



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, September 8, 2015

PRESENT: Keith Kudrna, Vice Chair
Jack McGiffin
Gary Stonewall
Steve Kaufman
Greg Walczyk

ABSENT: Ed Jones, Chair
Julius Arceo

STAFF: Allan Berry, Public Works Director
Erika Palmer, Senior Planner
Devree Leymaster, City Recorder

1. CALL TO ORDER

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

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Vice Chair Kudrna 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 Stonewall moved to approve the June 23, 2015 minutes and Commissioner Kaufman seconded. The motion passed unanimously.

4. PUBLIC HEARING

a. Application 2015-40-ZC Fence Amendment

Vice Chair Kudrna sited the legislative hearing statement. Senior Planner Palmer read the text amendment and the six criteria as identified in the staff report (Ord 10-2015, Exhibit 1). The proposed amendment meets all applicable criteria within the code. She reviewed the proposed findings and alternatives for Commission consideration. She noted public notices were published as required and no comments were received to date. Staff recommends forwarding the ordinance to City Council for adoption.

Vice Chair Kudrna opened the public hearing. Michael Tate, Columbia, South Carolina, representative for Watch Dog Electrical Fencing, spoke in favor of the text amendment. Mr. Bob Keiser, owner of Chinook RV in Fairview, had requested Mr. Tate's service to install an electric fence. During his research he realized the current code did not allow electric fencing. Mr. Tate explained the installation and how the fence works. It is not a continuous current but a pulse. The alarm is triggered once a pre-determined number of pulses are disrupted; usually it is four pulses. All alarms are verified prior to calling the police.

Mr. Tate requested the Commission consider expanding the use for electric fences to all non-residential zones and the fence height be increased to ten feet. He commented the electric fence needs to be higher than the perimeter fence to prevent jumping over the interior electric fence. The one foot separation between the fences is fine, but there needs to be an exception for the

gate because of how they are installed and the attachment mechanism. He requested permits not be required. An electrical permit is not needed because the fence operates off a 12v battery and there is no infrastructure connection. He requested the requirement for a building permit for fences over 6 feet high be waived for these types of installations.

Mr. Dean Hurford, Fairview, OR encouraged the Commission to support and endorse the recommended changes.

Mr. Bob Keiser, Fairview, OR, owner of Chinook RV, remarked they have had a persistent problem with people breaking in. Usually they cut through chain length fence. The police do respond, but are often too late to catch perpetrators. He believes this the best option to protect property while not being harmful to persons. These fences are a proven, effective deterrent.

Vice Chair Kudrna closed the public hearing.

Senior Planner Palmer provided staff comments regarding Mr. Tate's testimony. The expansion of all non-residential zones would only add one more zone, the light industrial zone, the proposed eight feet height came from researching other electric fence codes, staff can easily add a separation exception clause for areas near gates/entrances, and the permit language could be amended to be less restrictive regarding the requirement of an electrical permit. The proposed changes would meet all applicable code criteria.

Commissioner Kaufman commented he supports the requested changes for a fence height of ten feet, the one foot exception for the gate/entrance, and extending the allowance of electric fences to non-residential zones. Commissioner Stonewall concurred and Vice Chair Kudrna remarked the proposed changes make sense.

Commissioner Kaufman moved to recommend approval of Application 2015-40-ZC Fence Amendment to City Council with amended changes regarding height (10 feet), a separation exception for gates/entrances, allowing all non-resident zones, and requiring necessary permits for installation and Commissioner Stonewall seconded. The motion passed unanimously.

AYES: 5

NOES: 0

ABSTAINED: 0

b. Application 2015-52-Design & Natural Resource Review

Vice Chair Kudrna sited the legislative quasi-judicial hearing statement and Senior Planner Palmer read the applicable code sections. Senior Planner Palmer presented a review of the staff report. (*Exhibit A*) The application is for a proposed development adjacent to the Village including 4,500 square feet of commercial space, 180 residential units, 3,200 square foot club house, and 285 parking spaces. She reviewed the applicable criteria and findings as outlined in the staff report. The development promotes pedestrian movement and amenities, and the architectural features compliment Halsey and Village designs. She noted the requirement for a ground floor large display window in Building A as referenced in the findings, page 21 in the staff report, had been satisfied. The window is identified in the plans; staff missed it in their initial review.

