



PLANNING COMMISSION MEETING

Tuesday, May 8, 2012

6:30 p.m.

Council Chambers

2nd Floor City Hall

1300 NE Village Street

MEETING AGENDA

1. **CALL TO ORDER:** 6:30 p.m.
2. **CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**
3. **REVIEW AND ADOPT MINUTES – April 10, 2012**
4. **WORK SESSION**
 - a) Minor Sign Code Amendment: Electronic Message Centers
 - b) Final Plat Extension Amendment Discussion
 - c) Natural Resource Code Project Update
5. **STAFF UPDATES**
 - a) Economic Development
6. **TENTATIVE AGENDA – MAY 22**
 - a) Public Hearing: Natural Resource Code Adoption
 - b) Minor Sign Code Amendment-electronic message center update (if needed)
7. **ADJOURNMENT**

NEXT PLANNING COMMISSION MEETING IS MAY 22, 2012

Planning Commission hearings are broadcast live on Cable Channel 22. Replays of the hearing are shown on Cable Channel 22, Saturday at 12:00pm and Monday at 2:00pm, and Cable Channel 30 Wednesday at 7:00pm. Further information is available on our web page at www.fairvieworegon.gov or by calling Devree Leymaster, Administrative Program Coordinator, 503-674-6202.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting to: Devree Leymaster, 503-674-6202.



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, April 10, 2012

PRESENT: Gary Stonewall, Chair
Steve Kaufman, Vice-Chair
Keith Kudrna
Jack Mc Giffin

ABSENT: Ed Jones
Jan Shearer
Julius Arceo

STAFF: Lindsey Nesbitt, Senior Planner
Devree Leymaster, Admin. Program Coordinator

1. CALL TO ORDER

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

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 review of minutes.

3. REVIEW AND ADOPT MINUTES

March 27, 2012 minutes approved as written by consensus.

4. PUBLIC HEARING

**Ordinance 01-2012
Minor Code Amendments**

Chair Stonewall recited the open statement for legislative land use hearings. No ex parte contact, bias, or conflict of interest was disclosed and no objection to the impartiality of a Commission member was noted.

Senior Planner Nesbitt presented the staff report proposing four minor amendments to Section 19 of the Fairview Municipal Code.

- Amendment one established a two year time limit for land use decisions that currently did not have specified expirations.
- Amendment two omitted repetitive language in Section 19.413.020, Type II administrative review, which should have been removed when the section was amended in 2009.
- Amendment three was to comply with the notice requirement change from 45 days to 35 days prior to first evidentiary to the Department of Land Conservation and Development Commission.
- Amendment four allowed zero rear and side setback for accessory structures 200 square feet or less; mimicking the building permit exception for 200 square feet or less accessory structures.

Chair Stonewall inquired if any person would like to speak in favor of, opposition of, or neutrally regarding the application. Hearing none, Commissioner Kudrna motioned to close the public hearing, and Vice-Chair Kaufman seconded. With the public hearing closed Chair Stonewall inquired if there were any Commission comments or discussion. Hearing none, Commissioner Kudrna motioned to forward a recommendation for approval of Ordinance 01-2012: Minor Code Amendments to City Council and Vice-Chair Kaufman seconded. The motion passed.

AYES: 4
NOES: 0
ABSTAINED: 0

5. WORK SESSION

a) Annual Report to City Council

Senior Planner Nesbitt presented the draft annual report. Accomplishments included:

- Code revisions – sign code, natural resource code and map update, and joint work session.
- Title 19 FMC Code Audit – top 4 priority – no minimum parking requirement in TCC zone, minimum lot size requirements in residential zones (R10 zone), residential limitations in commercial zone, and no allowance for minor commercial development in industrial zones.
- 2010 code interpretations and amendments - final plat filing deadline, accessory dwelling unit determination, minimum separation between buildings, and no maximum on compact parking spaces.
- 2011 code interpretations and amendments - fence height limitation, minor sign code amendments, dock regulations, code exception process, natural resource code project, and final plat filing deadline.
- Land use applications – disc golf course, variance for wireless communication facility, and major modification to the All Stor development.

Commission had no comments or additions and approved the report for presentation at City Council.

6. STAFF UPDATES

a) Wood Village Casino

As requested by Chair Stonewall, Senior Planner Nesbitt researched the project status. Project was moving forward, currently collecting signatures for 3 bills to get on the November 2012 ballot; signature submittal deadline was July. Project organizers were willing to give a presentation to the Commission. Visit their www.goodfororegon.gov for more information.

