



May 18, 2018

Land Use File(s): R-2018-002

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on May 17, 2018.

Applicant(s): Steve Gibson, Steve Gibson Construction Co., Inc.

Location(s): 3716 SE International Way

Tax Lot(s): 11E36DA 00500, 00501, 00502, and 00600

Application Type(s): Subdivision Replat: Combine 4 tax lots (7 platted lots and portions of 2 other platted lots) into 1 tax lot

Decision: Approved

Review Criteria: Milwaukie Land Division Ordinance:

- MMC Chapter 17.16 Application Requirements and Procedures
- MMC Chapter 17.12 Application Procedure and Approval Criteria

Milwaukie Zoning Ordinance:

- MMC Section 19.310 Business Industrial Zone BI
- MMC Section 19.1005 Type II Review

Appeal period closes: 5:00 p.m., June 1, 2018

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 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 Kolas, Associate Planner, at 503-786-7653 or koliasv@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at <https://www.milwaukieoregon.gov/planning/r-2018-002>.

This decision may be appealed by 5:00 p.m. on June 1, 2018, which is 15 days from the date of this decision.¹ 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

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, Steve Gibson of Steve Gibson Construction Co, Inc, on behalf of the property owner Keith Johns, has applied for approval to combine 4 tax lots (7 platted lots and portions of 2 other platted lots) into 1 single tax lot at 3716 SE International Way. These lots are in the Business Industrial (BI) Zone. The land use application file number is R-2018-002.
2. The subject properties are Lots 15, 16, 17, 18, parts of Lots 19 and 23, Lots 24, 25, and 26 of Block 92 of the Minthorn Addition to the City of Portland subdivision platted in 1890. The tax lots are 11E36DA 00500, 00501, 00502, and 00600. Tax lot 600 is developed with a single-story commercial building and the other lots are vacant, but include parking areas serving the business. The applicant proposes to combine the lots into 1 lot and construct an addition to the commercial building. The area of the new lot will be 0.45 acres.
3. The proposed boundary adjustment involves a reconfiguration of platted lots from a recorded subdivision. 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 17.16 Application Requirements and Procedures
 - MMC Chapter 17.12 Application Procedure and Approval Criteria
 - MMC Section 19.310 Business Industrial Zone
 - MMC Section 19.1005 Type II Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review, with a decision by the Planning Director.

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.

5. MMC Chapter 17.16 Application Requirements and 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 Director.

The applicant's submittal materials include the necessary forms and fee, a brief narrative that addresses applicable approval criteria, and a graphic that portrays the proposed lot consolidation. The Planning Director has determined that no additional information is required and that the application for the proposed boundary adjustment meets all applicable standards of MMC 17.16. This standard is met.

6. MMC Chapter 17.12 Application Procedure and Approval Criteria

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 per MMC Table 17.12.020, a subdivision replat (i.e., a replat involving 4 or more lots) that does not modify a plat originally decided by the City's Planning Commission and is a parcel consolidation is subject to Type III review. 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, is consistent with the basis and findings of the original approval, and does not increase the number of lots.

As discussed in these findings, the proposed lot consolidation is consistent with all applicable standards and criteria. The plat in question, the Minthorn Addition subdivision of 1890, was recorded by Clackamas County well before the City's first subdivision ordinance was adopted in 1967. The proposed adjustment will reduce the number of tax lots from 4 to 1 and will remove the underlying 9 subdivision lots.

The Planning Director finds that the lot consolidation application is subject to Type II review.

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 and Title 19.

As discussed in Findings 5, 6 and 7, the proposed lot consolidation complies with all applicable standards of Titles 17 and 19. Four tax lots in the BI Zone will be combined to create 1 conforming tax lot (and will remove the underlying 9 subdivision lots).

(2) The boundary change will allow reasonable development of the affected lots and will not create the need for a variance of any land division or zoning standard.

