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LYONS PLANNING COMMISSION MEETING
SEPTEMBER 13, 2010

OPEN MEETING 6:00 P.M.

Planning Commission Chair Kim Hunn called the Lyons Planning Commission meeting to order at 6:00 P.M. Present were Planning Commissioners Steve Baldwin, Ed Jones, Clastine Ritchie and Cheri Doran. City Manager Mary Mitchell and Assistant City Manager Audrey McNerney attended as staff.

GUESTS

Brian Stinnett, Richard Lindemann, Lynn Medley and Travis Medley.

Hunn asked that all stand for the Pledge of Allegiance. She then inquired as to whether there were any declarations of conflict of interest or ex-parte contact regarding the agenda items. There being none, the meeting continued.

MINUTES.

Baldwin made a motion to approve the Minutes of the July 27, 2010 Planning Commission Meeting. Jones seconded the motion. Voice vote. Motion carries.

NEW BUSINESS.

Property Line Adjustment – Behrens/Medley. Hunn requested McNerney present the highlights of the staff report prepared in connection with this matter. McNerney stated that Mr. and Mrs. Medley had purchased a strip of land 31.81 x 9.01 feet from Mary Ann Behrens in order to adjust the lot line as set forth on the proposed site plan. McNerney inquired as to whether the Planning Commissioners had reviewed the Staff Report. The Commissioners responded that they had reviewed the Staff Report. McNerney then recommended that, since all of the applicable standards for a property line adjustment as set forth in LMC 17.45 had been met, the property line adjustment be approved. After discussion Jones made a motion to approve the Property Line Adjustment. Ritchie seconded the motion. Voice vote. Motion carries.

Site Plan Review – Stinnett. McNerney presented the Staff Report prepared in connection with this application, a copy of which is attached hereto and made a part hereof by reference. McNerney advised Planning Commission that this site is adjacent to 2180 Apple Loop where Mr. Stinnett had previously constructed three pole buildings similar to the one proposed in the current application. All of these buildings have been used for wood storage, bundling of wood and storage of supplies and equipment. It is Stinnett's intention to utilize this adjoining site and building for the same purposes and as an extension of the business at 2180 Apple Loop. McNerney referred to the portion of the staff report which sets forth the required contents of the site plan. She stated that one of the most important elements of the site plan review was item LMC 18.35.030 B. which requires that the site plan must set forth the location, surfacing and width of all driveways and internal access roads, the location and surfacing of off street parking and loading areas, the number of parking spaces and a design plan for parking and circulation areas. McNerney commented that if Planning Commission had had an opportunity to review the staff report they will note that it refers to the Minutes of the May 6, 2009 Council Meeting (the review was conducted by City Council due to a lack of quorum of Planning Commission members). The manner in which Council dealt with a number of these issues can have a bearing on how Planning Commission may decide to deal with these same issues in connection with this application. Hunn asked Planning Commission if they had had an opportunity to review the other categories aside from this one and whether they had any questions with regard to those other categories prior to going into detail on this one. McNerney moved on to Page 4 of the staff report and stated that items C, D and E met with the requirements of LMC 18.35.030. With regard to Item F which deals with the proposals for the handling of drainage Mitchell asked Stinnett what types of wood would be handled on the site and whether any of the wood stored there would be chemically treated on site. Stinnett responded with the names of the types of wood stored on the lot and stated that none of the wood is chemically treated on site. Mitchell referred to the problems that had arisen in connection with the bark stored on the Decorative Bark lot which is behind Stinnett's lots. Stinnett said that bark is an entirely different product in that there would be more runoff with material leached out of bark whereas the whole logs do not have that problem. As far as chemical treatment is concerned they might spray for insects with the same type of chemicals used in homes. Mitchell asked if Stinnett felt that there would be any impact to the drainage as a result of the quantity of these chemicals utilized leaching out. Stinnett stated that he felt there would be no significant impact.