Senior Planner Palmer reviewed the access and circulation requirements. The development does require an access permit from Multnomah County. The County variance is needed because the

distance between the driveways is a few feet shy of meeting the County standard. The twenty-six foot driveways meet city requirements and the traffic study found no significant impacts. The two access points and turning radius meets the requirements of Gresham Fire. The site has good connectivity to Halsey, there are sidewalk and connection paths in the parking lot areas; and there is an access path to the west for future access. There is no direct access to the Village. The topography makes access difficult and there is no code requirement for Village connectivity. The pathway to the west could play a key role in Village access once the property is developed. The proposal exceeds parking requirements and includes bike parking stalls. She noted stormwater collection, detention, and treatment will be onsite. It will be a controlled release for discharge. Staff recommends approval of the application subject to conditions of approval identified in the staff report.

Commissioner Stonewall inquired how the development density compared to the density in the Village in relation to parking and where the stormwater treatment would be. Senior Planner Palmer replied she would have to calculate the density but believes it is similar. The development includes designated commercial and residential spaces. Storm water treatment will be below ground. There will be chambers to filter the water and release it at a slow discharge rate.

Commissioner McGiffin asked about the status of the driveway mitigation with the County and expressed concern for the amount of traffic moving in and out at peak times. Joanna Valencia, Multnomah County Senior Transportation Planner, replied the traffic study looked at peak travel times and found Halsey would continue to operate within the standards. No specific mitigation is required. The County has been working with the applicant regarding the variance and is comfortable with process.

Mr. Lloyd Hill, Lloyd Architects, shared the density is 25 to 30 units per acre, which is similar to other developments in Fairview. The design and character of the development is applicable to the area. The developer, Mr. Jeff Parker, intentionally incorporated mixed-use components to utilize the vertical housing tax program. The likely uses include a laundromat, internet café, small offices, etc.

Mr. Hill requested the Commission consider amending the conditions of approval to allow the developer to create two tax lots, not one. Maintaining two tax lots will allow flexibility for phased building and one curb cut per tax lot. He requested the garage recessing requirement be removed. He noted the orientation of the building has the "true" front of the building opposite the garage, making them rear entrance garages. Recessing the garages would allow for pockets of undeveloped, hidden space.

Commissioner Kaufman asked what the average square footage of the residential units is and why only three building have a commercial component. Mr. Hill answered the average square footage is 1,000sq and only three buildings have commercial space in order to provide adequate parking for the commercial spaces and due to the revenue element based on economic and market indicators for commercial space.

Vice Chair Kudrna commented on the only one trash collection area. Mr. Hill remarked it includes a 20-yard trash compactor and recycling bins. He notes having one enclosed area easily accessible for those who walk, or drive their waste, to the area has shown to be more preferable among tenants.

Vice Chair Kudrna opened the public hearing.

Mr. Dean Hurford, Fairview, OR spoke in support of the application. He noted it does not need more commercial space. There is potential commercial space across the street waiting for the demand to warrant development.

Ms. Dawn Greenwell, Fairview, OR commented on her concerns for protection of the riparian buffer. In her opinion buffer averaging does not provide enough mitigation for the run-off from a development. She challenged the Commission to require the applicant to redesign the development so it does not encroach into the buffer. She noted Fairview does not have the manpower for long term management of riparian buffer protection areas after the 5 year requirement has been met.

Mr. Lloyd remarked he appreciates Ms. Greenwell's concern for run off into the stream. The applicant hired an environmental consultant to create a mitigated buffer. They believe the net impact not only mitigated the buffer but increased its efficiency. They are confident there will be no harmful run off into the stream or degradation to the buffer.

Commissioner Stonewall asked about deterrents to keep children out of the creek. Mr. Lloyd answered they plan to plant non-inviting landscaping.

