



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, October 23, 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
Allan Berry, Public Works Director
Chris Crean, City Attorney
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. REVIEW AND ADOPT MINUTES: September 25 and October 9, 2018

Commissioner Holcombe requested the spelling of Brian Cassidy's name in the October 9 minutes be corrected.

Commissioner Dennerline moved to adopt the minutes as written with the name spelling correction and Commissioner Hook seconded. The motion passed unanimously.

Ayes: 6

Nays: 0

Abstained: 0

4. PUBLIC MEETING

a. Review Draft Urban Plan for Conformance with Fairview Comprehensive Plan

Scott Vanden Bos, Consultant, presented a review of the Urban Renewal Plan and the process for creating the proposed plan. (*Exhibit A*) He explained the role of the Planning Commission was to review the draft plan for conformance with the Fairview Comprehensive Plan. (*Exhibit A*)

Commissioner Hook moved that the Fairview Planning Commission, based upon the information provided in the staff report and the provided attachments, that the Fairview Urban Renewal Plan conforms with the Fairview Comprehensive Plan, and further recommend that the Fairview City Council adopt the proposed Fairview Urban Renewal Plan. Commissioner Holcombe seconded. The motion passed unanimously.

Ayes: 6

Nays: 0

Abstained: 0

5. PUBLIC HEARING

a. File Number 2018-48-MOD: The Ceeley Building Modification

Chair Jones read the Open Hearing Statement for a Quasi-Judicial Hearing and Senior Planner Selden cited the applicable criteria. Commissioner's Hook and Holcombe declared ex parte contact through Next Door (social media) and Commissioner Bick disclosed working with the applicant for consulting work on another project in July 2018.

Chair Jones asked if anyone objected to the impartiality of any Planning Commission member. Garth Everhart, applicant, read a statement objecting to the Commissioner who organizes and oversees the Fairview Oregon Now Facebook page. Commissioner Dennerline identified himself as that person but stated he believes he can be impartial and that the opinions expressed on the FB page don't have anything to do with the application. Mr. Everhart requested Commissioner Dennerline recuse himself and requested Chair Jones request he recuse himself. Chair Jones recommended Commissioner Dennerline recuse himself. Commissioner Dennerline declined and requested clarification from the City Attorney.

City Attorney Crean defined ex parte contact, bias and conflict of interest. He commented if a Commissioner believes they can objectively evaluate the criteria in the application and they have no actual conflict of interest, they do not have to recuse themselves.

Kevin Kelly, Fairview, OR, suggested Commissioner Dennerline may have a conflict of interest because he did not disclose ex parte contact in the beginning as the other Commissioners did. Commissioner Dennerline replied the opinions on the FB page have nothing to do with the application, and therefore, there is no ex parte contact.

SP Selden presented the staff report. (*Exhibit B*) The proposal is a major modification to a prior land use approval that approved a three story building with ground floor commercial and two upper stories of apartments. The modification request is to add a fourth story, with 11 apartment units. She noted 66 parking spaces are required; the applicant is providing 78 on-site parking spaces.

Garth Everhart, applicant, Vancouver, WA, reiterated the previous design review approval and that the request is for adding a fourth story will 11 units. He noted most of the apartments will be one bedroom units. He shared they did not claim any on-street parking in the application and that the 12 surplus spaces are on-site. Parking will be managed by a parking management company. There will be placards identifying commercial and residential spaces.

Barry Smith, architect, Portland, OR, remarked it has always been the plan for these corner buildings to be prominent buildings. The "four corners area" is consistent with the building across the street and other buildings. The proposal meets the height requirement and provides additional housing.

Chair Jones asked if anyone would like to speak in favor of, neutral to, or opposed to the application.

Dean Hurford, Portland, OR spoke in favor of the application. He remarked as a developer you do your best to meet all the criteria and follow the codes. This proposal has done that.

Steve Prom, Fairview, OR spoke in opposition of the application. He commented the VMU zone is to be occupied by townhomes and commercial uses. The proposal is for apartments; a reasonable person knows there is a difference between an apartment and a townhome. Mr. Prom

questioned why the previous approval was grandfather in; when a land use approval is only good for one year. He referred to FMC 19.418 and Ordinance 6-2001 regarding the neighborhood meeting requirement and noted there never was a meeting. He commented this will impact neighbors and parking. Just because the tenants will have a parking pass doesn't mean they won't try to park closer i.e. the street.

