

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
October 4, 2021

(Meeting held via "Zoom" due to COVID-19 and practicing social distancing)

The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:45 pm on October 4, 2021 for the purpose of discussing questions on agenda items.

Those participating were Commissioners Myra Sherwin, Brenna Moore, Frank Millar, and Chair Nathan Lyon.

Staff participants included City Planner Laurel Sweeney and Planning Assistant Cassidy Harris.

Citizen participants included Paul Seaquist and Kim Boyd.

No members of the press were present.

No action was taken.

The study session adjourned at 6:59 p.m.

The Planning Commission meeting was called to order on Tuesday, October 4, 2021 virtually via "Zoom" due to COVID-19 and practicing social distancing at 7:00 p.m. by Chair Lyon.

Commissioners Participants: Chair Nathan Lyon, Commissioners Myra Sherwin, Brenna Moore, and Frank Millar were present. Commissioner Lupe Contreras was absent with an unexcused absence and Commissioner Mary Ward was absent with an excused absence.

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

Citizens Participants: Kim Boyd with Surplus Recycling, 289 Meadowlark Ln. Touchet, Washington 99360 and Paul Seaquist, 684 College St. Milton-Freewater, Oregon 97862.

The minutes of the July 6th meeting were approved as written.

Citizen Concerns: None shared.

The public hearing was then opened for the consideration request from Kenneth Jenkins/Superior Storage LLC for a variance to allow the construction of an 8 foot perimeter security fence for the RV and general storage facility located at 150 Sykes Blvd. (1950 Key Blvd), zoned BM, Business Park.

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.

No written comments were received by the Planning Department.

City Planner Laurel Sweeney provided the staff report, which is printed below.

BACKGROUND

Based on the approval of the conditional use permit in July, 2021, the applicant is working toward developing the property located at 150 Sykes Blvd as RV and general storage. To maximize security of the facility, the applicant is requesting approval of an eight foot high fence around the entire perimeter of the site. Fencing and walls over 42 inches are not allowed in the front yards in the BP zone.

CODE PROVISIONS

10-4-12(C) (11) BUSINESS PARK DEVELOPMENT STANDARDS

10-10-5 CONDITIONS FOR GRANTING VARIANCE:

10-4-12(C)(11)

Fencing And Walls: Fencing and walls are allowed if they are attractive and placed appropriately.

Fencing and walls over forty two inches (42") are not allowed in the front yards.

Findings: The proposed fence height exceeds the allowed height and therefore applicant has applied for the variance.

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 extraordinary or exceptional circumstance that could apply to the subject property in this case relates to use of the property permitted by code. By meeting the requirements of the code for development of the site, it may be necessary to secure the site with a fence due to potential vandalism. Because the buildings will be set back from the street, and without any secure fencing, vandals can more easily access the property.

(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: Applicant feels the variance is necessary for preservation of his property rights based on potential vandalism. The granting of the variance would allow applicant to build a fence that will secure the property.

(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 granting of the variance would not have a detrimental effect on traffic, noise, health and sanitation and hours of operation as the request for an eight foot high fence around the entire project does not impact these issues. Applicant's request would not appear to constitute a grant of special privilege.

(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: Because a 42 inch high fence in the front yard would not be high enough to deter unwanted people from entering the property, a hardship could be considered to exist.

STAFF RECOMMENDATION

Staff recommends granting the variance.

The applicant was then invited to speak.

Kim Boyd stated that if the variance isn't approved for the taller fence, vandalism would happen much easier, especially with expensive vehicles and equipment stored within the facility. Boyd stated that with having the 8 foot tall fence, it would at least slow down vandalism.

All those in support of the application were invited to speak. No one testified.

All those in opposition of the application were invited to speak. No one testified.

Chair Lyon asked if the Commissioners had any questions for the applicant.

Commissioner Sherwin stated that she believes that if there is going to be a facility like this particular RV storage that is not centered in the middle of the city, it has to be secure.

Chair Lyon asked City Planner Laurel Sweeney if the property is ever sold, would the variance be carried over with the property. City Planner Laurel Sweeney explained that Kenny Jenkins and his project would be getting approved for this variance. If the fence is not built and the property is ever sold, if the next owner wants to build an 8 foot tall fence around the facility, they would then need to come before the Planning Commission on their own merits to get approval for their own variance request.

Chair Lyon then clarified if the fence is approved and built on this property and later demolished by another owner, to rebuild the fence that particular owner would then need to get approval for a variance through the Planning Commission.

City Planner Laurel Sweeney agreed.

Commissioner Sherwin asked what locking system will be constructed for the storage facility.

Boyd explained that there will be two gates constructed on the property. One gate will be located on Sykes Boulevard and one on Key Boulevard. Both entrances will be accessed through key pads or a card locking system. That has not been decided.

Commissioner Sherwin asked which locking system was safer and securer over the other.

Boyd stated that the key pad is more "fool proof". If card locks are around a magnetic source, the magnetic strip on the card locks can be damaged, which can compromise the lock. The key pads are fairly straight forward and never change.

The Public hearing was declared closed.

Commissioner Millar made a motion to accept the staff report, the findings, and to approve the Variance request from Kenneth Jenkins/Surplus Recycling LLC to allow an 8 foot tall fence to be constructed. The motion was seconded by Commissioner Sherwin. Commissioner Sherwin, Moore, Millar, and Chair Lyon voted in favor. The motion carried 4-0.

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

City Planner Laurel Sweeney stated that since our July Meeting we have approved 10 new business licenses and we have received and approved Zoning Permit Applications for new fences, additions, one new house, and the Taco Bell approval. O'Reilly Auto Parts has submitted for an annexation. There is a county island located north of the Dollar General, which would be brought into the city. They have also submitted for Site Plan review once that property is annexed in.

City Planner Laurel Sweeney then informed the Commissioners that the City has a new Finance Director, Dustin Dougherty, who has replaced Dave Richmond who has retired.

Chair Lyon asked if What A Skunk LLC only sells CBD products or what the business sells.

City Planner Laurel Sweeney explained that What A Skunk LLC is a home based business that sells CBD infused products. Their oil is within the acceptable range of the THC component and they have provided lab reports showing the analysis.

Commissioner Moore asked what the business, DJL Glass, does and if they are in competition or replacing Marv's Glass.

City Planner Laurel Sweeney explained the DJL Glass is providing the glass for the new Taco Bell. The general contractor has required that all of their subcontractors have a business license. Our City Ordinance does state that any licensed contractor is exempt and does not need to get a Milton-Freewater business license, but it was a requirement by Taco Bell.

Commissioner Moore then asked about the business, Heavenly Makings.

City Planner Laurel Sweeney stated that according to the business website, the business sells different types of kits to do art projects.

City Planner Laurel Sweeney then informed the Commissioners that there is an opening on the Planning Commission.

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