

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
June 7, 2021

(Meeting held via "Zoom" due to COVID-19 and practicing social distancing to stay in compliance with the Executive Orders Issued by Governor Kate Brown)

The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:45 pm on June 7, 2021 for the purpose of discussing questions on agenda items.

Those participating were Commissioners Myra Sherwin, Brenna Moore, Wes Koklich, Frank Millar, Mary Ward, and Chair Nathan Lyon.

Staff participants included City Planner Laurel Sweeney and Planning Assistant Cassidy Harris.

Citizen participants included Paul Seaquist, Laura Nielson, and Russ Arbuckle.

No members of the press were present.

No action was taken.

The study session adjourned at 6:59 p.m.

The Planning Commission meeting was called to order on Monday, June 7, 2021 virtually via "Zoom" due to COVID-19 and practicing social distancing at 7:00 p.m. by Chair Lyon.

Commissioners Participants: Chair Nathan Lyon, Commissioners Myra Sherwin, Wes Koklich, Brenna Moore, Mary Ward, and Frank Millar were present. Commissioner Contreras was absent with an unexcused absence.

Staff Participants: City Planner Laurel Sweeney and Planning Assistant Cassidy Harris were present.

Citizens Participants: Paul Seaquist, 684 College St. Milton-Freewater, Laura Nielson with Trails West RV Park, 1420 S Main St. Milton-Freewater, and Russ Arbuckle with AE Engineering, 1906 Willow Bridge Ct. Normal, Illinois 61761.

The minutes of the March 1, 2021 meeting were approved as written.

Citizen Concerns: None shared.

The hearing was then opened for the consideration of the request from Fernando Jimenez for a Variance to allow reduced setbacks for the separation of a duplex into two single family homes located at 103 SE 6th Ave. and 608 S Columbia St., zoned R-2, Residential, Medium Density.

Rules for a public hearing were read. No members of the Commission abstained or disclosed ex parte contact. No audience member objected to any commissioners' right to participate in the public hearing. City Planner Laurel Sweeney stated that the notice of the hearing was published as required by law.

No written comments were received by the Planning Department.

City Planner Laurel Sweeney provided the staff report, which is printed below.

BACKGROUND

The subject site is currently a duplex. The houses were originally built in 1918 and 1920. Through the years, improvements and additions were made to the structures and they were joined. The owner of property would like to separate the duplex into two single family homes. In order to do this, variances for building setbacks and off-street parking required. Once the buildings are separated, they will meet Building Code separation requirements of 6 feet. However, a reduced rear yard setback and a reduced side yard setback are requested (Exhibit A). Additionally, a variance will be necessary for off-street parking due to the location of the Milton Ditch grate that runs along the north property line of 103 SW 6th.

CODE PROVISIONS

10-4-3 (D) MINIMUM YARD DIMENSIONS

10-6-2 REQUIRED OFF STREET PARKING

10-10-5 CONDITIONS FOR GRANTING VARIANCE:

10-4-3 (D) Minimum Yard Dimensions

10-4-3 (D)(2)(b) Side yards: Minimum of six feet (6') on interior side, with both sides combining for a minimum of sixteen feet (16'). If garage, carport or driveway is located

on the property's street facing side yard, the minimum setback is twenty two feet (22'). If the garage, carport or driveway is not located on the property's street facing side yard, the minimum setback is ten feet (10').

FINDING: Currently there is no side yard setback because structure is a duplex. Once the duplex is separated, the minimum side yard setback will not be met. Therefore a variance has been requested.

10-4-3 (D)(2)(c) Rear yard: Eighteen feet (18').

FINDINGS: The duplex doesn't meet this standard. Once the duplex is separated, the structure will not meet this standard. Therefore a variance has been requested.

10-6-2 (A)(1) Required Off Street Parking

10-6-2 (A)(1) Single family requires 1 off street parking space per dwelling unit

FINDINGS: This standard is currently met. Once the duplex is separated, off street parking will be provided for one of the single family homes, but due to the Milton Ditch that runs along the SW 6th, off street parking will not be provided for the other. Therefore a variance is requested.

10-10-5 Conditions for Granting Variance

All variances other than minor setback variances shall be heard by the Planning Commission in accordance with Level III processing procedures.

In granting a variance, the Planning Commission shall find that the following conditions have been met:

- (A) Exceptional or extraordinary circumstances apply to the property itself such as lot size, shape, or topography, which do not apply generally to other properties in the same zone or vicinity and result from a situation over which the applicant has no control.

Findings: The houses and subsequent duplex was built back in the 1920's. By separating the duplex, two detached homes will be possible on existing lots. The conversion of the single family homes into a duplex happened prior to the current zoning code adoption. The owners would like to separate the duplex to provide two single family homes. The age and original conversion of the homes would satisfy this criterion.

