

**MINUTES  
CITY OF FAIRVIEW  
CITY COUNCIL**

November 6, 2019

**Council Members**

Brian Cooper, Mayor  
Cathi Forsythe  
Mike Weatherby (*Excused*)  
Keith Kudrna  
Balwant Bhullar (*Excused*)  
Natalie Voruz  
Darren Riordan

**Staff**

Nolan Young, City Administrator  
Heather Martin, City Attorney  
Devree Leymaster, City Recorder  
Miguel Sanchez, Civil Engineering Technician  
Sarah Selden, Senior Planner  
Harry Smith, Police Chief

**WORK SESSION (6:00 PM)**

**1. REVIEW PROPOSED CORRIDOR COMMERCIAL CODE AMENDMENTS**

Senior Planner Selden addressed the key issues of the proposed code amendments: clarify what mixed use means, how much commercial needs to be included, clarify definitions, clean-up site design standards to align with the zoning district, and remove discretionary language (required to have clear and objective standards). She shared the Planning Commission recommendation is to not allow residential uses east of NE 223<sup>rd</sup> and Sandy Blvd. There is one property affected by this change, but this property owner has submitted a zone change application for CC to General Industrial.

**2. REVIEW CITY ACCESS CONTROL CONTRACT BID**

Civil Engineering Technician Sanchez explained the bid came in less than estimated. They provided a base bid with a break down for additional work. Because the bid was so low, staff asked for them to bid for the Community Center, Public Works Facility, and Council Chamber Technology Upgrade. All the combined bids are still less than the original estimate. City Administrator Young noted the original bid estimate was from the engineer and the engineer did review the actual bids.

Councilor Riordan noted the Technology Grant will partially fund the Technology Upgrade portion of the project.

Mayor Cooper asked about funding. CA Young answered funding will be from operating funds that are transferred into facility funds. All funding is budgeted in this fiscal year.

**3. RECOMMENDATION RE: CITY ADMINISTRATOR EVALUATION FORM**

City Attorney Martin shared the proposed evaluation form is streamlined and formulated to help facilitate a better conversation about the general category.

Vice Chair Voruz asked if City Administrator Young was comfortable with the proposed evaluation. He replied yes.

Council directed City Attorney Martin to draft a resolution to adopt the proposed evaluation form at the November 18 meeting.

**4. CITY SPONSORED EVENTS**

Item was removed from the agenda. Discuss during work session prior to the budget cycle.

5. REVIEW CITY-OWNED EVENT EQUIPMENT RENTAL AND FEE WAIVER POLICY

CR Leymaster briefed the Council on the current rental policy including the impact to staff time and cost and the fee reduction/waiver policy. The current policy includes events in Troutdale and Wood Village being eligible to rent the equipment and for the fee reduction/waiver policy to apply.

Council discussed the utilization and applicability of the current policy and directed staff to amend the policy to apply fee reductions/waivers only to events within city limits that meet the criteria. The goal is for the amended policy to take affect January 1, 2020. Reoccurring applicants are to be notified of the change at the first of the year.

6. UPDATE STATUS & PRIORITIES OF GOAL OBJECTIVES & TASK LIST

CA Young reviewed the upcoming Council meeting schedule: Nov. 20, Dec. 4 and Dec. 18, 2019 and Jan. 15, 2020 and the upcoming event schedule: Public Work Facility Community Open House – November 13, Shred Event – November 16, Disaster Preparedness Response Seminar – November 18, and Christmas Tree Lighting – December 7. He noted the first Census Count Committee meeting was well attended and they worked on putting together their goals.

**COUNCIL MEETING (7:00 PM)**

1. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

None.

3. CONSENT AGENDA

- a. Minutes of September 18 & October 2, 2019
- b. Authorize Transfer of Control of the Grantee of the Cable Franchise Held by Frontier Communications Northwest Inc. to Northwest Fiber LLC: Resolution 44-2019
- c. Appropriate Mt. Hood Cable Regulatory Commission 2019 Community Technology Grant Revenue and Expenses: Resolution 40-2019
- d. Authorize City Administrator to Award a Professional Services Contract for the City Hall Access Control Project: Resolution 45-2019

Councilor Riordan moved to approve the consent agenda and Councilor Forsythe seconded. The motion passed unanimously.

