



CITY OF MILWAUKIE

May 30, 2025

Land Use File(s): VR-2025-006, LC-2025-001

Permit(s): 601-25-000539-STR

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Manager on May 30, 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): | Daniel Lajoie (Departure Architecture) |
| Location(s): | 12201 & 12207 SE River Rd |
| Tax Lot(s): | 1S2E31AD, lot 7700 |
| Application Type(s): | Variance Request (Type II administrative), Lot Consolidation |
| Decision: | Approved with Conditions |
| Review Criteria: | <p>Milwaukie Zoning Ordinance:</p> <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 & Procedures◦ MMC Chapter 17.18 Approval Criteria◦ MMC Chapter 17.28 Design Standards• MMC Section 19.301 Moderate Density Residential Zone (R-MD)• MMC Chapter 19.700 Public Facility Improvements• MMC Section 19.911 Variances• MMC Section 19.1005 Type II Review |
| Neighborhood(s): | Island Station |

Appeal period closes: 5:00 p.m., June 16, 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 Brett Kelter, Senior Planner, at 503-786-7657 or kelterb@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at www.milwaukieoregon.gov/planning/vr-2025-006.

This decision may be appealed by 5:00 p.m. on June 16, 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.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

1. As per Finding 5-a, prior to final inspection of the new duplex, the final plat used to record the lot consolidation must be signed and recorded.
2. As per Finding 5-c, in conjunction with the recording of the final plat, record a deed restriction requiring the consolidated lot to be developed with at least two dwelling units.
3. As per Finding 7-e, prior to final inspection of the new duplex, construct a 5-ft sidewalk and 5-ft landscape strip along the entire length of the Wren Street frontage.

Other Requirements

1. The proposed development of new dwelling units on the subject property triggers the applicability of the City's residential tree code as established in MMC Section 16.32.042. Contact the City's Urban Forestry team for more information.
2. Note that a right-of-way (ROW) permit will be required for all work proposed within the public ROW. Contact the Engineering department (engineering@milwaukieoregon.gov) for more information.

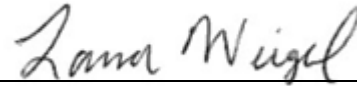
Manager's Declaration of Impartiality

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
- cc: Daniel Lajoie, applicant's representative (via email)
Emma Sagor, Tristan Shepard, & Tanis Knight, property owners (via email)
Planning Commission (via email)
Joseph Briglio, Acting Community Development Director (via email)
Jennifer Garbely, City Engineer (via email)
Jeff Tolentino, Assistant 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)
Emilie Bushlen, Permit Technician (via email)
Shawn Olson, Fire Marshal, CFD#1 (via email)
NDA(s): Island Station (via email)
Land Use File(s): VR-2025-006
Address File(s): 12201 & 12207 SE River Rd

EXHIBIT 1
Findings in Support of Approval
Primary File #VR-2025-006 (with LC-2025-001)
Street Side Yard Variance, Lot Consolidation
12201 & 12207 SE River Rd

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, Daniel Lajoie, on behalf of the property owners, has requested a variance from the street side yard standard for a proposed new duplex structure in conjunction with consolidation of the subject properties currently addressed as 12201 and 12207 SE River Rd. The site is zoned Moderate Density Residential (R-MD) and is comprised of two 5,000-sq-ft legal lots of record (0.23 acres total). The primary land use application file number is VR-2025-006, with LC-2025-001.
2. The subject properties are located at the northeast corner of River Road and Wren Street and are comprised of Lots 1 and 3 from Block 4 of the Robertson subdivision (platted in 1884). The site is currently undeveloped, as the subject properties were previously part of the adjacent residential property to the west at 12208 SE 22nd Ave. The applicant has proposed to consolidate the lots and construct a duplex on the site (currently in review with permit #601-25-000539-STR). The applicant has requested a Type II variance to reduce the street side yard along the Wren Street frontage by 25%, from 20 ft down to 15 ft.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Chapter 12.16 Access Management
 - MMC Title 17 Land Division, including:
 - MMC Chapter 17.12 Application Procedure
 - MMC Chapter 17.16 Application Requirements and Procedures
 - MMC Chapter 17.18 Approval Criteria
 - MMC Chapter 17.28 Design Standards
 - MMC Section 19.301 Moderate Density Residential Zone (R-MD)
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.911 Variances
 - MMC Section 19.1005 Type II Review

The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review.