McNerney went on to Item G which met the requirements regarding the location and specific purpose of all areas to be set aside for open space and recreation. Since the lot is within an industrial subdivision there is no need for an area to be set aside for such purpose. Item H calls for a plan for buffering, screening, fencing and landscaping. The staff report states that since this property does not abut a residential zone it does not appear that the buffer standard is applicable in this instance. However, the report goes on to state that the Deed Covenants and Restrictions for the PI Subdivision require that if materials or vehicles are stored within 50 feet of Apple Loop, lot owners will be required

to construct a sight obscuring fence or hedge along or near the Apple Loop right of way. The site plan reflects that materials will be stored in excess of the required 50 feet thus eliminating the need for a sight obscuring fence. Mitchell commented that the staff report should reflect that the materials will be stored ***and will remain stored*** in excess of the required 50 feet to eliminate the need for a sight obscuring fence. McNerney stated that this could be added as a condition of approval of the site plan. McNerney then referred to items I and J which met the necessary requirements in that Mr. Stinnett does not intend to install exterior lighting or place a sign at this site.

The next section of the Staff Report dealt with the Criteria For Approval of Applications for Site Plan Review which are set forth in LMC 18.35.050. LMC 18.35.050 A. states "A. Vehicular Access to and from the site is adequate to serve the use and will not result in traffic related problems on the street network in the immediate surrounding area." McNerney stated and the staff report sets forth that the site plan sets forth adequate vehicular access. However, unless Mr. Stinnett applies for a Driveway Approach Permit this lot will not meet the requirements of LMC 12.05 with regard to driveway approaches. This requirement was waived for the 2018 Apple Loop site when the third building was constructed because the first two buildings on that site were erected prior to the enactment of this ordinance and City Council determined at that time, that the driveway approach for any *currently developed* property would be grandfathered in. (City Council Minutes May 6, 2009) While the activity on this lot may be an extension of Mr. Stinnett's current business, there are no buildings at *this* site at this time. Baldwin asked if the requirement was because this was a separate tax lot. McNerney responded in the affirmative. Stinnett stated that he has owned the lot for close to two years and has been storing logs on the site during that time. The reason that they have submitted a request for a site plan review is that they now wish to erect a pole building on the site. The site is presently accessed from 2180 Apple Loop but the site plan indicates that they intend to construct an access driveway. Mitchell asked if there would be an exit driveway. Stinnett responded that the second driveway was the one already in existence at 2180 Apple Loop. McNerney provided a copy of the site plan for 2180 Apple Loop and there was discussion regarding traffic flow through the two sites.

The discussion then moved on to the off street parking areas. The staff report states that Stinnett has not indicated an area for off street parking. Since Stinnett will not be adding any employees and the business does not service customers on site, the eight parking spaces previously authorized for the three buildings on the adjacent site appear to be sufficient. The staff report then referred to the Findings of Fact which discusses the issue of offsite parking and refers to the May 6, 2009 Council Meeting at which time the City Council approved the parking plan with eight spaces. The staff report points out that the governing body now has the authority to approve the parking plan submitted if they find that the parking requirements are inadequate or inappropriate to address the specific needs of a development which was what Council found at the May 6, 2009 meeting. Mitchell asked Stinnett how the parking area was designated and questioned how the extra employees are accommodated when there are 20 employees on the payroll.

Stinnett said that there is sufficient employee parking along the fence line at the 2180 Apple Loop property and that there is a day shift and a night shift, which breaks down the number of employees on site at one time. He also stated that many of the employees car pool.

McNerney stated that another requirement was that the off street parking areas be suitable in terms of size and location to serve the proposed use. Again, the governing body does have the ability to modify the requirements if they deem that the requirements are inadequate or inappropriate to address the specific needs of the development.

McNerney then stated that the issues that needed to be addressed at this point were whether or not the entire surface of the site should be gravel and whether or not Planning Commission needs to request that Mr. Stinnett meet the requirements for the driveway access. McNerney stated that a copy of LMC Chapter 12.05 setting forth driveway approach requirements was attached to the Staff Report as Exhibit C.

