



PLANNING COMMISSION MEETING

Tuesday, October 25, 2011

6:30 p.m.

Council Chambers

2nd Floor City Hall

1300 NE Village Street

MEETING AGENDA

1. **CALL TO ORDER:** 6:30 p.m.
2. **CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**
3. **REVIEW AND ADOPT MINUTES** – September 27, 2011
4. **PRESENTATION**
USS Ranger Foundation
5. **WORK SESSION**
 - a) Natural Resource Improvement Project (L. Nesbitt)
 - b) Fairview Lake Dock Regulations (E. Fitzgerald)
6. **STAFF UPDATES**
 - a) Economic Development
 - b) Parks
7. **TENTATIVE AGENDA** – November 8, 2011
Application 11-6-ZA/Ordinance 15-2011 Fairview Lake Dock Standards
8. **ADJOURNMENT**

NEXT PLANNING COMMISSION MEETING IS NOVEMBER 8, 2011

Planning Commission hearings are broadcast live on Cable Channel 22. Replays of the hearing are shown on Cable Channel 22, Saturday at 12:00pm and Monday at 2:00pm, and Cable Channel 30 Wednesday at 7:00pm. Further information is available on our web page at www.fairvieworegon.gov or by calling Devree Leymaster, Administrative Program Coordinator, 503-674-6202.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting to: Devree Leymaster, 503-674-6202.



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, September 27, 2011

PRESENT: Keith Kudrna, Chair
Jack Mc Giffin, Vice-Chair
Gary Stonewall
Jan Shearer
Steve Kaufman

ABSENT: Julius Arceo
Ed Jones

STAFF: Lindsey Nesbitt, Senior Planner
Erika Fitzgerald, Associate Planner
Devree Leymaster, Admin. Program Coordinator

1. CALL TO ORDER

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

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Chair Kudrna inquired if any person would like to speak on a non-agenda item, hearing none moved to review of minutes.

3. REVIEW AND ADOPT MINUTES

August 23, 2011 were approved with correction, Staff Updates – Parks – Blue Lake Disc Golf Course – fall 2011 corrected to fall 2012, by consensus.

4. PUBLIC HEARING

11-28-MOD

20918 NE Sandy Blvd.

Major modification to approved plans for reconfiguration of buildings in Phase 2 of ALL-STOR Condominiums Development

Chair Kudrna read the open hearing statement and Associate Planner Fitzgerald cited the applicable criteria. Vice Chair McGiffin disclosed he had visited the site and Commissioner Stonewall disclosed he had served with the applicant, Brad Fudge, on a past Planning Commission board. No objection was noted. Associate Planner Fitzgerald presented the staff report. Staff recommended approval of the application.

Applicant Representative John Brooks, 3933 SW Kelly Ave., Portland, OR, responded to Commission questions. Vice Chair McGiffin inquired if the retaining wall would prohibit fire access; response was no. Commissioner Shearer inquired if this was the final phase. Mr. Brooks responded yes, this was the final phase of the development.

Chair Kudrna inquired if any person would like to speak in favor of, opposition of, or neutrally about the application. Hearing none, Commissioner Stonewall moved to close the public hearing

and Commissioner Kaufman seconded. Chair Kudrna opened the floor for Commission discussion. Commissioner Shearer reiterated that the 50-foot riparian buffer would be maintained. Commissioner Stonewall moved to approve 11-28-Mod; Vice Chair McGiffin seconded; Chair Kudrna requested a roll call.

Ayes: 5
Noes: 0
Abstained: 0

Application 11-28-Mod was approved.

5. WORK SESSION

a) Fairview Lake Dock Regulations

Associate Planner Fitzgerald requested Commission confirmation to move ahead with a public hearing for current dock standards. Commission by consensus directed Staff to move forward with a public hearing.

b) City Council Goals

Senior Planner Nesbitt reviewed City Council Goals FY 2011-2012 and inquired if there were questions. Commissioner Shearer inquired about code enforcement and the affect reduced staff hours had, had. Staff responded code enforcement was viable, but at reduced hours.

6. STAFF UPDATES

a) Economic Development

Associate Planner Fitzgerald announced Economic Development Committee interviews were being conducted and appointments would be made at the Oct. 19 City Council meeting.

b) Parks

Senior Planner Nesbitt stated the Salish Ponds improvement project was on hold until spring 2012. The Parks Advisory Committee would continue looking at potential skateboard park sites, off leash dog park, pocket parks, etc.

7. TENTATIVE AGENDA – Oct. 11, 2011

Work Session

a) USS Ranger presentation

b) Natural Resource Regulations

c) Fairview Lake Dock Standards

8. ADJOURNMENT

Meeting adjourned by consensus at 7:15 pm.

Keith Kudrna, Chair

Devree A. Leymaster
Administrative Program Coordinator
Community Development Dept.

