



CITY OF LYONS

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449 5TH STREET
LYONS, OREGON 97358

PLANNING COMMISSION MEETING MINUTES

June 21, 2022

Planning Commission Present: Chair Ginger Griffith, Sharon Durbin, Jerry Tabler, Ned Holt

Planning Commission Absent: Mel Hanna

Staff Present: Planning Consultant Dave Kinney, City Manager Micki Valentine,

Others Present: Laura LaRoque - Udell Engineering, Ed Norgard, Tom & Jennifer Pease & Daughter Pease

Chair Ginger Griffith called the meeting to order at 6:30 pm.

Introduction of planning commission members.

HAWKEYE MEADOWS SUBDIVISION PUBLIC HEARING

Public Hearing opened at 6:31 pm to consider proposal from Sky Builders to subdivide a 2.19-acre parcel lot into 4 lots located on the 2400 block of Oak Street.

No objections to the notice or jurisdiction of the planning commission to hear and consider this case.

There were no declarations of conflict of interest, ex-parte contact, or bias by any members of the planning commission.

Applicant's Presentation

Applicant representative, Laura LaRoque, presents the proposal. Property is a four-lot subdivision. All lots are nearly equal in size. Currently undeveloped and borders Oak Street and 25th Street. Lots are anticipated to be for single family homes. Utility services will be provided including private septic systems. Water service will be extended to each lot. Each lot will have a private driveway off Oak Street. There are requirements for right-of-way improvements. Oak Street is under Linn County Road Department jurisdiction. A 25-foot paved surface with four-foot-wide gravel shoulders then tapers off at the end of Oak where it meets with River Loop and improvement of the intersection at the corner of Oak and 25th Streets will be required. Explains requirements for septic.

Staff Report

Dave Kinney, provides the staff report. The four-lot subdivision is allowed in the single family residential zone. The property is within the city limits, the road north of the property is not within city limits. It is county jurisdiction and will need to meet their requirements. The criteria subdivision plat approval procedures, design standards-water, sewer, storm-drainage & lot size. Improvement requirements detailed engineering requirements water service, fire protection, street improvement standards. Single family residential zone allows for ½ acre lots – minimum lot size. Linn County Environmental Health will determine if ½ acre lot is large enough to

accommodate a septic system. The lot size may need to be adjusted if any one of the lots needs to be larger than a ½ acre. One lot has received approval, the other three are in process. They will have to do a drainage review to ensure no negative impacts to adjacent properties. It will need to be contained onsite or flow into existing channels. The application does comply with the subdivision code & zoning requirements. Recommends approval with conditions. Approval will expire in one year on August 31, 2023. Must be reviewed by the Linn County Surveyor. A ten-foot easement along Oak Street is recommended to allow for utilities. Applicant is required to reimburse the city for engineering & planning overage costs. Install water service. Design a storm drain system. Constructed to approval of county engineer. Onsite sewage system must meet Linn County Environmental Health requirements. Requires water service & septic approval must be in place prior to building permits being issued. City engineer needs to approve stormwater drainage. Linn County Road Department construction permit required for Oak Street improvements. Recommends approval as presented & recognizing there may be minor adjustments needed. Building permits cannot be obtained until the final plat is completed and the lots are designated as legal lots.

Proponents/Opponents/General Testimony

Tom Pease asks about the width of Oak Street. Also, where will the driveway be for the west lot. Kinney explains that the road will end at River Loop and will not extend the full length. The driveway will extend off the curve end of the road. The width of the road will be determined the Linn County Road engineer. He asks whether a stop sign will be placed at the other Rover Loop. Linn County will review the plan and determine if they will require it or not. Oak Street will be straightened out a little further south. With the center of the paved area being more toward the new property. The driveways will have to have paved approaches to Oak Street but how far back is unknown. Holt asks about the size of each lot. Laura says it is the property owner's preference. Daughter Pease asks if there are any options that would allow the road not be as wide. Kinney responds that the County will require they meet minimum of 22-24 feet standard. Linn County will not allow a reduction.

Ed Norgard asks about height and if the houses will be two stories. He is concerned about obstruction of the view. He also asks about whether they will be required to build fences. Kinney states that the height limit is 35 feet so they could put a two & half-story home there. Kinney did not recommend a fence as part of the subdivision. That would be up to the property owners. Laura does not have the property owners' building plans. She explains that with the septic field and setbacks, the house will be further away from the property line. Kinney expects the structure not to be any closer than 35 feet from the property line. Standard septic systems with leach lines are expected to be used.

Planning Commission questions – none

Applicant's Summary and Rebuttal

Laura responds to questions stating that they have to meet requirements. Another person in her office can respond to the building questions and attendees are encouraged to contact their office. Tom Pease asked why Ash Lane is not being improved. Laura explained that it is a private road and confirms that it is not a city road. Durbin shares that there is a benefit. The county could order that the road be paved at any time they choose too, if there isn't a developer to assess the charge to then all of the adjacent property owners have to pay for it. Pease would prefer that it doesn't get developed any further.

Staff Summary

Kinney recommends approval with the conditions of approval. He points out that city code requires that planning commission decision be forwarded to city council for review. It doesn't indicate that they have any role to play. He recommends for the planning commission to make a motion to approve the subdivision as presented and forward it on to city council. If the city council has any comments then the planning commission may have to reopen the hearing. The ordinance shouldn't be written this way. He doesn't feel that there is any reason to re-convene the planning commission. Recommends to approve as presented with conditions and to forward the proposal to city council for their review. He will issue a Notice of Decision tomorrow. There is a 14 day appeal period. Any participant of the hearing may appeal the decision to the city council. He also recommends that the city change the subdivision ordinance to eliminate the review requirement. Their role is the appellate body. If a person has a concern they can appeal it to the council. That makes it clean. The council would hold a hearing and go through the appeals process.

Griffith closes the public hearing at 7:12 pm.

Planning Commission Deliberation & Decision

Dubin motions to approve the Hawkeye Meadows Subdivision for Steve Anfilofieff on Oak Street, adopt the findings of fact, conclusions, and recommended conditions of approval for File No. 2022-02 – Holt seconds – All in Favor – None Opposed – motion carried.

Kinney will issue a Notice of Decision, copies of the Notice of Decision will be sent to all in attendance. Participants can appeal to City Council.

Planning Commission Recommendation to City Council

Kinney also recommends that the planning commission recommend make a motion to the city council change the Title 17 Subdivision code be changed to have the planning commission to make the final decision on subdivisions and that it would be appealed to city council. *Durbin makes the motion – Holt seconds – All in Favor – None Opposed – motion carried.* Kinney explains that if council agrees, at the next land use hearing the planning commission will do a public hearing to consider the amendment to the subdivision code and make a recommendation to city council to adopt it. We will have to provide a notice to the state of the amendment.

Griffith state the final order and a written Notice of Decision will be issued to the applicant and all participants within five (5) business days of the Planning Commission's decision.

Closing Statement

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 fourteen (14) days of the date the Notice of Decision is mailed by the City.

HOLMAN PLAT MAP

The Planning Commission reviews the final plat map for the Holman property. This is a property line adjustment that was previously approve. *Durbin motions to approve – Holt seconds – All in Favor – None Opposed – motion passes.* When the mylar map is received at city hall, Ginger will sign.

Nothing further.

Chair Griffith adjourned the meeting at 7:19 pm.

Summarized by Micki Valentine, City Manager