



## PLANNING COMMISSION MEETING

Tuesday, May 14, 2013

6:30PM

Council Chambers

2<sup>nd</sup> Floor City Hall

1300 NE Village Street

### MEETING AGENDA

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1. **CALL TO ORDER:** 6:30PM
2. **CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**
3. **REVIEW AND ADOPT MINUTES:** March 26, 2013
4. **FINAL PLAT EXTENSION REQUEST:** Jim Murrell
5. **CONTENT BASED SIGN CODE AMENDMENT WORK SESSION**
6. **RIVERFRONT ZONE CHANGE**
7. **FAIRVIEW LAKE RESOURCE PROTECTION DISCUSSION**
8. **STAFF UPDATES**
9. **TENTATIVE AGENDA:** May 28, 2013 - *Sign Code Adoption Public Hearing*
10. **ADJOURNMENT**

### NEXT PLANNING COMMISSION MEETING IS MAY 28, 2013.

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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](http://www.fairvieworegon.gov) or by calling Devree Leymaster, City Recorder, 503-674-6224.

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, 503-674-6224.

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MINUTES  
PLANNING COMMISSION MEETING  
1300 NE Village Street  
Fairview, OR 97024  
Tuesday, March 26, 2013

PRESENT: Steve Kaufman, Vice-Chair  
Jack McGiffin  
Ed Jones  
Jan Shearer  
Julius Arceo

ABSENT: Gary Stonewall, Chair  
Keith Kudrna

STAFF: Allan Berry, Public Works Director  
Lindsey Nesbitt, Development Analyst

**1. CALL TO ORDER**

Vice-Chair Kaufman called the meeting to order at 6:30pm.

**2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**

Vice-Chair Kaufman inquired if any person would like to speak on a non-agenda item. Ms. Dawn Greenwell, 183 Crestwood St., Fairview, OR 97024 spoke regarding the Hannah's Tract Development. Ms. Greenwell stated she was told a hearing would be scheduled to review the developments compliance with the Planning Commission notice of decision prior to final occupancy being issued for the last home. No hearing was scheduled and final occupancy has been issued. Only 25 feet of the 50 foot riparian buffer area has been cleared of invasive species.

Staff responded Ms. Greenwell had voiced concerns regarding Hannah's Tract at prior meetings. In response the Commission directed Staff to evaluate and review all conditions of approval associated with the development and report back. Staff presented their findings at a subsequent meeting. After review the Commission agreed all conditions of approval were being adhered to. Prior to issuing final occupancy for the last home Staff conducted field inspections and determined all conditions of approval had been satisfied and there was no basis to withhold final occupancy.

The Commission discussed the difference between regulation and enforcement, and who is responsible i.e. city, developer, or property owner. Staff clarified the riparian buffer was not city owned nor was the city responsible for maintenance; maintaining the riparian buffer was the responsibility of the property owner. The Commission requested Staff research Ms. Greenwell's concern and review compliance/enforcement options at the next meeting.

Ms. Greenwell stated she understood the enforcement process for maintenance of the buffer with current property owners. Her issue was that Planning Staff did not require the developer to clear the entire 50 foot riparian buffer of invasive species prior to issuing occupancy. Multiple citizens requested the conditions be reviewed in an open forum prior to issuing occupancy. No hearing was conducted and no notice was provided to concerned citizens prior to issuing occupancy.

### 3. REVIEW AND ADOPT MINUTES

Commissioner McGiffin moved to approve the February 26, 2013 as written and Commissioner Jones seconded. The motion was approved unanimously.

Ayes: 5

Noes: 0

Abstained: 0

### 4. ELECTION OF CHAIR AND VICE CHAIR

Commissioner Shearer nominated Vice-Chair Kaufman for Chair and Commissioner Arceo seconded. The motion passed unanimously.

Ayes: 5

Noes: 0

Abstained: 0

Vice-Chair Kaufman nominated Commissioner Shearer for Vice-Chair and Commissioner Jones seconded. The motion passed unanimously.

Ayes: 5

Noes: 0

Abstained: 0

### 5. PUBLIC HEARING

#### a) File 13-4-NR

#### 3600 Pelfrey Avenue

#### **Natural resource review for construction of a boat home, dock and access drive.**

Vice-Chair Kaufman read the open hearing statement and Development Analyst Lindsey Nesbitt cited the applicable criteria. There was no disclosure of ex parte contact, conflict of interest, or bias. No objections were noted.