Grace Tsai, Fairview Village resident, commented she appreciates the developers attempt to incorporate interconnectivity between developments and now better understands the topography issues and inaccessibility on the south side due to private property ownership of the adjacent property.

Vice Chair Kudrna closed the public hearing. He noted he would like to see more commercial space but understands due to the Village not being fully developed and potential opportunities across the street. He appreciated the comment from Ms. Greenwell and encouraged her to follow up with City Council about allocating resources for proactive code enforcement vs complaint driven.

Commissioner McGiffin asked if there were any potential occupancy issues related to fire code. Staff responded no, the commercial and residential spaces are completely separate

Commissioner Stonewall asked if the garage recess is required by code. Senior Planner Palmer replied a recessed garage is not required if it is a rear entrance garage. The proposed garages meet the code definition of a rear entrance garage.

During Commission discussion the Commission agreed to strike out the Building A window requirement and the set back (recess) for garage entrances. They supported allowing two tax lots to provide flexibility for the developer. Senior Planner Palmer proposed generalizing the tax lot language i.e. if development requires a re-plat then the applicant will submit an application for lot reconfiguration prior to development.

Commissioner Kaufman moved to recommend approval of Application 2015-52-DR with noted changes to the conditions of approval and Commissioner McGiffin seconded. The motion passed unanimously.

AYES: 5

NOES: 0

ABSTAINED: 0

5. STAFF UPDATES

Senior Planner Palmer remarked the city has an open Development Analyst position. They hope to review the first round of applicants next week.

6. COMMISSION UPDATES

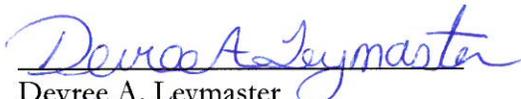
Vice Chair Kudrna noted the Fairview on the Green event was a huge success and they are already looking to plan next year's event.

7. TENTATIVE AGENDA

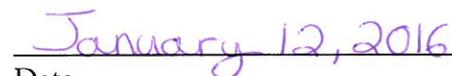
- October 27, 2015 – proposed language for Fairview Lake buffer.

8. ADJOURNMENT

Meeting adjourned by consensus at 8:25 PM.


Devree A. Leymaster
City Recorder


Keith Kudrna
Vice Chair


Date

Northbrook Village

Fairview, OR

Application

Hill Architects seek Design Review approval from the City of Fairview Planning Commission approval for a mixed-use development project (aka Northbrook Village) on a 242,000 square-foot parcel adjacent to Fairview Village

Notices/Referrals

- Notices sent August 14th to property owners within 250 feet
- Notice sent August 11th to Gresham Outlook
- Site was posted on August 24, 2015
- Referrals sent to:
 - City of Fairview Public Works Department
 - Gresham Fire
 - Multnomah County Transportation Department
 - Multnomah County Drainage District
- As of September 8, 2015 the City has not received any public comments on the proposed application.

