

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
February 1, 2010

The Planning Commission meeting was called to order on Monday, February 1, 2010 in the Albee room at the city Library at 7:00 p.m. by Chair Charlie Good.

Commissioners Present: Commissioner Scott Gilmore, Chairman Charlie Good, Commissioner Nathan Lyon, Commissioner Myra Sherwin and Commissioner Bob White.

Absent: Commissioner Carlotta Richardson and Commissioner Ben Silva.

Staff Present: Planning Assistant Leah Gannon and City Planner Gina Hartzheim.

Citizens Present: Gary Luisi, Samantha Bates, Bob Purefoy, Don Purefoy, Van Voorhies, John Douglas, Chris Wallace, Roger and Lewine Cosner, Susan Fitzpatrick, Mike Brumbach, Bill Lewis, Paul Seaquist

Commissioner Gilmore, moved to approve the minutes for the December 7, 2009 meeting. Commissioner Sherwin seconded and the motion passed unanimously.

The public hearing was then opened to discuss the consideration of a conditional use permit from Bob Purefoy for construction of a 45 space RV Park located directly North of 123 S. Columbia, which is currently zoned as a C2 General commercial zone.

Chair Good read the rules for public hearings. Notice of the hearing was published according to law and there were written comments received. City Planner Gina Hartzheim then gave description of the content of the letters received. Several letters were received from neighbors to the subject property, Chan Hong Zhang General Partnership, Roger and Lewine Cosner, and John Douglas, regarding issues that they would like to have addressed. One would be concern about the Irrigation lines being damaged or interruptions to the water provided by the ditch and or irrigation lines. Second would be to request an eight foot high fence along the northeast and south boundaries of the subject property. The third is recognizing farming in the area and laws pertaining to the farming in the area, which should be followed. Letter from John Douglas that a fence should be a sight obscuring fence, and the shared domestic well is not be used for commercial purpose. He also has concerns about other RV Parks

currently in the city that are not at full capacity. Prior RV Park is now having an apartment building constructed and does not want to have the subject property to have the ability to do the same. He is concerned about his privacy with the RV Park or being allowed to construct any other type of rental units that would construct a two story or higher building that would give them view to his back yard. Mr. Douglas also has photos to submit of other existing parks in town that are the result of these parks not being at full capacity or maintained properly by the current owners. Photos were provided to the commission to view of other RV Parks in the area.

Planner Hartzheim then gave the staff report.

Chris Wallace asked to clarify that the proposed RV Park will be 54 spaces.

Planner Hartzheim acknowledged the error on the agenda, and stated with staff recommendations that were made the proposed plan would be less than 54 spaces. Subject property is located directly North of 123 S. Columbia (aka Highway 11), is accessed off of Highway 11, which is currently zoned as a C2 General commercial zone. Entire land is three and one half acres. Applicant feels the proposed upscale RV Park would be appropriate for the said property. Site plan review committee has also reviewed the proposal and has made some recommendations that were attached to the original staff report. Three different criteria that will apply to this conditional use permit are as follows. First is to address traffic flow to the parcel and public streets adjacent to the said property, regarding pavement width and type us sufficient for quantity of traffic generated by the use. There is an adequate amount of property to provide for a 24 ft wide driveway throughout the RV Park sufficient to handle RV traffic on the site. The property does border Highway 11, this is a four lane state highway, and has a middle turn lane with one hundred feet of right of way, making the highway sufficient to handle any additional traffic from the RV Park. Second is sufficient size and shape for proper use. As indicated there is ample amount of room for the RV's to travel through and back to the highway. Site plan review said to increase the green space, therefore reducing the amount of unit space in the park to 49 with no plans for increase in number of spaces anticipated by applicant at this time. Third is overall design and operation of the use is reasonably compatible with livability or appropriate development of adjacent property with regard to public health, safety, traffic, noise, and hours of operation. As stated before no plans for additional spaces at this time. RV parks are typically low noise use. Public safety with regards to fire safety will require two additional fire hydrants be constructed on site for adequate fire protection to be available to the tenants of the park. Public water and sewer will be available and extended to all the sites and therefore, they will be on city water and sewer. The City Planning Commission could choose to impose additional conditions if necessary in order to comply with this section. Site plan review

committee stated the water, sewer and electrical will be done through specified departments of the city and landscaping will be addressed at the time that the park is constructed and with that staff does recommend the approval of the project.

