



**MILWAUKIE PLANNING**  
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# Appeal of Land Use Decision

File #AP-\_\_\_\_\_

## APPEAL INFORMATION:

Appeal of File #:	Site Address:
Review Type of Decision:	<input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III
Appeal Type:	Unrestricted De Novo    On the Record De Novo
Map & Tax Lot(s):	Zoning:
Comprehensive Plan Designation:	Size of property:

## RESPONSIBLE PARTIES:

<b>APPELLANT:</b>	
Mailing address:	Zip:
Phone(s):	Email:
<b>APPELLANT'S REPRESENTATIVE</b> (if different than above):	
Mailing address:	Zip:
Phone(s):	Email:

## STANDING FOR APPEAL (check applicable box):

- ☐ Applicant or applicant's representative from Type I, II, or III decision
- ☐ Person or organization adversely affected or aggrieved by Type II decision
- ☐ Person or organization that participated or provided testimony or evidence on the record for Type III decision. List the date and briefly describe the form of participation, testimony, or evidence:

\_\_\_\_\_

## BASIS OF APPEAL (attach a detailed statement describing the basis of the appeal):

Identify which approval criterion or development standard is believed to have been overlooked or incorrectly interpreted or applied and/or which aspect of the proposal is believed to have been overlooked or incorrectly evaluated.

For appeal of a Type II decision, identify either an error as described above or the manner in which the person filing the appeal was adversely impacted or aggrieved by the decision.

## SIGNATURE:

**ATTEST:** I have standing to appeal the land use decision identified on this application and have provided the necessary items and information for filing an appeal per Milwaukie Municipal Code (MMC) Subsection 19.1010.1. To the best of my knowledge, the information provided within this appeal package is complete and accurate.

Submitted by:

Date:

## IMPORTANT INFORMATION ON REVERSE SIDE

Attach required statement describing basis of appeal.

**APPEAL HEARINGS** (excerpted from MMC Subsections 19.1001.5 and 19.1010.3):**Appeals of Type I and II decisions:**

Appeals of Type I and II decisions are heard by the Planning Commission. The appeal hearing is an unrestricted de novo hearing, which means that new evidence, testimony, and argument that were not introduced in the original decision can be introduced in the appeal. The standard of review for the Planning Commission is whether the initial decision has findings and/or conditions that are in error as a matter of fact or law. The Planning Commission's decision on the appeal is the City's final decision on the initial land use application per ORS 227.178. Further appeals of the application may be made to the Oregon Land Use Board of Appeals or other court.

**Appeals of Type III decisions:**

Appeals of Type III decisions are heard by the City Council. The appeal hearing is an on-the-record de novo hearing, which means that new evidence that was not introduced in the original decision cannot be introduced in the appeal. New testimony is allowed. New argument is also allowed that is based on evidence already in the record and on testimony that is new or already in the record. The standard of review for the City Council is a new evaluation of existing evidence, new and existing testimony, and new and existing arguments. The City Council's decision on the appeal is the City's final decision on the initial land use application per ORS 227.178. Further appeals of the application may be made to the Oregon Land Use Board of Appeals or other court.

**DECISIONS NOT SUBJECT TO LOCAL APPEAL:**

The initial hearing for Type IV and V decisions is held by the Planning Commission. The Planning Commission does not issue a decision on these types of review and, instead, issues a recommendation to the City Council. This recommendation is not a final decision and is not appealable.

The review authority for Type IV and V decisions is the City Council. Since there is no higher authority within the City, the City Council's decisions on these types of reviews are the City's final decision on the land use application. Appeals of these types of applications may be made to the Oregon Land Use Board of Appeals or other court.

Downtown Design Review applications are considered at a public meeting by the Design and Landmarks Committee. The Design and Landmarks Committee does not issue a decision on these types of review and, instead, issues a recommendation to the Planning Commission. This recommendation is not a final decision and is not appealable.

**THIS SECTION FOR OFFICE USE ONLY:**

	FILE NUMBER	FEE AMOUNT*	DATE STAMP
APPEAL FILE:		\$	
TOTAL AMOUNT RECEIVED:		\$	
RECEIPT #:			
RCD BY:			
Associated application file #s (appeals, modifications, previous approvals, etc.):			
Neighborhood District Association(s):			
Notes:			