

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
July 1, 2024

The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:30 pm on July 1, 2024 for the purpose of discussing questions on agenda items.

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

Interim City Planner Kassidy Ruiz was the staff participant.

No action was taken.

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

The Planning Commission meeting was called to order on Monday, July 1, 2024 in the Albee Room of the City Library, 8 SW 8th Ave, Milton-Freewater, OR 97862 at 7:00 p.m. by Chair Nathan Lyon.

Commissioners Present: Commissioners Mary Ward, Myra Sherwin, Wendy Harris, and Chair Nathan Lyon were present.

Commissioners Absent: Commissioner Frank Millar and Megan Norton

There is currently one commissioner position vacant.

Staff Participants: Interim City Planner Kassidy Ruiz was present.

Citizens Participants: Chad Morris - 722 S Main St., Leanne Steadman - 722 S Main St., Kenny Jenkins - 804 College St., Paul Seaquist - 684 College St., and Nick Williams via telephone - 915 SW 6th Ave., Portland, Oregon.

Chair Nathan Lyon asked if there were any corrections or additions to the March 4, 2024 minutes. None were stated. Commissioner Mary Ward motioned to approve the March 4, 2024 minutes as written. Commissioner Myra Sherwin seconded the motion. All were in favor for approval. Motion carried 4-0. The minutes of the March 4, 2024 meeting were approved as written.

Citizen Concerns: None shared.

The public hearing was then opened for the Variance application received by TVA Architects to allow a 7-foot-tall fence to be constructed around a secured parking area located at 163 Sykes Blvd.

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.

Interim City Planner Kassidy Ruiz stated that the notice of the hearing was published as required by law.

Interim City Planner Kassidy Ruiz stated that no written comments were submitted to the Planning Office.

Interim City Planner Kassidy Ruiz provided the staff report, which is printed below.

BACKGROUND

The applicant is working toward developing half of the existing building on the property located at 163 Sykes Blvd as a new DHS facility. To maximize security for staff parking and bringing clients to the Child Welfare Department, the applicant is requesting approval of a seven-foot-tall security fence around the entire perimeter of the secured parking area to the east of the building. Fencing and walls over 6 feet tall are not allowed in the rear and side yards in the BP zone.

CODE PROVISIONS

10-4-12(C)(11) BUSINESS PARK DEVELOPMENT STANDARDS

10-5-1(E)(1) FENCES

10-10-5 CONDITIONS FOR GRANTING VARIANCE:

10-4-12(C)(11) BUSINESS PARK DEVELOPMENT STANDARDS

Fencing And Walls: Fencing and walls are allowed if they are attractive and placed appropriately.

Fencing and walls over forty-two inches (42") are not allowed in the front yards.

Findings: The proposed fence is not being placed in the front yard.

10-5-1(E)(1) FENCES

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.

Findings: The proposed fence is not located in a residential zone, but its proposed fence height exceeds the allowed height and therefore applicant has applied for the 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 extraordinary or exceptional circumstance that could apply to the subject property in this case relate to use of the property permitted by code. By meeting the requirements of the code and DHS for development of the site, DHS requires the seven-foot-tall slatted fence to secure the area for staff and to bring in clients to the Child Welfare Department. Due to the privacy and safety of staff

and children in specific circumstances needing to be transported to and from the Child Welfare Department, the seven-foot privacy fence is needed.

(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: Applicant feels the variance is necessary for the safety and privacy of employees and clients. The granting of the variance would allow applicant to build a fence that will secure the property. Properties to the north and east both have been granted fences that exceed the 6-foot minimum for security purposes.

(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 traffic, noise, health and sanitation and hours of operation as the request for a seven-foot-tall fence around the secured parking area does not impact these issues. 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: Because a 6-foot-tall fence around the Child Welfare parking area would not be high enough to discourage unwanted people from entering the secured parking and play area, due to the circumstance of the department, a hardship could be considered to exist.

STAFF RECOMMENDATION

Staff recommends granting the variance.

The applicant was then invited to speak.

Nick Williams with TVA Architects stated that Interim City Planner Cassidy Ruiz explained the request well. Williams stated that the facility will hold three different departments for the Department of Human Services and one of those departments will be the Child Welfare Department. In the event that a child needed to be taken into the facility by an employee. The employee would drive into the secured fencing enclosure and lock the electronic gate behind them, securing the area. Williams continued to state that a 6-foot-tall fence would not be high enough to discourage people to look or climb over the fence, which is a safety concern for the employee and the child. Williams stated that it would be a total of 8 parking spots that the secured fence would enclose.

Chair Lyon asked if there were any members in support of the applicants.

None were stated

Chair Lyon asked if there were any members in opposition of the applicants.

None were stated.

Chair Lyon asked the Commissioners if there were any more questions.

None were stated.

The Public hearing was declared closed.

Commissioner Sherwin motioned to adopt the findings of staff and approve the Variance application submitted TVA Architects. Commissioner Ward seconded the motion. Commissioner Sherwin, Harris, Ward, and Chair Lyon were in favor. Motion carried 4-0.

Interim City Planner Cassidy Ruiz presented the Administrative Actions of the Planning Department.

Interim City Planner Kassidy Ruiz stated that many Zoning Permits for fences have come through the planning office and a few manufactured homes have been approved to be placed in Meadowbrook Village. Interim City Planner Kassidy Ruiz stated that there is a new owner of Meadowbrook Village who is planning on filling the empty lots and cleaning up the park.

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