



PLANNING COMMISSION MEETING

Tuesday, June 11, 2013

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:** May 28, 2013
4. **PUBLIC HEARING**
 - 2013-20-CPA, ORD 5-2013
Comprehensive Plan Map Amendment to correct a scrivener's error.
5. **STAFF UPDATES**
6. **COMMISSION UPDATES**
7. **TENTATIVE AGENDA:** June 25, 2013
 - 2013-21-ZC, ORD 6-2013
Final Plat Filing Extension
8. **ADJOURNMENT**

NEXT PLANNING COMMISSION MEETING IS *JUNE 25, 2013.*

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, City Recorder, 503-674-6224.

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, 503-674-6224.



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, May 28, 2013

PRESENT: Steve Kaufman, Chair
Keith Kura
Jack McGiffin
Ed Jones

ABSENT: Julius Arco
Gary Stonewall
Jan Shearer, Vice Chair

STAFF: Allan Berry, Public Works Director
Lindsey Nesbitt, Development Analyst
Erika Fitzgerald, Development Analyst
Devree Leymaster, City Recorder

1. CALL TO ORDER

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

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Chair Kaufman 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

May 14, 2013 minutes approved as written by consensus.

4. PUBLIC HEARING

13-11-ZC Content Base Sign Code Amendments

Chair Kaufman read the open hearing statement and Development Analyst Lindsey Nesbitt cited the applicable criteria. There was no disclosure of ex parte contact, conflict of interest, or bias. No objections were noted.

Development Analyst Lindsey Nesbitt presented the staff report. The proposed revisions were at the advice of City Attorney Paul Elsner and focused on removing content based language; including language that required a sign be read in order to assess its compliance with the code. The integrity and intent of the code would not be changed. City Attorney Elsner is available to answer questions.

Chair Kaufman inquired if any person would like to speak in favor of, opposition of, or neutrally about the application. Hearing none, Commissioner Jones moved to close the public hearing and Commissioner Kura seconded. The motion passed unanimously and Chair Kaufman opened Commission discussion.

Commissioner Kura inquired if there had been any response to the proposed changes. Staff answered the only comments received were from PMAR. The email is included in the packet. The Commission discussed the request to replace “permitted” with “allowed”, and agreed to the change. City Attorney Elsner concurred.

Commissioner Kura moved to approve 13-11-ZC replacing “permitted” with “allowed” in section 19.170.110 and 19.170.110(c) and Commissioner Jones seconded. The motion passed unanimously.

AYES: 4

NOES: 0

ABSTAINED: 0

5. STAFF UPDATES

Mr. Murrell presented his request for a final plat filing extension at the May 15 City Council Meeting. City Council supported a six month final plat filing extension. Public Hearing for the extension is scheduled for the June 11, 2013 Planning Commission meeting.

Staff is scheduled to meet with Leland Consulting regarding an economic development strategy for the river front development project. The strategy would be incorporated into the river front master plan.

Staff received an initial inquiry for a potential project to re-locate creeks on two commercial properties owned by Townsend Farms Inc. on the south side of Sandy Boulevard east of 223rd Avenue. The potential for development of the properties is hindered by the mapped resource protection area running through the properties. At the request of the property owner, the City is going to hire a consultant to assess the natural resource value of the creeks in order to determine if there are options to re-route and restore the creek in order to maintain the integrity of the city's natural resources while also making the commercial properties more attractive for future development.

6. COMMISSION UPDATES

Commissioner Kura stated Friends of Fairview is coordinating a trash pick-up and graffiti removal clean-up day in June at Salish Ponds Park. Additional information and volunteer registration is available via the Friends of Fairview website.

7. TENTATIVE AGENDA: JUNE 11, 2013

Public Hearing: 13-20-CPA

Comprehensive Plan Map Amendment to correct scrivener's error from a 2001 city wide rezone project.

8. ADJOURNMENT

Meeting adjourned by consensus at 7:00PM.

Steve Kaufman, Chair

Devree A. Leymaster
City Recorder

Date: _____



PLANNING COMMISSION STAFF REPORT

TO: Fairview Planning Commission

FROM: Allan Berry, Public Works Director

DATE: June 11, 2013

PROJECT NUMBER: 2013-20-CPA; Ordinance 05-2013

REQUEST: Comprehensive Plan Map Amendment to correct a scrivener's error.

LOCATION: 1N3E28AD05300

APPLICANT: City of Fairview

Action Requested

Adopt a recommendation to the City Council to approve Ordinance 05-2013 amending Fairview Comprehensive Plan Map correcting a scrivener's error that occurred in 2001 and 2004.

Background

Currently, the Comprehensive Plan designation is not consistent with the zoning designation for the property located on the northwest corner of Sandy Blvd and 223rd (tax lot 1N3E28AD05300). The zoning designation for the property is Corridor Commercial (CC) and the Comprehensive Plan Designation is Medium Density Residential. The property was rezoned from A-1-B to Corridor Commercial (CC) in 2001 (Ordinance 6-2001). When the parcel was rezoned to CC, the Comprehensive Plan designation was not changed. The 2001 rezone, Ordinance 6-2001, changed the zoning of this parcel, as well as a few other parcels within Fairview. For reasons that staff is unable to explain a Comprehensive Plan amendment was not conducted at the same time these properties were rezoned through Ordinance 6-2001.