4. MMC Chapter 12.16 Access Management

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. The City Engineer has the authority to restrict the location of accessways.

The lot addressed as 12201 SE River Rd has frontage on both River Road and Wren Street; the lot addressed as 12207 SE River Rd has frontage only on River Road. The subject properties are not developed and do not currently have formalized access onto either street. The proposed duplex development will provide one accessway onto each street as allowed, each located as far from the intersection of River and Wren as practicable.

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

5. MMC Title 17 Land Division

MMC Title 17 establishes the standards and procedures for land division and property boundary changes.

a. MMC Chapter 17.12 Application Procedure

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

(1) 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 lot consolidation.

As noted in Finding 2, the proposed boundary adjustment involves the consolidation of two lots from a recorded subdivision plat. As per MMC Table 17.12.020, a boundary adjustment that consolidates legal lots is processed with Type I review.

(2) MMC Section 17.12.030 Lot Consolidation, Property Line Adjustment

MMC 17.12.030 establishes the Type I review process for lot consolidation, with approval criteria provided in MMC Section 17.18.010. Upon approval, the applicant must record or file the signed lot consolidation 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). A copy of the recorded survey map must be submitted to the City prior to the issuance of any development permits on the reconfigured lots.

The proposed boundary adjustment is being processed as a lot consolidation through a Type I procedure alongside a Type II variance request to reduce the street side yard. As addressed in Finding 5-c, the proposed consolidation meets the approval criteria in Section 17.18.010. The subject properties are lots originally created by plat and the applicant has proposed to formalize the proposed consolidation by recording a final plat with Clackamas County instead of a simple survey map. A condition has been established to require that the final plat is signed and recorded prior to final inspection of the new duplex.

As conditioned, the Planning Manager finds that the proposed boundary adjustment is consistent with the applicable procedures.

The Planning Manager finds that, as conditioned, the proposed boundary adjustment meets all applicable standards of MMC 17.12. This standard is met.

b. MMC Chapter 17.16 Application Requirements and Procedures

MMC 17.16 establishes the submittal requirements for lot consolidation, property line adjustment, partition, and subdivision. For lot consolidations, MMC Section 17.16.040 requires a completed application form, application fee, narrative report addressing approval criteria, and a surveyed and monumented plan prepared in accordance with applicable state standards. Since the applicant has proposed to record the lot consolidation with a plat, the information normally required for preliminary plats (as outlined in MMC Section 17.16.050) is also necessary.

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 preapplication conference required for the associated Type II variance was held November 27, 2024. The application was deemed complete on April 29, 2025.

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

c. MMC Chapter 17.18 Approval Criteria

MMC 17.18 establishes approval criteria for lot consolidation, property line adjustment, preliminary plat, and final plat. Specifically, MMC Section 17.18.010 establishes the 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 4-8 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 boundary adjustment is a lot consolidation that will result in a single vacant lot that is suitable for development without requiring a variance. The applicant has requested a Type II variance to adjust the street-side yard setback along the Wren Street frontage, but that variance is related to the design of the associated proposed new duplex and is not necessary to allow reasonable development of the lot.

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

The existing subject properties are each 5,000 sq ft in area (0.11 acres); when consolidated they will be 10,000 sq ft (0.23 acres). In the underlying R-MD zone, the minimum density requirement for lots between 5,000 and 6,999 sq ft is 7.0 units per acre; for lots 7,000 sq ft or more, the minimum density requirement is 5.0 units per acre.

The minimum density for the subject properties prior to consolidation is 0.77 units each, which rounds up to 1 unit each, or 2 units total (as per the rounding standards established in MMC Subsection 19.202.4). The minimum density for the consolidated lot is 1.15 units, which is rounded down to 1 unit. As proposed, the lot consolidation by itself would reduce the minimum density below the R-MD zone requirement. However, the proposal to develop the site with a duplex (2 units) would maintain the current density requirement. A condition has been established to require a deed restriction that ensures the consolidated lot is developed with at least two dwelling units. The deed restriction must be recorded in conjunction with the recording of the final plat.

As conditioned, the Planning Manager finds that the proposed boundary adjustment meets the applicable approval criteria for lot consolidations. This standard is met.

d. MMC Chapter 17.28 Design Standards

MMC 17.28, in particular MMC Section 17.28.040, establishes a variety of standards related to lot design, including for size, shape, compound lot line segments, and frontage.

