



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, July 10, 2018

PRESENT: Ed Jones, Chair
Russell Williams, Vice Chair
Hollie Holcombe
Jeff Dennerline
Steven Hook
Les Bick

STAFF: Sarah Selden, Senior Planner
Eric Rutledge, Associate Planner
Devree Leymaster, City Recorder

1. CALL TO ORDER

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

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

None.

3. ELECTION OF CHAIR AND VICE CHAIR

Commissioner Dennerline nominated Commissioner Jones for Chair and Commissioner Williams as Vice Chair and Commissioner Bick seconded. The motion passed unanimously.

4. REVIEW AND ADOPT MINUTES: June 12, 2018

Vice Chair Williams moved to adopt the minutes as written and Commissioner Dennerline seconded. Motion passed unanimously.

AYES: 6

NOES: 0

ABSTAINED: 0

5. PUBLIC HEARING

a. Application 2018-21-DR-CUP: Proposed Mixed-Use Development Sandy Blvd.

Chair Jones read the Open Hearing Statement for a Quasi-Judicial Hearing and Associate Planner Rutledge cited the applicable criteria.

Commissioner Bick recused himself from the Commission and stepped off the dais, as he is one of the applicants for the proposed development.

AP Rutledge reviewed the staff report as reflected in the presentation. (*Exhibit A*) In summary, the proposed development is a four story mixed-use building with 48 residential units, 1,000 SF of office space, and 67 off-street parking spaces. The applicant is requesting a conditional use permit to increase building height (6ft 6in) and has requested a variance from Multnomah County for secondary access from Sandy Blvd. AP Rutledge shared a memo from Multnomah County reflecting the County's approval of the variance request with required conditions. (*Exhibit B*) He noted Joanna Valencia, Multnomah County Transportation, is present should the Commission have questions.

Chair Jones asked if any person would like to speak in favor, opposition or neutrally regarding the application.

Julie Stephan, Fairview, OR spoke in opposition of the application. She is concerned about the shared driveway with Quail Hollow MHP; congestion and potential for increased accidents. She proposed the city install a stop sign if the application is approved.

Mary Best, Fairview OR asked if sidewalks along Sandy Blvd. would be part of the project. AP Rutledge responded the applicant has two options to make half street improvements. They may make the improvements, including sidewalks, or make a payment in lieu of (PILO) to Multnomah County to address the improvements in the future. Joanna Valencia, Multnomah County Transportation, shared the County does have future plans to widen Sandy Blvd., which would include sidewalks.

Jarvez Hall, Executive Director East Metro Economic Alliance, Gresham, OR asked what types of businesses may be allowed. Commissioner Dennerline referred Mr. Hall to FMC Table 19.70.020.A, which lists the business types permitted in the Corridor Commercial District.

Les Bick, Applicant, Fairview, OR responded to the conditions of approval recommended by staff as outlined in *Exhibit C*.

The Commission discussed the following issues and findings.

“Development is really residential; not mixed use,” Commissioner Dennerline. Mixed use requires commercial space; an accessory use to the residential use i.e. property management office does not meet the intent of a mixed use building. The Commission indicated inclusion of a sufficient, non-accessory use, commercial space would be needed to classify the development as mixed use.

Preservation of significant trees. The Commission felt more of an effort was needed to show the significant trees on the property could not remain and the site plan adapted to keep the trees. Staff proposed the applicant retain an arborist to evaluate the trees and then determine the impact of preserving the trees may have on the site plan, parking, etc.

Conditional use permit to increase the building height; allowed limit is 45 feet, requesting 51 ft. 6 in. The Commission supported staff's recommendation of increasing the east side set back from 0 ft. to 15 ft.; current site plan has an 11 foot set back to mitigate the height transition between the development and adjacent property. Staff verified that the code does support this type of condition when requesting a height increase and this was included during the pre-application phase. The Commission indicated that staff's recommendation is reasonable and suitable for the increased height request. Chair Jones noted staff's recommendation for buffer trees (over 20 feet when mature) and the potential impact to the single level residences next door should be considered.

Location of pedestrian pathway and location of trash containers were noted. The Commission indicated support that the trash containers be relocated for safety and that pedestrian pathways meet the code and provide safe access from Sandy Blvd.

Vice Chair Williams noted concerns about there not being enough parking. In practice, Sandy Blvd. is not a minor arterial. Mr. Bick commented the proposal complies with the code for

parking; adequate on-site parking for residents is provided. He also noted the driveway is not a shared driveway with Quail Hallow MHP, but is in close proximity.

