

SO YOU RECEIVED A LAND USE OR DEVELOPMENT REVIEW NOTICE - NOW WHAT?

by Amanda Fritz,

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Used with permission. Edited for brevity and to reflect Milwaukie's land use hearing process.*

RESPONDING TO THE NOTICE

1. **Read** the entire notice carefully.
2. Check the City's **website** for information on the proposal. <http://www.cityofmilwaukie.org/planning/submitted-applications2>.
3. **Visit** the site. (Note: you can't go on private property without permission, but you can view it from the right-of-way.)
4. **Call** the planner listed on the notice. Ask questions, including, "Here are my concerns for this site - how can I best address them?" *Your goal is to help the planner understand your concerns and in turn help you to express them in ways most likely to be heard. Always start by assuming the planner wants to help you as much as they need to help the applicant.*
5. Look up the section of the **Code** referenced in the notice, so you know what the rules are.
6. Remember, **only the listed "Approval Criteria" matter**.
7. Follow-up with **written comments**, via email or mail. If you want your comments to be part of the record (to be considered by the decision maker), or you want to be on the mailing list for the decision, verbal comments aren't enough.

IF YOU STILL HAVE CONCERNS OR NEED MORE INFORMATION

1. Visit the front counter at the Public Services Office, 6101 SE Johnson Creek Blvd. and **ask to see the record**. You may ask for copies, but you will be asked to pay for them.
2. **Call** the planner again to review your concerns.
3. **Send in written testimony before the deadline for the planner's recommendation**. Request specific Conditions of Approval, if applicable. In your comments, always talk about the application, not the applicant. Make sure your testimony is delivered, not postmarked, by the deadline. Email is acceptable, as long as your full name is included.
4. If it's a Minor Quasi Judicial (Type 3) review, you will receive a Staff Report before the hearing if you submitted comments or if you request to be sent one. Send more comments in writing to the planner to share with the Planning Commission before the hearing, stating which parts of the staff recommendations you agree with, which not.
5. **Read** the planner's Staff Report with the decision/recommendation
6. **Attend** the hearing, and encourage others to join you.

YOU CAN APPEAL A DECISION, BUT ONLY IF YOU HAVE "STANDING"

1. Members of the public have a role not only in influencing the initial decision of Planning Director or Planning Commission, but also in appealing that decision if they wish.
2. The City will send a written notice of the decision to parties of record. Parties of record include all persons who request notice of the decision by signing the sign-in sheet at the hearing, presenting testimony or submitting written comment.
3. Decisions are final unless an appeal is filed within 2 weeks of the date on which the Notice of Decision is mailed by the City.
4. City Council decisions may be appealed to the Oregon Land Use Board of Appeals.