CITY OF MILTON-FREEWATER

PLANNING COMMISSION MINUTES

July 6, 2020

(Meeting held via “Zoom” due to COVID-19 and practicing social distancing to stay in compliance with the Executive Orders Issued by Governor Kate Brown)

*The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:45 pm on July 6, 2020 for the purpose of discussing questions on agenda items.*

*Those present were Commissioners Myra Sherwin, Carlotta Richardson, Wes Koklich, Mary Ward, Frank Millar, and Chain Nathan Lyon.*

*Staff present included City Planner Laurel Sweeney and Planning Assistant Kassidy Harris.*

*Citizens that were present are as follows: Paul Seaquist, 684 College Street Milton-Freewater.*

*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 Monday, July 6, 2020 virtually via “Zoom” due to COVID-19 and practicing social distancing at 7:00 p.m. by Chair Lyon.

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

Staff Present: City Planner Laurel Sweeney and Planning Assistant Kassidy Harris were present.

Citizens Present: Paul Seaquist, 684 College Street Milton-Freewater

The minutes of the December 2, 2019 meeting were approved as written.

Due to Chairman Lyon being out of town joining via “Zoom”, Planning Assistant Kassidy Harris read the Chairman’s dialog.

Citizen Concerns: None shared.

The rules for a public hearing were read by Planning Assistant Kassidy Harris. No members of the Commission abstained or disclosed ex parte contact. No audience member objected to any commissioners’ right to participate in the public hearing. City Planner Laurel Sweeney stated that the notice of the hearing was published as required by law. One written comment had been received at the Planning office and was distributed to the Planning Commission.

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

I. BACKGROUND

The applicant has applied for a variance to allow the construction of a storage shed/garage that is approximately 900 square feet in size to be built prior to the construction of a single family home on the lot located at 2105 S. Walnut. The applicant has indicated that they intend to build a single family home in the future, but no date has been identified. The site is located outside of the City limits, but is within the Urban Growth Boundary. According to the Milton-Freewater Planning Area Joint Management Agreement, applications for land use requests such as this request are administered by the City of Milton-Freewater Planning Department.

The City of Milton-Freewater City Code states in Section 10-5-6 that “Accessory structures are permitted as accessory use to a residence” in any zone. It also states in Section 10-2-2, Definitions, that an accessory structure is “A structure which augments the main use of the property and is appropriate to the zone in which the property is located, but which is incidental and subordinate to the main use.” It is because of these two sections of the Zoning Ordinance that a variance is being requested.

II. SITE DESCRIPTION

The subject property is located at 2105 S. Walnut (Map 5N3513A, Tax Lot 2200). Zoning for the property and all properties surrounding the site is R-2. There are single family homes currently on the each of the adjacent lots. As mentioned above, the site is outside of City limits, but is within the Urban Growth Boundary. The lot is approximately 15,475 square feet in size and was created as a result of a minor partition plat in 2019.

III. APPLICABLE CODE PROVISIONS

**10-2-2 DEFINITIONS**

ACCESSORY STRUCTURE: A structure which augments the main use of the property and is appropriate to the zone in which the property is located, but which is incidental and subordinate to the main use.

GARAGE, PRIVATE**:** An enclosed accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building, and accessible only from a street unless the planning commission permits access via an alley due to unique circumstances involving the property. No residential use is permitted in garages.

**10-5-6 (C)(D) RESIDENTIAL ACCESSORY STRUCTURES****:** Accessory structures are permitted as accessory use to a residence in any zone subject to the following requirements:

C. Principal Garage Not An Accessory Structure: One principal garage, whether attached or detached, is permitted for each residence. The size of the principal garage is limited by the size of the lot and the lot coverage standards, but is not limited to any specific maximum square footage.

D. Limitation On Size And Number Of Structures: Accessory structures shall be limited to two hundred forty (240) square feet and fifteen feet (15') in height. No more than two (2) accessory structures which require permits shall be allowed per residence.

**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 property was part of a larger family owned parcel that was divided into three lots. This parcel is currently undeveloped and will need to be maintained to help control weeds, grass, etc. The property owner lives in another part of town. By allowing the storage shed/garage to be built, equipment may be stored on-site to help ease maintenance of the lot.