Chair Jones closed the public hearing. SP Selden reviewed the Commission's options: approve, modify, deny or continue hearing.

Commissioner's Dennerline and Williams reiterated the proposal is really a residential (apartment) development; not mixed use. Needs a commercial services portion to be considered mixed use. Commissioner Holcombe agreed and asked what the minimum amount of commercial is for mixed use. SP Selden replied the Comprehensive Plan and Sandy Blvd. Refinement Plan outline a vision for commercial/residential (mixed use), but the code does not give specifics for how much meets the criteria. There is not a minimum staff could require, but staff does recommend there is an actual commercial use to meet mixed use criteria.

Chair Jones remarked staff tried to make recommendations to help make the project work. It seems questionable if it really is a mixed use project. Commission could proceed with a vote or suggest the hearing be continued to allow the applicant to provide additional information.

SP Selden commented the Commission does have the discretion to apply conditions for an increased height request and for tree preservation. She noted staff did not have an arborist report or enough information to show that the majority of the site could not be developed reasonably if the trees were preserved.

Commissioner Hook commented he would like the four significant trees to remain. If the hearing is continued he would like to see an arborist report providing information about the trees and a revised site design indicating the impacts of keeping them.

Commissioner Jones inquired if the applicant would like to continue the hearing and have an opportunity to respond. Mr. Bick replied he would support a continuance and is willing to submit an arborist report by July 24, 2018.

Commissioner Hook moved to continue the public hearing for Application 2018-21-DR-CUP to August 14, 2018 at 6:30PM and Commissioner Dennerline seconded. Motion passed unanimously.

AYES: 6

NOES: 0

ABSTAINED: 0

6. COMMISSION UPDATES

Commissioner Holcombe reported the Urban Renewal Planning Committee held their first meeting. They reviewed a proposed boundary map and received general Urban Renewal information/what UR is. She shared the Parks and Recreation Advisory Committee is planning a grand opening for Lake Shore Park and the nature play area.

7. STAFF UPDATES

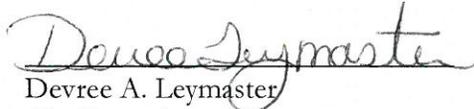
Senior Planner Selden proposed scheduling a work session prior to a regular meeting to begin code work. Commission agreed; first work session is scheduled for September 25 at 5:00 PM.

8. TENTATIVE AGENDA – JULY 24, 2018

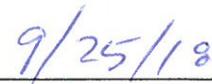
- Public Hearing: Proposed amendments to Accessory Dwelling Standards.

9. ADJOURNMENT

Meeting adjourned by consensus at 8:19 PM.


Devree A. Leymaster
City Recorder


Ed Jones
Chair


Date

A complete recording and/or video of these proceedings is available.
Contact the City of Fairview City Recorder Office, 1300 NE Village St., Fairview, OR 97024, (503) 674-6224.

**FAIRVIEW
PLANNING COMMISSION
PUBLIC HEARING**

2018-21-DR CUP
Fairview Villa

July 10, 2018

The logo of the City of Fairview, Oregon, featuring a sun, mountains, and water within a circular seal.

APPLICATION

Site Design Review and Conditional Use Approval for new mixed-use development consisting of:

- 48 apartment units
- 1,000 SF of commercial space
- 51 ft. 6 in. building height (requ. CU)

Multnomah County Transportation has concurrently reviewed a request for a Road Rules Variance to the access spacing standards

SITE LOCATION



SITE LOCATION



Approximate Site Boundaries

SITE LOCATION



Heading SE from Sandy Blvd.

NOTICES/REFERRALS/TESTIMONY

Notice of Public Hearing

- June 18: Mailed to property owners within 250 ft. of the site.
- June 19: Published in the Gresham Outlook
- June 28: Sign was posted on the site

Referrals

- Application routed to Multnomah County Transportation, Gresham Fire and Fairview Public Works

Written Testimony

- By noon on the hearing day, no written testimony received

APPLICABLE CRITERIA

Application Review Procedures

- 19.400 Administration of Land Use and Development Review
- 19.413 Procedures
- 19.424 Site Design Review – Application Review Procedure
- 19.425 Site Design Review – Application Submission Requirements
- 19.426 Site Design Review – Approval Criteria
- 19.440 Conditional Use Permits

