

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
April 6, 2026

The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:30 pm on April 6, 2026 for the purpose of discussing questions on agenda items.

Those present were Commissioners, Mary Ward, Reilly Miller, Margo Piver, and Chair Nathan Lyon.

Staff participants included 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, April 6, 2026 in the Albee Room of the City Library, 8 SW 8th Ave, Milton-Freewater, OR 97862 at 7:00 p.m. by Chair Nathan Lyon.

Commissioners Present: Commissioners Mary Ward, Reilly Miller, Margo Piver, and Chair Nathan Lyon.

Commissioner Tucker Stringham was absent.

There are currently two commissioner positions vacant.

Staff Participants: Planning Assistant Cassidy Ruiz.

Citizens Participants: Joe & Becky Baker – 9 Lewis Circle, Cecilia Lara Diaz – 7 Patty Circle, Phillip & Kayla Marker – 113 NE 7th Ave., Jordan Corr – 1305 Davis Street.

Chair Nathan Lyon asked if there were any corrections or additions to the December 1, 2025 minutes. None were stated. Commissioner Mary Ward motioned to approve the December 1, 2025 minutes as written. Commissioner Margo Piver seconded the motion. All were in favor for approval. Motion carried 5-0. The minutes of the December 1, 2026 meeting minutes were approved as written.

Citizen Concerns: None shared.

The public hearing was then opened for the Conditional Use request Kayla Marker to allow an in-home childcare center, caring for a maximum of 13 children on property located at 113 NE 7th Avenue; Map 5N3502AD tax lot: 1000.

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.

Planning Assistant Cassidy Ruiz stated that the notice of the hearing was published as required by law.

Planning Assistant Cassidy Ruiz stated that no comments were received.

Planning Assistant Cassidy Ruiz provided the staff report.

BACKGROUND

The applicant is prepared in opening a child care center to serve the Milton-Freewater area. The child care center is being proposed to maintain care for up to 13 children, age ranging from 6 weeks to 12 years of age. The center would be open Monday through Friday, 6:30 am to 5:30 pm. Afterschool care and school break care will also be offered. The applicant has proposed daily schedules for full day children as well as a weekly menu and curriculum.

The applicant as well as one additional employee have submitted their applications to obtain their State licensing and have scheduled their Sanitation inspection with the State. The applicant has already submitted and had obtained her City Business License as well.

CODE PROVISIONS

10-4-4(C) CONDITIONAL USES: CHILDCARE FACILITY

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: There is a driveway that can be used for off-street loading and unloading children. Although there would be an increase in traffic due to the proposed use, this would only occur for a short period of time during the day, when parents are dropping off or picking up children. Northeast 7th and Ward Street are both paved streets that allow parking on either side of the street. Knowing that, the area would be capable of handling additional traffic generated from the use.

(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: No landscaping is required by Code. The required outdoor play area is 200 square feet per child up to 5 children, plus 50 square feet for each additional child. Based on the applicant's proposal of 13 children, she would be required to provide 1,400 square feet of outdoor play area. The applicant meets the City's requirements by providing 1,484 square feet of fenced in area.

(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 property is zoned high density residential and therefore intends for a higher number of people on a given lot. However, the only time the children would be outside for any period of time, would be for the children's supervised play time. This would occur during their daytime business hours and will be in a fenced in yard. There will be a buffer between the play area and neighboring properties. The designated play area is located on the east side of the home, which does not border a residence. Children will be loaded and unloaded from an off-street

parking area for safety. There is also a sidewalk to where the children can safely walk without being in the street.

10-9-7 SPECIFIC STANDARDS

10-9-7 (F): – DAY CARE CENTER, CHILD CARE FACILITY, PRIVATE SCHOOL PROVIDING FOR SEVEN OR MORE CHILDREN

1. Site- obscuring fence or chain link (or equivalent) of at least four feet high surrounding play yards. A sight-obscuring fence may be required to ensure the privacy of adjoining neighbors.

Findings: The applicant has submitted and has obtained a Zoning Permit through the Planning Department allowing the construction for a 4-foot chain link fence. The play area is not abutting a neighboring property, so there would be no requirement for the fence to be site obscuring.

2. Minimum of 200 square feet of outdoor play area per child for up to five children, plus 50 square feet for each additional child.

Findings: As stated previously, the applicant indicates she has approximately 1,485 square feet available for outdoor play area. 13 children would require 1,400 square feet for play area; therefore, the criteria have been met.

3. At least one off-street parking space reserved for loading and unloading of children, or as provided in Sections 10-6-4 if in excess of 25 students.

Findings: Although the applicant is not intending to care for more than 25 students, there is room available in the existing driveway for loading and unloading of children.

4. The physical facilities for the care of children, such as building construction, sanitation, plumbing, heating, lighting, ventilation, maintenance, indoor and outdoor activity areas and fire protection are approved by inspection such by City provided inspector(s).

Findings: Staff will defer to the State's requirements with the regard to the above items. The applicant has been working with the State of Oregon for certification. Once they have met the State's requirements, the criteria will be satisfied.