Chairman Good invited the applicant to speak.

Van Voorhies, Appellation Engineering, 46 Meadow Lark Lane, Touchet, WA is the developer for Bob Purefoy, and stated they had a few quick points. This will be a well kept up, attractive RV Park. The intent is to bring business to the local restaurants, stores, and local contractors. If it is not well maintained and attractive the Park will not be able to attract business as well. There are some questions about the existing fence, ditch and existing pipe. There is an existing six foot chain link fence from Hongs that goes back, through two additional properties, there is then a section of four foot fence on another property and then as you go on to the east and south side there is no fencing. There is an irrigation ditch that starts just a few inches inside the south east corner of the property and then as you come towards Highway 11 it diverges slightly away from it and there is about 400 feet of the ditch that is currently piped with an eight inch pipe. So virtually all of the spaces with the exception of about three are on the south west corner would be against this pipe ditch. Mr. Purefoy has rights to the water from said ditch and will be using the water for irrigation purposes for the business. With regard to joint well issues, there is some co ownership of the well water. Domestic well use will be minimal. Mr. Purefoy will be using city water and sewer to provide these services to the business. Bob Purefoy and he will be available for any questions.

Chair Good asked if the applicant himself would like to speak.

Bob stated he would prefer to hear from the other parties before he speaks so he can address any concerns they may have.

All supporting: None

All in opposition or who had any questions were invited to speak.

Gary Luisi, PO BOX 153, Hermiston, OR 97938, is a co-owner of the property adjacent to the south side of the property. First point is he does not know very much about the project. Will it be 45 or 54 due to the staff recommendations or conditions that will be placed on the proposal? Will they be constructing a fence? Will they pipe the irrigation ditch? These are concerns he wants to know exactly what is going to be done.

Chair Good asked if there was anyone else that would like to speak.

Roger Cosner: 901 NE 1st, stated he very cautiously wants to state he is not opposed completely, but wants to express his concerns. He has submitted a letter regarding his concerns. He claims he has been maintaining the ditch. Wants to know what the water is going to be used for from that ditch. His concern with the fence being constructed is he wants to have the ditch on the south side of the south fence. The property has been used for farming and the water from the ditch has been used to irrigate the farm on that property. The ditch is not fully piped and still needs to be finished. Mr. Cosner spoke with Don Luisi, brother to Gary Luisi, to see if it is ok to place fence there. Mr. Cosner stated at that point Don agreed. There is a water pipe that runs thru the middle of property from north to south that provides irrigation water to Mr. Cosner and his neighbor. Mr. Cosner wants to make sure this pipe will be protected during the construction of the RV Park. Mr. Cosner would like to know about the eight foot high fence from the northwest corner to the northeast corner, Mr. Cosner is requesting the fence be constructed on the survey line. At present the fence is not on the property line. He is requesting it to be eight feet with no gates. He has no desire for people to have access to his orchard or garden or to his property. He farms the property and wants to make sure he keeps the right to farm, as per the Oregon Right to Farm Laws, including the right to spray his crops, this has to be done when they have the opportunity. It is his opinion that the current parks at other locations should not be left the way they are at this time and wants the assurance that the park will be held to city ordinance.

John Douglas, 900 NE 1st Ave, neighbor to the north side of the property in question. Mr. Douglas wants to have a privacy fence constructed, he does not want people to view his private property or to have garbage thrown on his property. Mr. Douglas does not want to have apartments built on the property in question as well, because he does not want to have a two story building constructed due to privacy issues.