Land Use Districts

- 19.70 Corridor Commercial

Design Standards

- 19.162 Access and Circulation
- 19.163 Landscaping, Street Trees, Fences and Walls
- 19.164 Vehicle and Bicycle Parking
- 19.165 Public Facilities Standards
- 19.170 Sign Regulations

CORRIDOR COMMERCIAL (CC) ZONING

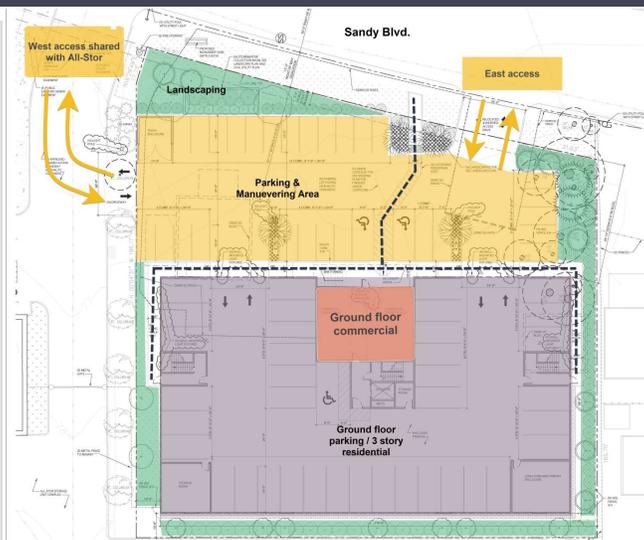


ALLOWED USES

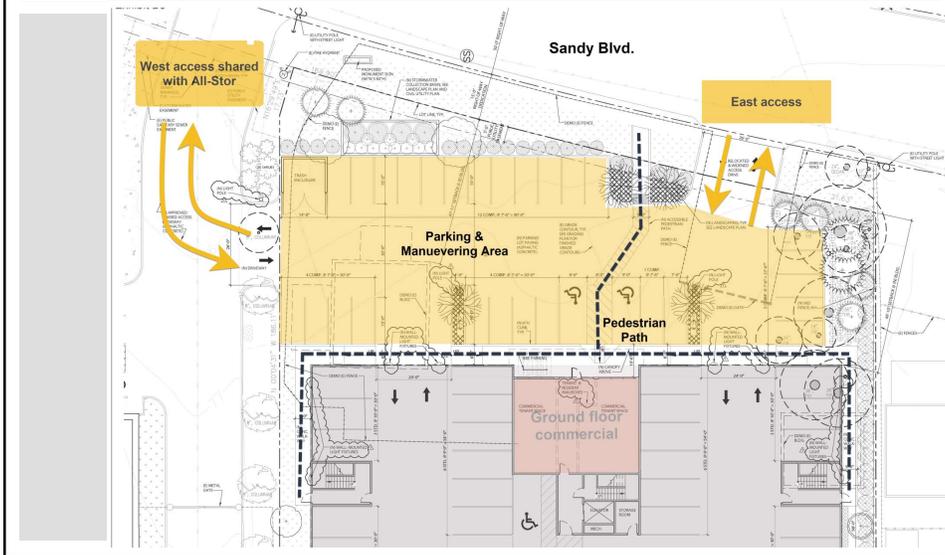
4. Commercial

- a. Auto-oriented uses and facilities*
- b. Entertainment (e.g., theaters, clubs, amusement uses)
- c. Hotels/motels
- d. Medical and dental offices, clinics and laboratories
- e. Mixed use development (housing and other permitted use)**
- f. Office uses (i.e., those not otherwise listed)
- g. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, and similar uses)
- h. Repair services (must be enclosed within building)
- i. Retail trade and services (e.g., grocery, hardware and variety stores, banks and financial institutions)
- j. Uses similar to those listed above (subject to CU requirements, as applicable)

