

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
May 1, 2023

The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:30 pm on May 1, 2023 for the purpose of discussing questions on agenda items.

Those present were Commissioners Frank Millar, Wendy Harris, and Chair Nathan Lyon.

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

No action was taken.

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

The Planning Commission meeting was called to order on Monday, May 1, 2023 in the Albee Room of the City Library, 8 SW 8th Ave, Milton-Freewater, OR 97862 at 7:00 p.m. by Chair Lyon

Commissioners Present: Commissioners Frank Millar, Wendy Harris, and Chair Nathan Lyon were present.

Commissioners Absent: Commissioners Mary Ward and Myra Sherwin.

There are currently two commissioner positions vacant.

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

Citizens Participants: Nancy Martinez – 281 Powell Rd, Minerva Martinez – 128 SW 1st Ave, Wayne Larson – 53648 Cobb Rd, Jodi Emtman – 151 Bradley St. Walla Walla, Travis Trumbull – 54812 HWY 339, Sean Roloff – 83618 Chuckhole Ln.

Chair Lyon asked if there were any corrections or additions to the April 3, 2023 minutes. None were stated. All were in favor for approval. The minutes of the April 3, 2023 meeting were approved as written.

Citizen Concerns: None shared.

The public hearing was then opened for the Conditional Use request from Nancy Martinez to allow a venue for outdoor parties on property located at the southwest corner of the intersection of Hwy 11 and Cobb Road (6N3536C000601).

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 reports, which are printed below.

SITE DESCRIPTION

The subject property is located at the southwest corner of Hwy. 11 and Cobb Road. The lot size is approximately 1.81 acres. Currently it is undeveloped. It is not located within the City limits, but is located within the City's Urban Growth Boundary and is therefore under the City's jurisdiction. Zoning for the property is Retail Service Commercial (RSC). Adjacent zoning to the north and east is RSC, south is C-1, and west is Exclusive Farm Use (EFU).

BACKGROUND

The applicant would like to convert their undeveloped property into a venue for gatherings. Access to the venue is proposed from Cobb Road. A very preliminary site plan was submitted along with the Conditional Use 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

10-9-6 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: Hwy. 11 is a five-lane paved state highway near this location. The highway is designed to carry large volumes of traffic. Cobb Road is a paved two-lane road intersects with HWY 11. Access is proposed via Cobb Road. The amount of increased traffic that would be generated by the proposed use would not have much of an overall impact on the county road or state highway.

(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 maneuvering of vehicles and required parking spaces for the use. No anticipated expansion is planned 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 immediately adjacent are non-residential properties. Properties to the north and east are zoned Retail Service Commercial, south C-1 and west is EFU. These are all zoning designations that are compatible with the proposed use. Site design aspects of the project will have to conform to the

zoning standards which including parking, building height, lot coverage, setbacks, landscaping and storm water retention. By meeting code requirements, compatibility should be met.

(E) Commercial Amusement Facility Not Wholly Enclosed, Or Restaurant With Outdoor Service includes commercial amusement requirements that will apply to this application and will be reviewed for compliance with site plan review:

1. All required parking shall be paved.
2. Lighting shall be directed away from adjacent property.
3. The property shall be fenced on the sides and rear.
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. (Ord. 667, 9-24-1984)

GENERAL COMMENT

The proposed venue will bring a new business into the area and provide a use on what has been a vacant property.

STAFF RECOMMENDATION

Staff recommends allowing the conditional use permit subject to site plan review.

The applicant was then invited to speak.

Nancy Martinez of 281 Powell Rd stated that the property was purchase from Nancy Shaw about three years ago. The property was vacant but was completely fenced in by the applicant. There is an entrance to the property on Cobb Road and near the rear of Tino Painting located to the South of the subject property, which is owned by the applicant's husband and father-in-law. Martinez stated that family gatherings have happened at this location and problems never occurred. Martinez has had request

from family members as well as family friends to rent out the property for social gatherings, but has refrained from doing so. If the application is approved, Martinez would place a large dumpster on the property for garbage and it would be dumped every two weeks by Humber Refuse and Recycling. Smaller trashcans would be placed around the property would be. Martinez stated that as part of the rental contract, she would include that all garbage would need to be cleaned up before a deposit would be refunded. Martinez claimed that she has contacted the local Sherriff's office and would abide by the 11:00 pm curfew.

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.

Wayne Larson of 53648 Cobb Road asked that if this application is approved, will there be more patrol officers monitoring Cobb Road for speeding? Larson continued to say that the recent increase of traffic on the road has become problematic. Larson stated that he is not against the application, but suggests that more patrol be monitoring the area, especially due to the increase of traffic from this venue.