In 2004 the City underwent periodic review and staff believes at this time the inconsistencies mentioned above were discovered and corrected through a comprehensive plan update.

However, it appears that tax lot 1N3E28AD05300 was not shown on the map that was provided with the adoption materials. Staff believes this to be an error and was overlooked during the 2004 update process.

Staff has consulted with the City Attorney on this matter. In order to correct or change the comprehensive plan designation to commercial, a comprehensive plan map amendment must be filed, processed, and approved. Ordinance 5-2013 will correct the scrivener's error that occurred through the 2001 zone change and the 2004 Comprehensive Plan Map amendments, making the Comprehensive Plan Designation consistent with the zoning designation.

Decision Making Process

Changes to the Fairview Comprehensive Plan Map are reviewed as Type IV applications using a legislative procedure¹. A minimum of two hearings is required, one before the Planning Commission and one before the Council. All required notices for the proposed ordinances have been sent within the required time frame.

The Planning Commission has the following decision-making options on the proposed amendments:

- Recommend approval of Ordinance 05-2013.
- Recommend approval of Ordinance 02-2013 with modifications.
- Recommend denial of Ordinance 05-2013.
- Refer the matter back to staff.
- Take no action.
- Continue the public hearing.

Applicable Criteria

Amendments to the Fairview Comprehensive Plan Map are subject to the following applicable criteria:

- Fairview Municipal Code 19.416.070 – Type IV Process
- Comprehensive Plan Chapter 2 Policy 7B

Key Issues

1. As mentioned above, the proposed Ordinance 5-2013 will correct an inconsistency in the Comprehensive Plan Map and the Zoning Map for parcel 1N3E28AD05300. Staff believes the inconsistency was a result of a scrivener's error.
2. The property owner has contacted staff and informed staff that they do not want the Comprehensive Plan Designation changed from Medium Density Residential to Commercial, but would rather have the zoning designation changed from Corridor Commercial to Residential Multifamily. Staff first notified the property owner of the scrivener's error in August 2008, at which time staff advised the property owner that

¹ Fairview Municipal Code 19.416

if they wished to change the zoning designation, they would be required to submit a zoning map amendment application. The property owner took no action. After many discussions with the property owner, the City Attorney advised staff to move forward to correct the scrivener's error and change the Comprehensive Plan Map designation to match the commercial zoning designation.

3. Public Involvement

All public notices were provided in accordance with applicable sections of the Oregon State Statutes and Fairview Municipal Code.

Summary

The proposed amendments are consistent with statewide planning goals as outreach has been completed, all required notices were completed.

Staff recommends the Planning Commission adopt a recommendation to the City Council for their approval of Ordinance 05-2013.

Findings in Support of Approval

1. The recommendation of the Planning Commission for the proposed amendments to the Fairview Comprehensive Plan map is based on the following factors:

- A. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197.

The proposed regulations are consistent with statewide planning goals 1- Citizen Involvement, 2 – Land Use Planning, (See Summary Section above)

- B. Comments from any applicable federal or state agencies regarding applicable statutes or regulations.

Not applicable.

- C. Any applicable intergovernmental agreements.

Not applicable.

- D. Any applicable comprehensive plan policies and provisions.

Chapter 2 Policy 7B of the Comprehensive Plan requires that any major revisions require re-evaluation of the public's need.

The proposed Comprehensive Plan Map amendment will correct a scrivener's error that occurred during a 2001 rezone and a 2004 Comprehensive Plan map amendment.

The process for the adoption of Ordinance 5-2013 included public outreach..

Attachments:

1. Ordinance 05-2013

ORDINANCE
(5-2013)

**AN ORDINANCE OF THE FAIRVIEW CITY COUNCIL AMENDING THE
COMPREHENSIVE PLAN MAP TO CORRECT A SCRIVENERS ERROR.**

WHEREAS, public hearings were held by the Fairview Planning Commission on June 11, 2013 and the City Council on July 17, 2013; and

WHEREAS, notice of said hearings was provided consistent with Fairview Municipal Code Chapter 19.416 and ORS 227.186; and

WHEREAS, amendments are consistent with the Fairview's Municipal Code Chapter 19.416 and Comprehensive Plan Chapter 2; and

WHEREAS, the Comprehensive Plan designation is not consistent with the zoning designation for the property map and tax lot 1N3E28AD05300 ("Property") with the zoning designation for the Property being Corridor Commercial (CC) and the Comprehensive Plan Designation being Medium Density Residential.; and

WHEREAS, the Property along with other properties was rezoned from A-1-B to Corridor Commercial (CC) through Ordinance 6-2001 and when these parcels were rezoned to CC, the Comprehensive Plan designation was not changed; and

WHEREAS, in 2004 the City underwent periodic review and corrected the Zoning Map and Comprehensive Plan inconsistencies, however, the Property was unintentionally omitted from the adoption materials; and

WHEREAS, this ordinance will correct the scrivener's error making the Comprehensive Plan map Designation consistent with the Zoning Map designation.

