

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
April 6, 2009

The Planning Commission meeting was called to order on Monday, April 6, 2009 in the Albee Room at the City Library at 7:00 p.m. by Chair Charlie Good.

Commissioners Present: Myra Sherwin, Scott Gilmore, Bob White, Nathan Lyon, Ben Silva and Chair Charlie Good were present. Carlotta Richardson was absent.

Staff Present: City Planner Gina Hartzheim; Planning Assistant Jennifer Cisneros

Citizens Present: Marge Roff, Goral LaPorte, Shane Hofer, Donna Stewart, Mike Onstot, Alice Meier, Delores Sailer, George Klein, Donald Arnzen, Lucy Kutcher, Richard Herman, Rachel Kutcher, Adolf Klein, Sam Hubbard, Randy Madsen, and Mike Hause.

The minutes of March 2, 2009 meeting were approved as written.

Citizen Concerns: Nothing to discuss.

The public hearing was then opened on the continuation of the request by Goral LaPorte on proposed amendment to the Comprehensive Plan Map from industrial to residential on property located at 409 Ward Street. Rules for the public hearing were read. Chair Good then asked if there was any member of the Commission that would like to abstain or disclose ex parte contact. Notice was published according to law. Two written comments are on file. The written comments were entered into the record at the beginning of the hearing of last month. There was one letter that was received by the estate of Dennis Widmer, which is the underlying owner of the subject property at 409 Ward. The estate has no objection to the comprehensive plan amendment and zoning code amendment. The second letter was also in support of the proposed changes. Marge Roff from Roff Real Estate indicated the need for multi-family dwelling units within the city.

Gina then gave the staff report. The first hearing on this property would relate to just the Comprehensive Plan Map Amendment that would be considering a change from residential to industrial on the subject property. The subject property is located at 409 Ward Street. Currently the applicant has an offer on the subject property. The current use of this property has been as an RV Park. The current use does not seem to be a real viable use for the property with low occupancy rates over the past several years, and has also been the site of some questionable activities. Applicant has filed the application for the amendments to allow for potential development of a four-plex on the subject property. Presently there are no structures or improvements located on the property other than City utilities that have been extended there. The property is bordered by a combination of industrial, commercial and public lands. The applicable criteria that would relate to the Comprehensive Plan Map amendment from the comprehensive plan is first an excerpt of Goal 9 which is the economy section of the

comprehensive plan indicating that the most recent commercial and industrial lands inventory does show that there is a surplus of industrial land within the city. In addition, based on the size of the subject property, which is approximately 17,000 sq. ft., this is not a size typically highly sought after for industrial use. Based upon the fact that the most recent adopted needs analysis adopted by the City shows there is an excess of industrial lands, amending the industrial designation will not have an adverse effect on the industrial land supply. The second goal in the Comprehensive Plan that is applicable in this case would be Goal 10 which would relate to housing needs within the city indicating that a full range of housing types at various price and rent levels be made available through the City's land use regulations. The Comprehensive Plan allows for one residential designation across all residentially zoned areas in the city, in order that, there may be a selection of the lowest density to highest density residential zones that could be available in the city. The request for amendment to a residential designation would be in conformance with this policy as it would allow a residentially zoned piece of property that could make available another range of rents or residential properties. Although there is currently a large amount of acreage with a residential designation within the Urban Growth Boundary, there is very little that is available land and readily developable.

The standards that need to be met that relate to the Code Provisions are whether or not there is a need which was improperly or inadequately addressed by the present ordinance. The development of the RV Park several years ago is an indication that an industrial designation is not necessarily an appropriate use of that property. This particular property has been used for residential use for many years. The prior owner had no desire to change the use or was the City ever approached for any other use other than what it is being used for. The proposal would allow residential development to occur on a piece of property that is currently being used in a residential fashion, and would be an improvement to the area. There was discussion at the staff meeting this morning relating to the proposed amendments and staff is still supportive and recommends that the Planning Commission recommend an amendment from industrial to residential on the subject property.