(B) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

Findings: There are numerous properties in the area that contain structures that are built at less than the current setbacks. Strict application of the controlling ordinance would deprive the property owner of privileges enjoyed by other property in the vicinity and under an identical zoning classification and the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and same zone in which the subject property is situated.

(C) The granting of the proposed variance will not be materially detrimental to property within the vicinity in respects such as public safety, traffic, noise, health and sanitation, and hours of operation. The granting of a variance shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district.

Findings: Granting of the variance would have no impact on the congestion of area streets and does not appear to have any adverse impacts on the neighborhood. Staff finds this variance will not provide a special privilege to this property.

(D) It must be shown that a material hardship unwarranted within the intent of this ordinance will exist if the variance is not granted, and that the hardship cannot be remedied by other means. The hardship demonstrated must not be self-created, and must relate to the land itself and not to problems personal to the applicant. The variance permitted shall be the minimum variance which will alleviate the hardship.

Findings: The configuration of the duplex and underlying lots presents a somewhat unique circumstance. Due to the fact that the home was constructed before the existing setbacks were in place, and given the size of the lot and the configuration of the duplex, it presents a situation over which applicant had no control. Approval of the request will allow the applicant to separate the duplex and create two single family homes. The Applicant is requesting the smallest amount of variance to allow the separation of the duplex and the creation of two single family detached homes on separate sellable lots.

GENERAL COMMENT

The granting of the variance would allow applicant a further opportunity to improve the property while creating two single family detached homes.

STAFF RECOMMENDATION

Staff recommends allowing the creation of two single family detached homes by granting the variances for reduced site and rear setbacks reduction of the off street parking.

All those in support of the application were invited to speak. No one testified.

All those in opposition of the application were invited to speak. No one testified.

Chair Lyon asked if the Commissioners wished to ask any questions amongst themselves.

Commissioner Sherwin asked City Planner, Laurel Sweeney, if the original property had two separate single family homes built on it, in which the reply was yes.

Chair Lyon asked City Planner, Laurel Sweeney, if there will be six feet between the two residences, in which her reply was yes.

The Public hearing was declared closed.

Commissioner Sherwin made a motion to accept the staff report, the findings, and to approve the Variance request. The motion was seconded by Commissioner Millar. Commissioners Sherwin, Moore, Koklich, Millar, Ward, and Chair Lyon voted in favor. The motion carried 6-0.

The next hearing was then opened for the consideration of the request from Kenneth Jenkins/Superior Storage LLC for a Conditional Use Permit to allow the construction of RV and general storage located at 150 Sykes Blvd., zoned BM, Business Park.

Rules for a public hearing that were read previously remained in effect.

No members of the Commission abstained or disclosed ex parte contact. No audience member objected to any commissioners' right to participate in the public hearing. City Planner Laurel Sweeney stated that the notice of the hearing was published as required by law.

No written comments were received by the Planning Department.

City Planner Laurel Sweeney provided the staff report, which is printed below.

BACKGROUND

The applicant, Kenneth Jenkins is applying for a conditional use permit so that he is able to develop RV and general storage with individual bays and roll up doors. The project is proposed to be built in 3 phases. Phase 1 will be the site work. Phase 2 will consist of 4 large and 4 small buildings with bays, fire line, security fence and swale. Phase 3 will include 4 large building and the remainder of the small buildings and the rest of the site improvements. The project was reviewed by the Site Plan Review committee with comments transmitted to the applicant via email. The comments are attached to this Staff Report. The development of the property will be required to meet the BP zone development standards.

CODE PROVISIONS

10-4-12 BUSINESS PARK (BP)

Although not specifically defined as a permitted use in the BP zone, the proposed use meets the intent of the BP zone. The intent of the zone is to provide land uses that provide a mix of professional offices, small businesses, other compatible commercial purposes and light industrial activities.

Findings: The proposed use will not be a detriment to the intent of the BP zone. It is similar to other uses permitted in the zone.

10-9-6 GENERAL CRITERIA (CONDITIONAL USE PERMITS)

10-9-6: A conditional use permit may be granted after development of findings which show that the following general criteria, and any specific standards applicable to the proposed use, have been met. This section will apply unless excluded from consideration for specific uses in Section 10-9-7.

- (A) The proposal has properly addressed traffic flow on the subject parcel, and interaction with public streets adjacent to the property as regards width and pavement type sufficient to carry the quantity and kind of traffic generated by the use.