Bill Lewis, PO Box 635, his concerns are the visitors or renters of the space that will be bringing in recreational vehicles. Currently has people running up and down the dyke and his property, they are damaging his property and he has to make the repairs to the property when it is damaged. He does not want to have more traffic through his property and have to bear the expense of the repairs. Another concern is he needs to spray the crops, what is going to happen when you have renters in the RV Park?

Suzan Fitzpatrick, 906 NE 1st, wants an eight foot fence and does not want people on her property, does not want to have them in her pool, or thinking her pool is part of the park. She wants to know if he puts in an RV park how clean is it going to be. Mr. Purefoy has not kept the orchard clean, so how clean will he be keeping the park? Another concern is huge, tall street lights, or flood lights,

she does not want to have lights shining in their home or in their rooms when they are trying to sleep at night.

Gary Luisi: again wants to know what the conditions of use will be and wants to have more information on the property owner's intent. As it is a conditional use permit so, therefore some conditions can be placed on the property's use. Wants to have something sight obscuring. He is aware of the regulations for the zone to have a 6 foot fence and knows an eight foot fence is not permissible at this time with out special exceptions. Good fences make for good neighbors. Certainly wants to have a fence on the south side of the property. The people are not living in there full time. Wants to make sure the equipment on his property will be safe. Has a lot of expensive equipment on his property, if property is damaged or stolen by the renters of the spaces who will be here to be held accountable? Asks for a condition that the owner has a right to farm the property and will abide by the right to farm law. If the law is in the condition it will make it clear that the law will be abided by. Then the farmers will be protected by having the right to spray the crop or orchard. The neighbors are happy with the way things were and are not very happy with the changes Mr. Purefoy is proposing to make. Fence or sight obscuring is main concern fence should be on the survey line. Previous condition on the flood zone requirement the RV Park should say that the RV Park will comply with the flood zone requirement the ORS should be abided by as well in the conditions. He objects with the 180 day requirement for the Park. The traffic flow should be ok, but not so sure about the flow from the Highway to his property. And wants to know what the ODOT would be requiring as to the number of spaces on the property, and the access to the highway. Thought it should be detailed and covered in the proposal. As a condition wants to require the pipe be finished up to Highway 11. Requesting a six foot deterrent fence to be constructed along the south side, not necessarily sight obscuring.

Roger Cosner: Restated he wants to have a sight obscuring fence to keep his privacy. Wants to make sure he has the privacy due to the fact the RV's are tall and he wants to make sure they are not able to see over the six foot fence to keep his privacy.

Chair Good stated we all understand the six foot versus the eight foot, there are some issues involved. Understand the access and privacy. He would bar any more comments towards that, as this is being considered repetitious testimony. Please let us know if anyone has something different to discuss.

Mike Brumbach, stated he was born and raised in Milton-Freewater. He stated he is pro growth, concern he has is the track record for the Planning Commission. The same proposal was given by the other property owners. They do not keep the property up and has been looking like a dump. Made a makeshift add on to

the house out of ply wood and cardboard and put a wood stove. Then it burned down. Look at the RV parks that exist and then review the minutes and see what is happening now. Stated he does not trust the Planning Commission to hold these owners of the existing parks to abide by the codes. How can we move forward with another RV park with the building codes not being enforced at this time to the existing RV Parks? How can we keep adding more RV parks? Mr. Brumbach feels nothing has been done.

Chair Good then stated in fairness to his longevity to this community, there are also a lot of people in the Commission that have longevity here in this community as well. They are aware of the concerns he has expressed. The majority of the current Commissioners were not on the board at the time the other proposals were made. There are rules and regulations outside of the Planning Commission, the Planning Commission is an advisory board and cannot hear or do some of those things he is requesting. Those conditions and issues should be taken up with the code enforcement department here in Milton-Freewater. It is a very difficult situation to correct issues that have happened over the last forty years over night. We all share the same concerns as to the development of the community. With all of the concerns that have been heard we are here to find a medium that the land owners can live with and new developers can move into this community and improve all walks of life not only as a neighbor but in this town. Chair Good thanked him and at that point stated the applicant deserves an opportunity to address the issues.

