

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
December 3, 2018

The Planning Commission meeting was called to order on Monday, December 3, 2018 in the Albee Room at City Hall at 7:00 p.m. by Chair White.

Commissioners Present: Chair White, Commissioners Sherwin, Ward, Koklich, Millar, and Lyon were present. Commissioner Richardson was absent.

Staff Present: City Planner Laurel Sweeney and Planning Assistant Lisa Wasson.

Citizens Present: Tina Kain, 403 Willow St Milton-Freewater; Ron Jones, 52965 Ila Lane Milton-Freewater; Paul Seaquist, 684 College Street Milton-Freewater.

The minutes of the October 2, 2017 meeting were approved as written.

Citizen Concerns: No citizen concerns at this time.

The hearing was then opened for a variance request received from Ron Jones to allow reductions in front and rear setbacks for the construction of a new single family home at 320 Apple Court.

Rules for a public hearing were read. No members of the Commission wished to abstain or disclose ex parte contact. City Planner Laurel Sweeney stated that the notice of the hearing was published as required by law. No written comments have been received.

Chair White invited the applicant to speak.

Ron Jones, 52965 Ila Lane Milton-Freewater. He stated that he recently purchased the lots at 320 Apple Court and has a zoning permit to demolish the existing house, which is unlivable. He plans to build a new house and shop, and is requesting variances for both structures. He stated that the house he plans to build is square in shape and will be built by HiLine Homes. The existing house is ten feet from the north property line and he proposes building the new home and shop with the same setback. He also mentioned that he would like to place the new home further from the east (Apple Court) property line than the existing house, in order to avoid any view obstructions for his neighbors. The applicant stated that he proposes a five foot setback from the west property line for the shop. He also mentioned that there is a sewer line that runs across the property, starting at Willow and ending on Apple Court. He feels that the proposed orientation would be least disruptive to the existing sewer line.

The applicant then expressed his desire to change the address from Apple Court to Willow Court. He believes the orientation of the home and shop would be best served from Willow

Court. There is a curb cut in place on Willow that would provide direct access to the new garage and home.

Lastly, the applicant thanked the Commission and stated that he hopes his new home will be a good addition to the neighborhood.

City Planner Sweeney then provided the staff report. Chair White was out of order on the meeting agenda, but got back on track after this point.

I. BACKGROUND

The applicant recently purchased the property. An existing house is located on the property and has been vacant for a number of years and is no longer livable. There are existing sewer and water lines that traverse the eastern corner of the property from Willow Street to Apple Court. The applicant would like to demolish the old existing house and build a new house. The applicant would also like change the orientation of the new home so access and addressing would be provided via Willow Court. To do this the applicant is proposing that the new home maintain the same setback as the existing house along the north property line. By locating the home so that it fronts on Willow Court, the front setback is also requested to be reduced.

CODE PROVISIONS

10-10-5 CONDITIONS FOR GRANTING VARIANCE:

All variances other than minor setback variances shall be heard by the Planning Commission in accordance with Level III processing procedures.

In granting a variance, the Planning Commission shall find that the following conditions have been met:

(A) Exceptional or extraordinary circumstances apply to the property itself such as lot size, shape, or topography, which do not apply generally to other properties in the same zone or vicinity and result from a situation over which the applicant has no control.

Findings: The lot width along the Apple Court frontage is 77.94 feet. There are water and sewer lines that traverse the eastern side of the lot from Willow Street to Apple Court. There is not an easement for the lines. In order to avoid building over the water and sewer lines it is necessary to construct the house on the interior portion of the lot. By adjusting the house location due to the water and sewer lines, providing access via Willow Street is preferable, and a change in building orientation is required. The applicant is proposing an 18 foot front setback (**a reduction of 4 feet, from 22 feet**) and a 10 foot rear setback (**a reduction of 8 feet, from 18 feet**).

Based on the impact of the water and sewer line locations, this section could be deemed to be satisfied.

(B) 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.

Findings: The variance would allow the applicant to build a new home on existing lot. The locations of the water and sewer lines make it necessary to adjust the location of the structure so that it does not encroach on the water and sewer lines. Reducing the setbacks will allow the land owner to use the balance of the lot in a fashion similar to other property owners in the vicinity.

(C) The granting of the proposed variance will not be materially detrimental to property within the vicinity in respects such as public safety, traffic, noise, health and sanitation, and hours of operation. The granting of a variance shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district.

Findings: The properties within the vicinity of the request will see benefits and no anticipated detriments. The old vacant house will be replaced with a new home. The granting of the variance would not be materially detrimental to property within the vicinity with respect to, traffic, noise, health and sanitation and hours of operation.

(D) It must be shown that a material hardship unwarranted within the intent of this ordinance will exist if the variance is not granted, and that the hardship cannot be remedied by other means. The hardship demonstrated must not be self-created, and must relate to the land itself and not to problems personal to the applicant. The variance permitted shall be the minimum variance which will alleviate the hardship.

Findings: Based on the configuration of the lot and the location of the water and sewer lines, the variance request is not self-created. The request for reducing the setbacks will allow for the most efficient use and access to the lot.

GENERAL COMMENT

The variance would allow for a new single family home to be built. There has been no opposition received to date from neighboring property owners.

STAFF RECOMMENDATION

Staff recommends allowing the reduction in the front and rear yard setbacks.

Members of the audience were then invited to speak.

Tina Kain, 403 Willow Street, Milton-Freewater. She and her husband are the neighbors to the SE

of the subject property. She stated that she is in favor of this application and feels that the single family home and shop would fit well in the neighborhood and be a positive addition. She then stated that she encourages the applicant to build a fence around the property to prevent foot and vehicle traffic.

There were no further questions and the hearing was declared closed.

Commissioner Sherwin made a motion to grant the variance discussed and adopt the findings. The motion was seconded by Commissioner Millar. All voted in favor.

Chair White then called a vote for new Chair and Vice Chair positions. Commissioner Lyon volunteered to be the new Chair and all voted in favor. Chair White agreed to the Vice Chair position and all voted in favor. The new positions are effective January 7, 2019.

Administrative actions were then discussed. Many of the zoning permits were for fences.

City Planner Sweeney told the Commission that the Planning Department is currently processing business license renewals. She said the number of business licenses in the city limits is up from previous years.

The meeting was adjourned at 7:32pm.