Vicinity Map



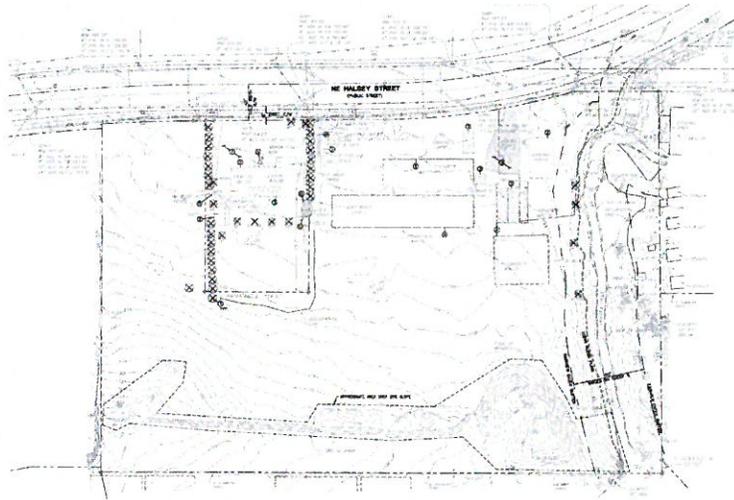
Site Composition

- The 5.5-acre site is located south of NE Halsey Street, west of NE 223rd Avenue, and east of NE Village Street
- Adjacent land uses
 - North: Commercial development (across NE Halsey Street)
 - South: Chinook Apartments and Chinook Pond and Swale (serves as a stormwater detention facility for Fairview Village)
 - East: Fairview Mobile Home Court (across Fairview Creek)
 - West: Undeveloped parcel owned by Providence Health Systems
- Comprises three tax lots (two vacant/one with existing residence)
- Within Fairview Creek Watershed

Proposed Development

- 4,500 square feet of commercial space
- 180 residential units
- 3,200 square-foot clubhouse
- Total of 285 parking spaces (1.6/unit)
- Site grading with City-approved sedimentation and erosion control plan
- Portions of the building footprints are proposed within the Fairview Creek 40-foot required buffer area located in the east portion of the site
 - Applicants requested riparian buffer averaging standards
- Vehicular access proposed via two entrance/exit points on NE Halsey Street
 - Requires access variance from Multnomah County

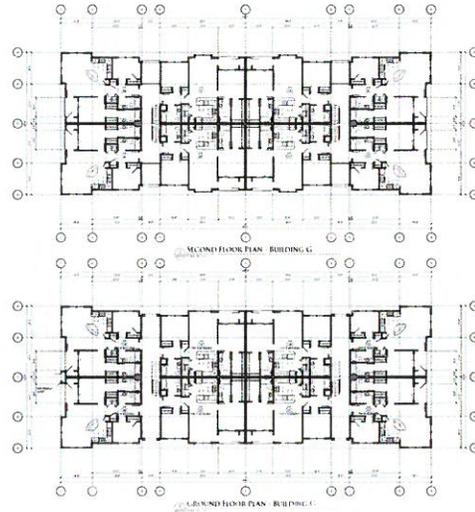
Existing Conditions



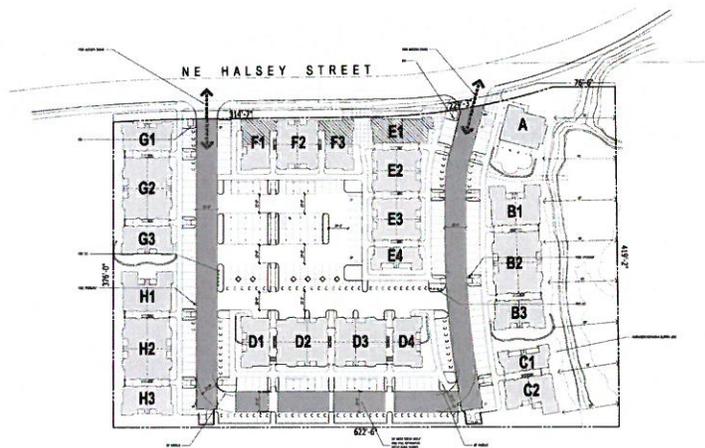
Applicable Review Criteria

- **Fairview Municipal Code (FMC) Title 19 (Development Code):**
 - Application Procedures
 - FMC 19.400 Administration of Land Use Review
 - FMC 19.412 Description of Permit Procedures
 - FMC 19.413 Procedures
 - Design Review Criteria (DRC)
 - FMC 19.424 Site Design Review Application Procedures
 - FMC 19.425 Site Design Review Application Submission Requirements
 - FMC 19.426 Site Design Review Approval Criteria
 - FMC 19.30.100 Design Standards
 - FMC 19.65 Town Center Commercial Zone
 - FMC 19.162 Access and Circulation
 - FMC 19.163 Landscaping, Street Trees, Fences and Walls
 - FMC 19.165 Public Facility Standards
 - Natural Resource Review
 - FMC 19.105 Flood Plain Overlay
 - FMC 19.106 Natural Resources Regulations