SP Selden commented staff agrees they are not townhomes but rather an apartment or multi-family unit. She explained the "Village Mixed Use Four Corner Area" prohibits residential on the ground floor and approves multi-family units above. She reported the prior land use approval was one approval for four buildings (Market Square South), which included the proposed building. Because of infrastructure investment and the completion of other buildings, it was determined the original decision was vested. She clarified a neighborhood meeting was not required because the fourth floor addition is not a significant impact.

Brian Cox, Fairview, OR, and on behalf of Brenda Ziegler, Fairview, OR, spoke in opposition of the application. He encouraged the Commission to make an intuitive decision, even if the application meets the loop holes.

Tina Willard, Fairview, OR, spoke in opposition. She is concerned with the parking impacts of adding additional units. She noted people don't have one and a half cars, but two cars.

Greg Malby, Fairview, OR, remarked he did not receive notification of the hearing; he lives on Park Lane. He shared he has a studio unit above his garage as many in the Village do. He is concerned the impact this will have on his tenant and their ability to park. The street parking is almost always full as it is now, adding a fourth story with additional units will only exasperate the situation. He asked the Commission not approve the application, commenting they don't have to just because another developer has a fourth story.

Polly Malby, Fairview, OR, spoke about her concerns for safety i.e. drug activity, noise and light pollution, and the impact to the value of her home.

Sherry Fox Hames, Fairview, OR, commented she has tried to work with Mr. Everhart regarding parking to no resolution. She asked if there will be on-site management. She remarked tenants do not have the same vested interest as homeowners do. She asked the Commission to look out for the citizen's best interest and not approve the proposal.

Teresa Bright, Fairview, OR, opposed the application. Concerned for the value of her home due to the impact of parking issues.

Deborah Aronson, Fairview, OR, commented the issues today are not the same as when the Village community was designed. Encouraged the Commission to consider how we want it to be in 20 years; consider property values, safety, livability, and the future.

Ted Kotsakis, Fairview, OR, remarked the Village vision has changed over time. He has seen the livability of Fairview go down. Renters do not have the vested interest that homeowners do. He is concerned about bringing a huge amount of people into an area without the proper infrastructure. Believes it is unrealistic that each unit will only have one and a half cars. He requested the Commission not approve the application.

Michele Class, Fairview, OR; Jennifer Jacobs, Fairview, OR; and Gail Swanson, Fairview, OR. each spoke in opposition of the proposal. The primary concern was parking, adding more people and vehicles.

Mr. Everhart responded to the comments heard. He questioned why the parking problem issue is placed on him. He noted most residences have garages that they do not use. By choice they use their garages for other uses. He does offer leased parking spaces in the parking lot that he owns; few have leased spaces. He doesn't see why his rights as a developer are not equal to those that have purchased developed property. They have the same property rights.

Vice Chair Williams asked if there is a marketing plan to fill the commercial spaces. Mr. Everhart replied yes, they will have a marketing plan. The hope is to fill the spaces and generate more activity that will spill over to other vacant spaces.

Chair Jones closed the public hearing and thanked the speakers for their input and personal time.

Commissioner Dennerline commented there is some ambiguity between townhome and apartment, and the number of stories allowed, between the Code and the Comprehensive plan. The VMU was the 4 corners originally. Then there is the Comprehensive Plan that refers to the VMU as a four-corner retail square, formed by two and three story buildings. The Code states the VMU area be townhomes and commercial uses. Then there is a section in the Code that defines the buildings in the "four corners area" within the VMU zone that restricts residential to upper stories (it does not define residential as townhome). The vision of the Comprehensive Plan doesn't clearly translate into the Code. Commissioner Dennerline suggested the development should have been two stories of townhomes over commercial and the Commission is not obligated to repeat a mistake.

Commissioner Bick remarked the development is well designed, it meets applicable criteria, and he is supportive it.

Chair Jones requested clarification regarding the fourth story; is it identified in the Code or Comprehensive Plan. CA Crean replied the Code stipulates a building height restriction and the Comprehensive Plan provision is that commercial be on the ground floor with a minimum height of 18 feet.

Commissioner Dennerline suggested continuing the hearing and asking staff to clarify Comprehensive Plan language and what was in the staff report that allows a fourth story in the VMU.