GENERAL COMMENTS

The proposed use would allow for an additional child care option in the City, which has been a need.

STAFF RECOMMENDATION

Staff recommends allowing the conditional use permit, subject to compliance with the Child Care Division and other State requirements.

The applicant was then invited to speak.

Kayla Marker of 113 NE 7th then spoke to the Commission. Marker stated that they had recently received temporary licensing through the State of Oregon. The reason its temporary is because they need to fix a couple of things in their handbook and put a lock on their cellar door, which will be fixed within the week. There is an exception on their license due to the incompleteness of their fence. The temporary license is effective until May 13, 2026. They have also passed their Health Safety and Sanitation inspection from the State of Oregon. Marker stated that her and one staff member are completely trained in CPR, food handlers, and are ready to go. Marker then stated that they have started to care for a maximum of 6 children.

Chair Nathan Lyon asked if caring for the 6 children is allowed under the temporary license.

Marker confirmed and added that under the temporary license they are allowed to watch up to 13, but with their City Business License, they are only allowed to watch 6.

Chair Lyon asked if they were planning on having everything done by May 13th?

Marker stated that they are planning on having everything done sooner and that they would just need to call the licenser back to the property to reinspect.

Commissioner Mary Ward asked how many people on staff she had.

Marker stated that it is just her and her friend Jordan Perry (Corr).

Chair Nathan Lyon asked what they age ranges are for the children that they watch?

Marker explained that they can care for children ages 6 weeks to 12 years, because they also provide after school care. She explained that the children that are being cared for currently are between the ages of 2 and 4.

Chair Nathan Lyon asked if there has to be one on one supervision because of a child's age?

Marker stated that with two staff members they are allowed to have up to 3 children under the age of 24 months. They are only planning to watch 2 children of that age.

Chair Lyon asked if there were any members in support of the applicants.

None were stated.

Chair Lyon asked if there were any members in opposition of the applicants.

None were stated.

Chair Lyon asked the Commissioners if there were any more questions.

The Public hearing was declared closed.

Commissioner Ward motioned to adopt the findings of fact and staff report provided and approve the Conditional Use Permit received from Kayla Marker to allow an in-home child care center, caring for a maximum of 13 children, with the condition that they must be in compliance with the Child Care Division and other State Requirements and provide all documented proof of their certification to the Planning Department. Commissioner Piver seconded the motion. All were in favor. Motion carried 4-0.

The public hearing was then opened for the Conditional Use request from Cecilia Lara Diaz to allow an in-home childcare center, caring for a maximum of 16 children on property located at 7 Patty Circle; Map 5N3513DB tax lot: 4900.

Rules for a public hearing were still in effect and read previously. 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.

Planning Assistant Cassidy Ruiz stated that the notice of the hearing was published as required by law.

Planning Assistant Cassidy Ruiz stated that one comments was received and read for the record. Ruiz also stated that she reached out to Barry Weis and Mark Grant who are members of the ARC Committee for Key Blvd Estates. Both items are attached to these minutes.

Planning Assistant Cassidy Ruiz provided the staff report.

BACKGROUND

The Applicant is proposing to operate a State of Oregon licensed certified Child Care center in home and is prepared to care for a maximum of 16 children. All of her proposals are in accordance with the license requirements from the City of Milton-Freewater and the Oregon Department of Early Learning and Care. The hours of operation of the center will be from Monday through Friday, between 7:30 am to 4:30 pm. Drop off and pick up times will be staggered to reduce traffic impacts to Patty Circle. The applicant has stated that the appearance and character of the residence will be maintained with the exception of small signage permitted by the city.

CODE PROVISIONS

10-4-13(A) R-M RESIDENTIAL MIXED USE

PERMITTED USE: CHILDCARE FACILITY

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.

- (B) 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: There is a driveway that can be used for the off-street parking. With the understanding that traffic would increase due to the use, the applicant has stated that she is proposing staggered drop off and pick up times, so traffic could be limited and maintained. Patty Circle is a newly developed street which is paved. This street is capable of handling additional traffic generated from the use.

(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: No landscaping is required by Code. The required outdoor play area is 200 square feet per child up to 5 children, plus 50 square feet for each additional child. Based on the applicant's proposal of 16 children, she would be required to provide 1,550 square feet of outdoor play area. The applicant meets the City's requirements by providing 2,226 square feet of fenced in area.

(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 property is zoned Residential Mixed Use and intends for residential uses as well as commercial uses. With this said, this subject parcel and the surrounding parcels are all residential uses. With regards to public safety, noise, and hours of operation, the only time children would be outside would-be during playtime and they would be adult supervised. The yard is completely fenced in with a 6-foot, sight-obscuring, vinyl fence. The children would only be outside during their hours of operation, which are during the daytime. Traffic can be addressed by the applicant's proposal of staggering pick-up and drop off times, as well as the off-street parking in the driveway of the residence.

10-9-7 SPECIFIC STANDARDS

10-9-7 (F): – DAY CARE CENTER, CHILD CARE FACILITY, PRIVATE SCHOOL PROVIDING FOR SEVEN OR MORE CHILDREN

5. Site- obscuring fence or chain link (or equivalent) of at least four feet high surrounding play yards. A sight-obscuring fence may be required to ensure the privacy of adjoining neighbors.

