



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

Application  
 fee paid on  
 3/1/21 =  
 application  
 date.

# Application for Land Use Action

Master File #: EXT-2021-002

Review type\*:  I  II  III  IV  V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

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

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): Gillis Properties LLC

Mailing address: 11650 SW 67th Ave # 210 State/Zip: OR 97223

Phone(s): \_\_\_\_\_ Email: matt@bridge+townhomes pdx.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: 12205 & 12225 se 19th Ave Map & Tax Lot(s): 11E35DD03200 & 03300

Comprehensive Plan Designation: \_\_\_\_\_ Zoning: R5 Size of property: 3.66 acres

**PROPOSAL (describe briefly):**

Permit extension to 5 lot subdivision **FP-2020-007**

**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.

Submitted by: Matt Gillis Date: 2-20-2021

**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.

**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

**\*\*Note:** Natural Resource Review applications **may require a refundable deposit**. Deposits require completion of a Deposit Authorization Form, found at [www.milwaukieoregon.gov/building/deposit-authorization-form](http://www.milwaukieoregon.gov/building/deposit-authorization-form).

**THIS SECTION FOR OFFICE USE ONLY:**

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file	EXT-2021-002	\$ 500.00			
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR 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): Island Station					
Notes:					

## Permit Extension- Elk Rock Estates

Please approve a permit extension for Elk Rock Estates. Gillis Properties LLC and its contractors are diligently working on moving toward the final plat which will be done within the 6-month extension period. 2020-2021 has thrown a lot of roadblocks in the way. Oregon has been in a state of emergency ever since the original approval was given. Covid-19 and social distancing orders from the state have slowed our process dramatically. Lockdowns, smoke from fires, and ice storms have slowed our process as I was without power and internet for over a week.

Surveyors found a title issue from the 1940's that had to be cleared. In order to do this we had to access paper records on multiple occasions at the beginning of the lockdown orders. Due to no in person records access it added a few months to our timeline. It has taken us over 9 months to clear the title issue and Covid-19 has significantly slowed our processes.

Our second slowdown was Department of State Lands took a long time to respond to us on the ownership at the Willamette River. Our surveyor said it took a couple months to get a response to his original email. This is an abnormal property and naturally takes longer than properties that do not have islands in the Willamette. The ownership boundary of the private island was red marked on our Submittal to the county, and needed to be addressed. Our surveyors are actively working toward completing the Final plat.

Please approve the extension as there are no changes on the original plan as approved and thus we meet the criteria of 17.04.050. We have shown significant progress even though we have hit abnormal delays. We have already sent survey work to the county, and we are working on make the necessary corrections. We have met with the city to make sure progress is moving forward on the survey boundaries. We have sent out our public improvement engineering to multiple contractors for bids. We have submitted a public improvement permit application with all of the engineering and will hire contractors to do the work once permits are approved. All of this proves we can record our land division within the 6-month extension period per MCC 17.04.050 which satisfies the code criteria.

Please approve our permit extension application because we have met all the criteria of 19.908.4. There have been no significant changes on the subject property or vicinity to any relevant regulations since the original application was approved which meets the criteria of 19.908.4a . No modifications are being proposed to the approved application or to the conditions of approval which satisfies 19.908.4b. Per 19.908.4c we have attached a copy of an environmental letter from HHPR's environmental professional to show the conditions have not changed since the original approval and no new analysis is warranted.

Please approve our 6-month extension because we meet all the code criteria, we can complete the subdivision within 6 months, and the city will benefit by adding over 1 acre to their public parks.



**DATE:** February 19, 2021

**TO:** Matt Gillis  
Gillis Properties LLC.

**FROM:** Ivy Watson, HHPR Natural Resources Scientist

**RE:** Review of Environmental Conditions, 12205 SE 19<sup>th</sup> Avenue, Milwaukie, Oregon

Dear Mr. Gillis,

This letter contains the findings of my February 18, 2021 site visit to the property located at 12205 SE 19<sup>th</sup> Avenue, Milwaukie (Figure 1), conducted at your request.



**Figure 1. Property location in Milwaukie, Oregon.**

The purpose of the site visit was to assess environmental conditions on the site and determine whether any significant change to these conditions had occurred since my previous site visit on November 17, 2018.

The property is located in a residential neighborhood on the east bank of the Willamette River, adjacent to Spring Park Natural Area and Elk Rock Island. A backwater of the Willamette River bisects the property (Figure 2). The eastern half of the property is accessible from SE 19<sup>th</sup> Avenue. At the time of my 2018 site visit, this area consisted of: an abandoned residence; an open field dominated by non-native grasses and weedy forbs with large patches of disturbed/bare ground; and a narrow strip of Himalayan blackberry and scattered black cottonwood trees along the bank of the backwater. The western half of the property, on the opposite side of the backwater, is on an undeveloped island, contiguous with Elk Rock Island except during high water events. I did not visit this portion of the property during my 2018 or 2021 site visits. However, it is my understanding that no development is proposed on the island.



**Figure 2. Orange polygon shows approximate boundaries of project site on eastern half of lot.**

No significant changes to the environmental conditions were observed during the February 2021 site visit, as documented below (Photographs 1 and 2).





**Photograph 1. View to the southwest across the project site. Photo taken February 18, 2021.**



**Photograph 2. View to the west across the project site, towards the Willamette River backwater. Photo taken February 18, 2021.**

The project site conditions remain the same as those observed in 2018.

Sincerely,

Ivy Watson

Natural Resource Scientist  
Harper Houf Peterson Righellis Inc.