CA Crean commented staff won't be able to give a clear clarification. When there is conflicting language, the best you can do is balance the differing language sections.

Commissioner Dennerline moved to continue the hearing for application 2018-48-MOD to November 27, 2018 at 6:30 PM and Commissioner Hook seconded. The motion passed by majority.

Ayes: 5
Nays: 1 – Commissioner Bick
Abstained: 0

b. File Number 2018-62-DR: AGC Heat Transfer (3109 and 3025 NE 230th Avenue)
Chair Jones read the Open Hearing Statement for a Quasi-Judicial Hearing and SP Selden cited the applicable criteria.

AP Rutledge presented the staff report. (*Exhibit C*) The proposal is for site design approval for a new development including a 63,075 SF industrial facility, 10 loading docks and 105 employee and visitor parking spaces. The site location is on NE 230th Avenue in the Townsend Business Park. The occupant will be AGC Heat Transfer. Staff recommends approval of the application based on findings and conditions of approval.

Lee Leighton, Mackenzie, Portland, OR, spoke on behalf of the applicant. The design is build-to-suit for this manufacturing company. It will bring 60 employees with room to expand. He noted the pedestrian path requirement is doable and no retaining walls are expected. Street landscaping will be a planter strip and sidewalk. The strip behind the sidewalk will be planted with dense screen plantings.

Chair Jones asked if anyone would like to speak in favor of, neutral to, or opposed to the application. No one requested to speak.

Commissioner Hook asked about page eight of the staff report and the requirement for a 62 foot right of way, which is currently 60 feet. AP Rutledge replied staff is not requesting a change; will match what is already there. The area was already built then the ROW changed.

Chair Jones inquired about the occupancy rating and sprinklers. Adam Fischer, Mackenzie, Portland, OR answered it is a F1 facility, type IIB construction and will have sprinklers.

Chair Jones closed the public hearing.

Commissioner Holcombe moved to approve application 2018-62- DR with staff conditions of approval and Commissioner Dennerline seconded. The motion passed unanimously.

Ayes: 6
Nays: 0
Abstained: 0

6. COMMISSION AND STAFF UPDATES

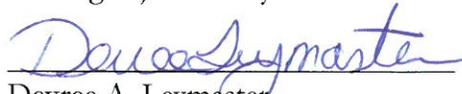
Joint Work Session with the City Council on November 7th. Commissioner Dennerline shared he will be unavailable November 7th, and November 13th.

7. TENTATIVE AGENDA – NOVEMBER 13, 2018

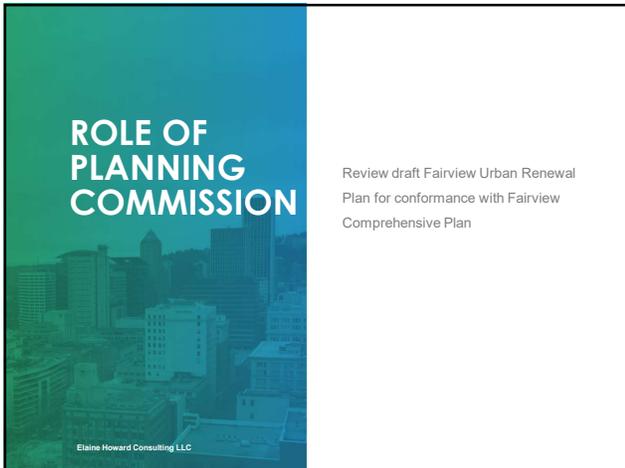
Public Hearing: 2018-37-DR - Allwood Recycling.

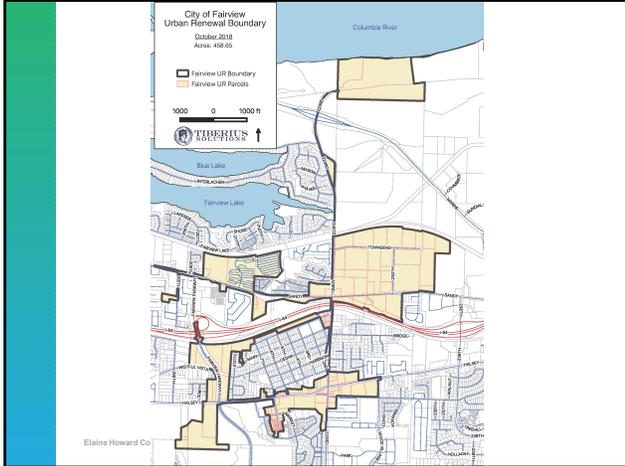
8. ADJOURNMENT

Meeting adjourned by consensus at 9:15 PM.