Chair Good invited the applicant to speak. Goral LaPorte addressed the Commission and said that the issue that was addressed at the last meeting was the issue of ammonia. He mentioned that he had done a lot of research on ammonia. He said that EPA monitors ammonia and these warehouses. The safety devices on ammonia, unless someone breaks a line down, will cause it to shut off. Most leaks now are caused by people trying to steal ammonia to make methamphetamine. EPA stresses that although mishandling of ammonia can cause harm there is no cause for undue alarm to its presence in the community. There is a safety device on Hansen's compressor that if it broke a line off it would shut itself off. Mr. LaPorte said he felt relatively safe on that and there is monitoring on ammonia there. The only reason there would be a problem if someone walked up and cut the line. The next thing that needs to be considered is what would happen if there was a spill and if it is zero degrees outside the spill could travel for many blocks. If it is ninety degrees outside it will go about fifteen feet and then go straight up. After studying and seeing what Hansen's have and their ammonia, he doesn't feel they are the problem. If there is a problem it would most likely be Garrett's and Brown's because that's where the ammonia would come from it was cooler outside.

They are monitored by EPA. The next issue that he has been fighting is the gang issue in the town and he feels that if he had houses in there and had a manager on site at that four-plex the gang issue could be monitored. Commissioner Sherwin asked if the manager was going to live on site. Mr. LaPorte agreed. Chair Good suggested sharing Mr. LaPorte's information on EPA precautions to the residents on the possibility of a leak. Mr. LaPorte thought it would be a good idea to inform the residents of the possible hazard. Commissioner Gilmore asked how many pounds are at the Hansen's plant. Mr. LaPorte stated that there is less than 1000 pounds, which is roughly 200 gallons. Commissioner Silva asked if there was a time frame on how the ammonia travels. Mr. LaPorte said that it is based on wind speed. He added that if there was a plume it would also affect the surrounding properties.

Chair Good then asked for any testimony in favor or in opposition to the proposal.

Mr. Mike Onstot stated that the situation could be worse. If a drunk were to crash into the oil tanks that would be more of a hazard. He added that he would also like to see the town grow and if somebody was going to invest money to build he was in support of the proposal.

Marge Roff stated that this development would be very positive addition to the City of Milton-Freewater and to remind us of the need for residential properties. She asks for the Planning Commission's endorsement of this request.

Chair Good then asked for testimony in opposition and there was none.

There being no further testimony either for or against the proposal Chair Good asked for any Commissioner Comments.

Commissioner Lyon asked if the Planning Commission were to approve the proposal and Mr. LaPorte builds and there is an accident if the City would be liable.

Gina stated that more than likely the property owner would be responsible, although, there is always the possibility in law suits that they would include anybody that they think would be liable.

Commissioner White said that ammonia is a lot more adverse than a fuel tank. That is a whole different scenario.

Sam Hubbard stated that he is a City Firefighter and is not for or against the project, but might have some input that could possibly be helpful. Ammonia is a lot denser than air and he suggested a barrier could contain it and push it down wind or let it evaporate and go up even before it gets there.

Mr. LaPorte said that by it being channeled it could give the residents more time to evacuate. His direct concern would be with Garrett's that has 100,000 pounds of ammonia, although they have assured him that they have safety devices in place to stop the flow.

Commissioner Silva asked what safety precautions Mr. LaPorte is planning to take.

Mr. LaPorte said that he thinks it is imperative that they put information packets together. He feels that everyone down wind should know about this potential hazard. The chances of having it aren't big, but it's better for people be informed.

Chair Good said that he also thinks that it is important to have a packet that would make the tenant aware of this potential hazard.

There being no further Commissioner comments Chair Good closed the hearing.

Commissioner White then made a motion to deny recommendation on proposed amendment to the Comprehensive Plan Map from industrial to residential on property located at 409 Ward Street. Commissioner Lyon seconded the motion.

The role call vote resulted in a tie vote for three against and three in favor of the motion. Therefore, the motion failed because it did not pass. It was a consensus that a motion to recommend approval of the amendment would also result in a tie.

Gina stated that by not recommending approving the amendment by voting in favor of the proposal, in essence it could be considered that the Planning Commission has recommended a denial of it due to the fact that there was not a majority vote in favor. At this point because there is not a majority vote in favor or against the proposal, the Planning Commission's recommendation would then be to have City Council consider this proposal.

Chair Good then opened the public hearing on the zone change request from I-M to R-3 on the subject property. The staff report and prior testimony from the previous hearing were all incorporated into the record.

Commissioner Sherwin then made a motion to approve the zoning map change from I-M to R-3 on the subject property at 409 Ward Street. Commissioner Gilmore seconded the motion.

The role call vote resulted in a tie vote for three against and three in favor of the motion. Therefore, the motion failed because it did not pass. Therefore, because there is not a majority vote in favor or against the proposal, the Planning Commission's recommendation would then be to have City Council consider this proposal.