(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 granting of the variance would allow the applicant to build a storage shed/garage in a logical location, which is a property right typically enjoyed by residents of residentially zoned property. There are other properties in the area that contain similar structures. Strict application of the code might deprive the property owner of privileges enjoyed by other properties in the vicinity and under an identical or similar 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: The proposed variance would not have any effect with respect to public safety, traffic, noise, health and sanitation and hours of operation. Although the applicant's request could appear to constitute a grant of special privilege, based on the limited scale of variance requested, staff does not feel that the spirit of the ordinance is violated.

(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 applicant desires to improve a vacant lot by building a storage shed/garage prior to building a single family home. All development standards, including setbacks will be followed. By allowing the storage shed/garage, an increased in maintenance of the lot as well as an increase in a physical presence at the lot will occur, which will help to improve the neighborhood. The request represents a minimum variance.

GENERAL COMMENT

This request is more of a timing issue. The applicant intends to build a single family home in the future, but would like to be able to build and use a storage shed/garage prior to the single family home being built. The proposal has not received any opposition to date and one letter in support has been submitted to the Planning office and is attached.

STAFF RECOMMENDATION

Staff recommends granting the variance.

The applicant was then invited to speak.

Clarence York first thanked the Planning Commission. He stated that he left a site plan with City Planner, Laurel Sweeney, proposing where his shed/garage would sit on his property. City Planner Laurel Sweeney had given Mr. York the property setbacks and more information earlier this year. Mr. York stated that he was positioning the garage/shed so that it is square with the street that will eventually be fronting the house. Mr. York stated that he will eventually want electricity to his shed/garage, but not at this time. He requested support of his variance request and asked the Commission if they had any questions

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.

The applicant and all those in support of the application were invited to rebute testimony. No one testified.

Planning Assistant Kassidy Harris asked if the Commissioners had any questions.

Chairman Lyon asked City Planner, Laurel Sweeney, if there were already a residence on the applicants property, would the requested variance be necessary? The City Planner responded, no. She continued explaining that our City Code stipulates that a shed/garage is an accessory use to an existing sing family home. Chair Lyon agreed that there would need to be a house on a property before a shed/garage is placed, explaining why the variance is needed.

The Public hearing was declared closed.

Commissioner Sherwin made a motion to except the staff report, the variance requirements, the findings, and the variance request. The motion was seconded by Commissioner Richardson. Commissioners Sherwin, Ward, Richardson, Koklich, Millar, and Chair Lyon voted in favor. The motion carried 6-0.

City Planner Laurel Sweeney presented the Administrative Actions of the Planning Department.   
There has been a fair amount of activity including 7 Zoning Permits for new homes. Two additional applications for new homes had been submitted that are not on the list. She explained that Elzora Loop is almost completely built-out and now two lots in Stonewood Court are going to be built on. Ms. Sweeney continued to state that Key Boulevard Estates is moving forward as well, and hopefully we will be able to see new houses coming in soon.

Commissioner Sherwin asked if Key Boulevard Estates is owned by the California developer that was previously approved by the Planning Commission in 2019. Ms. Sweeney explained that no, they are not the same. Legacy Land Development, by Barry Weis and Kacey Humbert, is south of the California developer’s property. Ms. Sweeney then stated that there is a sign located around that property for Blue Plank which is a builder out of Idaho and she believed they were going to be constructing the first 10 lots.

Ms. Sweeney continued on to update the Commission about current City information. She stated that the Milton-Freewater City Hall is still closed to the public due to COVID-19 restrictions, but is still running as usual. She explained that business is being done as usual only over the phone and through email.

Commissioner Koklich asked the City Planner about a sewage line addition on South Walnut Street in Milton-Freewater. He stated that the street is torn up and asked when the City was going to put the street back together?

Ms. Sweeney replied that her understanding is that Public Works is working with the property owner to get that finished up. She explained that she hasn’t heard of a finalized time, but they are working hard and in contact with the owner to get it completed. She included that she would make a note of the situation and check in with the Milton-Freewater Public Works Department to see if there is a set date of when that construction will be completed. She said that she would call Commissioner Koklich about her findings.

Commissioner Koklich then asked for an update on the new convenient store Fast Mart located on South Main in Milton-Freewater. Ms. Sweeney explained that they have done major improvements on the building and more recently the concreate work out front of the store. She hasn’t heard of an opening date for their business, but she wouldn’t think it would be too far off.

Commissioner Richardson stated that she is resigning from the Planning Commission and is going to miss the Planning Commissioners and the meetings. She stated that it has been enjoyable and a good learning experience. This will be Commissioner Carlotta Richardson’s last Planning Commission Meeting for the City of Milton-Freewater.

The meeting was adjourned at 7:55 p.m.