



MINUTES  
PLANNING COMMISSION MEETING  
1300 NE Village Street  
Fairview, OR 97024  
Tuesday, October 8, 2013

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

ABSENT: Jack McGiffin

STAFF: Allan Berry, Public Works Director  
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**

Commissioner Stonewall moved to approve the August 27, 2013 minutes and Vice Chair Shearer seconded. The motion passed unanimously.

**4. REVIEW MINUTES**

Commissioner Jones moved to recommend approval of the Joint Work Session minutes of September 20, 2013 to City Council for adoption. The motion passed unanimously.

**5. WORK SESSION**

**Discussion – Riverfront Mixed Use Zone**

Development Analyst Erika Fitzgerald stated into record that Commission received the revised draft code dated 8/12/13, submitted by Matt Wand; the memo from David Doughman, City Attorney's Office dated 9/4/13; and a memo from the Multnomah County Drainage District dated 10/8/13.

Brian Harper, Associate Regional Planner with Metro Planning and Development Department, 600 NE Grand Ave, Portland, OR explained the two properties between the metro properties are included in Metro's Title 4 Industrial Map. This is a regional document. The intent is to protect industrial employment areas, cluster certain types of businesses, and protect traffic conditions. There are measures that allow for the option to remove properties from the Title 4 map. Metro staff would be supportive and helpful through the process. The applicant must go before the Metro Council for approval to remove the properties from the map. The process to remove the property from Title 4 can be done concurrently with a zone change; however, the zone should not be officially changed until Metro has approved the Title 4 changes. If the zone were adopted prior, Metro would, most likely, appeal the decision to the State.

Commissioner Stonewall inquired what the time line is for the process. Mr. Harper replied, conservatively, six months. City staff would need to prepare the documents, demonstrate compliance with applicable criteria, and schedule to go before Metro Council.

Mr. Dean Hurford, 335 NE LeMesa Ct, Gresham, OR clarified the request is not to rezone the properties, but to create the zone so applicants can apply for a rezone. Mr. Hurford remarked that a riverfront development will also create employment opportunities.

Vice Chair Shearer summarized a land owner cannot request a rezone until the zone is created and defined. Mr. Hurford replied yes, that his understanding. Development Analyst Fitzgerald remarked, per City Attorney Chris Crean, there is a risk of the decision being challenged when a zone is created but not applied to a property. Public Works Director Berry referred to City Attorney David Doughman's memo, number 6, regarding at least having affected property owners consent prior to rezoning. Development Analyst Fitzgerald remarked representatives from Georgia Pacific and the Port of Portland, adjacent property owners who would be affected by the rezone, will attend the October 22 meeting to express their view points.

Mr. Garth Everhart, 954 NE Clear Creek Way, Fairview, OR stated the 2004 Comprehensive Plan identifies these properties as being designated for river oriented development. The intention since 2004 has been to create a commercial and residential area along the Columbia River. Currently, the industrial zones are attracting more distribution type businesses than manufacturing. This type of business along the Columbia River is not maximizing the use.

It does not make business sense for potential developers to initiate and carry the cost of creating a zoning district and rezoning the property to the zoning district. A rezone is a doable process. The applicant submits a rezone application demonstrating a development that meets the applicable criteria. The city needs to take the first step and create the zone district so the private sector can decide what to do.

Mr. Everhart noted Fairview has created new zoning districts prior to code adoption in the past i.e. the Village. The development of the riverfront would be a Planned Unit Development (PUD), similar to the Village, where the city would have another opportunity to vet out design features, amenities, etc.

Commissioner Kudrna inquired at what point they should begin reviewing and discussion the draft code language. Public Works Director Berry replied the direction provided at the next joint work session with the City Council will determine the next steps.

Chair Kaufman proposed the Commission begin reviewing the draft code while the other processes are beginning. Commissioner Kudrna responded they need a defined and unified vision to create a code that will provide what is wanted for development.

Commissioner Kudrna inquired if the developers could provide a presentation demonstrating their vision. Mr. Everhart responded plans were shared with City Council in a presentation by Leland Consulting during the Ranger discussion. The state would like a marina and gas dock included; and the city would like development that will maximize the property tax base. Mr. Everhart stated he would rely on experts in i.e. economic development, marketing, etc. to determine the best mix of development. Commissioner Kudrna reiterated developers are requesting this change, what vision is pushing it. Mr. Everhart responded a mixed use development of 80% residential, 10% office, and 10% retail. Mr. Everhart encouraged the

Commission to visit and walk the site, see the beautiful views, to understand and appreciate the potential of the site(s).

Director Berry remarked staff had contacted Leland Consulting at the direction of City Council. Mr. Leland was helpful in providing information and shared his insight and expertise. Mr. Leland recommended proceeding with a master plan process for the riverfront; which would include clearly defining what is wanted and its scope.

Metro Associate Regional Planner Harper commented many of the criteria staff will have to demonstrate compliance with in the application to Metro to remove the properties from Title 4, are similar to those in the master plan process. The master plan process would benefit and support the request to Metro to change the Title 4 map.

Director Berry commented staff received a request for a pre-application conference for a concrete batch site located on one of the properties being discussed and pointed out if a rezone were to happen current industrial sites would not be able to expand.

Chair Kaufman inquired when initiating the Metro process could begin. Director Berry responded, as soon as direction is provided to staff to move forward with creating a zone, staff will concurrently work with Metro to pursue the map change.

Vice Chair Shearer summarized in order to not have Metro appeal the zone change, the Title 4 map change must first be approved. In order to do so, a unified vision must be presented to the Metro Council demonstrating that a zone change is merited. Many of the items needed to do so, are similar to those reviewed in the master plan process i.e. traffic, drainage, flood plain, etc.

Commissioner Jones remarked the master plan process, identifying federal and state criteria regarding the levee, input from stake holders, cost confirmation, and determining extent and time need to be prioritized and addressed prior to outlining a code.

Director Berry noted the city is contracting with Brown & Caldwell, pending Council approval. One of the tasks is to provide guidance regarding utility and road accessibility for the sites.

Councilor Arceo suggested staff provide an outline, project schedule, of the steps needed to work through this process.

Development Analyst Fitzgerald clarified the direction thus far is to pursue more of a master plan process which will concurrently assist in meeting the criteria for the Metro Industrial Title 4 Map change. Staff will provide a work plan based on this information at the next meeting.

## 5. STAFF UPDATES

Public Works Director Allan Berry reported the following.

- A pre-application conference is scheduled for a concrete producing plant on the Landco property.
- A 9 lot subdivision has received final plat approval.
- In conjunction with Arata Road improvements, a developer is working with Metro and Multnomah County for natural resource improvements to No Name Creek. Enhancements will make properties impacted by the creek more usable.
- Fairview RV Park property owner has expressed interest in redeveloping the site.
- Staff has not received any new information regarding the potential VA clinic.

- Mayor's Business Roundtable is scheduled for October 17. Keynote speaker is Multnomah County Sheriff Daniel Staton.

**6. COMMISSION UPDATES**

None.

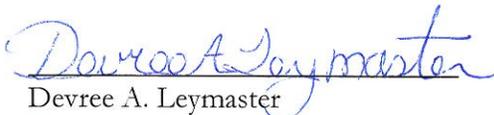
**7. TENTATIVE AGENDA - October 22, 2013**

- River Front Mixed Use Zone
- Street Tree Requirements in Fairview Village

**8. ADJOURNMENT**

Meeting adjourned by consensus at 7:30PM.

Steve Kaufman, Chair



Devree A. Leymaster  
City Recorder



Date: 10/22/2013