AYES: 5

NOES: 0

ABSTAINED: 0

4. COUNCIL BUSINESS

- a. Amend Fairview Municipal Code Chapter 19.13 Definitions, and 19.70 Corridor Commercial (CC) District, to Clarify the Definitions and Development Requirements for Residential/Commercial Mixed-Use Development and Provide Clear and Objective Site Design Requirements in the Corridor Commercial District: Ordinance 9-2019

CR Leymaster read the first reading of the ordinance by title. SP Selden reviewed the proposed amendments as referenced in Exhibit A. The proposed amendments include changes to FMC sections 19.13 Definitions and 19.70 Corridor Commercial (CC) District. The goal is to clarify code definitions and development requirements for residential and commercial mixed-use development and provide clear and objective site design requirements in the zoning district. SP Selden noted there is one

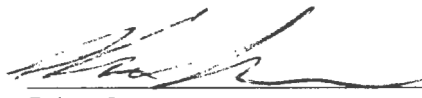
remaining property that would be affected by the changes; however, the property owner has already submitted a zone change application from CC to General Industrial (GI).

5. ADJOURNMENT

Councilor Kudrna moved to adjourn the meeting and Councilor Riordan seconded. The motion passed, and the meeting adjourned at 7:21 PM.

AYES: 5  
NOES: 0  
ABSTAINED: 0

  
\_\_\_\_\_  
Devree Leymaster  
City Recorder

  
\_\_\_\_\_  
Brian Cooper  
Mayor  
  
12-31-2019  
\_\_\_\_\_  
Date of Signing

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.

**CITY COUNCIL  
1<sup>ST</sup> READING**

**Corridor Commercial District  
Code Amendments (2019-46-TA)**

November 6, 2019



**BACKGROUND**

- Zoning district created to improve compatibility & appearance along Sandy, and support multi-modal transportation
- Limited redevelopment prior to 2019

**CODE ISSUES**

**Mixed Use:**

- Definitions unclear and hard to find
- No direction on how much "housing" or "other permitted use" must be included

### CODE ISSUES

Site Design:

- Standards not clear and objective
- Pedestrian orientation goal of zoning district “encouraged” but not required
- Creates uncertainty and lack of consistency

### CODE ISSUES

Sandy Blvd. East End Character:

- Comprehensive Plan direction that “industrial uses should dominate” east of 223<sup>rd</sup> not implemented in code
- One remaining parcel in predominantly General Industrial-zoned area

Corridor Commercial Parcels with Development Potential

Legend:  
Green: Vacant  
Blue: Redevelopment Potential

Mixed-use residential would still be allowed at this location.

Amendment proposes to prohibit residential mixed-use at this location.

### REVIEW OF DRAFT CODE/CONCEPTS

- February 26 Work Session
- April 23 Open House
- April 23 Work Session
- June 19 Joint Work Session with City Council

**Public Notice**

- Mailed to all Corridor Commercial property owners
- Published in Gresham Outlook

### AMENDED CODE SECTIONS

TITLE 19  
DEVELOPMENT CODE

Chapter 19.13  
DEFINITIONS

Chapter 19.70  
CORRIDOR COMMERCIAL (CC)  
DISTRICT

### PROPOSED CODE: DEFINITIONS

19.13.120 "L" definitions.  
///

**Live-Work. A type of Residential Mixed Use Development that combines a non-residential use with a residential use in the same unit, and where the work space is used by someone residing in the unit. The living space may be located in front or behind the work space on the same floor, or on a separate floor.**

### DRAFT CODE: DEFINITIONS

19.13.130 "M" definitions.  
///

~~Mixed Use Building/Development/Horizontal/ Vertical. See FMC 19.30.130(C).~~

**Mixed Use. A development consisting of more than one broad category of use (e.g., commercial, industrial, residential, or institutional).**

### PROPOSED CODE: DEFINITIONS

19.13.130 "M" definitions.  
///

**Residential Mixed Use Development. Development containing both residential and nonresidential uses on a single site. Uses may be mixed vertically in the same building, such as ground floor commercial with upper story residential units, or may be mixed horizontally in separate buildings on the same site.**



