

CITY OF MILTON-FREEWATER  
PLANNING COMMISSION MINUTES  
March 2, 2009

The Planning Commission meeting was called to order on Monday, March 2, 2009 in the Albee Room at the City Library at 7:00 p.m.

Commissioners Present: Myra Sherwin, Carlotta Richardson, Bob White, Nathan Lyon and Chairman Charlie Good were present.

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

Citizens Present: Marge Roff, Sid Litchfield, Kendal Robinson, Lindsey Winsor

The minutes of January 5, 2009 meeting were approved as written.

Citizen Concerns: Nothing to discuss.

The public hearing was then opened on the request by Goral LaPorte on recommendation on proposed amendment to the Comprehensive Plan Map from industrial to residential and amendment to the Zoning Map from I-M to R-3 on a lot located at 409 Ward Street. Chair Good then asked if there was any member of the Commission that would like to abstain from or disclose ex parte contact. Rules for the public hearing were read and notice was published according to law. Two written comments are on file. The first one was received by the estate of Dennis Widmer, which is currently the underlying owner of the property, indicating that the estate has no objection to the proposed zone change. The second letter, received from Roff Real Estate, addressed the need for new multi-family dwelling units in Milton-Freewater. At this time her office is managing 133 rental units, with some being multi-family and others single family dwellings. With no homes being built there is a large demand for residential rentals. She stated that there have been very few built in the past 10 years, and that there is a need for additional units in Milton-Freewater. The property she has listed belongs to the estate of Dennis Widmer, which is currently being used as an RV Park. It is off State Highway 11 and it is close to North Main Street across 5<sup>th</sup> Avenue from the Community Building. This would tend to bring residents to the north business district and aid the economy in that area. Its use as an RV Park is not desirable as it does not have the desired facilities for a residential park.

Gina then gave the staff report. The first portion of the hearing would relate to just the Comprehensive Plan Map request and then the second hearing would be any proposed zoning that would be established on that property if there was a recommendation to amend the Comprehensive Plan Map. At this time the request is for an amendment from the Comprehensive Plan Map designation of industrial to residential. The subject property is located at 409 Ward Street. Currently the applicant has an offer on the subject property. The current use of the property as an RV Park is not a viable use for the property with very low occupancy rates over the past several years, and in addition, has

been the site of questionable activities. Applicant has filed the application for the proposed amendments to allow for potential development of apartments on the subject property. There are presently no structures or improvements located on the property. The property is bordered by a combination of industrial, commercial and public lands. With regards to the applicable comprehensive plan provisions there is an excerpt of Goal 9 which is finding 9-B that relates to the most recent commercial and industrial lands inventory and needs that was completed by the City. That analysis showed there was a surplus of 28 acres of industrial land. In addition, the size of the subject property (approximately 17,000 sq. ft.) is not a size typically highly sought after for industrial use. Based upon the fact that the adopted needs analysis shows there is an excess of industrial lands, amending the industrial designation will not have an adverse effect on the industrial land supply. With regard to Goal 10 Housing excerpt 10-A states it is necessary and desirable that the opportunity to develop a full range of housing types at various price and rent levels be made available through the City's land use regulations. A policy that was adopted to help further that finding is that sufficient acreage for all needed housing types shall be provided by the R-1, R-2 and R-3 residential zones delineated in the Zoning Code. The Comprehensive Plan Map shall contain one residential land use designation to permit greatest flexibility in location of the R-3 zone. The request for the amendment is to the residential designation that is mentioned in this policy. While 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. With regards to the applicable Code provisions as they relate to amendments, the amendment would be by application by a citizen which was by Goral LaPorte, who is the neighboring property owner, with the support of the underlying property owner which is the Estate of Dennis Widmer. The standards that need to be addressed with regards to amendments was first of all whether or not the proposal would be in conformance with all applicable provisions of the Comprehensive Plan text. The second relates to whether or not there is a need which was improperly or inadequately addressed by the present ordinance. The most recent inventory did reflect a surplus of industrial lands and in addition while that amendment was in the process of being completed. The South Hill Master Plan had not been adopted yet and that also added quite a few acres that would be available for a wide range of industrial uses. Although there is presently industrially zoned property located adjacent to the subject property, there is also a range of other uses that is also located adjacent and/or in the immediate vicinity. There are several mixed uses in this area. The small size of the lot does not make it suitable for most industrial type uses. 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. Staff recommends that the Planning Commission recommend the Comprehensive Plan Map amendment from industrial to residential.

