

# PLANNING DEPARTMENT

6101 SE Johnson Creek Blvd Milwaukie OR 97206 503-786-7630 planning@milwaukieoregon.gov

# Application for Land Use Action

Master File #: VR -2019 - 001

Review type\*: □ | ▼ | □ | | □ | | □ | | □ | | CHOOSE APPLICATION TYPE(S): Variance: Variance Variance: Variance Variance: Fence Height Use separate application forms for: Annexation and/or Boundary Change Compensation for Reduction in Property Value (Measure 37) · Daily Display Sign Appeal **RESPONSIBLE PARTIES:** APPLICANT (owner or other eligible applicant—see reverse): Jennifer D Smith Mailing address: 13621 SE Fair Oaks Dr #B2 Zip: 97222 Phone(s): 503.490.9965 Email: jenna.livewire@gmail.com APPLICANT'S REPRESENTATIVE (if different than above): Mailing address: Zip: Phone(s): Email: SITE INFORMATION: Address: 2024 SE Eagle St Map & Tax Lot(s):  $^{\mathrm{Map}}$  11E35DA & Tax Lot 11E35DA01300 Comprehensive Plan Designation: ... Zoning: R-5 5,000.00 Sq Ft Size of property: PROPOSAL (describe briefly): 1) A variance of up to 25% to a rear yard width standard: Minimum yard requirements for primary structure is proposed to be 15' from the rear property line (less 25% of the 20' standard) per 19.911.3.B 2) A variance of up to 10% to minimum vegetation standards: Proposed minimum vegetation proposed to be 22.5% per 19.911.3.B.3 (40% front yard vegetation to be maintained) 3) A variance to fence height to allow up to a maximum 8 ft for side yard and rear yard fences: Fences for side and rear yard proposed to be 8' to increase privacy and decrease noise pollution from RR tracks and neighboring properties with elevated planes SIGNATURE: ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) 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. Date: January 5, 2019 Submitted by: (

RMATION ON REVERSE SIDE

# 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.

#### **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	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP	
Master file	V2-2019-001	\$ 1,000			\$		
Concurrent application files		\$			\$	RECEIVED	
		\$			\$	JAN 0 7 2019	
		\$			•	Y OF MILWAUKIE NING DEPARTMENT	
		\$					
SUBTOTALS		\$ 1,000			\$		
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:			RCD BY:	

Associated application file #s (appeals, modifications, previous approvals, etc.): W6-201-002; VR-201-005

Neighborhood District Association(s): KLAND STATION

Notes:

<sup>\*</sup>After discount (if any)

1. All required land use application forms and fees, including any deposits. Applications without the required application forms and fees will not be accepted.

## PAID UPON SUBMITTAL

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.

RECEIVED

JAN 07 2019 CITY OF MILWAUKIE

PLANNING DEPARTMENT

CLACKAMAS

150 Beavercreek Rd Oregon City, OR 97045 503-655-8671

Sales History								
A CONTRACTOR OF THE SECOND		Control of the Contro	Recording Number		Excise Number	Deed		Other
09/18/2018	09/26/2018	09/25/2018			341581		SMITH JENNIFER D	No
05/20/2005	06/07/2005	05/24/2005	2005-047537	\$87,600.00	118985		SMITH BRADLEY E	No

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.

This is for the proposed new construction of a single-family detached dwelling at property address 2024 SE Eagle St, Milwaukie, OR 97222. The front porch extends 5' into the front yard setback (maintaining the required 5' distance from the front property line) and the structure maintains the 10' front yard setback per the Willamette Greenway Review, Variance Request, Notice of Decision for Eagle St & 21st Ave Lot Development, Master File #WG-2017-002—2024 & 2026 SE Eagle St and 11923 SE 21st Ave.