Jodi Emtman of 151 Bradley St. Walla Walla, Washington representing Roloff Farms stated that she submitted a letter via email earlier in the day that was not received by the Planning Department. Roloff Farms owns a large orchard to the west of the subject property. Emtman stated that one of the main concerns is garbage and littering on the property. Another concern that was stated was the idea that with a large group of people, some might wander off into the nearby orchard for various reasons including using it as a restroom. Damaged trees, damaged sprinklers, irrigation parts get stolen, as well as other safety issues could be a result of having unauthorized people wander into the orchard. Parking was another issue stated by Emtman. It is anticipated that the venue could be popular and busy, but with the expectancy that people may start to park alongside the orchard along Cobb Road as overflow parking. The orchard needs to be accessible to workers and their equipment at all times including nights and weekends. With the possibility of people parking along the orchard, it is a concern that the access may be blocked. Emtman continued to state that the Walla Walla Irrigation District delivers water through a pipeline irrigation ditch that goes between the orchard and the subject property, along the fence line. It then crosses through the property at an angle around where the venue parking area is being proposed. The pipeline then goes down Cobb Road to about Sunnyside Road. Emtman stated that it is a concern

knowing how paving, parking, and construction might affect the pipeline considering it was built in 1894 and its exact location is unknown. Emtman stated that there is an easement located on the property for that pipeline.

Commissioner Millar confirmed with the speaker that the pipeline is underground and is still being used.

Emtman continued to state that Roloff Farms are not for nor against the proposed plan, but are not sure if this property is right for the proposed use considering the location next to a highway and active orchard.

Commissioner Millar asked if the underground pipeline is on the Roloff Farms side of the property or the Martinez side of the property. Emtman did not know the exact location.

Commissioner Millar asked if there was an existing fence already located on the property. Emtman stated there was. It is had wooden poles with wire in between.

Another concern stated by Emtman is that Roloff Farms do not want large gaps in the fence making it easy for people to climb through the fence.

Commissioner Millar asked if there is a primary entrance into the orchard. Emtman stated that their entrance is right after the turn from highway 11 onto Cobb Road on the orchard property.

Chair Lyon asked if access into the orchard can be all along Cobb Road? Emtman said it can be, but they would need to make sure there is enough space for tractors to turn around, turn into the orchard, and space for picking and big bins.

Commissioner Millar asked the applicant what type of fence would be built. Martinez stated that a 6-foot fence is already placed on the property but they would include slats in the fence for privacy. Security cameras and additional lighting are planning to be placed on or near the dividing fence between Roloff orchard and the subject property.

Martinez addressed the parking concerns from Roloff Farms by stating that if there needs to be overflow parking, people will park at the Bisnett Insurance building because it is a well-lit paved parking lot and is closed on weekends.

Commissioner Harris asked the applicant if they are planning to limit the amount of people attending events on the property? Martinez replied that if the application is approved, they are planning to calculate the maximum number of cars that can safely fit on the property. They did an estimated measurement of 35 cars on a portion of the property, but still need to examine the south portion of the property. Martinez did not know the maximum occupancy.

Commissioner Harris asked the applicant is they were aware of the irrigation ditch easement across their subject property. Martinez stated piping can be seen poking out

above ground on the corner of their property. She intended to contact the Walla Walla Irrigation District (WWID) to see what could be done with the pipe, like paving or gravel being placed over the top.

City Planner Laurel Sweeney stated that paving over the pipeline can be tricky because it is an old pipe. When you start driving vehicles over an old pipe, it could collapse. City Planner Laurel Sweeney stated the City of Milton-Freewater would not have record of this easement, but Umatilla County might have record. The Planning Department could do some research and try to find record of the easement to hopefully locate the pipeline to make sure it wouldn't be impacted with the paving of the property.

Jodi Emtman stated that from her understanding, the pipeline goes diagonally across the subject property.

Travis Trumbull of 84812 Hwy 339 representing the Walla Walla Irrigation District stated that he doubts that the Planning Department will find any record of the easement located across the subject property. Trumbull stated that because this ditch is located within the Irrigation District and covered under ORS 535 and the Carrying Act, it would be considered a blanket easement. The primary concern of the WWID would be paving over the ditch. The WWID is in full support of rerouting the ditch or being apart of the Site Plan Approval process, but fully paving of the pipe is not an option. There are around 128 acres of land on that specific waterway and some of the most senior water rights in the valley.

City Planner Laurel Sweeney asked Trumbull if the WWID knows the location of the ditch.

Trumbull stated they are wanting to do their due diligence in locating the pipe, but it will take some time. This pipe is one of the oldest in our district and finding the exact location is a priority.

Chair Lyon asked Trumbull if this application were to be approved and the applicant wanted to move or redirect the pipe off their property, would the applicant be financially responsible. Trumbull confirmed.

Trumbull included that there are some grants that could be applied for but, the WWID is currently working on irrigation modernization projects, so this specific job would be part of a longer process.

City Planner Laurel Sweeney asked if the pipe only clips the corner of their property, could the applicant completely avoid that area, but still move forward with their project.

Trumbull stated that if both groups temporarily pause the projects and work together to find the pipe, see what the impact is, and revise the provided site plan, the Irrigation District would be in favor of that.

Sean Roloff of 83618 Chuckhole Lane asked the Commissioners if they each had received and read the send email from Jodi Emtman and Roloff Farms.

Chair Lyon stated that they hadn't, but would read it.

