



# CITY OF MILWAUKIE

November 18, 2021

Land Use File(s): PD-2021-001; ZC-2021-001;  
CPA-2021-002; S-2021-001

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie City Council on November 16, 2021.

*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](mailto:espanol@milwaukieoregon.gov).*

**Applicant(s):** Jill Smith, Housing Authority of Clackamas County

**Location(s):** 2889 SE Hillside Ct

**Tax Lot(s):** 11E25CD 00100; 00102

**Application Type(s):** Planned Development, Zoning Map  
Amendment, Comprehensive Plan Map  
Amendment, Subdivision

**Decision:** Approved with Conditions

**Review Criteria:** Milwaukie Municipal Code:

- MMC Title 12 Streets, Sidewalks, and Public Places

Milwaukie Land Division Ordinance:

- MMC Title 17 Land Division (including Property Line Adjustments)

Milwaukie Zoning Ordinance:

- MMC Section 19.1007 Type IV Review
- MMC Section 19.311 Planned Development Zone (PD)
- MMC Section 19.302 Medium and High Density Residential Zones (including R-3)
- MMC Section 19.303 Commercial Mixed Use Zones (including GMU)
- MMC Chapter 19.500 Supplementary Development Regulations
- MMC Chapter 19.600 Off-Street Parking and Loading

- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.902 Amendments to Maps and Ordinances

**Neighborhood(s):** Ardenwald-Johnson Creek; Historic Milwaukie

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1007 Type IV Review. The complete case file for this application is available for review. Please contact Vera Kolias, Senior Planner, at 503-786-7653 or [koliasv@milwaukieoregon.gov](mailto:koliasv@milwaukieoregon.gov), if you wish to view this case file.

Only persons who submitted comments or made an appearance of record at a public hearing on this application have standing to appeal the decision by filing a written appeal.

The final decision on this Planned Development in the form of a Final Order, including the Findings of Fact, Conditions of Approval and Other Requirements, Final Development Plan and Program, and Zoning and Comprehensive Plan Map Amendments, was adopted by Milwaukie City Council as Ordinance #2210 on November 16, 2021. A copy of the final ordinance and all exhibits is available at <https://www.milwaukieoregon.gov/ordinance-2210-adopting-hillside-development-plan-program>.

Appeals of Type IV decisions are handled by the Oregon Land Use Board of Appeals (LUBA) at: 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552, 503-373-1265, <http://luba.state.or.us>. They can provide information regarding the timeline for filing an appeal and the proper forms and procedures.

As governed by MMC Subsection 19.311.16, if, within 12 months of its effective date, substantial construction or development in the PD Zone has not commenced on Phase 1 in compliance with the approved final development plan and program and schedule for stage completion, the Planning Commission may initiate a review of the PD Zone and hold a public hearing to determine whether its continuation in whole or in part is in the public interest. Notification and hearing shall be in accordance with Section 19.1007. If found not to be, the Planning Commission shall recommend to the City Council that the PD Zone be removed by appropriate amendment to the Zoning Map and property changed back to original zoning.

As governed by MMC Subsection 19.311.17, the total time period of construction of all phases must not exceed 7 years, as measured from the date of approval of the final development plan until the date that building permit(s) for the last phase is(are) obtained. The public infrastructure must be constructed in conjunction with or prior to each phase to the applicable City standards. Extensions to the approved time schedule are permitted subject to Subsection 19.908.

### **Findings in Support of Approval**

The Findings for this application are included as part of Ordinance #2210:

<https://www.milwaukieoregon.gov/ordinance-2210-adopting-hillside-development-plan-program>.

### **Conditions of Approval**

The Conditions of Approval for this application are included as part of Ordinance #2210:

<https://www.milwaukieoregon.gov/ordinance-2210-adopting-hillside-development-plan-program>.

### **Other requirements**

Other requirements for this application are included as part of Ordinance #2210:

<https://www.milwaukieoregon.gov/ordinance-2210-adopting-hillside-development-plan-program>.



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Laura Weigel, AICP  
Planning Manager

cc: Jill Smith, HACC (via email)  
Devin Ellin, HACC (via email)  
Debbie Cleek, The Bookin Group, applicant's representative (via email)  
Planning Commission (via email)  
Joseph Briglio, Community Development Director (via email)  
Steve Adams, City Engineer (via email)  
Peter Passarelli, Public Works Director (via email)  
Engineering Development Review (via email)  
Samantha Vandagriff, Building Official (via email)  
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)  
Harmony Drake, Permit Technician (via email)  
Valere Liljefelt, CFD#1 (via email)  
Kate Hawkins, ODOT (via email)  
Avi Tayar, P.E., ODOT (via email)  
NDA(s): Ardenwald-Johnson Creek ; Historic Milwaukie (via email)  
Interested Persons  
Land Use File(s): PD-2021-001