Devree A. Leymaster
City Recorder


Ed Jones
Chair
12/11/18
Date





FINANCING

- Maximum Indebtedness
\$51,000,000
- \$\$ Needed \$60,135,749 City provides upfront bridge loan of \$650,000
- One bond will be impacted for one year: estimated impact on \$100K of assessed value: 7 cents

PROJECTS

- Incentives and assistance to private developers
- Public Infrastructure
- Economic Development
- Administration

Elaine Howard Consulting LLC

INCENTIVES AND ASSISTANCE TO PRIVATE DEVELOPERS

- A. Private Development Loan-to-Grant Program
- B. Utility System Development Charges Assistance

Elaine Howard Consulting LLC

INCENTIVES AND ASSISTANCE TO PRIVATE DEVELOPERS

1. Chapter 3 Community Building
2. Chapter 9 Economic Development

Elaine Howard Consulting LLC

PUBLIC INFRASTRUCTURE

- A. Water System Well #10
- B. Reservoir #1 Rehabilitation
- C. Street Improvements Including Pedestrian and Bicycle Improvements
- D. Round-a-bout Features on Halsey Street's Major Intersections
- E. Streetscape Improvements on Halsey
- F. Sandy Sewer Trunk Line
- G. Streetscape Improvements on Fairview Parkway
- H. Trails Next to Rails
- I. Fairview Village Parking

Elaine Howard Consulting LLC

PUBLIC INFRASTRUCTURE

1. Chapter 3 Community building
2. Chapter 8 Recreational Needs
3. Chapter 9 Economic Development
4. Chapter 11 Public Facilities and Services
5. Chapter 12 Transportation
6. Chapter 13 Energy Conservation

Elaine Howard Consulting LLC

ECONOMIC DEVELOPMENT

- A. Incentivize Village Live Work Developments
- B. Park-n-Ride with Transit and Bike Hub on PPL Property
- C. Purchase and Resale of Property for Development or Redevelopment

Elaine Howard Consulting LLC



ECONOMIC DEVELOPMENT

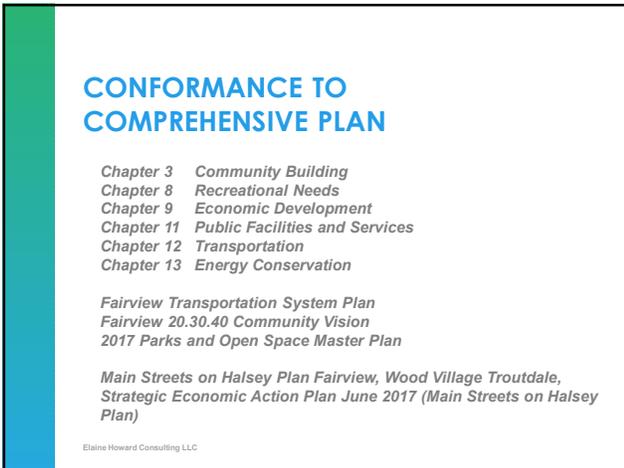
1. Chapter 3 Community Building
2. Chapter 9 Economic Development

Elaine Howard Consulting LLC



PLAN ADMINISTRATION

- \$3,000,000 in 2018\$
- \$4,506,360 in YOES\$
- \$120,000 a year



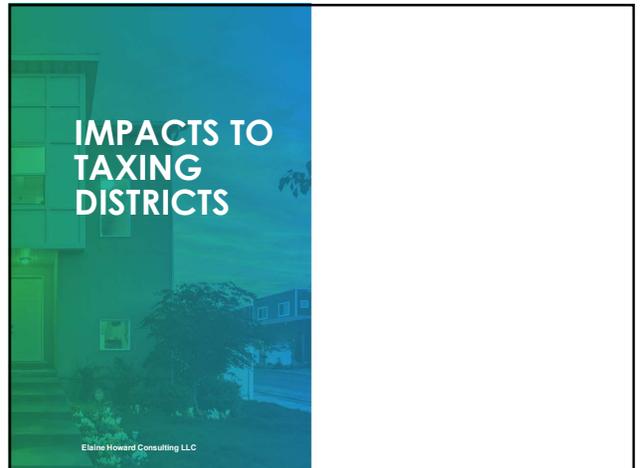
CONFORMANCE TO COMPREHENSIVE PLAN

Chapter 3 Community Building
Chapter 8 Recreational Needs
Chapter 9 Economic Development
Chapter 11 Public Facilities and Services
Chapter 12 Transportation
Chapter 13 Energy Conservation

