

TOWN OF LAKEVIEW  
MEETING AGENDA  
Planning Commission  
April 12, 2010  
7:30 p.m.

I. **Call To Order**

II. **Communications/Comments/Informational Items**

III. **Old Business**

- A. Permit Approval-Application No. 520/521; Fremont Sawmill Flammable & Combustible Liquid Above Ground Tanks

IV. **New Business**

- A. Public hearing on Applications No. 529 and 530 by Lakeview Lockers for a Site Design Review and Variances to establish a temporary food service – a summer bar-b-que and beer and wine garden – in an event tent at the Lake County Fairgrounds, Highway 140 west, Lakeview.

V. **Consent Calendar**

Planning Commission minutes of January 11, 2010.

V. **Adjournment**

Town Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Christy Pavola, 541-947-2029.

The Public Meetings Law does not require that every proposed item of business be described on the notice. The law requires a reasonable effort to inform the public and interested person, including news media, of the nature of the more important issues (“principle subjects”) coming before the body.



# Oregon

Theodore R. Kulongoski, Governor

## Department of State Police

Office of State Fire Marshal

4760 Portland Road NE

Salem, OR 97305-1760

(503) 378-3473

FAX (503) 373-1825

TTY (503) 390-4661

E-mail: oregon.sfm@state.or.us

<http://www.sfm.state.or.us/>

## PERMIT APPROVAL

*Quality Service First*

### Flammable & Combustible Liquid Above Ground Tanks

March 26, 2010

COUNTY: Lake

Permit Number: 10-08

James Ruhwedel  
65222 365<sup>th</sup> St.  
Hillsboro, OR 97124

Your application has been reviewed for conformity with fire protection statutes and applicable regulations of the State Fire Marshal as contained in the Oregon Fire Code 2007 Edition, Chapter 22 and Chapter 34.

**LOCATION:** 1600 Missouri Ave. Lakeview, OR 97630

**INSTALLED BY:** Rockford Corp.

<b>FLAMMABLE LIQUIDS - (Above ground)</b>	<b>Quantity: 3,600 Gallons</b> (Split tank, 3 compartments)
<b>COMBUSTIBLE LIQUIDS - (Above ground)</b>	<b>Quantity: 12,500 and 5,600 Gallons</b>

**The following provisions are required to be included in the project to meet current requirements prior to installation:**

The design, fabrication and construction of tanks shall be in accordance with recognized good engineering practice and nationally recognized standards. OFC 3404.2.7.

Storage tanks are required to be located a minimum of **100 feet** from property lines which may be built upon and **50 feet** from the near side of any public way or nearest important building. OFC 2206.2.3, 3404.2.9.5.

The minimum horizontal separation between an LP-gas container and a Class I, II or III-A liquid storage tank shall be 20 feet (6096mm). Suitable means shall be provided to prevent the accumulation of Class I, II or III-A liquids under adjacent LP-gas containers such as by dikes, diversion curbs or grading. OFC 3404.2.9.5.3.

Normal operating vents are required for tanks storing Class I, II, or III-A liquids to prevent development of vacuum or pressure within storage tanks. OFC 3404.2.7.3. Such vents shall be sized in accordance with OFC 3404.2.7.3.4. Vents must terminate not less than 12 feet (3658 mm) above grade and must be 5 feet (1524 mm) from building openings or property lines of properties that can be built on and must discharge straight upward or outwards. OFC 3404.2.7.3.3.

Each above ground tank shall be equipped with adequate additional venting that will relieve excessive internal pressure caused by exposure to fires. OFC 2206.6.2.5, 3404.2.7.4, 3404.2.9.6.2.

The area surrounding a tank or group of tanks shall be provided with drainage control or shall be diked to prevent accidental discharge of liquid from endangering adjacent tanks or adjoining property or reaching waterways. OFC 2206.5, 3404.2.9.6.4, 3404.2.10.

All piping is required to be designed and fabricated from suitable materials having adequate strength and durability to withstand the pressures, structural stress, and exposures to which they can be subjected. OFC 3403.6.

All piping is required to be tested before being placed in service. Hydrostatic testing is required to 150% of the maximum anticipated pressure of the system, or pneumatic testing is required to be 110% of the maximum anticipated pressure of the system when operating, but not less than 5psi., at the highest point of the system. OFC 3403.6.3.

Electrical wiring and equipment shall be installed and maintained in accordance with the State Electrical Code and as otherwise required by the Oregon Fire Code. OFC 3403.1.

Both underground and above-ground piping shall be properly designed, installed and maintained, and protected from corrosion by either a cathodic protection system or by being constructed of corrosion-resistance materials. OFC 3403.6.5.

A portable fire extinguisher with a minimum rating of 2A:20-B:C shall be provided and located such that it is not more than 75 feet (22 860mm) from any pump, dispenser or fill-pipe opening. OFC 2205.5.

Approved antisiphon devices shall be installed in each external pipe connected to the tank when the piping extends below the level of the top of the tank. OFC 2206.6.2.4, 3404.2.9.6.10.

Tank openings shall be through the top only. OFC 2206.6.2.1, 3404.2.9.6.9.

Guard posts or other approved barrier protection shall be provided for each tank and for connected piping subject to vehicle damage. OFC 2206.4, 3404.2.8.6, 3404.2.9.6.5. Protection from vehicles shall be in accordance with OFC 312.

Protected tanks at motor vehicle fuel-dispensing stations shall not exceed a 12,000 gallon (45 425 L) individual or 48,000 gallon (181 700 L) aggregate capacity. OFC 2206.2.3 (see exception for Class II or III-A liquids). Size limitations for unprotected tanks at motor vehicle fuel-dispensing stations shall not exceed a 6,000 gallon (22 712 L) individual or 18,000 gallon (68 137 L) aggregate capacity. OFC 2206.2.3 (see exception for Class II or III-A liquids).

Above ground tanks shall not be filled in excess of 90% of their capacity. An overflow prevention system shall be provided for each tank. OFC 2206.6.2.3, 3404.2.7.5.8, 3404.2.9.6.6.

Dispensing devices at motor vehicle fuel-dispensing stations shall be located 10 feet (3048 mm) or more from property lines, and 10 feet (3048 mm) or more from buildings having a combustibile exterior, and such that all portions of the vehicle being fueled will be on the premises, and such that the nozzle, when the hose is fully extended, will not reach within 5 feet (1524 mm) of building openings, and 20 feet (6096 mm) or more from fixed sources of ignition. OFC 2203.1.

An approved emergency shutoff impact valve designed to close automatically in the event of impact or fire exposure shall be properly installed in the dispensing supply line at the base of each dispensing device. OFC 2206.7.4.

Product delivery hoses for Class I and II liquids shall be equipped with a listed emergency breakaway device designed to retain liquid on both sides of the breakaway point. Such devices shall be installed and maintained in accordance with the manufacturer's instructions. OFC 2206.7.5.1.

A listed automatic-closing type hose nozzle valve shall be provided on dispensers used for dispensing Class I, II or III-A liquids. OFC 2206.7.6.

Dispensing devices shall be protected against physical damage from vehicles by mounting on a concrete island 6 inches (152 mm) or more in height or by other approved methods. OFC 2206.7.3.

Emergency shutdown devices shall be provided for all fuel dispensers and shall be located within 100 feet (30480 mm) of, but not less than, 20 feet (6096 mm) from dispensers. OFC 2203.2, 2204.3.3.

Signs prohibiting smoking, prohibiting dispensing into unapproved containers, requiring vehicle engines to be stopped during refueling and prohibiting portable containers being filled while inside the trunk, passenger compartment, or truck bed of a vehicle shall be conspicuously posted within sight of each dispenser. OFC 2205.6, 3403.5.

At locations where unsupervised dispensing will occur, conspicuously posted instructions for the safe operation of dispensing equipment, and posted telephone numbers for the owner or operators are required. OFC 2204.3.4.

At locations where unsupervised dispensing will occur, a sign, in addition to other required signs, shall be posted in a conspicuous location reading: OFC 2204.3.5. OFC 2204.3.7

<p><b>IN CASE OF FIRE, SPILL, OR RELEASE</b></p> <p>1. Use emergency pump shutoff!</p> <p>2. Report the accident!</p> <p>Fire Department Telephone No. <b>911</b></p> <p>Facility Address _____</p>
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James Ruhwedel  
FCL # 10-08  
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Each nonretail facility shall be adequately lighted at all times when available for use.  
OAR 837-20-040(2)(e).

