

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
February 7, 2022

(Meeting held via "Zoom" due to COVID-19 and practicing social distancing)

The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:45 pm on February 7, 2022 for the purpose of discussing questions on agenda items.

Those present were Commissioners Myra Sherwin, Frank Millar, Mary Ward, and Chair Nathan Lyon.

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, February 7, 2022 virtually via "Zoom" due to COVID-19 and practicing social distancing at 7:00 p.m. by Chair Lyon.

Commissioners Present: Chair Nathan Lyon, Commissioners Myra Sherwin, Frank Millar, and Mary Ward were present. Commissioner Lupe Contreras was absent with an unexcused absence.

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; Christine Wallace representing Fire Inc. – 801 S Main Street; Tim Jackson – 1995 S Main Street; Barry Weis – 84112 Eastside Rd.; Paul Seaquist – 684 College Street.

The minutes of the December 6, 2021 meeting were approved as written.

Citizen Concerns: None shared.

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

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, Fire Inc., has submitted a conditional use permit applicant for a building for ambulances and associated facilities to be located at 719 NE 5th Avenue. The request was scheduled for the December 6, 2021 Planning Commission meeting. The public hearing was opened and continued to the January 3rd, 2022 Planning Commission because one parcel was listed on the application. An amended Land Use Application was submitted which listed two parcels as part of the request. In order to fulfill code requirement to notify all those property owners within 200 feet of the subject site (two parcels), the continuation was requested. Subsequently, the January 3rd, 2022 was cancelled due to weather concerns. The application was then re-advertised for the February 7, 2022 meeting.

A conceptual site plan was submitted with the application. If the conditional use permit is approved, the applicant will be required to go through the site plan review process prior to Zoning Permit approval.

CODE PROVISIONS

10-4-8(C) CONDITIONAL USES:

A commercial use not listed in the C-2 provisions may be reviewed via the conditional use process for appropriateness in the zone; in all instances, review will include consideration of subsections C1 and C2 of this section (see below).

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 the applications:

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

Findings: The request is in conformance with the comprehensive plan map and goals. Although not specifically defined as a permitted use in the C-2 zone, the proposed use meets the intent of the C-2 zone. The intent of the zone is to provide a broad range of commercial and service oriented land uses.

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: Although adjacent to Hwy 11, access to the site will be provided by NE 5th Avenue which is a major arterial. Site design aspects of the project will have to conform to the zoning standards, which includes: parking, building height, lot coverage, setbacks, landscaping, and storm water retention. By meeting code requirements for the zone, compatibility should be met.

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 property is bordered by Hwy. 11 and N. E. 5th Avenue. Hwy. 11 is a five lane paved state highway designed to carry traffic. Flow should not be an issue on the property based on the large size of the parcel. The amount of traffic that would be generated by this use would not have much of an overall impact on the adjoining street, which is a four lane state highway with a turn lane, and a total width of 100 feet.

(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 NE 5th Avenue. Physical buffers and landscaping will be provided as required by code. There is not any anticipated expansion at this time.

(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, south and west are also zoned C-2. The property to the east is zoned R-2, but is across the 5 lane highway. The proposed use is reasonably compatible with the adjacent properties.

STAFF RECOMMENDATION

Staff recommends approval of the request.

The applicant was then invited to speak.

Christine Wallace of 801 S Main Street, who was representing Fire Inc., stated that one of the reasons as to why the applicant wants to build an ambulance facility inside city limits is because almost 80% of the calls for ambulance services are within city limits. Having this facility inside city limits would decrease response time to calls within the city. Wallace explained that this facility would contain sleeping quarters so that the

ambulance crew can be on site, which would decrease their emergency response time. The building will be designed by architects, but the applicant wanted to make sure the building could be placed on the property before going to the expense and hiring a designer.

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 Sherwin made a motion to accept the staff report and the findings of facts and made a motion to approve the Conditional Use request from Fire Inc. to allow a building for ambulance and associated facilities. The motion was seconded by Commissioner Ward. Commissioner Sherwin, Ward, Millar, and Chair Lyon voted in favor. The motion carried 4-0.

The public hearing was then opened for the consideration request from Tim Jackson to allow a 6 foot fence in the front yard of the storage facility located at 1995 S Main Street.

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

While currently undeveloped, a Conditional Use Permit was approved March 1, 2021 to allow indoor and outdoor boat and RV storage with a security residence. The applicant, Tim Jackson would like to fence in the entire site with a six foot high fence; including the front yard (design of the fence is shown on the application – a wrought iron fence). Fencing and walls over 42 inches are not allowed in the front yards in the BP zone.

CODE PROVISIONS

10-4-12(C)(11) BUSINESS PARK DEVELOPMENT STANDARDS

10-10-5 CONDITIONS FOR GRANTING VARIANCE:

10-4-12(C)(11)

Fencing and Walls: Fencing and walls are allowed if they are attractive and placed appropriately.

Fencing and walls over forty two inches (42") are not allowed in the front yards.

Findings: The proposed fence height exceeds the allowed height and therefore applicant has applied for the variance.

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 extraordinary or exceptional circumstance that could apply to the subject property in this case relates to use of the property permitted by code. By meeting the requirements of the code for development of the site, it may be necessary to secure the site with a fence due to potential vandalism. Because the buildings will be set back from the street, and without any secure fencing, vandals can more easily access the property.

(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: Applicant feels the variance is necessary for preservation of his property rights based on potential vandalism. The granting of the variance would allow applicant to build a fence that will secure the property.

(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: The granting of the variance would not have a detrimental effect on traffic, noise, health and sanitation and hours of operation as the request for an eight foot high fence around the entire project does not impact these issues. Applicant's request would not appear to constitute a grant of special privilege.

