



# CITY OF MILWAUKIE

## NOTICE OF TYPE II LAND USE PROPOSAL

Date mailed: June 18, 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](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 Wednesday, July 2, 2025. 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>	MOD-2025-001; VR-2025-008
<b>Location:</b>	11972 SE 35 <sup>th</sup> Ave, Milwaukie, OR 97222 1S1E36DB09600 <i>A map of the site is located on the last page of this notice.</i>
<b>Proposal:</b>	<p>The property, which is approximately 0.15 ac, is currently developed with a detached garage. The applicant is proposing to demolish the garage and construct a new 1,805 sq ft single story house on the property. As proposed, the house would protrude approximately 2 feet 2 inches into a no-build zone, which was created (as a condition of approval) through a previously approved land use decision, file #MLP-07-01. Allowing the encroachment requires two land-use applications: a modification to a previously approved land use decision and a variance.</p> <ol style="list-style-type: none"><li>1) Modification: the applicant is proposing to modify the condition of approval to reduce the size of the no-build zone from approximately 42 feet into the site to 39 feet into the site.</li><li>2) Variance: reduce the minimum lot width from 60 ft to 57 ft 10 in.</li></ol> <p>Note: Reducing the minimum lot width would not modify in any way the location of property lines. Under MMC 19.201, lot width is defined as <i>the horizontal distance between side lot lines measured at the Building line.</i></p>

<b>Applicant/Primary Contact Person:</b>	Jonathan Heppner 11974 SE 35 <sup>th</sup> Ave phone: 503-737-4877 email: jonathan@cottage-collab.com
<b>Owner(s):</b>	Barbara Allan 11974 SE 35 <sup>th</sup> Ave, Milwaukie, OR 97222
<b>Staff contact:</b>	Ryan Dyar, AICP, Associate Planner City of Milwaukie Planning Department 10501 SE Main St. Milwaukie, OR 97222 503-786-7661, dyarr@milwaukieoregon.gov
<b>Neighborhood District Association(s):</b>	Lake Road NDA, contact Paul Hawkins by phone: 503-653-7389 or email: phawk4350@gmail.com; Teresa Bresaw by phone: 503-786-4690 or email: tbresaw50@gmail.com; Trevor Adams by phone: 541-231-8947 or email: trevor.yukio5@gmail.com
<b>Applicable Criteria:</b>	<ul style="list-style-type: none"> <li>• MMC 19.301 Moderate Density Residential Zone</li> <li>• MMC 19.909 Modifications to Existing Approvals</li> <li>• MMC 19.911 Variances</li> <li>• MMC 19.1005 Type II review</li> </ul> <p>Copies of these criteria are available upon request and can also be found at <a href="https://ecode360.com/43860127#43860127">https://ecode360.com/43860127#43860127</a>.</p>

**To learn more about a proposal:** Contact the staff contact assigned to the proposal or visit the project webpage at [www.milwaukieoregon.gov/planning/mod-2025-001](http://www.milwaukieoregon.gov/planning/mod-2025-001). The application materials and the applicable approval criteria and development standards are available for review at the Planning Department, Milwaukie City Hall, 10501 SE Main St. 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.

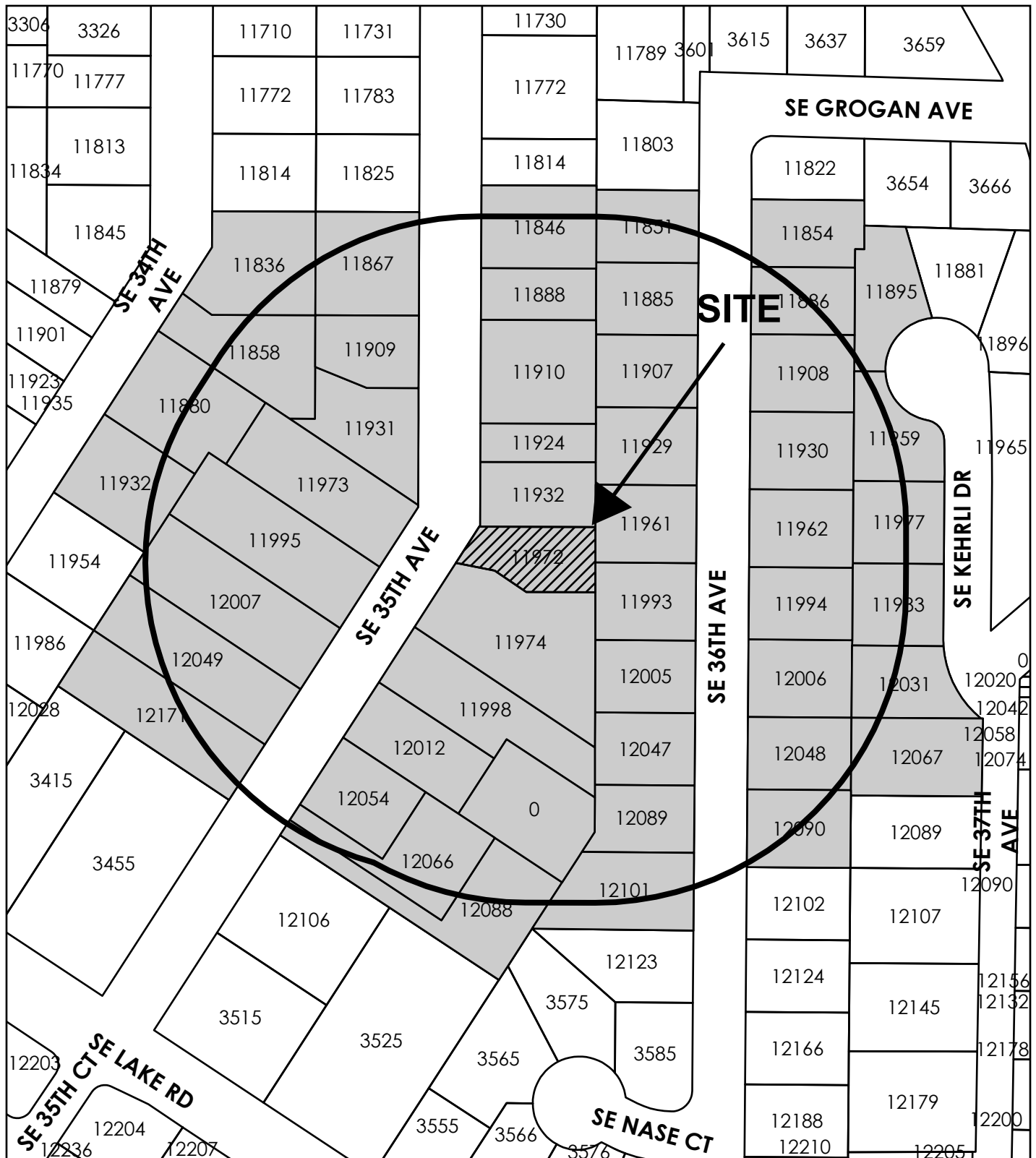
After an appeal hearing, the Planning Commission’s decision may be appealed to the Oregon Land Use Board of Appeals (LUBA), 550 Capitol St SE, Suite 235, Salem, OR 97301 (503-373-1265). Any issue that is intended to provide a basis for appeal to LUBA must be raised prior to the issuance of the Planning 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**  
**11972 SE 35th Ave**  
**(1S1E36DB09600)**  
**File # MOD-2025-001**

### Legend

-  Other Tax Lots
-  MOD-2025-001 Site
-  300 Ft Buffer
-  MOD-2025-001 Notice Properties



0 75 150 300 Feet