Findings: The property has a current 6-foot, site obscuring, vinyl fence constructed around the side and back yard

6. Minimum of 200 square feet of outdoor play area per child for up to five children, plus 50 square feet for each additional child.

Findings: As stated previously, the applicant indicates she has approximately 2,226 square feet available for outdoor play area. Sixteen children would require 1,550 square feet for play area; therefore, this criterion is met.

7. At least one off-street parking space reserved for loading and unloading of children, or as provided in Sections 10-6-4 if in excess of 25 students.

Findings: Although the applicant is not intending to care for more than 25 students, there is room available in the existing driveway for loading and unloading of children.

8. The physical facilities for the care of children, such as building construction, sanitation, plumbing, heating, lighting, ventilation, maintenance, indoor and outdoor activity areas and fire protection are approved by inspection such by City provided inspector(s).

Findings: Staff will defer to the State's requirements with the regard to the above items. Applicant has been working with the State of Oregon for certification. Once they have met the State's requirements, the criteria will be met.

GENERAL COMMENTS

The proposed use would allow for an additional child care option in the City, which has been a need.

STAFF RECOMMENDATION

Staff recommends allowing the conditional use permit, subject to compliance with the Child Care Division and other State requirements.

The applicant was then invited to speak.

Cecilia Lara Diaz of 7 Patty Circle stood up and introduced herself. Diaz stated that she is still working to get her license and certification from the State. She included that she is getting her certified family license which would allow care for a maximum of 16 children, but is not planning to have the 16 children right away. Diaz continued to say that she wants to get more experience and feel more comfortable before taking on a larger number of children. Diaz stated that just because the State allows her to care for a maximum of 16 children, she didn't think she would care for that many.

Chair Nathan Lyon asked if the applicant had an estimated time when she would get her license through the State.

Diaz stated that it would take anywhere from 30-45 days from the State, so hopefully sometime in May.

Chair Lyon asked if there were any members in support of the applicants.

None were stated.

Chair Lyon asked if there were any members in opposition of the applicants.

Joe Baker of 9 Lewis Circle stood up and addressed the Commission. Baker stated that his opposition was based on the CC&Rs from the Key Boulevard Subdivision. Section 4.1 states that all lots shall be described as residential lots and further down it states that they are only allowed to remain residential lots with one single family residence. Baker

continued to state at Section 4.23 – Business Use, states that no manufacturing enterprise shall be conducted or carried on any residential lot in the area.

Baker stated that he has spoken to Mark Grant and Barry Weis many times before he bought his home in the subdivision. Baker stated that he questioned them at that time about the CC & Rs. At that time Grant and Weis had a very vivid vision of what the subdivision would be and were very proud of what the CC &Rs would bring. Baker stated that is a little disappointed hearing that both of them were in support of the conditional use because they had told him that there would not be any commercial endeavors in the subdivision.

Baker stated that when he and his wife bought their home in the Key Boulevard subdivision, they were under the impression that the CC&Rs would be enforced.

Chair Lyon asked Mr. Baker if he was an adjacent property owner to the subject property. Baker stated that he was not, but had received a letter because he was in 200 feet from the applicant's property.

Commissioner Reilly Miller asked Planning Assistant Cassidy Ruiz for clarification. Miller asked if the Commission were to approve the conditional use, it would not change the home from being a single-family home. The Planning Commission is not changing the property to be a commercial property.

Commissioner Margo Piver confirmed that the zoning of the property is Residential Mixed Use.

Commissioner Piver then asked between the Zoning Code and the CC&Rs, does one carry more weight than the other.

Planning Assistant Cassidy Ruiz stated that there are certain rules that are stated in the CC&Rs that our City does not enforce. Our city officials cannot enforce rules that are set in place by the CC&R's that also not in our City Code.

Planning Assistant Cassidy Ruiz confirmed. Ruiz stated that if the Commission were to approve the use and the applicant moved the next day, the house would still remain a single-family home and the conditional use would not exist.

Chair Lyon then stated that the applicant or others in favor of the request are invited to speak to rebut the opposition. Nothing was stated.

Chair Lyon asked the Commissioners if there were any more questions.

The Public hearing was declared closed.

Commissioner Piver motioned to adopt the findings of fact and staff report provided and approve the Conditional Use Permit received from Cecilia Lara Diaz to allow an in-home child care center, caring for a maximum of 16 children, with the condition that they must be in compliance with the Child Care Division and other State Requirements and provide all documented proof of their certification to the Planning Department. Commissioner Miller seconded the motion. Commissioners Ward, Miller, and Piver were in favor. Chair Lyon was opposed. The motion carried 3-1.

Planning Assistant Cassidy Ruiz presented the Administrative Actions of the Planning Department.

Planning Assistant Cassidy Ruiz stated to the Commission that on April 7th, 2026 Planning Commissioner Myra Sherwin had passed away. She served on the Commission 20 years.

The meeting was adjourned at 8:15 p.m.