



# CITY OF LYONS

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LYONS, OREGON 97358

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## PLANNING COMMISSION MEETING & PUBLIC HEARING MINUTES

January 10, 2017

**Planning Commission Present:** Chair Ginger Griffith, Sharon Durbin, Pam Brown, Gaye Gibby

**Absent:** Herb Bastuscheck

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

**Consultant:** Dave Kinney

**Public Present:** Larry Brown, Bill Grimes - Lyons-Mehama Water District Representative, Brian Cowan, Mike Jarman, Tim O'Brien, Troy Gulstrom-Partition Applicant

### **Introductions and Meeting Opened @ 6:30pm**

**Election of Chair:** *Sharon nominates Ginger to be the chair and Pam seconds. No other nominations - carried with all in favor.*

### **Training**

Dave provides a training presentation on land use hearing procedures and decisions. Local decisions are made by the city planning commission and may sometimes go to the city council. There is an appeal process to follow if not happy with the decision.

**Opening of the Public Hearing @ 7:19 pm** by Ginger and the planning commission members introduced themselves. Ginger will be presiding over the hearing and reads the script at commencement of a quasi-judicial land use public hearing. She describes the public hearing to consider Land Use File #2016-02 a minor partition at 605 Juniper Street in Lyons.

**Objections:** Ginger asks if there are any objections - none declared

**Conflict of Interest/Ex-parte/Bias:** Ginger asks planning commission members if there any conflicts of interest or ex-parte or bias - none declared

### **Presentation of Application**

Troy Gulstrom presents his partition plan. He is creating two additional parcels for a total of three which meets the City's requirements for a parcel. Utilities are able to service all three parcels. He is working on septic approval and the tests should be done this week. His intent is to sell the parcels.

### **Staff Report**

Dave reviews the staff report. There needs to be septic approval on the parcels before the partition is recorded to verify that they are buildable lots. He explains that the parcels will have to meet city requirements. Parcels need to have access from city streets and need to have utilities available. Parcels 1 and 2 will need to have required access for fire trucks while parcel 3 is close enough to the road. The City has a requirement of a 50' set back from the high water line for

new houses. Staff recommendation is approval. The applicant would be given one year to complete the partition and recorded with Linn County. The partition map has to comply with the county survey requirements and completed by a registered professional surveyor and comply with Oregon state law and Linn Co. survey requirements. The map must show the parcels as shown on the approved partition map, the special setback areas, a 40' driveway access easement and public utility easement for parcels 1 and 2 off Juniper Street, and record a driveway access and maintenance agreement that shows parcels 1 and 2 will share the expense. Parcels must have an on-site sewer disposal system approval which is required before recording of the final partition plat. Prior to a building permit, they must have water service and a driveway approach for parcel 3 from existing pavement to at least 10 feet. On-site improvements for septic and drainage before building permit can be issued. Private utilities would be installed with the building permit. A permit is needed from city for work in the public right-of-way.

**Proponent's Testimony (Persons in Favor):** Ginger asked if there were any comments in favor of the partition - no comments offered

**Opponent's Testimony (Persons Opposed):** Ginger asked if there were any comments opposed to the partition – no comments offered

### **General Testimony of Individuals or Organizations**

Ginger asked for testimony. Bill Grimes from the Lyons-Mehama Water District has no comment with the exception that it is acceptable for water access to be installed at the time of the building permit. Tim O'Brien had a question about the access off of Juniper Ct. and would like the driveway moved north. Mike Jarman asks to move the utility box to the other side of the driveway. Dave says it would be up to the builder and the utility company and maybe the city.

**Questions of Clarification from the Planning Commission and Staff:** Ginger asks if there are questions or clarifications needed – none asked

**Applicant's Summary and Rebuttal:** Ginger asks for applicant's summary and rebuttal – In summary, Troy responds that he would like to divide the parcels and let someone else enjoy the property. He has no rebuttals.

### **Staff Summary**

Dave says the only change is the water to be installed at the time of the building permit application and not with the partition. Ginger recognizes a question from Brian Cowan, 601 Juniper. Brian asks about the stormwater backing up since the driveway is raised. He wants to make sure that when the driveway or turnaround is put in, the water is flowing and tiled toward the river.

**Close of Public Hearing:** Ginger closes at @ 8:03 pm and the planning commission goes into deliberation.

### **Planning Commission Deliberation & Decision**

Ginger reads the planning commission options. Dave says, before starting deliberation, there is a change to the partition - require the water service installation and submit a plan for drainage with the building permit application. Sharon recommends that we approve the partition with the changes requested, it appears to meet the criteria, and be an appropriate division. Pam, Gaye, and Ginger also agree. *Sharon motions to approve the Minor Partition for Troy Gulstrom at 605*

*Juniper Street as modified to require that the water service access not be required until building permits are submitted and that we otherwise adopt the conditions of approval for File No. 2016-02 – Pam seconds – motion carried with all in favor.* Dave reports the planning commission's decision is to approve the minor partition and he encourages the property owners to work together on the drainage issue and to pay attention to the utilities when the building permit application is applied for on parcel 3. The contractor should coordinate utilities with the water department as well as adjacent property owners.

**Final Order and Notice of Decision:** Ginger reads that a final order and a written notice of decision will be issued to the applicant and all participants of record within 5 business days of the Planning Commission's decision.

**Appeal Period:** Ginger reads any person aggrieved by the Planning Commission decision may appeal the decision to the City Council by filing a written appeal with the City of Lyons within 14 calendar days of the date the Notice of Decision is mailed by the City. Dave notes that the notice will be mailed tomorrow so the date would be January 25<sup>th</sup>.

**Manufactured Home – Hardship Review and Renewal:** Micki explains medical hardship for Mr. Anderson on 5<sup>th</sup> St. that wants to extend hardship. *Pam motions to grant the extension – Sharon seconds- motion carried with all in favor.*

**Next Meeting** – As needed

Adjourned 8:34 pm

Transcribed by Carol Hendricks, Assistant City Recorder

*MV*