



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, June 26, 2012

PRESENT: Gary Stonewall, Chair
Steve Kaufman, Vice-Chair
Julius Arceo
Keith Kudrna
Ed Jones
Jack McGiffin
Jan Shearer

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

1. CALL TO ORDER

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

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Dawn Greenwell, 183 Crestwood St., Fairview, Oregon inquired if the research and review had been completed for the Hannah's Tract development. Senior Planner Nesbitt responded it had not been completed and anticipated having an update at the next meeting. Staff was working with the developer to ensure all conditions of approval were completed and occupancy would not be issued until all conditions of approval were satisfied. Ms. Greenwell and Kate Muenchew, Crestwood St. resident, requested permits were not issued for the final home until the review had been completed. Senior Planner Nesbitt stated the Public Works Director would be informed of the request.

3. REVIEW AND ADOPT MINUTES

June 12, 2012 minutes approved as written by consensus.

4. PUBLIC HEARING

a) File 9-32-ZC

Natural Resource Code Amendments: Title 13

Ordinance 3-2012

Continued from June 12

Senior Planner Nesbitt summarized proposed changes in response to the June 12 Planning Commission public hearing. Following discussion of each item the Commission agreed:

- Buffer measurement from center line of creek and add 5 feet to accommodate for the shift in measurement.
- Requested Staff research the Oregon Revised Statutes regarding the protected time allowance for non-conforming rights.
- Commission supported creating a mitigation bank. Applicant could request where to plant, the Public Works Director would have the final decision, and the applicant would have the right to appeal to the planning commission at no cost. .
- Commission opposed buffer averaging for development within the 35 feet mapped, 35 and 50 foot buffers; a Type III process. Commissioner Shearer and Kudrna opposed buffer averaging. Commissioner Jones stated there would have to be scientific support

demonstrating the effectiveness of the buffer was not compromised to consider and approve of buffer averaging.

- Approved the two mitigation options and the option 2 requirement when no there was no tree removal.

Chair Stonewall inquired if any person would like to speak in favor of, neutrally, or in opposition of the application. Garth Everhart, 954 NE Clear Creek Way, Fairview, Oregon spoke as a representative of the Fairview Business Association. Mr. Everhart commented the River Development Plan should be based off the comp plan and the city should defer to the Corp of Engineers and Department of State Lands for river front development; location of mitigation bank plants should be the applicant/developers choice; the map amendment process should be a Type I process when the applicant was able to provide scientific data documenting the error; and the value to rebuild in a foot print should not be compromised and restricted by a predetermined length of time in which a property owners non-conforming rights would be lost if not complied with.

Lonnie Dicus, Senior Advisor, USS Ranger Foundation, 1560 S Beechum Dr., Oregon City, Oregon requested flexible standards for development along the river front, not only for the potential placement of the USS Ranger, but for the commercial property development next to the Ranger site. Developing the river front was a win for everyone and one which could be achieved with a balanced approach for all considerations.

Dawn Greenwell, 183 Crestwood St., Fairview, Oregon stated riparian buffers protect clean water and should not be compromised. She requested decks not be allowed within the buffer due to potential chemical, i.e. deck cleaner, run off into the creeks. Ms. Greenwell objected to reducing the buffer along Fairview Creek for benefit of a business and giving money as an option for the mitigation bank due to the overhead to run and manage the program. She requested the Commission reconsider measurement from center line as creek channels would be better protected using the high bank measurement method.

Jeff Hanson, 20315 NE Sandy Blvd., Fairview, Oregon representing Lynnia Woods, commented they had no recollection of Brian Harper of Metro stating an additional 5 feet of buffer would be required if measuring from center of stream. Mr. Hanson requested the 35 foot buffer along Osburn Creek not be increased if measuring from center line.

Henry Pelfrey, 3600 Pelfrey Ave., Fairview, Oregon, owner of a business along Osburn Creek stated he had been a good environmental steward. Over time the buffer had been increased from 26 feet to 35 feet; increasing it another 5 feet to accommodate for center line measuring would result in loss of land value and money.

Commissioner Shearer inquired if Osburn and No Name creeks could have 35 foot buffers measuring from center line and Fairview Creek a 40 foot buffer measuring from center line. Staff responded yes, and the Commission agreed.

Other Commission discussion included agreeing Columbia River development should be exempted and regulated under state codes and deferred to appropriate state agencies; if codes conflict the most reasonable language should be applied; and the land use application process should not be such that it deterred applicants from daylighting a culvert.

Commission Shearer moved to continue the hearing until July 24, 2012 and Vice Chair Kaufman seconded. The motion was approved unanimously.

6. STAFF UPDATES

Friday, June 29, was the last day for 3 staff positions. Beginning Monday, July 2, the newly created position would provide ½ time planning services.

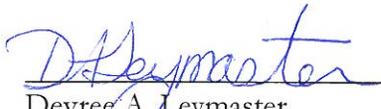
7. TENTATIVE AGENDA - July 24, 2012

a) File 12-17-ZC
Final Plat Filing Extension
Ordinance 5-2012

b) File 9-32-ZC
Natural Resource Code Amendments: Title 13
Ordinance 3-2012
Continued from June 26

8. ADJOURNMENT

Meeting adjourned by consensus at 8:25 PM.



Devree A. Leymaster
Administrative Program Coordinator
Public Works Department

Gary Stonewall, Chair



Date: 7/24/2012