Roloff stated that he knew the Martinez family and acknowledged their successful business and proposed plan, but Roloff Farms had additional questions. Roloff Farms would want to know when events would be taking place at the proposed venue due to spraying pesticides and other materials in their orchard. Those procedures can happen at any time, any day, and need to be done in a timely manner. Getting notification of an event can be very helpful. Roloff Farms uses fan powered sprayers and they tend to have a bad reputation with the public. The unknown of what is being sprayed concerns people. Roloff stated that they have workers in the area and try to make things as safe as possible. Roloff continued to say that the pipeline located on the subject property is a big red flag. Both parties do not want to damage the pipe, so if both parties can come together, hopefully a solution will arise. Roloff stated he would like to know if there is a maximum occupancy, location, and plans for overflow parking. Even though this application is being heard in front of the City of Milton-Freewater, it is located outside of city limits and will be patrolled and enforced by Umatilla County and the Sherriff's office.

5 minutes was given to the Planning Commission to read the email submitted by Jodi Emtman with Roloff Farms.

Commissioner Millar stated that a lot of corporation between all parties will be needed to figure out the irrigation ditch problem. Commissioner Millar agreed with Mr. Roloff that when spraying land or orchards is a time sensitive situation and most people do not know what is being sprayed out of the tank, which can be concerning. Commissioner Millar stated that if trees could be planted between the orchard and the event venuw, it could reduce noise and drifting of chemicals from the orchard.

Commissioner Millar address Mr. Larson's concern with speeding traffic along Cobb Rd. Commissioner Millar suggested that the applicant could contact the Umatilla County Sherriff when events are scheduled could reduce people speeding on the road. The City of Milton-Freewater has no jurisdiction over these areas as it is outside the Milton-Freewater city limits.

Chair Lyon stated that when a vote is casted on the application, the Commission would be approving the Conditional Use Permit. The applicant would still need to submit their site plan with the Planning Department addressing conditions of the Planning Commission as well as other requirements before the final approval of the application.

Chair Lyon asked City Planner Laurel Sweeney if the Site Plan Review is a public forum so that Roloff Farms and the Walla Walla Irrigation District could have input on the plans.

City Planner Laurel Sweeney stated that it is up to the City of Milton-Freewater to make sure the applicant follows all code requirements. Knowing there are concerns with the two groups the Site Plan Review can be sent as an informative piece.

City Planner Laurel Sweeney then suggests that when the site plan is submitted, both parties and the Site Plan Review Committee can meet to make sure all concerns are addressed.

Travis Trumbull asked how the Conditional User Permit for the City of Milton-Freewater differ from the Umatilla County Conditional Use.

City Planner Laurel Sweeney stated that each Conditional Use Permit process is different and follows different sets of rules and requirements. She included that with the intergovernmental agreement with Umatilla County, the application would be based on city coding. The property is located outside Milton-Freewater city limits but falls inside of our Urban Growth Boundary, that specific property would then follow the Milton-Freewater City Code.

Travis Trumbull with the Walla Walla Irrigation District and Sean Roloff with Roloff Farms both express concern regarding the Site Plan approval process and requested to be a part of that review.

Trumbull asked who has ultimate say as to which code to follow. Trumbull explained that if one property was inside the city's UGB and an abutting property is outside city limits and the UGB, which code overrides the other.

City Planner Laurel Sweeney explained that they would each follow whichever code their jurisdiction is in.

City Planner Laurel Sweeney stated that this application was submitted to the County for review and no comments were made.

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

Commissioners had no questions for the applicant.

The Public hearing was declared closed.

Commissioner Harris motioned to approve the Conditional Use Permit submitted by Nancy Martinez with the condition that the Walla Walla Irrigation District and Roloff Farms be included in the site plan review process. Commissioner Millar seconded the motion. All were in favor. Motioned carried 3-0.

Commissioner Harris then motioned to approve the Staff Report and its findings. Commissioner Millar seconded the motion. All were in favor. Motion carried 3-0.

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

City Planner Laurel Sweeney stated that Vista Ridge has submitted their final plat for review for their subdivision north of Key Boulevard Estates.

Commissioner Millar asked if they had changed anything from the past plans.

City Planner Laurel Sweeney stated no. The applicant was working out water retention issues.

City Planner Laurel Sweeney stated that Andrew Brown and two other partners are starting a wine incubation and wine making studio in half of the old Sykes building. This is something that is needed because their current facility is at maximum compacity. What they are proposing to do is small so that people who are growing grapes and wanting to complete them in Oregon can do so and state that the wine was made in the Rocks District AVA on the front label.

Chair Lyon asked if this will be storage or just processing.

City Planner Laurel Sweeney stated that it would have small storage.

Commissioner Harris asked if people will have to lease the building to use it.

City Planner Laurel Sweeney confirmed. City Planner Laurel Sweeney stated that Tim Donahue who use to run the viticulture program at Walla Walla Community College has a vision to bring in educators and professionals to help individuals prepare a business

plan, help with bottling, and other educational wine help. City Planner Laurel Sweeney added that the building already has classrooms and offices. Part of the ideas it to build wine tasting areas and possibly food truck space.

The meeting was adjourned at 8:10 p.m.