

CITY OF MILTON-FREEWATER  
PLANNING COMMISSION MINUTES  
September 5, 2023

*The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:30 pm on September 5, 2023 for the purpose of discussing questions on agenda items.*

*Those present were Commissioners Frank Millar, Wendy Harris, Myra Sherwin, Mary Ward, Megan Norton, 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 Tuesday, September 5, 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, Megan Norton and Chair Nathan Lyon were present.

No commissioner was absent.

There is currently one commissioner position vacant.

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

Citizens Participants: Mick and Michelle Shaul – 416 S Elizabeth St.

Chair Lyon asked if there were any corrections or additions to the May 1, 2023 minutes. None were stated. All were in favor for approval. The minutes of the May 1, 2023 meeting were approved as written.

Citizen Concerns: None shared.

The public hearing was then opened for the variance request from Kelly and Carolyn Hahn to allow a minor partition with reduced public right of way on property located at 250 Powell Rd.

City Planner Laurel Sweeney stated that additional public advertising is required for this hearing and recommends that the Hahn variance request be continued to the October 2, 2023 Planning Commission meeting.

Commissioner Sherwin moved to continue the Hahn public hearing to the October 2<sup>nd</sup>, 2023 Planning Commission meeting. Commissioner Millar seconded. All were in favor. Motion carried 6-0.

The public hearing was then opened for the variance request received from Mick and Michelle Shaul to allow reduced rear setbacks for additions to their existing garage on property located at 416 S Elizabeth St.

Rules for a public hearing were read. No members of the Commission abstained or disclosed ex parte contact.

Commissioner Harris did recuse herself from participating in the public hearing due to her being a neighbor within 200 feet of the applicant's property.

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 applicant desire to build extensions on both sides of their existing garage. According to the applicant, the house and garage/carriage house were built in 1913. A attached shed on the northern side of the garage was built pre-1950 and is about

four feet from the rear property line. The applicant would like to remove the old attached shed and replace it with a new structure and will add 6 feet of additional setback. Additionally, the applicant would like to expand the existing garage on the south side of the structure. A reduction of the rear yard setback is requested for both structures. The code specifies an 18-foot rear yard setback, the applicant is requesting 10 feet for the nearly three quarters of the new structures. The balance of the proposal conforms with the code.

#### CODE PROVISIONS

10-4-3 R-2 RESIDENTIAL

10-10-5 CONDITIONS FOR GRANTING VARIANCE:

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

D. Minimum Yard Requirements: For single-family dwelling or duplex:

1. Interior lots:

- a. Front yard: Twenty two feet (22').
- b. Side yard: Minimum of six feet (6') on any side, with both sides combining for  
a minimum of sixteen feet (16').
- c. Rear yard: Eighteen feet (18').

Findings: Due to the reduction in proposed rear 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 an expansion of their existing garage. The structures were built on the site in 1913 and pre-1950. Existing vegetation, access within the lot and location of the structures limit potential placement of any new structures. An older structure will be removed and an improved structure will be built in its place with an increased setback. This age of the property and existing structures 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: There are some other homes and structures in the vicinity exist with less than the minimum yard setback. The site is located in an old area of town. 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 additions will be required to be built according to current building code requirements. Further, staff visited the neighborhood and observed 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: The size of the applicant's lot is not an issue in this case. Approval of a shop will make the property more desirable and potentially raise the value of this home, as well as adjacent properties. Whereby demolishing an outdated shed, new construction methods will increase the safety of the structure.

#### STAFF RECOMMENDATION

Staff recommends granting the variance.

The applicant was then invited to speak.

Mick and Michelle Shaul asked the Commissioners if they had any questions regarding their proposal.

None were asked.

City Planner Laurel Sweeney asked the applicants if they were planning on enclosing the additions to the existing garage or if they would stay open as carports.

Mick Shaul stated that financially, they are keeping the structures as carports, but would eventually become enclosed.

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 Millar motioned to accept the staff findings, recommendation, and approve the variance application submitted by Mick and Michelle Shaul. Commissioner Sherwin seconded the motion. All were in favor. Motioned carried 5-0.

Commissioner Millar then motioned to approve the Staff Report and its findings. Commissioner Sherwin seconded the motion. All were in favor. Motion carried 5-0.

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

City Planner Laurel Sweeney stated that there are 15 new homes being built, primarily in the Key Boulevard Estates subdivision located on the South Hill. Two of the lots located on the steep side of the subdivision have been sold, but no plans have been submitted to the Planning office.

Commissioner Ward asked about the relocation of the Liquor Store.

Planning Assistant Cassidy Ruiz stated that the new address of the Liquor Store is 178 S Main Street, across the street from True Value.

Chair Lyon asked about the location of Bobs Eco Blasting. Commissioner Millar added that it took over for Jim's Body Shop.

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