with an excellent walk score and convenient access to local businesses including restaurants and shopping

2. The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

**RESPONSE:** Applicant believes that the operating and physical characteristics of the Proposed vacation rental will be reasonably compatible with and have minimal impact on nearby uses. The single family home will retain the appearance and function of a single family home with no changes.

3. All identified impacts will be mitigated to the extent practicable.

**RESPONSE:** Applicant will be using Itrip to manage the vacation rental property. Itrip will be responsible for managing all of the bookings, cleaning services, and will be the contact to respond to any issues immediately. They will be on site after every guest departure to manage the garbage, recycling, and maintain the property both inside and out. The management company will enforce all House Rules and will be immediately available to address any issues that may arise.

4. The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibration, greater than usually generated by uses allowed outright at the proposed location.

**RESPONSE:** The property will have designated quiet hours from 10PM to 7AM and those will be strictly enforced both indoors and outdoors. The management company will provide and use software that will detect any noise and occupancy levels above a certain decibel and will have a strict policy regarding that outlined in the House Rules as well as provided prior to guest arrival.

5. The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas and the standards as noted in Section 19.905

**RESPONSE:** The home is located in zone R-MD and the proposed use will comply with all applicable development standards and requirements for the base zone as well as the standards required in Section 19.905. The property is not located in an overlay zone or special area.

6. The proposed use is consistent with applicable Comprehensive Plan Policies related to the proposed use.

**RESPONSE:** Property is found to be consistent with all applicable Comprehensive Plan Policies related to the proposed use.

7. Adequate public transportation facilities and public utilities will be available to service the proposed use prior to occupancy pursuant to Chapter 19.700

**RESPONSE:** The property is approximately 1.1 miles from the MAX orange line and there are also two bus lines available near the property. Bus Line #29 which is located at Lake/Webster road and bus line #152 are less than one mile and walking distance from the home. The vacation rental will be made available to no more guests than the property was built for and the current public utilities at the home should be adequate for the proposed usage.

**B) Minor modification of an existing conditional use shall be approved if the following criteria are met:**

1. The proposed modification will not significantly increase the intensity of the use at this location.

**RESPONSE:** The property will maintain the appearance of a single family dwelling and appearance for a household and will not have more persons staying in the home than what the property was built for. The home is a 3 bedroom/2 bathroom home and the max occupancy of guests will be limited to 8 persons. The home will be rented as a whole home to one group at a time with no more than 6-8 persons allowed in the group, this would accommodate a group consisting of two families with children.

2. The proposed modification will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905

**RESPONSE:** All applicable development standards and requirements of the base zone, any overlay zones or special areas, and standards set in Section 19.905 will be in compliance with for the proposed modification of use.

3. The proposed modification will not negatively impact nearby uses, protected natural features, or public facilities more than the original conditional use.

**REPNONSE:** The proposed modification of a vacation rental will not have any negative impact or create more of an impact to the nearby uses, protected natural features, or public facilities than its original conditional use.

4. The proposed modification will comply with any conditions of approval from the original conditional use proposal.

**RESPONSE:** The property will not have any changes from the original conditional use approval and the proposed modification will comply with any conditions of approval from the original.

**19.905.9.H STANDARDS GOVERNING CONDITIONAL USES**

Section H-Vacation Rentals- Operation of a vacation rental requires the following:

1. Prior to initial occupancy, the Building Official shall verify that the building code and fire code standards are satisfied.

**ANSWER:** A paid inspection will be requested prior to initial occupancy so that the building official may verify that all building code and fire code standards are met and satisfied.

- a. With annual filing of MMC Title 5 Business Tax, the operator shall send a notice to neighbors within 300 feet that includes the following information:
- b. Property Owner Contact Information
- c. Vacation Rental Operator and/or property manager contact information; and
- d. City of Milwaukie Police nonemergency telephone number.

**ANSWER:** Annual Filing of the MMC Title 5 Business Tax will be filed and a notice will be mailed to all neighbors with 300 feet. The notice will include the property owners contact information, the contact for Itrip which will be managing the property, and the City of Milwaukie Police nonemergency telephone number.

Tax Lot ID	11E36DB03600
Address	11611 SE 33rd Ave Milwaukie, OR
Building Value	232,040
Land Value	198,052
Total Value	430092
Year Built	1967
Building Sq Footage	1,178
GIS Acres	
In Milwaukie?	Yes
Neighborhood	Lake Road
Zoning Code	R-MD
Zoning Code Description	Moderate Density Residential
Garbage Hauler	Waste Management of Oregon
Garbage Hauler Contact	1-800-808-5901
Milwaukie Water Service Area	Yes
Milwaukie Sewer Service Area	Yes
In Urban Renewal Area	No
100 Year Flood Plain	No

## Maximum Occupancy

The maximum number of occupants of this home shall not exceed **8 people**. Please do not exceed the maximum occupancy.

## Noise Ordinance

This home is located in a quiet residential neighborhood. Parties are **prohibited** at the property. Quiet hours for this home are 10pm-7am. Please refrain from making excessive noise during these times. Any complaints are grounds for immediate eviction.

## Parking

There are two off-street parking spaces in the driveway, with additional parking in the garage if needed. Please refrain from parking on the street.

## Important + Contact + Info

<b>Medical / Fire / Police Emergencies:</b>	<b>911</b>
Local Contact: Elizabeth Rieke / iTrip Vacations: (503) 809-8460 (secondary)	(503) 230-0534 (primary)
Poison Control:	1-800-222-1222

## Emergency + Medical

Legacy-GoHealth Urgent Care

- 1900 Mcloughlin Blvd Ste 127 Oregon City OR 97045
- 503-305-6159
- Open 8am – 8pm daily

Providence Milwaukie Hospital

- 10150 SE 32<sup>nd</sup> Ave Milwaukie OR 97222
- 503-513-8300
- Open 24 hours