One of the subject properties is developed with a commercial building and the other three are developed with a parking area to support the commercial business. When combined,

the resultant lot will be developed with an expanded commercial structure and improved parking areas. The proposed adjustment will not create the need for a variance of any land division or zoning standard.

- (3) Boundary changes shall not reduce residential density below minimum density requirements of the zoning district in which the property is located.

The subject properties are zoned for industrial development; residential development is not permitted in the BI Zone. This criterion does not apply.

The Planning Director finds that the proposed boundary adjustment meets the approval criteria established in MMC 17.12.030.

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

7. MMC Section 19.310 Business Industrial Zone (BI)

MMC 19.310 establishes standards for the BI Zone. Specifically, MMC 19.310.6 establishes development standards for the BI zone, including for minimum lot size (no minimum, but must be of sufficient size to fulfill the applicable standards of the BI zone).

The proposed boundary adjustment will consolidate 4 tax lots into 1 lot (and will remove the underlying 9 subdivision lots) for the purposes of expanding the existing commercial structure and any associated parking improvements. The resultant single lot will have an area of 0.45 acres. The area of the subject property after the proposed adjustment will meet the minimum requirements of the BI zone.

The Planning Director finds that the proposed boundary adjustment meets all applicable development standards of MMC 19.310. This standard is met.

Conditions of Approval

None

Other requirements

1. MMC Section 17.04.120 Recording

As per MMC Section 17.04.120, replats must be recorded by plat with Clackamas County. An application for a final plat shall be submitted to both the City Planning Department and the County Surveyor within 6 months of the date of this approval. Once approved by the County Surveyor, a copy of the recorded final plat shall be submitted to the City Planning Department.

Expiration

Per MMC Subsection 17.04.050.A, this decision on the proposed boundary change shall expire 1 year after the date of approval. An extension of up to 6 months may be granted upon submission of a formal request to the original decision-making authority (the Planning Director,

in this case), subject to the provisions of MMC Subsection 17.04.050.B, which include the following:

- a. No changes are made on the original plan as approved;
- b. The applicant can show intent of recording the boundary change within the 6-month extension period; and
- c. There have been no changes in the ordinance provisions on which the approval was based.

