



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

Application for Land Use Action

Primary File #: VR-2025-002

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|---|--|---|
| <input type="checkbox"/> Amendment to Maps and/or <input type="checkbox"/> Comprehensive Plan Map Amendment <input type="checkbox"/> Zoning Text Amendment <input type="checkbox"/> Zoning Map Amendment <input type="checkbox"/> Code Interpretation <input type="checkbox"/> Community Service Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Development Review <input type="checkbox"/> Director Determination <input type="checkbox"/> Downtown Design Review <input type="checkbox"/> Extension to Expiring Approval <input type="checkbox"/> Historic Resource: <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Status Designation <input type="checkbox"/> Status Deletion | <input type="checkbox"/> Land Division: <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Consolidation <input type="checkbox"/> Partition <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Replat <input type="checkbox"/> Subdivision <input type="checkbox"/> Mixed Use Overlay Review <input type="checkbox"/> Modification to Existing Approval <input type="checkbox"/> Natural Resource Review** <input type="checkbox"/> Nonconforming Use Alteration <input type="checkbox"/> Parking: <input type="checkbox"/> Quantity Determination <input type="checkbox"/> Quantity Modification <input type="checkbox"/> Shared Parking <input type="checkbox"/> Structured Parking | <input type="checkbox"/> Planned Development <input type="checkbox"/> Residential Dwelling <input type="checkbox"/> Manufactured Dwelling Park <input type="checkbox"/> Manufactured Dwelling <input type="checkbox"/> Temporary Dwelling Unit <input type="checkbox"/> Transportation Facilities Review** <input type="checkbox"/> Variance: <input type="checkbox"/> Use Exception <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Willamette Greenway Review <input type="checkbox"/> Other: _____ Use separate application forms for: Annexation and/or Boundary Change <ul style="list-style-type: none"> • Compensation for Reduction in Property • Value (Measure 37) • Daily Display Sign • Appeal |
|---|--|---|

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Kristina Erickson
 Mailing address: 4128 SE Jefferson Street, Milwaukie State/Zip: OR, 97222
 Phone(s): 971-998-7406 Email: KerickSOK@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: 4128 SE Jefferson Street, Milwaukie Map & Tax Lot(s): 11E36AA07400
 Comprehensive Plan Designation: _____ Zoning: R-MD Size of property: 0.16 acres or 7,100 sq ft

PROPOSAL (describe briefly):

Applying for a variance to increase the height of the existing 6-foot fence in the side and backyards of my property to 8 feet tall. This is to provide more privacy for our backyard, as well as for our neighbors.

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: Kristina Erickson Date: 1/27/2025

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-2025-002 | \$ 500.00 | | | Application materials submitted on 1/28/2025. Payment received on 2/1/2025. |
| 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): Hector Campbell. | | | | | |
| Notes: | | | | | |



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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.

APPLICATION PREPARATION REQUIREMENTS:

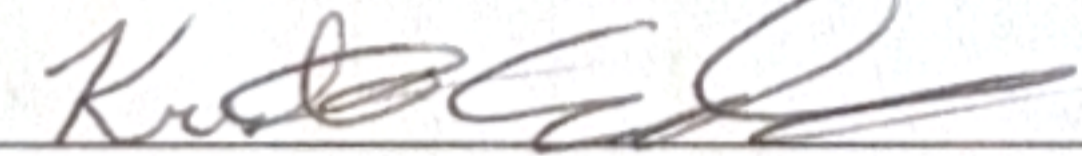
- Electronic copies of all application materials are required at the time of submittal.

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) Kristina Erickson, 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: 1/27/2025

Official Use Only

Date Received (date stamp below):

Received by: _____

Type II Variances

An application for a Type II variance shall be approved when all of the following criteria have been met:

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 requested variance to install an 8-foot fence in the back and side yards will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare for the following reason:

1) Impact on Surrounding Properties:

The fence will positively enhance privacy for both our property and guests using our home business (small sauna/cold plunge space). Because our new building was elevated as part of the leveling process, many areas of our yard now look into neighboring properties, reducing their privacy as well as ours. The proposed fence will mitigate this issue without obstructing sightlines or causing adverse effects. Neighbors within 300 feet of our property have been informed and many are very supportive of the improvement.

2) Impact on Natural Resource Areas:

The fence will remain within our property boundaries, respecting landscaping, vegetation, and drainage patterns, with no impact on natural resources. We will retain the existing posts and only replace the fence panels, minimizing disruption and reducing the environmental impact of the project.

3) Public Health, Safety, and Welfare:

The fence will meet building codes to ensure safety and durability. It will be limited to the back and side yards, leaving the front yard open to maintain visibility and public safety. A taller fence can actually improve safety by preventing unauthorized trespassing into each other's yards.

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.

This variance will not interfere with planned future improvements to any public transportation facility or utility identified in officially adopted plans. The fence will be constructed entirely within our property boundaries and will not encroach upon or obstruct access to any public right-of-way, easement, or utility infrastructure.

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

The variance will sustain and enhance the integrity of our site design. By addressing privacy concerns created by the elevation of our new building, the fence will provide a cohesive and functional outdoor space while maintaining the aesthetic harmony of the property. Additionally, the fence will help mitigate any potential light or noise that may come from our property, ensuring a more peaceful environment for both our property and neighbors. A taller fence can also improve the security of not only our property but our neighbors property by acting as a deterrent to unauthorized access or trespassing, making it more difficult for people to climb over. This improvement complements the existing site design without altering its character or usability.

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

The impacts from the proposed 8-foot fence variance will be mitigated to the extent practicable. The fence will be constructed using existing posts, with only the panels being replaced, minimizing disruption and reducing environmental impact. The design will ensure that the fence does not obstruct sightlines or interfere with neighboring properties.

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

The taller fence will not interfere with the preservation of any priority trees on the property. We currently have a beautiful butterfly tree in the backyard that was there before we moved in, and we will never take it down. The taller fence will allow us to maintain the current landscape, as well as enhance the backyard by adding more bushes and trees.

front
Existing fence is 36"
Front fence is 36" (and will remain that height)

Front Yard

Existing front fence is 36"

Existing House

New Sauna Building

Neighbor

New Fence = 96"

New Fence = 96"

New Fence = 96"

Neighbor

City of Milwaukie Map

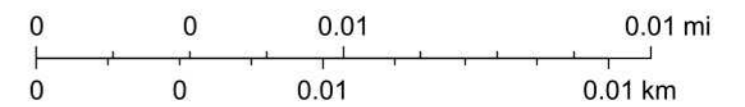


1/29/2025, 4:25:12 PM

- Outside Milwaukie
- Taxlots
- Addresses
- Milwaukie City Limits

KEY: Red lines indicate where we are requesting a variance to the standard 6 foot fence, to an 8 foot fence.

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