

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
December 6, 2021

The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:30 pm on December 6, 2021 for the purpose of discussing questions on agenda items.

Those present were Commissioners Myra Sherwin, Frank Millar, Lupe Contreras, and Chair Nathan Lyon. Commissioner Mary Ward was participating via phone.

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

No action was taken.

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

The Planning Commission meeting was called to order on Monday, December 6, 2021 in the Albee Room of the City Library, 8 SW 8th Avenue Milton-Freewater, OR 97862 at 7:00 p.m. by Chair Lyon.

Commissioners Present: Chair Nathan Lyon, Commissioners Myra Sherwin, Frank Millar, and Lupe Contreras were present. Commissioner Mary Ward was participating via phone.

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

Citizens Participants: Steve Syrcle – 11358 N Government Way Hayden, Idaho 83835; Sherry Widmer with the Valley Herald – 109 NE 5th Avenue; Ed Pearson – 1264 Stonewood Court; Carolyn & Kelly Hahn – 250 Powell Rd; James Trump – 1124 N Main St.; Dana Lammers – 83811 Chuckhole Ln.; Barry Weis – 84112 Eastside Rd.; Mark Grant – Prescott, WA; Chris Wallace – 801 S Main St, Bob Stimmel – address was not included.

The minutes of the October 4, 2021 meeting were approved as written.

Citizen Concerns: None shared.

The public hearing was then opened for the consideration request from Marilee Goebel to allow a small production boutique winery located at 101 W Broadway.

Rules for a public hearing were read. No members of the Commission abstained or disclosed ex parte contact. No audience member objected to any commissioner's 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, Marilee Goebel is planning on leasing approximately 200 square feet of the 2,384 square foot building previously known as Nature's Garden for a small production boutique winery. The portion that will be rented within the building has its own separate entrance and on street parking is available. There will be no machinery noise and no retail operations. The applicant has indicated that at this stage, the business plan is for small production of handmade wines.

CODE PROVISIONS

10-4-7 C-1 RETAIL & SERVICE COMMERCIAL

A commercial use not listed in the C-1 section of the code may be reviewed via the conditional use process for appropriateness in the zone. The requested use is similar to other uses identified as permitted in the zone.

Findings: The proposed use will not be a detriment to the intent of the C-1 zone. It is a less intense use and 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 will occur in a small portion of the existing building. The owner of the business will be the only person coming and going. Because of this, the amount of traffic that would be generated by the proposed use would not have much of an overall impact on the existing road adjacent to the building (East Broadway and South Ward).

- (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: An existing building is the proposed site for the use. All infrastructure is in place as a result of prior businesses. The size of the parcel allows for ample operation of the use. There should be no customers coming and going and there is ample parking for the employees. 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 immediately to the west are zoned C-1 directly to the north and to the east is R-3 zoned property. All work done in conjunction with the business will be done inside the existing building; visibility from adjacent parcels should be limited. There should be no noise associated with the use. Additionally, the equipment that will be worked on will be stored within the building. The proposed use is reasonably compatible with the adjacent properties.

GENERAL COMMENT

The existing building has been empty for some time. This is a good opportunity to utilize an existing building in the community for a new business.

STAFF RECOMMENDATION

Staff recommends approval of the request.

The applicant was then invited to speak.

City Planner Laurel Sweeney stated that the applicant was in Seattle and wasn't able to be present at the meeting. Any questions from the Commissioners would be relayed to the applicant who would respond via phone.

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 had any questions for the applicant. Commissioners had no questions for the applicant.

The Public hearing was declared closed.

Commissioner Millar made a motion to accept the staff report and the findings of facts and made a motion the motion to approve the Conditional Use request from Marilee Goebel to allow a small production boutique winery. The motion was seconded by Commissioner Sherwin. Commissioner Sherwin, Millar, Contreras, Ward and Chair Lyon voted in favor. The motion carried 5-0.

The public hearing was then opened for the consideration request from Benchstone Estates (Dana Lammers), to allow temporary agriculture uses in an R-1 zone on property located on the west side of North Main and south of Powell Rd.

The rules for the Public Hearing remained the same as for the last hearing. No members of the Commission abstained or disclosed ex parte contact. No audience member objected to any commissioner's 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, Benchstone Estates, is requesting approval for temporary agricultural uses in an R-1 zone. The applicant proposes to have a vineyard on the parcel which would be devoted to growing grapes. A wine-tasting venue is not a part of the proposal. A perimeter fence as well as a decorative fence along North Main is included in their future plans.

