

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
Tuesday, February 9, 2016
6:30 PM**

COMMISSIONERS PRESENT

Sine Adams, Chair
Shaun Lowcock, Vice Chair
Shane Abma
Shannah Anderson
Adam Argo
Scott Barbur
Greg Hemer

STAFF PRESENT

Denny Egner, Planning Director
Tim Ramis, City Attorney

1.0 Call to Order – Procedural Matters*

Chair Adams called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.

2.0 Planning Commission Minutes

2.1 June 23, 2015

It was moved by Commissioner Hemer and seconded by Vice Chair Lowcock to approve the June 23, 2015 Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

Denny Egner, Planning Director, announced that Li Alligood would be leaving the City to work for Otak. The City had advertised for her position, and would be two months without full staff.

Vice Chair Lowcock noted the Milwaukie Police's presence related to the school lockdown the previous week and encouraged everyone to acknowledge local police officers' service.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

5.1 Summary: Short-term Rentals Code Amendments
Applicant/Owner: City of Milwaukie
File: ZA-2015-003
Staff: Denny Egner

Chair Adams called the hearing to order and read the conduct of legislative hearing format into the record.

Mr. Egner presented the staff report via PowerPoint, noting the amendments were proposed as if the General and Neighborhood Mixed Use Zones approved in December were in effect. He noted the key issues remaining for the Commission's consideration and addressed clarifying questions regarding existing parking requirements, the administration of lodging operator licenses, zoning, and home occupation enforcement. A request to continue the hearing had been received as well as a letter from Housing Land Advocates challenging the findings as they related to Goal 10 Housing. He supported the requested continuance and noted it would allow staff to develop better findings to address the challenge.

Chair Adams called for public testimony.

Julie Olson was in support of the amendments. Short-term and vacation renters were a boon to Milwaukie. Airbnb renters did not cause a parking problem were more respectful, whereas long-term renters had numerous cars, destroyed property, and created noise disturbances. Her neighbor was glad she only wanted to do Airbnb. She believed short-term rentals, B&Bs, and vacation rental should be permitted uses; the conditional process would result in her wasting three more months before being able to start renting short-term again. Being in the CL zone, she could currently only have one rental every 30 days. She responded to several questions from the Commission about her property and parking availability. She clarified she wanted to rent more often than once every 30 days and not be limited on the home occupation due to her travel schedule.

James Knight elaborated on the key issues included in the letter he sent to the Commission months ago, but not included in the meeting packet. Having attended many meetings in Portland about short-term rentals, he maintained that with no hotels in Milwaukie, short-term rentals would ensure visitors stay and spend money in Milwaukie instead of going to Portland.

- Short-term rentals provide extra income to property owners; some would be in foreclosure if they were unable to use their property for short-term rental. Short-term renters came from all over the world, enabling a cultural/social interaction which was also beneficial.
- He was amazed the City initiated this entire Code amendment process based on two parking complaints; it seemed biased. He described the complaint involving his property which was not legitimate, and questioned the legitimacy of the other. There are always people who will complain.
- Limiting rentals to a single party was unnecessary. Portland limited the number of parties to two or three and did not regulate parking, which was working fine.
- He questioned the 270-day rule, which would preclude him renting his home during his extended trips abroad for training or teaching, and possibly prevent him from going. The rule allowed only three months for owners to be able to go and do anything.
- He questioned the difference between a short-term rental and the 30-day limit, which was arbitrary. As an Airbnb, everything unsafe or unsatisfactory is reported, which did not occur with short-term rentals. Airbnbs should not be confused with B&Bs because no meals are typically prepared.
- Making the Code more difficult would cause short-rentals to move to the unincorporated areas and Milwaukie would lose that revenue.
- He addressed several questions from the Commission about his parking Code violation, Airbnbs versus VRBOs, and whether the rentals were owner occupied.

Ms. Olsen agreed- if parking was the problem why did it take two years to make decisions that were obvious. She reiterated view that renters cause more parking problems than Airbnb clients.

Mr. Egner clarified the differences between short-term and vacation rentals and addressed further clarifying questions from the Commission about existing and proposed parking requirements, as well as the City's mandates for building and fire code inspections related to home occupations.

The Commission discussed whether to separate vacation rentals from the proposed Code package in response to the letter received about Goal 10 compliance. Following a lengthy discussion which resulted in the reversal of a straw poll, the Commission consented to retain vacation rentals in the proposed amendments as presented. **Mr. Egner** added he would contact Housing Land Advocates for further clarification.

Chair Adams reminded that the hearing would remain open and further public comment could be provided at the continued hearing.

It was moved by Commissioner Hemer and seconded by Commissioner Argo to continue the public hearing for ZA-2015-003 to February 23, 2016. The motion passed unanimously.

6.0 Worksession Items – There were none.

7.0 Planning Department Other Business/Updates

Mr. Egner noted interim update pages had been distributed for the Planning Commission's notebooks.

8.0 Planning Commission Discussion Items

Commissioner Hemer stated he attended a meeting on the parkway, which would be a closed off roadway through Milwaukie for pedestrians and bicycles without vehicle traffic and with stops along the way. Sponsorships and volunteers were needed; anyone interested could contact Mitch Nieman at the City for more information.

Chair Adams announced the first of five Urban Renewal Advisory Committee meetings would be held February 17th at the Public Safety Building. Everyone was welcome to attend.


9.0 Forecast for Future Meetings:

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| February 23, 2016 | 1. Public Hearing: MLP-2015-006/VR-2015-007 Rockwood St Partition |
| March 8, 2016 | 1. Public Hearing: MLP-2015-004 55 th Ave Partition |

Meeting adjourned at approximately 8:28 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Shane Abma, Chair
for Sine Adams, Chair