

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, February 23, 2016
6:30 PM**

COMMISSIONERS PRESENT

Sine Adams, Chair
Shane Abma
Adam Argo
Scott Barbur
Greg Hemer

STAFF PRESENT

Denny Egner, Planning Director
Brett Kelper, Associate Planner
Dan Olsen, City Attorney

COMMISSIONERS ABSENT

Shaun Lowcock, Vice Chair
Shannah Anderson

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

3.0 Information Items

There were no information items.

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: Rockwood St Partition
Applicant/Owner: Louie & Debra Bomotti
Address: 4401 SE Rockwood St
File: MLP-2015-006, VR-2015-007
Staff: Brett Kelper

Chair Adams called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Brett Kelper, Associate Planner, presented the staff report via PowerPoint. He noted the location and orientation of the property and described the proposed 2-parcel partition. The existing shop on the new lot would remain for now, although if the property were to change ownership, a condition could be to limit the time the shop could remain for the benefit of the neighbors. Due to the configuration of the new lot, the variance request was for the minimum lot depth. The applicant demonstrated and staff agreed that the variance was reasonable and met

the approval criteria. Staff recommended approval with the findings and conditions as presented.

Chair Adams called for the applicant's testimony.

Louis Bomotti, 4401 SE Bomotti, noted the hedges at the end of 44th Court were on the other side of the fence from his property. He asked if it was possible to get an extension on the timeline for removing the existing shop on the new lot, if he were to sell the lot with the existing house and the new lot did not sell within the timeframe established in the proposed conditions of approval.

Mr. Kelper described the timeline outlined in Recommended Condition 2E and noted that, if either of the parcels were transferred to separate ownership, the existing shop could remain on the new lot for up to 2 years before being removed.

Dan Olsen, City Attorney, suggested that a condition be included to allow for an extension if the parcels were to come under separate ownership and the new lot (with the existing shop) did not sell within the 2-year period.

Chair Adams closed public testimony.

Planning Commission Deliberation

The Commissioners discussed the extension option to allow for a softer timeline, finally settling on an allowance of up to 3 years for the existing shop to remain if the front parcel was sold.

It was moved by Commissioner Hemer and seconded by Commissioner Abma to approve land use applications MLP-2015-006 and VR-2015-007 for 4401 SE Rockwood St with the recommended findings and conditions as amended. The motion passed unanimously.

5.2 Short-term Rentals Code Amendments (continued from 2/09/16)
Applicant: City of Milwaukie
File: ZA-2015-003
Staff: Denny Egner

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

Denny Egner, Planning Director, noted the testimony from the last hearing and the request to continue the hearing. Also received was a letter from Housing Land Advocates (HLA) that noted the amendments did not adequately address Goal 10 regarding affordable housing. Additional findings had been drafted to address Goal 10. The claim was that vacation and short-term rentals took away from the available housing stock in Milwaukie. The findings state that short-term rentals where there was a resident onsite did not affect the housing inventory; vacation rentals required a Conditional Use request that was burdensome. He raised the question of actual demand for these types of rentals in Milwaukie; currently the number was relatively low.

Dan Olsen, City Attorney, disclosed his wife was a board member of HLA although he has had no conversation or knowledge outside of this application regarding the letter received.

Chair Adams called for public testimony.

Sid Blasé, 2121 SE Sparrow St, gave background regarding her bed & breakfast and experience with the City. She believed that short-term rentals were good for the growth of Milwaukie. She was opposed to the additional parking space requirement. She requested that the provision for renting only to one party be changed to one to two rooms.

Gerard Lester, 4724 NE 14th Ave, Portland, worked for Vacasa, a vacation rental management company. He noted that the vacation rental industry was growing, was affordable for families, and benefited the communities they were located in. He believed that affordable housing and vacation rentals were two very different entities. Vacasa adhered to the rules and regulations of the communities in which it managed properties. The homeowner usually did not reside on the property or only part-time; it functioned as a vacation rental.

Larissa Peterson, 410 W 10th St, Vancouver, also worked for Vacasa as the business representative for Portland. She noted that the current regulations limited vacation rental opportunity. She described different guest and property owner scenarios and the limitations some regulations created for the property owners. Vacation rentals rarely limited affordable housing. The Conditional Use process for vacation rentals was cost-prohibitive for property owners.

Mr. Egner agreed that the Conditional Use process was more burdensome but staff felt that allowing for process and notification was warranted. However, that was the Commission's decision. No comment had been received from the neighborhood district associations.

- **Ms. Blasé** noted that the Island Station NDA had offered to write a letter in support.

Mr. Egner confirmed that accessory dwelling units (ADUs) could be short-term rentals or vacation rentals.

Chair Adams closed public testimony.

Planning Commission Deliberation

Parking: The Commission agreed that an additional parking space should not be required for short-term rentals.

Rooms versus Parties: The Commission discussed the reasons for and issues with both code scenarios. **The Commission** agreed to list the provisions for hosted and unhosted: hosted would allow for 1-2 bedrooms; unhosted would allow for one party/reservation and for no more than 95 days of the year.

Required owner occupancy days: Unhosted would require the owner to reside on the property for 270 days of the year.

Conditional Use for vacation rentals: The reasoning was for providing notice to neighbors. There was no notice for home occupation businesses or for long-term rentals. **The Commission** agreed to retain the Conditional Use requirement.

It was moved by Commissioner Hemer and seconded by Commissioner Argo to recommend approval to City Council of ZA-2015-003 for Short-term Rentals Code Amendments with the recommended findings as modified. The motion passed

unanimously.

6.0 Worksession Items

- 6.1 Summary: Comprehensive Plan Visioning Update
Staff: Denny Egner

Mr. Egner noted that a visioning consultant had talked with City Council about different visioning approaches. Council wanted to keep the visioning focused and look at all City services, and then create two approaches looking at the land use process and all other City services. An Economic Opportunity Analysis was in process and proposals for a Housing Needs Analysis were due that week. Those products would inform the process. Council was also interested in creating an action plan to address other issues. There would be a committee formed for the project as well.

7.0 Planning Department Other Business/Updates

Mr. Egner noted that the first meeting of the Urban Renewal Advisory Group was held last week and the boundaries for the urban renewal areas were discussed. The next meeting would be on March 30 and would discuss potential projects, which included projects from the Downtown Land Use Framework Plan and the Central Milwaukie Land Use and Transportation Plan.

8.0 Planning Commission Discussion Items

Commissioner Barbur updated the group on the library expansion project. Council had approved to put a bond measure to fund the expansion on the ballot for the May election.


9.0 Forecast for Future Meetings:

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| March 8, 2016 | 1. TBD – <i>Cancelled</i> |
| March 22, 2016 | 1. Public Hearing: CSU-2015-008 Northwest Housing Alternatives
<i>tentative</i> |
| | 2. Public Hearing: MLP-2015-004 55 th Ave Partition |

Meeting adjourned at approximately 9:23 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Shane Abma
for Sine Adams, Chair