Through this review, I am requesting:

- 1. A variance of up to 25% to a rear yard width standard
  - o Minimum yard requirements for primary structure is proposed to be 15' from the rear property line (less 25% of the 20' standard) per 19.911.3.B
- 2. A variance of up to 10% to minimum vegetation standards

- o Proposed minimum vegetation proposed to be 22.5% per 19.911.3.B.3 (40% front yard vegetation to be maintained)
- 3. A variance to fence height to allow up to a maximum 8 ft for side yard and rear yard fences
  - o Fences for side and rear yard proposed to be 8' to increase privacy and decrease noise pollution from RR tracks and neighboring properties with elevated planes
- 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.

## Table 19.301.2

Low Density Residential Uses Allowed

Use: R-5

#### Residential Uses

Single-family detached dwelling: P

# Table 19.301.4

Low Density Residential Development Standards

Standard: R-5

#### A. Lot Standards

- 1. Minimum lot size (sq ft):
- a. Single-family detached: 5,000
  - 5,000 sq ft lot
- 2. Minimum lot width (ft): 50
  - 50' width
- 3. Minimum lot depth (ft): 80
  - 100' depth
- 4. Minimum street frontage requirements (ft)

- a. Standard lot: 35
  - 50' width

# B. Development Standards

- 1. Minimum yard requirements for primary structures (ft)
- a. Front yard: 20
  - 10' per Willamette Greenway Review
- b. Side yard: 5
  - 5'
- c. Street side yard: 15
  - NA
- d. Rear yard: 20
  - Type II Variance Request Proposed rear yard setback at 15' per 19.911.3.B.2
- 2. Maximum building height for primary structures: 2.5 stories or 35 ft, whichever is less
  - Adhered to through the building permit process
- 3. Side yard height plane limit
- a. Height above ground at minimum required side yard depth (ft): 20
  - Adhered to through the building permit process
- b. Slope of plane (degrees): 45
  - Adhered to through the building permit process
- 4. Maximum lot coverage (percent of total lot area): 35%
  - 45 % per 19.301.5.B.2
- 5. Minimum vegetation (percent of total lot area): 25%
  - Type II Variance Request Proposed at 22.5% per 19.911.3.B.3 (40% front yard vegetation to be maintained)

#### C. Other Standards

- 1. Density requirements (dwelling units per acre)
- a. Minimum: 7.0
- b. Maximum: 8.7
  - Adhered to through the building permit process
- 2. Overlay zone standards in Chapter 19.400.

# ADHERED TO THROUGH WILLAMETTE GREEN WAY REVIEW

3. Supplementary development regulations in Chapter 19.500.

# WILL BE ADHERED TO THROUGH THE BUILDING PERMIT PROCESS

4. Off-street parking and loading standards and requirements in Chapter 19.600.

# MINIMUM ONE SPACE PROVIDED PER 19.600

5. Public facility standards and requirements, including any required street improvements, in Chapter 19.700.

# MET THROUGH ROAD DEVELOPMENT

B. All applicable application-specific approval criteria.

# 19.911.4 Approval Criteria

A variance of up to 25% to a rear yard width standard: Minimum yard requirements for primary structures proposed to be 15' from the rear property line (less 25% of the 20' standard) per 19.911.3.B

- 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 property to the South (11923 SE 21st Ave) sits at a higher elevation with the existing structure facing the front of the lot and sits on the far East side of the lot; the rear yard of 2024 SE Eagle St is adjacent to the rear yard of this property. The property to the East (2026 SE Eagle St) has an existing structure facing the front of the lot with the garage at the rear of the property; the back of the proposed new construction at 2024 SE Eagle St is adjacent to the garage and rear yard of this property. The property to the West (11900 SE 20th Ave) has an existing structure facing the East (front) of the lot and sitting to the East side of the lot and has a garage in very bad repair (should possibly be condemned) to the rear of the property; the back of the proposed new construction at 2024 SE Eagle St is adjacent to the garage and rear yard of this property. The proposed reduced rear yard setback does not encroach on or otherwise negatively impact any existing structures on surrounding properties and is not detrimental to natural resource areas, or public health, safety or welfare.