During hours of operation, stations having unsupervised dispensing shall be provided with a fire alarm transmitting device. A telephone not requiring a coin to operate is acceptable. OFC Sec. 2204.3.6 & OAR 837-020-0040(f)

NOTE: Compliance with the Oregon Uniform Fire Code does not automatically constitute compliance with EPA or other federally mandated rules, and further research may be necessary.

This permit approval shall expire and become null and void if installation is not commenced within 180 days from the date of this approval.

*It is the responsibility of the applicant to ensure that this installation shall be in full compliance with applicable statutes of the state of Oregon and any local codes and ordinances.*

**Prior to filling, you are required to schedule an on-site inspection of the tank(s) with Deputy State Fire Marshal, Greg Davis, telephone 541-883-5713, Ext. 255.**

Sincerely,



John Caul, Deputy State Fire Marshal  
Codes and Technical Support Services Unit

cc: Janine Cannon, Planning/Zoning Official  
Lakeview Fire Department  
Greg Davis, Deputy State Fire Marshal  
Rockford Corp., Installer

**STAFF REPORT TOWN OF LAKEVIEW**  
**APPLICATIONS NO. 529 and 530**  
**APRIL 2, 2010**

**APPLICANT:** Lakeview Lockers

**PURPOSE OF REQUEST AND PROPERTY DESCRIPTION:** The applicant submitted site design review and variances to establish a temporary food service – a summer bar-b-que and beer and wine garden – in a 40 ‘ x 120’ event tent with a seating capacity of 160 at the Lake County Fairgrounds, State Highway 140 west, Lakeview. The tent will be located in the southwest corner of the 92.5-acre Fairgrounds property. The proposed use is for 6 months, May through October 2010. The impetus for the proposed use is the Ruby Pipeline construction proposed for May through November 2010 anticipated to bring 800 workers to Town. The proposed use is a commercial use and is not a Fair-sponsored event.

The Fairgrounds is an existing use, including vehicular access and circulation, landscaping, and off-street parking. The applicant has tentative agreement from the Lake County Fair Board to lease property for the proposed use (Letter from Ed Henry, Lake County Fair Board Member, Lake County Fairgrounds, March 12, 2010).

The applicant seeks variances from pedestrian amenities, pedestrian access and circulation, bicycle parking, public facilities, and floodplain standards.

The Ruby Pipeline is a multi-state, open access 42-inch natural gas transmission pipeline proposed from Opal, Wyoming to Malin, Oregon. Lakeview is proposed to be a hub for construction activities adjacent to Lakeview. Temporary housing on Roberta Avenue and South 3<sup>rd</sup> Street has been approved by Lake County. The Town Planning Commission approved a Temporary Transportation Center in January.

NOTE: The proposed use does not meet Code standards to be reviewed as a temporary use.

**CURRENT USE:** Fairgrounds.

**COMPREHENSIVE PLAN AND DEVELOPMENT CODE:** The property is in Central Commercial (CC), Highway Commercial (HC) Subdistrict plan and land use district designations.

**ADJACENT ZONING AND USES:** CC-HC (west), Residential (north), County Commercial (east and south). Adjacent uses include government (Oregon State Department of Forestry) and commercial uses to the west, to the north the remainder of the Lake County Fairgrounds and residential uses, to the east is commercial and industrial uses (including Western Villa and Woodgrain Millwork), and to the south across State Highway 140 are commercial uses.

**ACCESS:** The property abuts State Highway 140, a designated arterial in the Town's Transportation System Plan.

**WATER, SEWER AND STORM DRAINAGE:** Existing Town water and sewer.

**FIRE PROTECTION:** Town of Lakeview.

**AGENCIES MAILED SPECIAL NOTICE:** Oregon Department of Transportation, Klamath Falls.

**NOTICE:** By publication, Herald and News, March 30, 2010. Individual notice by mail to adjacent property owners, March 23, 2010.

**RELEVANT CODE PROVISIONS:** Chapter 2.2 (Central Commercial District), 2.2.180 (Highway Commercial Sub-District), 3 (Design Standards), 4.1.500 (Type III Procedure), 4.2 (Site Design Review) and 5.1.400 (Class C Variances).

Applicant's site design consists of the following drawings:

- Aerial photograph of proposed location (Site Analysis Map);
- Site Plan; and
- Several photographs.

Applicant's information was reviewed against Code provisions with the following findings:

**Chapter 2.2 Central Commercial District and 2.2.180 Highway Commercial Subdistrict.**

***Permitted Uses.*** The property in question is within a Central Commercial, Highway Commercial Subdistrict. Personal and professional services are permitted uses (Table 2.2.110.A.7.g).

***Building Setbacks.*** There are no minimum front, side or rear yard setbacks. The applicant proposes a 200-foot setback from the front property line and 420-foot (west) setback from the side property line.

***Lot Coverage.*** There is no maximum lot coverage requirement.

***Building Height.*** The proposed building height of 18 feet is within the maximum building height requirement of no more than four stories.

***Design Standards.*** Design standards do not apply to this application as the proposed building is less than 20,000 square feet.

***Pedestrian Amenities.*** A commercial development requires at least one pedestrian amenity. **The applicant seeks a variance from the standard.**

***Special Standards.*** There are no special standards requirements.

### Chapter 3

Vehicular access. The applicant proposes to use the existing access point from State Highway 140.

Pedestrian access and circulation. The applicant shows an existing graveled pedestrian pathway from the parking area to the tent. **The applicant seeks a variance from external and internal pedestrian access and circulation, design and construction standards.**

Vehicle and Bicycle Parking. Restaurants require one space per 100 square feet of gross floor area. With a 4800 square foot gross floor area, 48 parking spaces with 2 accessible parking spaces are required. There are 48 vehicle parking spaces available in the adjacent parking area to the east. The existing parking area is partially graveled. Timbers mark the perimeter on the east side of the parking area adjacent to the main driveway. Access points to the parking area exist. The parking area does not meet design, construction or improvement standards. No improvements are planned. A minimum of 2 bicycle parking spaces per use is required. **The applicant seeks a variance from bicycle parking standards.**

Public Facilities. Transportation improvement and public use area standards are not applicable to this application. Drinking water supply exists to the site. No extension of sewer services is proposed. Portable toilets are proposed. **The applicant seeks a variance from public utilities standards.**

Signs. The applicant proposes two signs – a reader board and a banner. Signs are not part of this application and will require application for a sign permit.

Sensitive Lands. The property is located within a special flood hazard area inundated by 100-year flood as shown on Lake County's Flood Insurance Rate Map, Community-Panel Number 410115 2005 B. **The applicant seeks a variance from flood plain standards.** The Town's Local Wetland Inventory identifies a ditch, which runs generally along the Fairgrounds north and east property lines, as Wetland D3. There are no inventoried wetlands in the immediate area of the proposed use.

**CONDITIONS:** The Planning Commission may impose conditions as needed. Conditions the Planning Commission may want to consider:

- (1) The Site Design Review and Variances approval is limited to this one-time application.
- (2) Applicant obtains applicable building permits.
- (3) Applicant obtains Town sign permit.

**DECISION CRITERIA:** Decision criteria are found at Chapter 4.2.600 for Site Design Review Approval and Chapter 5.1.400C(2) for Class C Variance approval. They are listed below.

#### Site Design Review Approval Criteria

- The application is complete.
- The application complies with all of the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and

dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;

- The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;
- The application complies with all Design Standards contained in Chapter 3. All of the following standards shall be met: Access and Circulation, Landscaping; Automobile and Bicycle Parking; Public Facilities and Franchise Utilities; Surface Water Management; and Other Standards as applicable.
- Conditions required as part of a Land Division, Conditional Use Permit, Master Planned Development or other approval shall be met.
- Exceptions to design standards may be granted only when approved as a Variance.

#### **Class C Variance Approval Criteria**

- The proposed variance will not be materially detrimental to the stated purposes of applicable code requirements, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
- A hardship to development exists that is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);
- The use proposed will be the same as permitted under this title, and Town standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- Existing physical and natural systems, such as but not limited to, traffic, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with the subject Code standard;
- The hardship is not self-imposed; and
- The variance requested is the minimum variance that would alleviate the hardship.

These criteria are used by the Planning Commission to evaluate the application in making a decision to approve or deny the application. The Planning Commission should use the above information, in addition to the application, information from the public hearing and the Town's Comprehensive Plan and implementing regulations to make findings. Findings state the relevant facts and how each approval criterion is satisfied by the facts.

