

CITY OF MILTON-FREEWATER  
PLANNING COMMISSION MINUTES  
April 3, 2023

*The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:30 pm on April 3, 2023 for the purpose of discussing questions on agenda items.*

*Those present were Commissioners Myra Sherwin, Frank Millar, Wendy Harris, Mary Ward, and Chair Nathan Lyon.*

*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, April 3, 2023 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: Commissioners Frank Millar, Wendy Harris, Myra Sherwin, Mary Ward, and Chair Nathan Lyon were present.

There are currently two commissioner positions vacant.

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

Citizens Participants: Adam & Donna Sherman – 117 Depot Street, Paul Seaquist – 684 College Street.

Commissioner Millar motioned to approve the October 3, 2022 minutes. Commissioner Sherwin seconded the motion. All were in favor. The minutes of the October 3, 2022 meeting were approved as written.

Citizen Concerns: None shared.

The public hearing was then opened for the consideration request from Adam Sherman to allow a reduced side yard setback for a storage structure located at 117 Depot 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

Applicant desires to build an extension onto his existing home for a shop that will extend into the backyard. There is an existing garage located on the rear and side property lines that is a non-conforming structure. The garage was built prior to the current zoning code adoption. The existing garage will be demolished and replaced with the proposed shop in the new location. The request for the variance is to reduce the side yard setback along the north property line that abuts NW 2<sup>nd</sup> Ave. The applicant proposes to use the proposed shop for inside storage of his trailer, wood working and general tinkering during retirement. The applicant confirmed that he does not intend to park vehicles between the proposed shop and NW 2<sup>nd</sup> Ave.

#### CODE PROVISIONS

10-4-4 R-3 RESIDENTIAL

10-10-5 CONDITIONS FOR GRANTING VARIANCE:

#### 10-4-4 (E) R-3 Residential

##### E. Minimum Yard Requirements

(2) Side yards: Minimum of six feet (6') on interior side, with both sides combining for a minimum of sixteen feet (16'). If garage, carport or driveway is located on the property's street facing side yard, the minimum setback is twenty-two feet (22'). If the garage, carport or driveway is not located on the property's street facing side yard, the minimum setback is ten feet (10'). (City planner may modify strict application of this standard based on actual proposed location of garage or carport in relation to streets.)

Findings: Due to the reduction in proposed side yard setback, 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: The applicant has requested a variance to allow construction of shop. The configuration of the lot, adjacent alley, existing structures, and existing vegetation does not allow for many options for placement of a new structure. This condition is not a result of actions taken by the applicant and is a situation that the applicant had no control over.

(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: Other homes and structures in the vicinity exist with less than the minimum yard setback. Strict application of the controlling ordinance or regulation would deprive the property owner of privileges enjoyed by other property owners in the vicinity and under an identical zoning classification. Furthermore, the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

(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 or safety and would have no impacts on the neighborhood with regard to noise or health and sanitation. The shop will be required to be built according to current building code requirements. Further, staff visited the neighborhood and observed many other structures within the area that have reduced setbacks. Therefore, staff finds this variance will not provide a special privilege to this property.

(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: Although the size of the applicant's lot is not an issue in this case, the location of the home relative to the side property lines and the depth of the lot present both a practical difficulty and a unique circumstance. Due to the location of the existing home and yards, the location of a shop of sufficient size would be difficult without a more significant variance. Approval of a shop will make the property more desirable and potentially raise the value of his home. By adding the shop onto the back of the existing home, vision clearance will not be impacted. Additionally, the vision clearance for the alley will be improved by the demolition of the non-conforming structure (garage).

## STAFF RECOMMENDATION

Staff recommends granting the variance.

The applicant was then invited to speak.

Adam Sherman stated that City Planner, Laurel Sweeney's Staff Report covered what he is proposing to do on his property.

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 any of the Commissioners has any questions.

Commissioners had no questions for the applicant.

The Public hearing was declared closed.

Commissioner Ward made a motion to accept the staff report and the findings of fact and made a motion to approve the variance request from Adam Sherman. The motion was seconded by Commissioner Sherwin. Commissioner Sherwin, Millar, Harris, Ward, and Chair Lyon all voted in favor. The motion carried 5-0.

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

City Planner Laurel Sweeney stated that since the last Planning Commission meeting in October of 2022, the Planning Department has approved Zoning Permits allowing the construction of 16 new homes. A majority of the homes constructed are located in the Key Boulevard subdivision on South Hill.

City Planner Laurel Sweeney stated that City of Milton-Freewater has ordered electric transformers to energize a portion of the Key Boulevard subdivision that has not been developed, but not receiving the materials has caused delays in residential construction. Transformers should be available by mid summer.

City Planner Laurel Sweeney included that the Vista Ridge subdivision, that would be north of Key Boulevard, is in their final plat stage. Their engineer has submitted the last details to move forward to get their final plat ready for construction.

Commissioner Frank Millar asked if the Vista Ridge final plat will have to be re-submitted back to the Planning Commission for approval.

City Planner Laurel Sweeney replied no. She included that the plans for the subdivision have not changed.

Commissioner Sherwin asked how many times the Planning Commission has reviewed the Vista Ridge plans.

City Planner Laurel Sweeney replied that the group has reviewed the plans two or three times over the last decade.

City Planner Laurel Sweeney then stated that there are 12 new business since the last meeting. She included that most of these business licenses have been approved since January of 2023. City Planner Laurel Sweeney detailed that 90% of businesses have renewed their licenses from last year.

The meeting was adjourned at 7:20 p.m.