- 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.
  - The proposed variance is to a lot that is land-locked on three sides by private residential lots and utilities to this property were newly improved in 2018. No future improvements to any public transportation facility or utility identified in an officially adopted plan are known.
- 3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.
  - The property is land-locked on three sides with only front property access. The proposed variance will enhance the proposed site design by allowing a long narrow house design with space for main floor living with primary parking and secondary parking on the West side of the proposed new construction.
- 4. Impacts from the proposed variance will be mitigated to the extent practicable.
  - No known impacts; but impacts will be mitigated in the event they arise.

# A variance of up to 10% to minimum vegetation standards:

# Proposed minimum vegetation to be 22.5% per 19.911.3.B.3 (40% front yard vegetation to be maintained)

- 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.
  - This property and surrounding properties are closely surrounded by right-of-way and green-space. This variance request does not negatively impact any existing structures on surrounding properties and is not detrimental to natural resource areas, or public health, safety or welfare.
- 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.
  - The roadway in front of this property and utilities to this property were newly improved in 2018; and the property is land-locked on three sides by private residential lots. No future improvements to any public transportation facility or utility identified in an officially adopted plan are known.
- 3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.
  - The proposed variance will include hardscaping and will enhance the proposed site design.
- 4. Impacts from the proposed variance will be mitigated to the extent practicable.
  - No known impacts; but impacts will be mitigated in the event they arise.

# A variance to fence height to allow up to a maximum 8 ft for side yard and rear yard fences:

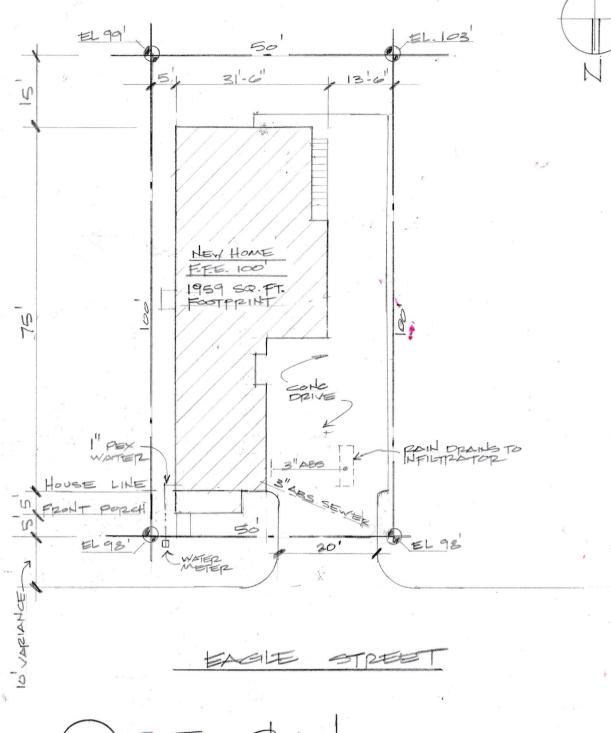
Fences for side and rear yard proposed to be 8' to increase privacy and decrease noise pollution from RR tracks and neighboring properties with elevated planes

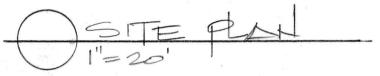
- 1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.
  - The property to the South sits at a higher elevation, the property to the East faces the North and the property to the West faces the West; no views will be adversely affected by a higher fence line. The proposed 8 ft fence height does not negatively impact any existing structures on surrounding properties and is not detrimental to natural resource areas, or public health, safety or welfare.
- 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.
  - There is no side access to this property; the property is land-locked on three sides by private residential lots. No future improvements to any public transportation facility or utility identified in an officially adopted plan known.
- 3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.
  - The proposed variance with enhance the proposed site design by increasing privacy and decreasing noise pollution from RR tracks and neighboring properties with elevated planes.
- 4. Impacts from the proposed variance will be mitigated to the extent practicable.
  - No known impacts; but impacts will be mitigated in the event they arise.
- 5. Site plan(s), preliminary plat, or final plat as appropriate.