## Town of Lakeview

### SITE DESIGN REVIEW APPLICATION

\$125 - Base filing fee plus postage and publication costs Note: a pre-application conference is required.  
 Applicant Name Lakeview Lockers LLC Phone 541-947-3789  
 Address 207 N. L St. Lakeview OR 97630  
 Land Owner Name Lake County Fairgrounds Phone 541-947-2925  
 Address Hwy 140 W. Lakeview

#### PROJECT DESCRIPTION

Property Location: (address, intersection of cross streets, general area) Lake Co. Fairgrounds  
 Legal Description: \_\_\_\_\_ Attached: \_\_\_\_\_  
 Assessor's Map and Tax Lot Number: 39209D 200 Existing Zone: CC-HC  
 Total Land Area: 9.2 Acres Present Land Use: proposed site is vacant

#### PROJECT DESCRIPTION

Describe Project: Weekend BBQ & Beer garden to be held in an event tent  
 New Construction  Remodel  Addition (Sq. Ft. \_\_\_\_\_)  Other  Fire Sprinkled Y  N   
 Sprinkler Type 13  13R   
 Sq. Ft. of Bldg: Before Add: 2400 - 4800 After Add: \_\_\_\_\_ Bldg Height: 18' No. of Stories: 1  
 Parking Spaces Required: 50 Provided: 100 Construction Type:  Metal  Wood  Other Fabric  
 Occupancy Type  Retail  Wholesale  Industrial  Office  Other - \_\_\_\_\_

#### PROFESSIONAL SERVICES

Architect/Designer/Engineer \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Builder or Agent \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

#### OTHER REQUIRED INFORMATION

Assessor's Map  Impact Study  Signature of Property Owner/Agent  Site Analysis Map  
 Map or Site Plan drawn to legible scale  Current Deed W/Legal description  Filing Fee  
 Building Elevations/Floor Plan (1 set)  Fireflow analysis  Traffic Impact Study as required by Chapter 4.10  
 Grading Plan  Sign Drawings  Architectural Drawings  Burden of Proof Statement (see criteria)  
 List of Property Owners W/addresses within 100 Ft. (as shown in Assessor's Records)  Landscape Plan

#### SIGNATURES

Applicant Lakeview Lockers LLC Date 3/11/10 Owner Ken Kestner  
 Print Name Ross McGARVA Print Name Ken Kestner, Commissioner  
 Applicant \_\_\_\_\_ Date \_\_\_\_\_ Owner \_\_\_\_\_  
 Print Name \_\_\_\_\_ Print Name \_\_\_\_\_

#### PLANNING DEPARTMENT USE ONLY

Fee Paid Received by \_\_\_\_\_ File Number \_\_\_\_\_ Sign \_\_\_\_\_

**Applicant: Incomplete applications will not be accepted. Please complete checklist.**

## REQUEST SUMMARY

### LAKEVIEW LOCKERS PROPOSED SUMMER BBQ.

Lakeview Lockers, LLC. is requesting to use a site at the Lake County Fairgrounds for a summer bar-b-que with beer and wine garden. The event will be held in a large event tent on every weekend except fair weekend beginning approx. May 1<sup>st</sup>, 2010 through October, 2010. The anticipated seating will be for 160 people (20 tables). There may two or three private party events held at the same time as the bar-b-que which may double the occupancy for those days. The proposed use, weekend bar-b-que, fits the allowed use per table 2.2.110.A.7.g. in the site zoned CC\_HC. The proposed structure is forty feet wide by one hundred twenty feet long by eighteen feet tall. (40x120x18). See attached photos numbered 8,9,and 10. It will sit parallel to Hwy. 140 West approximately 200 feet from the highway right of way, 420 feet from the West boundary, in excess of 1000 feet from the North boundary, and approximately 120 feet West of the west fairground parking lot. It will cover 4800 sq. ft. of a 92 acre lot, which is 0.12% of the lot. The site is a level gravel covered area in the Southwest corner of the fairgrounds. The event will make no permanent changes to the site or add any infrastructure.

Access and Circulation requirements will be met by utilizing the existing highway entrance and the existing fairground street on the West side of the South lawn. A variance is requested from the construction design requirements as this is a seasonal, temporary use.

Landscaping, as required by Chapter 3.2, is already in place at the fairgrounds.

Automobile and Bicycle Parking will use the existing parking lot and amenities at the fairgrounds.

Public Facilities and Utilities. Power and water are already at the site. Sanitary waste disposal will be accomplished through the use of Porta-Potties and garbage dumpsters. A variance is requested from the balance of the code requirements for Chapter 3.4.

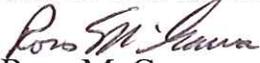
Surface Water Management. The use at the site will have no impact on existing surface water issues. As this is a summer season use no surface water is anticipated.

Per the allowed uses in Chapter 3.6.500 section I.1, we propose to utilize a 24 sq.ft (4'x6') double sided reader board and possibly a banner style wall sign which will be within the 10% of wall space limits. Please refer to the attached photo, #11, of the reader board.

Photos of the site, tent, and reader board sign are submitted with the application.

We are requesting a variance to extend the 30-day limitation on a temporary use permit to accommodate the 6 months of summer.

Thank You for Your Consideration,

  
Ross McGarva, owner  
Lakeview Lockers, LLC

3/12/2010

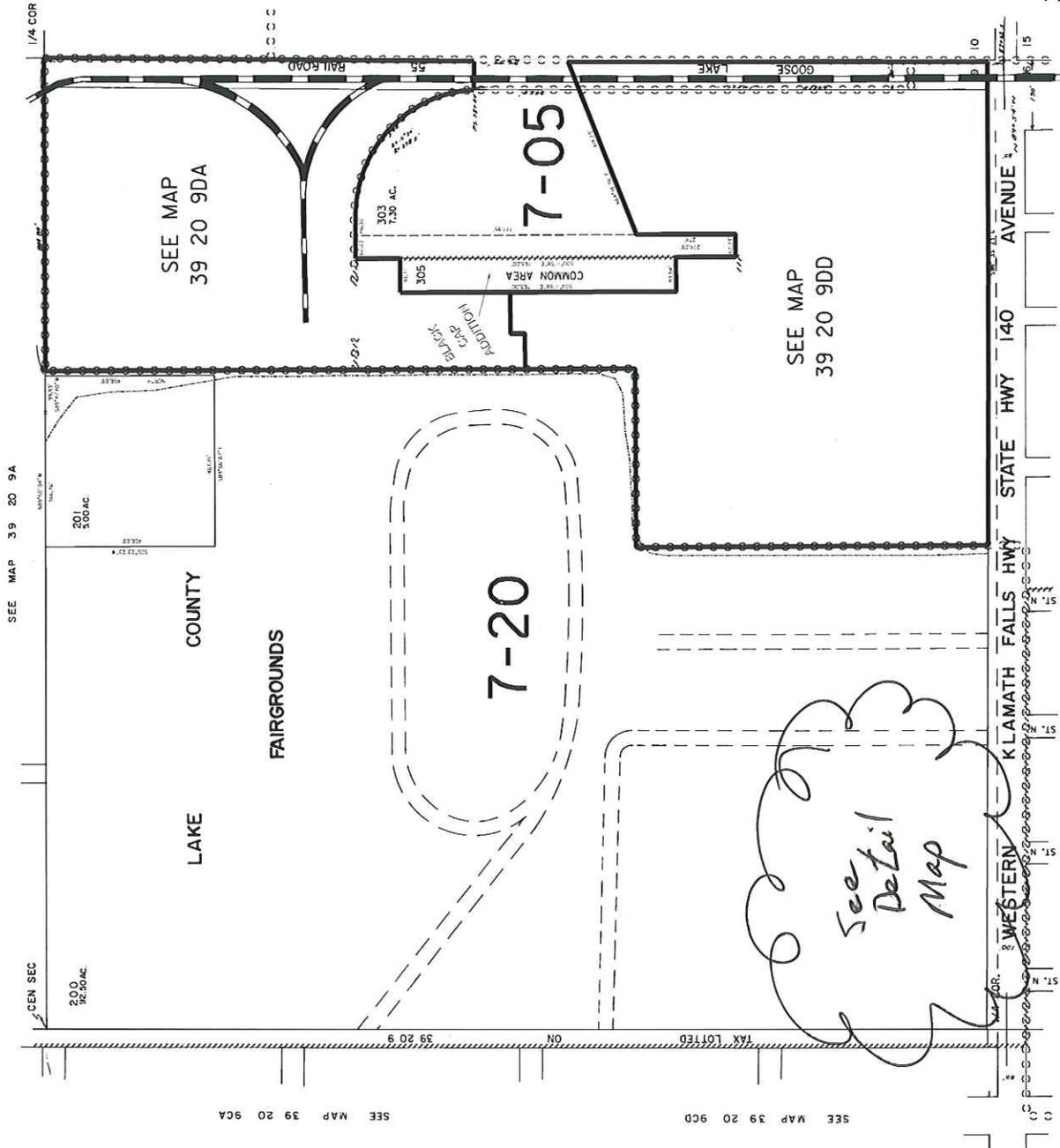
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SE1/4 SEC. 9 T.39S. R.20E. W.M.  
LAKE COUNTY