Date: _____



PLANNING COMMISSION STAFF REPORT

TO: Fairview Planning Commission
FROM: Lindsey Nesbitt, Senior Planner
DATE: October 18, 2011
SUBJECT: Natural Resource Regulations

The draft natural resource regulations are currently being reviewed by the City Attorney. I anticipate receiving comments from the City Attorney soon and making needed changes. I will provide a verbal update and go through the draft code with the Planning Commission at the October 25, 2011 work session. I would like to have an additional discussion and hear feedback from the Commission at the November 8, 2011 Planning Commission meeting.

Thank you.

Lindsey Nesbitt
503-674-6230



Planning Commission Staff Report

To: Fairview Planning Commission

From: Erika Fitzgerald, Associate Planner

Date: October 25, 2011

Subject: Fairview Lake Dock Standards – Shoreline Attachment and Setback Standards

At the September 27, 2011 work session, Planning Commission directed staff to move forward with the process for adoption for Fairview Lake dock standards.

Prior to bringing the standards to a public hearing, staff is proposing revisions to the proposed standards that will help to clarify when a riparian buffer permit will be required in conjunction with the installation of a dock and to address the purpose and application of the setback standards.

Shoreline Attachment

Current regulations require a riparian buffer permit for all docks. With the proposed standards the dock regulations are being moved out of the riparian buffer section of the code to the miscellaneous permits section. Language in the proposed regulations states that a riparian buffer permit may be required if alterations in the riparian buffer are proposed in association with the installation of the dock including a path, vegetation removal, erosion control measures or structures.

Under these current proposed standards all shoreline attachments would require a riparian buffer permit as the shoreline is included in the riparian buffer. All docks will require some sort of attachment to the shoreline for access onto the dock which would result in an “alteration” to the riparian buffer area.

The purpose of removing the dock standards from the riparian buffer section of the code was to separate the regulation of docks from the regulation of the riparian buffer area. Therefore, staff is proposing the following new language be included in the draft standards applying to shoreline attachment to clarify when a riparian buffer permit will be required:

4. Shoreline attachment

Mechanisms to attach the dock to the shoreline including, but not limited to, a concrete pad or wooden platform not exceeding 50 square feet do not require a riparian buffer permit.

This language gives the applicant the option of choosing a mechanism to attach the dock to the shoreline which would not require a riparian buffer permit. A maximum of 50 square feet was determined to be reasonable as it is believed that a structure at this scale would not have a significant negative impact on the riparian buffer area. Based on a review of aerial photos of Fairview Lake, many of the existing docks have dock platforms of 50 square feet or less.

If the applicant chooses a method of attachment larger than 50 square feet, it would require a riparian buffer permit which would be processed as either a Type II or Type III application, depending on the size and type of the alteration, and would be reviewed against all applicable criteria.

Staff believes that this addition to the proposed dock standards addresses the concerns of residents and will serve to make the dock application process more efficient as it will be based on a clear and objective standard.

Setback Standards

The proposed dock standards include language requiring that all docks be setback from property lines by a minimum of 5 feet. On further review of this standard, staff is recommending that it be removed from the proposed code language for the following reasons:

1. The setbacks would be very difficult to verify during the application review process.
2. It would require the applicant to undertake significant expense to hire a surveyor to verify the location of property lines extending out into Fairview Lake.
3. The purpose of setback standards is to ensure that there is adequate separation between structures to maintain light and air and to ensure adequate access for fire, life, and safety protection. These purposes do not apply to docks in the same way that they apply to buildings.

It is the responsibility of the property owner to know the location of their property lines. The city currently allows fences to be constructed on property lines without a permit. If there is a challenge to the location of the fence, or in this case a dock, by a neighboring property owner, it is a civil matter in which the City has no involvement.

Next Steps

Based on Planning Commission direction, staff will make the necessary revisions to the proposed Fairview Lake dock standards. A public hearing for the dock standards is scheduled for the November 8, 2011 Planning Commission meeting.

Attached: Proposed Fairview Lake Dock Standards with Proposed Revisions

DRAFT

(Text proposed to be added is in blue. Text proposed to be removed is in red.)

Proposed Fairview Lake Dock Standards

Chapter 19.490 Miscellaneous Permits

19.490.300 Fairview Lake Dock Permits

A. Permit required.

All proposed docks on Fairview Lake require approval of a dock permit application to be reviewed using Type II review procedures per FMC 19.413.020.

