



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

January 10, 2023

Present: Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Aaron Carpenter
Greg Hemer
Joshua Freeman

Staff: Vera Kolias, Senior Planner
Ryan Dyar, Assistant Planner

Absent: Amy Erdt
Jacob Sherman

(00:10:03)

1.0 Call to Order — Procedural Matters*

Chair Loosveldt called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

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

(00:11:09)

2.0 Planning Commission Minutes

2.1 October 25, 2022, minutes were approved with a 5-0 vote.

2.2 November 8, 2022, minutes were approved with a 5-0 vote.

(00:12:04)

3.0 Information Items

Vera Kolias introduced the new Planning Commissioner, Commissioner Carpenter. **Commissioner Carpenter** shared that he lives in the Ardenwald neighborhood and is a City Planner for a private planning firm.

(00:13:40)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:14:04)

5.0 Community Involvement Advisory Committee (CIAC)

No information was presented for this portion of the meeting.

(00:15:42)

6.0 Hearing Items

6.1 CU-2002-006, Conditional Use for a Vacation Rental, Crystalyn Keating, (applicant's representative), 11611 SE 33rd Ave

Vera Kolias announced the applicable sections of the Milwaukie Municipal Code (MMC): MMC19.301, MMC19.905 and MMC19.1006. **Kolias** presented the staff report. **Kolias** gave an overview of the existing site. **Kolias** noted the property in question is zoned R-MD and is a single-unit dwelling built in 1967. **Kolias** defined a vacation rental and noted that vacation rentals are allowed in all residential zones as Conditional Use. **Kolias** reviewed the approval criteria and pointed out the three criteria that are most relevant to the application: (1) operations and physical characteristics of proposed use are reasonably compatible with nearby uses, (2) all identified impacts will be mitigated to extent practicable and (3) proposed use will not have unmitigated nuisance impacts greater than those usually generated by uses allowed outright. **Kolias** specified that staff believe the proposal meets the criteria. **Kolias** summarized specifics to the proposal: no physical alterations are proposed, the rental will allow a maximum of 8 guests, management staff is nearby, decibel meters are present in the home to monitor noise during quiet hours, there are four off-street parking spaces provided and a rental agreement includes restrictions to mitigate potential nuisances in the neighborhood. **Kolias** noted that staff received one public comment from Paul Hawkins, Lake Road NDA, who had no objections to the proposal. **Kolias** stated staff recommend the approval of the requested conditional use and to adopt the recommended Findings and Conditions of Approval. **Kolias** explained the 4 options available to the Commission applicable to the application.

Corey Tigner, Property Manager, iTrip Northwest, expressed his support for the application.

Marla Deerdorf, Milwaukie Resident, expressed her concern for the approval of the application. **Deerdorf** noted her experience with vacation and short-term rentals. **Deerdorf** stated she heard bad things about coast-to-coast house buyers. **Deerdorf** shared that the property was an eye sore to the neighborhood for years and noted that it has been improved. **Deerdorf** expressed concern that neighbors do not know the new owners.

Joan Olsen, Milwaukie Resident, requested a continuance. **Olsen** noted that neighbors knew the property was going to be a rental, but they did not know it would be a vacation rental. **Olsen** requested more time to ensure that neighbors had the correct information. **Commissioner Hemer** asked Olsen when she discovered that the property was going to be a vacation rental. **Olsen** stated just this week.

Commissioner Hemer asked Crystalyn Keating, applicant's representative, if she would be willing to meet with the neighbors to discuss any concerns. **Crystalyn Keating** stated

she would be willing to meet with the neighbors. **Vice Chair Edge** asked staff for the projected continuance date. Potential continuance dates were discussed. **Commissioner Hemer** made a motion to continue the hearing on January 24, 2023.

Continuance was approved with a 5-0 vote.

(00:39:50)

7.0 Work Session Items

7.1 Code Amendments: Climate Friendly Equitable Communities Rulemaking

Ryan Dyar reviewed the City's prior actions and former Governor Brown's Executive Order as they relate to the Climate Friendly Equitable Communities Rulemaking. **Dyar** shared the proposed code amendments related to compliance with the new Transportation Planning Rule (TPR) which were written through the Climate Friendly Equitable Communities rulemaking process. **Dyar** listed the various amendments:

- Remove Vehicle Parking Requirements.
- Remove references to required parking.
- Minor, non-substantive, languages change for Title consistency- (ex. single family to single detached dwelling).
- Large Parking Lots- new language added to 19.606.4.
- Bicycle Parking-table added to 19.609.

Dyar elaborated that the bicycle parking changes discussed in November were pushed out to a later date for staff to do their due diligence to ensure requirements were correct. **Dyar** stated that bicycle parking updates have been decoupled from the automobile amendments to fine tune the bicycle parking requirements. **Dyar** explained that jurisdictions are not required to comply with bicycle parking amendments until their Transportation Systems Plan (TSP) is updated. **Dyar** explained that automobile parking amendments must be adopted by June 30, 2023. **Dyar** noted that Planning worked with the City's Urban Forestry Department to determine clear and objective standards related to tree canopy guidance for large surface parking lots.

Dyar outlined the next steps.

