



CITY OF LYONS

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449 5TH STREET
LYONS, OREGON 97358

PLANNING COMMISSION MEETING & PUBLIC HEARING MINUTES

August 1, 2017

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

Absent:

Employees Present: Micki Valentine – City Recorder

Consultant: Dave Kinney

Public Present: Harold & Bonnie Corey - Partition Applicant, Todd & April Mitchell, Caleb Mitchell

Introductions and Meeting Opened @ 7:00pm

Opening of the Public Hearing @ 7:02 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 #2017-02 a minor partition at 1220/1223 3rd 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

Harold Corey presents his partition plan. He is proposing to split his single parcel into two separate parcels. Both lots meet the half acre minimum requirement. He will replace the older single-wide manufactured home with a new double-wide home. He will move into the new home and Todd Mitchell will purchase the other lot. The driveway will be shared.

Staff Report

Dave reviews the staff report. The applicant proposes to divide the existing 1.22 acre parcel into two lots. The two lots will meet minimum lot size requirements. The site is located in the Single Family Residential (SFR) zone. They are served by a joint driveway at the end of the cul-de-sac on 3rd Street.

The Lyons-Mehama Water District responded and will require the applicant to provide a second water service for 1220 3rd Street.

Linn County Environmental Health Department will allow them to reuse the existing septic system, however they will need to apply for a permit to reconnect.

SCTC / PTC will require a public utility easement on the final plat map, to maintain existing buried services across the property, allowing for service to both parcels.

The City Engineer has no objection to the partition.

There are three issues that will need to be addressed. They are:

1. Septic approval - reconnection
2. Access easement agreement for driveway
3. Neighboring house encroaching on property

Conditions for approval recommended:

- Completion of the minor partition survey plat within one year and compliance with all conditions of approval.
- Final Partition Plat survey map must be recorded with Linn County Surveyor. It must show:
 - Parcels 1 and 2 as shown on the approved partition map,
 - Verify the exiting home 1230 3rd street does not encroach over the property line, minimum 5 foot setback – 3 foot minimum for fire code,
 - Driveway access easement, to encompass existing utilities
- Improvements required prior to issuing a building permit
 - Water service to be established separately to both homes,
 - Obtain septic reconnection permit for parcel 1
 - Reconnect utilities to parcel 1
 - Access Driveway Maintenance Agreement recorded with Linn County Deed Records – provide copy to the City.
- Construction Permit for work in the public right-of-way, if necessary

Proponent’s Testimony (Persons in Favor): Ginger asked if there were any comments in favor of the partition – all present were in favor, no additional comments

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. Dave stated that Water District requests that a second water connection be made to parcel 1.

Discussion concerning how the second home originally was placed without a hardship or partition previously. Mr. Corey explained that he came in ten years ago, the City allowed it without a hardship permit or partition. The partition is happening now because they wanted to replace the older home and inquired at the City for the process to do that.

Questions of Clarification from the Planning Commission and Staff: Ginger noted that her only concern was how this had originally occurred, which has already been explained.

Applicant’s Summary and Rebuttal: Ginger asks for applicant’s summary and rebuttal – no further comments.

Staff Summary

Dave recommends approval with the Conditions of Approval being met.

Close of Public Hearing: Ginger closes at @ 7:20 pm and the planning commission goes into deliberation.

Planning Commission Deliberation & Decision

Ginger reads the planning commission options. Sharon motions to approve – Pam seconds – carried with all in favor.

Final Order and Notice of Decision: Ginger reads that a written Final Order and 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.

Adjourned 7:30 pm

Transcribed by Micki Valentine, City Recorder