SEE ATTACHED SITE PLAN & LANDSCAPE PLAN

6. Copy of valid preapplication conference report, when a conference was required.

WAIVED - DISCUSSIONS WITH STAFF & COMPLETED FORM ATTACHED





FOR: LENTA SMITH JOB: EAGLE STREET	LOT COYEPAGE
MILWAUKIE 0/2	1959 SR. FT. FOOTPRINT
PATE: 21-DEC-18	
REVISION: 30-DEC-18 2-JAN-19. 17-JAN-19	39% cotepact



FOR: JEHLA SMITH

JOB: EAGLE STREET

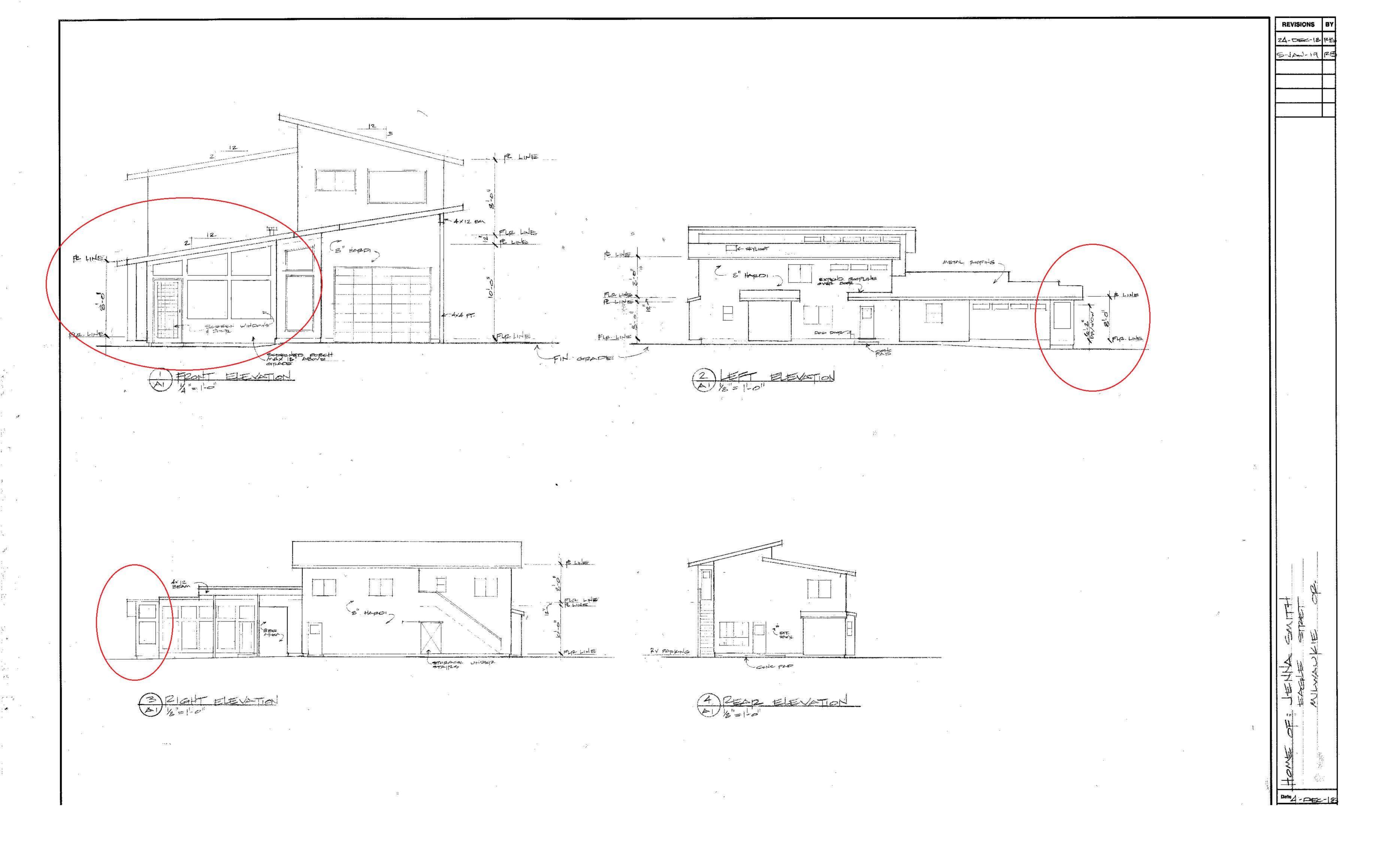
MILWAUKIE OF2

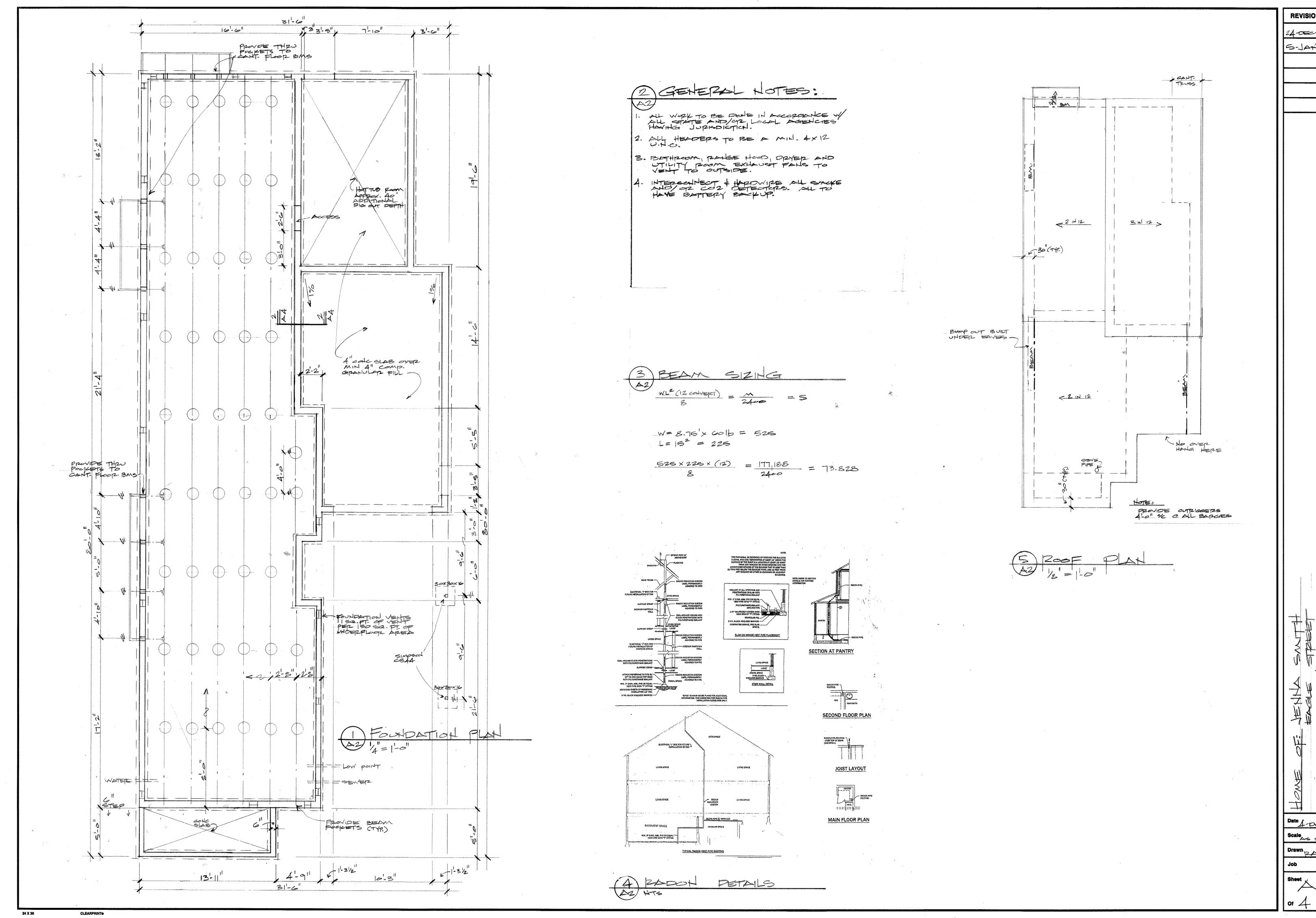
PATE: 21-DEC-18

2EVISION: 30-DEC-18

39% COVERNER

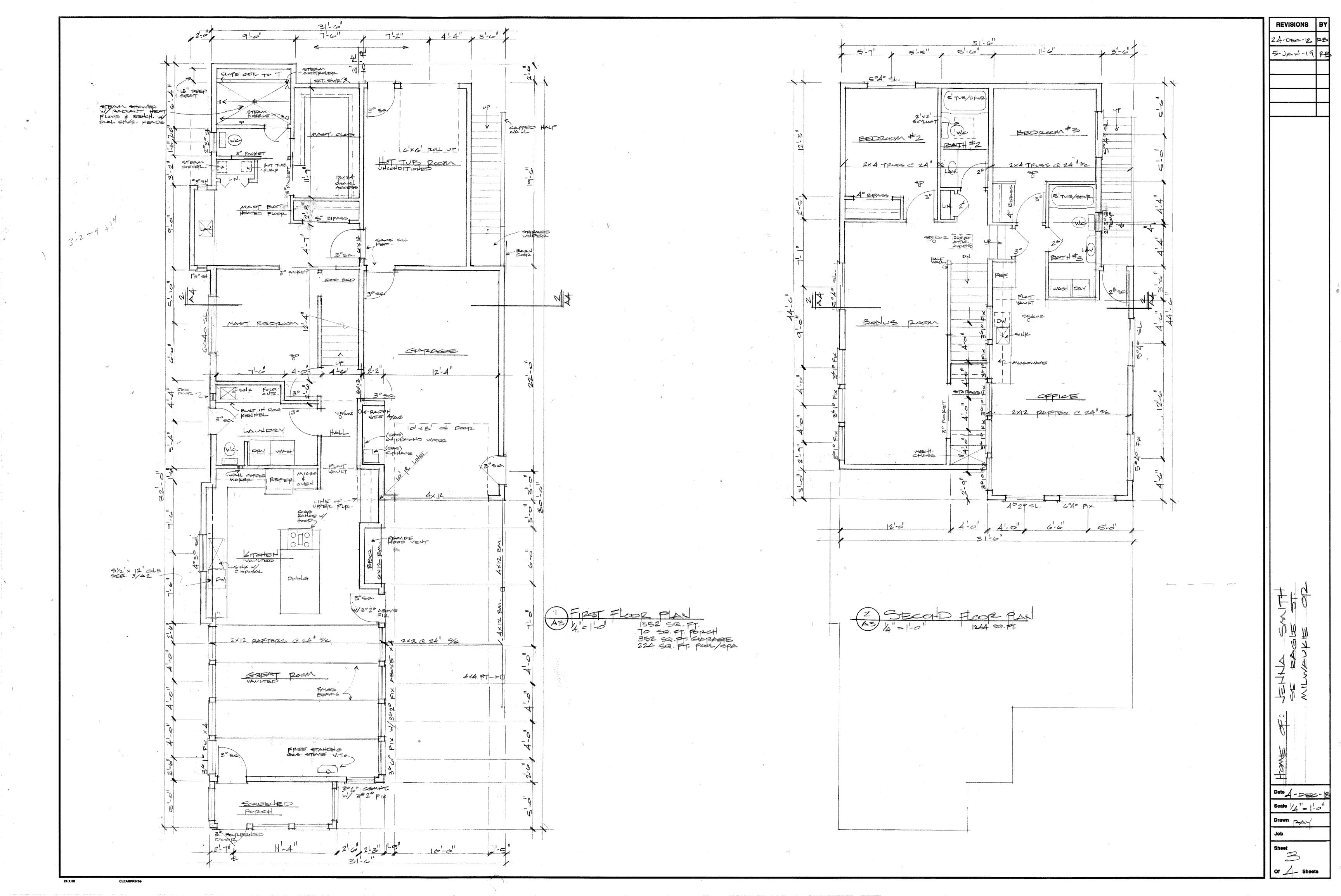
39% COVERNER

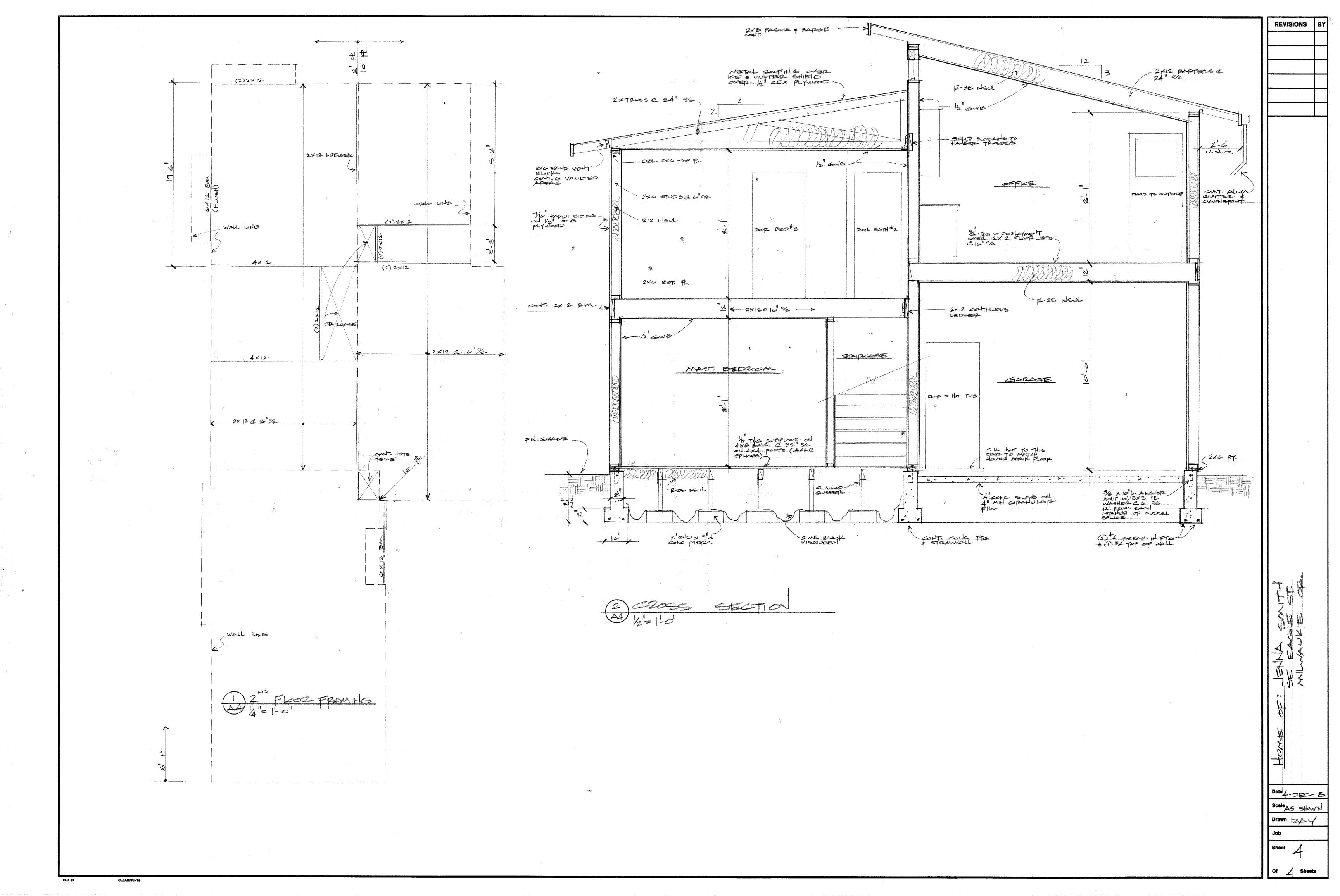