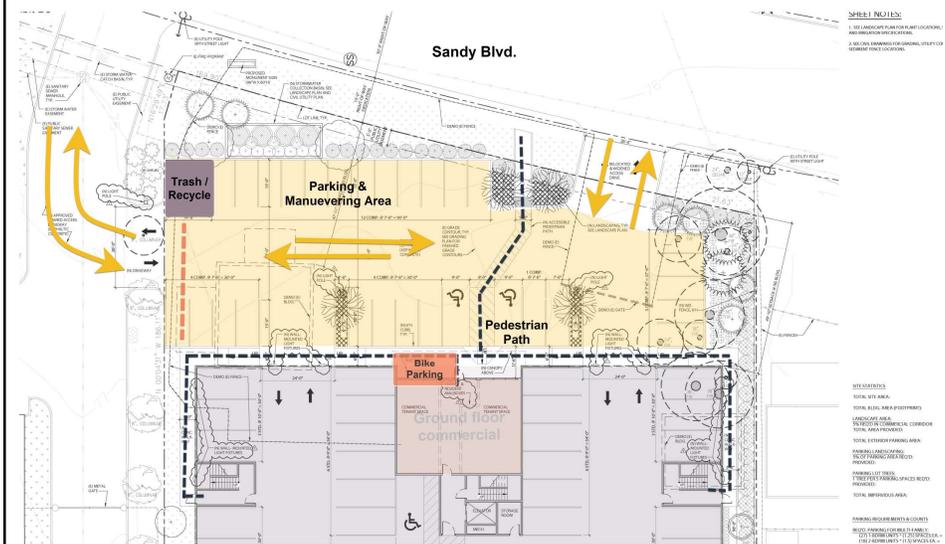
SITE PLAN



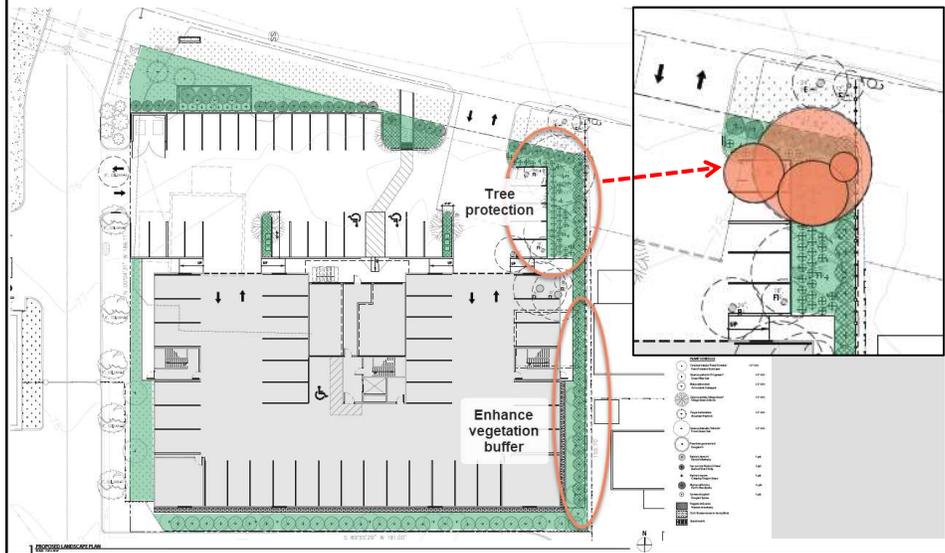
SITE ACCESS



ON-SITE CIRCULATION



LANDSCAPING



PUBLIC FACILITIES

- All public transportation facilities must be designed and constructed to Multnomah County standards, or payment made in-lieu of improvements
- Water & sewer available from Sandy Blvd.
- All stormwater from the development site to be managed in accordance with the Portland Stormwater Manual

KEY CONDITIONS OF APPROVAL

- C.3.a Revise the site plan to provide a 15 ft. setback from the east property line
- C.3.b Revise the east building elevation to add additional façade articulation, breaking up large expanses of flat wall planes through projections and recesses, along with variation in building material and color
- C.3.c Revise the landscape plan to add additional trees at regular spacing along the east side of the building to serve as a buffer between the taller proposed building and lower abutting residential development. Buffer trees shall reach a mature height of 20 ft.

KEY CONDITIONS OF APPROVAL

- C.5 Revise the site plan to provide a pedestrian walkway between the building perimeter and the trash enclosure
- D.3 The four trees identified as significant vegetation shall remain on site and be protected before, during and after construction. Should the arborist report find that any of the trees are diseased or dying, mitigation shall be proposed for city review in lieu of preservation.
- E.5 Relocate the 5 ft. wide pedestrian pathway to provide a pedestrian access from Sandy Blvd. at a 100 ft. maximum interval

KEY CONDITIONS OF APPROVAL

REMOVE:

- G.1 Prior to issuance of Certificate of Occupancy, dedicate a 5 foot right-of-way for road purposes
- G.2 Prior to issuance of Certificate of Occupancy, dedicate a 5 foot slope / utility / sidewalk / landscaping / traffic control device easement along the site's NE Sandy Blvd. frontage for the benefit of Multnomah County

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 conditional use permit subject to conditions listed and described in the Staff Report.