CODE PROVISIONS

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 prior use of the parcel was agriculture and with the proposed use also being agriculture, there will not be an increased impact on adjacent streets. Seasonal agricultural workers will be the only traffic generated as a result of the 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: As there is no change in land use proposed, the site is of a sufficient size and shape for agricultural use. No expansion is anticipated.

(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 design and operation of the proposed vineyard is reasonably compatible with the residences immediately surrounding the site as well as relating to the nearby agricultural uses. With the seasonal nature of the farming work and the past use as an orchard, there should not be any substantial change in public safety, traffic and noise.

10-9-7(J) TEMPORARY AGRICULTURAL USES

1. Commercial cultivation of annuals are allowed in any zone by conditional use permit through a level III procedure, if in the opinion of the planning commission, the production of the crop will have no substantial adverse impact on adjacent properties.

Findings: The applicant has stated that they plan to use a phased approach to attain full build-out of the vineyard. Until the entire vineyard is fully planted, annual crops will be planted in the areas which are not being utilized as vineyard. The applicant has long term plans to install a perimeter sight obscuring fence as well as a decorative fence along the N. Main frontage. These actions will help limit adverse impacts to adjacent properties.

2. In addition, by level III procedure, the planning commission may grant a conditional use permit for commercial perennial agriculture in any zone except I-

M, if in the opinion of the planning commission, there will be no substantial adverse impact on adjacent properties.

Findings: Grapes vines are considered a perennial crop to be grown for commercial purposes. Zoning for the site is R-1. As mentioned previously, the applicant has long term plans to install a perimeter sight obscuring fence as well as a decorative fence along the N. Main frontage. These actions will help limit adverse impacts to adjacent properties.

3. Perennial agriculture is not allowed in I-M zone. (Ord. 714, 8-24-1987)

Findings: This section does not apply as the site is zoned R-1.

GENERAL COMMENT

The subject property has historically been used for agricultural purposes. To continue the agricultural land use until such time the owners either sell or develop the property for residential seems reasonable.

STAFF RECOMMENDATION

Staff recommends approval of the request.

The applicant was then invited to speak.

Dana Lammers of 83811 Chuckhole Lane stated that the project is just a continuation of the farming that was currently on the property.

Commissioner Sherwin asked, in years, how long it would be before grapes were present on the property.

Lammers replied that it could take five to six years to get everything planted. They are considering an acre a year and possibly the first year developing two acres. It might be late to get everything planted by this next spring, so the company may delay a year.

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 any of the Commissioners has any more questions.

Commissioner Millar asked City Planner Laurel Sweeney that with the calls she received in her office, did anyone have any official comments or opposition of the project.

City Planner Laurel Sweeney stated that a couple of people stopped into the Planning Department and wondered what the application entailed. Nothing was submitted in writing and no specific concerns were discussed.

Commissioner Millar asked if fencing was a requirement for the area.

City Planner Laurel Sweeney replied that fencing is not a requirement and the applicant can choose to place fencing. There is also an existing fence between Stonewood Court and the subject property.

Commissioner Contreras asked if there would be any complaints from adjacent neighbors due to noise and traffic.

Lammers stated that there would have been a lot more noise in the previous orchard compared to the proposed vineyard. He included that constructing a fence would possibly buffer any complaints from nearby neighbors. There would be a crew of workers on the property 20 to 30 days out of the year. They try and limit their working hours to daylight. Lammers said that equipment is used a few days out of the year when spraying is needed and in the first year to develop the land. He included that the vineyards he manages in Walla Walla and the vineyards he owns in Oregon, the crew usually starts work at 8 a.m. or 9 a.m., with the exception of harvest.

Chair Lyon asked the applicant if there is fencing around the vineyards he owns and manages in Washington and Oregon. Lammers replied yes, due to deer.

Chair Lyon then asked if the vineyards that are located in Walla Walla are within city limits. Lammers replied no.

Chair Lyon stated that because the subject property is located within Milton-Freewater city limits, it would be a good idea to place a fence to keep people out of the area.

Lammers agreed and stated that it would also limit the company's liability.

