



MINUTES  
PLANNING COMMISSION MEETING  
1300 NE Village Street  
Fairview, OR 97024  
Tuesday, January 13, 2015

PRESENT: Gary Stonewall, Chair  
Ed Jones, Vice Chair  
Keith Kudrna  
Jack McGiffin  
Steve Kaufman  
Greg Walczyk  
Julius Arceo

STAFF: Erika Palmer, Development Analyst  
Devree Leymaster, City Recorder

**1. CALL TO ORDER**

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

**2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**

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

**3. REVIEW AND ADOPT MINUTES**

Commissioner Kaufman moved to approve the September 23, 2014 minutes and Commissioner Kudrna seconded. The motion passed unanimously.

**4. PUBLIC HEARING**

2014-39-NR

Natural Resource Permit: Port of Portland

Chair Stonewall read the Opening Statement for Quasi Judicial Hearings. Development Analyst Palmer sited the applicable Fairview Municipal Code criteria. No ex parte contact or conflicts of interested were disclosed.

Development Analyst Palmer reviewed the staff report and findings of fact. (*Exhibit A*) The site is part of the Troutdale Reynolds Industrial Park located off 223<sup>rd</sup> Avenue. The applicant is requesting permit approval for major site grading and wetland fill in the north portion of the site and natural resource enhancements and wetland creation in the southern portion of the site. This project is the first phase in creating a general industrial site with the associated wetland mitigation already in place. Following completion of this phase, the next steps i.e. rezoning and development review will be reviewed by the Planning Commission. Staff recommends approval of the application and proposed requests. Applicant has met all applicable criteria.

Port of Portland Representative Steve Bloomquist reiterated the information Development Analyst Palmer presented and the Ports commitment to comply with all conditions of approval from the varying organizations involved with the permit and approval process. He stated the Port accepts Fairview's findings and conditions of approval.

Commissioner Kaufman requested clarification regarding the potential use of herbicides close to the river and wetlands. Mr. Bloomquist replied herbicide will only be used after the site is

stripped and in compliance with Department of State Lands (DSL) and Army Corp of Engineers for effective blackberry removal. All protocols to prevent it from entering the water ways will be complied with. Vice Chair Jones commented the regulations for how and when herbicides can be used are already in place. Development Analyst Palmer noted herbicide use is documented in the DSL permit and conditions of approval.

Commissioner Kudrna moved to close the public hearing and Commissioner Kaufman seconded. Public Hearing was closed. Commission discussion: Commissioner Kudrna commented a 3-year approval may not be enough and he would support a 4-yr approval. It is a massive and environmentally sensitive project; wants to see it done right.

Commissioner Kudrna moved to approve application 2014-39-Natural Resource Permit with the findings and conditions and Commissioner Kaufman seconded. The motion passed unanimously.

AYES: 7  
NOES: 0  
ABSTAINED: 0

#### 5. STAFF UPDATES

Development Analyst Palmer reported the VA project is moving forward. Grading, erosion control, and foundation permits have been issued and staff anticipates the permit application for the building shell soon. Staff is reviewing permit applications for 4 new residential homes in the Wind River Subdivision on Depot Street and expects 4 more in the next few weeks. The Planning Commission annual report to City Council is due in February. Chair Stonewall agreed to attend the February 18 City Council meeting to present the report.

#### 6. COMMISSION UPDATES

None.

#### 7. TENTATIVE AGENDA – January 27, 2014

Type IV Legislative Hearing – Development Code Amendment. Review proposal to allow as a Conditional Use Medical Marijuana/Marijuana Retail Facilities in Light Industrial Zone.

#### 8. ADJOURNMENT

Meeting adjourned by consensus at 7:12 PM.

  
Devree A. Leymaster  
City Recorder

Gary Stonewall, Chair

  
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Date: 1-27-2015



JANUARY 13, 2015

# City of Fairview

Planning Commission  
Application #2014-39-NR

# Application

The Port of Portland request the Planning Commission to consider a Natural Resource Permit to allow site grading, wetland fill, and natural resource enhancements in anticipation of future site development.

## The work will include:



Site grading & planting within wetlands on south portion of site (enhancement)



Re-grading, realignment of Sundial Channel for stormwater conveyance, drainage, flood control, water quality and to serve as onsite mitigation.



Filling of wetlands on north side of lot to create development site



Access road construction

## Specific Requests Include:

- ➔ Approval of a 3-year land use decision
- ➔ Preliminary approval of upland buffer setback in relation to future wetland area and development lot. This would also include approval of 20% of this buffer area to be used for stormwater management purposes (per Department of State Lands)
- ➔ Confirm access across and a 15 ft. setback from the south-edge of toe drain on northern portion of the site
- ➔ Use of heavy machinery & herbicide if needed.

# Notices/Referrals:

Notice sent to property owners within 250 ft.

