



# CITY OF MILWAUKIE

## NOTICE OF TYPE II LAND USE PROPOSAL

Date mailed: June 7, 2019

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 Friday, June 21, 2019. After that date, there is no guarantee that comments will be incorporated into the decision.**

**The decision may be issued as early as 14 days from the date of this public notice.**

**Please include the land use file number for reference.**

<b>File Number(s):</b>	MLP-2019-001
<b>Location:</b>	49 <sup>th</sup> Ave and Mullan St 12E30CD 02500 and 05200 <i>A map of the site is located on the last page of this notice.</i>
<b>Proposal:</b>	The proposed project is a 2-lot partition with right-of-way dedication to provide street access to 49 <sup>th</sup> Ave.
<b>Applicant/Primary Contact Person:</b>	Tony Mullins, Pillar Development, LLC 302 SE 38 <sup>th</sup> Dr., Gresham, OR 97080 503-706-2598/pillarw@gmail.com
<b>Owner(s):</b>	Same as above
<b>Staff contact:</b>	Vera Kalias, Associate Planner City of Milwaukie Planning Department 6101 SE Johnson Creek Blvd Milwaukie, OR 97206 503-786-7653 kaliasv@milwaukieoregon.gov
<b>Neighborhood District Association(s):</b>	Lewelling NDA, contact Stephan Lashbrook at 503-659-8620.  Hector Campbell NDA, contact David Aschenbrenner at 503-654-4258.

<b>Applicable Criteria:</b>	<ul style="list-style-type: none"><li>• Milwaukie Municipal Code (MMC) Title 17 Land Division, including:<ul style="list-style-type: none"><li>○ MMC Chapter 17.12 Application Procedure &amp; Approval Criteria</li><li>○ MMC Chapter 17.20 Preliminary Plat</li><li>○ MMC Chapter 17.28 Design Standards</li><li>○ MMC Chapter 17.32 Improvements</li></ul></li><li>• MMC Section 19.301 Low Density Residential Zones (including R-7)</li><li>• MMC Chapter 19.700 Public Facility Improvements</li><li>• MMC Chapter 19.1200 Solar Access Protection</li><li>• MMC Section 19.1005 Type II Review</li></ul> <p>Copies of these criteria are available upon request and can also be found at <a href="http://www.qcode.us/codes/milwaukie/">www.qcode.us/codes/milwaukie/</a>.</p>
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**To learn more about a proposal:** Contact the staff contact assigned to the proposal or visit the project webpage at <http://www.milwaukieoregon.gov/planning/mlp-2019-001>. 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 Director 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 14 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 Director’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 Director’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
- Site plan

**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.