Fairview Transportation System Plan
Fairview 20.30.40 Community Vision
2017 Parks and Open Space Master Plan

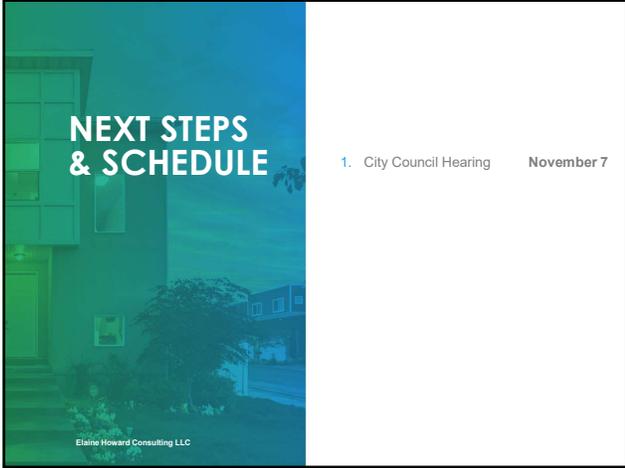
Main Streets on Halsey Plan Fairview, Wood Village Troutdale,
Strategic Economic Action Plan June 2017 (Main Streets on Halsey Plan)

Elaine Howard Consulting LLC



IMPACTS TO TAXING DISTRICTS

Elaine Howard Consulting LLC

The slide features a background image of a modern building at night, overlaid with a teal-to-blue gradient. The text is white and positioned on the right side of the slide.

**NEXT STEPS
& SCHEDULE**

1. City Council Hearing **November 7**

Elaine Howard Consulting LLC

The slide features a background image of a historic building with a marquee sign, overlaid with a teal-to-blue gradient. The text is white and positioned on the right side of the slide.

**SUGGESTED
MOTION**

"I move that the Fairview Planning Commission finds, based upon the information provided in the staff report and the provided attachments, that the Fairview Urban Renewal Plan conforms with the Fairview Comprehensive Plan

Optional additional language:

and further recommend that the Fairview City Council adopt the proposed Fairview Urban Renewal Plan."

Elaine Howard Consulting LLC

**FAIRVIEW
PLANNING COMMISSION
PUBLIC HEARING**

2018-48-MOD
The Ceeley

October 23, 2018



APPLICATION

- Major Modification to prior land use approval for Market Square South (D-005-98).
- Previously approved 3 story building with ground floor commercial and 2 upper stories of apartment
- Proposed modification adds a 4th story to design, with 11 apartment units

APPLICATION

- Major Modification procedure required for:
 - ✓ Increase in number of dwellings
 - ✓ Increase of floor area (for residential use) by more than 5% where previously specified
- Major modifications follow original review process, requiring Type III review procedure

NOTICES/REFERRALS/TESTIMONY

Notice of Public Hearing

- Oct. 3: Mailed to property owners within 250 ft. of the site.
- Oct. 5: Published in the Gresham Outlook
- Oct. 12: Sign was posted on the site