Findings: Access to the site is proposed via an existing driveway on Key Boulevard. Due to the limited traffic generated by storage facilities, the proposed use would not have much of an overall impact to Key Boulevard or other adjacent streets.

(B) The subject parcel is of sufficient size and shape to permit proper operation of the use including necessary landscaping to buffer parking and any anticipated expansion.

Findings: The size of the parcel allows for ample operation of the use. Access to the site is off Key Boulevard. Physical buffers and is proposed around the perimeters of the site. The project will be phased and beyond the phasing there is not any anticipated expansion.

(C) The overall design and operation of the use such that it is reasonably compatible with the livability or appropriate development of adjacent property and the neighborhood as regards public safety, traffic, noise, hours of operation and health and safety.

Findings: The properties to the south and east are zoned BP. North is I-M, Industrial Manufacturing. The property to the west is outside of city limits and is directly adjacent to HWY 11. The proposed use is reasonable compatible with the adjacent properties.

GENERAL COMMENT

The use is compatible with other uses in the BP zone. A facility to store RV's as well as general storage will provide an option other than parking the vehicles in neighborhoods.

STAFF RECOMMENDATION

Staff recommends approval of the request.

All those in support of the application were invited to speak. No one testified.

All those in opposition of the application were invited to speak. No one testified.

Chair Lyon asked if the Commissioners wish to ask any questions amongst themselves.

Commissioner Moore asked the Planning Commission if placing the proposed storage units would take away from the future business that could be built in the area.

Commissioner Sherwin stated she believes it would, but would like to ask the applicant more questions regarding his proposal.

Paul Seaquist stated that the use the applicant is proposing is almost identical to the Conditional Use Permit approved last month to Mr. Tim Jackson.

City Planner Laurel Sweeney agreed that both are similar in nature.

Commissioner Sherwin motioned to continue the hearing until the July 6th Planning Commission meeting so questions can be answered by Kenneth Jenkins. The motion was seconded by Commissioner Millar. Commissioners Sherwin, Moore, Koklich, Millar, Ward, and Chair Lyon voted in favor. The motion carried 6-0.

The next hearing was then opened for the consideration of the request from AE Architecture & Design Inc. for a Conditional Use Permit to allow a restaurant to serve to persons other than those seated inside the structure located at 124 S Columbia St., zoned C-2, General Commercial.

Rules for a public hearing that were read previously remained in effect.

No members of the Commission abstained or disclosed ex parte contact. No audience member objected to any commissioners' right to participate in the public hearing. City Planner Laurel Sweeney stated that the notice of the hearing was published as required by law.

No written comments were received by the Planning Department.

City Planner Laurel Sweeney provided the staff report, which is printed below.

BACKGROUND

The applicant, EA Architecture & Design, Inc. is applying for a conditional use permit on behalf of Taco Bell for a restaurant with service to persons other than those seated inside the structure. The proposal includes a drive through with a menu board. The Site Plan Review Committee reviewed the submittal and the comments are attached.

CODE PROVISIONS

10-4-8 C-2 GENERAL COMMERCIAL

10-9-6 GENERAL CRITERIA (CONDITIONAL USE PERMITS)

10-9-7 SPECIFIC STANDARDS (CONDITIONAL USE PERMITS)

10-4-8(C) C-2 Conditional Uses

The following conditional uses are permitted in accordance with level III application procedures:

- Restaurant with service to persons other than those seated inside the structure.

In permitting a new conditional use or the alteration or extension of an existing conditional use, the planning commission shall use the following considerations in review of applications:

1. Conformance with the goals and policies of the comprehensive plan and the standards and policies of the zone.

FINDINGS: The proposal is in conformance with the goals outlined in the comprehensive plan. Additionally, the proposal meets the development standards of the C-2 zone.

2. Compatibility of the conditional use with the surrounding area or neighborhood in terms of lot size, building height, or bulk, traffic circulation, parking, provision of signs, buffering, screening, landscaping, open space, control of smoke, glare, noise or hours of operation.

Findings: The proposed use is consistent with the intent of the C-2 zone. It is similar to other uses permitted in the zone.

10-9-6 GENERAL CRITERIA (CONDITIONAL USE PERMITS)

10-9-6: A conditional use permit may be granted after development of findings which show that the following general criteria, and any specific standards applicable to the proposed use, have been met. This section will apply unless excluded from consideration for specific uses in Section 10-9-7.

- (A) The proposal has properly addressed traffic flow on the subject parcel, and interaction with public streets adjacent to the property as regards width and pavement type sufficient to carry the quantity and kind of traffic generated by the use.

Findings: The proposed use is a restaurant with a drive through. Access to the site is via Highway 11. A highway is designed to accommodate a large number of vehicles and is sufficient to carry the traffic that will be generated as a result of the proposed use.