Exhibits

1. Map of proposed adjustment

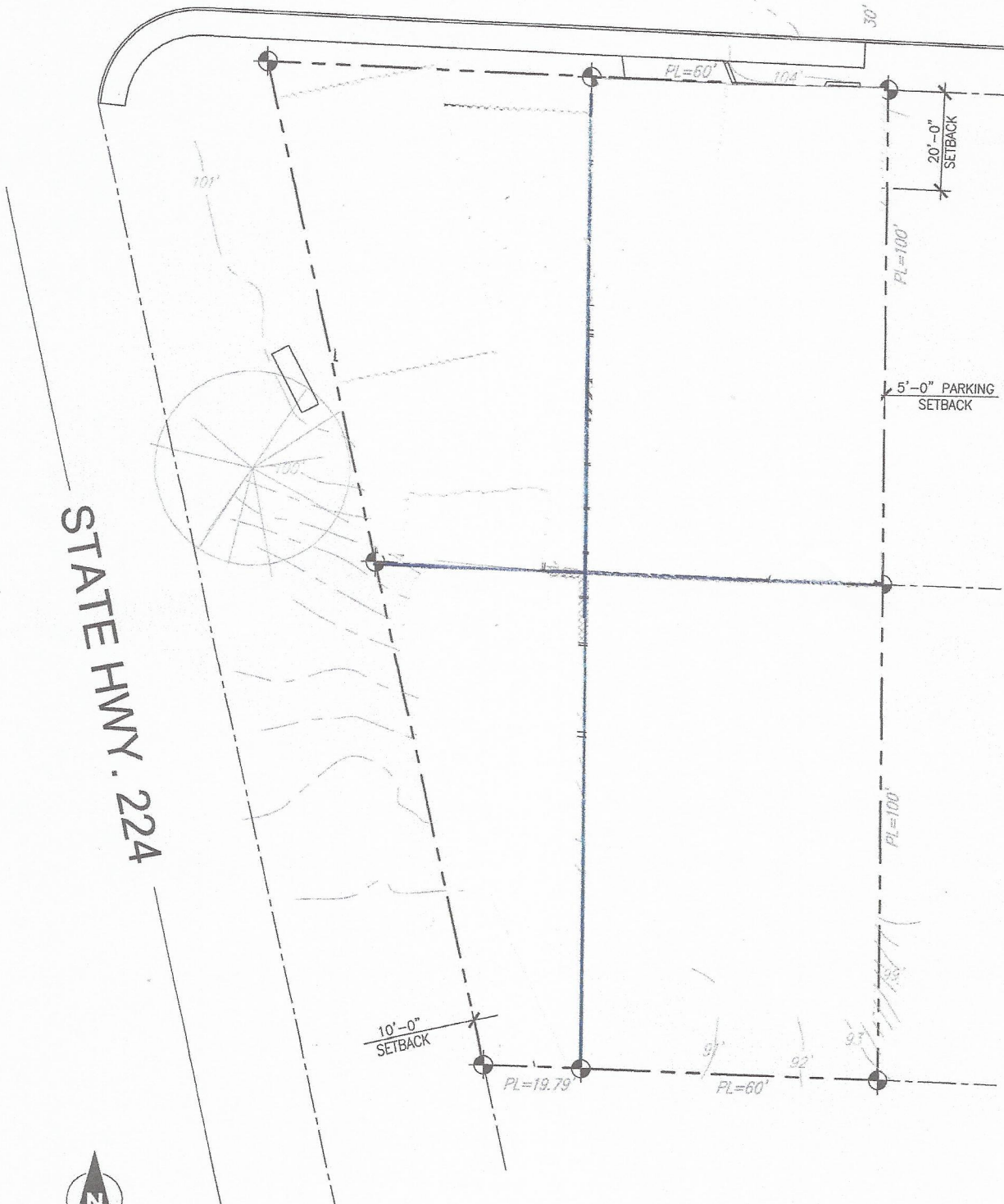


Dennis Egner, FAICP
Planning Director

- cc: Dr. Keith Johns, Milwaukie Chiropractic, 3716 SE International Way, Milwaukie, OR 97222
Steve Gibson, Steve Gibson Construction Co (10271 SE 54th Ave, Milwaukie, OR 97222)
Alma Flores, Community Development Director (*via email*)
Chuck Eaton, Engineering Director (*via email*)
Alex Roller, Engineering Technician II (*via email*)
Samantha Vandagriff, Building Official (*via email*)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (*via email*)
Land Use File(s): R-2018-002