Chair Good invited the applicant to speak. The applicant was not present. Therefore, Chair Good then asked for any testimony in favor or in opposition to the proposal. Marge Roff stated that she has listed the property while Dennis Widmer was alive and she continues to represent the Estate after his death. She mentioned that Mr. LaPorte has purchased this property and is looking to see what would be the most viable way to develop this property. Mr. LaPorte came up with the idea of creating small residential

housing units. She added that because of its close proximity to Main Street it would make it a desirable location.

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

Commissioner Richardson asked how many R-3 properties we have.

Gina mentioned that she did not have the exact figures, but between the Urban Growth area and the City limits the bulk of that urbanizable area isn't currently in an R-3 zone area. As far as undeveloped R-3 land it can be counted on two hands easily. They would be small lots, probably a couple of infill lots at the north end of town. The piece of property across the street from Brinker Brothers is an R-3 designation. However, it has been purchased and has been divided into two lots and will be single family dwellings. Those won't be available for R-3. There aren't too many R-3 zones utilized for high density.

Commissioner White stated that he had some reservations on this proposal.

Chair Good then suggested the Commissioners state some of the things that would leave them with reservations and then discuss the positive end of it.

Gina added that the request is for an amendment from the Comprehensive Plan Map designation of industrial to residential. She added that as far as the industrial designation the adopted plan does state that we have a surplus of industrial land. Whether or not this is the appropriate place to take the industrial land and make it residential is what the Planning Commission needs to decide.

Commissioner White recommended postponing the hearing, so as to be able to speak with the applicant.

Commissioner Richardson was concerned due to the fact that the surrounding area is industrial zoned, there could be potential hazards in the area. She added that just east of the proposed property, ammonia is utilized at the cold storage plant.

Commissioner White stated that if there was ever a leak at that refrigeration plant the area would have to be evacuated. By placing a 4-plex on the neighboring property would then put residents in a deadly situation.

Chair Good then asked to see the positive end of it. Firstly, he mentioned that there is housing across the street. He added that the downtown market place is not very far from the proposed development and residents easily could walk to the downtown.

Commissioner Richardson felt that the neighborhood where the property is located is a good place for residential construction, eliminating the idea that there is industrial zoned property neighboring the property.

Commissioner White mentioned that there is no doubt that we need more multi-family housing, but the question is if that is a good place for it. Just from what goes on near that property is where his reservation comes in. He has been called out to that cold storage plant in the middle of the night for an ammonia leak. At that time, people are asleep, and it could get them before they know it.

Commissioner Richardson then made a motion to postpone recommendation on proposed amendment to the Comprehensive Plan Map from industrial to residential on property located at 409 Ward Street for 30 days, until next month's meeting, April 6<sup>th</sup> 2009. Commissioner Sherwin seconded the motion and the motion passed unanimously.

Chair Good asked Ms. Roff, being that she was the closest to representation for Mr. LaPorte, if there were any reservations or comments to the continuance. Ms. Roff was concerned that the 30 day waiting period would delay the finance process and would put Mr. LaPorte behind schedule. She asked if the reason that land would not be used for residential use would be because of the potential ammonia leak.

Commissioner Lyon and White agreed.

Ms. Roff then asked what would be a viable use for that land.

Commissioner White suggested any non-sleeping business, such as a convenience store.

