

CITY OF MILTON-FREEWATER  
PLANNING COMMISSION MINUTES  
April 7, 2025

*The Planning Commission of the City of Milton-Freewater met for an informal pre-meeting study session at 6:30 pm on April 7, 2025 for the purpose of discussing questions on agenda items.*

*Those present were Commissioners Frank Millar, Megan Norton, Wendy Harris, and Vice Chair Mary Ward.*

*Staff participants included 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 7, 2025 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 Vice Chair Mary Ward.

Commissioners Present: Commissioners Frank Millar, Megan Norton, Wendy Harris, and Vice Chair Mary Ward.

Commissioner Absent: Commissioner Myra Sherwin.

There is currently two commissioner positions vacant.

Staff Participants: Planning Assistant Cassidy Ruiz was present.

Citizens Participants: Elle Bois Jolie – 325 Powell Rd., Chad Morris – 722 S Main St., and Leanne Steadman – 85422 Tum-a-Lum Rd.

Vice Chair Mary Ward asked if there were any corrections or additions to the July 1, 2024 minutes. None were stated. Commissioner Wendy Harris motioned to approve the July 1, 2024 minutes as written. Commissioner Megan Norton seconded the motion. All were in favor for approval. Motion carried 4-0. The minutes of the July 1, 2024 meeting were approved as written.

Vice Chair Ward stated that a new Chair and Vice Chair needed to be appointed as per City Code. Commissioner Millar motioned to postpone the appointment until the next Planning Commission meeting in hopes that Commissioner Sherwin and possibly another Commissioner would be present to vote. Commissioner Harris seconded the motion. All were in favor. Appointment of the Planning Commission Chair and Vice Chair would be conducted at the next Planning Commission meeting, set on May 5, 2025.

Citizen Concerns: None shared.

The public hearing was then opened for the Variance application received by Elle Bois Jolie to allow reduced rear-yard setback for a proposed lot located at 325 Powell Rd.

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.

Planning Assistant Cassidy Ruiz stated that the notice of the hearing was published as required by law.

Planning Assistant Cassidy Ruiz stated that no written comments were received by the Planning Department.

Planning Assistant Cassidy Ruiz provided the staff report, which is printed below.

## BACKGROUND

The applicant would like to partition their property into two lots. The size of the lot, 2.62 acres, is adequate for creating two lots, however by creating an additional lot, all setback to the current structures must be maintained according to our City Code. All structures on the property do meet those requirements, except one house that was built in the 1920s. Due to the location of an irrigation pond and large shrubbery, the applicant is requesting a 6-foot rear yard setback of this one residence, but the City Code requires an 18-foot setback, which requires the applicant to apply for a variance before moving forward with a minor partition.

## VARIANCE APPLICABLE CODE PROVISIONS

### 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: With the existing vegetation and irrigation pond, it is difficult to evenly divide the property down the middle, giving the existing structures adequate yard setbacks to meet City Code Requirements. The property owner had to adjust the proposed new property lines around old vegetation and an irrigation pond, leaving the rear yard setback much smaller than what is required by code.

(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 variance will allow the applicant to divide their property.

(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 rear yard setback of 6 feet will still allow a sufficient rear access to the property. Emergency vehicles will have the same access to the property as before, and therefore staff feels that the variance would not be materially detrimental to property within the

vicinity with respect to public safety, or traffic. Noise, health and sanitation and hours of operation do not appear to be relevant in this situation.

(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: There are examples in town where property owners have requested significant reduced rear yard setbacks and they have been approved. With current structures and land features being placed on the property before our City Code was ever established, establishing new property lines to accommodate a separate lot has been difficult.

#### GENERAL COMMENT

The proposed 6-foot rear yard setback for one house located at 325 Powell Rd., would allow sufficient rear access to the structure when the applicant applies for a minor partition of the property. The proposal has not received any opposition to date.

#### STAFF RECOMMENDATION

Staff recommends granting the variance.

The applicant was then invited to speak.

Elle Bois Jolie stated that the Planning Assistant, Cassidy Ruiz's Staff Report explained her proposal well.

Elle Bois Jolie added that the way that the house in question is situated on the property, it has ample room in the front and no doors or access in the rear. The enjoyment of the land would be out front of the home, not in the back.

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

None were stated.

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

None were stated.

Vice Chair Ward asked the Commissioners if there were any more questions.

None were stated.

The Public hearing was declared closed.

Commissioner Harris motioned to adopt the findings of fact and approve the Variance application submitted by Elle Bois Jolie. Commissioner Norton seconded the motion. Commissioner Harris, Millar, Norton, and Vice Chair Ward were in favor. Motion carried 4-0.

Planning Assistant Cassidy Ruiz presented the Administrative Actions of the Planning Department.

Commissioner Millar asked about the remodeling of the old Sykes building and wanted confirmation that it will be the location of the new DHS building. Planning Assistant Cassidy Ruiz confirmed.

Commissioner Millar asked if DHS was a daycare facility. Planning Assistant Cassidy Ruiz stated that DHS is the Department of Human Services. Inside the building there will be State offices for Child Services.

Commissioner Millar asked if the daycare center north of the new DHS facility is a different entity than State DHS. Planning Assistant Cassidy Ruiz confirmed that the childcare facility north of the DHS site is the Umatilla Morrow Head Start building and it was confirmed that they are two separate entities.

Commissioner Millar asked if the Winemakers Studio was still being proposed in the Sykes Building. Planning Assistant Cassidy Ruiz stated that at one time, the Winemakers Studio was being proposed in the east side of the old Sykes building, but now with grant funding, they are proposing to build their own facility just south of Dunning Irrigation.

Commissioner Millar asked if all of the property south of the old Sykes Building, up to the end of the Key Boulevard subdivision, is within City limits. Planning Assistant Cassidy Ruiz confirmed.

Commissioner Millar stated that when the Key Boulevard subdivision was being developed there was discussion about an access road from the subdivision to the main highway. Commissioner Millar asked if that was still being planned. City Manager Chad Morris stated that there is highway access from one location, but a southern access, is being asked for. There is currently a dirt road from the highway to the middle of the subdivision and another road, south, by the water tower.

Commissioner Millar stated that the dirt road from the highway is a service road for farmers to access the vacant land between the subdivision and the highway.

City Manager Chad Morris stated that he has had conversations with Barry Weis, who owns the vacant properties along the highway, regarding developing a frontage road going south toward the water tank. City Manager Chad Morris stated that Weis has gotten State approval for an access road off of the highway. When the properties are developed, that is when the road will be put in.

Commissioner Millar asked when the State approves the access road from the highway, who is responsible for the development of the access to each property. City Manager Chad Morris stated that it is the developer's responsibility. The portion of the access road has to maintain all the ODOT rules and regulations when on the State's right-of-way, but the rest of the road will need to meet City Code standards.

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