REVISIONS BY 24-05 18 PB 5-JAH-18 RB

Date 4-0+2-18







Signed: C

enna Smith
Applicant/Property Owner

MILWAUKIE PLANNING
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503.786.7600
planning@milwaukieoregon.gov

# PREAPPLICATION CONFERENCE WAIVER

I/We, Jennifer Smith	(print), as applicant(s)/property
owner(s) of 2024 SE Eagle St, Milwaukie, OR 97222	(address of property), request to waive
the requirement for a preapplication conference for the	e submission of a <b>Type II / III / IV / V</b> (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
Preapplication Conference Waiver request for a Land Us Review. I have had several conversations and email corr completeness and requirements.	

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JAN 07 2019

CITY OF MILWAUKIE PLANNING DEPARTMENT PreAppConfWaiver.docx—Rev. 12/2018

#### 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.



MILWAUKIE PLANNING
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503-786-7630
planning@milwaukieoregon.gov

# Submittal Requirements

For all Land Use Applications (except Annexations and Development Review)

All land use applications must be accompanied by a <u>signed</u> 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 <u>planning@milwaukieoregon.gov</u> for assistance with Milwaukie's land use application requirements.

- 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).

These standards can be found in the MMC, here: <a href="www.gcode.us/codes/milwaukie/">www.gcode.us/codes/milwaukie/</a>

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.

Mac/ M/



# **Transaction Receipt**

601-19-000003-PLNG

Receipt Number: 15981

Receipt Date: 1/7/19

Milwaukie Planning Department

6101 SE Johnson Creek Blvd Milwaukie, OR 97206 503-786-7630 Fax: 503-774-8236

Fax: 503-774-8236 planning@milwaukieoregon.gov

Worksite address: 2024 SE Eagle ST, Milwaukie, OR 97222

Parcel: 11E35DA01300

Payment Method: Credit card authorization: Payer: Jennifer Smith	Transaction date Units Description 1/7/19 1,000.00 Amount Type II Administrative Review	Fees Paid
Payment Amount:	Fee amount \$1,000.00	
\$1,000.00	<b>Paid amount</b> \$1,000.00	

Receipt Total:

\$1,000.00

Cashier: Tempest Blanchard

**Transaction Code:** 

070119A44-5DA87376-DC74-42B0-

82B4-2018E6C0D7C7 01/07/2019 09:33:13 AM

Date: Card Type:

Visa

Card Number:

xxxxxxxxxxxx1587

Authorization Code:

91588D

**Total Amount:** 

\$1,000.00

Operator ID:

BLANCHARDT

Cash Drawer ID :

Record:

601-19-000003-PLNG

I agree to pay the above amount according to the Credit

Card issuer agreement.

Sign Below: