



# CITY OF MILWAUKIE

## AGENDA

November 8, 2022

### PLANNING COMMISSION

milwaukieoregon.gov

**Hybrid Meeting Format:** the Planning Commission will hold this meeting both in person at City Hall and through Zoom video. The public is invited to watch the meeting in person at City Hall, online through the City of Milwaukie YouTube page ([https://www.youtube.com/channel/UCRFbfg3OnDWLQKSB\\_m9cAw](https://www.youtube.com/channel/UCRFbfg3OnDWLQKSB_m9cAw)), or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov). Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time.

To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/bc-pc/planning-commission-104>) and follow the Zoom webinar login instructions.

#### 1.0 Call to Order – Procedural Matters — 6:30 PM

1.1 Native Lands Acknowledgment

#### 2.0 Planning Commission Minutes – Motion Needed

2.1 September 13, 2022

#### 3.0 Information Items

**4.0 Audience Participation** — This is an opportunity for the public to comment on any item not on the agenda

#### 5.0 Community Involvement Advisory Committee (CIAC)

#### 6.0 Hearing Items

6.1 Conditional Use for a Vacation Rental

Summary: Allow a single-detached dwelling to be used a vacation rental

Applicant: Justine Syck

Address: 4843 SE Barbara Lynn Way

File: CU-2022-003

Staff: Assistant Planner Ryan Dyar

#### 7.0 Work Session Items

7.1 Code Amendments: Climate Friendly Equitable Communities

Summary: Review and provide feedback on the proposed updates to the MMC to conform with Climate Friendly Equitable Communities rulemaking

Staff: Assistant Planner Ryan Dyar

#### 8.0 Planning Department/Planning Commission Other Business/Updates

#### 9.0 Forecast for Future Meetings

December 13, 2022      Work Session item:      Draft Housing Capacity Analysis

Hearing Items:      VR-2022-009 – Alpha Stone Works variance to design standards in MUTSA

ZA-2022-005 Code Amendments: Climate Friendly Equitable Communities

## Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to register to provide spoken comment at this meeting or for background information on agenda items please send an email to [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at [www.milwaukieoregon.gov/meetings](http://www.milwaukieoregon.gov/meetings).
3. **FORECAST FOR FUTURE MEETINGS.** These items are tentatively scheduled but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
4. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue an agenda item to a future date or finish the item.

### Public Hearing Procedure

Those who wish to testify should attend the Zoom meeting posted on the city website, state their name and city of residence for the record, and remain available until the Chairperson has asked if there are any questions from the Commissioners. Speakers are asked to submit their contact information to staff via email so they may establish standing.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY.** Comments or questions from interested persons and testimony from those in support or opposition of the application.
5. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
6. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
7. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience but may ask questions of anyone who has testified.
8. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
9. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, any person may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

### **Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice**

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) or phone at 503-786-7502. To request Spanish language translation services email [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov) at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the city's YouTube channel and Comcast Channel 30 in city limits.

### **Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)**

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov) al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el canal de YouTube de la ciudad y el Canal 30 de Comcast dentro de los límites de la ciudad.

#### **Milwaukie Planning Commission:**

Lauren Loosveldt, Chair  
Joseph Edge, Vice Chair  
Amy Erdt  
Joshua Freeman  
Greg Hemer  
Robert Massey  
Jacob Sherman

#### **Planning Department Staff:**

Laura Weigel, Planning Manager  
Vera Kolias, Senior Planner  
Brett Kelder, Senior Planner  
Adam Heroux, Associate Planner  
Ryan Dyar, Assistant Planner



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

City Hall Council Chambers  
10722 SE Main Street  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

September 13, 2022

**Present:** Lauren Loosveldt, Chair  
Joshua Freeman  
Greg Hemer  
Robert Massey  
Jacob Sherman  
Amy Erdt

**Staff:** Justin Gericke, City Attorney  
Ryan Dyar, Assistant Planner  
Laura Weigel, Planning Manager

**Absent:** Joseph Edge, Vice Chair

(00:05:18)

### 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>.*

(00:06:24)

### 2.0 Information Items

No information was presented for this portion of the meeting.

(00:06:31)

### 3.0 Audience Participation

No information was presented for this portion of the meeting.

(00:07:23)

### 4.0 Community Involvement Advisory Committee (CIAC)

**Weigel** noted that the annual CIAC meeting will be held on October 11, 2022. During the first half of the meeting, Jon Hennington, Equity Program Manager, will present overview of Milwaukie's Equity, Inclusion and Justice work.

The second part of the meeting will be the annual joint meeting with the Neighborhood District Associations (NDA's). Weigel reviewed the topics to be covered during this meeting:

- Overview of Planning Departments and Planning Commission Work Plan
- Follow-up on projects since last meeting
- Update from NDA and identified priorities

Weigel stated there are still two outstanding questions.

- 1) What are the barriers to feedback?
- 2) What are the general topics to discuss?

**Commissioner Massey** confirmed that he will attend the upcoming quarterly NDA meeting. **Massey** will ask the NDA if there are any topics they would like to discuss on October 11<sup>th</sup>. **Weigel** stated she will amend the agenda to accommodate requests.

**Commissioner Sherman** requested that the Land Use 101 Training be redistributed to the NDA prior to meeting. **Weigel** stated she would redistribute.

**Commissioner Hemer** asked about the Transportation System Plan Advisory Committee (TSPAC) and NDA representation on the committee. **Weigel** explained that there will be a PSAC representative on the advisory committee and PSAC is made up of NDA representatives. Also, NDA representatives can apply for the at-large positions. The at-large positions are for people who use the transportation system in a variety of ways. Additionally, there will be ongoing outreach to the NDAs throughout the project. **Commissioner Hemer** encouraged the public to take the NDA survey that is on the Engage Milwaukie website.

(00:14:36)

## 5.0 Hearing Items

(00:14:37)

### 5.1 VR-2022-007 (primary file); DEV-2022-002, 9696 Omark Dr.

**Ryan Dyar, Assistant Planner**, shared the staff report. The applicants are seeking to demolish an existing warehouse building (49,000 sq ft) and construct a new cold-storage warehouse (53,000 sq ft) in its place, with cold loading dock and reconfigured office space. The new building will exceed the 45-ft height limit by 11 ft (to 56 ft). The request is to allow a variance for building height. Applicant proposes to improve and bring up to code the non-conforming parking situation by: adding an additional 45 parking stalls, reducing the driveway width to appropriate code of 45', add and improve permitter landscape areas (from 1% to 3%; minimum landscaping is 15% in the North Milwaukie Employment Zone) and add 7 bicycle parking spots and 7 carpool/vanpool spaces.

Applicant is seeking a Type III Variance.

Staff recommended approval of the requested variance as well as the Findings and Conditions of approval, as the request is reasonable and appropriate

satisfies the Discretionary Relief Criteria (MMC 19.911.4.B.1) needed for approval.

**Chair Loosveldt** asked for clarification around the number of bike parking and carpool/vanpool spaces. **Dyar**, responded that the number is indeed based on the code and not a formulated number based on the decreased number of parking spaces to be provided.

**Commissioner Hemer** asked if what the applicant is offering in their proposal equal to 10% of the permit value. **Dyar** stated that the applicant has not submitted a building permit so there is not a permit value to reference. **Dyar** explained that there are two issues: the request for variance and the proposal to bring the site closer to code. **Dyar** stated the proposed changes to parking and landscaping would be explored regardless of the request for variance of building height due to the project being a redevelopment. **Justin Gericke, City Attorney**, explained the applicant does not need to bring the site to full compliance since the applicant is redeveloping the site; the applicant must work towards conformance through site improvements. **Commissioner Sherman** pointed out that the findings and conditions of approval are separate but packaged together in the staff report.

**Chair Loosveldt** asked for more clarification around the applicant's inability to become Green Building Certified. **Dyar** explained the structure requires a vapor barrier which precludes the applicant from achieving green certifications. **Loosveldt** asked if there are other avenues that the applicant could pursue to achieve the variance request that is not related to the Green Building Certification. **Dyar** confirmed no.

**Commissioner Sherman** asked if landscaping performance requirements exist. **Dyar** confirmed that yes, standards exist. **Commissioner Massey** asked if the new tree code applies to this development. **Weigel** clarified that the new tree code does not apply to commercial development, but there is additional language within code that does dictate that commercial landscape be maintained. **Weigel** stated she would bring the specific code to the next meeting to be reviewed. **Commissioner Massey** stated he wants to make sure that the specific code, that dictates landscape maintenance, be applied to the conditions of the approval.

**Shawn Hood, Owner/Rep Alpine Food Distributing, Kevin Watkins, Fisher Construction PM (Applicants)**

**Watkins** explained the structure of the building and its limitations to becoming green certified due to the freezer component. **Watkins** summarized the steps he took to explore green building certifications. **Chair Loosveldt** asked if applicants reached out to Energy Trust of Oregon (ETO) or to Earth Advantage. **Watkins** stated no and that none of the freezer buildings he has built have achieved green building certification. **Chair Loosveldt** asked the applicants what necessitates the height variance. **Watkins** explained that it is required to meet

needs related to fire code and efficient pallet storage.

**Commissioner Sherman** asked if Watkins talked with anyone at the US Green Building Council. **Watkins** stated no. **Chair Loosveldt** inquired about the applicant's landscape proposal of 3%. **Watkins** explained that they are utilizing all available space to be improved and landscaped.

**Mike Donovan**, West Linn Resident and Pendleton Distribution Center GM, expressed concern about the lack of parking that already exists in the proposed redevelopment area. **Shawn Hood, Applicant**, explained that they are repurposing a current structure, do not have the intent to bring on new employees and will be improving the current parking situation at the site.

**Commissioner Sherman** asked for clarification around basic LEED Certification and whether it is enough to meet the Green Building code. **Justin Gericke, City Attorney**, state that LEED Certification does indeed meet the Green Building code and allows for a height bonus. **Dyar** explained that there are two different avenues for an applicant to pursue a height variance, one being the Green Building Certification and the other being the discretionary Type III variance.

**Commissioner Massey** stated his support for the variance because of the location and use of the facility.

**Commissioner Sherman** expressed that there are other considerations beyond the green building standards that do talk about the benefits and the efficiency of the building.

**Commissioner Freeman** stated he would have liked the proposal to have a greater percentage of green area.

**Commissioner Erdt** stated she agrees with the other commissioners' comments and is ready for the approval.

**Chair Loosveldt** shared that the Alternatives Analysis was weak and stated that the public would benefit from the redevelopment. **Loosveldt** stated she is not inclined to approve the variance since there is not enough extending itself to reasonable and appropriate coverage within the variance criteria.

**Commissioner Sherman** asked Chair Loosveldt to explain her comment about the Alternatives Analysis.

**Chair Loosveldt** stated she would have liked to have seen more of an attempt by the applicants to explore building specific green certifications and/or standards that consider the usage of the building. **Loosveldt** explained that she is familiar with a variety of certifications and projects through the ETO. Additionally, the ETO looks for special use projects because of the large energy usage. **Loosveldt** expressed her desire to have the city become clearer about what an

Alternatives Analysis requires for impacts and benefits.

VR-2022-007 (primary file); DEV-2022-002, 9696 Omark Dr, was approved with a 4-2 vote; Chair Loosveldt was in opposition and Commissioner Sherman abstained.

(01:04:45)

## 5.2 VR-2022-008, 11925 SE 70<sup>th</sup> Ave.

**Commissioner Hemer** disclosed an ex parte contact. **Hemer** reported that the Linwood NDA discussed the proposal, specifically why the request had to be spread out to 300'. **Hemer** noted that the application was not discussed in full.

**Ryan Dyar, Assistant Planner**, shared the staff report. The applicants are requesting a reduction to the rear yard setback from 20ft to 10ft to add an unenclosed patio cover over an existing patio slab on their property. **Dyar** shared the existing site plan and the Type III Variance approval criteria. **Dyar** stated applicants explored less durable covers and a detached accessory structure. **Dyar** stated applicants want to use a portion of their home to support the proposed patio structure and that applicants are responding to a change in their natural environment; applicants' neighbors removed a diseased tree that was providing the applicants' backyard with shade. **Dyar** explained applicants also propose to add additional plantings in the rear of their property. Staff recommended approval of the requested variance, as the request is reasonable and appropriate and satisfies the Discretionary Relief Criteria (MMC 19.911.4.B.1) needed for approval.

**Dyar** reported that staff received a letter from the applicants' neighbor in full support of the request.

**Margaret & Tim Nolan (applicants)** declined a testimonial.

**Commissioner Sherman** noted that the Planning Manager may want to consider flexibility and a future revision to code when dealing with a corner lots, specifically regarding rear and side yard setbacks.

**Sherman** declared his support for the requested variance and **Chair Loosveldt** agreed.

VR-2022-008, 11925 SE 70<sup>th</sup> Ave. was approved by a 6-0 vote.

(01:20:47)

## 6.0 Work Session Items

(01:29:20)

### 6.1 Code Amendments: Climate Friendly Equitable Communities

**Ryan Dyar, Assistant Planner**, reviewed the proposed updates to the Milwaukie Municipal Code (MMC) to conform with the recent Climate Friendly Equitable Communities (CFEC) rulemaking. Most changes will be addressed through the Transportation Systems Plan (TSP) update process. Parking rules will take effect sooner for received new development applications. Oregon Administrative Rules Chapter 660: Division 8 (Housing Rule), Division 12 (Transportation Planning Rule [TPR]) and Division 44 (Greenhouse Gas Reduction Targets) are amended due to the CFEC rulemaking. **Dyar** reviewed: new planning process requirements when jurisdictions are updating their TSP, new enhanced TSP components, coordinated land-use and transportation planning and parking regulation reform. **Dyar** explained that Milwaukie must adopt parking reforms by June 2023. The parking reform components of the updated zoning code were reviewed. There are two options for Milwaukie to consider by June 2023; remove parking mandates city wide or retain some parking mandates. **Dyar** disclosed that the same materials were presented during a City Council Work Session. **Weigel** stated only one city councilor did not want to remove citywide parking mandates. **Dyar** reviewed the new reforms that apply if Milwaukie continues to mandate parking.

The group discussed that the new reforms seem overburdensome for staff and applicants and hard to administer. **Justin Gericke, City Attorney**, said that the rules/reforms have been challenged by other municipalities in Oregon. **Commissioner Massey** confirmed that the reforms apply to development and redevelopment. **Weigel** and **Dyar** explained to the Planning Commission, that even if Milwaukie does away with minimum parking requirements, pieces of the code will need to be discussed with the commission. **Commissioner Sherman** and **Chair Loosveldt** agreed with City Council's preliminary discussion towards removing parking mandates.

No information was presented for this portion of the meeting.

(01:57:07)

## 7.0 Planning Department/Planning Commission Other Business/Updates

**Commissioner Hemer** announced the Sustainability Fair will be held September 17, 2022. In addition, on October 5, 2022 there will be a Confederated Tribes of Grand Ronde: History and Demonstrations event at the Ledding Library.

**Weigel** stated the TSP Advisory Committee is looking to have one member of the Planning Commission to sit on the committee. **Commissioner Sherman** expressed interest. **Commissioner Hemer** asked Sherman if his career and employment would create a conflict. **Sherman** said no but would defer to planning staff's decision. **Dyar** and **Weigel** agreed that there would be no conflict. **Hemer** acknowledged that Sherman would be the expert amongst themselves and best suited to serve on the TSP Advisory Committee. **Hemer** and **Commissioner Massey** stated they would support Hemer in this role. **Commissioner Sherman** said a final decision can be made when Commissioner Edge is present.



(02:03:30)

**8.0 Forecast for Future Meetings:**

- |                    |                       |  |
|--------------------|-----------------------|--|
| September 27, 2022 | Hearing Item(s):      | 1. ZA-2022-002, High Density Zones   |
|                    | Work Session Item(s): | 1. Code Amendments: HB 2180 EV Charging Code<br>2. Code Amendments: Downtown Design Review       |
| October 11, 2022   |                       | 1. Community Involvement Advisory Committee Annual Meeting<br>2. Annual Joint Meeting with NDA's |

Meeting adjourned at approximately 8:35 p.m.

Respectfully submitted,

Suzanne Couttouw, Administrative Specialist II



# CITY OF MILWAUKIE

**To:** Planning Commission  
**Through:** Laura Weigel, Planning Manager  
**From:** Ryan Dyar, Assistant Planner  
**Date:** October 26, 2022, for November 8, 2022, Public Hearing  
**Subject:** **File:** CU-2022-003  
**Applicant/Owner:** Justine Syck  
**Address:** 4843 SE Barbara Lynn Way  
**Legal Description (Map & Tax Lot):** 2S2E06BA01402  
**NDA:** Lake Road

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## ACTION REQUESTED

Approve application CU-2022-003 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the single-detached dwelling on the site to be used as a Vacation Rental.

## BACKGROUND INFORMATION

### A. Site and Vicinity

The site is approximately 7,900 sq ft and is on the north side of Barbara Lynn Way in the Lake Road Neighborhood. The property was created as Lot 3 of the Cereghino Farms Subdivision (platted July 25, 2019). It is developed with a single-detached dwelling. The property and the properties in the immediate vicinity are zoned Moderate Density Residential (R-MD). Properties to the north of Lake Road and to the east of the Cereghino Farms subdivision are outside city limits in unincorporated Clackamas County and are zoned for residential use.

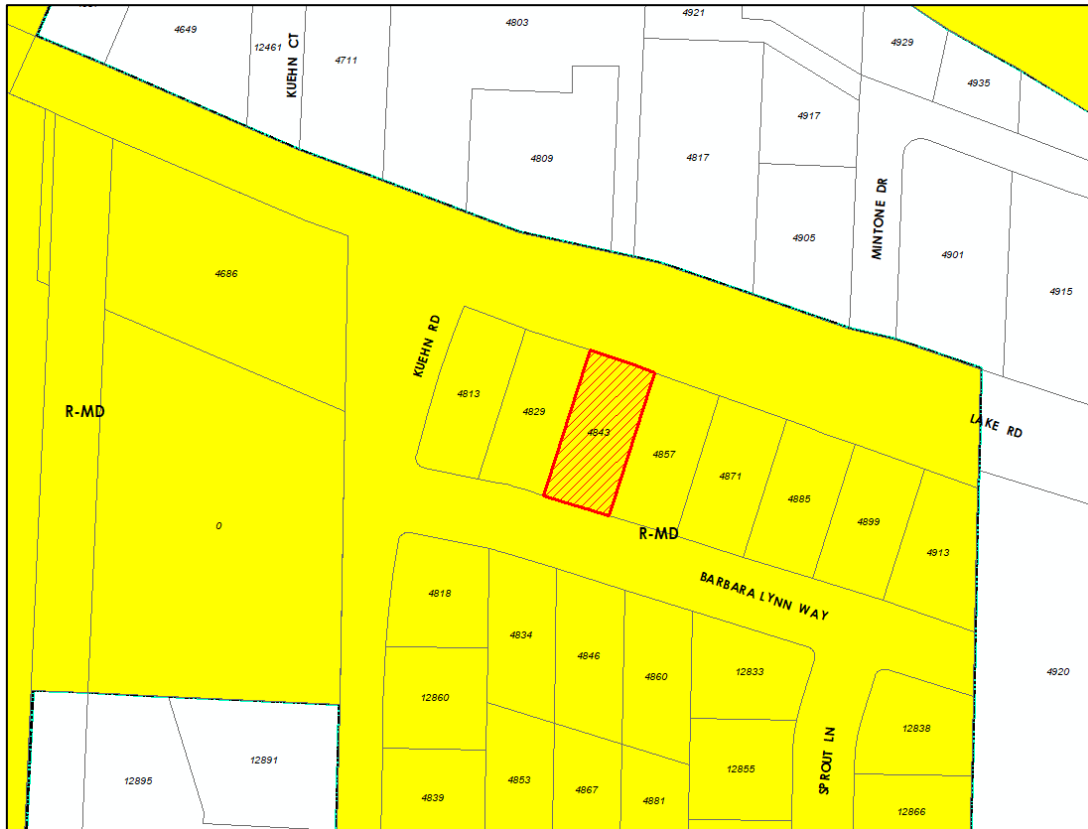
Figure 1. Aerial View



## B. Zoning Designation

The subject property is within the Moderate Density Residential Zone (R-MD) (see Figure 2). The surrounding area is also zoned R-MD.

**Figure 2.** Existing Zoning (R-MD). Properties in white outside city limits. Subject property in red.



## C. Comprehensive Plan Designation

Moderate Density (MD)

## D. Land Use History

The property was annexed into the City of Milwaukie in 2019 (file #A-2019-001). There are no land use cases associated with this property in the city. The subdivision approval was granted through Clackamas County. Building permits were approved through the City of Milwaukie under Clackamas County standards per the annexation agreement.

## E. Proposal

The applicant is seeking land use approval for a Conditional Use to allow the single-detached dwelling to be used as a Vacation Rental.

The project requires approval of the following applications:

- Conditional Use – CU-2022-003

## KEY QUESTIONS

Approval criteria for a new Conditional Use.

### Summary

A short-term rental is a housing unit, an accessory dwelling unit (ADU), or a room within a housing unit that is rented out for lodging for a period of fewer than 30 days in length. It is an accessory use to a primary residence and allowed as a home occupation where the residence must be occupied by the owner or operator for a minimum of 270 days per year. Short-term rentals are permitted as home occupations.

A vacation rental is a housing unit that is rented out to a single party for a period of fewer than 30 days in length where there are no primary occupants or where the residents who occupy the unit do so for fewer than 270 days per year. A vacation rental's primary use is more commercial in nature than a short-term rental. Because vacation rentals function differently in a neighborhood, they are permitted as a conditional use in residential zones.

MMC 19.905 establishes criteria for approval for a new conditional use. The three criteria that relate the most to a vacation rental in a moderate-density residential zone are:

1. The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses;
2. All identified impacts will be mitigated to the extent practicable; and
3. 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 applicant indicates that the house will maintain the appearance of a single-detached dwelling and lists examples of tactics they will employ to mitigate any impacts to nearby properties. Examples include quiet hours, cameras, and software to detect noise and occupancy levels beyond what's permitted in the rental agreement. The sample rental agreement provided with the application requires that the renter be at least 25 years old and limits the total number of guests to 10 individuals. The sample rental agreement also disallows pets, smoking, and on-street parking. The applicant lives nearby at 13143 SE Sprout Ln. and can conveniently address any issues. When the applicant is unavailable to intervene, two employees live within a half mile to assist and resolve any issues.

MMC Subsection 19.905.9.H includes specific standards governing vacation rentals, including the requirement that fire and building codes are satisfied for the rental unit, that a business registration is obtained, and that notice is sent to neighbors within 300 ft of the subject parcel. That notice must include the property owner's contact information, contact information for the vacation rental operator, and the City of Milwaukie Police non-emergency telephone number. The applicant has indicated that these standards can be met.

Staff believes that the applicant has provided information that shows how they can meet the approval criteria for a conditional use, especially any impact that may occur with the surrounding neighbors. The recommended Conditions of Approval will ensure compliance with these approval criteria and the standards governing vacation rentals.

## **CONCLUSIONS**

### **Staff recommendation to the Planning Commission is as follows:**

1. Approve the Conditional Use for 4843 SE Barbara Lynn Way. This will result in the ability to use the home as a Vacation Rental.
2. Adopt the attached Findings in Attachment 1 and the Conditions of Approval in Attachment 2.

## **CODE AUTHORITY AND DECISION-MAKING PROCESS**

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.301 Moderate-Density Residential (R-MD)
- MMC Section 19.905 Conditional Use
- MMC Section 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has four decision-making options as follows:

- A. Approve the application subject to the recommended Findings with no conditions of approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on this application, which includes any appeals to the City Council, must be made by January 7, 2023, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

## **COMMENTS**

- A. Notice of the proposed changes was given to the following agencies and persons:  
Milwaukie Building Department; Milwaukie City Attorney; Milwaukie Neighborhood

District Association Program Manager; Milwaukie Community Development Director;  
Lake Road Neighborhood District Association (Chair and Land Use Committee  
Members); Clackamas Fire District #1 (CFD #1).

Staff received questions from Lake Road Neighborhood District Association member,  
Teresa Bresaw, regarding rent and impact mitigation measures. The land-use committee  
officer, Paul Hawkins, also acknowledged receipt of the application referral. Both email  
exchanges are included in the record.

- B. A public notice was mailed to all residents and property owners within 300 ft of the site.  
No comments were received.

## ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for  
viewing upon request.

	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Submittal Materials (received August 26, 2022)		
a. Application Forms	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Narrative	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Plan sheets and graphics	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Referral Comments (Teresa Bresaw & Paul Hawkins, Lake Road NDA)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Public Copies = materials posted online to application website (<https://www.milwaukieoregon.gov/planning/vr-2022-008>).

E-Packet = meeting packet materials available one week before the meeting, posted online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-103>.

**EXHIBIT 1**  
**Findings in Support of Approval**  
**File #CU-2022-003, 4843 SE Barbara Lynn Way, Vacation Rental**

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

1. The applicant, Justine Syck, has applied for approval of a Conditional Use for a Vacation Rental at 4843 SE Barbara Lynn Way. This site is in the R-MD Zone. The land use application file number is CU-2022-003.
2. The applicant is proposing to use the single-family on the property as a Vacation 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 February 12, 2019, as required by law.
5. MMC 19.301 Moderate Density Residential Zone
  - a. MMC 19.301.2 establishes allowed uses for the Moderate Density Residential Zone. Vacation rentals are allowed in the R-MD zone per approval through the Conditional Use process.
 

*The applicant does not reside at the property and is proposing to use the single-detached dwelling on the site as a vacation rental. The applicant has applied for Conditional Use approval.*

*The Planning Commission finds that this standard is met.*
6. MMC 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 19.905.4.A establishes approval criteria for approving a new conditional use.

The applicant is proposing to establish a new conditional use with a vacation rental for the home. It 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 existing home is 2,520 sq ft in size and located on a 7,900-sq ft lot. The lot is fenced on all sides and the home includes a three-car attached garage and sufficient driveway space for three additional cars.*

*The physical characteristic of the property will not change. No improvements are proposed to the lot or the home. The Vacation Rental use will not change the residential character of the lot or building.*

*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 physical characteristic of the property will not change. No improvements are proposed to the home. The applicant intends to use the home as a vacation rental.*

*The operating characteristics and residential character of the home will remain unchanged. The rental agreement includes measures to ensure compatibility with nearby uses. The private off-street parking area accommodates six parked cars limiting any potential negative impacts to parking on the public street.*

*The Planning Commission finds that this criterion is met.*

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

*The proposed use will have an age restriction and limits the rental party size to 10 individuals. The sample rental agreement also has quiet hours, a no smoking policy, a no pets policy, and as discussed above, ample off-street parking. The applicant lives close by and can conveniently address any problems.*

*As discussed below, the applicant will be required to notify properties within 300 ft of the subject parcel of the vacation rental. The notification will include the contact information for the property owners, any property managers, and the City of Milwaukie Police non-emergency line.*



*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 character of the site will stay the same and will continue to have no greater unmitigated nuisance impacts than what is currently allowed outright. The visitors to the Vacation Rental would be using the unit as a residential property and maintain what any impacts may be for a typical residential unit already. As stated above, the applicants also have strict quiet hours, age limitations for renters, and no smoking inside or outside policies. Moreover, the applicant has demonstrated that these policies will be enforced through monitoring technology and that the applicant has the capacity to address concerns in a timely fashion.*

*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.

*There are no proposed changes to the existing house or lot. As it currently exists, the home is an existing single-detached dwelling in the R-MD zone on a 7,900 sq ft lot. There are no overlay zones or special areas and the standards are met in Section 19.905 as demonstrated in the findings.*

*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.

*There are no specific Comprehensive Plan policies or objectives that provide clear guidance regarding whether a newly recognized vacation rental should be permitted within a given zone. However, Policy 11.1.2 of the economic development section is relevant to the proposed use.*

Economic Development Goals & Policies (Section 11): Overarching Section Goal: Support a vibrant, resilient, inclusive, and environmentally sustainable local economy that promotes innovation and enhances the prosperity of Milwaukie businesses, workers, and residents.

- Goal 11.1 Current and Future Economic Land Use

Provide a diverse range of uses, services, and amenities that contribute to a sustainable, equitable, and resilient economy and are adaptable to changing land uses and technology.

- Policy 11.1.2: Adapt to industry trends and emerging technologies that have the potential to affect employment,

land use, and infrastructure needs, such as automation, the sharing economy, autonomous vehicles, and other future technological advances.

*Section 11 of the Comprehensive Plan, Economic Development Goals and Policies, speaks to providing a diverse range of services and adapting to industry trends. This section specifically calls out the sharing economy as an example of emerging industry trends and technology that might present economic opportunities for residents. Vacation rentals are an example of a sharing economy industry.*

*The Planning Commission finds that the use as proposed is consistent with the above overarching goal, sub-goal, and policy of the Comprehensive Plan—the policy that speaks most directly to the proposed use.*

- 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. Renters for the proposed use will generally have a personal/rented vehicle that they can park on the property. The applicants have an off-street parking area that can accommodate six vehicles and prevents the need for any renters to park on the public street.*

*The Planning Commission finds that this criterion is met.*

*The Planning Commission finds that the approval criteria for a conditional use are met with this proposal.*

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.H 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.H 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.*

*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 September 20, 2022:

- Milwaukie Community Development Director
- Milwaukie Building Official
- Clackamas County Fire District #1
- Lake Road Neighborhood District Association Chairperson and Land Use Committee

The Lake Road Neighborhood District Association member, Teresa Bresaw asked questions about the rent and mitigation measures the applicant would employ to limit any impacts to nearby properties. The land-use committee officer, Paul Hawkins, also acknowledged receipt of the application referral. Both email exchanges are included in the record.

A public notice was mailed to all residents and property owners within 300 ft of the site. No comments were received.

**EXHIBIT 2**  
**Conditions of Approval**  
**File # CU-2022-003, 4843 SE Barbara Lynn Way, Vacation Rental**

**Additional Requirements**

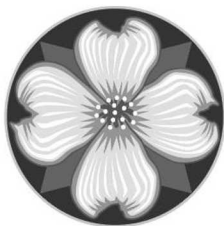
1. As per MMC Subsection 19.905.9.H, the following requirements must be met:
  - a. Prior to initial occupancy, the Building Official must verify that building code and fire code standards are satisfied.
  - b. With annual filing of MMC Title 5 Business Tax, the operator must send a notice to neighbors 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 nonemergency 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.



MILWAUKIE PLANNING  
6101 SE Johnson Creek Blvd  
Milwaukie OR 97206  
503-786-7630  
planning@milwaukieoregon.gov

# Application for Land Use Action

Primary File #: \_\_\_\_\_

Review type\*:  I  II  III  IV  V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Amendment to Maps and/or       | <input type="checkbox"/> Land Division:                    | <input type="checkbox"/> Residential Dwelling:              |
| <input type="checkbox"/> Comprehensive Plan Map         | <input type="checkbox"/> Partition                         | <input type="checkbox"/> Manufactured Dwelling Park         |
| <input type="checkbox"/> Amendment                      | <input type="checkbox"/> Property Line Adjustment          | <input type="checkbox"/> Temporary Dwelling Unit            |
| <input type="checkbox"/> Zoning Text Amendment          | <input type="checkbox"/> Replat                            |   |
| <input type="checkbox"/> Zoning Map Amendment           | <input type="checkbox"/> Subdivision                       | <input type="checkbox"/> Transportation Facilities Review** |
| <input type="checkbox"/> Code Interpretation            | <input type="checkbox"/> Miscellaneous:                    | <input type="checkbox"/> Variance:                          |
| <input type="checkbox"/> Community Service Use          | <input type="checkbox"/> Barbed Wire Fencing               | <input type="checkbox"/> Use Exception                      |
| <input checked="" type="checkbox"/> Conditional Use     | <input type="checkbox"/> Mixed Use Overlay Review          | <input type="checkbox"/> Variance                           |
| <input type="checkbox"/> Development Review             | <input type="checkbox"/> Modification to Existing Approval | <input type="checkbox"/> Willamette Greenway Review         |
| <input type="checkbox"/> Director Determination         | <input type="checkbox"/> Natural Resource Review**         | <input type="checkbox"/> Other: _____                       |
| <input type="checkbox"/> Downtown Design Review         | <input type="checkbox"/> Nonconforming Use Alteration      | <b>Use separate application forms for:</b>                  |
| <input type="checkbox"/> Extension to Expiring Approval | <input type="checkbox"/> Parking:                          | • Annexation and/or Boundary Change                         |
| <input type="checkbox"/> Historic Resource:             | <input type="checkbox"/> Quantity Determination            | • Compensation for Reduction in Property Value (Measure 37) |
| <input type="checkbox"/> Alteration                     | <input type="checkbox"/> Quantity Modification             | • Daily Display Sign  |
| <input type="checkbox"/> Demolition                     | <input type="checkbox"/> Shared Parking                    | • Appeal  |
| <input type="checkbox"/> Status Designation             | <input type="checkbox"/> Structured Parking                |   |
| <input type="checkbox"/> Status Deletion                | <input type="checkbox"/> Planned Development               |   |

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): **Justine Syck**

Mailing address: **13143 SE Sprout Ln** State/Zip: **OR, 97222**

Phone(s): **503-680-4205** Email: **Hello@justinesyck.com**

*Please note: The information submitted in this application may be subject to public records law.*

**APPLICANT'S REPRESENTATIVE** (if different than above):

Mailing address: \_\_\_\_\_ State/Zip: \_\_\_\_\_

Phone(s): \_\_\_\_\_ Email: \_\_\_\_\_

**SITE INFORMATION:**

Address: **4843 SE Barbara Lynn Way** Map & Tax Lot(s): **22E06BA01403**

Comprehensive Plan Designation: **Low Density** Zoning: **R-10** Size of property: **0.18 acres**

**PROPOSAL (describe briefly):**

**Applying to rent all four bedrooms in the home on a short term basis. Applying for a conditional use permit as a "vacation rental" as the homeowner will not reside at the property.**

**SIGNATURE:** I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.  
Submitted by: *Justine Syck* Date: 08-15-2022 3:06 PM PDT



**IMPORTANT INFORMATION ON REVERSE SIDE**

\*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.  
\*\* Natural Resource and Transportation Review applications may require a refundable deposit.

**WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION** (excerpted from MMC Subsection 19.1001.6.A):

**Type I, II, III, and IV** applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

**Type V** applications may be initiated by any individual.

**PREAPPLICATION CONFERENCE:**

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

**DEPOSITS:**

Deposits require completion of a Deposit Authorization Form, found at [www.milwaukieoregon.gov/building/deposit-authorization-form](http://www.milwaukieoregon.gov/building/deposit-authorization-form)

**REVIEW TYPES:**

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

**THIS SECTION FOR OFFICE USE ONLY:**

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	CU-2022-003	\$ 2,000			Application materials received on 8/15/22.  Payment received on 8/XX/22.
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	

TOTAL AMOUNT RECEIVED: \$

RECEIPT #:

RCD BY:

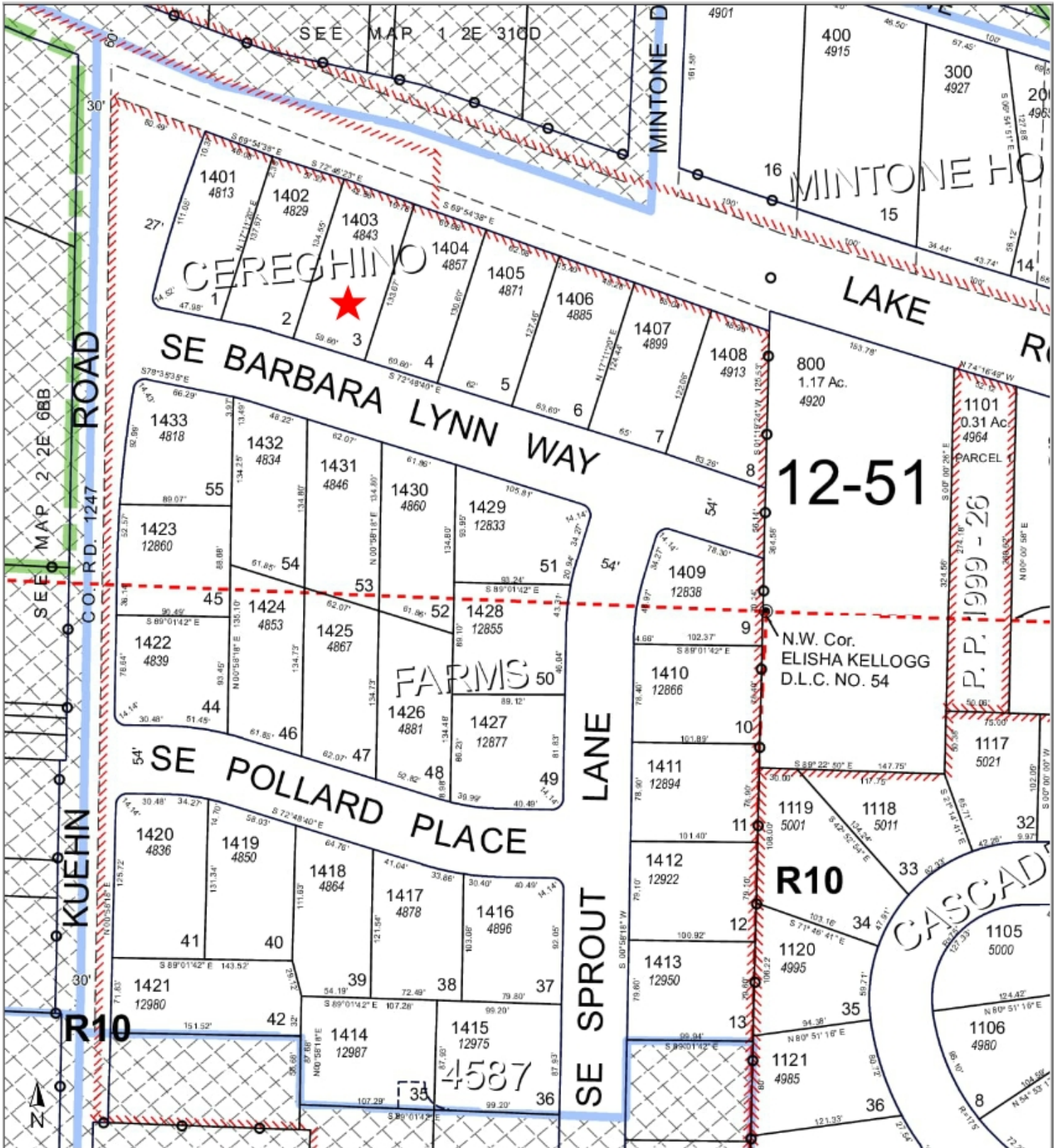
**Associated application file #s** (appeals, modifications, previous approvals, etc.):

**Neighborhood District Association(s):** Lake Road

**Notes:** Application for a conditional use to operate a vacation rental at 4843 SE Barbara Lynn Way.



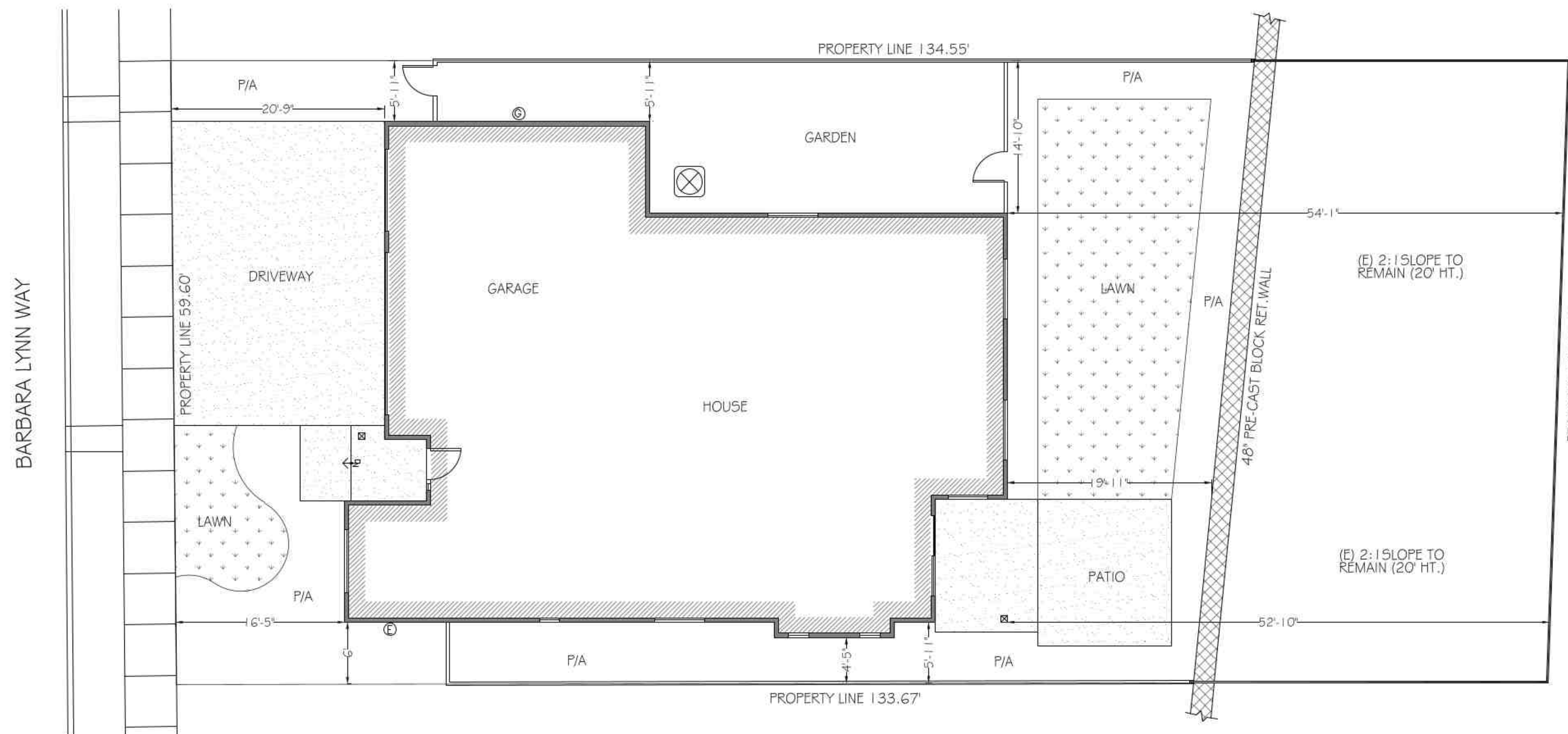




**ParcelID: 05035215**  
**Tax Account #: 22E06BA01403**  
**4843 SE Barbara Lynn Way, Milwaukie OR 97222**

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.





1  
A1.1  
SITE PLAN  
1/8" = 1'-0"

**PROJECT DESCRIPTION:**

RENT EXISITNG S.F.D. FOR RENT ON AIRBNB

ALL WORK TO BE PERFORMED IN ACCORDANCE WITH:  
 2021 OREGON RESIDENTIAL SPECIALTY CODE  
 2021 OREGON ELECTRICAL SPECIALTY CODE  
 2021 OREGON PLUMBING SPECIALTY CODE  
 2021 OREGON STRUCTURAL SPECIALTY CODE  
 2021 OREGON FIRE CODE



**HOURS OF OPERATION:**

MONDAY-FRIDAY: 7:00 A.M. AND 7:00 P.M.  
 SATURDAY: 8:00 A.M. AND 6:00 P.M.  
 SUNDAYS & HOLIDAYS: NO WORK PERMITTED

**LEGAL DESCRIPTION**

SITE ADDRESS: 4843 SE BARBARA LYNN WAY MILWAUKIE, OR 97222  
 ASSESSOR'S PARCEL NUMBER: 05035215  
 LOT/PARCEL AREA (CALCULATED): 0.18 ACRES  
 TRACT:  
 PARCEL:  
 BLOCK:  
 TYPE OF CONSTRUCTION: LIGHT WOOD FRAME  
 OCCUPANCY: S.F.D.  
 NUMBER OF STORIES: 2  
 EXISTING FLOOR AREA: 2,520 (SQ. FT.)  
 PROPOSED NEW FLOOR AREA: 0 (SQ. FT.) - NO CHANGE  
 ZONE: R

**SITE PLAN NOTES:**

- The discharge of pollutants to any storm drainage system is prohibited. No solid waste, petroleum byproducts, soil particulate, construction waste materials, or wastewater generated on construction sites or by construction activities shall be placed, conveyed or discharged into the street, gutter or storm drain system.

**PROJECT TEAM:**

OWNER:  
 JUSTINE SYCK  
 4843 SE BARBARA LYNN WAY  
 MILWAUKIE, OR 97222

CONTRACTOR:  
 NOT APPLICABLE

DESIGNER:  
 HARLEY G. BARBER  
 10137 S. NEW ERA RD.  
 CANBY, OR 97013  
 (971)-419-3298

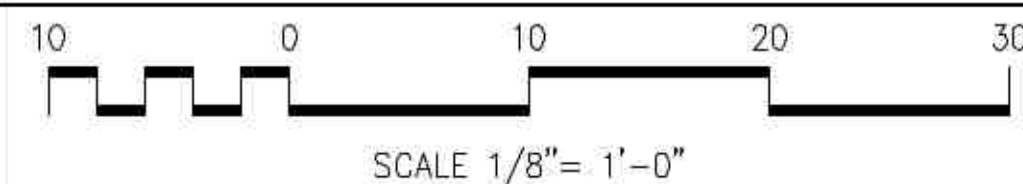
SHEET INDEX:  
 A1.1 - SITE PLAN  
 A1.2 - EXISTING FLOOR PLAN

HARLEY G. BARBER  
 Design & Drafting  
 www.harleygbarber.com

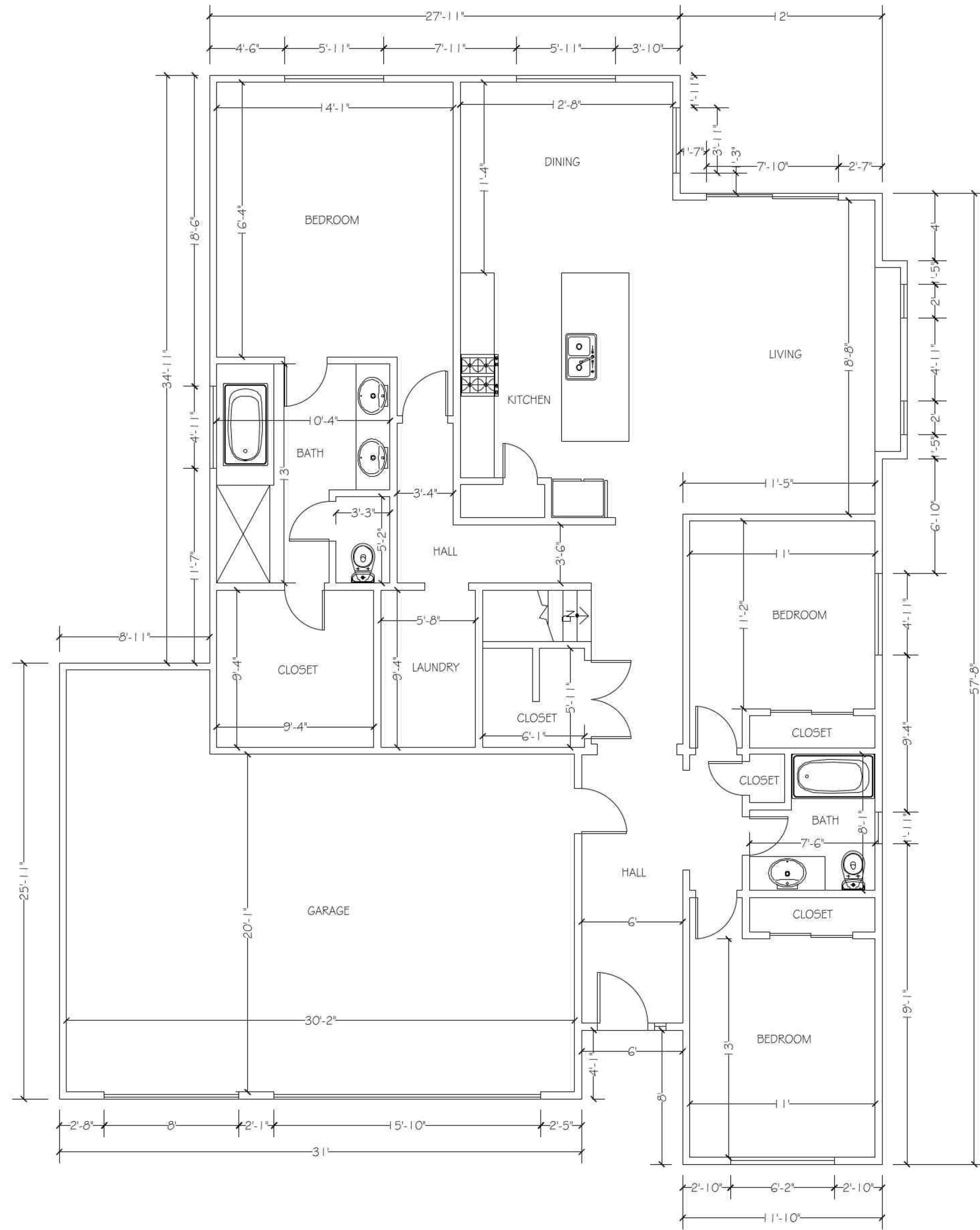
AIRBNB RENTAL  
 4843 SE BARBARA LYNN WAY  
 MILWAUKIE, OR 97222

DESIGNED BY: HARLEY BARBER	JOB NUMBER: 0000	DATE: JULY 16, 2022	DRAWN BY: HARLEY BARBER	SCALE: AS SHOWN
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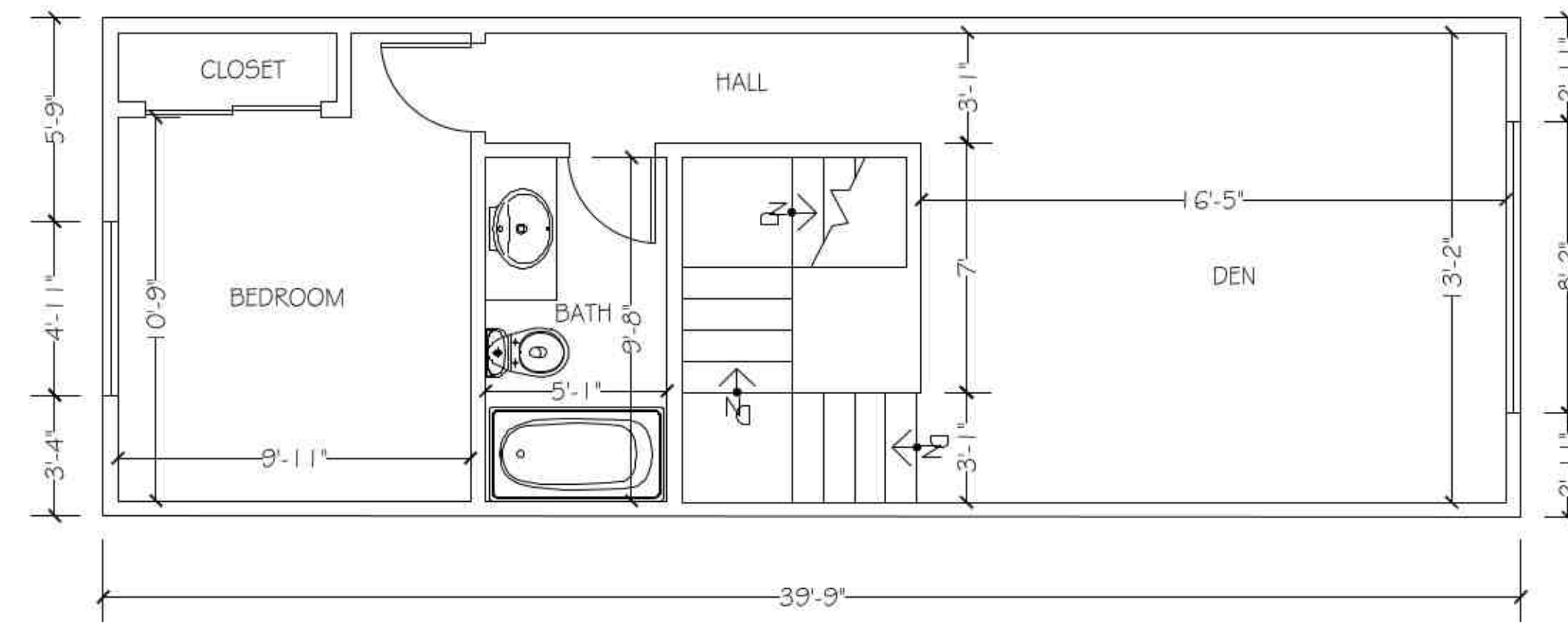
SITE PLAN  
**A1.1**







(E) FIRST FLOOR PLAN (NO CHANGE)  
 1/4" = 1'-0"



(E) SECOND FLOOR PLAN (NO CHANGE)  
 1/4" = 1'-0"

HARLEY G. BARBER  
 Design & Drafting  
 www.harleybarber.com

AIRBNB RENTAL  
 4843 SE BARBARA LYNN WAY  
 MILWAUKIE, OR 97222

DESIGNED BY: HARLEY BARBER	JOB NUMBER: 0000
DATE: JULY 16, 2022	DRAWN BY: HARLEY BARBER
SCALE: AS SHOWN	

FLOOR PLAN  
**A1.2**

ATTACHMENT 3  
4843 SE Barbara Lynn Way





ATTACHMENT 3  
4843 SE Barbara Lynn Way

Type III Conditional Use Request

4843 SE Barbara Lynn Way, Milwaukie, OR 97222 (4 bed 3 bath 2,440 sqft)

Tax Lot - 22E06BA01403

Request

The applicant is requesting a Type-III Conditional Use to operate a Vacation Rental located at 4843 SE Barbara Lynn Way. The single family detached home has four (4) bedrooms, three (3) bathrooms and is a 2440 square foot home.

The applicant/homeowner, Justine Syck, requests a Type-III Conditional Use to operate a Vacation Rental in her 4-bedroom home located at 4843 SE Barbara Lynn Way. The applicant will manage all bookings and house cleaning including the management of garbage, recycling, enforcement of house rules and will be immediately available to address any issues that may arise.

The home will retain the appearance of a residence for a household and no more persons shall be staying in the home than what the property was built for. There will be four bedrooms used as vacation rental. The home will be rented as a whole-house rental to families and groups.

There is a three-car garage with additional three off-street parking spaces in the driveway.

Guests will be provided with active transportation maps, transit access, as well as guidebooks and local restaurant menus to encourage guests to explore the city. As the whole home will be rented to one family or group at a time, guests will be encouraged in their welcome packet to travel together to lessen the vehicle impact.

The entire home is designated as non-smoking as per the House Rules. There is kitchen access but there will be no provision for food or alcohol service for guests. Each bedroom meets building code requirements for a sleeping room at the time it was created, and interconnected smoke detectors are provided in each bedroom and hallway, and carbon monoxide detectors are provided on each floor where a carbon monoxide source is located. No exterior alterations to the house are proposed. No outside employees, food or beverage service, or commercial meetings or events are proposed.

ATTACHMENT 3  
4843 SE Barbara Lynn Way

The House Rules require that quiet hours will be between 10:00pm and 7:00am. These rules will be continually implemented and enforced by the applicant. A copy of the House Rules will be emailed to guests in advance of guests' arrival and at least one paper copy of the House Rules will be displayed prominently within a common area of the home. A copy of the House Rules is included with this application; enforcement of the rules is outlined therein.

The Property

One level living with additional bonus, bedroom and bathroom upstairs. Offers somewhat of a separate living space. 3 Car Garage. Landscaped with sprinklers. Covered back patio and deck! Main bedroom has tiled shower, freestanding tub and large walk-in closet. Utility room on main floor.

Benefits to Local Businesses

Short-term and vacation rentals bring in millions of dollars every year to local business. A guidebook will be provided to guests that will highlight local businesses.

Benefits to Neighbors

Local Vacation Rental properties are an excellent resource for neighbors who have family and friends that would like to visit and stay close to the Milwaukie area.

Neighborhood Impacts

This property will be maintained to high standards for both our guests and the neighborhood. Strict house rules will be enforced so that disturbances are kept at a minimum. Unlike long-term rentals, the home will be reviewed and maintained after every guest departure.

ATTACHMENT 3  
4843 SE Barbara Lynn Way

Zoning Information -

Tax Lot ID	22E06BA01403
Address	4843 SE BARBARA LYNN WAY
Building Value	195,100
Land Value	234,222
Total Value	429,322
Year built	2020
Building Sqft	2,520
GIS Acres	0.18
Assessor Acres	0.00
Tax map	<a href="#">More info</a>
In Milwaukie?	Yes
Last Update	5/20/2022, 2:25 AM
Neighborhood	LAKE ROAD
Zoning Code	R-10
Zoning Code Description	LOW DENSITY RESIDENTIAL ZONE
Zoning Link	<a href="#">More info</a>
Garbage Hauler	Waste Management of Oregon
Garbage Hauler Contact	1-800-808-5901
Elementary School	Milwaukie Elementary
Milwaukie Water Service Area	No
Milwaukie Sewer Service Area	Yes
In Urban Renewal Area?	No
100 Year Flood Plain	No

## **TITLE 19 ZONING**

### **CHAPTER 19.300 BASE ZONES**

Response: This property is zoned R-10. Vacation rental is allowed as a Conditional Use

### **CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS**

Response: The property is not in an overlay zone.

### **CHAPTER 19.600 OFF-STREET PARKING AND LOADING**

Response: The home has a three-car garage with additional three off-street parking spaces in the driveway for a total of six off-street parking spaces.

### **CHAPTER 19.905 CONDITIONAL USES**

#### **19.905.4 Approval Criteria**

A. Establishment of a new conditional use, or major modification of an existing conditional use, shall be approved if the following criteria are met:

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

Response: The applicant believes the characteristics of the lot to be suitable for a Vacation Rental property. The size, shape, topography, existing improvements and natural features of the property are consistent with other properties in the area and do not conflict with the proposed use. The location of the home is in the Lake Road neighborhood. Lake Road is the 6th most walkable neighborhood in Milwaukie with a neighborhood Walk Score of 48.

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

Response – The applicant believes that the operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses. The home will retain the appearance and function of a single-family home.

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

Response – The applicant will manage all booking and cleaning services. The applicant lives in the area and can respond to issues immediately. The applicant will be on site after every guest departure to manage garbage and recycling and maintaining the property both inside and out. The applicant will enforce House Rules and will be immediately available to address any issues that may arise.

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.

Response – Quiet hours from 10pm to 7am will be strictly enforced both indoors and out. The applicant will use software to detect noise and occupancy levels and has a strict eviction policy as outlined in the House Rules and Rental Agreement. Both documents are included in the application packet.

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.

Response – This property is located in a R-MD zone. The proposed use will comply with all applicable development standards and requirements of this base zone and the standards of Section 19.905. The property is not in an overlay zone or special area.

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

Response – The applicant finds the proposed use to be consistent with applicable Comprehensive Plan policies related to the proposed use.

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

Response - The MAX Orange Line is 1.1 miles from the home, and there are two bus lines: #29 Lake/Webster Rd is 0.0 miles from the property, and #152 Milwaukie is 0.2 miles. As the home will be made available to no more guests than the property was built for, public utilities should be adequate for the proposed use.



B. Minor modification of an existing conditional use shall be approved if the following criteria are met:

1. The proposed modification will not significantly increase the intensity of the use at this location.

Response - The home will retain the appearance of a residence for a household and no more persons shall be staying in the home than what the property was built for.

2. The proposed modification 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.

Response - The proposed modification of 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.

3. The proposed modification will not negatively impact nearby uses, protected natural features, or public facilities more than the original conditional use.

Response - The proposed modification of use will not negatively impact nearby uses, protected natural features, or public facilities more than the original conditional use.

4. The proposed modification will comply with any conditions of approval from the original conditional use approval.

Response - The proposed modification of use will comply with any conditions of approval from the original conditional use approval.

#### **19.905.9.H. Standards Governing Conditional Uses**

H. Vacation Rentals - Operation of a vacation rental requires the following:

1. Prior to initial occupancy, the Building Official shall verify that building code and fire code standards are satisfied.

ATTACHMENT 3  
4843 SE Barbara Lynn Way

Response – A paid inspection will be requested prior to initial occupancy so that a Building Official may verify that building code and fire code standards are satisfied.

2. With annual filing of MMC Title 5 Business Tax, the operator shall 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.

Response – An annual filing of the MMC Title 5 Business Tax will be filed and a notice will be mailed to neighbors within 300 feet that will include; the property owner’s contact information, the contact of the property manager, and the City of Milwaukie Police nonemergency telephone number.

## \*Sample\* Rental Agreement

**Tenant:** Example Name **Phone:** (503) 503-5035 **Email:** [example@agreement.com](mailto:example@agreement.com)

**Address:** 123 Example Rd. Dundee, OR 12345

This Agreement will confirm your rental of (EXAMPLE AGREEMENT) for 3 nights as follows:

**Check-In:** ..... Aug 12, 2021 4:00 pm

**Check-Out:** ..... Aug 15, 2021 11:00 am

**Rental:** ..... \$1,965.01

**Fees:** ..... \$538.00

**Taxes:** ..... \$362.95

**Total:** ..... \$2,865.96

**Security Deposit:** ... \$0.00

**Deposit:** ..... \$1,432.98 (due Jun 11, 2021)

**Balance:** ..... \$1,432.98 (due Jul 13, 2021)

### AGREEMENT

The Owners and Tenant agree as follows: Above Tenant is at least twenty-five (25) years of age (an "adult") and will be an occupant of the unit Modern Open Floor Plan In SW Portland With Hot Tub, Basketball Court, Huge Patio, 20 Min To Downtown during the entire reserved dates. In addition to Tenant, other authorized occupants may be family members or friends of Tenant. Use of the premises will be denied to persons not falling within the foregoing categories. Should any unauthorized persons occupy or use the Premises, Tenant shall vacate the premises immediately without any refund. No key will be issued to anyone who is not an adult.

### RESERVATIONS

May be placed up to one (1) year in advance, but are subject to the rates in effect for the year said reservations are placed. All times are Central Standard Time and currency is USD unless otherwise noted. While every effort will be made to have the unit available for check in at 4:00 pm, during high season cleaning crew may require additional cleaning time and check in may be delayed up to 5 pm.

### DEPOSIT

A deposit totaling 50% of the agreed upon Total Amount is due with acceptance of rental agreement. Payment of deposit shall be deemed as acceptance of this rental agreement. Payment may be made by traveler's checks, bank money order, wire transfer, or certified check or major credit card. Personal checks will be accepted upon approval; if funds are not credited within Ten days booking will be cancelled. The deposit amount is \$1,432.98.

## **BALANCE**

Balance is due 60 days prior to arrival date and includes a refundable damage deposit. The balance is due on Jul 13, 2021. Payment may be made by traveler's checks or certified check or major credit card. Personal checks will be accepted upon approval; if funds are not credited within seven days booking will be cancelled; if this happens, deposits will be refunded less a \$150.00 administrative fee. Damage deposit will be refunded within 7 -10 days of checkout pending inspection by cleaning firm.

## **CANCELLATION POLICY**

In the event that you must cancel your reservation, please be aware that cancellations must occur at least 30 days prior to arrival date. If cancellation occurs 30 days or more prior to arrival date all monies will be refunded with the exception of a \$150.00 administrative fee. GUESTS THAT DO NOT CANCEL WITHIN THE 30-DAY TIME FRAME BEFORE CHECK-IN WILL BE CHARGED THE FULL AMOUNT. There will be no refund for early departure unless authorities request mandatory evacuation. Vacation Insurance through Rental Guardian is recommended.

## **HAZARDOUS PRACTICES**

Do not dismantle smoke detectors as they are there for your protection. Use the overhead stove fan when cooking to avoid accidental, activation of smoke detector alarm.

## **ITEMS LEFT ON PROPERTY**

Any items left that a guest wishes to be returned and shipped will incur a \$30 fee plus shipping.

## **PETS**

Please refer to the property information about specific pet details. Pets are never allowed on the furniture or beds. Please pick up after your pet during your stay and check the grounds before you check out.

## **FAMILY RENTAL ONLY**

Reservations made for teenagers or young single groups will not be honored without any accompanying adult staying in the unit at ALL times. We require at least one member of the party to be 25 (twenty-five) years of age! Any violators will be evicted according to local statutes with forfeiture of all monies.

## **FALSIFIED RESERVATION**

Any reservation obtained under false pretense will be subject to forfeiture of reservation deposit, damage deposit, and/or balance of rental payment.

## HOUSEKEEPING

There is **no daily maid service**. Linens and towels are included and not to be taken from the unit. An initial setup of trash liners, bathroom paper, soap is provided. There is a \$270.00 one time cleaning fee. Additional cleaning fees will be due in the event that cleaning involves the removal of excessive sand.

## UTILITIES

No compensation will be given for temporary outage of electricity, gas, water, cable, or telephone service. Outages will be reported immediately and all efforts will be made to have them restored as soon as possible. Please note that you may want to bring a calling card for placing long distance phone calls, as these are restricted.

## KEYS

Keys will most likely be handled through electronic locks with pass codes for your stay, or door locks that will make your keys available for your stay. If keys will need to be accessed another way, information will be given on what to do.

## NONSMOKING UNIT

Smoking is strictly prohibited. Your damage deposit will be forfeited and you will incur an additional charge for carpet cleaning and deodorizing if any evidence of smoking is found.

## ENTRY BY OWNER

Owner or owner's agents may enter the premises under the following circumstances: in case of an emergency; to make any necessary or agreed upon repairs, alterations, or improvements; supply necessary or agreed upon services or show the premises to prospective purchasers, renters or contractors. Owner will provide renter with at least 24 hours notice of Owners intent to enter (except in the case of an emergency).

## RULES AND REGULATIONS

1. Tenant agrees to leave the premises and its contents in the same condition, neat and tidy, as Tenant found the premises to be upon move-in, normal wear and tear expected. Beds should be stripped of linens and placed in a pile in each bedroom for housekeeping.
2. All dishes are to be washed and all garbage removed from the premises and placed in outside receptacles. Please place trash bins in front of house for pickup.
3. Close all blinds in all rooms.

ATTACHMENT 3  
4843 SE Barbara Lynn Way

4. The maximum number of occupants shall not exceed 10 people, not including a child in a crib.
5. Furnishings are not to be removed from the premises for use outside or in other properties
6. "No pets" policy must be observed. Pets are not allowed on premises.
7. Smoking is not allowed in the unit.
8. Reservations are not made by or for a minor, defined as any person under the age of twenty-five (25).
9. Tenant and any guest of Tenant shall obey all laws of the state of the rental resides in, as well as local laws, at all times while they are on the premises. Failure to abide by the these laws, or the above rules, may cause tenant to be asked to vacate the premises and forfeit all rents and security/damage deposits.
10. There shall be no noise that can be heard outside the home between the hours of 10pm - 7am. If noise is an issue, you will get a written warning text message to the number that booked the reservation and/or a phone call. If noise does not stop, you will be fined or possibly evicted immediately.

## SLEEPING CAPACITY/DISTURBANCES

Tenant and all other occupants will be required to vacate the premises and forfeit the rental fee and security deposit for any of the following: Occupancy exceeding the sleeping capacity of 10, using the premises for any illegal activity, causing damage to the premises rented or to any of the neighboring properties and **any other acts which interferes with neighbors' right to quiet enjoyment of their premises.**

Violations of our noise or maximum number of guests agreed to at the time of booking will result in possible fines or immediate eviction with all loss of all rents. Depending on severity if there is a noise situation we may call and issue a warning or proceed with a \$300 fine. If we cannot reach the guest that booked the property someone will show up to at a minimum issue a \$300 fine and/or evict the entire group immediately. Any delay will result in us involving the authorities and trespassing every person on the property as well as the loss of all rents. Additional fines or damages may be assessed after removal.

## HOLD HARMLESS

The Owner, does not assume any liability for loss, damage or injury to persons or their personal property. Neither does owner accept any liability for any inconveniences, damage, loss or injury arising from any temporary defects or stoppage in supply of water, gas, cable service, electricity or plumbing, as well as due to weather conditions, natural disasters, acts of God, or other reasons beyond its control.

## POOL & PATIO

Tenant hereby acknowledges that if the premises they have reserved includes a community pool and the undersigned agrees and acknowledges that the community pool and patio/deck can be dangerous areas, that the deck/patio can be slippery when wet, and that injury may occur to anyone who is not careful. With full knowledge of the above facts and warnings, the undersigned Tenant accepts and assumes all risks

ATTACHMENT 3  
4843 SE Barbara Lynn Way

involved to Tenant and all of Tenant's guests in or related to the use of the community pool and patio areas.

## **MAINTENANCE**

Please report any maintenance needs for the premises to the us and we will respond as quickly as possible. Refunds will not be made for maintenance issues including, but not limited to heating and air conditioning, appliances, televisions, and stereos.

## **LINENS/TOWELS/SUPPLIES**

The owners furnish linens and towels. Any lost or damaged linens will be deducted from your deposit or automatically billed to the card you used. An initial supply of paper products is provided. Extra items needed are the responsibility of the Tenant. Limited cleaning supplies may be provided. We recommend that you bring any special items that you may need.

## **PARKING**

A parking plan will be emailed to you 2 days before arrival. You can park in the garage and in the driveway. You may not park in front of other neighbors homes.

## **ADDITIONAL TERMS AND CONDITIONS**

The undersigned Tenant, for himself/herself, his/her heirs, assignors, executors, and administrators, fully releases and discharges Owner from any and all liabilities, claims, demands, and causes of action by reason of any injury, loss of damage by whatever nature which has or have occurred, or may occur to the undersigned, or any of his/her guests as a result, or in connection with the occupancy of the premises and agrees to hold Owner free and harmless of any claim or suit arising there from. In any action concerning the rights, duties or liabilities of the parties to this agreement, their principals, agents, successors or assignees the prevailing party shall be entitled to recover any reasonable attorneys fees and costs. Owner reserves the right to terminate this Agreement upon their discretion at any time.

### **CREDIT CARD AUTHORIZATION:**

I understand and consent to the use of the credit card provided without original signature on the charge slip, I understand that by "clicking" that I have read the terms and conditions of this property, I am bound by this agreement and I have signed "electronically, and that this Credit Card Authorization cannot be revoked and will not terminate until 90 days after leased premises are vacated. Charges may include but not limited to: unauthorized long distance telephone, cable, satellite TV or internet charges, damages beyond normal wear and tear.

**Please remember that you are renting a private home. Please treat it with the same respect you would like shown in your own home.**

## **HOUSE RULES**

Check in time: 4pm.

Check out time: 11am.

We cannot accommodate early check-ins nor late check outs. Should any unauthorized persons occupy or use the Premises, Tenant shall vacate the premises immediately without any refund.

No key will be issued to anyone who is not an adult.

### **HAZARDOUS PRACTICES**

Do not dismantle smoke detectors as they are there for your protection. Use the overhead stove fan when cooking to avoid accidental, activation of smoke detector alarm.

### **FAMILY RENTAL ONLY**

Reservations made for teenagers or young single groups will not be honored without any accompanying adult staying in the unit at ALL times. We require at least one member of the party to be 25 (twenty-five) years of age! Any violators will be evicted according to local statutes with forfeiture of all monies.

### **FALSIFIED RESERVATION**

Any reservation obtained under false pretense will be subject to forfeiture of reservation deposit, damage deposit, and/or balance of rental payment.

### **HOUSEKEEPING**

There is **no daily maid service**. Linens and towels are included and not to be taken from the unit. An initial setup of trash liners, bathroom paper, soap is provided.

### **NONSMOKING UNIT**

Smoking is strictly prohibited. Your damage deposit will be forfeited and you will incur an additional charge for carpet cleaning and deodorizing if any evidence of smoking is found.



## **RULES AND REGULATIONS**

1. Tenant agrees to leave the premises and its contents in the same condition, neat and tidy, as Tenant found the premises to be upon move-in, normal wear and tear expected. Beds should be stripped of linens and placed in a pile in each bedroom for housekeeping.
2. All dishes are to be washed and all garbage removed from the premises and placed in outside receptacles. Please place trash bins in front of house for pickup.
3. The maximum number of occupants shall not exceed 10 people.
4. Furnishings are not to be removed from the premises for use outside or in other properties.
5. "No pets" policy must be observed. Pets are not allowed on premises.
6. Smoking is not allowed in the unit.
7. Reservations are not made by or for a minor, defined as any person under the age of twenty-five.
8. Tenant and any guest of Tenant shall obey all laws of the state of the rental resides in, as well as local laws, at all times while they are on the premises. Failure to abide by the these laws, or the above rules, may cause tenant to be asked to vacate the premises and forfeit all rents and security/damage deposits.
9. Quiet Hours: 10pm-7am. There shall be no noise that can be heard outside the home between the hours of 10pm - 7am. If noise is an issue, you will get a written warning text message to the number that booked the reservation and/or a phone call. If noise does not stop, you will be fined or possibly evicted immediately.

## **SLEEPING CAPACITY/DISTURBANCES**

Tenant and all other occupants will be required to vacate the premises and forfeit the rental fee and security deposit for any of the following: Occupancy exceeding the sleeping capacity of 10,

ATTACHMENT 3  
4843 SE Barbara Lynn Way

using the premises for any illegal activity, causing damage to the premises rented or to any of the neighboring properties and any other acts which interferes with neighbors' right to quiet enjoyment of their premises.

Violations of our noise or maximum number of guests agreed to at the time of booking will result in possible fines or immediate eviction with all loss of all rents. Depending on severity if there is a noise situation we may call and issue a warning or proceed with a \$300 fine. If we cannot reach the guest that booked the property someone will show up to at a minimum issue a \$300 fine and/or evict the entire group immediately. Any delay will result in us involving the authorities and trespassing every person on the property as well as the loss of all rents. Additional fines or damages may be assessed after removal.

**PARKING**

A parking plan will be emailed to you 2 days before arrival. You can park in the garage and in the driveway. You may not park in front of other neighbors' homes.

**Please remember that you are renting a private home. Please treat it with the same respect you would like shown in your own home.**

## Attachment #4: Referral Public Comments CU-2022-003

### Comment #2: Teresa Bresaw, Lake Road NDA

Hi Teresa,

Below are the answers to the questions I was unable to answer yesterday.

Q. What will be the daily rent charge (or range) be?

A. Daily rent is \$400

Q. When the owner is not around does she have a backup person to resolve issues?

A. I have two employees that live half a mile away and assist me to handle and resolve any issues. I also live in the neighborhood so am mostly on site to assist.

Q. Where will the camera or cameras be located for preventing too many guests and tracking noise levels? (Need details on this)

A. We have cameras and noise monitoring devices on the back patio the front door and in the kitchen. We are able to detect how many guests enter and ensure that the noise level is low. Guest will be asked to leave immediately if they violate the house rules or disturb any neighbors.

Let me know of any additional questions and I'll be sure to add this email chain to the record.

Best,  
Ryan

On Mon 9/26/2022 1:00 PM

Ryan,

You did a great job answering all my questions!

So can my questions be part of the public record that the commissioners receive (along with your responses)?

I don't believe in general members of Lake Road neighborhood are against Airbnbs, but care should be taken to protect nearby neighbors, since the owner is not onsite.

Sincerely,  
Teresa

ATTACHMENT 4

On Mon, Sep 26, 2022, 12:10 PM Ryan Dyar <[DyarR@milwaukieoregon.gov](mailto:DyarR@milwaukieoregon.gov)> wrote:

Hi Teresa,

Thanks for the questions!

1. I have been told by at least one resident of the Cereghino Farms subdivision that the HOA has CC&Rs that contain a clause prohibiting commercial uses in the subdivision. That said, I have not seen a copy of the CC&Rs. If the language is “commercial uses”, it’s unclear if that would apply to a vacation rental (I think this would be a question for a civil attorney?). Additionally, it’s worth mentioning that the City does not enforce CC&Rs.
2. I have only heard from one resident. That person was not supportive. I imagine we might hear from more when the mailing goes out (20 days before the public hearing, which is on Nov 8<sup>th</sup>). My understanding is that the applicant (Justine Syck) owns and resides at 13143 SE Sprout Ln— just down the street from the proposed vacation rental. Not sure if the owner has a backup to manage issues or enforce rules when they are not available. I’ll reach out and see if they have a plan.
3. At this time, I don’t have any additional information regarding the “software” that will be used to monitor noise levels. I’ll ask the applicant.
4. [Milwaukie Municipal Code \(MMC\) 19.905.5](#) does allow the Planning Commission to place conditions of approval on an approval. Additionally, MMC 19.905.7 allows the Planning Manager to review conditional uses for compliance with the following:
  - a. *Violation of any applicable development standard or requirement that pertains to the conditional use.*
  - b. *Failure to operate as approved or failure to satisfy a condition of approval from the original conditional use approval.*
  - c. *Incidents that are perceived to be a direct result of the conditional use and that may be detrimental to the health, safety, property, or general welfare of the public.*

If the owner/operator refuses to address issues of non-compliance, the Planning Commission can review the conditional use and modify, suspend, or revoke the approval.

Hope this is helpful. I’ll follow up when I have more information.

Best,  
Ryan

**From:** Teresa Bresaw <[tbresaw50@gmail.com](mailto:tbresaw50@gmail.com)>  
**Sent:** Saturday, September 24, 2022 2:38 PM  
**To:** Ryan Dyar <[DyarR@milwaukieoregon.gov](mailto:DyarR@milwaukieoregon.gov)>  
**Subject:** Fwd: CU-2022-003 Notice of Type III Land Use Proposal and Referral

----- Forwarded message -----

**From:** Teresa Bresaw <[tbresaw50@gmail.com](mailto:tbresaw50@gmail.com)>  
**Date:** Sat, Sep 24, 2022, 2:32 PM  
**Subject:** Re: CU-2022-003 Notice of Type III Land Use Proposal and Referral

ATTACHMENT 4

To: Will First <[firstw@milwaukieoregon.gov](mailto:firstw@milwaukieoregon.gov)>

Cc: Paul Hawkins <[Phawk4350@gmail.com](mailto:Phawk4350@gmail.com)>

Hi, Ryan!

Here are my questions regarding 4843 SE Barbara Lynn Way -Airbnb conditional use:

Does the neighborhood have a HOA restriction on this use?

How do the neighbors feel about this since the owner doesn't live there? Do they even know the owner?

What will be the daily rent charge (or range) be?

When the owner is not around does she have a backup person to resolve issues?

Where will the camera or cameras be located for preventing too many guests and tracking noise levels?  
(Need details on this).

Are their conditions that this use an be reversed if there are multiple complaints about noise etc?

Airbnbs can be useful for families and groups, but if the house is for large noisy parties the peace of the neighbors could be in jeopardy.

Sincerely

Teresa Bresaw

Lake Road Land use member

On Tue, Sep 20, 2022, 5:29 PM Will First <[firstw@milwaukieoregon.gov](mailto:firstw@milwaukieoregon.gov)> wrote:

Hello,

Please access the link below to find the Notice of Type III Land Use Proposal and Application Referral for land use application CU-2022-003 for 4843 SE Barbara Lynn Way. If you have any questions, please feel free to contact Assistant Planner Ryan Dyar at 503-786-7661 or [dyarr@milwaukieoregon.gov](mailto:dyarr@milwaukieoregon.gov).

<https://www.milwaukieoregon.gov/planning/cu-2022-003>

Thank You.

**Will First**

Administrative Specialist II

he • him • his

**City of Milwaukie**

p: 503.786.7603 | e: [firstw@milwaukieoregon.gov](mailto:firstw@milwaukieoregon.gov)

6101 SE Johnson Creek Blvd | Milwaukie, OR 97206

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**Comment #1: Paul Hawkins, Lake Road NDA**

Ryan,

All good information. I now know we have numerous Airbnb options in Milwaukie. And possibly another one coming . . .

Thank you,  
Paul Hawkins  
(The other land use officer)  
Lake Road Neighborhood Association



# CITY OF MILWAUKIE

**To:** Planning Commission  
**Through:** Laura Weigel, Planning Manager  
**From:** Ryan Dyar, Assistant Planner  
**Date:** October 31, 2022, for November 8, 2022, Worksession  
**Subject:** Proposed Code Amendments: Climate Friendly Equitable Community (CFEC), Parking Amendments

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## **ACTION REQUESTED**

No action. Review the proposed code amendments related to compliance with the new Transportation Planning Rule (TPR) which was written through the Climate Friendly Equitable Communities rulemaking process. Provide direction about implementing the changes under consideration. This is a briefing for discussion only in advance of a public hearing.

## **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

[September 13, 2022](#): Staff provided Planning Commission with an overview of the new administrative rules and reported on the direction provided by City Council at their August 16<sup>th</sup> meeting. Planning Commission concurred with the majority City Council response and expressed a desire to eliminate parking mandates citywide in response to the new rules.

[August 16, 2022](#): Staff provided City Council with an overview of the new administrative rules and asked for direction on implementing the new rules related to parking. Most of the City Council expressed a desire to eliminate parking mandates citywide considering the requirements in OAR 660-012-0440, Parking Reform Near Transit Corridors.

[September 21, 2021](#): Council adopts Council Goals for 2021-2022 of climate change mitigation and resilience action, and equity, justice, and inclusion.

[August 18, 2020](#): Council adopts the Milwaukie Comprehensive Plan, which includes several policies aimed at reducing GHG emissions.

[October 2, 2018](#): Council adopts the Climate Action Plan to achieve carbon neutrality by reducing greenhouse gas (GHG) emissions and offsetting or capturing as much carbon as the Milwaukie community emits.

## ANALYSIS

### Recap of CFEC and Parking Regulation Requirements

As noted above, on September 13<sup>th</sup>, staff briefed Planning Commission on the CFEC rulemaking process. The process, initiated by Governor Brown's [Executive Order 20-04](#), was signed on March 10, 2020. It directed state agencies and commissions to take action to reduce greenhouse gas emissions. In response, the Department of Land Conservation and Development (DLCD) initiated the CFEC rulemaking process, which ultimately amended three sections of the Oregon Administrative Rules (OAR) that regulate how local jurisdictions in metropolitan areas do land-use and transportation planning. The full summary of those changes can be viewed in the [staff report](#) from September 13, 2022.

As discussed in that report, many of the changes to the administrative rules will be addressed through the update of Milwaukie's Transportation System Plan (TSP); however, others related to parking regulation must be implemented before June 30<sup>th</sup> of 2023. Under the new parking rules, jurisdictions have the option to either eliminate minimum parking quantity requirements from their zoning codes entirely or adopt more complex regulations that allow for some minimum quantity requirements but disallow jurisdictions from applying those mandates to various land uses and in certain geographies (e.g., Region 2040 Town Centers).

For Milwaukie, the implementation of one rule, OAR 660-012-0440 Parking Reform Near Transit Corridors, narrows the choice between these two approaches, as the effect of implementing the rule results in the elimination of parking mandates for approximately 80% of the city by area or 81% of tax lots in the city. For this reason, rather than apply parking quantity mandates for a relatively small geography and limited range of land uses, the majority of City Councilors (3/4) and Mayor Gamba recommended eliminating minimum parking quantity requirements citywide. On September 13<sup>th</sup>, Planning Commission agreed with this recommendation.

### Proposed Amendments

Staff has reviewed the administrative rules, consulted with DLCD staff, and reviewed professional literature and other jurisdictions' development regulations to develop the proposed amendments.

#### Eliminate Parking Minimums and OAR 660-012-0405 Compliance

Attachment #1 contains a draft of the code amendments that would remove minimum parking quantity requirements from the zoning code, along with other references to required parking. The proposed amendments also implement the provisions of OAR 660-012-0405 (see Attachment #2), which require local jurisdictions to mitigate the negative impacts of newly constructed large parking lots (those over ¼ acre in size), ensure carpool/vanpool spaces have prioritized placement in new development, and enable shared parking. With regards to carpool/vanpool and shared parking requirements, staff believes the Milwaukie Municipal Code (MMC) already complies with the new rules. Commissioners should note that staff is still working internally with the Milwaukie Urban Forester and with DLCD staff to determine how best to implement the standards related to large parking lots.

#### Bicycle Parking Quantity and Design Requirements



The draft amendments also include proposed changes to the city’s bicycle parking requirements (see MMC 19.609 in Attachment 1) to align with the new administrative rules (see OAR 660-012-0630 in Attachment 2). Jurisdictions are not required to comply with the new bicycle parking requirements until the next major update of their TSP; however, staff believes it is appropriate to amend MMC 19.609 preemptively for the following reasons:

1. Some administrative rules related to bicycle parking are easy to implement and add clarity to MMC 19.609. For example, the proposed amendments clarify that bicycle parking requirements apply to a mixed-use development with more than four residential units. Clearly specifying this under MMC 19.609.2.B improves the readability of the subsection and demonstrates consistency with OAR 660-012-0630.
2. The minimum number of bicycle parking spaces for new and redeveloping commercial, industrial, and community service uses is currently derived from the minimum number of required vehicle parking spaces. With the elimination of minimum vehicle parking requirements, the city needs a new approach to ensure that an adequate quantity of bicycle parking spaces is provided. Attachment #1 does not include a recommended strategy to replace the existing method for calculating the minimum number of required bicycle parking spaces. Staff are researching best practices and will bring a recommendation to the work session on November 8th.
3. Existing location and design standards under MMC 19.609 do not guarantee bicycle parking is functional or user-friendly. For example, various bicycle rack styles, such as the wave style, can technically meet the city’s existing standards but have significant drawbacks. When used as designed (i.e., bikes parked perpendicular to the rack), the wave-style rack provides only one point of contact for the frame of a standard bike; consequently, the bike tends to slide down the rack and fall on its side. When not used as designed (i.e., bikes parked parallel to the rack), ribbon-style racks provide more than one point of contact for the frame of a standard bike, but the capacity of the rack is greatly reduced because it holds fewer bikes. The proposed code amendments under MMC 19.600 in Attachment 1 are intended to guarantee that required bicycle parking provides users with a secure, easy-to-use, bicycle rack that accommodates the intended number of bicycles.

#### Updating Language

Lastly, the proposed amendments include minor non-CFEC-related changes to establish consistent language within the MMC, including changing the title Planning Director to Planning Manager and changing the term single-family dwelling to single-unit dwelling.

#### **Key Questions**

1. The minimum number of bicycle parking spaces is currently derived from the minimum number of vehicle parking spaces required. With the elimination of minimum vehicle parking requirements, how should the city regulate bicycle parking for new commercial, industrial, and community service uses?

#### **Next Steps**

- Planning Commission public hearing: December 13, 2022
- City Council public hearing: January 17, 2022

**ATTACHMENTS**

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	Packet
1. Draft code amendments (underline/strikeout format)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. OAR 660-012-0405 and OAR 660-012-0630			

Key:

PC Packet = paper materials provided to Planning Commission 7 days prior to the meeting.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-90>.

## Underline/Strikeout Amendments

### Title 19 Zoning Ordinance

#### CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

##### 19.201 DEFINITIONS

As used in this title:

“Carport” means a stationary structure consisting of a roof, its supports, and not more than 1 wall (or storage cabinets substituting for a wall) used to shelter motor vehicles, recreational vehicles, or boats. ~~A structure is only considered to be a carport when it is being used to meet minimum off-street parking requirements.~~

#### CHAPTER 19.300 BASE ZONES

##### 19.303 COMMERCIAL MIXED-USE ZONES

###### 19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

<b>Table 19.303.3 Commercial Mixed Use Zones—Summary of Development Standards</b>			
Standard	GMU	NMU	Standards/ Additional Provisions
<b>A. Lot Standards</b>			
1. Minimum lot size (sq ft)	1,500	1,500	
2. Minimum street frontage (ft)	25	25	
<b>B. Development Standards</b>			
1. Minimum floor area ratio	0.5:1	0.5:1	<b>Subsection 19.303.4.A</b> Floor Area Ratio
2. Building height (ft)			<b>Subsection 19.303.4.B</b> Building Height
a. Base maximum	45	45	<b>Section 19.510</b> Green Building Standards <b>Subsection 19.911.7</b> Building Height Variance in the General Mixed Use Zone
b. Maximum with height bonus	57–69	Height bonus not available	
3. Street setbacks (ft)			<b>Subsection 19.303.4.C</b> Street Setbacks
a. Minimum street setback	0–15 <sup>1</sup>	None	<b>Section 19.501.2</b> Yard
b. Maximum street setback	10–20 <sup>2</sup>	10	

c. Side and rear setbacks	None	None	Exceptions
4. Frontage occupancy	50%	None	<b>Subsection 19.303.4.D</b> Frontage Occupancy Requirements <b>Figure 19.303.4.D</b> Frontage Occupancy Requirements
5. Maximum lot coverage	85%	85%	
6. Minimum vegetation	15%	15%	<b>Subsection 19.504.6</b> Minimum Vegetation
7. Primary entrances	Yes	Yes	<b>Subsection 19.303.4.E</b> Primary Entrances
8. Off-street parking <u>standards required</u>	Yes	Yes	<b>Chapter 19.600</b> Off-Street Parking and Loading
9. Transit street	Yes	Yes	<b>Subsection 19.505.8</b> Building Orientation to Transit
10. Transition measures	Yes	Yes	<b>Subsection 19.504.5</b> Transition Area Measures

**19.303.6 Additional Provisions**

Depending upon the type of use and development proposed, the following sections of the Milwaukie Municipal Code may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

B. Section 19.600 Off-Street Parking and Loading

Contains standards for vehicle and bicycle parking, including required maximum number of spaces and design standards for parking and loading areas where provided.

**19.304 DOWNTOWN ZONES**

<b>Table 19.304.4 CONTINUED</b>			
<b>Downtown Zones—Summary of Development Standards</b>			
<b>Standard</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>B. Development Standards CONTINUED</b>			
5. Frontage occupancy requirements	50–90%	None	<b>Subsection 19.304.5.E</b> Frontage Occupancy Requirements <b>Figure 19.304-6</b> Minimum Frontage Occupancy
6. Primary entrances	Yes	No	<b>Subsection 19.304.5.F</b> Primary Entrances

ATTACHMENT 1

7. Off-street parking <u>standards required</u>	Yes, where applicable	Yes, where applicable	<b>Subsection 19.304.5.G</b> Off-Street Parking <b>Chapter 19.600</b> Off-Street Parking and Loading
8. Open space	Yes, where applicable	Yes, where applicable	<b>Subsection 19.304.5.H</b> Open Space <b>Subsection 19.508.4.G</b> Open Space/Plazas
9. Transition measures	Yes, where applicable	No	<b>Subsection 19.304.5.I</b> Transition Measures <b>Subsection 19.504.5</b> Transition Area Measures

**19.304.5 Detailed Development Standards**

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

G. Off-Street Parking

1. Intent

The desired character for the DMU Zone, particularly along Main St, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

2. Standards

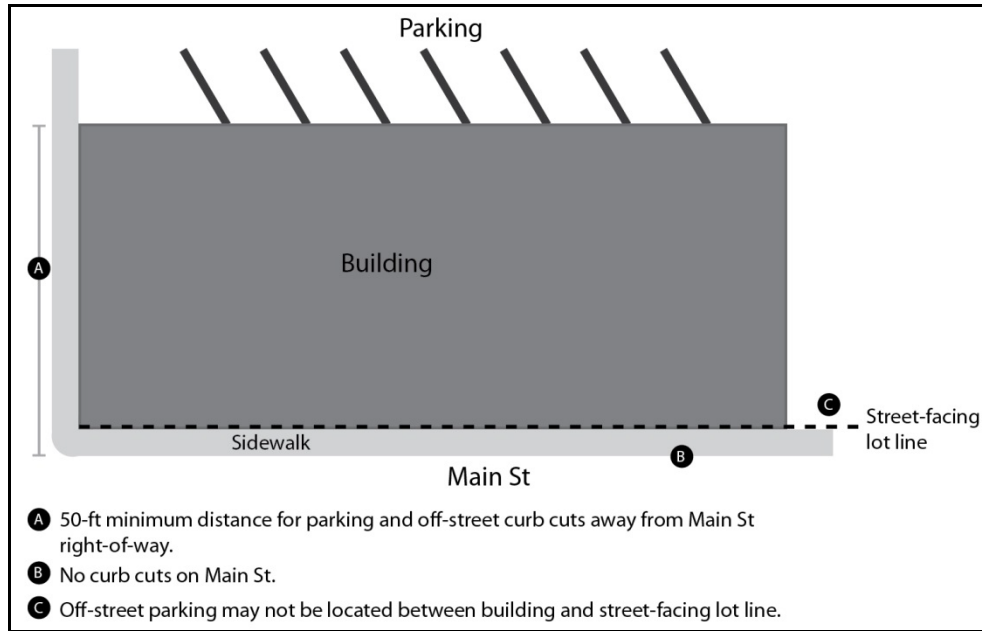
- a. Off-street parking for residential uses is subject to the required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.
- b. If off-street parking is provided for nonresidential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main St right-of-way. Off-street surface parking lots approved prior to October 31, 2015, the effective date of Ordinance #2106, are exempt from this prohibition. This exemption applies only to the property owner on file with the Clackamas County Assessor as of October 31, 2015, the effective date of Ordinance #2106, and is dissolved upon transfer of ownership.

The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main St right-of-way only upon finding, through Type III Variance review pursuant to Section 19.911, that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main St.
- (2) The off-street parking area or curb cut is visually screened from view from Main St.

- (3) The community need for the off-street parking area or curb cut within 50 ft of Main St outweighs the need to provide a continuous façade of buildings in that area.
- d. Off-street parking shall not be located between a building and the street-facing lot line.

**Figure 19.304.5.G.2  
Off-Street Parking Standards**



**3. Exemptions**

~~All nonresidential uses are exempt from the off-street parking requirements.~~

**19.304.8 Variances**

The Planning ~~Manager~~ Director or Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2170 § 2, 2019; Ord. 2168 § 2, 2019; Ord. 2134 § 2, 2016; Ord. 2120 § 2, 2016; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2094 § 2, 2015; Ord. 2059 § 2, 2013; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

**19.310 BUSINESS INDUSTRIAL ZONE BI**

**19.310.6 Standards**

In the BI district, the following standards shall apply to all uses:

H. Landscaping

15% of the site must be landscaped, except for sites adjacent to Hwy. 224, which shall provide landscaping to 20% of the site. This should consist of a variety of lawn, trees, shrubbery, and ground cover. Street trees must be provided along street frontages and within required off-street parking lots to help delineate entrances, provide shade, and permeable areas for stormwater runoff. A bond or financial guarantee for landscape completion shall be required.

**CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS**

**19.505 BUILDING DESIGN STANDARDS**

**19.505.4 Cottage Cluster Housing**

C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

<b>Table 19.505.4.C.1 (CONTINUED)</b>		
<b>Cottage Cluster Development Standards</b>		
<b>Standards</b>	<b>R-MD</b>	<b>R-1, R-2, R-2.5, R-3, R-1-B</b>
<b>E. Impervious Area, Vegetated Area (CONTINUED)</b>		
2. Vegetated site area (minimum)	35%	35%
<b>F. Community and Common Space</b>		
1. Community building footprint (maximum) <sup>1</sup>	1,000 sf	1,000 sf
2. Common Space	19.505.1.D	19.505.1.D
<b>G. Parking (see also 19.505.1.D.3)</b>		
<del>1. Automobile parking spaces per primary home (minimum)</del>	<del>0.5</del>	<del>0.5</del>
2 <u>1.</u> Dry, secure bicycle parking spaces per home (minimum)		1.5
3 <u>2.</u> Guest bicycle parking spaces per home (minimum)		0.5

2. Off-Street Parking

- a. ~~There must be at least 0.5 off-street parking spaces per dwelling unit per Table 19.505.4.B.1. When off-street parking is provided, the parking space must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.~~
- b. A cottage cluster parking area must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the

longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.

- c. If there are more than 8 units in a cottage cluster and off-street parking is provided, there must be at least 2 separate parking areas with a minimum of 4 parking spaces in each area. A drive aisle connecting the 2 areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.

## CHAPTER 19.600 OFF-STREET PARKING AND LOADING

### 19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: ~~provide adequate, but not excessive, off-street parking;~~ support efficient streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.700. The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2025 § 2, 2011)

### 19.602 APPLICABILITY

#### 19.602.1 General Applicability

The regulations of Chapter 19.600 apply to all off-street parking areas and off-street loading areas, ~~whether required by the City as part of development or a change in use, per Subsection 19.602.3, or voluntarily installed for the convenience of users, per Subsection 19.602.4.~~ Activity that is not described by Subsections 19.602.3 or 4 is exempt from compliance with the provisions of Chapter 19.600. Changes to nonconforming off-street parking and loading are addressed through Chapter 19.600 and not through the provisions of Chapter 19.800.

#### 19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

##### A. Purpose

The purpose of Subsection 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

##### B. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing, heating, venting, or air conditioning equipment.



C. Areas of Required Improvement

The Planning Director will evaluate the applicant’s parking plan and use the prioritized list below when determining what improvements will be required.

1. Paving and striping of parking areas, per Subsection 19.606.3.A.
- ~~2. Minimum required vehicle parking spaces, per Section 19.605.~~
- ~~2.3.~~ Minimum required bicycle parking spaces, per Section 19.609.
- ~~3.4.~~ Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D.
- ~~4.5.~~ New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.
- ~~5.6.~~ Other applicable standards within Chapter 19.600, as determined by the Planning ~~Director~~ Manager.

(Ord. 2161 § 2, 2018; Ord. 2025 § 2, 2011)

**19.603 REVIEW PROCESS AND SUBMITTAL REQUIREMENTS**

**19.603.1 Review Process**

The Planning ~~Manager~~ Director shall apply the provisions of Chapter 19.600 in reviewing all land use and development permit applications, except when an application is subject to a quasi-judicial land use review or appeal, in which case the body reviewing the application or appeal has the authority to implement and interpret the provisions of Chapter 19.600.

**19.603.2 Submittal Requirements**

Except for ~~single-family~~ single detached dwellings or development situations where no off-street parking is being provided, a development or change in use subject to Chapter 19.600 as per Section 19.602 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning ~~Director~~ Manager.

- A. Delineation of individual spaces and wheel stops.
- B. Drive aisles necessary to serve spaces.
- C. Accessways, including driveways and driveway approaches, to streets, alleys, and properties to be served.
- D. Pedestrian pathways and circulation.
- E. Bicycle parking areas and rack specifications.
- F. Fencing.
- G. Abutting land uses.
- H. Grading, drainage, surfacing, and subgrading details.
- I. Location and design of lighting fixtures and levels of illumination.
- J. Delineation of existing and proposed structures.
- K. Parking and loading area signage.
- L. Landscaping, including the following information.

1. The location and area of existing and proposed trees, vegetation, and plant materials, including details about the number, size, and species of such items.
2. Notation of the trees, plants, and vegetation to be removed, and protection measures for existing trees and plants to be preserved.

(Ord. 2025 § 2, 2011)

## **19.604 GENERAL PARKING STANDARDS**

### **19.604.1 Parking Provided with Development Activity**

~~All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity.~~ All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.600 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

### **19.604.2 Parking Area Location**

Accessory parking shall be located in one or more of the following areas:

- A. On the same site as the primary use for which the parking is accessory.
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.
- C. Where parking is approved in conformance with Subsection 19.605.2.
- ~~D. Where shared parking is approved in conformance with Subsection 19.605.4.~~

### **19.604.3 Use of Converting Off-Street Parking Areas**

~~All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site. Required parking shall not be rented, leased, sold, or otherwise used for parking that is unrelated to the primary or accessory use of the site, except where a shared parking agreement per Subsection 19.605.4 has been recorded. Subsection 19.604.3 does not prohibit charging fees for parking when the parking serves the primary or accessory uses on site.~~

When converting an automobile parking area to another use, access for emergency vehicles must be maintained, and adequate parking for truck loading should be considered.

### **19.604.4 ~~Storage Prohibited~~**

~~No required off-street parking area shall be used for storage of equipment or materials, except as specifically authorized by Subsection 19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2025 § 2, 2011)~~

## **19.605 VEHICLE PARKING QUANTITY REQUIREMENTS**

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, does not provide excessive vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

Nonresidential development in the Downtown Mixed Use (DMU) and Open Space (OS) Zones is exempt from the requirements of Section 19.605.

**19.605.1 Minimum and Maximum Requirements Parking Maximums**

- A. ~~Development shall provide at least the minimum and not~~ When off-street parking is provided with development, the number of spaces shall not be more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.
- B. When a specific use has not been proposed or identified at the time of permit review, the Planning Manager ~~Director~~ may elect to assign a use category from Table 19.605.1 to determine the ~~minimum required and~~ maximum allowed parking. Future tenants or property owners are responsible for compliance with Chapter 19.600 per the applicability provisions of Section 19.602.
- C. If a proposed use is not listed in Table 19.605.1, the Planning Director has the discretion to apply the ~~quantity~~ maximum requirements of a similar use listed in the table upon finding that the listed use and unlisted use have similar parking demands. If a similar use is not listed, the ~~quantity~~ maximum allowance requirements will be determined per Subsection 19.605.2.
- D. ~~Where the calculation of minimum parking spaces does not result in a whole number, the result shall be rounded down to the next whole number.~~ Where the calculation of maximum parking spaces does not result in a whole number, the result shall be rounded to the nearest whole number.
- E. Parking spaces for disabled persons, and other improvements related to parking, loading, and maneuvering for disabled persons, shall conform to the Americans with Disabilities Act and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the ~~minimum required and~~ maximum allowed number of off-street parking spaces.
- F. Uses that have legally established parking areas that exceed the maximum number of spaces allowed by Section 19.605 prior to June 17, 2010, the effective date of Ordinance #2015, shall be considered nonconforming with respect to the quantity requirements. Such uses shall not be considered parking facilities as defined in Section 19.201.

<b>Table 19.605.1</b>		
<b>Minimum To Maximum Off-Street Parking <u>Standards</u> Requirements</b>		
<b>Use</b>	<b>Minimum Required</b>	<b>Maximum Allowed</b>
<b>A. Residential Uses</b>		
1. Single detached dwellings, including manufactured homes.	<del>1 space per primary dwelling unit.</del>	No maximum.
2. Multi-Unit Dwellings	<del>1 space per dwelling unit.</del>	2 spaces per dwelling unit.
3. Middle Housing <sup>1</sup>		
a. Duplexes	0	1 space per dwelling unit
b. Triplexes	0	1 space per dwelling unit
c. Quadplexes	0	1 space per dwelling unit
d. Townhouses <sup>2</sup>	0	1 space per dwelling unit
e. Cottage Clusters	<del>0.5 spaces per dwelling unit</del>	1 space per dwelling unit

ATTACHMENT 1

4. Residential homes and similar facilities allowed by right in residential zones.	<del>1 space per dwelling unit plus 1 space per employee on the largest shift.</del>	Minimum required parking plus 1 space per bedroom.
5. Accessory dwelling units (ADU).	<del>No additional space required unless used as a vacation rental, which requires 1 space per rental unit.</del>	No maximum.

<b>Table 19.605.1 CONTINUED</b>		
<b>Minimum To Maximum Off-Street Parking Standards Requirements</b>		
<b>Use</b>	<b>Minimum Required</b>	<b>Maximum Allowed</b>
<b>B. Community Service and Other Public Uses</b>		
1. Religious institutions.	<del>1 space per 4 seats.</del>	1 space per 2 seats.
2. Day-care center ("family day-care" as defined in Section 19.201 has no parking requirements).	<del>2 spaces per 1,000 sq ft of floor area.</del>	3.5 spaces per 1,000 sq ft of floor area.
3. School—elementary or junior high.	<del>1 space per classroom.</del>	2 spaces per classroom.
4. School—senior high.	<del>0.25 spaces per student, plus 1 space per staff.</del>	0.33 spaces per student, plus 1 space per staff.
5. Meeting room, club, lodge, or association.	<del>5 spaces per 1,000 sq ft of floor area, or 1 space per 4 seats if seats are permanently installed.</del>	16.66 spaces per 1,000 sq ft of floor area, or 1 space per 3 seats if seats are permanently installed.
6. Library, museum, art gallery.	<del>1 space per 1,000 sq ft of floor area.</del>	1.2 spaces per 1,000 sq ft of floor area.
7. Nursing, convalescent, and extended-care facilities.	<del>1 space per 4 beds.</del>	1 space per 3 beds.
<b>C. Lodging Places</b>		
1. Motel, hotel, boarding house.	<del>1 space per lodging unit.</del>	1.5 spaces per lodging unit.
2. Bed and breakfast establishments.	<del>1 space per lodging unit, plus 1 space for the permanent residence.</del>	1.5 spaces per lodging unit, plus 2 spaces for the permanent residence.
<b>D. Commercial Uses—Recreational</b>		
1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.	<del>3 spaces for each 1,000 sq ft of floor area.</del>	5.5 spaces per 1,000 sq ft of floor area.
2. Theater, auditorium, or stadium.	<del>1 space per 4 seats.</del>	1 space per 3 seats.
<b>E. Commercial Uses—Retail Goods</b>		
1. Eating and drinking establishments.	<del>4 spaces per 1,000 sq ft floor area.</del>	15 spaces per 1,000 sq ft of floor area.
2. General retail—grocery stores, convenience stores, specialty retail and shops.	<del>2 spaces per 1,000 sq ft of floor area.</del>	5 spaces per 1,000 sq ft of floor area.

ATTACHMENT 1

3. Bulk retail—furniture and home furnishings, appliances, vehicles, building materials, and similar large items.	<del>1 space per 1,000 sq ft of floor area.</del>	3 spaces per 1,000 sq ft of floor area.
4. Gas stations.	<del>No minimum.</del>	1.25 spaces per 4 pumps.
<b>F. Commercial Uses—Services</b>		
1. General office, including banks.	<del>2 spaces per 1,000 sq ft of floor area.</del>	3.4 spaces per 1,000 sq ft of floor area.
2. Medical/dental office (non-hospital), veterinary clinic.	<del>3.9 spaces per 1,000 sq ft of floor area.</del>	4.9 spaces per 1,000 sq ft of floor area.
<b>Table 19.605.1 CONTINUED</b>		
<b>Minimum To Maximum Off-Street Parking Standards Requirements</b>		
<b>Use</b>	<b>Minimum Required</b>	<b>Maximum Allowed</b>
<b>F. Commercial Uses—Services CONTINUED</b>		
3. Personal services, such as a barbershop, beauty parlor, etc.	<del>4 spaces per 1,000 square floor area.</del>	5.4 spaces per 1,000 sq ft of floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	<del>2.8 spaces per 1,000 sq ft of floor area.</del>	5.1 spaces per 1,000 sq ft of floor area.
5. Vehicle repair.	<del>2 spaces per 1,000 sq ft of floor area.</del>	2.5 spaces per 1,000 sq ft of floor area.
6. Quick vehicle repair and servicing, such as oil change and tire shops.	<del>2 spaces per service bay.</del>	3 spaces per service bay.
7. Mortuary/funeral home.	<del>1 space per 5 chapel or parlor seats.</del>	1 space per 3 chapel or parlor seats.
8. Car wash.	<del>No minimum.</del>	2 spaces per wash bay for self-service washes, or 2 spaces per 1,000 sq ft of floor area for full-service washes.
<b>G. Industrial Uses</b>		
1. Manufacturing.	<del>1 space per 1,000 sq ft of floor area.</del>	2 spaces per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	<del>0.5 spaces per 1,000 sq ft of floor area.</del>	1 space per 1,000 sq ft of floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.	<del>0.3 spaces per 1,000 sq ft of floor area.</del>	0.4 spaces per 1,000 sq ft of floor area.
4. Mini-warehouse; self-service storage.	<del>1 space per 45 storage units, plus 1 space per employee of the largest shift.</del>	1 space per 20 storage units, plus 1 space per employee of the largest shift.

- 1 ~~For middle housing developments located on streets classified as Arterials or Collectors in the Transportation System Plan, 0.5 off-street parking spaces per dwelling unit are required.~~
- 2 ~~For townhouse developments of 8 or more townhouses, 0.5 off-street parking spaces per dwelling unit are required. Successive or phased townhouse developments to avoid this requirement are not permitted.~~

### **19.605.2 Maximum Quantity Modifications and Required Parking Determinations**

Subsection 19.605.2 allows for the modification of ~~minimum and~~ maximum parking ratios from Table 19.605.1 as well as the determination of ~~minimum and~~ maximum parking requirements. Parking determinations shall be made when the proposed use is not listed in Table 19.605.1 and for developments with parking demands that are ~~either lower than the minimum required or higher than the maximum allowed.~~

#### A. Applicability

The procedures of Subsection 19.605.2 shall apply in the following situations:

1. If the proposed use is not listed in Table 19.605.1 and the ~~quantity requirements~~ maximum allowed quantity for a similar listed use cannot be applied.
2. If the applicant seeks a modification from the ~~minimum required or~~ maximum allowed quantities as calculated per Table 19.605.1.

#### B. Application

Determination of parking ratios in situations listed above shall be reviewed as a Type II land use decision, per Section 19.1005 Type II Review. The application for a determination must include the following:

1. Describe the proposed uses of the site, including information about the size and types of the uses on site, and information about site users (employees, customers, residents, etc.).
2. Identify factors specific to the proposed use and/or site, such as the proximity of transit, parking demand management programs, availability of shared parking, and/or special characteristics of the customer, client, employee or resident population that affect parking demand.
3. Provide data and analysis specified in Subsection 19.605.2.B.3 to support the determination request. The Planning Manager may waive requirements of Subsection 19.605.2.B.3 if the information is not readily available or relevant, so long as sufficient documentation is provided to support the determination request.
  - a. Analyze parking demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from the Institute of Transportation Engineers, American Planning Association, Urban Land Institute, or other similar organizations.
  - b. Review parking standards for the proposed use or similar uses found in parking regulations from other jurisdictions.
  - c. Present parking quantity and parking use data from existing developments that are similar to the proposed development. The information about the existing development and its parking demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development.
  - d. For middle housing, provide occupancy and use data quantifying conditions of the on-street parking system within one block of the middle housing development.
  - ~~e. Identify factors specific to the site, such as the preservation of a priority tree or trees, or planting of new trees to achieve 40% canopy, as identified in Chapter 16.32.~~

4. Propose a ~~minimum and~~ maximum parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the applicant may propose a maximum range (low and high number of parking spaces) for each development phase ~~and both a minimum and maximum number of parking spaces to be provided at buildout of the project.~~
5. Address the approval criteria in Subsection 19.605.2.C.

C. Approval Criteria

The Planning Manager shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Manager, based on the applicant's materials and other data the Planning Manager deems relevant, shall set the ~~minimum parking requirement~~ and maximum parking allowed. Conditions of approval may be placed on the decision to ensure compliance with the parking determination.

1. All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity allowances ~~requirements~~ for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.
- ~~2. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to decrease the amount of minimum required parking shall meet the following criteria:~~
  - ~~a. The use, frequency, and proximity of transit, parking demand management programs, and/or special characteristics of the site users will reduce expected vehicle use and parking space demand for the proposed use or development, as compared with the standards in Table 19.605.1.~~
  - ~~b. The reduction of off-street parking will not adversely affect available on-street parking.~~
  - ~~c. The requested reduction is the smallest reduction needed based on the specific circumstances of the use and/or site, or is otherwise consistent with city or comprehensive plan policy.~~
23. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to increase the amount of maximum allowed parking shall meet the following criteria:
  - a. The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.
  - b. The parking demand cannot be accommodated by shared or joint parking arrangements or by increasing the supply of spaces that are exempt from the maximum amount of parking allowed under Subsection 19.605.3.A.
  - c. The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.

**19.605.3 Exemptions and By-Right Reductions to Quantity Requirements**

The following exemptions and by-right reductions cannot be used to further modify any parking modification or determination granted under Subsection 19.605.2.

A. Exemptions to Maximum Quantity Allowance

The following types of parking do not count toward the maximum amount of parking allowed on a site. This exemption applies only to the quantity requirements of Section 19.605 and not

to the other requirements of Chapter 19.600. The City may impose conditions to ensure that parking spaces associated with these parking types are appropriately identified and used for the intended purpose.

1. Spaces for a parking facility.
2. Spaces for a transit facility or park and ride facility.
3. Storage or display areas for vehicle sales.
4. Employee carpool parking, when spaces are dedicated or reserved for that use.
5. Fleet parking.
6. Truck loading areas.

~~B. Reductions to Minimum Parking Requirements~~

~~Applicants are allowed to utilize multiple reductions from Subsections 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. The total reduction in required parking is increased to 30% in the Downtown Mixed Use Zone DMU. The total reduction in required parking is increased to 50% for affordable housing units as defined in Subsection 19.605.3.B.8. Applicants may not utilize the reduction in Subsection 19.605.3.B.1 in conjunction with any other reduction in Subsection 19.605.3.B.~~

~~1. Reductions for Neighborhood Commercial Areas~~

~~The minimum parking requirements of Table 19.605.1 shall be reduced by 50% for the properties described below:~~

- ~~a. Properties zoned Commercial Limited (C-L).~~
- ~~b. Properties zoned Commercial Neighborhood (C-N).~~
- ~~c. Properties in the Neighborhood Mixed Use (NMU) Zone in the area bounded by 40th Ave, King Rd, 44th Ave, and Jackson St.~~

~~2. Proximity to Public Transit~~

- ~~a. Parking for commercial and industrial uses may be reduced by up to 10% if the development is within 500 ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.~~
- ~~b. Parking for multi-unit developments and middle housing may be reduced by up to 20% if the development is within 500 ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.~~
- ~~c. Parking for all uses except single detached dwellings may be reduced by 25% if the development is within 1,000 ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a light rail transit stop, or if it is located in the Downtown Mixed Use Zone DMU.~~
- ~~d. In determining walking distance, the applicant shall measure the shortest route along sidewalks, improved pedestrian ways, or streets if sidewalks or improved pedestrian ways are not present. Walking distance shall be measured along the shortest course from the point on the development site that is nearest to the transit stop.~~



~~3. Multitenant Commercial Sites~~

~~Where multiple commercial uses occur on the same site, minimum parking requirements shall be calculated as described below. The Planning Manager shall have the authority to determine when multiple uses exist on a site.~~

- ~~a. Use with highest parking requirement. The use that has the largest total number of minimum parking spaces required shall be required to provide 100% of the minimum number of parking spaces.~~
- ~~b. All other uses. All other uses on the site shall be required to provide 80% of the minimum number of parking spaces.~~

~~4. Carpool/Vanpool~~

~~Commercial and industrial developments that provide at least 2 carpool/vanpool parking spaces may reduce the required number of parking spaces by up to 10%. This reduction may be taken whether the carpool/vanpool space is required pursuant to Section 19.610 or voluntarily provided.~~

~~5. Bicycle Parking~~

~~The minimum amount of required parking for all non-single detached residential uses, other than middle housing, may be reduced by up to 10% for the provision of covered and secured bicycle parking in addition to what is required by Section 19.609. A reduction of one vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all other standards of Section 19.609. If a reduction of 5 or more stalls is granted, then on-site changing facilities for bicyclists, including showers and lockers, are required. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.~~

~~6. Car Sharing~~

~~Required parking may be reduced by up to 5% if at least one off-street parking space is reserved for a vehicle that is part of a car sharing program. The car sharing program shall be sufficiently large enough, as determined by the Planning Manager, to be accessible to persons throughout Milwaukie and its vicinity. The applicant must provide documentation from the car sharing program that the program will utilize the space provided.~~

~~7. Provision of Transit Facility Improvements~~

~~The number of existing required parking spaces may be reduced by up to 10% for developments that provide facilities such as bus stops and pull-outs, bus shelters, or other transit related facilities. A reduction of one parking space is allowed for each 100-sq ft of transit facility provided on the site.~~

~~8. Affordable Housing~~

~~Parking minimums in Table 19.605.1 may be reduced for the following:~~

- ~~a. For any multi-unit dwelling unit or middle housing dwelling unit that meets the exemption standards as defined in Section 3.60.050, the minimum parking requirement for that unit may be reduced by 25%.~~

**19.605.4 Shared Parking**

Some or all of a use's required parking spaces may be accommodated off-premises on the parking area of a different site through shared parking, pursuant to the standards of Subsection 19.605.4.

The standards of Subsection 19.605.4 do not apply to voluntary shared parking agreements that are not created in order to conform to the quantity requirements of Section 19.605.

**A. Review**

The Planning Director shall determine, in accordance with Section 19.1004 Type I Review, whether the shared parking standards are met. The Planning Director may require a nonconforming parking area be brought into conformance, or closer to conformance as per Subsection 19.602.5, before it may be used for shared parking.

**B. Standards**

1. The applicant must demonstrate that the shared parking area has a sufficient quantity of spaces for the uses that will share the parking area. The Planning Director may require the applicant to provide data substantiating the claim that the proposed parking is sufficient for multiple uses during peak hours of demand for each use.
2. The nearest parking spaces shall be no further than 1,000 ft from the principal structure(s) or use(s). The measurement shall be along a route that is adequately illuminated; has vertical or horizontal separation from travel lanes within the right-of-way; uses legal crosswalks for right-of-way crossing; and has an asphalt, concrete, or similar surface material. The applicant may propose to construct new facilities or modify existing facilities to comply with Subsection 19.605.4.B.2.
3. Legal documentation between the property owners that guarantees access to the shared parking shall be recorded with the County. The documentation shall be reviewed and approved by the Planning Director prior to being recorded. The agreement shall run with the land and not be tied to property ownership. The agreement shall not be terminated without City approval. The request for terminating the agreement must demonstrate that the properties in the agreement and their uses will comply with the quantity requirements of Section 19.605 after dissolution of the agreement. A copy of the recorded documentation shall be provided to the City prior to obtaining a building permit. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2186 § 2, 2019; Ord. 2161 § 2, 2018; Ord. 2112 § 2 (Exh. B), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

**19.606 PARKING AREA DESIGN AND LANDSCAPING**

The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. These standards apply to all types of development where parking is provided, except for middle housing, single detached dwellings, and adult foster/care homes.residential homes.

**19.606.1 Parking Space and Aisle Dimensions**

- A. The dimensions for required off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1 are illustrated in Figure 19.606.1.

Table 19.606.1 Minimum Parking Space And Aisle Dimensions					
Angle (A)	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Depth (E)

0° (Parallel)	8.5'	22'	12'	19'	8.5'
30°	9'	17'	12'	19'	16.5'
45°	9'	12'	13'	19'	18.5'
60°	9'	10'	17'	19'	19'
90°	9'	9'	22'	22'	18'

C. Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.

1. Dimensions

The minimum width of perimeter landscape areas are shown in Table 19.606.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning ~~Director~~ Manager may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.606.2.C.1.

**19.606.3 Additional Design Standards**

A. Paving and Striping

Paving and striping are required for all ~~required~~ maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

E. Internal Circulation

1. General Circulation

The Planning ~~Director~~ Manager has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modifying drive aisle dimensions.

F. Lighting

Lighting is required for parking areas with more than 10 spaces. The Planning ~~Director~~ Manager may require lighting for parking areas of less than 10 spaces if the parking area would not be safe due to the lack of lighting. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:

1. Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.
2. Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site.
3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level.

4. Where practicable, lights shall be placed so they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2168 § 2, 2019; Ord. 2161 § 2, 2018; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2036 § 3, 2011; Ord. 2025 § 2, 2011)

G. Parking Areas Over ¼ Acre in Size

To mitigate the negative impacts of large parking areas, new development that includes more than one-quarter acre of surface parking on a lot or parcel must provide one of the following:

1. Installation of solar panels with a generation capacity of at least 0.5 kilowatt per parking space on the property. Panels may be located anywhere on the property. In lieu of installing solar panels on site, a fee in lieu may be paid in the order of \$1,500 per parking space in the development into a fund at the Oregon Department of Energy designated for equitable solar or wind energy development.
2. Actions that comply with OAR 330-135-0010.
3. Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting and complies with the following:
  - a. Developments must provide street trees along driveways but are not required to provide them along drive aisles; and
  - b. Developments must provide street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities; and
  - c. Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building, and maintenance phases.

**19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS**

**19.607.1 Residential Driveways and Vehicle Parking Areas**

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for single detached dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, and residential homes in all zones, unless specifically stated otherwise.

**A. Dimensions**

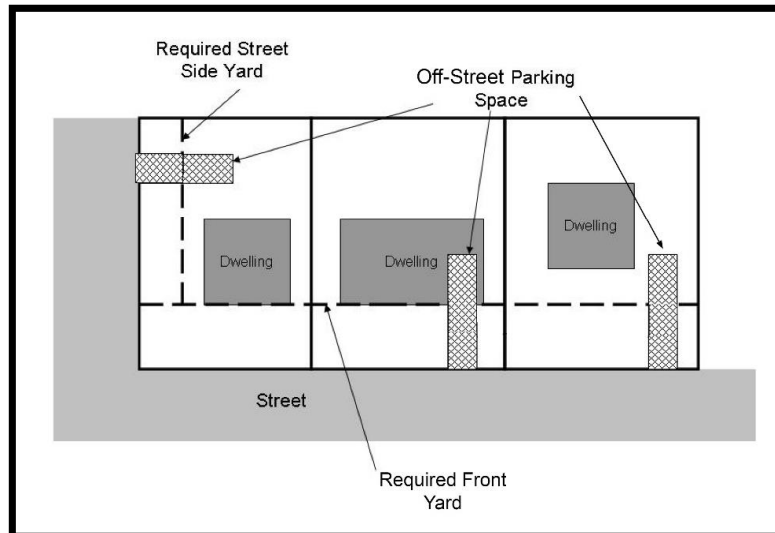
Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

**B. Location**

- ~~1. Off-street vehicle parking shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4. Tandem (end-to-end) parking is allowed for individual units.~~
12. No portion of an off-street parking space ~~the required parking space~~ is allowed within the following areas. ~~See Figure 19.607.1.A.1~~ ~~19.607.1.B.2.~~ These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.
  - a. Within an adjacent public street right-of-way or access easement.

- b. Over a public sidewalk.

**Figure 19.607.1.B.2**  
Parking Space Location



C. Parking Surface Materials

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

1. The following areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.

~~a. Required parking space(s).~~

~~a. b.~~ All vehicle parking spaces and maneuvering areas located within a required front or street-side yard. Areas for boat or RV parking outside of required front or street-side yards are exempt from this requirement and may be graveled.

~~b. e.~~ All off-street parking and maneuvering areas for an adult foster/care home. ~~residential home.~~

2. Maneuvering areas and ~~unrequired~~ parking areas that are outside of a required front or side yard are allowed to have a gravel surface.

**19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking**

Subsection 19.607.2 is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and recreational vehicles. The standards of Subsection 19.607.2 apply to off-street parking areas for cottage clusters, rowhouses, duplexes, ~~single-family~~ single detached dwellings, and residential homes in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored in the front yard or required street side yard on cottage cluster, rowhouse, duplex, ~~single-family~~ single detached dwelling, or residential home properties. Commercial vehicles may be present anywhere on these properties for up to 12 hours in 1 day if the vehicle is engaged in loading or unloading materials for a residence(s).

- B. Recreational vehicles and pleasure crafts on cottage cluster, rowhouse, duplex, ~~single-family~~ single detached, or residential home properties must comply with the following regulations:
1. On residential lots less than 1 acre, only 1 recreational vehicle or private pleasure craft that is not located in an enclosed structure such as a garage shall be allowed. Canoes and other crafts less than 12 ft long shall be exempt from this requirement. On lots larger than 1 acre, 1 additional recreational vehicle or private pleasure craft that is not located in an enclosed structure is allowed for each 1/2 acre of area over 1 acre.
  2. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a lot used for a cottage cluster, rowhouse, duplex, ~~single-family~~ single detached dwelling, or residential home.

**19.608 LOADING**

**19.608.2. Number of Loading Spaces**

The Planning Director Manager shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.

A. Residential Buildings

Buildings where all of the floor area is in residential use should meet the following standards:

1. Fewer than 50 dwelling units on a site that abuts a local street: no loading spaces required.
2. All other buildings: 1 loading space.

B. Nonresidential and Mixed-Use Buildings

Buildings where any floor area is in nonresidential uses should meet the following standards:

1. Less than 20,000 sq ft of total floor area: no loading spaces required.
2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.
3. More than 50,000 sq ft of total floor area: 2 loading spaces.

**19.609 BICYCLE PARKING**

**19.609.1 Applicability**

Bicycle parking shall be provided for all new commercial, industrial, community service use, middle housing, mixed-use, and multi-unit residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Region 2040 Town Center, and for Key Destinations (as described in OAR 660-012-360), and at transit centers. ~~Downtown Mixed Use Zone and at transit centers.~~

**19.609.2 Quantity of Spaces**

- A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.

## ATTACHMENT 1

1. Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum number of vehicle parking spaces provided. ~~required vehicle parking for the use.~~
  2. The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.
  3. Multi-unit residential and middle housing development with 4 or more units must provide one space per unit. Parking for cottage cluster developments is specified in Table 19.505.4.C.1.
- B. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:
1. When 10% or more of vehicle parking is covered.
  2. If more than 10 bicycle parking spaces are required.
  3. Multifamily residential and mixed-use development with 4 or more residential units.
  4. New office and institutional developments.

### 19.609.3 Space Standards and Racks

- A. ~~All bicycle racks shall have the following design features: The dimension of each bicycle parking space shall be a minimum of 2 x 6 ft. A 5-ft-wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.~~
1. The dimension of each bicycle parking space shall be a minimum of 2 x 6 ft. A 5-ft-wide access aisle must be provided
  2. If spaces are covered, 7 ft of overhead clearance must be provided.
  3. Bicycle racks shall be inverted "U" style or a similar design. Each rack shall provide each bicycle parking space with at least two points of contact for a standard bicycle frame.
  4. The rack must be designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.
  5. The rack must be securely anchored to the ground.
- B. Lighting shall conform to the standards of Subsection 19.606.3.F.

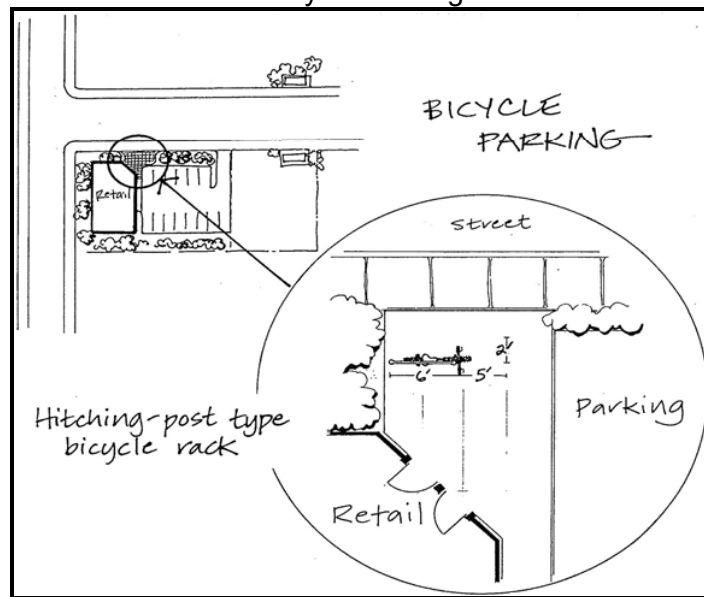
### 19.609.4 Location

- A. Bicycle parking facilities shall meet the following location requirements:
1. Located within 50 ft of the main building entrance.
  2. Closer to the entrance than the nearest non-ADA designated vehicle parking space.
  3. Designed to provide direct access to a public right-of-way.
  4. Dispersed for multiple entrances.
  5. In a location that is visible to building occupants or from the main parking lot.
  6. Designed not to impede pedestrians along sidewalks or public rights-of-way.
  7. Separated from vehicle parking areas by curbing or other similar physical barriers.

8. The location of the rack and subsequent parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions, such as walls.

- B. The public right-of-way may be utilized for bicycle parking when parking cannot be reasonably accommodated on the site and the location is convenient to the building's front entrance. The bicycle parking area in the right-of-way must leave a clear, unobstructed width of sidewalk that meets the Engineering Department's Public Works Standards for sidewalk passage. See Figure 19.609 for illustration of space and locational standards. A right-of-way permit is required.

**Figure 19.609**  
Bicycle Parking



(Ord. 2218 § 2 (Exh. B), 2022; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

**19.610 CARPOOL AND VANPOOL PARKING**

**19.610.2 Number of Spaces**

The number of carpool/vanpool parking spaces shall be at least 10% of the minimum amount of required parking spaces provided. ~~The minimum amount of required parking spaces shall take into account the reduction allowed by Subsection 19.605.3.B.4.~~

**19.611 PARKING STRUCTURES**

The purpose of Section 19.611 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking ~~that is required~~ for a specific use, or as a parking facility that is a use by itself.



**19.611.1 Permitted Zones and Review Procedures**

A. Parking structures, including underground parking, are allowed in all zoning districts except the moderate density and Open Space Zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the Open Space Zone. A parking structure to be used for commercial parking in the Downtown Mixed Use Zone must be permitted through approval of a conditional use application.

**19.611.2 Compliance with Other Sections of Chapter 19.600**

A. ~~Spaces in parking structures can be used to satisfy the minimum quantity requirements of Section 19.605.~~ Spaces in parking structures are exempt from counting against maximum parking allowances if the spaces are utilized for types of parking listed in Subsection 19.605.3.A.

**CHAPTER 19.900 LAND USE APPLICATIONS**

**19.901 INTRODUCTION**

Uses or development that are regulated by Titles 14, 17, and 19 of the Milwaukie Municipal Code shall submit and obtain approval for all required land use applications prior to establishment or construction. Table 19.901 below contains a complete list of the City’s land use applications and the location of the provisions that govern their submittal, review, and approval. It also identifies the review type(s) associated with each application type. The review type determines who is given notice about land use and development proposals, when the City has to make a decision on a land use application, and who makes the final decision. Descriptions of the different review types and the procedures associated with them are located in Chapter 19.1000. Decision makers for each review type are listed in Table 19.1001.5.

<b>Table 19.901 CONTINUED Land Use Applications</b>		
<b>Application Type</b>	<b>Municipal Code Location</b>	<b>Review Types</b>
Land Divisions:	Title 17	
Final Plat	Title 17	I
Lot Consolidation	Title 17	I
Partition	Title 17	II
Property Line Adjustment	Title 17	I, II
Replat	Title 17	I, II, III
Subdivision	Title 17	III
Middle Housing Land Division	Title 17	II
Miscellaneous:	Chapters 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Modification to Existing Approval	Section 19.909	I, II, III
Natural Resource Review	Section 19.402	I, II, III, V
Nonconforming Use Alteration	Chapter 19.804	III
Parking:	Chapter 19.600	
Quantity Determination	Subsection 19.605.2	II

ATTACHMENT 1

Quantity Modification	Subsection 19.605.2	II
<del>Shared Parking</del>	<del>Subsection 19.605.4</del>	<del>†</del>
Structured Parking	Section 19.611	II, III
Planned Development	Section 19.311	IV
Residential Dwellings:	Section 19.910	
Manufactured Dwelling Park	Subsection 19.910.3	III
Temporary Dwelling Unit	Subsection 19.910.4	I, III
Sign Review	Title 14	Varies
Transportation Facilities Review	Chapter 19.700	II
Variances:	Section 19.911	
Use Exception	Subsection 19.911.5	III
Variance	Subsection 19.911.1-4	II, III
Willamette Greenway Review	Section 19.401	III

**19.905 CONDITIONAL USES**

**19.905.5 Conditions of Approval**

The Planning Commission, or Planning Director in the case of minor modifications, may impose conditions of approval that are suitable and necessary to assure compatibility of the proposed use with other uses in the area and minimize and mitigate potential adverse impacts caused by the proposed use.

Conditions of approval may include, but are not limited to, the following aspects of the proposed use:

- A. Limiting the hours, days, place, and manner of operation.
- B. Requiring structure and site design features that minimize environmental impacts such as those caused by noise, vibration, air pollution, glare, odor, carbon emissions, and dust.
- C. Requiring additional front, rear, or side yard width.
- D. Limiting building height, size, or location or limiting lot coverage.
- E. Limiting or otherwise designating the size, number, or location of vehicle access points from the street.
- F. Requiring additional landscaping or screening of off-street parking and loading areas.
- G. Limiting or otherwise designating the location, intensity, and shielding of outdoor lighting.
- H. Requiring screening or landscaping for the protection of surrounding properties.
- I. Requiring and designating the size, height, location, and materials for fences.
- J. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.
- K. Requiring adequate public transportation facilities and public utilities prior to occupancy.
- ~~L. Requiring off street parking.~~

**19.910 RESIDENTIAL DWELLINGS**

**19.910.3 Manufactured Dwelling Parks**

D. Development Requirements

All manufactured dwelling parks shall meet the following minimum requirements:

7. Off-street parking and recreational vehicle parking shall be provided as per Chapter 19.600. ~~If 24-ft wide streets are constructed, an additional off-street parking space per each 2 manufactured dwelling spaces shall be provided as visitor spaces. These parking spaces shall be within 100 ft of the manufactured dwellings they serve.~~

## Attachment #2

# Pertinent Oregon Administrative Rules, CFEC Code Amendments

### 660-012-0405

#### **Parking Regulation Improvements**

(1) Cities and counties shall adopt land use regulations as provided in this section:

(a) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;

(b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities; and

(c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.

(2) Cities and counties shall adopt policies and land use regulations that allow and encourage the conversion of existing underused parking areas to other uses.

(3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

(4) Cities and counties shall adopt land use regulations for any new development that includes more than one-quarter acre of surface parking on a lot or parcel as provided below:

(a) Developments must provide one of the following:

(A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per parking space on the property. Panels may be located anywhere on the property. In lieu of installing solar panels on site, cities may allow developers to pay \$1,500 per parking space in the development into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;

(B) Actions to comply with OAR 330-135-0010; or

(C) Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting.

## ATTACHMENT 1

(b) Developments must provide street trees along driveways but are not required to provide them along drive aisles; and

(c) Developments must provide street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities.

(d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases.

(e) In providing trees under subsections (a), (b) and (c), the following standards shall be met. The tree spacing and species planted must be designed to maintain a continuous canopy. Local codes must provide clear and objective standards to achieve such a canopy. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for planting and tree care no lower than 2021 American National Standards Institute A300 standards, and a process to ensure ongoing compliance with tree planting and maintenance provisions.

(5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

**Statutory/Other Authority:** ORS 197.040

**Statutes/Other Implemented:** ORS 197.012 & ORS 197.712

**History:**

[LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022](#)

[LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022](#)

### **660-012-0630**

#### **Bicycle Parking**

(1) Cities and counties shall require and plan for adequate parking to meet the increasing need for travel by bicycle and other small-scale mobility devices.

(2) Cities and counties shall require covered, secure bicycle parking for all new multifamily development or mixed-use development of four residential units or more, and new office and institutional developments. Such bicycle parking must include at least one bicycle parking space for each residential unit.

(3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle parking shall be located within a short distance from the main retail entrance.

(4) Cities and counties shall require bicycle parking for all major transit stations and park-and-ride lots.

(5) Cities and counties shall require bicycle parking in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.

## ATTACHMENT 1

(6) Cities and counties shall allow and provide for parking and ancillary facilities for shared bicycles or other small-scale mobility devices in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.

(7) Cities and counties shall require bicycle parking for any land use where off-street motor vehicle parking is mandated. The minimum number of bicycle parking spaces shall be no less than the greater of:

(a) Twice the number of mandated motor vehicle parking spaces, raised to the power of 0.7, rounded to the next highest whole number; or

(b) As otherwise provided in this rule.

(8) Cities and counties shall ensure that all bicycle parking provided must:

(a) Allow ways to secure at least two points on a bicycle;

(b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions;

(c) Be in a location that is convenient and well-lit; and

(d) Include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.

**Statutory/Other Authority:** ORS 197.040

**Statutes/Other Implemented:** ORS 197.012 & ORS 197.712

**History:**

[LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022](#)

[LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022](#)