Notice sent to Gresham Outlook

Site was posted

Sent to: City of Fairview Public Works Departments; Gresham Fire; Multnomah County Transportation Department; Columbia Slough Watershed Council; City of Troutdale; and Multnomah County Drainage District

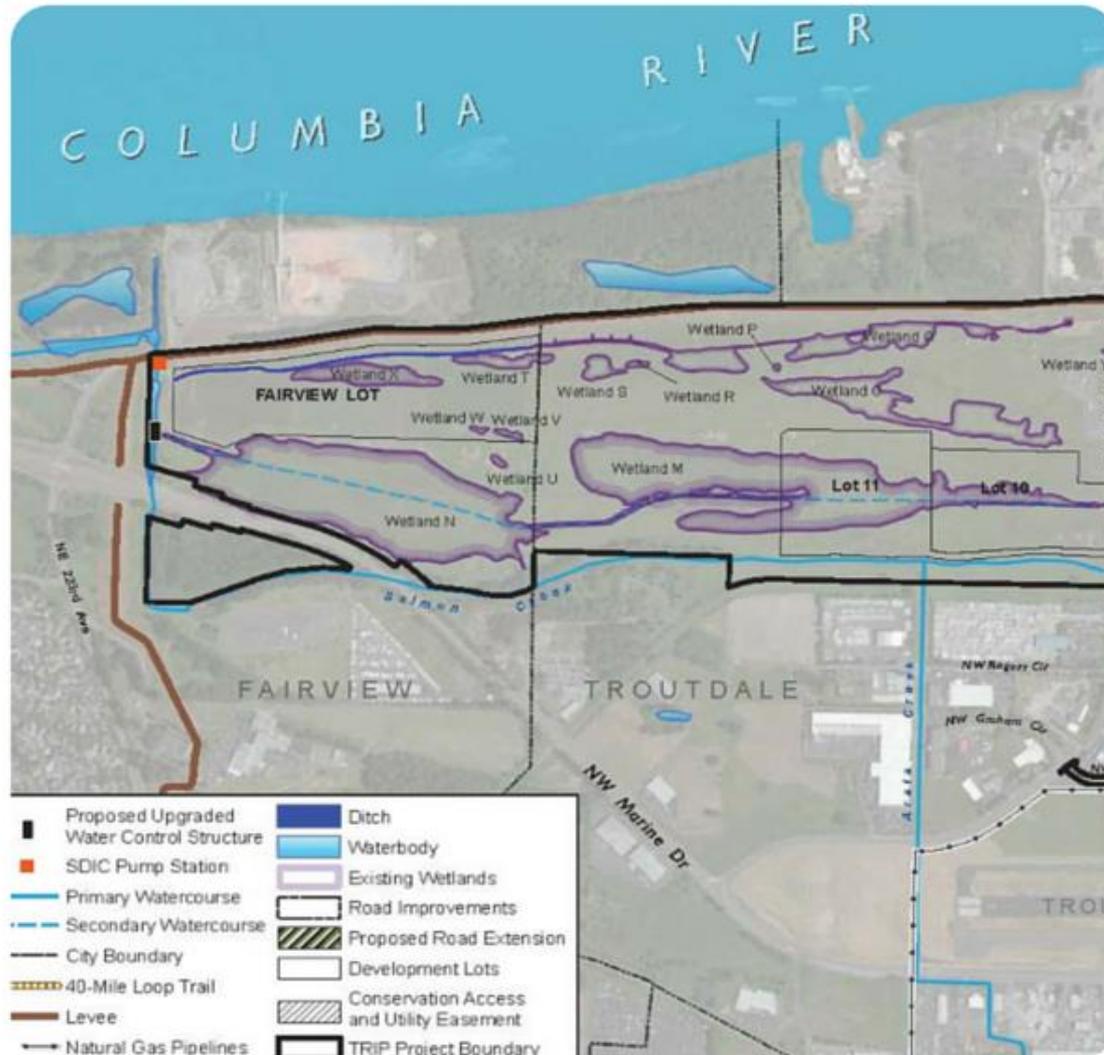
The City has received 3 comments

- 1) Multnomah County Transportation Department (Exhibit C)
- 2) City of Fairview Public Works Department (Exhibit C)
- 3) Multnomah County Drainage District (Exhibit C)

# Site Location



# Existing Conditions



# Review Criteria

Fairview Municipal Code: Title 19 Development Code

FMC 19.25 Agricultural Holding Zone

FMC 19.100 Culturally Sensitive Lands

FMC 19.105 Flood Plain Overlay

FMC 19.106 Natural Resource Protection

FMC 19.413.030 Type III Procedures

# Findings



FMC 19.25 Agricultural Holding Zone



FMC 19.100 Culturally Sensitive Lands

- Site investigations have been conducted in accordance with Oregon State Historic Preservation (SHPO)
- Any future mitigation measures will be undertaken by the Port, US Army Corps of Engineers (USACE), SHPO, and the appropriate Tribes