Vice-Chair Kaufman inquired if there was any organized opposition to the project. Staff responded they would inquire and report at next meeting.

b) Dock Regulations

On hold until the Pelfrey dock and boat house application was processed and approved, then Council would move forward with adoption hearing.

7. TENTATIVE AGENDA

- ### a) Natural Resource work session update: response from public outreach.

8. ADJOURNMENT

Meeting adjourned by consensus at 6:57pm.

Gary Stonewall, Chair

Devree A. Leymaster
Administrative Program Coordinator
Public Works Department.

Date: _____



Planning Commission Staff Report

To: Fairview Planning Commission

From: Erika Fitzgerald, Associate Planner

Date: May 8, 2012

Subject: Policy Options for Electronic Message Centers

Action Requested

Provide direction to staff on policy options for regulating electronic message centers.

Background

In April of 2011, the Planning Commission recommended adoption of standards regulating the display of messages on electronic message centers. Electronic message centers are signs on which the message is presented with patterns of light and the display can be easily changed to communicate messages. The ordinance established an allowance of a scrolling message and prohibited flashing messages. The ordinance also clarified definitions for scrolling and flashing. At that time no change to the maximum allowed area for electronic messages centers was proposed.

The City has received a request to examine:

- The maximum allowed area standard of electronic message centers (currently 8 square feet)
- If the current size limitation is reasonable and appropriate for the intended use of the sign.

Concerns were raised that a message on an eight square foot sign which is attached to a wall setback from the right of way may not be readable by its intended audience. The maximum allowed area of wall signs in all zones is 10% of the area of the wall on which the sign is located. In most cases the maximum allowed area of a wall sign will be significantly larger than 8 square feet.

Current Regulations

Electronic message centers are currently permitted in all zones except single family and multi-family residential zones and are subject to the following standards from FMC 19.170:

An electronic message center may be incorporated into either a freestanding sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design and **shall not exceed eight square feet.**¹

The display of messages shall conform to the following standards:

- i. Messages may scroll across the electronic message center.
- ii. Flashing messages are prohibited.

Electronic message centers incorporated into a wall sign may be up to 24 inches in thickness.

Regulatory Examples

The following table provides regulations for electronic message centers from neighboring communities:

City	Electronic Message Center (Maximum Area)
Gresham	8 square feet (commercial and industrial zones) For Schools: Area is limited to a maximum of 32 square feet per sign face. If the readerboard assembly is incorporated into another freestanding sign, the maximum area per sign face shall be 52 square feet. If the development is on a site that exceeds two acres in size, the sign may be a maximum of 68 square feet. If incorporated into a wall sign, the maximum sign area shall be 52 square feet. May not exceed 40 inches in height.
Wood Village	60 square feet for freeway oriented signs, not permitted in other areas of the city
Troutdale	Three (3) square feet in area for a freestanding sign or 60 square feet for a freeway sign.

Discussion of Policy Options

The Fairview Municipal Code is a flexible document and the amendment process is in place to allow City bodies to re-examine regulations periodically to determine if they are still consistent with the purpose of the code and to acknowledge and reflect changing technologies. Electronic message centers are being used more frequently by businesses and community services such as schools and churches to communicate messages such as specials, announcements, events, school closures, alerts, etc.

¹ The eight square foot requirement was carried over from the original sign code and was not changed with the recent sign code project: Ordinance 02-2010.

One of the purposes of the sign code is to provide business owners and community institutions ample opportunities and alternatives to communicate messages through signage. Given the evolving technology of signs and the necessity of institutions to use electronic message centers to convey frequently changing messages, staff recommends that Planning Commission reexamine maximum area requirements for this type of sign.

Policy Option #1:

Electronic message centers are permitted on both freestanding signs and wall signs in all commercial, industrial, and community service/parks zones. When incorporated into a freestanding sign the electronic message center is more visible as it is usually located closer to the right of way. When electronic message centers are incorporated into wall signs they may have less visibility from the right of way because buildings are typically setback from the street.

Therefore, an option would be to regulate electronic message centers on walls and freestanding signs differently. For example, maintain the 8 square foot limitation on electronic message centers incorporated into freestanding signs, but increase the allowed area of electronic message centers incorporated into wall signs.