The public hearing was then opened to discuss the variance application received from Saint Francis Catholic Church on 925 Vining for the allowing of reduction of paved parking requirement for a portion of the planned parking area for a proposed addition. Chair Good then asked if there was any member of the Commission that would like to abstain from or disclose ex parte contact. The notice was published according to law. One written comments are on file. One written comment was received by a property owner that has property facing on Lamb Street, which has a private drive adjacent to the subject property as it borders on Lamb Street. They just wanted to bring forth the concern that they don't want any kind of construction and traffic or private parties that

are using the driveway. In the past, there has been an issue with that in the neighborhood where people are walking through the property. They just wanted to make sure that their concern was made known to the church that there is a concern with this driveway which is on private property and should not be utilized by anyone else that is in conjunction with the project.

Before giving the staff report Gina stated that this application was brought forth in conjunction with an addition that is being planned by the church. The occupancy rating depending on people seated, sitting at tables or standing has some effect on what the required parking is required. In order to make sure that they made the deadline for the May Planning Commission meeting they have filed for a variance application to allow a reduction in the required parking if it appeared that it would be necessary while some of the formulas were still being worked out, with regard to some of the existing uses that are occurring in the present church building at this point.

Gina then gave the staff report. As is shown from the tax lot maps there are a considerable number of tax lots that are owned by the church presently. The total of all these tax lots consists of approximately two and one-half acres. There is a combination of zoning on this subject property of R-2 and R-3 property and it is surrounded also by a combination of R-2 and R-3 zoned property. The subject property currently contains a single family dwelling and the church. To the west of those buildings there is a soccer field and ball fields that are presently being used and have been for many years. The other immediate surrounding area is developed predominately with single family dwellings. The applicant is planning an addition to the church and was planning to pave approximately 130 spaces for parking. However, based on the high cost of fuel and asphalt existing at the present, they desire to only pave approximately half of the parking area, and improve the rest of the parking area with coated compacted gravel. In regard to the conditions for granting the variance one of the first criteria would be extraordinary or exceptional circumstances that could apply to the subject property or there is a situation where the applicant has no control over, in this case the Planning Commission could find that the applicant has no control over the cost of fuel and the cost of asphalt. This criteria could be found to have been met. The second criteria relates to preserving a property right of the applicant. The residentially zoned properties all throughout the city do allow for places of worship as an outright use so the proposed use would not be in conflict with current zoning. The third criteria relates to the whether or not the proposed variance would be materially detrimental to property with respects to public safety, traffic, noise, health and sanitation, and hours of operation. The plan the applicant is proposing would add approximately an additional 65 paved parking stalls to the property, which would reduce the need for on street parking that occurs during church services and other church activities. In addition, the basement area of the church will no longer be used once the new building is completed, due to the fact, that it is not handicapped accessible, so that square footage can be subtracted from the size of the new building, resulting in a net square footage to base required parking spaces. The fourth criteria is that it must be shown that a material hardship would exist if the variance is not granted, and that the hardship must not be self created. Based on the formula for required off-street parking, depending on the actual use being planned for the building, whether that be people seated, sitting at tables or standing. The applicant would be required to provide between 58-93 parking spaces for the addition. As the

applicant is proposing providing at least 65 additional spaces of paved parking, the parking situation will be greatly improved at the church, however, based on some conversations with residents in the neighborhood staff is not certain that the 65 spaces would be enough to alleviate the parking requirements especially with the new building. Staff would be in favor of a number that would be greater than the 65, some where in the neighborhood of 75 additional spaces. The applicant is desirous of providing compacted gravel to allow for overflow parking. Staff recommends allowing 75 additional spaces of paved parking and consideration be made whether or not to require paving of any over-flow parking or not.