Chris Wallace requested to take a break and allow the public to review the plans.

[7:56:49 PM](#) Recess.

Reconvene [8:05:20 PM](#)

Chair Good reconvened the hearing and Chris Wallace spoke.

Chris Wallace. 801 S. Main, represents Mr. Purefoy. There are issues with a pipe that runs north and south through the property and asks that the hearing be continued until next month. This is a serious issue that needs to be addressed that will make a big difference in the configuration of the spaces.

Chris Wallace did want to comment on some concerns. The proposal was submitted for 54 spaces. The site plan review reduces that a little bit. The eight foot fence is not allowable in this zoning; has to be six foot in this particular zone. Questions about the water rights, they will not stop the water flow and there can be a condition put in the plans. The right to farm is Oregon law. No question about that. The appearance of the park will be well maintained. The previous

parks are now mobile home parks not RV Parks. If there are code enforcement issues with the other parks those issues should be taken up with the city, not the Planning Commission. Mr. Purefoy will see about posting at the registration desk about the right to farm and possible spraying that will be done. Lights should be down directed and not showering. Will be low level lighting. Fencing will be as close as possible and fair to all parties of interest that the fence be placed as close to the survey line. Survey might need to be on Mr. Purefoy property. The concern with the current actual survey property line is located at the ditch. The northeast corner, the stake is missing, this was once there to distinguish the property line, are only pieces on the ground at this time. Need to have re stake again. The park access needs to be in accordance with ODOT. The pipe that runs through the center of the property has to be reviewed because the plans might have to be redrawn.

She asked to continue the hearing to re address the issues after they have time to reconsider the layout do to the pipe that runs thru the property from north to south.

Chair Good asked the Commission if there were any objections to continuing the meeting for thirty days.

Motion made to continue the discussion at the March first Meeting.
Commissioner Scott Gilmore seconded the motion. Motion passed unanimously.

City Planner Hartzheim would like to extend the election of officers to be continued to next month as well.

Chair Good stated he would like to go ahead with the elections.

Commissioner Gilmore made a motion to nominate Charlie Good for chair.
Commissioner Myra Sherwin seconded the motion.

Chair Good called for a vote; all in favor.

Motion passed unanimously.

Commissioner Sherwin motioned to nominated herself for Vice Chair,
Commissioner Lyon seconded the motion.

Motion passed unanimously.

Administrative actions: none

Chair Good inquired about the levee project and if Gina had any details for the Planning Commission at this time.

City Planner Hartzheim advised there is a tentative date from FEMA for February 5th regarding the letter for final determination. The city has six months to act on the new flood plain map after the date of the letter, and the city has to get a new flood plain map in effect. This also means property owners in that zone have six months to get insurance at the lower preferred rate if acquiring flood insurance pertains to the home owner. If there is a loan on the property that is a federally backed loan, the loan issuer, not the state, not city, not government, will require that the property have flood insurance. If the home owner wishes to make any additions or get any additional loans that the house would be collateral for the loan that is federally backed will require having the flood insurance. If the insurance is purchased within the certain time frame and if the house is sold there can be a transfer of the lower rate. If the house is built before 1978 or is constructed with a basement there is not a middle tier that will be available if they do not get the preferred risk insurance within the six month time frame. Understands that the Corps has agreed to re-inspect the levee to determine if there are any new deficiencies since their last inspection so that if there is a point there is some kind of levy or dollar amount that needs to be attached to repairs we will have a present day figure too.

Commissioner Sherwin asked about state funds or federal funds.

Gina stated the Oregon Solutions Team has federal and state as well as local people working together to get issues resolved.

There being no further discussion, the meeting was adjourned at 8:29 p.m.