



CITY OF MILWAUKIE

May 14, 2025

Land Use File(s): CU-2025-002

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on May 13, 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): Michael & Audra Jeske
Location(s): 8525 SE 32nd Ave
Tax Lot(s): 1S1E25BA, lot 300
Application Type(s): Conditional Use (vacation rental)
Decision: Approved with Conditions
Review Criteria: Milwaukie Municipal Code (MMC) Title 19 (Zoning Ordinance):

- MMC Section 19.301 Moderate Density Residential zone (R-MD)
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.905 Conditional Uses
- MMC Section 19.1006 Type III Review

Neighborhood(s): Ardenwald-Johnson Creek

Appeal period closes: 5:00 p.m., May 29, 2025

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review by appointment 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 Brett Kelter, Senior Planner, at 503-786-7657 or kelterb@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at www.milwaukieoregon.gov/planning/cu-2025-002.

This decision may be appealed by 5:00 p.m. on May 29, 2025, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Only persons who submitted comments or made an appearance of record at the public hearing have

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.

standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council 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.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the development utilizes its approvals within four (4) years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

1. As per MMC Subsection 19.905.9.G, the following requirements must be met:
 - a. Prior to initial occupancy, the Building Official must verify that building code and fire code standards are satisfied.
 - b. With annual filing of the required business tax (MMC Title 5), the operator must send a notice to neighbors within 300 ft that includes the following information:
 - (1) Property owner contact information;
 - (2) Vacation rental operator and/or property manager contact information; and
 - (3) City of Milwaukie Police non-emergency telephone number.

2. Conditional Use Permit

As per MMC Subsection 19.905.6, the City will issue a conditional use permit upon the approval of this application to establish a conditional use. The conditional use permit will include the following information:

- a. A description of the use that has been approved by the City.
- b. Restrictions and/or conditions of approval placed upon the use.
- c. Ongoing responsibilities required for the operation of the conditional use.
- d. Allowance for the transfer of rights and responsibilities upon change in ownership of either the use or the property containing the use.
- e. Procedures for review, revisions, and suspension of the conditional use permit.

The applicant must record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

Other requirements

None

Decision

- ☐ Approved
☒ Approved with Conditions
☐ Denied



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in Support of Approval

cc: Mike and Audra Jeske, applicants (via email)
Planning Commission (via email)
Joseph Briglio, Acting Community Development Director (via email)
Jennifer Garbely, City Engineer (via email)
Jeff Tolentino, Assistant 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)
Emilie Bushlen, Building Permit Technician (via email)
Shawn Olson, Fire Marshal, Clackamas Fire District #1 (via email)
NDA(s): Ardenwald-Johnson Creek (via email)
Interested Persons
Land Use File(s): CU-2025-002
Address File(s): 8525 SE 32nd Ave

EXHIBIT 1
Findings in Support of Approval
File #CU-2025-002, Jeske Vacation Rental (8525 SE 32nd Ave)

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicants, Michael and Audra Jeske, have applied for conditional use approval to operate a Vacation Rental at 8525 SE 32nd Ave. This site is in the Moderate Density Residential Zone (R-MD). The land use application file number is CU-2025-002.
2. The applicants have applied for approval to use the existing single detached dwelling on the property as a vacation rental. As defined in Milwaukie Municipal Code (MMC) Section 19.201, a vacation rental is a housing unit that is rented to a single party for a period of less than 30 days in length where there are no primary occupants or where the residents who occupy the unit do so for less than 270 days per year. The house has been the applicants' primary residence (at least 270 days per year) for many years, and for the past 8 years they have also operated it as a short-term rental.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Subsection 19.301 Moderate Density Residential Zone (R-MD)
 - MMC Subsection 19.905 Conditional Uses
 - MMC Subsection 19.1006 Type III Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on May 13, 2025, as required by law.
5. MMC Section 19.301 Moderate Density Residential Zone (R-MD)

MMC 19.301 establishes standards for the R-MD zone. Specifically, MMC Subsection 19.301.2 establishes allowed uses for the R-MD zone. Vacation rentals are allowed in the R-MD zone per approval through the conditional use process.

The applicants have applied for conditional use approval to establish the existing single detached dwelling on the site as a vacation rental, which would allow them to discontinue it as their primary residence (i.e., reside at the property less than 270 days per calendar year).

The Planning Commission finds that the use is permitted in the R-MD zone, subject to conditional use approval. This standard is met.
6. MMC Section 19.905 Conditional Uses

MMC 19.905 establishes a process for evaluating certain uses that may be appropriately located in some zoning districts, if appropriate for the specific site on which they are proposed. Although conditional uses may provide needed services or functions in the community, they are subject to conditional use review because they may adversely change

the character of an area or adversely impact the environment, public facilities, or adjacent properties. The conditional use review process allows for the establishment of conditional uses when they have minimal impacts or when identified impacts can be mitigated through conditions of approval. The review process also allows for denial when concerns cannot be resolved, or impacts cannot be mitigated.

Approval of a conditional use does not constitute a zone change and is granted only for the specific use requested. Approval is subject to such modifications, conditions, and restrictions as may be deemed appropriate by the review authority.

MMC Subsection 19.905.2.A provides that the provisions of Section 19.905 apply to uses identified as a conditional use in the base zone in Chapter 19.300. MMC Subsection 19.905.3.A provides that the establishment of a new conditional use must be evaluated through a Type III review per Section 19.1006.

a. MMC Subsection 19.905.4 Approval Criteria

MMC Subsection 19.905.4.A establishes approval criteria for approving a new conditional use.