S.E. INTERNATIONAL WAY

STATE HWY. 224



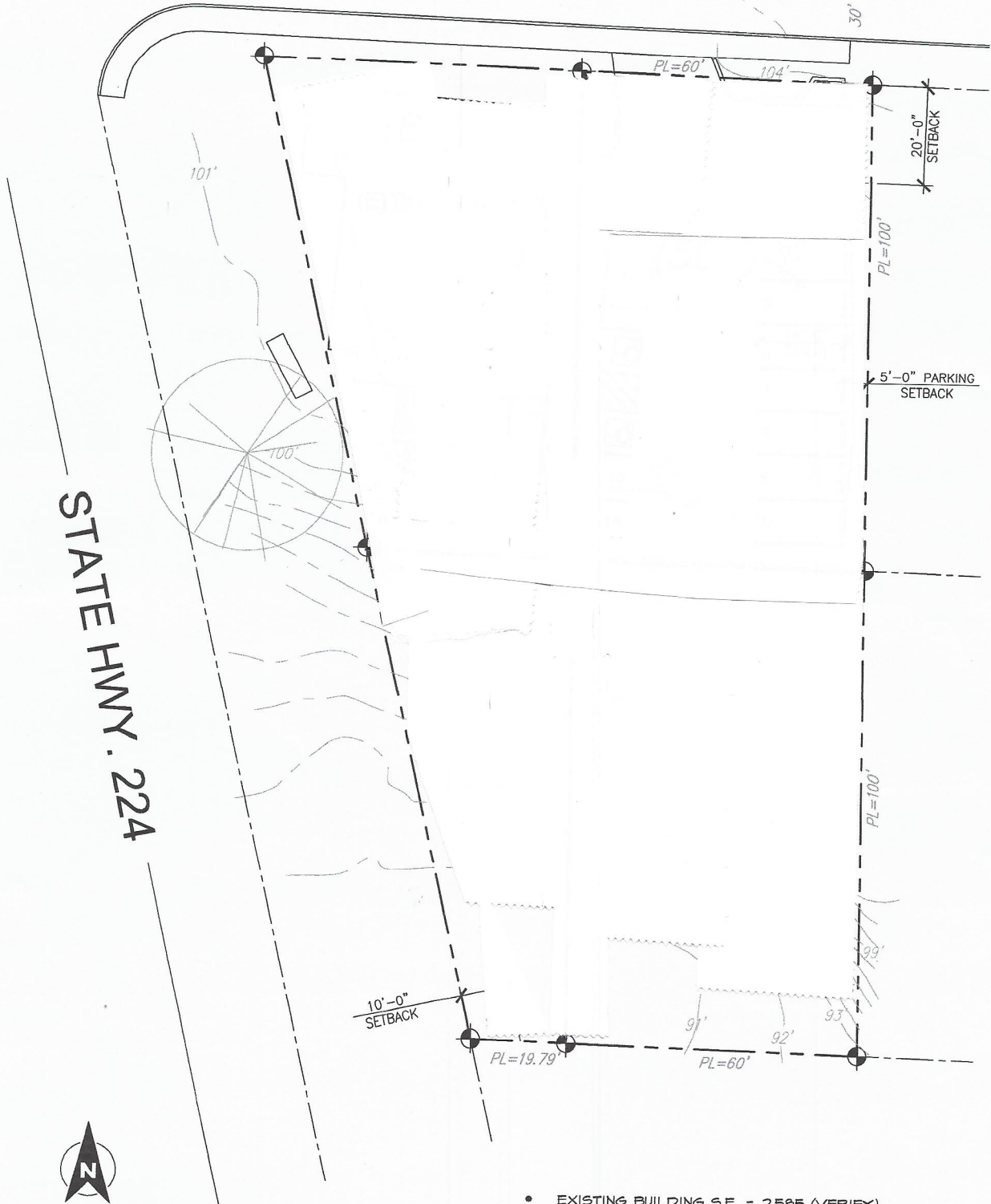
- EXISTING BUILDING S.F. = 2,503 (VERIFY)
 PROPOSED ADDITION S.F. = 684
 PROPOSED TOTAL S.F. = 3,269
- PARKING : 16 (9'x18') STALLS
 ADA : 1 REGULAR STALL + 1 VAN STALL

SITE PLAN EXISTING PLAT

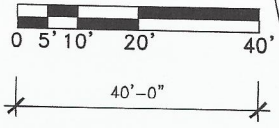
SC: 1" = 20'

MILWAUKIE CHIROPRACTIC & MASSAGE CENTERS
 3716 SE INTERNATIONAL WAY, MILWAUKIE, OREGON 97222
 CONTACT: DR. KEITH JOHNS PHONE = 503-659-0073

S.E. INTERNATIONAL WAY



STATE HWY. 224



- EXISTING BUILDING S.F. = 2,585 (VERIFY)
 PROPOSED ADDITION S.F. = 684
 PROPOSED TOTAL S.F. = 3,269
- PARKING : 16 (9'x18') STALLS
 ADA : 1 REGULAR STALL + 1 VAN STALL

SITE PLAN *Proposed Replat*

SC: 1" = 20'

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