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

The R-MD zone has minimum standards for lot size, width, and street frontage, and the subject properties each currently meet those standards. As discussed in Finding 6, the proposed consolidation will result in a single lot that meets the applicable standards as well and that remains appropriate for the proposed duplex development.

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

The proposed consolidated lot will remain rectilinear and faces River Road, to which the side lot lines run at right angles and the rear lot line runs parallel.

- (3) MMC 17.28.040.C prohibits cumulative lateral changes in direction of a side or rear lot line exceeding 10% of the distance between opposing lot corners along a given lot line. Changes in direction will be measured from a straight line drawn between opposing lot corners.

The proposed consolidated lot is rectilinear and does not include a compound segment.

- (4) MMC 17.28.040.D provides that lot shape standards may be adjusted subject to Section 19.911 Variances.

No adjustments to lot shape standards are requested or required.

- (5) MMC 17.28.040.E limits double and reversed frontage lots (i.e., through 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.

The proposed consolidated lot is a corner lot with frontage on two streets (River Road and Wren Street) and is not a double or reversed frontage (i.e., through) lot.

- (6) MMC 17.28.040.F requires that required frontage be measured along the street upon which the lot takes access.

As proposed, the consolidated lot is a corner lot that will take direct access from both River Road and Wren Street, with frontage lengths of 100 ft each, well over the 35-ft minimum for standard lots in the R-MD zone.

The Planning Manager finds that the proposed boundary adjustment complies with all applicable standards for lot design as established in MMC 17.28. This standard is met.

The Planning Manager finds that, as conditioned, the proposed boundary adjustment meets all applicable standards of MMC Title 17.

6. 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 outright in the R-MD zone, including single detached dwellings, middle housing types (duplexes, triplexes, quadplexes, townhouses, and cottage clusters), accessory dwelling units (ADUs), and adult foster/care homes.

The subject properties are currently undeveloped, but the applicant has proposed to consolidate the lots to facilitate the construction of a duplex. The proposed use is permitted outright in the R-MD zone.

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 6-b below.

| Table 6-b Applicable R-MD Development Standards | | |
|--|--|--|
| Standard | R-MD Requirement (for lots 7,000 sq ft and larger) | Proposed Consolidated Lot (with proposed duplex development) |
| Lot width | 60 ft | 100 ft (measured along River Road frontage) |
| Lot depth | 80 ft | 100 ft (measured along Wren Street frontage) |
| Public street frontage | 35 ft | 100 ft (for each frontage) |
| Front yard | 20 ft | 20 ft |
| Side yard | 5 ft (interior side of corner lot) | 5 ft |
| Street side yard | 20 ft | 15 ft (with approved variance—see Finding 9) |
| Rear yard | 20 ft | 20 ft |
| Maximum lot coverage | 30% (up to 40% for portions under 20 ft) | 39.95% (only 21.1% coverage by structures over 20 ft) |
| Minimum vegetation | 30% | 34% |
| Front yard minimum vegetation | 40% | 64% |

As proposed and with the variance approved as discussed in Finding 9, the Planning Manager finds that the applicable development standards of these subsections are met.

The Planning Manager finds that, as proposed and with the variance approved as discussed in Finding 9, the proposed development meets all applicable standards of MMC 19.301. This standard is met.

7. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including expansions, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of MMC 19.700, including a new dwelling unit, any increase in gross floor area, land divisions, 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. As per MMC Subsection 19.702.2, expansions to single detached dwellings that add 1,500 sq ft or more floor area trigger the applicability of all of MMC 19.700.

The applicant has proposed to consolidate the two subject property lots and construct an attached duplex. The proposed development triggers the full requirements of MMC 19.700.

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700, including requiring a preapplication conference, establishing the type of application required, and establishing approval criteria.

The applicant had a preapplication conference with City staff on November 27, 2024. As noted in Finding 7-c, a transportation impact study (TIS) is not required; therefore, an application for transportation facilities review is not necessary. This standard is met.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes that the City Engineer will determine whether a proposed development has impacts on the transportation system by using existing transportation data. If the City Engineer cannot properly evaluate a proposed development's impacts without a more detailed study, a TIS will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts.

The City Engineer has determined that a TIS is not required, as the increase in vehicle trips related to duplex development is within the range anticipated for the type of development allowed in the underlying R-MD zone.

As proposed, the Planning Manager finds that this standard is met.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts.