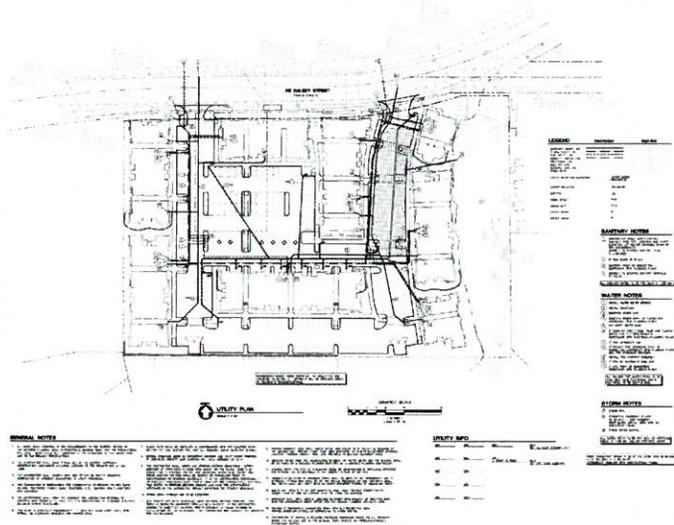
Floor Plan ("G" Buildings)



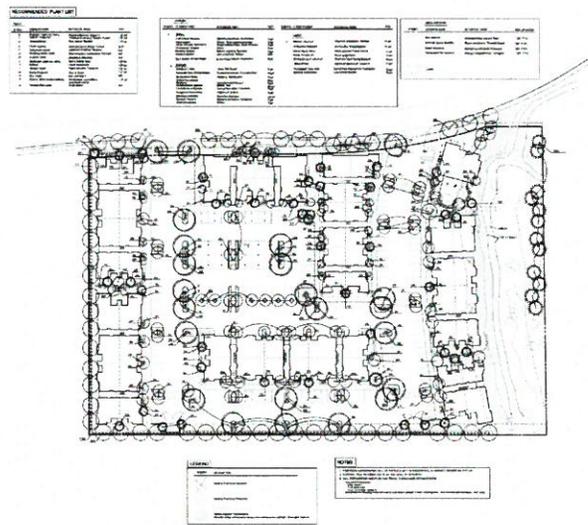
Fire Access Plan



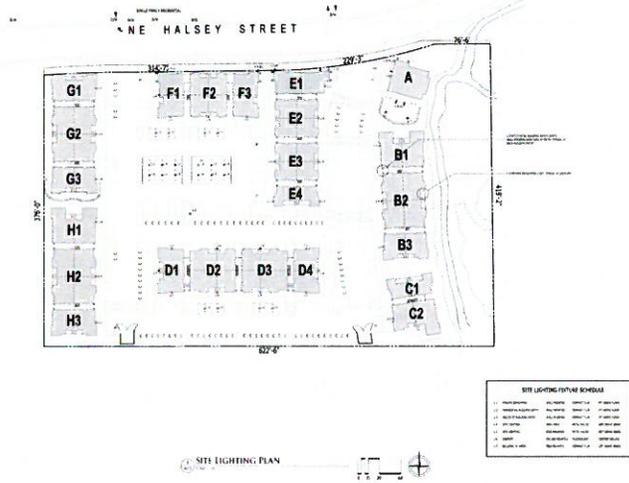
Utility Plan



Landscape Plan



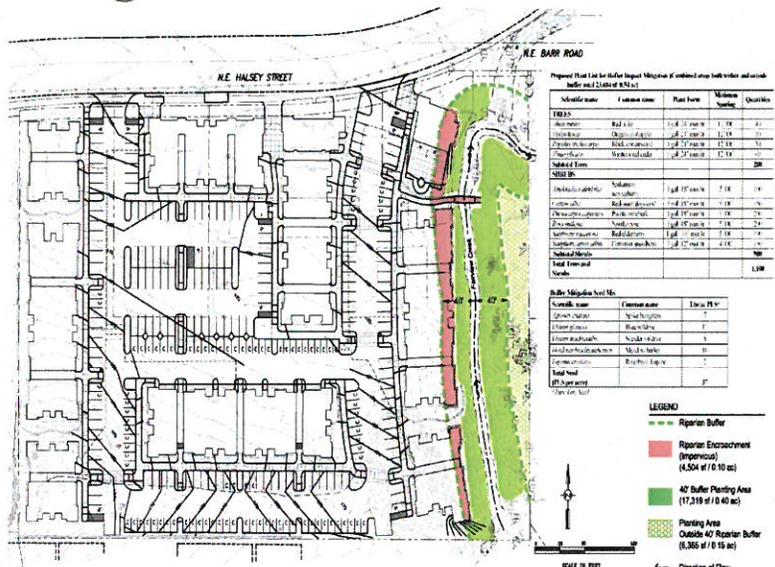
Lighting Plan



SITE LIGHTING/FUTURE SCHEDULE

1. Main Entrance	2. Side Entrance	3. Parking Area	4. Street Lighting
5. Office Building	6. Warehouse	7. Loading Dock	8. Security
9. Landscaping	10. Signage	11. Emergency	12. Other

Mitigation Plan



Proposed Plant List for Riparian Buffer (Mitigation of wetland area both within and outside buffer and 2.1 acres @ 0.5% ac)

Scientific name	Common name	Plant form	Minimum height	Quantity
Trees				
Red pine	Red pine	10' - 15' tree	1' 0"	40
White pine	White pine	10' - 15' tree	1' 0"	40
Black spruce	Black spruce	10' - 15' tree	1' 0"	40
White spruce	White spruce	10' - 15' tree	1' 0"	40
Aspen	Aspen	10' - 15' tree	1' 0"	40
Poplar	Poplar	10' - 15' tree	1' 0"	40
Shrub & Tree				200
Shrub				
Red-twig dogwood	Red-twig dogwood	10' - 15' shrub	1' 0"	40
Black dogwood	Black dogwood	10' - 15' shrub	1' 0"	40
Green ash	Green ash	10' - 15' shrub	1' 0"	40
Black ash	Black ash	10' - 15' shrub	1' 0"	40
White ash	White ash	10' - 15' shrub	1' 0"	40
Red maple	Red maple	10' - 15' shrub	1' 0"	40
Black maple	Black maple	10' - 15' shrub	1' 0"	40
White maple	White maple	10' - 15' shrub	1' 0"	40