1" = 200'

39 20 9D

CANCELLED NO.  
100  
101  
300  
301  
302  
304  
306 THRU 358  
400  
500  
600  
700  
800  
900



SEE MAP 39 20 9CA

SEE MAP 39 20 9CD

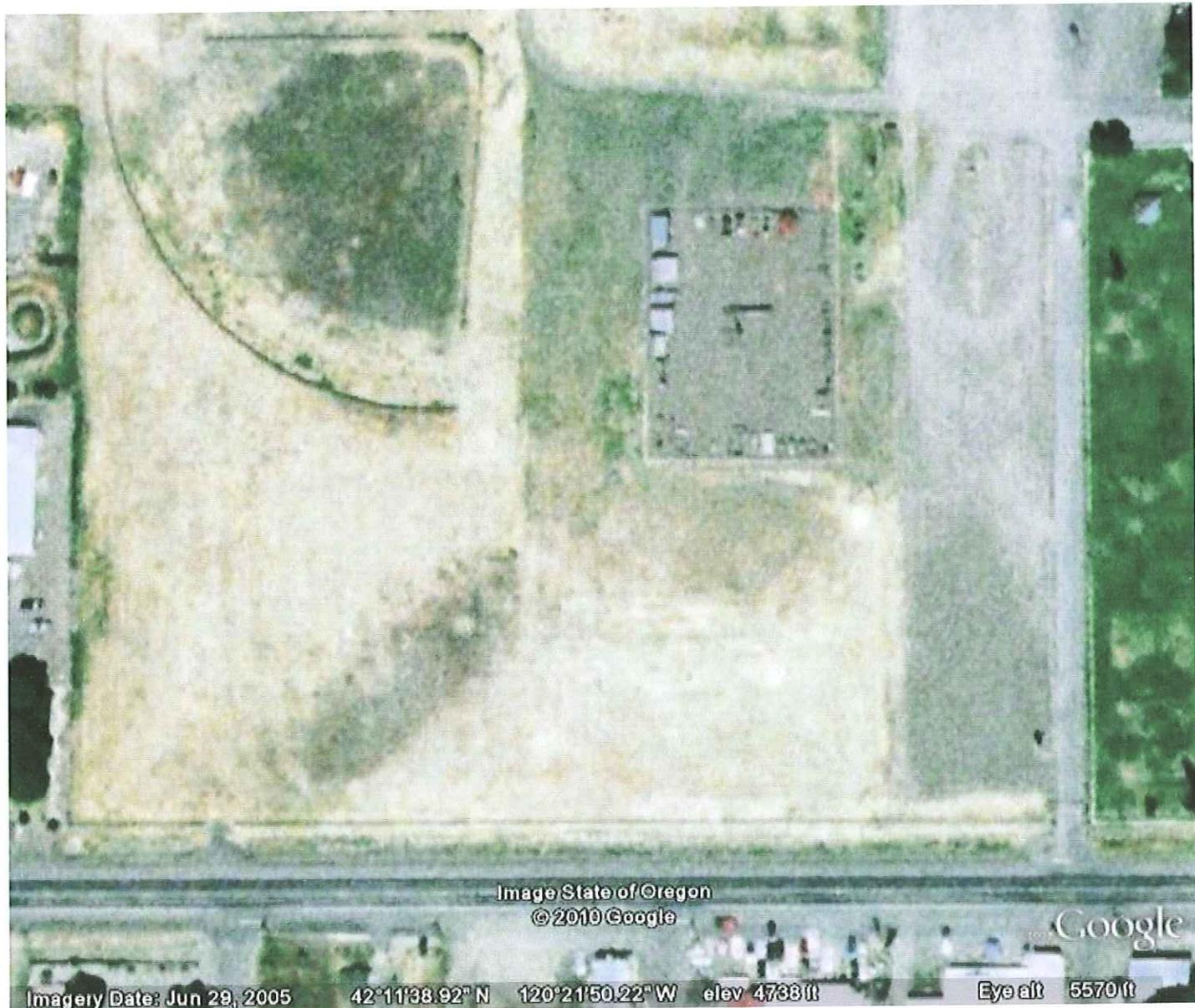
SEE MAP 39 20 10CB

SEE MAP 39 20 10CC

Revised  
1/11/2006, DLW  
39 20 9D

SEE MAP 39 20 16AA

SEE MAP 39 20 16AB





## Town of Lakeview VARIANCE APPLICATION

Class A - \$75     
  Class B - \$75\*     
  Class C - \$100\*     
  Flood Variance - \$100\*

\* Plus postage and Publication Costs as applicable

Applicant Name: Lakerias Lockers LLC      Phone: 947-3789  
 Address: 207 N. L St. Lakeview, Or      State Or      Zip Code 97630  
 Land Owner Name: Lake County Fairgrounds      City \_\_\_\_\_      State \_\_\_\_\_      Zip Code \_\_\_\_\_  
 Address: Hwy 140 W. Lakeview      City \_\_\_\_\_      State \_\_\_\_\_      Zip Code \_\_\_\_\_

### PROPERTY DESCRIPTION

Property Location (address, intersection of cross streets, general area): South west corner of fairgrounds property.  
 Legal Description: \_\_\_\_\_ Attached \_\_\_\_\_  
 Assessor's Map and Tax Lot Number: 39 20 9D 200      Attached   
 Existing Zone: CC-HC      Total Land Area: 92 acres total  
 Present Land Use: Vacant

### DESCRIPTION OF ACTION

Request is for (please be specific): Permission to erect a 40'x120' event tent and leave it set up for approximately 6 months (May 1 through Oct 31). Purpose would be for a weekend bar-b-que with Beer & wine garden. May also include banner & board type signage  
 Sq. Ft. of Building: up to: 4800      Sq. Ft. of Addition: \_\_\_\_\_      Number of Stories: 1  
 Number of Parking Spaces Required: 50      Number of Parking Spaces Provided: 100+

### PROFESSIONAL SERVICES

Attorney \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Other Agent \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### OTHER REQUIRED INFORMATION

- Map or Site Plan       Current Deed w/Legal description  
 Assessor's Map       Signature of property owner (as shown on Assessor's Records)  
 Filing Fee       Impact Study (Class B and C)  
 List of Property Owners w/addresses within 100 ft. as shown in Assessor's Records (Class B and C)  
 Burden of Proof Statement addressing ordinance criteria (see reverse for details)

### SIGNATURES

Applicant Lakerias Lockers LLC      Date 3/11/2010      Owner Lake County property  
 Print Name by Ross McGarva      Print Name Ken Kestner, Commissioner  
 Applicant \_\_\_\_\_      Date \_\_\_\_\_      Owner \_\_\_\_\_  
 Print Name \_\_\_\_\_      Print Name \_\_\_\_\_

### PLANNING DEPARTMENT USE ONLY

Fee Paid \_\_\_\_\_      Received by \_\_\_\_\_      File Number \_\_\_\_\_      Sign \_\_\_\_\_

**NOTICE TO APPLICANTS:**  
Written burden of proof statements addressing the following criteria, as applicable  
to your request, must be submitted with your application

**CLASS A VARIANCES**

Class A variances may be authorized to standards relating to building setbacks, lot coverage or required landscape area. No variance under this section shall be greater than 10% of the requirements from which the variance is sought.

**Criteria:**

- A. The variance requested is required due to the lot configuration, or other conditions of the site;
- B. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
- C. The variance will not result in violation(s) of Chapter 3, or other design standards.

**CLASS B VARIANCES**

Class B variances may be authorized for the following standards:

- Minimum Housing Density;
- Vehicular Access and Circulation;
- Street Trees;
- Parking Standards;
- Building Setbacks to Reduce Tree Removal or Wetlands Impacts;
- Transportation Improvements.