Milton-Freewater resident, Kelly Hahn at 250 Powell Rd, asked about water rights in the area and if the development of this property would alter with the water.

Lammers stated that to his knowledge, the irrigation ditch flows underground, up the middle of the road. The applicant is planning to leave the road through the middle of the property, planting around the road, and leaving a 25 foot gap over the top.

The Public hearing was declared closed.

Commissioner Millar made a motion to accept the staff report and the findings of fact and made a motion to approve the Conditional Use request from Benchstone Estates (Dana Lammers), to allow temporary agriculture uses in an R-1 zone. The motion was seconded by Commissioner Sherwin. Commissioner Sherwin, Millar, Contreras, Ward and Chair Lyon voted in favor. The motion carried 5-0.

The public hearing was then opened for the consideration request from All American Garage – Milton, LLC to allow the construction of a privately owned garage community located on the south hill area adjacent to HWY 11.

The rules for the Public Hearing remained the same as for the last hearing. No members of the Commission abstained or disclosed ex parte contact. No audience member objected to any commissioner's 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, All American Garages – Milton LLC (AGG) is proposing an 81 unit garage condominium community on approximately 7.5 acres. The concept of a condominium garage is for a storage solution for the owners' personal recreational vehicles, motor boats, personal watercrafts, collector cars, motorcycles, etc. The garages will range in size. A clubhouse will also be provided for the unit owners' use. The project will be phased, based on market demand.

The project was reviewed twice by the Site Plan Review committee with comments transmitted to the applicant via email. The comments are attached to this Staff Report. All of the comments have been addressed except for two remaining comments from Public Works.

1. Garbage dumpster details need to be worked out regarding garbage location and design.
2. One additional water valve shall be provided in the new right of way being created. The private fire service shall begin just beyond the valves at each end of the right of way so no easement to be provided for private water main.

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, as well as other conditional uses permits.

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 two driveways. One will be from Key Boulevard, the other from existing driveway from a proposed

new street. It is anticipated that there will be limited traffic generated by the storage facilities so impacts Key Boulevard and by providing a new street adjacent to the facility, this criteria has been met.

- (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. Two points of access to the site are proposed. Physical buffers and landscaping are 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 north and south are zoned BP. To the east is RM (Residential Mixed Use) and west is R-2 (Residential Medium Density). Due to the buffers, landscaping and topography, visibility of the project should be somewhat mitigated. Noise should also be limited to vehicles accessing the site. Public safety should be enhanced by the provision lights and security cameras. The proposed use is reasonable compatible with the adjacent properties.

GENERAL COMMENT

The use is compatible with other uses in the BP zone. This is a unique concept for storage/hobbies.

STAFF RECOMMENDATION

Staff recommends approval of the request with the condition that all site plan review comments are addressed.

The applicant was then invited to speak.

Berry Weis of 84112 Eastside Road, stated that he is the managing member for Key Boulevard Estates on the South Hill. He thanked the Commissioners and staff for allowing the presentation of their project. Weis continued to say that the group started this project about a year ago, right before the COVID-19 pandemic. At that time, there was push-back about the project and they also had difficulty bringing sewer to the project, but were able to develop it. Weis continued to say that at first, when speaking with the City staff, the group realized how important the subject property is to the community. In regards to Key Boulevard, the group promised the city that whatever was built on the hill, it would be great and that it would make the City proud. Weis explained that the group put a lot of thought into the project and visited several examples of the project. He introduced Steve Syrcle as the engineer of the project.

Steve Syrcle with Tri-State Consulting Engineers – 11358 N Government Way Hayden, ID 83835 introduced himself. He stated that he is the engineer for this project and created the All American Garage franchise. All American Garage has two existing locations that are still in the conceptual design stage. One is located in Hayden, Idaho and the other is located in Cle Elum, Washington. These locations were strategically picked because they front along state highways. Therefore it gives the business great exposure without having to direct the customer through interior residential streets. Syrcle also thanked City Planner Laurel Sweeney and staff for their time and commitment to giving Site Plan Review comments for the project. Syrcle stated that the group has looked through the Staff Report and they do not have any comments or concerns that need to be addressed.