Policy Option #2:

It could also be argued that because a primary audience for signs is drivers, signs will be more legible to vehicles driving by if they are larger and that the area of electronic message centers be increased for both freestanding signs and wall signs.

Policy Option #3:

Similar to regulations in the City of Gresham, another option is to allow larger electronic message centers on both wall and freestanding signs only on sites with schools² due to the need to communicate frequently changing messages to students, faculty, and parents. Staff has examined similar signs at Reynolds High School in Troutdale and the proposed sign for the Reynolds Middle School. Each is approximately 18 square feet in area.

Staff is looking to the Planning Commission for direction to re-examine the size limitations for electronic message centers based on research of other city's regulations and the need to respond to the request from community institutions.

Policy Options

1. Direct staff to draft code language for an increase in allowed area for electronic message centers incorporated into wall signs only in all zones allowing electronic message centers.
2. Direct staff to draft code language for an increase in allowed area for electronic message centers incorporated into both wall and freestanding signs in all zones allowing electronic message centers.

² All schools in the City of Fairview are located in the Community Services/Parks zone. This zone also includes parks.

3. Direct staff to draft code language for an increase in allowed area for electronic message centers on both wall and freestanding signs in the Community Service/Parks zone only.
4. Direct staff to research and draft an alternative to the policy options above.
5. Take no action; maintain existing standards for maximum area of electronic message centers.

Next Steps

Based on direction and feedback from the Commission, staff will draft revised code language for a public hearing in June or for another work session.



PLANNING COMMISSION STAFF REPORT

TO: Fairview Planning Commission

FROM: Lindsey Nesbitt, Senior Planner

DATE: April 27, 2012

SUBJECT: Final plat extension discussion.

ACTION REQUESTED

Forward a recommendation to the City Council regarding options for handling outstanding final plat applications facing expiration in 2012.

BACKGROUND INFORMATION

The Fairview Municipal Code (FMC) Section 19.430- requires that a final plat be filed with Multnomah County within one year from the date of preliminary plat approval.¹ If a final plat is not filed with the County by the deadline, the preliminary plat approval becomes null and void. Submission of a new application and application fee is required.

In 2010 and in 2011, because of the state of the economy, the City Council approved the following code amendments:

- In 2010 the final plat filing deadline was changed to allow an additional one year extension for a total of two-one year extensions.
- In 2011 the final plat filing deadline was extended another year only for non-expired preliminary plats that were approved in 2007 or 2008, allowing a fourth year to complete the final plat process.

The final plat filing extensions benefited outstanding final plats affected by the economy by allowing an additional year for development to pick up. However, the following three final plats still have not been filed and are set to expire during 2012.

1. Vision Development - 10 lot planned unit development on Depot Street. Current filing deadline- May 31, 2012.
2. Spencer Rogers- 7 lot development on Oregon Street (just off 201st). Current filing deadline is September 18, 2012.
3. Blue Lake Manufactured Home Park, creation of 93 lots in existing manufactured home park. Current filing deadline is December 28, 2012.

¹ Prior to the 2010 and 2011 code changes, a 1 year extension could be granted.

A City Council work session is scheduled for May 16 to discuss the policy of whether or not to amend the municipal code to allow for another final plat filing extension. Staff is seeking a recommendation from the Planning Commission to forward to the City Council. Possible recommendations include:

1. Recommend a third code amendment similar to the 2011 amendment. This would allow a fourth final plat filing extension for all preliminary plats approved in 2007 and 2008. The extension would be subject to existing code language that requires demonstration of the following:
 - Any changes to the preliminary plat follow the procedures in Chapter 19.415 FMC;
 - The applicant has submitted written intent to file a final plat within the one-year extension period;
 - An extension of time will not prevent the lawful development of abutting properties;
 - There have been no changes to the applicable code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
 - The extension request is made before expiration of the original approved plan.
 - The fee shall be paid for each extension request.
2. Do not recommend a third code amendment to extend the final plat filing deadline. If the three outstanding final plats are not filed with the County by the 2012 extension deadlines, the preliminary plat approvals will expire. Submission of a new land use application and application fees will be required.
3. Recommend a different option to the City Council.
4. Take no action.

NEXT STEPS

1. Staff will report the Planning Commission recommendation to the City Council.
2. Based on feedback from the City Council, staff will either proceed with drafting an ordinance to amend the municipal code, or staff will report back to the Planning Commission on the Council's decision.