

CITY OF MILTON-FREEWATER  
PLANNING COMMISSION MINUTES  
April 4, 2022

*The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:30 pm on April 4, 2022 for the purpose of discussing questions on agenda items.*

*Those present were Commissioners Myra Sherwin, Mary Ward, and Chair Nathan Lyon. Staff participants included City Planner Laurel Sweeney and Planning Assistant Cassidy Harris.*

*No action was taken.*

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

The Planning Commission meeting was called to order on Monday, April 4, 2022 in the Albee Room of the City Library, 8 SW 8<sup>th</sup> Ave, Milton-Freewater, OR 97862 at 7:00 p.m. by Chair Lyon.

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

There are currently two commissioner positions vacant.

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

Citizens Participants: Bill Williard – 713 Pierce St., Markie McRae – 210 Locust Ave., Allison VanOcker – 669 College St.

The minutes of the February 7, 2022 meeting were approved as written.

Citizen Concerns: None shared.

The public hearing was then opened for the consideration request from the City of Milton-Freewater to allow reduced setbacks, increased lot coverage, and an 8 foot fence for the proposed police station located at 716 S Columbia 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.

No written comments were received by the Planning Department.

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

### BACKGROUND

The site in question has been vacant many years and is owned by the City of Milton-Freewater. Because of the proximity to City Hall and the Library, it has been a goal to build a new police station on the property. A civic campus will be created with the three buildings. Pedestrian access will be enhanced with a new cross walk that will connect the campus. A general obligation bond was approved in the May 2021 election to fund the design and construction of the building.

The proposed police station is approximately 7,727 square feet. The building will provide space for police patrol officers as well as 911 dispatchers. Included in the facility will be a conference room, report taking rooms, holding cells, offices, evidence rooms, a public lobby, break room, interview spaces and training areas.

### CODE PROVISIONS

10-4-3 R-2 RESIDENTIAL

10-10-5 CONDITIONS FOR GRANTING VARIANCE:

10-4-3 (D) (E) R-2 Residential

10-4-3 (D) Minimum Yard Requirements

The setbacks that apply to the site (non-residential) are as follows:  
Front: 22 feet, Rear: 22 feet, Side: 12 feet.

As currently designed, the building is proposed to have a 5 foot setback front setback. This was done intentionally so that the building would have a street presence and be more inviting to pedestrians and visitors to the building. It also brings the building closer to City Hall and the Public Library to create a new Civic Campus for the community. A new pedestrian crosswalk (though not required by code) is to be added across S. Columbia Street, making it easier for visitors to access the site from the existing parking lot and to emphasize the link between the proposed project and the existing civic buildings.

At the sides and rear of the building, the setbacks vary due to the oblong shape of the site and the orthogonal shape of the building. This makes it difficult to get a consistent setback without dramatically decreasing the usable area of the site. The proposed setbacks are as follows. Front: 5 feet, Rear: 15-44 feet, Side: 6-21 feet.

Findings: Due to the reduction in proposed setbacks, a variance is requested.

#### 10-4-3(E) Lot Coverage

Buildings shall occupy a maximum of fifty percent (50%) of the lot.

The lot size is 15,156 square feet and the building is 7,727 square feet making the lot coverage 51%, which is an increase of 151 square feet. The proposed building has been designed to meet the unique needs of a public safety center. According to the designers, there are very specific adjacencies and security measures that happen within the building. The size of the building has been condensed as much as it can to fit the specific needs of the Milton-Freewater PD. The site is also unique in which there is an alley easement between the project's property line and the neighboring property line. Part of the project is to improve this alleyway by creating a new curb cut at S. Columbia Street and paving the entire alleyway, beyond the point of the proposed parking spaces.

Findings: The proposed building coverage is 51%, an increase of 151 square feet. A variance is requested.

#### 10-5-1(E) Residential Zone Fences

1. Rear and Side Yards: Fences not to exceed six feet (6') in height are permitted in side and rear yards, but shall not extend past the front of the residence or the front of a detached garage, whichever is farther from the front lot line.

The proposed fence is 8 feet in height and is proposed to be constructed out of metal panel. The decision to make the fence taller than the allowed 6 feet was to give more privacy and security to both the police department and to the surrounding neighbors. The police facility will be open and occupied 24/7 so by having the taller fence, the neighbors will be screened from the activities. The fence will also help to provide a

visual and acoustic barrier to the rear neighbors and the mechanical equipment in the yard behind the building.

Findings: The proposed fence height exceeds the allowed height and therefore a variance is requested.

#### 10-10-5 CONDITIONS FOR GRANTING VARIANCE

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: This site has some extraordinary or exceptional circumstances that affect the lot. The lot is owned by the City and is in close proximity to City Hall and the Public Library. As such, in being good stewards with public resources and attempting to create a new police station within a civic campus, relief from the setback requirements, lot coverage and fence height are in the public's interest and meets the exceptional or extraordinary circumstances threshold.

- (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 use is a permitted use in the zoning district. With the shape of the lot and the easement and alley on the north property line, the variance allows the development of the lot in a manner required for this use, as other property owners in the same zone have been permitted.

- (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 public safety, noise, health and sanitation. The facility will be open 24/7. With the increased security provided with this schedule, the added security should offset any potential vehicles coming and going. 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: A hardship can be demonstrated if the variances are not granted. The building was designed to meet the space and functional needs of the police department. The proposed building is to be located on a lot already owned by the City, adjacent to other civic buildings. Other options would likely pose a financial hardship as well as a hardship to residents needing to visit more than one City department.

#### STAFF RECOMMENDATION

Staff recommends granting the variances.

The applicant was then invited to speak.

Laurel Sweeney, City Planner, stated that the City of Milton-Freewater is the applicant.

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.

Chair Lyon asked if the fence would be located only on the west, south, and north side.

City Planner Laurel Sweeney explained the location of the proposed fence would be on the west side of the parking area and would end about 10 feet from the corner of the building. The proposed fence would not take in the entire building.

Chair Lyon asked if the fence would run to the sidewalk in which City Planner Laurel Sweeney replied no.

Bill Williard of 713 Pierce Street asked what the material would be of the proposed fence.

City Planner Laurel Sweeney described the proposed fence as being steel with a wood frame.

Markie McRae of 210 Locust Avenue asked if there were any drawings of the proposed structure. City Planner Laurel Sweeney presented the site plan drawings of the proposed police station.

Allison VanOcker asked if the alley way is a through street or if it dead ends. City Planner Laurel Sweeney confirmed that it is a dead end street.

The Public hearing was declared closed.

Commissioner Sherwin made a motion to accept the staff report and the findings of facts and made a motion to approve the Variance request from the City of Milton-Freewater to allow reduced setbacks, increased lot coverage, and an 8 foot fence for the proposed police station. The motion was seconded by Commissioner Ward. Commissioner Sherwin, Ward, and Chair Lyon voted in favor. The motion carried 3-0.

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

City Planner Laurel Sweeney stated that there were 5 new home permits in about a month's time.

Chair Lyon asked what the business Northwest Water Labs was. City Planner Laurel Sweeney explained the business is to distill and bottle water. There was a cap as to how much water the business can use to prevent excessive water usage. If the business exceeds that cap, the business will be reviewed.

Chair Lyon then asked about the location of Los Rocosos Vineyard Tasting Room. City staff explained that the location was next to Broadway Family Dental.

City Planner Laurel Sweeney then stated that Hayden Homes will be the new builder for Key Boulevard Estates.

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