Box elder	Box elder	10' - 15' shrub	1' 0"	40
Herbaceous				400
Red-top	Red-top	10' - 15' herb	1' 0"	40
Black-top	Black-top	10' - 15' herb	1' 0"	40
White-top	White-top	10' - 15' herb	1' 0"	40
Red-top	Red-top	10' - 15' herb	1' 0"	40
Black-top	Black-top	10' - 15' herb	1' 0"	40
White-top	White-top	10' - 15' herb	1' 0"	40
Total Trees and Shrubs				1,300

Riparian Mitigation Plant List

Scientific name	Common name	Plant form
Red-top	Red-top	10' - 15' herb
Black-top	Black-top	10' - 15' herb
White-top	White-top	10' - 15' herb
Red-top	Red-top	10' - 15' herb
Black-top	Black-top	10' - 15' herb
White-top	White-top	10' - 15' herb
Total		400

- LEGEND**
- Riparian Buffer
 - Riparian Encroachment (Impervious) (4,504 sf / 0.10 ac)
 - 40' Buffer Planting Area (17,319 sf / 0.40 ac)
 - Planting Area Outside 40' Riparian Buffer (6,360 sf / 0.15 ac)
- Direction of Flow

Staff Recommendation

- Staff finds that the proposed application will meet the requirements of the City Code as conditioned, and recommends approval of the site design review and natural resources review subject to conditions listed and described in the Staff Report

Planning Commission Alternatives

1. Approve the application based on the findings of compliance with the City's regulations and conditions of approval
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.

Questions?