**CLASS C VARIANCES**

Class C Variances are for variances that exceed Class A and Class B criteria. The burden of proof statement shall describe the reason for the variance, why it is required, alternatives considered, and compliance with the following criteria:

- A. The proposed variance will not be materially detrimental to the stated purposes of applicable Code requirements, to any other applicable policies and standards, and to other properties in the same land use district or vicinity.
- B. A hardship to development exists that is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);
- C. The use proposed will be the same as permitted under this title, and Town standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- D. Existing physical and natural systems, such as but not limited to, traffic, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with the subject Code standard;
- E. The hardship is not self-imposed; and
- F. The variance requested is the minimum variance that would alleviate the hardship.

## CLASS B VARIANCES CRITERIA

### Minimum Housing Standard (Chapter 2)

- A. The minimum housing density provided in Chapter 2 cannot be achieved due to physical constraints that limit the division of land or site development. "Physical constraint" means steep topography, Floodplain Design Standards (Chapter 3.7) apply to the site, unusual parcel configuration, or a similar constraint.
- B. The variance is the minimum variance necessary to address the specific physical constraint on the development.

### Vehicular Access and Circulation Standards (Chapter 3.1)

- A. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
- B. There are no other alternative access points on the street in question or from another street;
- C. The access separation requirements cannot be met;
- D. The request is the minimum adjustment required providing adequate access;
- E. The approved access or access approved with conditions will result in a safe access; and
- F. The visual clearance requirements of Chapter 3.1 will be met.

### Street Tree Requirements (Chapter 3.2)

- A. Installation of the tree would interfere with existing utility lines; or
- B. The tree would cause visual clearance problems; or
- C. There is not adequate space in which to plant a street tree; and
- D. Replacement landscaping is provided elsewhere on the site (e.g., parking lot area trees)

### Parking Standards (Chapter 3.3)

- A. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;
- B. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
- C. All other parking design and building orientation standards are met, in conformance with the standards in Chapter 2 and Chapter 3.
- D. Required bicycle parking may be reduced if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
- E. The amount of vehicle stacking area required for drive-through and drive-in facilities may be reduced if such a reduction is deemed appropriate after analysis of the size and location of the development and other pertinent factors.

### Maximum or Minimum Yard Setbacks to Reduce Tree Removal or Impacts to Wetlands (Sensitive Lands, Chapter 3.7)

- A. Modification shall not be more than is necessary for the preservation of trees or wetlands on the site.

### Transportation Improvement Requirements (Section 3.4.100)

- A. The required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (Chapter 3.7)
- B. When a variance request cannot be supported by the provisions of Chapter 3.4.100 then the request shall be reviewed as a Class C variance.

## FLOODPLAIN VARIANCE CRITERIA

The burden of proof statement for a Flood Plain Variance shall describe the reason for the variance, why it is required, alternatives considered, and compliance with the following criteria:

- A. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, based on all the following criteria:
1. The danger that materials may be swept onto other lands to the injury of others;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. The importance of the services provided by the proposed facility to the community;
  5. The necessity to the facility of a waterfront location, where applicable;
  6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  7. The compatibility of the proposed use with existing and anticipated development;
  8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- B. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. A showing of good and sufficient cause.
- D. Failure to grant the variance would result in exceptional hardship to the applicant.
- E. The granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

## INDEX

1. Burden of proof with Requested variances.
  - a. Chapter 3.1, access and circulation.
  - b. Chapter 3.3, parking
  - c. Chapter 3.4, public facilities standards
  - d. Chapter 3.7, Sensitive Lands
  - e. Chapter 4.9.100A, temporary use permits, seasonal and special events
  - f. Chapter 5.1, Flood Plains
2. Photos of Site.
3. Photos of Structure.
4. Photo of Reader Board.
5. Letter of Intent from Lake County Fair Board.
6. Deed.
7. Adjacent property owners.

## Burden of Proof Statement

- Applicant: Lakeview Lockers  
207 North L St.  
Lakeview, Oregon 97630  
541- 947-3789
- Request: Applicant is requesting variance to set up an event tent (photos enclosed) for a weekend BBQ beginning about May 1<sup>st</sup>, 2010 and lasting through October 2010. The duration of the event is in excess of the "Temporary Use" permit; however, it meets the verbiage of Chapter 4.9.100 " Temporary uses are characterized by their short term or *seasonal nature and by the fact that permanent improvements are not made to the site.*" (Italics added) Other variances are also requested and follow in the narrative.
- Location: The site is located in the southwest corner of taxlot 200, section 9, T.39S. R.20E. W.M. (see attached site maps)
- Description: The property is located within CC-HC commercial zone and currently used only at fair time for parking the carnival trucks and trailers.

- a. Chapter 3.1, Access and Circulation, Pedestrian Access and Circulation

Request a variance from these requirements for two reasons:

1. The site is at the fairgrounds and will utilize the existing roadways and parking lot.
2. The temporary nature of the use.

See photos # 1,2,3,4

- b. Chapter 3.3, Automobile and Bicycle Parking.

Request variance from bicycle parking requirement of permanent bicycle racks.

- c. Chapter 3.4 Public Facilities Standards.

Request a variance from this Chapter of the code for the following reasons:

1. The temporary nature of the use does not justify infrastructure development.
2. Porta-potties will be utilized for sanitary waste disposal.
3. Health department requirements for employees will be met with our mobile certified kitchen.
4. Power and water are on site. See photo # 5.

d. Chapter 3.7, Sensitive Lands.

Although the site may be in a flood zone, we request a variance from the requirements of this chapter due to the season of use. If we should happen to have a wet spring and the site is too wet to utilize, we will postpone the start date accordingly. Other sections of this chapter do not apply.

e. Chapter 4.9.100.A Temporary Use Permits.

Request a variance to extend the permitted use from 30 days to 6 months. (May 1, 2010 through October 31, 2010)

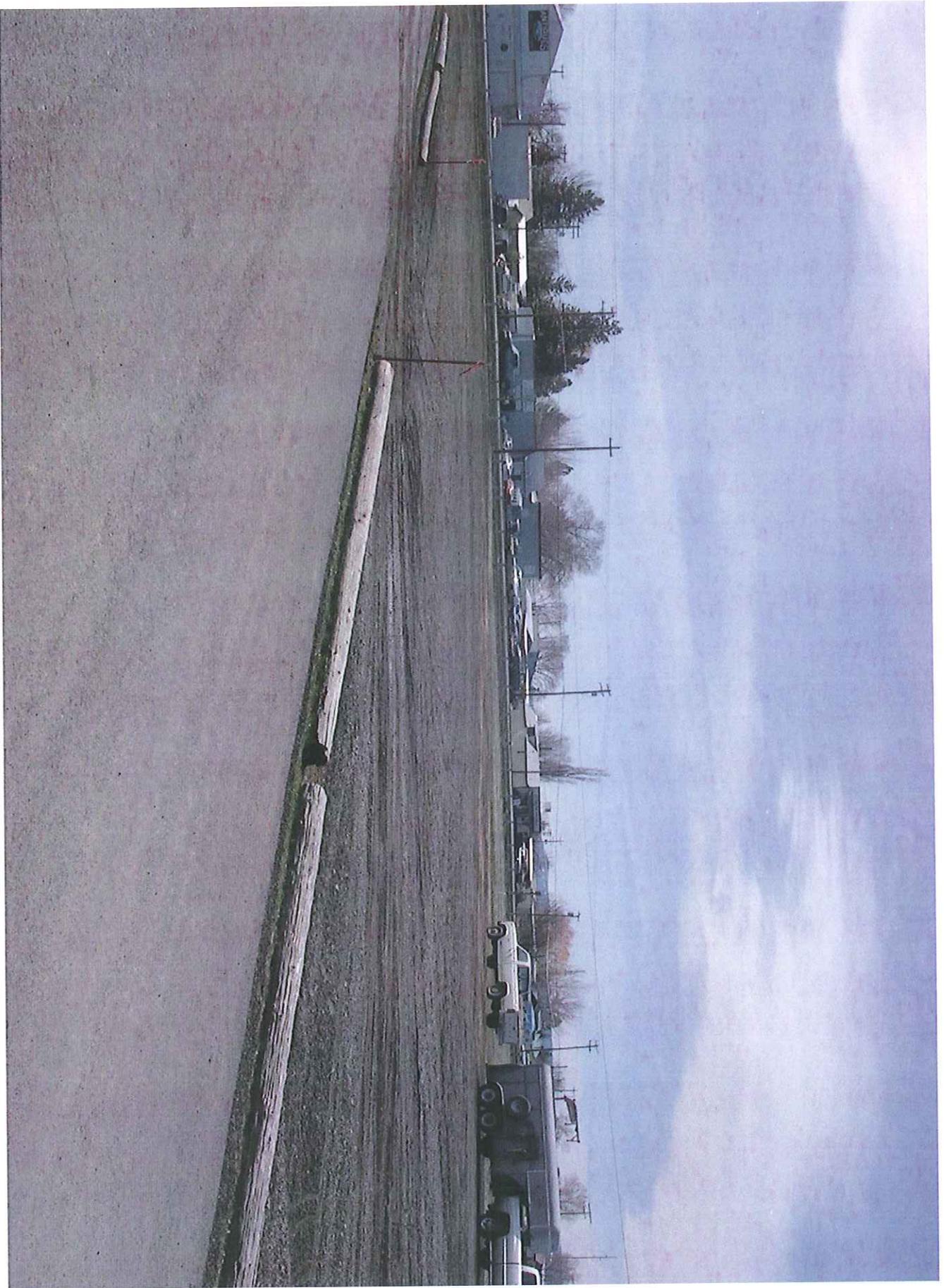
Alternatives explored include another site that is under Lake County Planning jurisdiction; however, rent money paid for the site would probably leave the county. The local fair board has had recent budgetary reductions and we would rather support our local economy.

