



CITY OF MILWAUKIE

April 29, 2025

Land Use File(s): CSU-2025-001; VR-2025-005

Building Permit #601-25-000166-STR

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Manager on April 29, 2025.

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.

Applicant(s):	Tim Richard on behalf of Clackamas County Children's Commission
Location(s):	2992 SE Monroe St
Tax Lot(s):	1S1E36BA (TL 8300 and 8400)
Application Type(s):	CSU Minor Modification: Reinitiating childcare services and alterations to building and site. Variance: Fence height
Decision:	Approved with Conditions
Review Criteria:	Milwaukie Municipal Code: <ul style="list-style-type: none">• MMC Section 19.302 High Density Residential Zone (R-HD).• MMC Section 19.502 Accessory Structures• MMC Subsection 19.505.7 Building Design Standards – Nonresidential Development• MMC Chapter 19.600 Off Street Parking and Loading• MMC Subsection 19.804.2 Nonconforming Development• MMC Section 19.904 Community Services Uses• MMC Section 19.911 Variances• MMC Section 19.1005 Type II Review

Appeal period closes: 5:00 p.m., May 14, 2025

Conditions of Approval

1. As discussed in Finding #7 (see Exhibit 1), the accessory storage structure proposed in the children's play area shall be no closer than 3 ft from the rear property line. The provided site plan shows the proposed structure closer than that. Prior to final inspection, a setback inspection shall be requested. Setback verification may be hub & tack survey or other survey prepared by a professionally licensed surveyor. A field measurement may be made by City staff if the property line is easily identifiable and accessible property pins are found. Request for field measurement by City staff must be made 48 hours in advance.
2. As discussed in Finding #11b(8) (see Exhibit 1), the garbage/recycling area proposed in the front yard shall be no closer than 20 ft from the front property line. The updated site plan provided by the applicant on 4/18/2025 shows the proposed structure placed right at the required setback. Prior to final inspection, a setback inspection shall be requested. Setback verification may be hub & tack survey or other survey prepared by a professionally licensed surveyor. A field measurement may be made by City staff if the property line is easily identifiable and accessible property pins are found. Request for field measurement by City staff must be made 48 hours in advance.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Case File

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II Review. The complete case file for this application is available for review between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, City Hall, 10501 SE Main St. Please contact Ryan Dyar, Associate Planner, at 503-786-7661 or dyarr@milwaukieoregon.gov if you wish to view this case file.

Appeal

This decision may be appealed by 5:00 p.m. (please arrive by 4:45 for payment processing) on May 14, 2025, which is 15 days from the date of this decision.¹ An appeal of this decision would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Expiration

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2

¹ As per MMC Section 19.1010, if the 15th day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Manager's Declaration of Impartiality

I certify that neither I nor any member of my immediate family has a material, personal, or financial relationship with the applicant. I further certify that no other relationship, bias, or ethical conflict exists which would have prevented me from evaluating the land use application solely on its merits and in accordance with the Milwaukie Municipal Code.

Decision

- ☐ Approved
☒ Approved with Conditions
☐ Denied



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in support of approval
- cc: Tim Richard, J Timothy Richard Architect (Applicant's Representative) (via email)
Toby Lucich, Return Leverage (Applicant's Representative) (via email)
Joseph Briglio, Community Development Director (via email)
Jennifer Garbely, City Engineer (via email)
Engineering Development Review (via email)
Patrick McLeod, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Coordinator (via email)

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