PLANNING COMMISSION ALTERNATIVES

- Approve the application based on the findings of compliance with City regulations and conditions of approval.
- Modify the findings, reasons, or conditions, and approve the request as modified.
- Deny the application based on the Commission's findings.
- Continue the Public Hearing to a date certain if more information is needed.

MEMORANDUM

TO: Eric Rutledge, Associate Planner, City of Fairview

FROM: Joanna Valencia, AICP, Transportation Planning and Development Manager

DATE: July 10, 2018

SUBJECT: 2018-21-DR / Fairview Villa (County File No: EP-2017-9700), 20922 NE Sandy Blvd

The Multnomah County Transportation Program has reviewed the proposed:

- A four-story mixed use development in the Corridor Commercial Zone. The structure will contain 61,104 SF, consisting of (27) one-bedroom apartments, (18) two-bedroom units, (3) studios, and 1,000 SF of office space. There will be (38) secured parking spaces within the building's first floor, plus (29) spaces outside the building including compact and (2) accessible spaces.
- There will be two access points from Sandy Blvd. The primary access will be from a driveway on the east side of the property. Secondary access will be a shared driveway along the west border of the property, as called for in a recorded deed with the 'ALL-STOR Storage' facility to the west and south of the property.

The comments provided in this memorandum are based on the information provided in the application packet. Additionally this memo reflects the county's approval of the road rules variance request and required conditions.

Sandy Boulevard is a Minor Arterial facility under county jurisdiction.

Conditions of Approval:

- ~~1. Prior to issuance of the Certificate of Occupancy, dedicate 5 feet of right-of-way along the site's Sandy Boulevard frontage to Multnomah County for road purposes.~~
- ~~2. Prior to issuance of the Certificate of Occupancy, dedicate a five-foot slope/utility/drainage/sidewalk/landscaping/traffic control device easement along the site's NE Sandy Boulevard frontage for the benefit of Multnomah County.~~
3. Prior to issuance of the Certificate of Occupancy, construct half-street improvements to Multnomah County standards along the site's Sandy Blvd and obtain a Construction Permit

from Multnomah County for all improvements within the County right of way. Half street improvements include: Grade/rock/pave to commercial depth between existing pavement and new curb; Construct bicycle lanes as required; Furnish street trees as required; Furnish street lighting facilities as required; Construct Multnomah County standard concrete curb and 6-foot wide concrete sidewalk in compliance with ADA specifications; Install underground traffic control devices conduit and related equipment as required; Construct storm drainage facilities as required or provide payment to Multnomah County in-lieu of constructing the improvements.

4. **Maintain sight distance at all access points on Sandy serving the property consistent with AASHTO requirements.**
5. **Any work in the right of way, including the removal of trees, landscaping, encroachments in the right-of-way or any increase in storm-water drainage from the site to the right of way will require review and a permit from Multnomah County.**
6. **Prior to issuance of the Certificate of Occupancy, acquire driveway permits for the site's access to NE Sandy Blvd.**
7. **Prior to issuance of the Certificate of Occupancy, a Level of Service (LOS) Analysis for the intersections of Sandy/Fairview Parkway, the driveways and Sandy Blvd, and 223rd/Sandy Blvd. shall be completed and submitted to the county for review. If impacts are found, the developer shall mitigate impacts.**

Findings:

In order to be granted a variance, the applicant must demonstrate that the following Multnomah County Road Rules (MCRR) standards are met. Below are responses supporting approval of the variance. As conditioned, the roads rules criteria are met.

16.100 Variance Requirements:

A. Multnomah County Code 29.507 provides for a variance by the County Engineer from County standards and requirements when written documentation substantiates that the requested variance is in keeping with the intent and purpose of County Code and adopted rules, and the requested variance will not adversely affect the intended function of the County road system or related facilities. A variance approval may include mitigation measures as conditions of approval.