f. Chapter 5.1 variances, flood plain

Request variance from flood plain, elevation standards. This is a temporary use during the summer.



Entrance of Hwy 140 W. (Looking South) #1



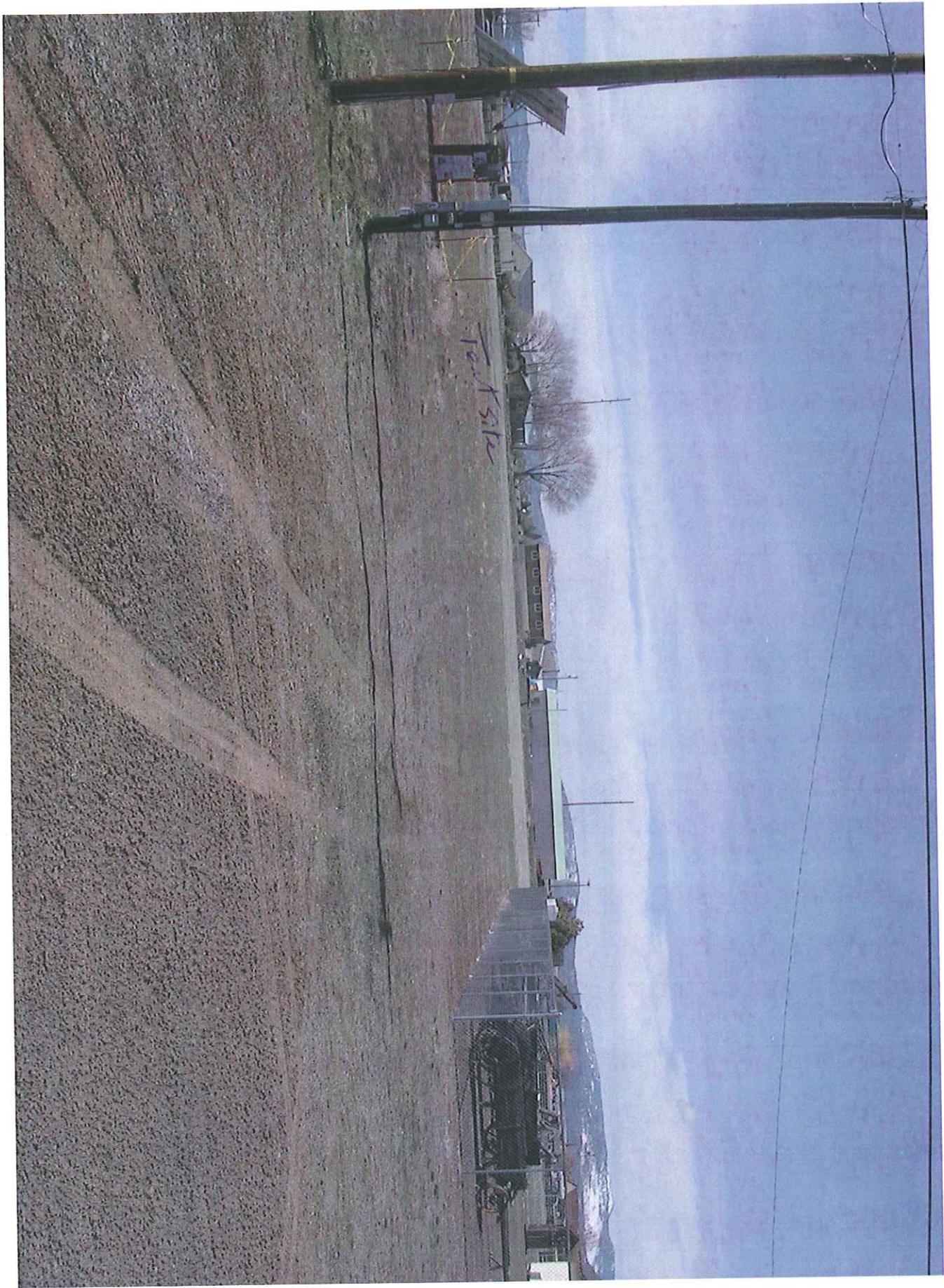
South Portion of parking lot.

