

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
January 2, 2024

The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:30 pm on January 2, 2024 for the purpose of discussing questions on agenda items.

Those present were Commissioners Frank Millar, Wendy Harris, Myra Sherwin, and Megan Norton.

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, January 2, 2024 in the Albee Room of the City Library, 8 SW 8th Ave, Milton-Freewater, OR 97862 at 7:00 p.m. by Commissioner Myra Sherwin due to the absence of Chair Nathan Lyon.

Commissioners Present: Commissioners Frank Millar, Wendy Harris, Myra Sherwin, and Megan Norton were present.

Commissioners Absent: Commissioner Mary Ward and Chair Nathan Lyon.

There is currently one commissioner position vacant.

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

Citizens Participants: Lyle Key – 305 S Main Street, Michelle Swartzentruber – 311 S Main Street, Valerie Hall – 311 S Main Street, Stephen and Beth Hall – 2720 S 4th Ave., Walla Walla, Washington, Toby Hall and Kaitlyn Hall – 1010 Valley Chapel Rd., Walla Walla, Washington.

Due to Chair Nathan Lyon being absent, Commissioner Myra Sherwin was acting Chair.

Commissioner Myra Sherwin asked if there were any corrections or additions to the October 2, 2023 minutes. None were stated. Commissioner Frank Millar motioned to approve the October 2, 2023 minutes as written. Commissioner Megan Norton seconded the motion. All were in favor for approval. Motion carried 4-0. The minutes of the October 2, 2023 meeting were approved as written.

Citizen Concerns: None shared.

The public hearing was then opened for the Conditional Use Permit application received by Valerie Hall to allow a drive through window located at 311 S Main Street.

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.

City Planner Laurel Sweeney provided the staff reports, which are printed below.

BACKGROUND

The applicant, Valerie Hall is applying for a conditional use permit for a drive through window. City code requires a conditional use permit when a restaurant has service to persons other than those seated inside the structure. Historically this building has been a bakery. Adequate parking is provided on site.

The drive through is proposed on the south side of the building. Access is proposed from S. Main. The cars would circulate into the drive through and exit the property via the alley behind. The applicant is proposing to install a sign that says only two cars are allowed in line at once. This will help ensure cars don't get backed up on S. Main. If the orders require additional time, the staff will direct drivers to pull up to an adjacent parking spot (there will be two designated) and their orders will be delivered to their vehicle

CODE PROVISIONS

10-4-7 C-1 GENERAL COMMERCIAL

10-9-6 GENERAL CRITERIA (CONDITIONAL USE PERMITS)

10-9-7 SPECIFIC STANDARDS (CONDITIONAL USE PERMITS)

10-4-7(C) C-1 Conditional Uses

The following conditional uses are permitted in accordance with level III application procedures:

- Restaurant with service to persons other than those seated inside the structure.

In permitting a new conditional use or the alteration or extension of an existing conditional use, the planning commission shall use the following considerations in review of applications:

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

Findings: The proposal is in conformance with the goals outlined in the comprehensive plan. Additionally, the proposal meets the development standards of the C-1 zone.

2. Compatibility of the conditional use with the surrounding area or neighborhood in terms of lot size, building height, or bulk, traffic circulation, parking, provision of signs, buffering, screening, landscaping, open space, control of smoke, glare, noise or hours of operation.

Findings: The proposed use is consistent with the intent of the C-1 zone. It is similar to other uses permitted in the zone.

10-9-6 GENERAL CRITERIA (CONDITIONAL USE PERMITS)

10-9-6: A conditional use permit may be granted after development of findings which show that the following general criteria, and any specific standards applicable to the proposed use, have been met. This section will apply unless excluded from consideration for specific uses in Section 10-9-7.

- (A) The proposal has properly addressed traffic flow on the subject parcel, and interaction with public streets adjacent to the property as regards width and pavement type sufficient to carry the quantity and kind of traffic generated by the use.

Findings: The proposed use is a restaurant with a drive through. Access to the site is via Highway 11. A highway is designed to accommodate a large number of vehicles and is sufficient to carry the traffic that will be generated as a result of the proposed use. Potential back up from use of the drive through will be mitigated by the application placing a sign that limits the number of cars allowed in the drive through. This will limit impacts to the adjacent street.

(B) The subject parcel is of sufficient size and shape to permit proper operation of the use including necessary landscaping to buffer parking and any anticipated expansion.

Findings: The size of the parcel allows for ample operation of the use. The site is surrounded with commercially zoned property. It is likely that the adjacent uses will remain similar in nature so buffering will not be necessary. There is no anticipated expansion.

(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 to public safety, traffic, noise, hours of operation and health and safety.

Findings: The properties on three sides of the site are zoned C-1 and are of a similar use. Noise that will be generated as a result of the use will occur generally between the hours of 6:30 am and 5:00 pm. The proposed use is reasonably compatible with the uses in the area.

10-9-7: SPECIFIC STANDARDS:

Conditional uses listed below must meet the standards which are specified for that use, as well as the general criteria prescribed in section [10-9-6](#) of this chapter.

E. Commercial Amusement Facility Not Wholly Enclosed, Or Restaurant With Outdoor Service:

1. All required parking shall be paved.

FINDINGS: The proposal will meet this standard.

2. Lighting shall be directed away from adjacent property.

FINDINGS: The proposal will meet this standard.