B. Approval Criteria.

All docks on Fairview Lake shall comply with the following standards:

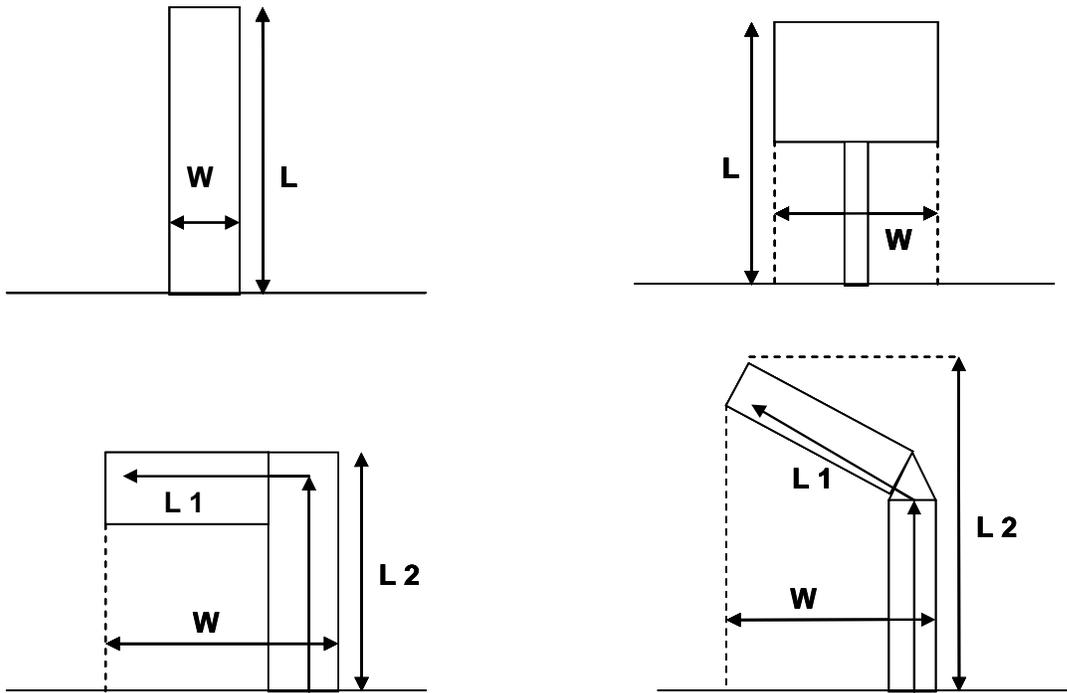
1. Width

- a. Total width of dock may not exceed 20% of the width of the property at water's edge.
- b. Method of measurement - Calculate the width of the dock based on the total of all dock components measured to the furthest dimensions of the dock. (See figure below.)
- c. Properties are entitled to a minimum dock width of 10 feet.

2. Length

- a. Total length of a dock structure may not exceed 35 feet as described in Section 19.490.300 2.c Method of Measurement.
- b. Docks may not extend into Fairview Lake by more than 35 feet.
- c. Method of Measurement
 - i. Calculate the length of the dock as one component from the shoreline to the furthest dimension of the dock. (L1 in figure below)
 - ii. Calculate the total distance that the dock extends out into the lake from the shoreline to the furthest dimension the dock extends into the lake. (L2 in figure below)

Figure 1: Method of measurement for length and width of docks.



3. Number

One (1) dock per lot is allowed. Shared docks are permitted in accordance with standards in FMC 19.490.300.E

4. Shoreline attachment

Mechanisms to attach the dock to the shoreline including, but not limited to, a concrete pad or wooden platform not exceeding 50 square foot do not require a riparian buffer permit.

5. Materials

The use of Styrofoam or bead board or chemical treatments on wooden docks is prohibited.

6. Accessory structures.

a. Accessory structures including but not limited to boat houses and canopies are prohibited.

b. Boat lifts are permitted but shall be included in the total width and length calculations of the dock.

6. Setback from property line – docks shall be setback from property lines by a minimum of 5 feet.

C. Application Submission requirements:

1. Dock permit form. Application for a dock permit shall be made on the dock permit application form provided by the city.

2. Detailed narrative including;

a. Description of proposed dock including length, width, material.

b. Installation details including how dock parts will be transported to the site and method of attachment to the shoreline and lake bottom.

c. Demonstration that the proposed dock meets the approval criteria in section FMC 19.490.300.A.

d. Any additional alterations proposed in association with installation of the proposed dock (see section FMC 19.490.300.D).

3. Scaled site plan including:

a. Location of the proposed dock

b. Property dimensions

c. Dock dimensions

d. Riparian buffer area boundaries

e. Existing structures on the property

f. Distance of proposed dock from property lines.

4. Application fee as set forth by resolution.

D. Additional permits required.

If alterations in the riparian buffer area are proposed in association with the installation of the dock, including but not limited to a path, vegetation removal, erosion control measures or structures, additional permits may be required (i.e. riparian buffer permit, building permit).

Shoreline attachment mechanisms less than 50 square feet do not require a riparian buffer permit as described in Section 19.490.300.B.4.

E. Shared Docks.

Shared docks shall meet all approval criteria for individual docks. The maximum width for shared docks shall be 20% of the total width of all contiguous properties adjacent to the lake that the shared dock will serve.