Chair Good stated that it would be vital for Mr. LaPorte to be present at the hearing, so any unanswered questions can then be addressed and to make sure that he is aware of the potential hazards. He added that Mr. LaPorte will then have 30 days to be able to prepare since he will obviously already know what concerns we have.

Commissioner Sherwin then made a motion to postpone recommendation on proposed amendment to zoning map from I-M to R-3 on property located at 409 Ward Street for 30 days, until next month's meeting, April 6<sup>th</sup> 2009. Commissioner White seconded the motion and the motion passed unanimously.

The public hearing was then opened to discuss the variance application received by Sid Litchfield to reduce the minimum square footage requirement for two story homes on lots 1255, 1265, 1273, 1275, 1283, 1285 Stonewood Court. Chair Good then asked if there was any member of the Commission that would like to abstain from ex parte contact. Rules for the public hearing were read and notice was published according to law. There were no written comments on file.

Gina then gave the staff report. This application is to reduce the minimum square footage requirement for two story homes on a portion of the lots in Stonewood Addition. Applicant and his partners completed development of Stonewood Addition several years ago. The subdivision was developed as a Planned Unit Development which allowed smaller lots to be created. The developers envisioned home buyers in high quality homes that would not have a lot of land required to be maintained. However, based on the recent economy and high construction costs, applicant is requesting somewhat smaller home sizes for two story homes. With regard to the conditions for

granting variances, the first criteria relates to whether exceptional or extraordinary circumstances apply to the property itself and result from a situation over which the applicant has no control. The extraordinary or exceptional circumstances that could apply to the subject property basically boils down to the state of the economy. Applicant desires to construct a mix of single story and two story homes in the development in order to provide different styles of homes. The requirement for two story homes to be a minimum of 1800 square feet places the price of the home to be much higher than what the market could support. In order to build a two story home that could be marketable at this time applicant believes a range of 1400 to 1600 square feet would be more realistic. The second criteria relates to whether 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. As previously indicated, applicant desires to construct homes in a residential subdivision that will meet current market conditions, while still maintaining the high quality construction standards of the homes already built in the subdivision, and which are typical in the R-1 zone. In addition, the lots that are selected for the potential variance request also border properties that are located along Lamb Street which does not have the restriction of the minimum square footage requirement, therefore it would not have an impact on those homes. The third criteria relates to whether or not the granting of the proposed variance would be materially detrimental to property within the vicinity in respects such as public safety, traffic, noise, health and sanitation, and hours of operation. Applicant's request would not have an effect on any of those items. The second part to this particular criteria relates to whether or not it would constitute a grant of special privilege. Although applicant's request could appear to constitute a grant of special privilege, based on small amount of variance requested, staff does not feel that the spirit of the ordinance is violated. In addition, four of the lots applicant is requesting the variance for are located adjacent to R-3 zoned property, which does not have the minimum square footage requirement. The last criteria states that it must be shown that a material hardship would exist if the variance is not granted, and that the hardship is not self created. Based on the current state of the economy, which is out of applicant's control, the hardship would not be considered self-created. Applicant is requesting the smallest amount of variance to enable construction of two story homes that can be marketed in today's economy. The Applicant is not requesting a variance on each and every one of these lots. These are just the potential lots that would be selected if someone would desire a two story home and the Planning Commission could allow the variance on a portion of the lots with review of the proposal in six months or some other future date. Under those circumstances, staff recommends granting the variances.

Chair Good invited the applicant to speak. Sid Litchfield stated that he started this subdivision a couple years ago and it started off very slowly. He realizes that in Milton-Freewater the cost has to be kept low to get a good penny for the buck. He then mentioned that he is trying to build a quality subdivision and provide more options and so far he has had a very favorable response. With today's market most people are not able to get into a house with a \$200,000 plus range. So, what he is trying to do is provide home buyers the opportunity to purchase quality houses at a reasonable cost. He is requesting that he be given the option to build 2-4 two story houses. With a two story home he is able to shrink the footprint of the house, giving more space between houses, allowing more landscaping and more visual appeal to the place. It would also allow for

a different configuration of the site plan. This would give him more flexibility. There are some views in that area so by getting a little bit of height people are attracted to that. He then passed around some drawings that he would like to use. By minimizing the square footage he is able to work more on the exterior of the home and it will bring it up in value. If he has to do an 1800 square foot two story house then that would make his cost much higher and then he wouldn't be able to add some of these additional things that would make it a desirable property. He then would have to start at a much higher rate. He brought a list of the houses that he has previously sold in Milton-Freewater since 2005 and most of the houses were less than 1600 square feet. The houses would be simple, open, and high quality.