Referrals

- Application routed to Gresham Fire and Fairview Public Works

Written Testimony

- By noon on the hearing day, no written testimony has been submitted

APPLICABLE CRITERIA

Application Review Procedures

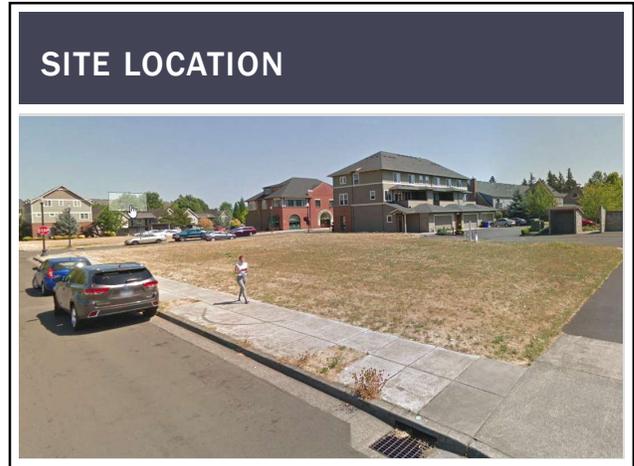
- 19.400 Administration of Land Use and Development Review
- 19.412 Description of Permit Procedures
- 19.413 Procedures
- 19.420 Development Review and Site Design Review
- 19.422 Applicability
- 19.424 Site Design Review – Application Review Procedure
- 19.425 Site Design Review – Application Submission Requirements
- 19.426 Site Design Review – Approval Criteria

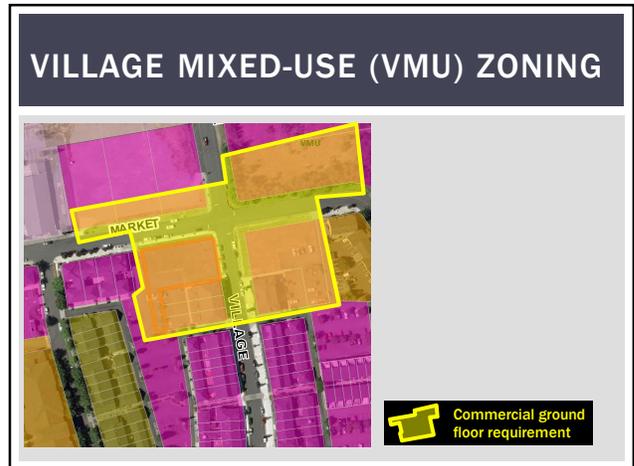
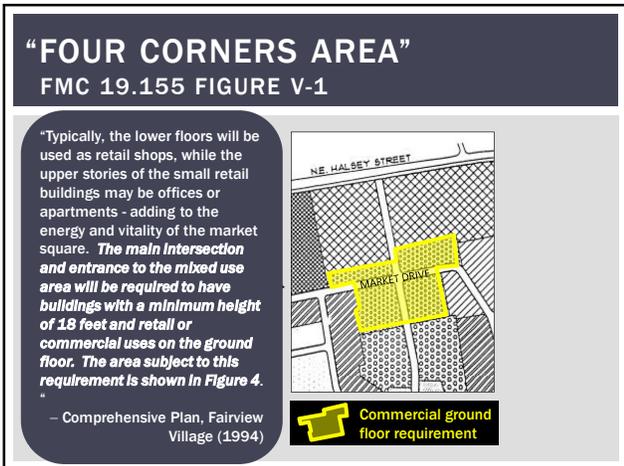
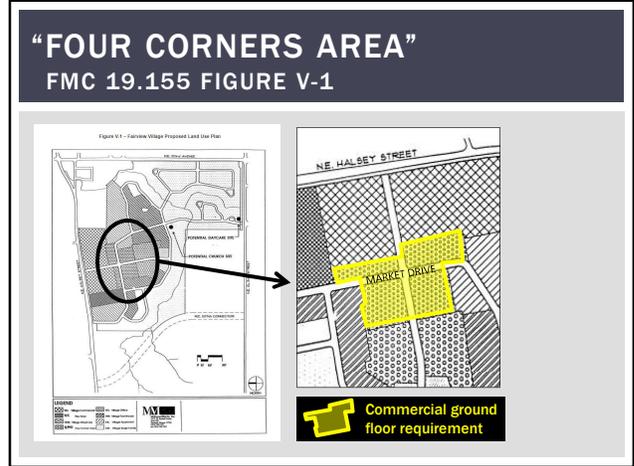
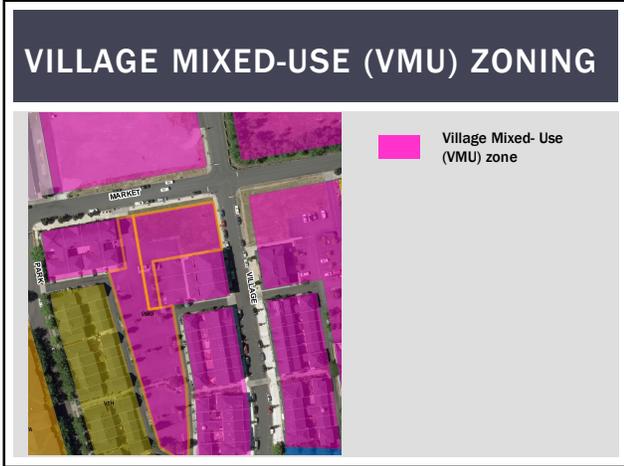
Land Use Districts