- February 14th – PC Adoption
- March 7th – CC Discussion
- April 4th – CC Adoption

Commissioner Hemer asked Dyar if there was discussion to ensure that tree canopy requirements do not conflict with lighting requirements. **Dyar** noted there is no conflict due the flexibility with lighting requirements. **Dyar** stated he would look at the code one more time to confirm no conflict. **Vera Kalias** read the lighting code for parking lots and reiterated that Planning does not design the lighting. **Kalias** reiterated that she did not see conflict amongst the two codes.

(0:52:20)

7.2 Code Amendments: Housekeeping

Vera Kolias noted that cleaning up code is not changing policy but rather is meant to clarify existing code. **Kolias** explained the process for updating code. **Kolias** shared the proposed amendments as noted in the staff report. **Commissioner Hemer** asked what are set bond amounts for a development. **Kolias** responded that when developments are proposed, the City takes a bond, usually 130% of construction costs, as liability insurance, to ensure the developer meets its obligations; the developer uses their own money for the bond. **Kolias** noted the proposed updated zoning code definitions:

- Family childcare home – updating to be in alignment with state definition.
- Major Pruning – updating to be consistent with tree code.
- Structure – clarifying to ensure usage is consistent throughout code.
- Primary Entrance – clarifying to ensure usage is consistent throughout code.

Vice Chair Edge asked for clarification around primary entrance and its applicability to Downtown Design Standards. **Kolias** noted that the primary entrance is generally where designed standards are applied. **Kolias** stated she would double check the code to ensure that primary entrance language is in alignment with design standards. **Kolias** shared proposed amendments to the Milwaukie Municipal Code (MMC):

- MMC 19.301 and 19.302 to allow accessory structures as part of the bonus to recognize a timing issue.
- MMC 19.312 to include e-commerce businesses as part of the wholesale and warehousing and revise Key Streets graphic to match the text.
- MMC 19.401 to clarify list of exemptions to comply with GOAL 15.
- MMC 19.502 to include a retaining wall exemption and add a street side yard to table.
- MMC 19.505 to reorganize section completely to be more user friendly.
- MMC 19.1006 to not require a M56 notice for owner-initiated map amendments.
- MMC 19.1010 to include Notice of Decision requirement and process.
- MMC 19.1102 to call out that annexations are not subject to the 120-day rule.

Vice Chair Edge inquired about the trip generation of a fulfillment center vs a typical warehousing situation. **Kolias** agreed to check into the trip generation. **Edge** noted that staff may want to call out the difference in regards to trip generation within the use table. **Commissioner Hemer** suggested using the term fulfillment center instead of e-commerce. **Chair Looseveldt** confirmed that the definition of major pruning is matched with the tree code. **Vice Chair Edge** suggested that abbreviations in the code be consistent and follow the same naming pattern. **Kolias** said that will be addressed.

(01:11:11)

8.0 Planning Department/Planning Commission Other Business/Updates

Kolias shared that the High-Density Residential Zone Code Amendment was adopted by City Council and is effective January 19, 2023. **Kolias** noted that January 2023 is the 6-month anniversary of the middle housing code. **Kolias** said there is currently one middle housing project under construction. **Kolias** explained that in November and

December there were 9 straight weeks of pre-app conferences for middle housing developments. **Kolias** said all the pre-app information is available on the Planning Department's website and information was mailed to the Neighborhood District Associations (NDAs).

Commissioner Carpenter asked if staff are tracking applications that are owner-initiated vs developer initiated. **Kolias** shared some data and called out both scenarios within the most recent pre-app filings. **Kolias** agreed to track this information moving forward. **Dyar** noted that people are looking to add additional units and conversations are happening. **Commissioner Hemer** shared that developers have attended the Linwood NDA meetings. **Hemer** explained that certain developers are engaged with the community. **Kolias** said officer elections are upcoming. **Chair Looseveldt** asked if other Commissioners would like to be Chair or Vice Chair. **Looseveldt** noted Commissioner Sherman expressed interest in being the Chair via email. **Commissioner Hemer** explained his support for an annual change in Chair. **Hemer** requested that the current Chair step down to allow an opportunity for another member. **Hemer** noted that the Chair position is best conducted in person. **Looseveldt** announced she will be stepping down as Chair. **Looseveldt** reiterated that it is not required for the Chair to be in person. **Looseveldt** added that she does not want in person to be a deterrent for someone that would like to Chair the Commission. **Looseveldt** expressed her support for Commissioner Sherman to become the next Chair or Vice Chair. **Vice Chair Edge** noted change in positions, within the Commission, fosters a healthy environment. **Edge** nominated Commissioner Sherman for the Chair position. **Edge** shared that he will be stepping down as Vice Chair. **Edge** said that virtual participation is inclusive. **Commissioner Freeman** announced he would be interested in the Vice Chair position. **Commissioner Hemer** made a motion to elect Commissioner Sherman as Chair and Commissioner Freeman as Vice Chair.

Commissioner Sherman was elected as Chair with a 5-0 vote.
Commissioner Freeman was elected as Vice Chair with a 5-0 vote.

Commissioner Hemer advocated for new code that would require new development to bury all utilities.

(01:32:51)

9.0 Forecast for Future Meetings

January 24, 2023,	Hearing Item(s):	1. CU-2022-006 – Conditional Use for a vacation rental
		2. ZA-2022-003 – Downtown Design Review Code Amendments

Meeting adjourned at approximately 8:04 p.m.

Respectfully submitted,

Suzanne Couttouw, Administrative Specialist II