



CITY OF MILWAUKIE

NOTICE OF TYPE II LAND USE PROPOSAL

Date mailed: November 6, 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 Wednesday, November 20, 2019. After that date, there is no guarantee that comments will be incorporated into the decision.

The decision may be issued as early as 15 days from the date of this public notice.

Please include the land use file number for reference.

File Number(s):	MLP-2019-004
Location:	9311 SE 55 th Ave Tax Lot ID 1S2E30AC 05900 <i>A map of the site is located on the last page of this notice.</i>
Proposal:	Partition the 21,780-sq-ft subject property into 2 parcels, including a flag lot (approx. 13,150 sq ft) with access onto 55 th Ave that would be developed with a new single-family house. The existing house would remain on a "parent lot" (approx. 8,140 sq ft) with 74 ft of frontage on 55 th Ave. The proposal includes dedication of 5 ft to the public right-of-way on 55 th Ave along the length of the property. There are no special overlays or designations for this site.
Applicant/Primary Contact Person:	Mary and Robert Tongue (owner/applicant) 4207 SE Woodstock Blvd, #435, Portland, OR 97206 Tel. – 971-506-7041; Email - rgtongue@msn.com
Staff contact:	Brett Kelter, Associate Planner City of Milwaukie Planning Department 6101 SE Johnson Creek Blvd, Milwaukie, OR 97206 Tel. - 503-786-7657; Email – kerverb@milwaukieoregon.gov
Neighborhood District Association(s):	Lewelling NDA, contact Stephan Lashbrook at 503-659-8620.
Applicable Criteria:	<ul style="list-style-type: none"> • Milwaukie Municipal Code (MMC) Chapter 12.16 Access Management • MMC Title 17 Land Division • MMC Section 19.301 Low Density Residential Zones (incl. R-7) • MMC Chapter 19.500 Supplementary Development Regulations (incl. MMC 19.504.8 Flag Lot Design and Development Standards) • MMC Chapter 19.600 Off-Street Parking and Loading • MMC Chapter 19.700 Public Facility Improvements • MMC Section 19.1005 Type II Review • MMC Chapter 19.1200 Solar Access <p>Copies of these criteria are available upon request and can also be found at www.qcode.us/codes/milwaukie/.</p>

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-2019-004>. The application materials and 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 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 and 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
- Plan sheets (including Existing conditions and Preliminary plat)

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.