Chair Good then asked if the Commissioners had any questions for Mr. Litchfield.

Commissioner White stated that he had some doubt as to the type of homes that the applicant was planning on constructing, but after looking at some of the drawings that the applicant brought in, he felt that this gave him a better idea as to what the houses would look like.

Chair Good mentioned that by having somewhat of a curb appeal and little bit bigger lot will open to another potential sale.

Mr. Litchfield stated that right now with the requirement for two story homes, he is only able to offer an 1800 square footage home. What he is requesting is that he be given the option to offer buyers two story homes with a square footage of between 1400 -1600 feet.

Chair Good asked Mr. Litchfield if it would be okay to approve two of those lots and have a review in six to eight months.

Mr. Litchfield said that he does not know which of the proposed lots he would like to construct a two story home on, but he would like to be able to have the option to construct a two story home on any of those lots being requested. He said that it may only be one or two, but that he would like to have the flexibility.

Commissioner Lyon asked the applicant if on all six of the lots he would like to have permission to build a two story house if he can sell it.

Mr. Litchfield said that he is not going to do six two story homes.

Commissioner Lyon asked if there were two particular lots that he would like to choose for two story homes.

Mr. Litchfield said that when his realtor brings a buyer, they have the choice of lots. So, he wants to be able to give his buyers the option of either two story or one story homes for each of those lots. They would then have the ability to choose. But if he tells them that a two story home can only be built on two particular lots then they may not want to buy. Basically what he is looking for is flexibility. He added that if he doesn't have anybody that wants to buy a two story home he is not going to build a two story house.

Commissioner Richardson asked the applicant if the property owners had any problem with what his plans are for that subdivision.

Mr. Litchfield stated that the neighboring property owners like what he is doing. He added that the lots that he is possibly looking at putting two story homes on are the ones furthest to the west. It would not obstruct the view to the east.

Mr. Robinson, Mr. Litchfield's realtor, was in support of Mr. Litchfield's proposal.

Commissioner White commented on the drawings and he felt that they had nice character to them. He was a little apprehensive as to the applicant building half a dozen two story homes. He suggested putting a contingency on the proposal and it be a maximum of two homes, with a review in eight months.

Commissioner Richardson thought it was a good idea for two story homes to be built at a smaller square footage, due to the economy.

There being no further testimony either for or against the project Chair Good closed the hearing and asked for any Commissioner Comments.

Commissioner White then made a motion to accept the proposal to reduce the minimum square footage requirement for two story homes on lots 1255, 1265, 1273, 1275, 1283, 1285 Stonewood Court, with the contingency of two homes at this time, and with a review in six to eight months. Commissioner Sherwin seconded the motion and the motion passed unanimously.

Election of Chair and Vice-Chair: A vote was made to continue elections for next month.

Administrative Actions: Reviewed and discussed.

Comments: Commissioner Richardson commented on the Community Council she has been attending and does not want to see housing in Walla Walla affect the housing in Milton-Freewater. She said that Walla Walla doesn't have too many low-income housing programs. Commissioner Sherwin mentioned it was her concern as well. Chair Good added that there is more flexibility in Milton-Freewater than in Walla Walla.

A short discussion on services needed in Milton-Freewater was made.

Planning Updates: A component to the Economic Opportunity Analysis will need to be adopted in order for it to be added to our goal 9 Economy.

There being no further discussion, the meeting was adjourned at 8:37 p.m.