3. The property shall be fenced on the sides and rear.

FINDINGS: The sides of the property are fenced. Due to the alley and parking, the rear of the property is not fenced.

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.

FINDINGS: The applicant will meet with standard.

GENERAL COMMENT

The property has been vacant for a few years. The proposed project is a good use of property and a great opportunity for a new business in Milton-Freewater.

STAFF RECOMMENDATION

Staff recommends approval of the request, however with the condition that if there are unfixable traffic conflicts associated with the drive through, it will be eliminated.

The applicant was then invited to speak.

Michelle Swartzentruber and Valerie Hall of 311 S Main Street introduced themselves to the Planning Commission.

Commissioner Myra Sherwin asked Swartzentruber and Hall what their business was.

Swartzentruber stated that she sold donuts and fried pies and Hall stated that she sold coffee.

Commissioner Frank Millar asked on the alley way adjacent to the rear of the subject property if there was only room for one vehicle to travel through. Millar then asked if

traffic would be able to turn either north or south after they have been serviced at the proposed drive through window.

Swartzentruber confirmed both questions.

Commissioner Millar then asked City Planner Laurel Sweeney if there are any other alleys in town that require vehicles to travel one way.

City Planner Laurel Sweeney stated that almost all alleyways in town can only accommodate one vehicle at a time, but allow two-way traffic. Most alleyways are about 12 feet in width and most vehicles are 10 feet in width. If a vehicle was traveling through this particular alleyway and another vehicle approached, one vehicle would have to pull off the alleyway to let the other vehicle pass.

Commissioner Myra Sherwin asked City Planner Laurel Sweeney if there is room along the alleyway for a vehicle to pull off to let another pass.

Lyle Key from the audience stated there was not.

Commissioner Frank Millar asked if after being serviced at the proposed drive through window, if a vehicle could circle around the building to exit onto South Main.

Swartzentruber stated yes.

Commissioner Frank Millar asked if the service window slowed the flow of traffic for the business, do the applicants have an alternative plan to have customers park their vehicles in designated parking spots to wait for their order.

Swartzentruber stated yes and continued to say that they had 2 parking spots to the south side of the business and more parking on the north side.

City Planner Laurel Sweeney corrected Swartzentruber's previous statement by stating there is only one curb cut on the property and that is where the entrance is. Vehicles would not be able to circle back around to exit on South Main Street.

Commissioner Wendy Harris asked if the entrance curb cut was big enough for two vehicles.

City Planner Laurel Sweeney stated no. City Planner Laurel Sweeney continued to say that if one vehicle was entering and one vehicle was exiting, she would have concerns with traffic coming onto the highway.

Commissioner Frank Millar agreed and stated that he believed it would be safer to have vehicles exit either north or south through the alleyway and then enter onto South Main Street.

Commissioner Sherwin asked if there were any members in support of the applicants.

Stephen Hall of 2720 S 4th Ave., Walla Walla, Washington stated that he was a professional engineer in Washington and the father of the applicant Valerie Hall.

Stephen Hall stated that he wanted to address the questions and topics that had been previously discussed in the Public Hearing. Hall stated that the site distance off of the alleyway was good and that drivers can look and clearly see north and south traffic. Hall continued to state that the Mike's 2-Way Radio business to the south has ample space and open areas for vehicles to travel or pull off to let other vehicles pass or to travel through. The alleyway to the north is narrower and would only allow for one vehicle to travel through at a time, but vehicles would only be traveling a short distance.

Commissioner Frank Millar stated that if after being served at the drive through window, he would rather turn south down the alleyway, because there is more room on the Mike's 2-Way Radio business property and then get access back to the highway.

Commissioner Sherwin asked if there were any members in opposition of the applicants.

Lyle Key of 305 S Main Street stated that he was not in opposition of the application, but did have some concerns. Key stated that he lived next door to the subject property and that he is concerned that with extra traffic from the business it could create more wear and tear on the alleyway forming big pot holes, which he stated has happened in the past. Key stated that as long as the road is maintained, he is fine with the proposal.

Commissioner Myra Sherwin asked the applicant if they had a response to Lyle Keys request.

Stephen Hall confirmed that the business would maintain the wear and tear to the road from the business traffic.

Commissioner Frank Millar stated that it should also be the City's responsibility to maintain the alleyway as well.

Commissioner Myra Sherwin asked the Commissioners if there were any more questions.

None were stated.

The Public hearing was declared closed.

Commissioner Millar motioned to adopt the findings and conditions suggested by staff and approve the Conditional Use Permit application submitted by Valerie Hall. Commissioner Norton seconded the motion. Commissioner Sherwin, Millar, Norton, and Harris were in favor. Motion carried 4-0.

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

City Planner Laurel Sweeney stated that the number of housing permits will be decreasing due to all residential construction permits being submitted by Hayden Homes for Key Boulevard Estates. City Planner Laurel Sweeney continue to state that business license renewals are in process and 60% of businesses have continued thus far.

City Planner Laurel Sweeney then updated the Planning Commission stating that as of January 1, 2024, the City of Milton-Freewater is no longer providing free bus service. CTUIR (Confederate Tribes of the Umatilla Indian Reservation) has taken over the program and are still servicing Milton-Freewater. The City of Milton-Freewater is still providing the senior and disabled taxi service through GG Taxi.

The meeting was adjourned at 7:30p.m.