

MILWAUKIE PLANNING
 10501 SE Main St.
 Milwaukie OR 97222
 503-786-7630
 planning@milwaukieoregon.gov

Application for Land Use Action

Primary File #: VR-2024-004

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

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Kaitlyn Landfield

Mailing address: 5397 SE Rainbow Ln State/Zip: OR/97222

Phone(s): 714-742-4705 Email: kaitlynlandfield@gmail.com

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

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: State/Zip:

Phone(s): Email:

SITE INFORMATION:

Address: 5397 SE Rainbow Ln Map & Tax Lot(s): 1S2E30AC03902

Comprehensive Plan Designation: MD Zoning: R-MD Size of property: 6,969 sq ft

PROPOSAL (describe briefly):

We propose covering our 8 ft tall fence with a wood fence.

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: **KAITLYN LANDFIELD** Digitally signed by KAITLYN LANDFIELD Date: 2024.05.16 10:40:41 -0700

Date:

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

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	VR-2024-004	\$ 500.00			Application materials received on 5/16/2024. Payment received 5/XX/2024.
Concurrent application files		\$			
		\$			
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:		RCD BY: R.Dyar
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s): Lewelling					
Notes: Applicant is applying to increase the maximum fence height for a side and rear yard fence from the allowed 6 ft as per MMC 19.502.2.B to 8 ft. The new fence is wood and covers an existing non-conforming chain-link fence that is also taller than 6 ft.					

TYPE II Variance Approval Justification

The following information contains narratives from the home owners of 5397 SE Rainbow Lane - Kyle Sullivan & Keitlyn Landfield, as they pertain to the five approval criteria for a type two variance. Each narrative will appear in the same order as the listed criteria in section 19.911.4 for type two variance.

1) The proposed variance for our 8 ft fence in the backyard will not be detrimental to the "surrounding properties" as: An 8 ft chain link fence was already in place prior to us purchasing the property & there were no known complaints from neighbors prior to us acquiring the property, it does not interfere with any natural vegetation or trees and it makes use of our existing property line. It will not be detrimental to any "natural resource areas" as there is no land in close proximity to the fence designated for open space, natural resources, ecological protection or visual buffering. It will not be detrimental to "public health, safety or welfare" as the fence was built with structural integrity and does not contain electrified, barbed or razor wire fencing material. Fence was built onto an existing chain link fence with metal brackets being drilled into existing poles that are holding pressure treated cedar cross-beams. Cross-beams were set approximately 18 inches from both the top and bottom of the fence for maximum support. Cedar also contains natural oils that make it resistant to insects and rot resistant as well.

2) After confirming with the city planning department, it has been determined that there are no future plans to build any public transportation facilities or utilities in a way that would interfere with existing fence structure. It would also be unlikely that any walking & bicycling facilities would be built in close proximity as our fence backs up against two residential houses & one residential lot. Fence also does not interfere with routing of water from the Troutdale Aquifer.

3) The proposed variance will enhance the integrity of existing site design for the following reasons:

- a) replaces the poor aesthetic of chain link with a much more socially agreeable design - a cedar fence.
- b) the residential lot behind us contains old cars, trailers, scrap metal and various other items which diminish the homeowners ability to enjoy the natural beauty of the backyard space. Many items in the neighboring residential lot exceed 7 ft in height and, without an 8 ft fence in place, would take away from the aesthetic of the yard space.
- c) The cedar fence built onto the chainlink prevents high velocity winds from permeating the chain link and destroying vegetation in the backyard space.
- d) It is worth mentioning that we have received nothing but positive remarks about the fence from the neighboring homes.

4) Impacts from the proposed variance will be mitigated to the extent practicable. It will not change how the development interacts with or impacts surrounding uses. Variance only makes use of existing property line and does not impact clear vision areas.

5) The proposed variance does not interfere with any priority trees. As homeowners in Milwaukie, Oregon, we work with and benefit from the 40% canopy goal by aligning our efforts with "Friends of Trees". We have already planted 6 trees on the property since moving in and plan to continue our efforts to help Milwaukie achieve its 40% canopy goal as required by Chapter 16.32. The variance in no way interferes with our ability to support the direct efforts of this goal.



5261

5353

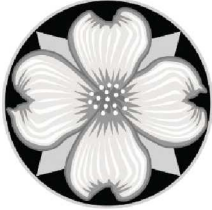
5397

5429

Fence Line for
Type II variance permit

Fence Line
for Right of Way
Encroachment permit

City of Milwaukie Oregon, Esri Community Maps Contributors, Oregon Metro, Oregon State Parks, State of Oregon GEO, @ OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, City of Milwaukie GI



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Preapplication Conference Waiver

I/We, Kaitlyn Landfield (print), as applicant(s)/property owner(s) of 5397 SE Rainbow Ln, Milwaukie, OR, 97222(address of property), request to waive the requirement for a preapplication conference for the submission of a **Type III / 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

We would like to get approval to have an 8ft fence in our backyard for the following reasons:

1. The proposed variance for our 8ft fence will not be detrimental to the surrounding properties. There has been an 8ft chain link fence with slats woven through the holes since we moved in. Adding wood on top of the chain link will only minimally change surrounding properties aesthetic and view. It will not have any effect on surrounding properties structural integrity or safety. The fence will also have no significant impact on natural resources or the surrounding environment as it is built on top of an existing fence. It does not interfere with any existing trees or foliage.
2. The fence is high quality and significantly improves the aesthetic of our house and neighborhood. The fence is made of beautiful cedar wood and stained a natural redwood hue. The cedar wood is rot resistant and the redwood stain improves resilience to the impacts of rain and sun. The wood fence is much more pleasing to the eye than the chain link fence it is covering up and, as it's aesthetic matches our front and side yard fences, it improves the overall look and feel of our house and neighborhood.
3. The fence will improve privacy for not only our property, but surrounding properties.

Signed: **KAITLYN LANDFIELD**
 Applicant/Property Owner

Digitally signed by
 KAITLYN LANDFIELD
 Date: 2024.05.15
 17:24:58 -07'00'

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

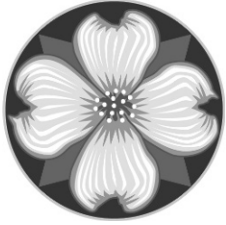
- A. For Type I applications, a preapplication conference is optional.
- B. For Type II, III, IV, and V applications, and expedited annexations per Section 19.1104, a preapplication conference is required, with the following exceptions:
 - 1. The Planning Director may waive the preapplication conference 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 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

These standards can be found in the MMC, here: 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.

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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.
- 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) Kaitlyn Landfield, 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: KAITLYN LANDFIELD  Digitally signed by KAITLYN LANDFIELD
Date: 2024.05.15 16:44:34 -07'00'

Date: _____

Official Use Only

Date Received (date stamp below):

Received by: _____