

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
October 3, 2022

The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:30 pm on October 3, 2022 for the purpose of discussing questions on agenda items.

Those present were Commissioners Myra Sherwin, Frank Millar, and newly appointed Commissioner Wendy Harris.

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, October 3, 2022 in the Albee Room of the City Library, 8 SW 8th Ave, Milton-Freewater, OR 97862 at 7:00 p.m. by Chair Lyon

Commissioners Present: Commissioners Frank Millar and Wendy Harris were present. Commissioner Myra Sherwin was present filling in as Chair for Nathan Lyon. Commissioner Mary Ward and Chair Nathan Lyon both had excused absences.

There are currently two commissioner positions vacant.

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

Citizens Participants: Sheila Campbell – PO BOX 723 Milton-Freewater, Gladys Wentland – 85641 Winesap Rd. Milton-Freewater, Billie McKay – 85141 Triangle Station Rd. Milton-Freewater, Ron Haney – 85141 Triangle Station Rd. Milton-Freewater, Van Voorhies – 46 Meadowlark Ln. Touchet, Washington.

Commissioner Sherwin motioned to approve the May 2nd minutes. Commissioner Millar seconded the motion. All were in favor. The minutes of the May 2nd meeting were approved as written.

Citizen Concerns: None shared.

The public hearing was then opened for the consideration request from the Adventist Community Center/ Van Voorhies to allow a reduced rear yard setback for a storage building located at 713 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.

No written comments were received by the Planning Department.

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

BACKGROUND

The subject site includes the Adventist Community Center Thrift Store and parking. There is one storage shed in the southeastern portion of the site. The need for additional storage is the basis for this request. The proposed location for the new shed is directly adjacent to the existing shed.

Due to the size of the proposed shed (480 square feet), the setback requirement for the zone is 15 feet. This variance application is requesting a reduction to 5 feet 2 inches, consistent with the existing shed. The existing shed and the proposed shed abut a single-family lot with a home on it. This home has a setback of approximately 42 feet from the home to the shared property line. Additionally, there is a 6-foot fence on the shared property line.

CODE PROVISIONS

10-10-5 CONDITIONS FOR GRANTING 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 size of the subject property is adequate for the existing use and parking for the customers. A storage shed allows the church's thrift store flexibility for additional storage. The property has a fixed boundary which would make it difficult to build an addition. Circulation and the reduction of parking spaces would be negatively affected with an addition. All other setbacks will be met with the addition of the storage building. Based on this, the criteria could be considered 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: There are numerous properties in the area that contain structures that are built at less than the current setbacks. Strict application of the setback would deprive the property owner of privileges enjoyed by other properties in the vicinity with the same zoning classification.

(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: Granting of the variance would have no impact on the congestion of area streets and does not appear to have any adverse impacts on the neighborhood. Staff finds this variance will not provide a special privilege to this property as structures in the area were built utilizing the variance procedure or previous code standards.

(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: The location of the structure and associated parking make it difficult for an addition to the existing building. Approval of the request will allow the applicant to provide additional storage that is needed for the business activities of the thrift store.

STAFF RECOMMENDATION

Staff recommends allowing the reduction of the rear yard setback variance as submitted.

The applicant was then invited to speak.

Van Voorhies with Appalachian Engineering and Consulting introduced himself and stated that Mitch Nye contacted him with the storage issue at the Adventist Community Center. When meeting with City Planner, Laurel Sweeney, the rear yard setback distance was brought up as an issue. Voorhies explained that their area is a difficult zone to manage due to the type of businesses within the zone. Voorhies thanked City Planner Laurel Sweeney and her staff for their help when reviewing the application. The location of the proposed shed is currently secondary parking, but it will have no impact to the customer parking to the business. The proposed shed is being proposed to have a metal roof and a "one-hour" wall for fire protection.

All those in support of the application were invited to speak.

Gladys Wentland of 85641 Winesap Rd., stated she fully concur with the need for the proposed shed at the Adventist Community Center. Wentland stated that the number of customers coming into the Community Center has grown and that the Milton-Freewater community supports the center with the ample donations that are received. Having the extra storage with the proposed shed would mean extra space for the donations that are made from the Community. Wentland concurred that the location of this proposed shed would be taking the spot of parking that is never used by the public. The construction would not impact the customer parking.

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

Commissioner Sherwin asked if any of the Commissioners has any questions.

Commissioner Millar stated that he has no questions, but fully supports the service the Adventist Community Center provides to the Milton-Freewater community.

The Public hearing was declared closed.

Commissioner Millar made a motion to accept the staff report and the findings of fact and made a motion to approve the variance request from the Adventist Community Center/Van Voorhies. The motion was seconded by Commissioner Harris. Commissioner Sherwin, Millar, and Harris 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 since the beginning of May the Planning Department has approved Zoning Permits for 7 new houses as well as multiple fences, sheds, and additions.

Commissioner Millar asked City Planner Laurel Sweeney who New Dream LLC was. City Planner Laurel Sweeney stated that Joe Kumar was the builder for New Dream LLC, who has built 2 houses out of the 4 lots he owns in front of the proposed Vista Ridge subdivision.

City Planner Laurel Sweeney continued to state that the Planning Department has received the Final Plat for the Vista Ridge subdivision. This subdivision could result in an additional 46 lots once approved.

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