### PROPOSED CODE: USE TABLE

Table 19.70.030

Use	Minimum Setback (ft.)	Maximum Setback (ft.)	Frontage Requirement (%)
1. Residential	0	20	50
2. Commercial	0	20	50
3. Mixed-Use	0	20	50
4. Residential*	0	20	50
5. Residential Mixed-Use*	0	20	50

**Chapter 19.70  
CORRIDOR COMMERCIAL (CC) DISTRICT**

**4. Residential\***  
**5. Residential Mixed-Use\***

**1. Commercial**  
**2. Mixed-Use development (housing and other permitted use)**

### PROPOSED CODE: SETBACKS

**19.70.030 Corridor commercial setback standards.**

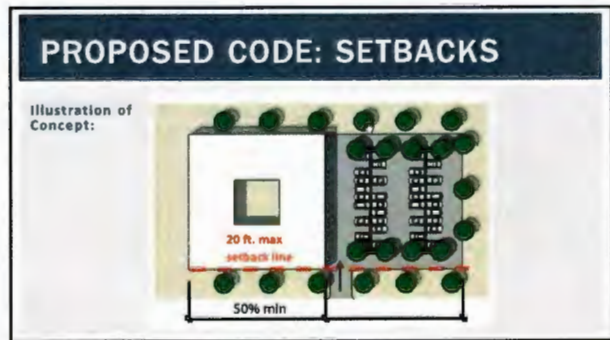
**A. Building Setbacks.** In the corridor commercial district, setback standards are intended to support the purpose of the district to create an aesthetically pleasing, open and pleasant street appearance; to complement the Building Orientation standard; and to enhance visibility of commercial uses from the street. Flexible to allow parking to be located near the entrance of new commercial development. Building setbacks are measured from the wall or facade to the respective property line. The setback standards apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance.

### PROPOSED CODE: SETBACKS

**19.70.030 Corridor commercial setback standards.**

**1. Front Setbacks.**

- a. Minimum Setback.** There is no minimum front setback. The minimum allowable front setback is zero feet. There is no maximum front setback.
- b. Maximum Setback.** The maximum setback is 20 feet.
- c. Frontage Requirement:** Building facades shall occupy a minimum of 50% of the frontage width at the maximum setback line.



**PROPOSED CODE: SITE DESIGN**

C. Building Orientation Standard. All of the developments listed in subsection A of this section are encouraged to shall be oriented to a street....

2. Off-street parking, driveways or other vehicular circulation should shall not be placed between a building and the street.

**PROPOSED CODE: SITE DESIGN**



**Building Orientation and Parking Location**



**PROPOSED CODE: MIXED-USE REQUIREMENT**

19.70.090 Special standards for certain uses.  
///

**E. Residential Mixed-Use Development. The following standards apply to support the commercial and light manufacturing intent of the Corridor Commercial zoning district and the direction of the Comprehensive Plan.**

1. Non-residential uses must occupy the ground floor along 75% of the street-facing facade width.
2. Except for property located at the corner of NE 223<sup>rd</sup> and Sandy Blvd., residential mixed-use development is prohibited within the Corridor Commercial zone east of NE 223<sup>rd</sup> Avenue.

**DECISION-MAKING CRITERIA**

FMC 19.413.040(G) Type IV Procedures – Decision Making Considerations

- Statewide planning goals and guidelines
  - Goal 10 Housing: ORS 197.307 Clear and Objective Standards
- Comments from applicable federal, state, intergovernmental agencies
- Applicable Comprehensive Plan policies

FMC 19.205.020 Criteria

- Amendment not detrimental to general interests of community



### PLANNING COMMISSION HEARING

- Public testimony from one person, asking about impact to property values (required notice language)
- In permitted use table. Commission modified the order in which uses are listed
- Commission recommended Council approval by a 4-1 vote

### CITY COUNCIL ACTION

- Consider recommended code amendments
- Identify any changes or additional information needed before the 2<sup>nd</sup> Reading on November 20