- (B) The subject parcel is of sufficient size and shape to permit proper operation of the use including necessary landscaping to buffer parking and any anticipated expansion.

Findings: The size of the parcel allows for ample operation of the use. The site is surrounded with commercially zoned property. It is likely that the adjacent uses will be similar in nature so buffering will not be necessary. There is no anticipated expansion.

- (C) The overall design and operation of the use such that it is reasonably compatible with the livability or appropriate development of adjacent property and the neighborhood as regards public safety, traffic, noise, hours of operation and health and safety.

Findings: The properties surrounding the site are all zoned C-2. Immediately to the north, west and east the properties are currently undeveloped. Across the highway to the east is a commercial business (Don Jackson Excavation LLC's headquarters). Noise that will be generated as a result of the use will occur between the hours of 8 am and 1pm. The volume of the menu board is adjustable from the base station located inside the building. The proposed use is reasonable compatible with the uses in the area.

10-9-7: SPECIFIC STANDARDS:

Conditional uses listed below must meet the standards which are specified for that use, as well as the general criteria prescribed in section [10-9-6](#) of this chapter.

E. Commercial Amusement Facility Not Wholly Enclosed, Or Restaurant with Outdoor Service:

1. All required parking shall be paved.

FINDINGS: The proposal will meet this standard.

2. Lighting shall be directed away from adjacent property.

FINDINGS: The proposal will meet this standard.

3. The property shall be fenced on the sides and rear.

FINDINGS: If necessary, the applicant will provide the fence. Because the zoning surrounding the property is C-2, a fence may not be necessary.

4. The premises shall be kept free of litter. Accumulation of litter on the premises or surrounding property shall be a violation of the conditional use permit.

FINDINGS: The applicant will meet with standard.

GENERAL COMMENT

The property has been vacant for many years. The proposed project is a good use of property and a great opportunity for a new business in Milton-Freewater.

STAFF RECOMMENDATION

Staff recommends approval of the request.

The applicant was then invited to speak.

Russ Arbuckle introduced himself and stated that there was an error in the findings. The restaurant hours of operation would be around 8 a.m. to 1 a.m. He then asked the Commissioners if they had any questions.

All those in support of the application were invited to speak.

Paul Seaquist asked the applicant if EA Architecture & Design were planning to use the entire property for the proposed restaurant.

Russ Arbuckle explained that a land subdivision to divide the property into two parcels is currently in progress. The Taco Bell portion would be on the north portion of the site. The remaining C-2 portion would be available for sale.

Paul Seaquist asked if the property would be brought up to road level.

Russ Arbuckle replied that the property would be brought up some, but it would not be flush with the sidewalk.

All those in opposition of the application were invited to speak. No one testified.

Chair Lyon asked if the Commissioners wish to ask the applicant.

Commissioner Koklich asked if there are any prospects for any other development in the vacant divided portion of the property.

Russ Arbuckle stated no at this moment. Pacific Bells has not closed on the parcel. Presuming that the Conditional Use Permit passed, they would then close on the lot and then it would be available for sale.

Commissioner Moore asked the City Planner, Laurel Sweeney, with how busy local drive thru businesses are in the area, how much traffic consideration was given for future use.

City Planner Laurel Sweeney stated that the City of Milton-Freewater does not require traffic impact analysis to be done. Most uses are small in nature. If there were issues in the future, when new proposals come in, we would look at it a bit more at the traffic numbers to see what the impact could be of additional uses beyond this business.

Russ Arbuckle then stated that AE Architectural & Design had to submit a traffic analysis to the State of Oregon, which is in review.

The Public hearing was declared closed.

Commissioner Millar motioned to accept the staff report, the findings, and to approve the Conditional Use Permit. The motion was seconded by Commissioner Sherwin. Commissioners Sherwin, Moore, Koklich, Millar, Ward, and Chair Lyon voted in favor. The motion carried 6-0.

City Planner Laurel Sweeney presented the Administrative Actions of the Planning Department.

City Planner Laurel Sweeney stated that since March, the City had approved 14 new homes. She then provided the Planning Commission with an informational plan from

Vista Ridge subdivision. She explained that they have been working on the final plat design. What has been proposed is still in conformance with the preliminary plat, except for lot 5 which will be a future phase.

Chair Lyon asked if there will need to be infrastructure built for the four proposed lots.

City Planner Laurel Sweeney explained that they will need to place water, sewer, and electricity in, but the road already exists.

Commissioner Sherwin asked City Planner Laurel Sweeney when the Commission would be meeting in person, in which the response was hopefully next month in July.

The meeting was adjourned at 8:00 p.m.