Lindeman referred to the section of the staff report which stated that because of DEQ requirements regarding drainage, a graveled parking area is preferable to paved and commented that as the owner of an adjoining lot he was happy to see that Stinnett was going to be allowed to gravel the site rather than being required to pave it because the use of gravel will allow the runoff to filter naturally into the ground. McNerney commented that this decision was up to the Planning Commission. Hunn commented that is favorable to use rock over asphalt. Baldwin commented that he had driven by the site on his way to the meeting to see if the gravel comes out onto the road and it was his observation that the gravel doesn't come out onto the road at all.

McNerney stated that there was at least one condition of approval which needed to be imposed which is set forth on page 8 of the Staff Report as follows: "LMC 18.30.160 E. states: 'Should the owner or occupant of a lot or building change the use of the property to a use which increases the off-street parking requirements, it shall be unlawful and a violation of this title to begin or to maintain such an altered use until the required increase in off-street parking is provided, unless otherwise approved by the City Planning Commission.' ***Therefore, in the event of a change in use of the site or a sale of the property applicant shall be required to advise the City of such change of use or sale so that the on-site parking area can be reviewed for applicability and modified if necessary.***

The other condition of approval recommended by staff was that an application for a Driveway Approach permit must be submitted to the City of Lyons and the driveway approach to this property must be completed in accordance with LMC Chapter 12.05 and in conformity with plans submitted to and approved by the City Engineer prior to the issuance of final approval by the City of Lyons and Linn County Planning and Building for the building to be constructed on this site.

Baldwin asked about the cost for a Driveway Approach Permit and was advised that it was \$250. Mitchell explained that the City Engineer reviews the driveway approach plan to be sure that it is not going to create any drainage problems. The engineer does that for all newly developed lots in town.

McNerney stated that the remaining condition of approval should be that the storage of logs remains at least 50 feet from Apple Loop. In the event that the logs are stored less than 50 feet from Apple Loop a sight obscuring fence will be required.

Hunn asked if there was any signage directing the truck traffic on the site. Stinnett said there was no signage. There was discussion as to how the truck traffic flows on the street and in the 2180 Apple Loop lot. Stinnett said that usually there was no more than one truck at a time.

Hunn asked if the property were to be sold at some time in the future and the new owner decided to do something different on the property, would that new owner have to apply for a change of use. Mitchell stated that it was a requirement which is difficult to track and enforce since the City does not have a business license ordinance. Mitchell said that the owner would have to apply for a change of use which would come before the Planning Commission. She went on to state that she agreed that for the type of business being conducted by Stinnett the graveled area is most appropriate. She said that she also agreed that the parking is probably adequate but that a driveway approach to this property should be completed in accordance with LMC 12.05. The reason that this requirement was implemented and affects the entire City is that the City does not have a storm water drainage system. We have catch basins and drainage ways which the City is responsible for maintaining. The idea behind the implementation of the ordinance was to keep the sediment and debris from getting into the drainage and plugging it up. Anything that can be done to help keep the debris out of the street and into the catch basins and drainage ways is a good thing from a maintenance perspective.

Baldwin asked if Stinnett would be required to pave a portion of the new driveway. Mitchell explained that the driveway access is asphalted. This acts as a buffer between the graveled area and the street. The purpose is to keep the debris out of the street and the catch basins to the degree possible. Jones commented that Stinnett had been cooperative in this regard. Mitchell asked Stinnett how often he checked to be sure that there was no debris in the ditch way and out on the road. Stinnett said that he was out there daily and if there is something in the road or in the ditch which might cause a problem to his driveway or the drainage on his property he will clean it. Mitchell stated that in her opinion Planning Commission should leave the decision to the City Engineer to determine what would be most appropriate for the property. After discussion regarding whether or not the driveway access needed to be asphalted, Mitchell commented that if the City is going to have a rule the rule needs to be enforced uniformly. Hunn commented that the Planning Commission has to look at the property from a long term standpoint. If there is a single standard and something that was not

brought up to that standard fails, it becomes the City's responsibility to bring it up to standard. The driveways in the PI Subdivision that are graveled were installed prior to the enactment of the rule. There was further discussion regarding the necessity for the enactment of the rule. Mitchell said that there was a reason that the rule was waived for the prior site plan review. That reason no longer applies since this is a completely separate tax lot with a new building being constructed.