The applicants are proposing to establish the existing single detached dwelling on the site as a vacation rental, which is a conditional use in the underlying R-MD zone. The proposed conditional use meets the approval criteria as follows:

- (1) The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

The characteristics of the lot are suitable for the proposed vacation rental. The existing house is located on a lot that is approximately 5,580 sq ft in area. The rear and side yards are fenced, with mature trees and shrubs providing screening from adjacent properties. There is no on-street parking on 32nd Avenue, but there is sufficient space in the driveway for two vehicles and the site is directly accessible via public transit (TriMet's #75 bus line).

As proposed, the Planning Commission finds that this criterion is met.

- (2) The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

The applicants are not proposing any physical alterations in conjunction with this conditional use application. The basic operating principles the applicants have previously employed for the short-term rental and that would continue with the proposed vacation rental include the following: limiting reservations to those who have previously used the vacation rental platform, restricting party size to no more than 12 people, requiring a minimum two-night stay, and screening users using the platform's reviewing system. Quiet hours are from 10:00 pm to 7:00 am, and house rules are emailed to guests in advance. The applicants hire professional services for cleaning, maintenance, and landscaping to keep the house and property in good condition.

As proposed, the Planning Commission finds that this criterion is met.

- (3) All identified impacts will be mitigated to the extent practicable.

No specific impacts have been identified. As noted above, the operating characteristics and residential character of the existing house will remain unchanged. The proposed basic operating principles include measures to limit impacts and ensure compatibility with nearby uses, including quiet hours and a limit on the total number of guests.

As discussed below in Finding 6-b, the applicants are required to notify properties within 300 ft of the vacation rental property. The notification will include contact information for the property owners, any property managers, and the non-emergency telephone number for Milwaukie Police.

As proposed, the Planning Commission finds that this criterion is met.

- (4) The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

The residential nature of the site will remain the same and will continue to have no greater unmitigated nuisance impacts than what is currently allowed outright for residential development in the R-MD zone. Visitors to the vacation rental will be using the unit as a residential property; consequently, impacts should be similar in nature to what is permitted by right. As noted above, the applicants also establish quiet hours in the house rules.

As proposed, the Planning Commission finds that this criterion is met.

- (5) The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

As discussed above, the applicants are not proposing any physical modifications through this application; any future development on the site will be required to meet the standards of the base zone. There are no overlay zones or special areas for the subject property, and the applicable standards in MMC 19.905 are met as specified in these findings.

As proposed, the Planning Commission finds that this criterion is met.

- (6) The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

Section 7 of the Comprehensive Plan (Housing) includes a goal and policy that are applicable for the proposed conditional use.

- Goal 7.2 [Housing] Affordability

Provide opportunities to develop housing that is affordable at a range of income levels.

- Policy 7.2.9: Monitor and regulate vacation rentals to reduce their impact on the availability and long-term affordability of housing.

Policy 7.2.9 speaks directly to monitoring and regulating vacation rentals to reduce their impact on the availability and long-term affordability of housing. By requiring vacation rentals to obtain a conditional use permit in the R-MD zone, the City can monitor the prevalence of vacation rentals and, if appropriate, adopt additional regulations to further the goal of housing affordability.

The Planning Commission finds that, through the acquisition of a conditional use permit, the proposed use is consistent with the Comprehensive Plan and the criterion is met.

- (7) Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

There are adequate public transportation facilities and public utilities for the site. Although there is no on-street parking available on 32nd Avenue, the subject property is developed with a driveway sized to provide off-street parking for two vehicles. TriMet's #75 bus line runs along 32nd Avenue. Other public utilities necessary for residential use are available and adequate to serve the proposed vacation rental.

As proposed, the Planning Commission finds that this criterion is met.

As proposed, the Planning Commission finds that the approval criteria for a conditional use are met.

b. MMC Subsection 19.905.9 Standards Governing Conditional Uses

As per MMC 19.905.9, a conditional use must comply with the standards of the base zone, and any overlay zones or special areas, in which it is located, except as these standards have been modified by the Planning Commission when authorizing the conditional use and as otherwise modified by the standards in this subsection.

MMC Subsection 19.905.9.G establishes the following specific requirements for vacation rentals:

- (1) Prior to initial occupancy, the Building Official must verify that building code and fire code standards are satisfied.
- (2) With annual filing of MMC Title 5 Business Tax, the operator must send a notice to neighbors within 300 ft that includes the following information:
 - (a) Property owner contact information;
 - (b) Vacation rental operator and/or property manager contact information; and
 - (c) City of Milwaukie Police nonemergency telephone number.

Compliance with the requirements established by MMC 19.905.9.G is an ongoing obligation for the applicants.

As proposed, the Planning Commission finds that the proposed vacation rental meets the applicable standards of MMC 19.905.9. This standard is met.

The Planning Commission finds that the proposed vacation rental meets the applicable standards of MMC 19.905 and is approvable as a conditional use.

7. The application was referred to the following departments and agencies on March 27, 2025:

- Milwaukie Community Development Department
- Milwaukie Building Department
- Milwaukie Engineering Department
- Milwaukie Public Works Department
- Milwaukie Code Compliance
- Milwaukie Police Department
- Milwaukie City Manager
- City of Milwaukie City Attorney
- Ardenwald-Johnson Creek Neighborhood District Association Chairperson and Land Use Committee
- Clackamas Fire District #1
- Clackamas County Department of Transportation & Development
- Metro
- TriMet
- NW Natural

In addition, public notice was provided on April 23, 2025, as required by MMC Subsection 19.1006.3. Staff received one response to the referral and public notice, which is summarized as follows:

- **Adam Cook (resident of the Ardenwald neighborhood):** Expressed opposition to the proposal, citing the vacation rental concept as one that reduces affordable housing options and diminishes neighborhood character.