

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

COMMISSIONERS PRESENT

Shaun Lowcock, Vice Chair
Shane Abma
Shannah Anderson
Scott Barbur
Adam Argo (arrived after Roll Call)

STAFF PRESENT

Denny Egner, Planning Director
Vera Kolas, Senior Planner

COMMISSIONERS ABSENT

Greg Hemer

1.0 Call to Order – Procedural Matters*

Vice Chair Lowcock called the meeting to order at 6:30 pm 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

Denny Egner, Planning Director, stated the August 23rd Planning Commission meeting was cancelled, and clarified the Visioning Advisory Committee meeting should not have been included on the Commission's agenda. He noted all six Commissioners should be present to elect a new Chair and that the election must happen during a public meeting. If there was no quorum for the September 13th meeting, another date might need to be scheduled to accommodate the 120-day land use clock.

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

5.0 Public Hearings

5.1 Summary: Rear Yard Setback Variance
Applicant/Owner: Paula Anderson
Address: 10541 SE 55th Ave
File: VR-2016-006
Staff: Vera Kolas

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

Vera Kolias, Associate Planner, presented the staff report via PowerPoint, noting staff recommended approval of the variance request. She reviewed the public comments received and confirmed no other correspondence had been received aside from what was in the packet.

Commissioner Argo arrived at this time.

Commissioner Abma noted that this was the second variance application in the past couple months presented under these discretionary criteria. The word “creative” was not defined in the code, but he believed it was a higher standard than simply putting something back on the site that used to exist. Given that only one of the three criteria had to be met, and the first was often easy, he was reluctant to set a precedent under the third criterion.

Staff responded to questions about how the criteria were applied, noting an alternate set of findings was available that eliminated the third criterion from consideration. Staff agreed that criterion was difficult to apply and suggested that it could be changed through a code amendment process.

Vice Chair Lowcock called for comments from the applicant or their representative.

Lori Whiteside, representing the Applicant, explained her mother, who was ill, was the applicant and that she and her family wanted to live close to help care for her. Moving the manufactured home to meet the required setback would place it flush against the garage, which would not work with the existing layout. Placing the manufactured home on the existing foundation minimized expenses as they would be able to use the existing sewer, water, and electrical hookups. Her parents had purchased the property about five years ago. The concrete foundation was still there, but not the original manufactured home.

Vice Chair Lowcock noted Rob Whiteside, who was in the audience, also supported the application. He closed public testimony.

Planning Commission Deliberation

Commissioner Abma stated “creative” meant something beyond replacing a manufactured home on an existing pad and agreed the word “creative” was too subjective. He would approve the variance with the condition that the criterion for Subsection C was not met.

The Commission agreed with Commissioner Abma’s suggested change and briefly discussed how it should be implemented. Commissioners noted the application was more practical than creative, and that the manufactured home added value to the area, as well as housing, and was a good use of an otherwise empty space.

Ms. Kolias explained the Commission could find the application did not meet the criterion because it was not creative or sensitive. She noted the criterion explanation (Criterion C.2) discussed when the existing built or natural environment provided challenges to standard development or site planning; however, there was nothing challenging or unique about the property that would need a creative response, so Criterion C would not apply.

It was moved by Commissioner Abma and seconded by Commissioner Anderson to approve File VR-2016-006 with the modification that the discretionary relief criterion,

Subsection C.2 of Milwaukie Code Section 19.911.4.B.1, did not apply. The motion passed unanimously.

Vice Chair Lowcock read the conduct of hearing format into the record.

6.0 Worksession Items

7.0 Planning Department Other Business/Updates

Mr. Egner updated on the adoption of both the Urban Renewal Plan and recreational marijuana regulations, noting both hearings were continued to Council's August 16th meeting. He reviewed the issues related to both agenda items and addressed clarifying questions from the Commission. The first meeting of the Advisory Committee for the North Milwaukie Industrial Area Plan was schedule for tomorrow at 7:30 am. The kick-off meeting of the Visioning Advisory Committee for the Comprehensive Plan Visioning project was schedule for August 23rd.

Staff described upcoming work for the Commission, which included housekeeping amendments to the code, and answered questions from the Commission regarding the need for the proposed amendments. The goal was to have the amendments completed by the end of the year.

8.0 Planning Commission Discussion Items

Vice Chair Lowcock noted recent articles in *The Oregonian* discussed Milwaukie's hot housing market and asked if staff was seeing a big increase in variance requests, etc. He added the light rail line had been very busy at evening rush hour.

- **Ms. Kalias** replied that pre-application conferences were being scheduled three weeks out and three people had inquired at the counter today about dividing their properties. A lot of building permit applications were also being submitted to improve dilapidated properties.

9.0 Forecast for Future Meetings:

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| August 23, 2016 | 1. First Visioning Advisory Committee Meeting |
| September 13, 2016 | 1. S-2016-001 5126 SE King Rd., 14-lot subdivision |

Meeting adjourned at approximately 7:39 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II


Shane Abma, Chair