Chair Good invited the applicant to speak. Mr. George Klein, the chairman of the building committee, addressed the Commission on behalf of the St. Francis Catholic Church. He said that the church desires to expand their Parish Hall. Their church is too small for their Hispanic mass at 12:30 p.m. and there is a need for additional space. Mr. Klein stated that for years they had been looking at buildings and a ground level hall because their basement is deep in the ground and it makes it hard on their senior members to attend any functions. In order to expand their church they would have to vacate the facilities to do that. The only options that they have would be to build somewhere else or worship somewhere else. To find a facility in this area where they can have masses would be very inconvenient. Mr. Klein stated that their goal of having a ground level hall would be to first build the hall so they can worship in the hall while they expand the church. It would be on the same premises which would make more sense because they would be reaching two goals at once. He said that they were told that they could build the hall, do the church expansion and then come back and build the parking lot. Initially they didn't know how much the parking lot was going to cost. Then in November when the draftsman plan the church members found out that the parking lot was going to cost \$225,000. Mr. Klein said that the price was way beyond their expenditures and it basically stopped the project. The church did try to reduce anything they could in the hall that would cut the cost down and tried to reduce the size of the parking lot. Their original parking started out with 56 parking stalls. The proposal that the draftsman originally presented to the Planning Commission increased the parking to 128 parking stalls. Mr. Klein added that it would be more reasonable to leave the existing parking spaces and add additional parking spaces. The draftsman then left existing parking there, added more parking spaces and that increased their parking to 140 parking spaces. Mr. Klein said that what they want to do is leave all the existing asphalt and pave additional spaces. If they have to put in all the parking stalls the draftsman designed then they will never get to their goal, which is to expand their Parish Hall. The hall's capacity is virtually equal to the space in their basement. Basically they are taking all their events that they have in their basement and moving it into the hall in the exact same footprint. They are moving one space to another space. They are not necessarily increasing the size of the church in number. In addition, they would be adding 65 parking spaces, but they are not increasing their activities more than they are now. Instead of putting compacted gravel in place of the grass, they would rather maintain the grass. They already are parking on the grass when there are large events. The grass doesn't create heat or dust like the gravel and it looks more pleasing to the eye. They will be reducing the parking on the street once they add the additional parking spaces.

Mr. Arnzen of 83860 Winesap Road said that the plan should be simple, economical and easy to maintain.

Mr. Hause of 916 Vining Street said that his main concern was on the issue of off-street parking. He mentioned that the 12:30 p.m. mass is packed with cars all clear down Vining Street and if there were a fire it would be very difficult to get a fire truck through there. He stated that if the church is going to add parking that it would be wonderful and very much appreciated.

Mr. Adolf Klein of 50036 Schubert Road said that the only difference in the plan would be that all the frills be taken out because they can't afford the original proposal. He added that there are members of the church who have lost their jobs and a lot of Hispanics that are not working this time of year. It's more of a financial situation.

Commissioner Gilmore asked if the frills would include none of the islands or the landscaping.

Mr. George Klein added that it would cost \$15,000 just in concrete curbing.

Gina stated that there are minimal requirements on landscaping that may need to be met before the plan is approved.

Mr. Hofer of 324 NW 10th Avenue had a concern on the gravel parking for over flow parking. The dust control is already an issue with the baseball diamond. He is in favor of the proposal for additional parking, but feels that by putting in islands is a lot of wasted money and space. His only concern would be the dust and the noise with the gravel, but if it is going to be paved he is okay with it.

Mr. Herman of 84669 Winesap stated that he was involved in building the first church. The problem that the church has is the basement. He added that they really need a hall that is ground level due to the elderly members of the church.

Chair Good summarized and said that what he is hearing is that by the expansion they are achieving a better handicap accessible facility and expand the parking lot by 65 spaces although it may not be completely adequate in order to meet the standards of the City, which may be an additional 10 spaces of parking or up to 93. Also the church is proposing instead of the gravel that the over flow would utilize the grass area.

Ms. Stewart of 421 Willow Street is representing her mother who has property at 1020 Lamb Street. Ms. Stewart said that her mother has a private driveway off of Lamb Street that goes clear back into the church's property. They have had a problem for years with people walking through there driveway, or on bicycles or motorcycles. Before they put up a fence, there were cars going through the private drive. They are concerned especially now that there is not going to be an entrance on Lamb street that there might be people going through the drive way. They have a sign posted that says private driveway and it is private property. Her concern would be that people would be cutting through the private drive way in order to get to the church.

Chair Good asked what the church could do to alleviate some of her concerns.

Ms. Stewart suggested putting some kind of a barrier to alleviate the access. Her mother is in assisted living and she is not in a position to build a fence.

Ms. Meier of 1102 Vining said that she is excited that the church wants to build and improve their property. Her concern is the parking on Vining Street. It's been an issue for years. That street is only 30 feet wide and people have a hard time getting out of their driveways a lot of times because of parking. When people are coming and going you can't get down the street. It takes 10 to 15 minutes to get to your house. She suggested if the City could prohibit parking from the edge of the parking lot to the church on the west side it would make it easier to get through, especially if there was a need for an emergency vehicle to get through. She feels that the church does need more parking and feels that the 65 would not serve that purpose.