#2

Looking West across Parking lot to Proposed Site #3



Entrance to Event site From Parking Lot #4



Power & water Available Mobile Kitchen will sit where truck is #5



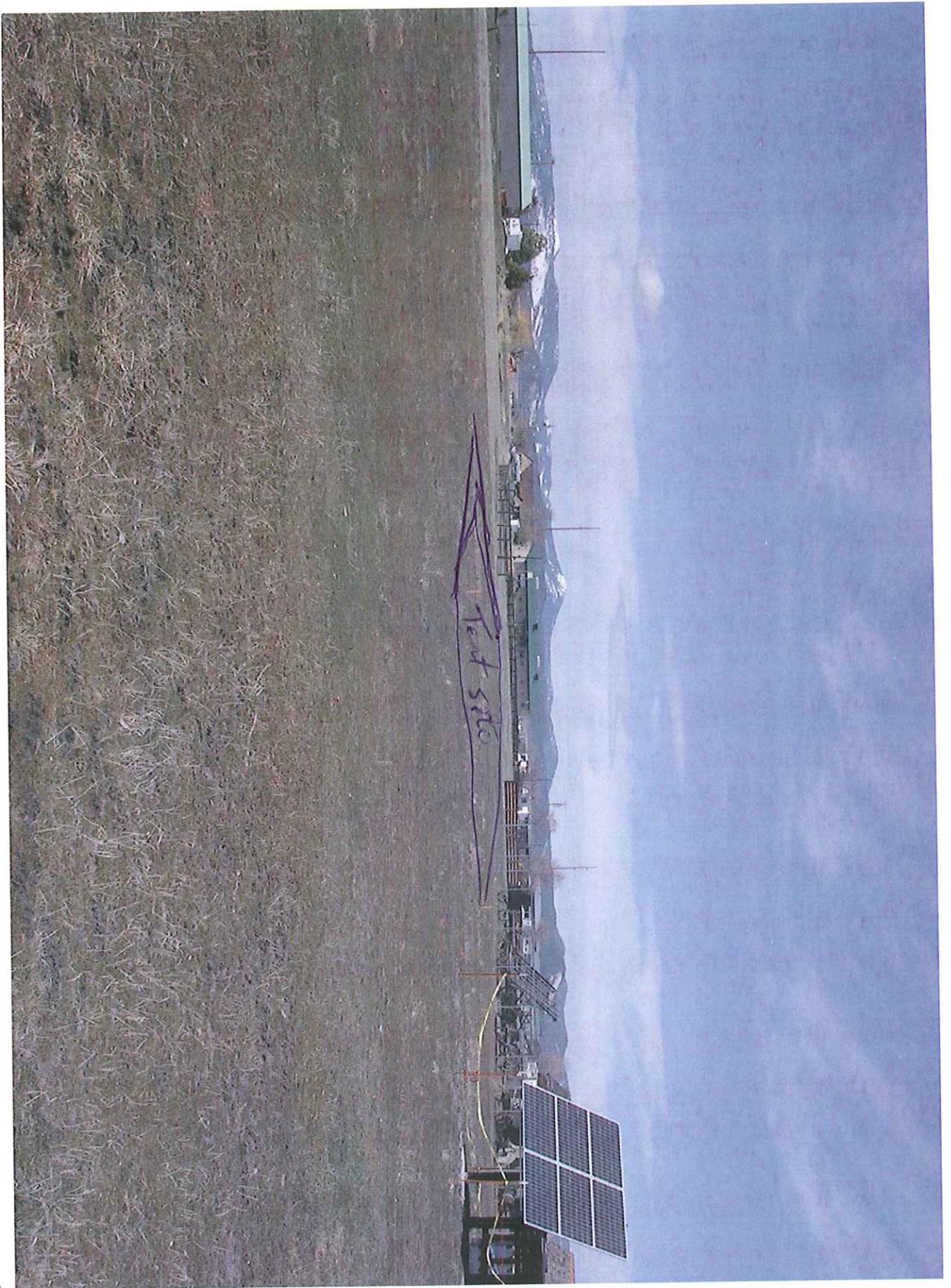


Tent site

Near Lake is North East corner of Tent

#6

Tent Site



#7

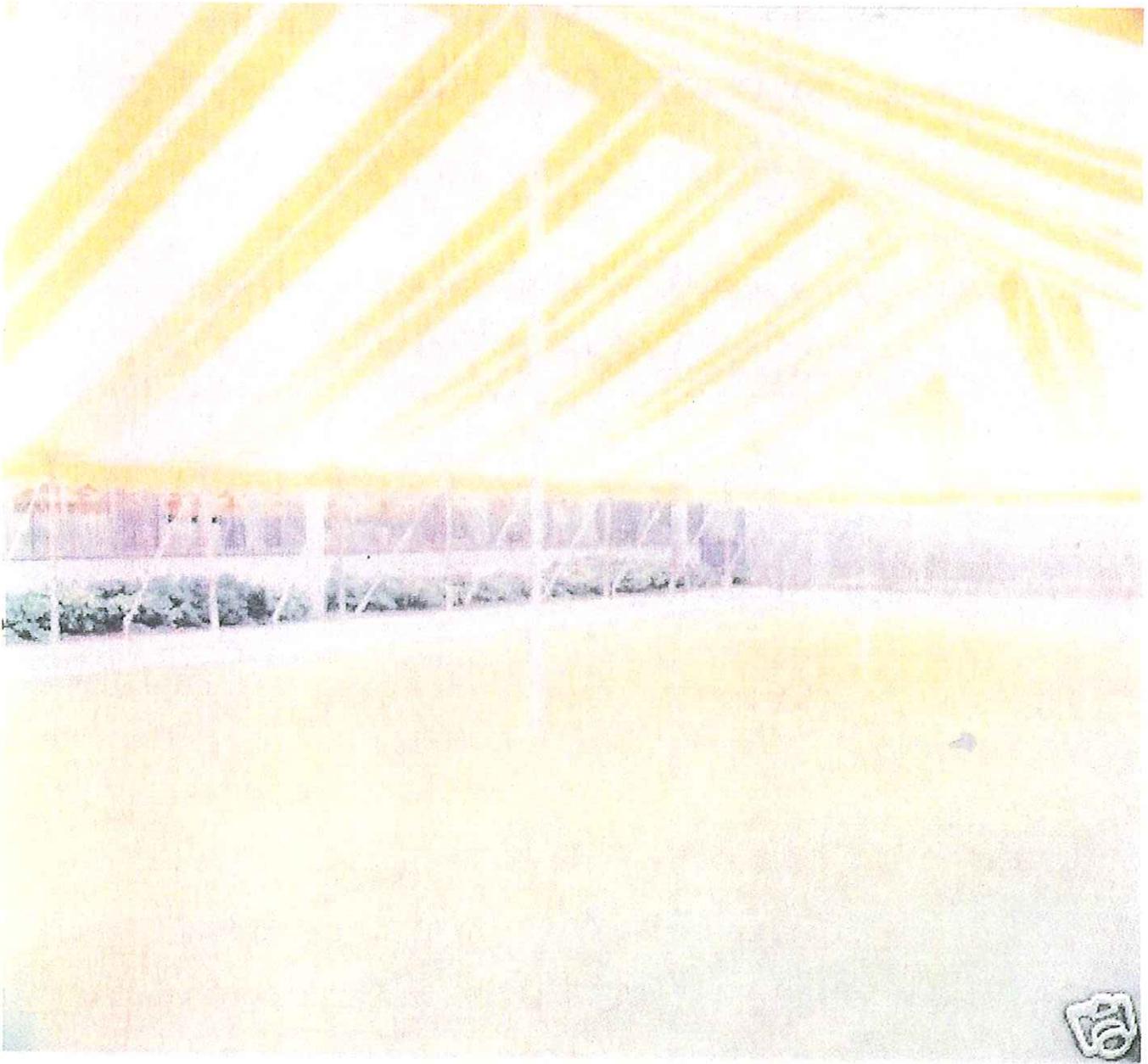


#8

UNITY



#69



#10

OPEN



COME ON IN FOR  
IRISH Days  
SPECIALS!  
FRI & SAT

*Reader Board to be used*

cream

Produce

Burr Heads

ABAYTON

FRESH MEAT

Beef

Lamb

Turkey

Por

Chick

Seal

#111

  
Lake County  
Fairgrounds

1900 North 4<sup>th</sup> Street Lakeview, OR 97630

P: 541-947-2925 F 541-947-2970

lakeofair@yahoo.com

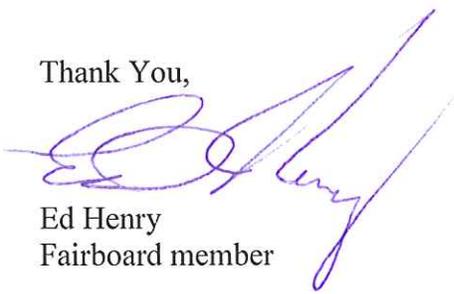
March 12, 2010

*Town Lakeview*  
City of Bend  
525 North 1<sup>st</sup> Street  
Lakeview, OR 97630

To whom it may concern;

The Lake County Fairgrounds has tentatively agreed to lease property to Lakeview Lockers for a temporary restaurant facility. The terms of the lease are to be finalized upon approval from the city of Lakeview. If you need any other information from the Fairgrounds you can contact Teresa Thomas at the fairgrounds office at 541-947-2925.

Thank You,

  
Ed Henry  
Fairboard member

DRAFT

TOWN OF LAKEVIEW  
PLANNING COMMISSION  
SCHEDULED MEETING  
January 11, 2010

Present: Dennis Mooney, Chair  
Rob Wing, Vice-Chair  
Doug Troutman, Board Member  
Gordon Ensley, Board Member  
DaNae Simms, Board Member  
Bob Kings, Board Member  
Janine Cannon, Planning Official

Staff: Christy Sarina, Planning Assistant

Guests: Dale & Pat DeShazer  
Paul Harlan  
Tristy DuFault  
Roger Spore  
Jim Ruhwedel  
Jack Butler  
JD DeMorrith  
Lee Fledderjoann  
Paul & Doris Denneed  
Tal & Rachel Botner  
Michael Hughes, Council Member  
Mike Patrick, Mayor  
Mike Warren, Council Member  
Sandra Wenzel, Council Member  
Sam Goss, Fire Chief  
Ray Simms, Town Manager

Mr. Mooney called the Planning Commission meeting to order at 7:30 p.m.

NEW BUSINESS

**Public hearing on Applications No. 520 and 521 by Fremont Sawmill for a Site Design Review and Variances to develop a Temporary Transportation Center for Rockford Corporation as a hub to disperse workers in conjunction with the Ruby Pipeline project at 1600 Missouri Avenue, Lakeview.**

Jack Butler of WH Pacific made the presentation to the Planning Commission. Representatives of Ruby Pipeline, Fremont Sawmill and Rockford Corporation were also present. Using the site map, he described the proposed use at the leased Fremont Sawmill site.

Mr. Butler addressed proposed ingress and egress to the site, parking areas for worker's vehicles, office buildings, storage trailers and the fuel depot.