- 19.110 Village General Provisions
- 19.135 Village Commercial (VC) and Mixed Use (VMU)
- 19.140 Village General Standards
- 19.150 Special Development Standards – VO, VC and VMU Zones

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





BUILDING DESIGN



BUILDING DESIGN



BUILDING DESIGN



BUILDING DESIGN





STAFF RECOMMENDATION

Staff finds that the proposed major modification, adding a 4th story will meet the requirements of the City Code as conditioned, and recommends approval of the modification 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.

**FAIRVIEW
PLANNING COMMISSION
PUBLIC HEARING**

2018-62-DR
Dermody Properties
October 23, 2018



APPLICATION

Site Design Review Approval for new development in the General Industrial zone:

- 63,075 SF industrial facility
- 105 employee and visitor parking spaces
- 10 loading docks



SITE LOCATION



EXISTING CONDITIONS



NOTICES/REFERRALS/TESTIMONY

Notice of Public Hearing

- Oct 2: Mailed to property owners within 250 ft. of the site
- Oct 3: Published in the Gresham Outlook
- Oct 12: 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
- 19.412 Description of Permit Procedures
- 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

Land Use Districts

- 19.85 General Industrial District

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

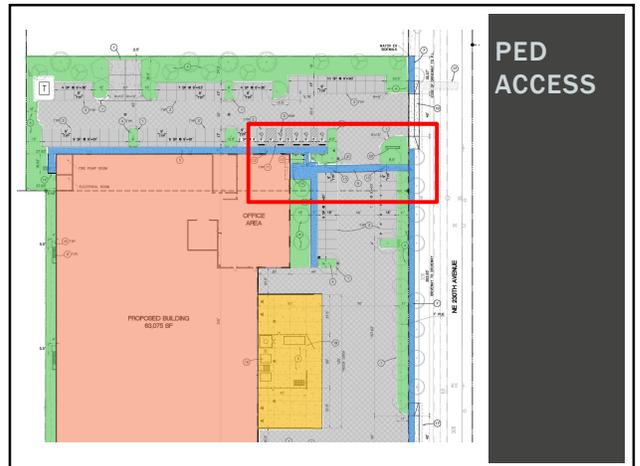
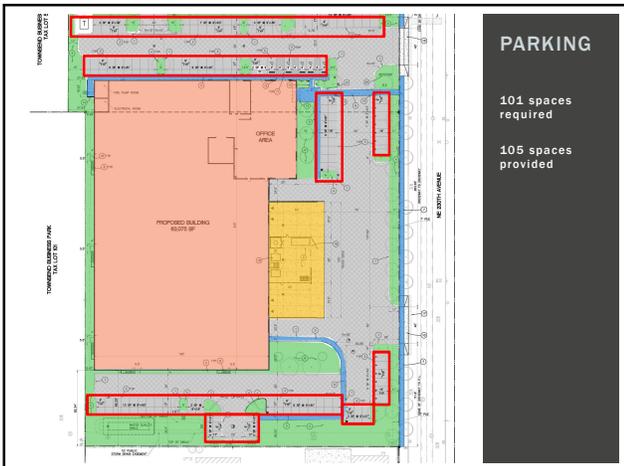
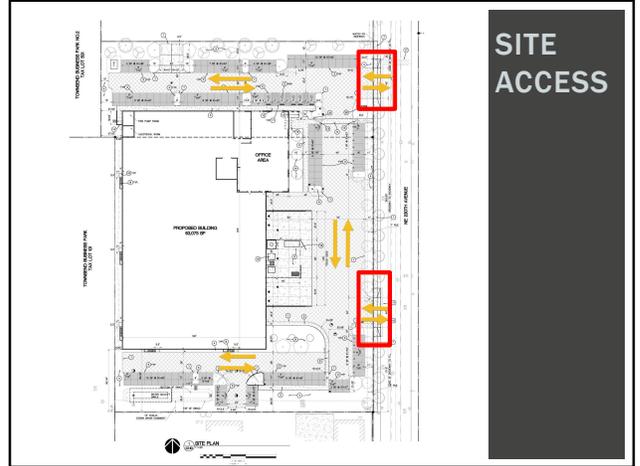
GENERAL INDUSTRIAL ZONING (GI)