After discussion Baldwin made a motion to approve the Site Plan for 2200 Apple Loop based upon Findings of Fact set forth in the Staff Report and to impose the following Conditions of Approval:

1. LMC 18.30.160 E. states: "Should the owner or occupant of a lot or building change the use of the property to a use which increases the off-street parking requirements, it shall be unlawful and a violation of this title to begin or to maintain such an altered use until the required increase in off-street parking is provided, unless otherwise approved by the City Planning Commission."
Therefore, in the event of a change in use of the site or a sale of the property applicant shall be required to advise the City of such change of use or sale so that the on-site parking area can be reviewed for applicability and modified if necessary.
2. An application for a Driveway Approach permit must be submitted to the City of Lyons and the driveway approach to this property must be completed in accordance with LMC Chapter 12.05 and in conformity with plans submitted to and approved by the City Engineer prior to the issuance of final approval by the City of Lyons and Linn County Planning and Building for the building to be constructed on this site.
3. The storage of logs must remain at least 50 feet from Apple Loop. In the event that the logs are stored less than 50 feet from Apple Loop a sight obscuring fence is required.

Ritchie seconded the motion. Voice Vote. Motion carries.

Discussion - City Wide Survey. Hunn distributed a copy of a preliminary draft of the Community Survey which she had prepared on the computer. She stated that this is a paper copy of what people will complete if they don't want to go on line. Jones asked if questions regarding the Water Department had been included. Hunn responded in the affirmative. She said that she and Mitchell had taken all of the information gathered at the last meeting and incorporated it in this draft. The on line version utilizing the "survey monkey" mirrors the paper version but has a slightly different format. The survey can be completed either utilizing the paper version or the on line version. The paper version refers to the online version URL. After a period of time determined by Planning Commission, the on line version will be closed and the results can be summarized. There was a discussion regarding whether to distribute the survey via bulk mail or physically delivering copies to the people residing within the Lyons City limits. Mitchell said that

the last survey was delivered by utilizing students to deliver the surveys to every household in Lyons. She said that she still had all of the maps which are broken down by area and it wouldn't take too long to have them delivered. It was the consensus of Planning Commission that that delivering the survey form to each household within the Lyons City limits would be the best way to have them distributed.

Mitchell then asked for thoughts on how to have the surveys returned to the City. The consensus was to have the surveys returned by having them printed so that they can be folded to show the return address and have return postage prepaid.

Mitchell suggested including a section regarding postal service since it is a service utilized by everyone in the community. Hunn said that it would be no problem to include this in the final draft. Topics could include, among other things, customer service and availability, mail delivery, access to information and overall satisfaction.

There was discussion regarding topics for the Water District section. Baldwin asked if the Water District had any input on the questions posed in the Survey. Mitchell responded that they had declined to participate.

The next suggestion was to include a section rating the quality of the services provided by the School District similar to those for the Library, the Water District and the Fire District. The categories would be communication, property tax rate paid for services, overall satisfaction. Mitchell suggested including satisfaction with student bus transportation and there was discussion as to whether or not it was necessary to include this topic. Baldwin was opposed to having any reference to student transportation included in the survey.

Mitchell stated that the survey would go before Council for Council's approval at its meeting tomorrow at 10:30 A.M. (September 14, 2010). Hunn said that she would get together with Mitchell in the morning to make the suggested changes before the meeting.

There being no further business to come before the Planning Commission, Jones made a motion to adjourn the meeting. Baldwin seconded the motion. Voice vote. The meeting adjourned at 7:20 PM.

Audrey McNerney
Assistant City Manager