The site plan was modified to include the South J Street location as ingress and egress as suggested by the Oregon Department of Transportation (ODOT). Mr. Butler explained the original application called for South J Street to be used for emergency use only due to concerns regarding pedestrian traffic along South J Street.

Mr. Simms expressed concern for pedestrian traffic with the J Street access. Mr. Troutman added early morning traffic impact on neighboring residents. Mr. Patrick stated the historic use of J Street was for mill truck traffic and so it shouldn't be a problem.

Mr. Butler next addressed the fuel depot and provided photographs of similar projects. He stated bollards will be placed around the bulk tanks. The facility would be 1200 feet from the closest residence. Spill containment equipment will be in place at the depot site. The containment bladder has 125% of capacity of fuel volume. Rockford Corporation will be supplying fuel spill kits at the site and two kits to the Town for the fire engines.

Fire Chief Sam Goss addressed the Planning Commission with the recommendations of the Fire Marshall. He stated that Rockford met with him and the Fire Marshall. Rockford modified the location of the fuel depot to accommodate recommendations and requirements from the Fire Marshall.

Mr. Kings asked how the proposed quantity of fuel compared to Staubs. Fire Chief Goss stated that the 21,000 gallons is minimal compared to Staubs.

Correspondence from the Town Engineer and ODOT were read into the record.

Dust abatement was discussed next. Mr. Butler stated the site would have a truck watering the site and roads down throughout the day. Chemical dust abatement would be used if needed.

Mrs. Cannon asked which type of chemical treatment would be utilized and specifically which areas would be watered and which areas would be chemically treated.

Mr. Butler responded that he would check with Mr. Anderson to determine which areas would require chemical treatment and which areas would suffice with water treatment.

Mr. Harlan, representing Fremont Sawmill, stated the mill site currently uses a dust pallative that is very effective.

Mr. DeMorrith, representing Ruby Pipeline, stated that water trucks would be utilized constantly at the entire site for dust abatement.

Mr. DeShazar, 1840 Missouri Avenue, addressed the applicant and the Planning Commission regarding current traffic conditions on Missouri Avenue including the posted 25 mph that is not being heeded, exhaust breaks being used, no sidewalks and the intersection at Missouri, North J Street and Hwy 395. He is concerned about safety and noise with additional traffic and the risk for accidents are probable.

Mr. Butler responded that traffic traveling to and from the site would be in the early morning and in the evening. Traffic impact during the day would be minimal. In response to a question, he stated a majority of the traffic would be private vehicles and not commercial vehicles. Industrial vehicles would primarily travel to and from the operation center in the Industrial Park, south of Town. In response to a question, deliveries made to the site during the day would be UPS and freight to stock parts and fuel for the project.

Mr. Troutman expressed concern regarding the time of day that traffic will impact residential areas. He suggested communicating with employees regarding traffic and identifying a system for routing to and from the site to reduce noise and traffic congestion.

Mr. Butler responded that employees will be coming to the site from separate locations and traffic would be dispersed not using one particular route.

Mr. Harlan stated he thought that J Street was safer for traffic flow.

Mr. Bottner who expressed concern with traffic on Missouri Avenue supported use of J Street.

Mr. Ensley stated the use of two access points split traffic.

Mr. Troutman remarked that ADA parking spaces to accommodate the temporary office was appropriate.

A letter of support from the Lake County Commissioners was read into the record.

Given the temporary nature of the proposed use, variances requested by the applicant include standards for pedestrian access, landscaping, vehicle and bicycle parking, public facilities and vehicle access and circulation.

The Planning Commission reviewed recommendations from Town Engineer Darryl Anderson.

1. The condition of Missouri Avenue continues to deteriorate slightly due to the current industrial use, and this project will substantially increase traffic on Missouri. Some improvements should be required to keep Missouri in good condition. A 2" asphalt overlay will be required in the location of the railroad crossing for approximately 300 feet in length. In addition the driveways/approaches on both sides of Missouri currently used by Fremont Sawmill and the temporary staging facility should be paved for 30 feet into the property from the edge of Missouri Avenue. This will reduce the amount of debris that is being carried onto Missouri Avenue by truck and vehicle traffic. The overlay at

the railroad track crossing will prevent further damage of this area by the increase in traffic.

Mr. Harlan stated there are existing road issues, but feels they are Fremont Sawmill's issue.

Mr. Troutman moved and Ms. Simms seconded the motion given existing road conditions on Missouri, the asphalt overlay should not be a requirement. The motion passed unanimously 7-0.

2. With the amount of vehicle traffic projected dust control will be a problem on the access from Missouri down to the staging and fueling facility. The applicant has proposed watering the road and keeping a water truck on site. However, in my experience this becomes an item to try to enforce and watering the roads is only a temporary solution. The Town needs to require that the access road and the area subject to high vehicle use like the staging area be treated with a dust/oil or a dust control agent. This will keep the dust from becoming a nuisance in the residential area along "J" Street and this dust treatment will last the entire summer season.

Mr. Wing moved and Mr. Troutman seconded the motion that gravel will be applied to the initial 30 feet of both entrances and chemically treated for dust abatement. The main roads throughout the site will be treated with water and chemicals, if necessary, for dust abatement. The motion passed unanimously 7-0.

3. The applicant will need to submit an approved Spill Prevention Containment and Countermeasure Plan (SPCC) for the fuel facility and needs to be reviewed by the Town Engineer as well as the Fire Department personnel for the Town of Lakeview.

Mr. Troutman moved and Mr. Ensley seconded the motion to require temporary bollards as recommended by Fire Chief Goss around the fueling depot and the applicant to provide Mr. Anderson with a copy of the SPCC. The motion passed unanimously 7-0.

The Planning Commission reviewed recommendations from ODOT:

1. In the event that there is a significant increase in crashes (3 or more in a 2 month period) at US 395/'J' Street, related to the TTC traffic ODOT will then require immediate intersection modification at US 395/'J' Street. This will require reconfiguring the intersection alignment. This may be as simple as striping changes, signing placement, and delineation depending on the issues identified.

2. If a problem traffic problem arises at either intersection ODOT will require that the applicant or company using and managing the traffic to and from the site work with ODOT to modify traffic flow times (scheduling) to resolve the issues identified. Many times shift scheduling and delivery scheduling or routing can resolve issues sufficiently. The contractor using the TTC site should maintain worker shift scheduling to avoid normal peak hour traffic times.

Mr. Troutman moved and Mr. Wing seconded the motion stating that if a traffic safety issue is raised through law enforcement, ODOT or the applicant through their onsite safety officer, then the transportation issue is subject to review. The motion passed 6-1, with Bob Kings voting no.

ODOT also recommends the use of the Mill access point that directly goes to 'J' Street south of the Missouri/'J' Street intersection in addition to the access point shown to Missouri. It would help disperse the overall trips better thereby helping to prevent potential traffic issues. The Planning Commission recognized that Mr. Butler modified the application to include using the J Street access as an additional ingress and egress.

The Planning Commission moved the following conditions be approved:

- (1) Obtain the applicable Oregon Division of State Lands/Army Corps of Engineers wetlands determination or other appropriate documentation to show compliance with State and federal wetland regulations. A copy of the documentation will be submitted to the Town.

Mr. Ensley moved and Mr. Troutman seconded the motion requiring the applicant to maintain a 25-foot buffer around the identified wetland area.

- (2) The Site Design Review and Variances approval is limited to this one-time application.

Mr. Troutman moved and Mr. Ensley seconded the motion that approvals to Applications No. 520 and 521 are limited to this one-time application. The motion passed unanimously 7-0.

- (3) Applicant will maintain access to storm drain and ditch.

Mr. Troutman moved and Mr. Wing seconded the motion requiring the applicant to maintain access to the storm drain and ditch.

Mr. Wing moved and Ms. Simms seconded the motion to approve the variances as modified by the Planning Commission. The motion passed unanimously 7-0.

Mr. Troutman moved and Mr. Kings seconded the motion to approve the site design review based on the findings and subject to the conditions as identified by the Planning Commission. The motion passed unanimously 7-0.

### **CONSENT CALENDAR**

Mr. Wing moved and Mr. Troutman seconded the motion to approve the June 8, 2009 Planning Commission minutes. The motion passed unanimously 7-0.

Mr. Kings moved and Mr. Ensley seconded the motion electing Mr. Wing Chair and Ms. Simms as Vice-Chair for 2010. The motion passed unanimously 7-0.

With no further business, the meeting was adjourned at 9:35 p.m.

Respectfully Submitted,

Christy Sarina,  
Planning Assistant