(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: Because a 42 inch high fence in the front yard would not be high enough to deter unwanted people from entering the property, a hardship could be considered to exist.

STAFF RECOMMENDATION

Staff recommends granting the variance.

The applicant was then invited to speak.

Tim Jackson of 1995 S Main Street stated he had nothing to add following City Planner Laurel Sweeney's Staff Report.

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.

Commissioners had no questions for the applicant.

The Public hearing was declared closed.

Commissioner Ward made a motion to accept the staff report and the findings of fact and made a motion to approve the Variance request from Tim Jackson to allow a 6 foot fence in the front yard of his storage facility. The motion was seconded by Commissioner Sherwin. Commissioner Sherwin, Ward, Millar, and Chair Lyon voted in favor. The motion carried 4-0.

The public hearing was then opened for the consideration request from Legacy Land Development to allow the construction for a 4 lot preliminary subdivision, which is a re-plat, located in the south hill area adjacent to HWY 11 and south of Dunning Irrigation Supply.

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

This application is a re-plat of the business park portion of Key Boulevard Estates. When the original subdivision was completed, the subject property was one large lot. The applicant would like to further subdivide the 17.29 acre lot into 4 smaller lots ranging in size from 3.26 acres to 7.51 acres. The city's Land Development Codes stipulates that a replat be processed as a subdivision.

CODE PROVISIONS

11-3-6 DEVELOPMENT REVIEW CRITERIA

11-7-1 INFORMATION REQUIRED ON LAND DEVELOPMENT PLANS

PRELIMINARY PLAT - APPLICABLE CODE PROVISIONS

11-3-6: Development Review Criteria:

In conducting a public hearing for review of any development proposal subject to Level III procedure (Section 11-13-4), the Planning Commission shall review the proposal for conformance with the following items:

(1) Reports from members of the Technical Review Committee and such other agencies as have responded to the factors listed in Section 11-3-5 of this Chapter, which are as follows: (A) Preliminary plat requirements; (B) Conformance to zoning and Comprehensive Plan provisions with particular emphasis on the Public Facilities Plan; (C) Quantity and quality of existing or proposed water supply, adequacy of the existing or proposed sewage disposal system to support the projected population; or in the event that sub-surface sewage disposal is proposed for any of the parcels of the development, the capability of the soil for the proper long term support of such a system or systems; (D) Relationship to existing road network; and (E) Avoidance or remedy of possible adverse effects on the development by natural hazards. Land which is found to be technically unsuitable for development due to flooding, steep

slopes, rock formations or other features likely to be harmful to the safety and general health of the future residents, shall not be developed for building purposes unless adequate methods for overcoming these conditions are submitted by an appropriate state licensed engineer and approved by all agencies which regulate the technical unsuitability; (F) Recognition and remedy of unusual conditions of the property involved such as high water table, slope, bedrock, or other topographic or geologic conditions which might limit the capability to build on the land using ordinary and reasonable construction techniques..

Findings: The Site Plan Review/Technical Review Committee members reviewed the request. There were no comments.

(2) Tentative Subdivision Plan presentation as prescribed by Chapter 7 of this Title.

Findings: The preliminary plat is in conformance with Chapter 7 and satisfies this requirement.

(3) Statement to accompany Tentative Plan as required by Chapter 7.

Findings: All of the requirements of Chapter 7 relating to the preliminary plat have been satisfied.

(4) Public comments received by the Planning Department which relate only to the compliance of the proposal with items 1 through 3 of this subsection and the review factors of Section 11-3-5. Comments which do not address these items will not be considered in reaching a decision on the proposal.

Findings: Any correspondence or documents received by the Planning Department will be submitted for the Planning Commission's consideration at the time of the hearing.

11-7-1: Information Required on Land Development Plans (see attached):

Findings: The information required under this Chapter is contained either on the preliminary plat itself or the documents submitted with the plat, and therefore meets this requirement.

GENERAL COMMENT

The proposed subdivision provides smaller lots for business park development. Between preliminary and final plat approval, any public roads will be finalized, and included in the final plat. The All American Garages project, which included a conditional use permit recently approved by the Planning Commission, is proposed to be located on the large lot. By completing the subdivision, the lots can be sold for development.

STAFF RECOMMENDATION

Staff recommends approving the preliminary plat.

The applicant was then invited to speak.

Steven Syrcle of 11358 N Government Way in Hayden, Idaho, who was representing Legacy Land Development, stated that he and his clients reviewed the Staff Report prepared by City Planner Laurel Sweeney and supports the staff recommendation.

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 had any questions.

Chair Lyon asked City Planner Laurel Sweeney to confirm that the purpose of the re-plat is just to divide the one lot. City Planner Laurel Sweeney confirmed and added that there was a 17 acre lot and now the applicant wants to divide it into four smaller lots.

Chair Lyon asked City Planner Laurel Sweeney that if any changes happen on the three empty lots, the improvements would have to be approved through the City.

City Planner Laurel Sweeney agreed and explained that if someone wanted to develop one of the lots, we would verify that the proposal meets the Business Park regulations. If the proposal requires a Conditional Use Permit it would then be brought in front of the Planning Commission for approval.

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

No Commissioner had any questions.

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 Preliminary Plat from Legacy Land Development. The motion was seconded by Commissioner Ward. Commissioner Sherwin, Ward, Millar, and Chair Lyon voted in favor. The motion carried 4-0.

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

City Planner Laurel Sweeney stated that O'Reilly Auto Parts store was issued a Zoning Permit for the construction of the store.

City Planner Laurel Sweeney then stated that Taco Bell had submitted a Zoning Permit to amend their original design plan to include a drive-thru expansion.

The meeting was adjourned at 7:45 p.m.