



CITY OF MILWAUKIE

NOTICE OF TYPE II LAND USE PROPOSAL

Date mailed: July 3, 2023

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.

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 Monday, July 17, 2023. After that date, there is no guarantee that comments will be incorporated into the decision. The decision may be issued as early as 15 days from the date of this public notice. Please include the land use file number for reference.

File Number(s):	VR-2023-005 – Fence Height Variance
Location:	9631 SE 42 nd Ave Tax Lot ID: 1S1E25DA00100 <i>A map of the site is located on the last page of this notice.</i>
Proposal:	Per Milwaukie Municipal Code (MMC) Subsection 19.502.2.B, fences that are located in the front yard on residentially zoned properties may be a maximum height of 42 inches. The applicant is requesting a variance from this standard to establish a wooden fence in the front yard that is 72 inches tall.
Owner(s):	Joshua and Sara Samuelson
Staff contact:	Adam Heroux, Associate Planner City of Milwaukie Planning Department 6101 SE Johnson Creek Blvd Milwaukie, OR 97206 503-786-7658 or heroux@milwaukieoregon.gov
Neighborhood District Association(s):	Ardenwald-Johnson Creek NDA, contact Chris Holle-Bailey at 503-432-3057 or chrisinardenwald@gmail.com .
Applicable Criteria:	<ul style="list-style-type: none"> • MMC 12.24 Clear Vision at Intersections • MMC 19.505.2 Specific Provisions for Accessory Structures • MMC 19.911 Variances • MMC 19.1005 Type II Review Review Copies of these criteria are available upon request and can also be found at www.qcode.us/codes/milwaukie/ .

To learn more about a proposal: Contact the staff contact assigned to the proposal or visit the project webpage at <https://www.milwaukieoregon.gov/planning/vr-2023-005>. The application materials and the applicable approval criteria and development standards are available for review at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. 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 15 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.

