



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, November 8, 2011

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

ABSENT: Ed Jones

STAFF: Allan Berry, Public Works Director
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

October 25, 2011 were approved as written by consensus.

4. PUBLIC HEARING

Application 11-6-ZA/Ordinance 15-2011
Fairview Lake Docks Standards

Chair Kudrna read the legislative hearing statement and Associate Planner Fitzgerald cited the applicable criteria. Commissioner Stonewall disclosed he lived along Fairview Lake. No objection was noted. Associate Planner Fitzgerald presented the staff report reviewing initiation of process, proposed language, and additional proposed language for non-conforming, lawfully reviewed and approved docks as recommended by the city attorney. Commission requested language for routine maintenance be added. Staff agreed and recommended approval to City Council for adoption of ordinance 15-2011.

Chair Kudrna inquired if any person would like to speak in favor, opposition, or neutrally of the application. Lynna Woods, 20135 NE Sandy Blvd., Fairview, Oregon spoke in opposition of the application. Ms. Woods was concerned about the impact of the new regulations on an existing riparian buffer permit that included approval for a yet to be built boat house and dock. The approval was part of a subdivision application and notice of decision. The Commission inquired if the non-conforming language would protect the approval. Staff responded if the application had

not expired the non-conforming language would protect the approval. Staff had conducted a preliminary search and the FMC did not have a limit on time deadlines. The city attorney was researching the ORS statutes for time limits. Staff would research options in the event the permit had expired i.e. resubmit for land use approval or an extension per FMC.

Regarding the same riparian buffer permit referred to by Ms. Woods, Henry Pelfrey, 20905 NE Sandy Blvd., Fairview, Oregon, requested the permit and approval be grandfathered in and not subject to proposed regulations. Mr. Pelfrey stated he had understood there was no expiration date on the permit, he had incurred costs for riparian buffer mitigation, and development had begun.

George Altman, Fairview, Oregon spoke in opposition of the application. Mr. Altman had concerns for dock size options and the 20% of lot width maximum. Mr. Altman believed he had a prior approval for a dock that had not yet been built that would not be approved under the proposed amendments. The Commission stated if Mr. Altman had a lawfully reviewed and approved application the notice of decision would be grandfathered in. If not, there was a variance process for difficult properties and unusual circumstances such as Mr. Altman's property. Staff would research Mr. Altman's application.

No person spoke neutrally or in favor of the application. Commissioner Kaufman moved to close the public hearing and Commissioner Shearer seconded.

Commissioner Stonewall moved to approve application 11-6-ZA and forward a recommendation for approval to City Council with the additional language for routine maintenance and grandfathering in legally reviewed non-conforming docks and approvals; Commissioner Kaufman seconded, and Chair Kudrna requested a vote. .

AYES: 6
NOES: 0
ABSTAINED: 0

Application 11-6-ZA, with additions, was approved for recommendation to the City Council for adoption.

5. WORK SESSION

a) Natural Resource Improvement Project
Senior Planner Nesbitt stated the city attorney was reviewing the second draft.

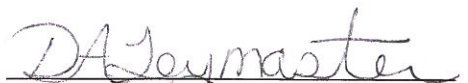
6. TENTATIVE AGENDA – December 13, 2011

a) Work Session: Natural Resource Regulations

7. ADJOURNMENT

Meeting adjourned by consensus at 7:20pm.

Keith Kudrna, Chair


Devree A. Keymaster
Administrative Program Coordinator
Public Works Department.



Date: 12/13/2011