NOW, THEREFORE, The City of Fairview ordains as follows:

Section 1. The Comprehensive Plan Designation for parcel 1N3E28AD05300 is amended as shown in Attachment 1.

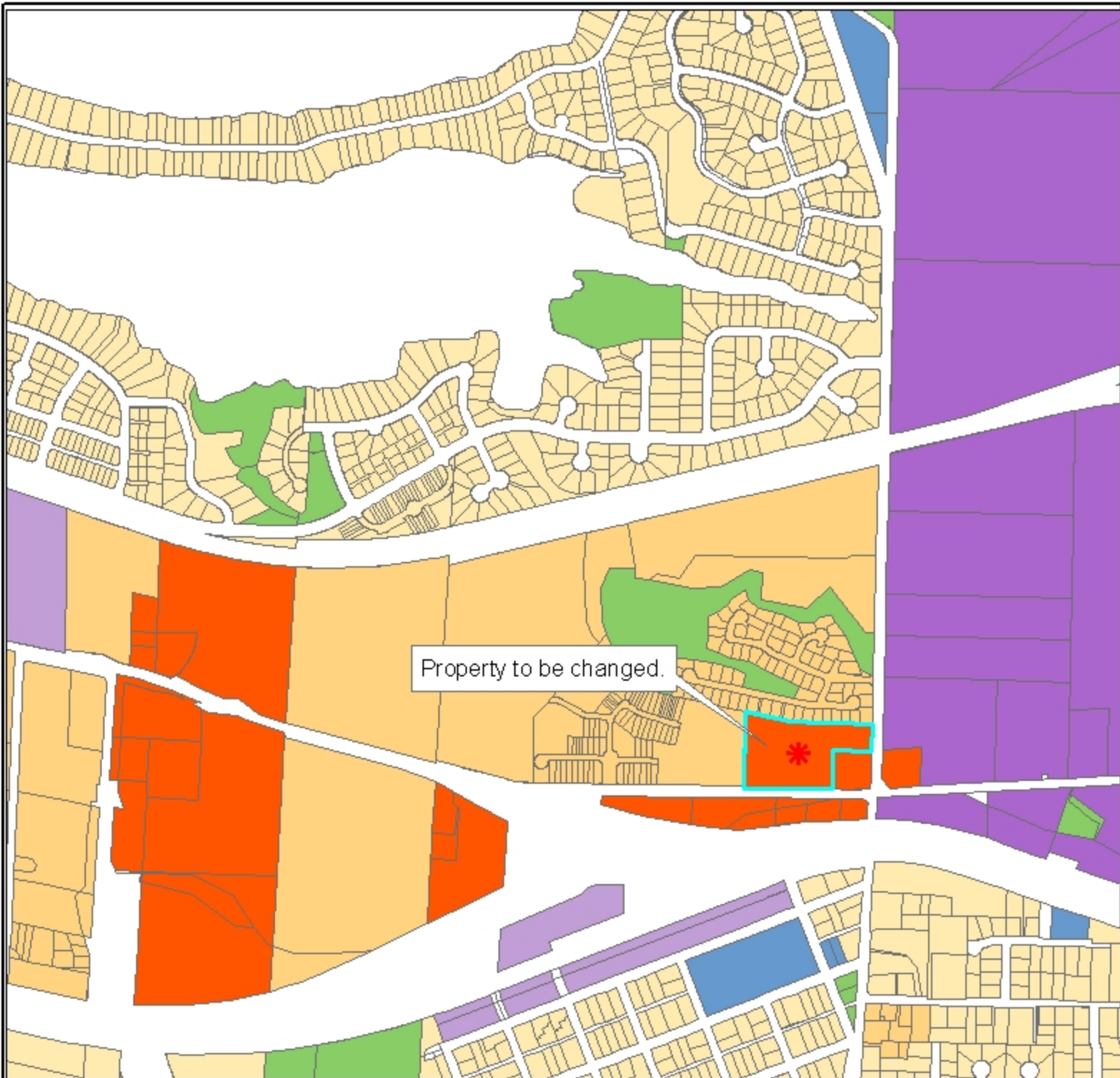
Section 2. This ordinance is effective upon and from 30 days after its enactment by the Council.

Motion adopted by the City Council of the City of Fairview this 17th day of July 2013.

Mayor, City of Fairview
Mike Weatherby

ATTEST

City Recorder, City of Fairview
Devree Leymaster



Property to be changed.

-  Commercial
-  General Industrial
-  Light Industrial
-  Parks
-  Public
-  Residential (Low Density)
-  Residential (Medium Density)
-  River Oriented
-  Village

City of Fairview Enlarged Area Comprehensive Plan

Printed: May 3, 2013
Created By: I. Nesbitt

Proposed Change = Commercial

This map is for informational purposes only and the City cannot accept responsibility for any errors, omissions, or positional inaccuracy. This map is provided "AS-IS".



City of Fairview
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Fairview, OR 97024
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