MCRR 16.200 General Variance Criteria:

A. Special circumstances or conditions apply to the property or intended use that do not apply to other property in the same area. The circumstances or conditions may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses;

Response: Development of the property for an apartment building meeting City of Fairview Density requirements will require Fire Dept. approval. In order to get approval from Gresham Fire the property will need to make

use of the Shared Access rights to the driveway at the west plus the Sandy Blvd. driveway to achieve thru passage for fire dept. trucks. This is a request for a driveway location on Sandy Blvd. that differs from the county standard. They are proposing to use the existing access location for the new driveway location. Other driveways of adjacent properties: The Quail Hollow Mobile Park driveway is about 130' to the east, the closest driveway to the west is the All Stor Storage Condos at 175'. Traffic volume to it is quite limited. Other neighboring driveways are well beyond the 295' min. spacing. This section of Sandy is classified as Moderate Arterial. The proposed use for this application is compatible with adjacent uses. On-site circulation requires this access for general circulation as well as providing fire truck access. The site is very tight and does not provide enough space for a fire truck turn around or hammer-head.

B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the standards;

Response: Space at the NW corner of the property is needed for storm water related water quality planter, for required landscaping, and parking required for the size of apartment building that meets city min. density standards. Additionally, the city code allows building density as proposed that is needed to achieve an equitable development. The particular size and shape of the parcel requires this access to maintain safe and efficient fire truck access as well as vehicular access to Sandy Blvd. There is an existing driveway on Sandy at approximately the same location we are proposing the new access. The proposed location is approximately half way between the two other existing access points on adjacent properties. There is not a driveway across the street.

C. The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties;

Response: There is an existing curb cut at the location of the proposed access, which has been used for many years for residential access. Actually, historically the existing access was for (2) residences. There is no reason to think the access will negatively affect adjacent properties as the proposed property use is compatible with the adjacent uses. The adjacent land uses included a residential mobile home court towards the east, a storage unit development towards the south with access located directly to the west. Across the street is an RV park to the northeast and commercial development directly north and to the west. None of the adjacent land uses have access points conflicting with the existing location of our proposed access.

D. The circumstances of any hardship are not of the applicant's making.

Response: This request is made in order to achieve the needed density of development as permitted and encouraged by the city of Fairview development code. The size of the existing parcel combined with the density permitted necessitate the need for the access onto Sandy Blvd and is not of the applicant's making. This variance is needed, in order to achieve the density allowed and satisfy appropriate circulation for vehicles and fire truck access it is necessary to request the access onto Sandy Blvd.

Planning Commission Staff Report

Type III Site Design Review & Conditional Use Permit

Applicant's Response to Findings And Staff Recommendation

1. Page 8, #19.70.020: Permitted land uses.

Staff response: "Condition of Approval: To ensure a mixed-use building, at least one of the commercial spaces must be occupied by a use that is not accessory to the primary residential use."

Applicant's response: This condition of approval cannot be found in the code, and appears to be a subjective request. We ask the Planning Commission to stick with code requirements, delete this Condition of Approval, and treat this application the same as previous applications with similar zoning. Note: Sandy Boulevard is a very difficult roadway for renting office/retail space on the Eastside. Most development is industrial, multi-family, and single family residences. The dismal rental history, even in Fairview Village, shows how difficult it is to rent offices/retail spaces, with many of the spaces having been vacant for years.

2. Page 8, #19.70.030: Corridor commercial setback standards.

Staff Findings: "The proposed building and accessory structures meet the setback requirements, as described in the table below. The applicant is seeking a conditional use permit to increase the allowed building height to 51 t. 6 in., or 6 ft 6 in above the allowed limit of 45 ft. As a condition of approval for the height increase, the minimum east side setback shall be increased from 0 ft. to 15 ft."

Applicant's response: As the staff points out, and the zoning and referenced Table confirm, there is no side setback required of this application. We voluntarily designed an 11 foot setback from the common property line with Quail Hollow Mobile Home Park as a buffer. We also intend to supplement this setback with trees and an 8 foot black chain link fence similar to the two fence lines now in place to the south and west between the subject property and the storage facilities. We propose to have green slats woven into the fence for additional privacy between Quail Hollow and Fairview Villas.

The Staff's recommendation to further increase the setback from 11 feet to 15 feet, in exchange for the Conditional Use Permit of adding 6 feet, 6 inches to the standard 45

foot height, cannot be supported by evidence of any such code requirement. The additional height was designed for a better looking roof line that will match similar projects along NE Sandy. We are spending more money on the roof to make it fit in with the community. There is simply no direct correlation between improving the roof line with increasing the setback. Also, by pushing the building's footprint to the west an additional 4 feet, the voluntary 10 foot setback on the west property line would be reduced to 6 feet. This would likely impact existing landscape features as well as access for emergency personnel and residents. We ask that Staff's condition of approval be deleted, especially with no supportive code requirements.

