



CITY OF LYONS

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PLANNING COMMISSION MEETING MINUTES

July 15, 2020

This meeting was held In-Person and via Zoom, in accordance with the Oregon Governor's Executive Order #20-16 and following COVID-19 restrictions.

Planning Commission Present In-person: Sharon Durbin, Ned Holt,

Planning Commission Present via Zoom: Jerry Tabler, Chair Ginger Griffith

Absent: none

Others Present: Mayor Lloyd Valentine in-person, Dave Kinney-Planning Consultant via Zoom, Micki Valentine – City Recorder in-person & Zoom

Public Present: Jeff Peters & Neldon Marker in-person, John & Shannon Waddle via Zoom

Opened @ 6:30pm

Call to Order: Meeting called to order at 6:36 pm by Micki Valentine. *(Noted that Chair Griffith having technical difficulties with Zoom.)*

Dave Kinney planning consultant for the City, presides over the meeting due to Ginger having audio difficulties.

The first hearing is a minor partition hearing for Jeff & Shelly Peters. Land Use file 2020-01 a proposal from Jeff & Shelly Peters to partition a 10.11-acre tract of land into three parcels. Located in the 1700 block of Main Street. Dave verifies that a copy of the agenda and hearing procedures are available on the counter at City Hall – Micki responds that they are.

Public Hearing: Dave Kinney opens the public hearing @ 6:40 pm. He reads the agenda and detailed statement with the information required under ORS 197.763(5), is printed and available to the public.

Objections: Dave asks for objections to notices, jurisdictions – there are no objections.

Declarations of Conflict of Interest, Bias, and Ex Parte Contact: Sharon states she lives nearby but has no bias or ex parte contact. Dave asks Jeff Peters if he has any objection to Sharon's participation in the hearing procedure – he has no objection. No one else had any concern with Sharon participating.

Applicant Presentation: Jeff Peters provides a summary of what he would like to do.

Staff Report: Dave provides the report. He recommends that the partition be approved. The property has been annexed into the city and the portion within the city are now zoned for single

family residences to be built. The parcel will be divided into three lots. The two lots within the city will be a one acre and .88-acre parcels. Linn County has given preliminary approval for septic systems. The remaining acreage will remain outside of the city limits. Must meet subdivision codes and must meet 5 decision criteria. Vehicular access to each parcel – driveway to Main Street for the two parcels within the city limits and the other parcel is accessed by (Dogwood Street). Public utilities need to be provided to the buildable parcels – water and septic can be provided for. Does not create any landlocked parcels. Drainage cannot create problems to the property owner or downstream property owners – water drains to a seasonal creek on the property and should not cause any problems for the two homesites. Physical characteristics that affect the parcels and Staffs conclusion is that there are not.

Recommendation is to approve with a set of conditions of approval:

1. One year to get a final partition plat survey recorded with Linn County.
2. That the plat show easements for the driveway access or referencing the existing easement.
3. Record a driveway maintenance agreement that shows responsibility for the maintenance of the driveway going out to Main Street.
4. Public improvement be constructed concurrently with the building permit. There is a change to the report and that is that the Water District will allow the water connection be made at the time the building permits are issued.
5. Improvements would be required with building permits and they would be to get their septic system installed, onsite drainage system so that roof drain water can be detained like a dry well before it drains into the creek, coordinate installation of gas, power, phone service, and cable service to the sites. Linn County requests the property owner to obtain an access permit at the time of the building permits are issued.

He recommends approval with the modified conditions of approval

Proponent's Testimony (Persons in Favor): None

Opponent's Testimony (Persons Opposed): None

General Testimony: None

Questions from Commissioners: Ned Holt asks about the septic system. Jeff says that it will be a two-tank process. Dave says it's not a sand filter. Sharon asks about water service concurrently with building permits, the modification. Dave affirms that it is.

Questions from Applicant: Jeff asks if the State approved the annexation – Dave responds that it did.

Ned asks about the access permit – Dave explains that the driveway comes out to Main Street. They will review if he needs to do an upgrade or make minor improvement to the approach. Dave asks if there is a paved approach extending 10 to 15 feet into the driveway with pavement. Sharon says no. Neldon says only about 4 or 5 feet. Dave says Linn County Road Department may request additional pavement to prevent gravel from tracking into the roadway and to eliminate potholes. Jeff expects that it will need to be redone once the water line is put in.

Close of Public Hearing – Dave closed the hearing.

(Ginger has regained two-way audio.)

Deliberation and Recommendation – Being no further deliberation needed, *Sharon motioned to approve the Minor Partition for Jeff & Shelly Peters, to direct the staff to modify the findings of fact and conclusions to reflect the Planning Commission’s deliberations and adopt the conditions of approval for File No. 2020-01 – Ned Holt second – motion passed with all in favor and none were opposed.*

Sharon – In Favor

Ned – In Favor

Ginger - Aye

Jerry - Aye

Jeff Peters and Neldon Marker leave the meeting.

Ginger introduces herself and states that she will preside over the meeting.

This meeting is being held for a public hearing to consider Land Use File 2020-02 a proposal from John & Shannon Waddle requesting a variance from the city’s five foot setback requirement to allow them to construct a new garage within three feet of the south property line. The property is located 183 19th Street. A copy of the agenda and hearing procedures are on the back counter at city hall.

Ginger opens the hearing at 7:00 pm.

The hearing agenda and the detailed statement with the information required in ORS 197.763(5) is printed and available to the public. Ginger provides preliminary hearing information.

Objections: Ginger asks if there are any objections to notices, jurisdictions – there are no objections.

Declarations of Conflict of Interest, Bias, and Ex Parte Contact: There are none

Applicant Presentation: John Waddle provides a summary of what they would like to do. The existing garage is coming apart from the garage. They would like to build a larger garage to replace it.

Staff Report: Dave provides the report. They are requesting a reduction to the setback requirement of five feet to less than three feet. A building placed less than three feet from the property line requires a firewall according to the Oregon Residential Specialty Code. The applicant is willing to do so. They also provided a letter from their neighbor indicating that they do not object to the reduced setback. Approximately fifteen feet between the edge of the neighbor’s house and where they propose to build the garage. Decision criteria is provided in the written staff report. He recommends approval with the following conditions of approval:

1. Variance be granted three feet or less to the south property line
2. If the building permit is not obtained within one year, then the variance expires.

3. Meet building code requirements of the OR Residential Specialty Codes for fire resistant construction. They expect to start project by September or October at the latest.

Dave recommends the Planning Commission approve the variance subject to conditions in the Staff Report.

Proponent's Testimony (Persons in Favor): None

Opponent's Testimony (Persons Opposed): None

General Testimony: None

Questions from Commissioners: None

Questions from Applicant: None

Close of Public Hearing – Ginger closes the hearing at 7:10 pm

Deliberation and Recommendation – Being no further deliberation needed, *Sharon motioned to approve the Setback Variance for John and Shannon Waddle at 183 19th Street, adopt the findings of fact, conclusions, and recommended conditions of approval, for File #2020-02 – Jerry second – all voted in favor – none were opposed.*

Ginger - Approve

Jerry - Approve

Sharon - Approve

Ned - Approve

Dave states that a letter of approval will go out to John & Shannon Waddle tomorrow. There is a 14-day appeal period. If no one appeals the decision, it will go through.

Ginger adjourned the meeting @ 7:13 pm

Transcribed by Micki Valentine