Application meets applicable code language

# Findings



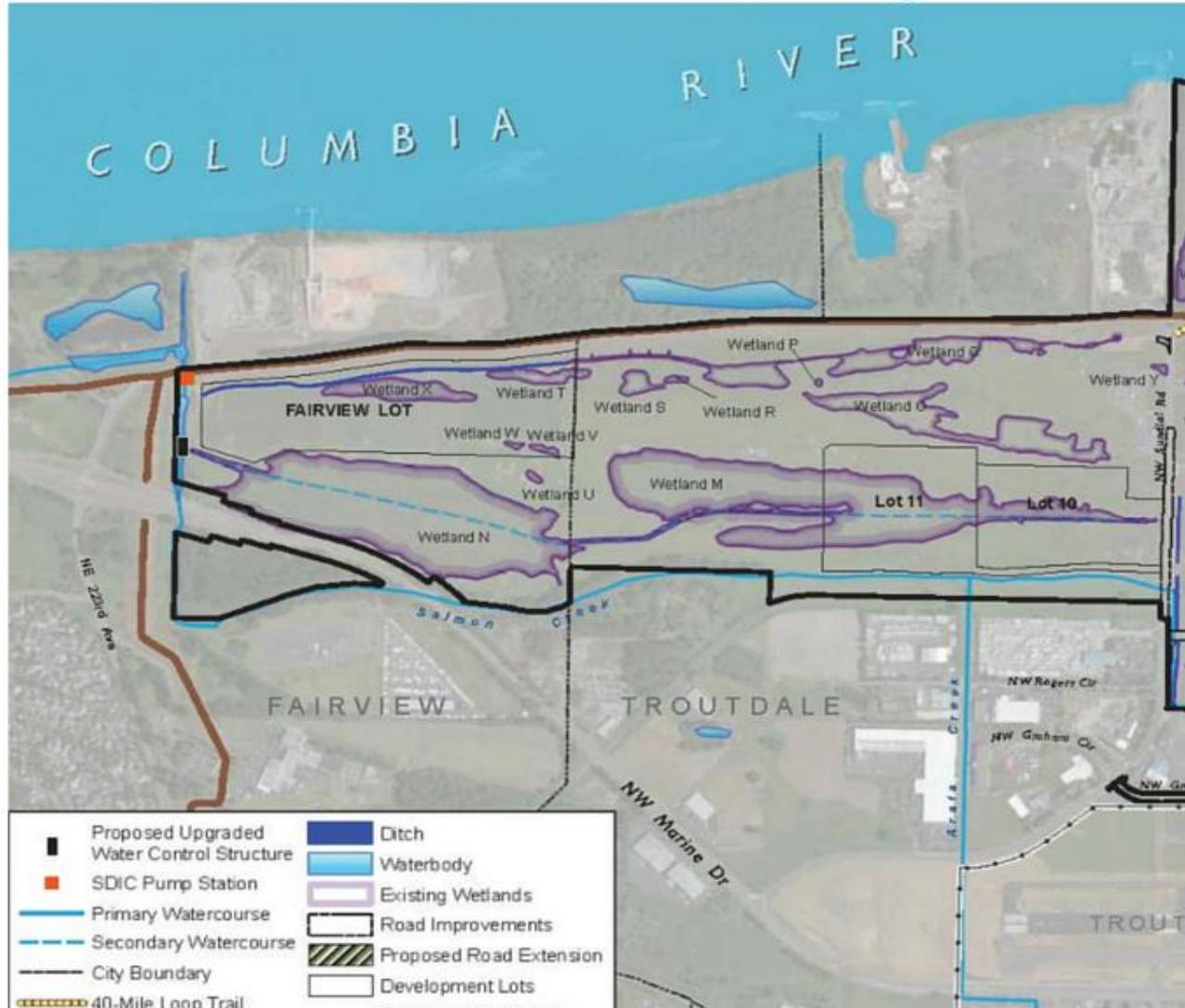
## FMC 19.105 Floodplain Overlay

- Project a permitted use
- Provided a Cut/Fill Balance Report
- Project will increase flood storage capacity by 82,000 cubic yards

