



# CITY OF LYONS

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## PLANNING COMMISSION MEETING & HEARING MINUTES

March 15, 2016

**Planning Commission Present:** Chair Steve Baldwin, Michelle Keirse-Coulibaly, Herb Bastuscheck, Pamela Brown

**Absent:** none

**Employees Present:** Micki Valentine – City Recorder

**Public Present:** Chris Lindemann, Chris & Kelley Jones, Charlotte Anderson, Larry Brown, Beverlee Hilton, (*Unknown person came in at end of meeting and didn't identify themselves.*)

**Opened w/pledge @ 6:30pm** by Steve Baldwin

**Conflict of Interest/Ex-parte Communications:** None declared

### Public Hearing

The commission reviewed variance application and staff report. Steve asked Charlotte for her comments. Charlotte is neighbor and is concerned whether they have room to build a house in that area. Steve asks the contractor, Chris Lindemann, what the size of the house would be. Chris responds 24 wide and length to be determined. It will be 1200 square feet and the house will be angled. Pam asks is it 4 or 5 feet from the bank. (*Chris & Kelley Jones arrive.*) Chris says as close as they can get, the plans haven't been done yet, depending on point of origin. Pam – they are asking for a variance before they even know what they are going to do? Chris we are asking for the variance before money is put into it. He wants to be sure they can build where they want to. Herb asks how long will the project take. Chris replies that it will take 5 months. Kelley says that the trees will be addressed by the neighboring property owner (*DeLapp*). Herb asks if the existing manufactured home were taken out first then there would be a much larger area. They don't have another place to live. It was suggested renting or a trailer. Then there would be no question of being too close to the creek. Steve says the existing ordinance says 50 feet, he points out there would be no place on the property that would be 50 feet from the creek and current house is within that 50 feet. Chris asks if there is a difference in the classification of it being a perennial creek or drainage ditch. His understanding of a perennial stream is a free flowing year round creek, this is not, it is a drainage creek. Steve responds that he goes by it every day for the last 13 years and rarely sees it dry. Kelley says it was dry last summer. Steve responds that it was dry due to the drought. Chris asks if it goes dry then is it still considered a creek. Steve responds yes, that Federal laws say anything with water in it is considered wetland. Steve asks if they have talked to the county or environmental. Chris responds that he has and they said they have no jurisdiction – it was the city's decision. Steve asks about state level. Micki contacted Nancy Gramlich from DEQ, who oversees our stormwater drainage – she said because the area they will be disturbing to build the house is less than one acre, they would not be required to obtain a permit from them. Steve asks that the State has rules on setbacks and wants to know what that is. Micki responds that it's the 50 feet, that's where our rule comes from. Kelley offers that they are very responsible to care for their property. Michelle asks about where it goes or high does it go.

Property owner states that it stays within the banks and doesn't go over the water line. Micki responds that in the '96 flood that the area was inundated with water however we have discovered that the culvert had been blocked. It would not have been such an issue. Pam asks about the septic system if they would hook into the current one. Chris says they would. Pam asks if the septic needs to be approved to use the same one. Chris replies that they will require a review be done and they will likely require the system be pumped and the junction boxes will be inspected. It should be ok as long as they don't build a house bigger than what already exists. The new house will be smaller with only 2 bedrooms. No age limit on drain field as long as junction boxes are clear. There is room for a new drain field if needed. Steve is concerned that they will run into a problem with the state, building the house so close to the stream. He is concerned that they may approve something that we have no control over. Chris anticipates that will be taken care of when they take it to the plans examiner at the county. Steve asks if there will be a deck placed near the creek. Chris Jones said possibly in the future but not with the construction of the house. He confirms that the manufactured home will be removed once the final inspection has been completed and they can move. Pam is concerned that the (*building*) plans have not been formally drawn up and submitted to the commission. She is also concerned about the 4-5 foot distance from the creek bank. Steve says that the plans need to be approved by the county and they should be aware of the state's requirement – so we are not the final. Steve says we are allowing them to build within 4-5 feet of the creek but they still need to meet all the other requirements. Pam asks for confirmation that it will not be reduced to 3 feet or less. Chris says it will not be less than three feet and once the setback is determined then they will prepare the blueprint plan and plot map. Steve says it's their land. He watched it for years and it doesn't affect the neighbor's land. Chris says they will have a construction barrier, no contaminants, ...the foundation to keep any erosion from happening.

**Public Comments** – Charlotte asks how long and wide will it be. Chris Jones replied that it will be twenty foot wide and 100 foot from end-to-end, it's angled, and smaller than the current one. Chris doesn't have exact dimensions yet, just preliminary. Beverlee asks if there will be a pond put in. Chris Jones says they will not be putting one in, it will all be grass. Larry asks if they are on city water – Steve confirms that they are, it's a requirement.

Steve closes the public hearing.

### **Commission Discussion**

Pam has concerns as she has already stated and is ok as long as the county approves the plans. Steve says that we can approve the variance with the requirement that it be no closer than four feet of the creek – minimum of four feet from creek.

### **Decision**

Motion to approve the variance, with minimum setback of four feet from the creek bank – all were in favor, none opposed.

### **New Business**

- Vacant Seats – Currently there is one vacancy. Michelle informed Micki, this evening that she may be vacating her seat due to moving out of the area this summer. So we are looking for two people to fill those seats. Please contact Micki if interested in a position.
- Future Meetings – Micki asked commission if they hold regular meetings or just when something in particular needs addressed. Response was as needed. Michelle thought it used to be once a month. Steve thinks they have to do a comprehensive plan review every

5 years and he thinks it needs to be done. Every 10 years a community survey needs to be done. Pam would like a copy of the comprehensive plan and survey – directed to website. Survey may not be online, stop by office.

**Next Meeting** – Not set

Adjourned 6:55 pm

Transcribed by Micki Valentine, City Recorder