Syrcle stated that the members of All American Garage are three officers including Syrcle, an internal professional land surveyor, and a corporate attorney. Syrcle stated that he has represented developers across the Pacific Northwest for the better part of his professional career. He specializes in private sector development and has created successful subdivisions with residential and commercial components. He is from Oregon and went to school to receive his Bachelor's Degree in Southern Oregon. He included that he is licensed all over the Pacific Northwest and is also licensed in the state of Florida.

Syrcle stated that All American Garage is specifically designed and is a privately owned community development with more amenities than a normal two, three car garage in a residential subdivision. The company found that when developing subdivisions, that modern subdivisions restrict the permanent storage, through the homeowners association, of personal recreational vehicles, watercrafts, and extra cars, unless they are stored inside a two or three car garage, behind a fence, or in a yard. All American Garage would provide a safe; climate controlled indoor storage facility for

the entire community. To a lot of residents, the option to own a deeded garage unit without paying the monthly rental fees for a traditional storage unit is beneficial.

Syrcler then handed the Commissioners and staff an enlarged site plan of the proposed project. This document was included for the record. He also prepared a slideshow presentation, which was also collected for the record.

Syrcler continued to state that the group is proposing to construct 81 separate garage storage units that will vary in size, ranging from 20 by 40 feet (units labeled G and F on the provided site map), up to 24 by 60 feet (units labeled B and D). Each one of the structures will be all steel material, with the interior walls being non load bearing demising walls. The proposed clubhouse is labeled A on the provided site map. That building will have a private lounge area with couches, chairs, a small kitchen, and full bathrooms with shower facilities for the owners. The club house will also have an outside side covered porch with a seating area and a barbeque bar for private group events. The clubhouse will also be used as a meeting area for the unit owners to conduct monthly business affairs. The clubhouse, access areas, landscaped areas will be recognized as common space in the condominium plat and will only be maintained by the condominium home association. Each garage unit owner will automatically be a member of the association. Annual dues will be collected to ensure the site features are adequately maintained. The architectural review committee will have some control in restrictions. The HOA and the CC & R's are similar to most subdivisions in having those restrictions and having a control board.

Syrcler stated that each owner may want to customize their units such as installing a loft, car lifts, and possibly upgrading power supply for RV parking. Certain upgrades may require permitting through the City of Milton-Freewater for code compliance. The CC & R's, which were provided to city staff, specifically state that certain improvements have to have city approval for code compliance.

Syrcler continued to state that one of the conditions required by the City of Milton-Freewater were the trash collection locations and design for the project. Syrcler pointed out four trash collection locations on the site map. He explained that the trash enclosures are three sided brick faced structures that have a swinging chain link gate in the front with site obscuring slats. Also included in the CC & R's, it states no outdoor parking for the units for a long period of time. The HOA fees will pay for the garbage service collection. Syrcler then stated that the second condition from the city was the location of fire hydrants. He pointed out several hydrant locations on the site map that would meet the city's requirements.

Syrcler proceeded with his slideshow presentation to show examples of the proposed All American Garage units. He provided a 3D rendering of a proposed structure. Syrcler

explained the visual position of the rendering was at the viewpoint of the intersection of Lewis Circle and Key Boulevard. Syrcle pointed out the location of an entry monument sign and an American flag that will be illuminated. Syrcle then presented a rendering of an aerial view of the proposed clubhouse structure on the property. Syrcle did not include the outdoor covered portion of the clubhouse in the specific slide.

Syrcle presented to the Commission a visual graph that represents the residential housing market with respect to the stock market and storage units from 1988 to 2014.

Syrcle then presented to the Commission PowerPoint slides that provide a visual representation and examples of what this project might look like. The images presented were downloaded by Syrcle. He again explained that the structure is freestanding and that if a customer wants to buy two units he or she could combine the units. He stated that if their budget allows, he would like to have a rock face, a roll up door, and a man door for each one of the units.

Commissioner Sherwin asked if there was a shower provided in the clubhouse for the unit owners, if that would encourage people to live in their motorhomes and storage units.

Syrcle stated that within their CC & R's, it specifically does not allow people to live in their RV's and units. The shower idea comes from the thought of a "man cave", where people could be working on vehicles and would like to clean up and shower before going home.

Sherwin asked if the electric hookups in the facility would be for RVs. Syrcle confirmed.

Syrcle also stated that no flowing water will be inside the units.

Commissioner Millar asked the applicant if running a business out of the unit would not be approved in the facilities CC & R's.