Gina then asked Ms. Meier if she knew how often the neighbors park on the street on days when there aren't any services or activities. Ms. Meier said that usually there aren't any cars on that side of the street, but sometimes the neighbors that live on the east side park their car on the street or when they have company. It's not used that much except during services.

Mr. George Klein said that the changes they have made put parking spaces closer to the church. The original drawing had parking further away from the church, which if members, especially elderly, want to park close to the church they are going to park on the street versus parking in the parking lot. The present proposal would move people off the street more than the original proposal done by the draftsman.

Ms. Sailer of 1017 Vining Street said that she lives right next door to the parking of the church. She has had evenings that during an event or special occasion it has taken her fifteen minutes from 8th Avenue just to get home. She is concerned with children who are outside playing, that due to the traffic, it could cause a serious accident or death. During the summer months, there is a produce truck that parks outside and she has a hard time getting out of her driveway.

Mr. Arnzen said that they are doubling their parking, hoping to reduce parking on the street. They will have to tell their members to use the parking in the church rather than on the street.

There being no further testimony either in favor of or against the proposal Chair Good asked for Commissioner Comments.

Commissioner White commented that he is a part-time firefighter and when there is a fire call, down in that area, the fire truck has a hard time getting down those side streets, especially when there are activities going on. He added that if anything can be done to alleviate the off-street parking he is whole-heartedly in favor of it.

Commissioner Lyon asked the applicant where on the plan they were planning on putting the parking lot. He concluded that according to the drawing it looked like there was not enough room to put in 10 additional parking spaces.

Mr. George Klein agreed and said that unless they take out part of the grass then they could add parking.

Commissioner Lyon asked if the parking was going to be paved or gravel.

Mr. George Klein said that they would continue to pave.

Commissioner Sherwin asked the applicant if they could add ten more parking stalls on the grassy area.

Mr. George Klein said they could move it over and pull straight in. They would probably have to pave from the church out to that spot.

Commissioner Sherwin said that the city staff had recommended 75 parking stalls.

Mr. George Klein said that for the additional 10 spaces they would have to add more asphalt. They are trying to minimize the cost. He explained that they have more than doubled the parking and they realize that if they expand the capacity of the church they will have to add more parking stalls. Currently they are not expanding, but that is their goal and when they get there they will have to add additional parking stalls. The church will have to utilize that grassy area to add additional parking stalls.

Chair Good mentioned that what he is looking at is the expansion, and he understands that the applicant wants to save grass, but listening to the needs of the street and the constituents around that area, obviously getting that alleviated is going to take a great burden off the applicant. In order to meet the needs of the required parking it would put the applicant in that grass area. Even though the grassy area could be used as parking, it does not qualify as parking. He suggested perhaps the church put in gravel.

Mr. George Klein said that he sees gravel as a dust control issue. There would be less dust with grass than with gravel.

Gina stated that according to the standards gravel would be the same as grass because it is not to the standards. Based on the fact that they are using the grass right now it could be considered some kind of grandfathering, for a portion of the parking.

Mr. George Klein asked if there was any way to prohibit people from parking on the west side of Vining.

Gina said that Public Works could review whether or not there should be a no parking sign on the west side of the street. The Planning Commission does not have the authority to implement that.

Chair Good suggested a 30 day period which will allow the applicant to take into effect the concerns that the people have as to the issue of parking in front of the church and the concerns of the City. This would give the applicant some time to propose a possible solution that will meet everyone's needs.

Mr. George Klein asked if there were certain parking lot requirements.

Gina stated that there is a section in the code on parking and any required landscaping that would also apply.

Chair Good stated that at this time he would feel uncomfortable voting on this issue and suggested reviewing all the issues first before the Planning Commission considered accepting the findings for the variance. He said that he would also like to hear from the Public Works Department as well to see what they can do to better the situation. Chair Good stated that he realizes that the parking issue is a problem, therefore, he suggested that the applicant add somewhere in between 65 to 93 parking stalls which would alleviate some of the parking issues and suggested the applicant satisfy some of the concerns that the neighbors have. He added that now that the applicant is aware of the concerns of his neighbors and the City's concerns, the 30 days would give him enough time to address some of those concerns.

Commissioner White made the motion to continue the hearing at the next Planning Commission meeting in 30 days on May 4, 2009. Commissioner Sherwin seconded the motion and the motion passed unanimously.

There being no further comments Chair Good closed the hearing.

Administrative Actions: To be reviewed and discussed at the following Planning Commission meeting.

Comments: There were no Commissioner concerns.

Planning Updates: None.

There being no further discussion, the meeting was adjourned at 9:34 p.m.