3. Chapter 19.163 Landscaping, Street Trees, Fences and Walls

19.163.020 Landscape conservation.

The issue at hand is the applicant's request for permission to remove the six trees in the NE corner of the property. If the trees were to remain, there would be a loss of two parking spaces, and thus two apartments, along with costly site development issues while trying to work around the trees for removal of the shed, and extensive existing cement areas. Two 24" trees and an 18" tree directly impact the creation of the two parking spaces. Keep in mind that we are required to provide landscaping to account for about 5% property coverage. Our plan, to plant more than 100 trees, results in about ~~25%~~ ^{15%} coverage.

The code requires that significant trees be retained "whenever practicable" and that preservation may be impracticable when "it would prevent reasonable development of...land uses permitted by the applicable land use district."

4. Page 9, & 10, #19.70.050: Site layout and building orientation.

Staff findings: "The street frontage along sandy Blvd. is 192 ft. A 5 ft. wide pedestrian pathway connecting Sandy Blvd. to the parking area and building entrance is provided approximately 112 ft. east of the western property line. The proposed site plan does not meet the 100 foot maximum interval for pedestrian pathway access from Sandy Blvd. See Exhibit B8 Site Plan." "Condition of Approval: relocate the 5 ft. wide pedestrian pathway from Sandy Blvd. to the approximate middle of the street frontage to provide access at 93.5 ft. from each property line. Alternatively, provide a secondary pedestrian access from Sandy Blvd. to meet the 100 ft. maximum interval requirement."

Applicant's response: We ask that the pathway be located adjacent to the east side of the most easterly Sandy-facing lot, rather than in between two parking spaces. This location is about 105 feet from the west property line. It doesn't make any sense to move the pathway closer to the west because locating it between parking spaces will

likely result in cars parking on the pathway. Having a distinct, raised pathway in our proposed location makes the most sense for optimal usage and safety.

5. Page 11,12 & 13, #19.70.060: Building height.

Staff Conditional of Approval: "In order to reduce the impact of a taller building to the adjacent residential development, prior to issuance of building permits, the following conditions shall be met as part of the conditional use approval:

- a. Revise the site plan to provide a 15 ft. building setback from the east property line.
- b. Revise the east building elevation to add additional façade articulation, breaking up large expanses of flat wall planes through projections and recesses, along with variation in building material and color.
- c. Revise the landscape plan to add additional trees at regular spacing along the east side of the building to serve as a buffer between the taller proposed building and lower abutting residential development. Buffer Trees shall reach a mature height of at least 20 feet."

Applicant's response: We have already responded to # a above.

With regard to # b, our east elevation already has several distinct façade articulation planes, and recessed decks to break up the length of that side of the building. The details:

Red Brick

Grey metal louvers at garage

Light grey hardi panel

Taupe hardi plank

White vinyl windows

Glass windows

Off-white window trims and belly band

Balcony black railing

Answering # c, the proposed 8 foot screened fence will be in place along with the submitted landscape design. Planting trees that will grow to 20+ feet will result in trees overhanging the mobile homes to the east. Not the best scenario with regard to tree sap, debris, and limbs/trees falling during high winds. The bottom line, to the above three conditions, is that the rear of only two mobile homes face the common fence between the properties. Any structure higher than one story will block those two residents who happen to look to the west from the back of their respective homes.

Summary:

We respectfully ask the Planning Commissioners to support Staff's recommendation of approval of our application, with the following modifications:

- 1. Code does not call for commercial/office spaces not to be accessory to the residential units. Delete the suggestion of having at least one space not accessory. Precedence with prior applications has already been set in support of our position.**
- 2. Keep the east setback at the original 11 feet, which we have designed around. Code does not require an additional setback for structures above 45 feet. Corridor commercial zoning entitles our application to be in compliance with no setbacks. We have voluntarily designed the site to have 11 feet along the common line with Quail Hollow, along with many trees and an 8 foot fence. This should more than suffice.**
- 3. Support our code compliance for the pedestrian walkway to be about 105 feet from the west property line, for the best usage and safety.**
- 4. Delete the three conditions (see #5 above) to granting a conditional use permit for the small change in building height.**