Application meets applicable code language

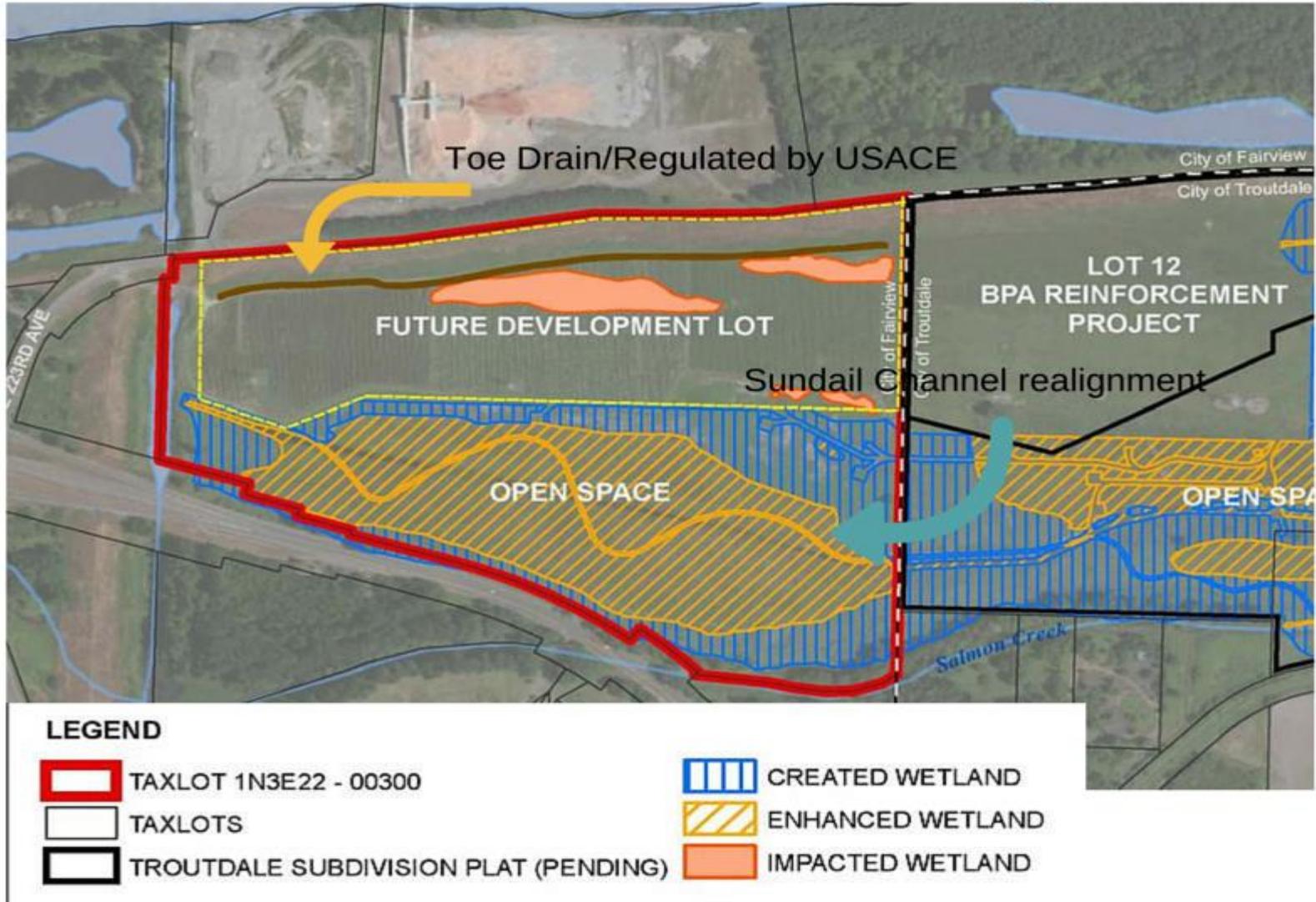
# Findings

## FMC 19.106 Natural Resource Regulations



# Findings

## FMC 19.106 Natural Resource Regulations



# Findings



## FMC 19.106 Natural Resource Regulations

- Applicant has applied for necessary permits through Oregon Department of State Lands & USACE -- as required for work near streams and wetlands. Project has received a permit through DSL with conditions
- Enhancement of wetland functions
- Increased Flood control
- Restores natural water quality
- Native vegetative plan submitted with quantities, spacing, etc. The varieties have been chosen carefully considering, the airport, and compatibility with infrastructure

Application applicable to code language

Conditions in Staff Report: #7

# Future Development Site



Requesting 10 ft. of 50 ft. buffer to be located in setback



Request for up to 20% of the upland buffer within the 10 ft. setback to contain water quality swales for stormwater management (Condition #6)



Confirmation of 15 ft. setback or stormwater utility easement from the south edge of the toe drain.



Use of machinery for restoration work

# Alternatives

1

Approve application based on the findings of compliance with City regulations.

2

Modify the findings, reasons, or conditions and approve the request as modified.

3

Deny the application based on the Commission's findings

4

Continue the Public Hearing to a date certain if more information is needed.

# Conclusion & Recommendation

Staff finds that the proposed application meets the requirements of the City Code with conditions, and recommends approval of the natural resource permit subject to the Conditions of Approval.