Syrcle confirmed. He stated that there is language in their CC & R's that state no businesses can be run out of any units. The units are for personal use and All American Garage does not allow business to be conducted within a unit.

Commissioner Millar asked if this project alike the All American Garage projects in Cle Elum, Washington and Haden Idaho and if the CC & R's are the same. Syrcle stated that was correct.

Commissioner Millar asked how long those storage units have been in place.

Syrclé stated that the units are under the design phase and construction. He stated that with approval, Milton-Freewater would be the first All American Garage facility completed.

Commissioner Millar asked if this project is just as big as the other two projects in Cle Elum and Hayden.

Syrclé stated the project in Hayden is 7.2 acres in size and the project in Cle Elum is about 6.75 acres.

Commissioner Millar wanted confirmation on the size of structures B, C, and D shown on the site map.

Syrclé stated that C measured out to be 24 by 50 feet and B and D were 24 by 60 feet.

Commissioner asked how much would the units being rented out for.

Syrclé stated the units would not be rented. Although, the owner does have the ability to rent or lease out their owned space. If that were to happen, the renter must also comply with the CC & R's.

Commissioner Millar then stated that as a customer, they would go and pay for the individual storage unit. Syrclé confirmed.

Chair Lyon stated that he could see a storage unit facility like this being constructed in Hayden, Idaho because it is a large community. Chair Lyon then asked if Cle Elum is larger than Milton-Freewater. Syrclé stated that Cle Elum is not that big.

Commissioner Millar added that Cle Elum is also a summer resort area.

Syrclé agreed that Cle Elum is a summer resort area but added that the Milton-Freewater area brings in many people in for its wine production.

Chair Lyon then asked if there were any studies done to figure out whether this project would work in this community or is there just thought that this project will work.

Syrclé stated they have looked and thought very hard about the project and he strongly believes that this project will work very well. Their plan shows the project will be done in phases so they do not disappoint. With the amount of traffic on Highway 11 and the location, Syrclé believes the project will be very successful.

Chair Lyon asked who would be on the control board and how will that be ran.

Syrclé stated himself along with Weis and his group as well as an architect. He stated that when the project is built out, typically the owners take over the control board seats.

Commissioner Sherwin stated that the owners will own the storage unit and the property inside, but not the land the unit sits on. Syrcle confirmed.

Syrcle explained that once a customer owns one of the eight units in one building, that customer would be an eighth owner of the building, but would be part owner of the entire complex. All of the common area, the landscaping, the water meters system, and the club house. The unit owners own a portion of that.

Syrcle then explained that ultimately there will be 81 members of the Architectural Review Committee. There will be officers that are appointed.

Commissioner Millar stated that the ownership would be like a homeowners association and that the homeowners are responsible for the upkeep and maintenance of the facility. Commissioner Millar then asked the applicant if the developers are not responsible for the area once it is purchased.

Syrcle explained that they will stay in control of the area because the company will be the majority owner of the units until the project gets to a certain point and they are either being asked by the owners to step down or they company will elect someone to take over and run the area. He again stated that they will be involved until the project is built out.

Chair Lyon asked if it is the owner's responsibility to make sure the garbage is out for the truck to pick up.

Syrcle confirmed.

Syrcle added that the company wants to extend Lewis Circle. That road will be the main access to the storage unit facility. They are not planning to fence in their development because it restricts the police from patrolling the area. They find that there is more vandalism because of that. Syrcle stated they are installing security camera on all the buildings along with downward lighting.

Chair Lyon asked who is placing the new road.

Syrcle stated that developer will be placing the road. They will not be connecting to Highway 11.

Chair Lyon asked the applicant if units will have to go to the control board of the facility before they can build anything structurally inside the units.

Syrcle explained that unit owners will have to get City approval before building.

City Planner Laurel Sweeney corrected Syrcle in stating that unit owners will have to get approval from Oregon State Building codes because they City of Milton-Freewater does not issue structural permits.

Commissioner Millar asked the applicant what would prevent an owner of a unit from starting a classic car shop.

Syrcle asked Commissioner Millar if the classic car shop would be a business selling cars and Commissioner Millar confirmed.

Syrcle stated that the owner could fix up cars, but not as a business. The CC & R's will address that.

Commissioner Millar confirmed that the owner of the unit must own the vehicle he/she is working on. Syrcle confirmed.