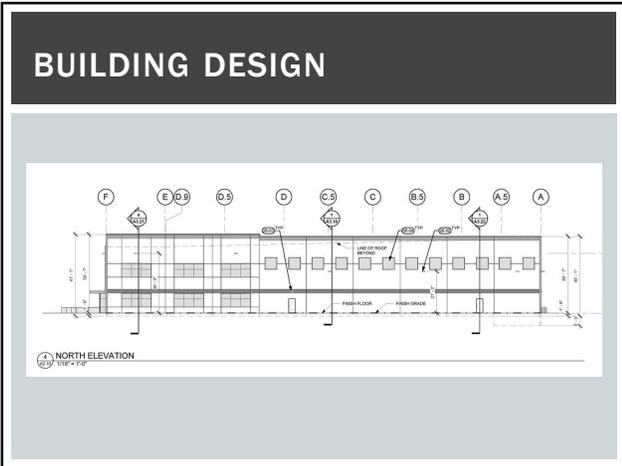
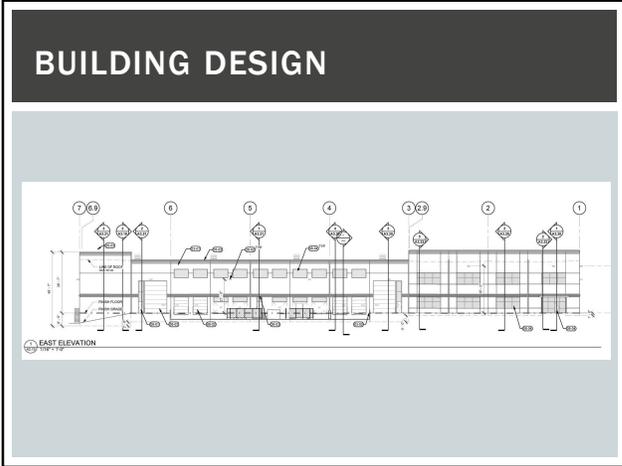
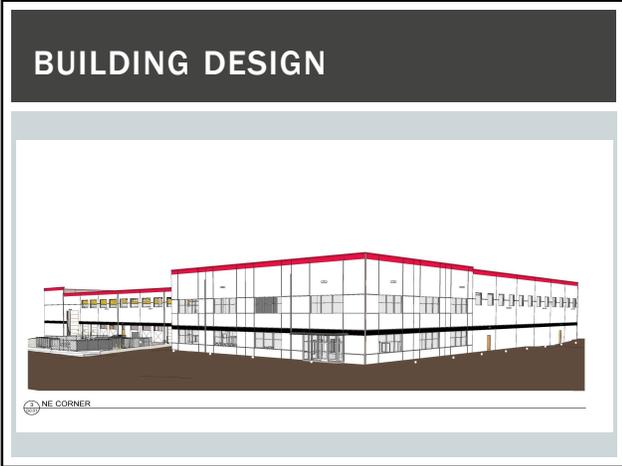


ALLOWED USES

1. Industrial

- a. Heavy manufacturing, assembly, processing of raw materials (CU)
- b. Light manufacture (e.g. electronic equipment, printing, bindery, furniture, and similar goods)
- c. Warehousing and distribution
- d. Junk yard, motor vehicle wrecking yards, and similar uses
- e. Columbia River industrial uses north of Marine Drive
- f. Uses similar to those listed above





- ### PUBLIC FACILITIES
- Water & sewer available from NE 230th Ave.
 - All stormwater from the development site to be managed in accordance with the Portland Stormwater Manual

STREET IMPROVEMENTS



KEY CONDITIONS OF APPROVAL

- B6 The site plan shall be revised to show compliance with FMC 19.163.050 Fences and Walls

- C3 Prior to final occupancy, NE 230th Avenue shall be improved in accordance with the transportation system plan and other provisions of FMC 19.165 Public Facilities Standards

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 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.