As discussed in Finding 7-e, the impacts of the proposed development will be mitigated by construction of frontage improvements along the Wren Street frontage. Each abutting street provides access to one of the two proposed dwelling units, so requiring construction of frontage improvements on the Wren Street frontage is appropriate and proportional to the impacts of the proposed development.

As proposed, the Planning Manager finds that this standard is met.

e. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. MMC Subsection 19.708.1 requires compliance with MMC Chapter 12.16 and establishes general requirements and standards for streets, including access management, clear vision, street design, connectivity, and intersection design and spacing standards. MMC

Table 19.708.2 provides more specific street design standards for various street classifications, including for arterial and neighborhood routes. All streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public ROW and abutting the development site must be adequate at the time of development or must be made adequate in a timely manner. The City's street design standards are based on the street classification system described in the City's Transportation System Plan (TSP).

The subject properties are on the corner of River Road and Wren Street, with 100 ft of frontage on each. River Road is classified as an arterial street; it is improved with a one-way (northbound) roadway, bike lane, curb, and curb-tight sidewalk on the east side of the street. Wren Street is classified as a local street; it is improved only with a two-way roadway.

The proposal to develop the undeveloped site with a new duplex triggers the requirement to ensure that the property's frontages are fully developed to current standards. No further improvements are required along the River Road frontage, but a 5-ft sidewalk and 5-ft landscape strip are required along the length of the Wren Street frontage. A condition has been established to ensure that the required improvements are constructed along the Wren Street frontage in conjunction with the proposed new duplex.

As conditioned, the Planning Manager finds that this standard is met.

f. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes the City's requirements and standards to ensure the adequacy of public utilities to serve development.

The proposed development does not present significant new impacts to existing public utilities, which are adequate to serve the proposed use.

As proposed, the Planning Manager finds that this standard is met.

The Planning Manager finds that, as conditioned, the applicable standards of MMC 19.700 are met.

8. MMC Chapter 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 any of the following: change in 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 adjust the street side yard requirement.

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 19.911.3.B establishes the Type II review process for limited variations to certain numerical standards, including varying a street-side yard width by up to 25%. 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.

The requested variance is to reduce the required street side yard width of 20 ft down to 15 ft, a 25% reduction. The requested variance is eligible for Type II review.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes the approval criteria for variances, with the following criteria for Type II variance applications provided in MMC Subsection 19.911.4.A:

- (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 subject property is a corner lot and the applicant has proposed to develop it with an attached duplex. Each unit will front on River Road and includes an attached garage, but the southern unit will take access from a driveway on River Road while the northern unit will take access from a driveway on Wren Street.

The proposal to reduce the street side yard from 20 ft to 15 ft will not result in any detrimental impacts to neighboring properties. There are no protected natural resource areas on the site. The reduced street side yard will not present any clear vision issues at the intersection of Wren Street and River Road and will not otherwise negatively impact public health, safety, or welfare.

This criterion 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.

No public improvements are planned at this location, and there is no anticipated need for dedication to the public right-of-way along either of the consolidated lot's street frontages.

This criterion is met.

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

The subject properties are currently undeveloped, so there is no existing building or site design to be sustained.

This criterion is met.

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

As discussed above, the proposal to reduce the street side yard by up to 5 ft will not generate any negative impacts, so no mitigation is necessary.

This criterion is met.

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

The subject property does not include any trees over 6 inches in diameter at breast height. As discussed in Finding 6, the proposed development provides sufficient minimum vegetation area to allow the planting of trees to achieve 40% canopy as required by the residential tree code. The requested variance to reduce the street side yard would not impact the site's ability to be planted to meet the 40% canopy standard.

This criterion is met.

As proposed, the Planning Manager finds that the requested variance meets the approval criteria for a Type II variance.

The Planning Manager finds that, as proposed, the requested variance meets the applicable standards and criteria of MMC 19.911.

9. The application was referred to the following departments and agencies on April 29, 2025:

- Milwaukie Community Development Department
- Milwaukie Engineering Department
- Milwaukie Building Department
- Milwaukie Public Works Department
- Milwaukie Police Department
- Milwaukie City Attorney
- Clackamas Fire District #1 (CFD#1)
- Island Station Neighborhood District Association (NDA) and Land Use Committee
- Clackamas County Department of Transportation and Development
- Metro
- TriMet
- North Clackamas School District
- NW Natural

In addition, notice of the application was mailed to property owners and residents within 300 ft of the subject property on April 29, 2025. Public notice signs were posted on the property on May 1, 2025.

No comments were received.