Commissioner Millar asked if those rules would be governed by the owner of the property or the HOA.

Syrcle stated the HOA would govern those rules. Each unit owner will have to sign an agreement, agreeing to the terms and conditions of the CC & R's.

Commissioner Millar asked City Planner Laurel Sweeney if the City has a way to prevent unit owners from conducting business in their storage units. City Planner Laurel Sweeney stated no.

Syrcle gave the Commission an example of a business using the units as storage, but not conducting business out of the unit.

Chair Lyon asked the applicant how many units the business plans to start with.

Syrcle stated that it officially has not been decided. Phase one will be extending Lewis Circle, constructing the clubhouse and units H, B, I, and G that were shown on the site map. He explained that the business needs enough inventories to offset the costs of construction.

Commissioner Millar asked if the group was planning to build south to north.

Syrcle confirmed, but stated that the storm water facility will need to be built first.

Chair Lyon asked if the storm water, the infrastructure, electrical, water, and sewer for the clubhouse will all be placed first.

Syrcle confirmed.

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.

Skip York at 404 Pierce stated that he is not in opposition of the project, but had some questions for the applicant.

York asked the applicant if the structures that will be built will look exactly like the units presented in Syrcle's slideshow presentation.

Syrcle confirmed. He stated that the facility will start taking reservations immediately, because the project is market driven, that will help the group know how many units will need to be built. Once all the units in a building are reserved, the group will pull a building permit. They will do the infrastructure all at once, because they have to have storm water taking care of the north.

York asked that when it snows, will the unit owners at the time have to pay for snow removal.

Syrcle stated that the unit owners will pay for snow removal. Syrcle explained that if there are only three unit owners at the time, the remaining 78 owners would technically be the developers. They will also have to be paying for that removal.

York asked if each unit has their own electrical meter.

Syrcle confirmed. He explained that at the end of the units there will be "doghouse" meters and each unit will have their own meter.

York asked the applicant how much each unit will cost.

Syrcle stated that the smaller units will be priced closer to \$100,000 and the larger units will be market driven. He stated that based on history, they are sold from \$115,000 to \$175,000.

Chair Lyon asked if any of the Commissioners has any more questions.

The Public hearing was declared closed.

Commissioner Sherwin made a motion to accept the staff report and the findings of fact and made a motion to approve the Conditional Use request from All American Garage with the conditions that all site plan review comments are addressed. The motion was seconded by Commissioner Millar. Commissioner Sherwin, Millar, Contreras, Ward voted in favor. Chair Lyon voted against. The motion carried 4-1.

The public hearing was then opened for the consideration request from Fire Inc., for ambulance and associated facilities located at 719 NE 5th Avenue.

The rules for the Public Hearing remained the same as for the last hearing. No members of the Commission abstained or disclosed ex parte contact. No audience member objected to any commissioner's right to participate in the public hearing.

Due to the applicant only including one of the two subject parcels on their application, the public hearing notification was only sent to the adjacent property owners of map and taxlot 5N3501BC02400. Notification will be sent out to both parcels per code requirements.

No written comments were received by the Planning Department.

City Planner Laurel Sweeney did not present the staff report but suggested that a motion be made to continue this public hearing to the January 3rd, 2022 meeting. With the continuation, the Planning Department can expand the public notification to include two parcels instead of just one parcel that was originally advertised as reflected on the Land Use Application.

Commissioner Sherwin motioned that the Commission continue the public hearing for Fire Inc., until the January 3rd, 2022 meeting, in order to properly advertise for both parcels. The motion was seconded by Commissioner Millar. Commissioner Sherwin, Millar, Contreras, Ward, and Chair Lyon voted in favor. The motioned carried 5-0.

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

Commissioner Ward had a questions about a few of the business licenses included on the Administrative Actions.

City Planner Laurel Sweeney stated that the City is working on getting O'Reilly's approved after processing through site review comments. City Planner Laurel Sweeney

included that there was an annexation that went before City Council and the subject property was annexed into city limits.

Chair Lyon asked City Planner Laurel Sweeney if O'Reilly's has an estimated construction start date.

City Planner Laurel Sweeney stated that she did not know of an estimated start date.

City Planner Laurel Sweeney stated that Taco Bell is making good progress.

The meeting was adjourned at 8:30 p.m.