Development Analyst Nesbitt presented the staff report. Applicant was requesting to renew a 1999 expired land use approval for construction of a boathouse with kitchen and restroom, dock, and paved access drive. The 1999 application was reviewed by the City Attorney and deemed expired because substantial construction of the dock or the boat house had not taken place. Proposed code amendments for dock regulations would prohibit this type of development; therefore, adoption of the amendments was put on hold pending resolution of this application. This application clarifies footprint, location, and lot area use to calculate allowed footprint that was not included in the 1999 application. The applicant requested the land use approval be valid 10 years. Staff recommended approval of the application as conditioned.

Vice-Chair Kaufman inquired if any person would like to speak in favor of, opposition of, or neutrally about the application.

Applicant Lynnia Woods, 3600 Pelfrey Ave., Fairview, OR stated the request was for a dock and boat house. The purpose was to house a boat, not intended for livable space, and the ancillary necessities i.e. water, electricity, access, etc. Ms. Woods had concerns regarding access. Staff clarified the access drive width as conditioned only pertained to the portion within the buffer. The additional driveway access reference was an advisory note, not a condition. The additional access would be examined at the time of development.

Applicant Henry Pelfrey, 3600 Pelfrey Ave., Fairview, OR requested approval of the application to protect their 1999 request and approval.

Dennis Caudell, 20659 NE Lakeside Dr., Fairview, OR, a neighbor of Mr. Pelfrey, spoke in support of approving the application.

Vice-Chair Kaufman read into record an email received from Commissioner Stonewall. The Commission and applicant discussed Commissioner Stonewall's questions. Commission agreed the larger than normal boat house was proportionate to the home.

Commissioner Shearer moved to close the public hearing and Commissioner McGiffin seconded. The motion was approved unanimously and Vice-Chair Kaufman opened Commission discussion. Commissioner Jones commented fire and emergency requirements would be reviewed during the permitting process to ensure appropriate access.

Development Analyst Nesbitt recommended the Commission's motion replace Lot 12 in the conditions of approval with tax lot 1N3E28BA-04108.

Commissioner Jones moved to approve application 13-4-NR as conditioned and replacing Lot 12 with tax lot 1N3E28BA-04108 in the conditions of approval, and Commissioner Shearer seconded. The motion passed unanimously.

Ayes: 5

Noes: 0

Abstained: 0

## 6. STAFF UPDATES

**a) Sign Code Amendments:** Development Analyst Nesbitt stated the sign code amendment adoption process had been scheduled. These amendments were minor and focused on only removing content based material.

**b) River Oriented Use Code Development:** Development Analyst Nesbitt reviewed the 3 properties being considered for preparing a draft River Oriented Use Zoning Code that would not be adopted, but would be available and ready to adopt if and when a rezone was requested.

Staff requested Commission input as to what type of developments they would like to see or not see. Types of uses discussed included:

- No Government related offices
- Restaurants
- Marina
- River access fueling station
- Walking paths with water access
- Family oriented recreational activities
- Residential – limited (i.e. mixed use)
- Hotels/Motels – transient, destination lodging
- River Tourism
- Retail – limit square footage
- Restrict/limit business and professional offices

Vice-Chair Kaufman commented the Mayor's Visioning Committee will hold public forums to solicit public comment for what types of uses citizens would like to see developed. Staff remarked design review criteria would be developed based on the types of uses.

**c) Corner Lot Orientation vs. Set Backs:** Development Analyst Nesbitt requested Commission approval of Staff's front/side yard interpretation for a new proposed single family home on the corner of 3rd and Cedar Streets. The Commission approved Staff's interpretation and the proposed orientation of the new home.

**7. ADJOURNMENT**

Meeting adjourned by consensus at 8:45PM.

Steve Kaufman, Vice-Chair

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Devree Leymaster  
City Recorder

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Date: \_\_\_\_\_



## PLANNING COMMISSION STAFF REPORT

**To:** Fairview Planning Commission  
**From:** Lindsey Nesbitt, Development Analyst  
**Date:** May 14, 2013  
**Subject:** Final Plat Filing Extension Discussion

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### Action Requested

Provide direction to staff.

### 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. Originally, the code allowed for a one year extension.

In 2010, 2011, and 2012 because of the state of the economy, the City Council approved three code amendments allowing applicants to request additional extensions to the final plat filing deadline. Currently, the code allows the option for up to two one-year extensions for all final plats and an additional extension only for outstanding preliminary plats that were approved in 2007 and 2008.

The following three final plats have not been filed and are set to expire during 2013.

1. Vision Development - 10 lot planned unit development on Depot Street. Current filing deadline is 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.

The applicants for the Vision development 10-lot subdivision have submitted a written request for Planning Commission to consider allowing another 1 year extension. Their request is provided as an attachment to this report. The applicants will be at the Planning Commission meeting to present their request and to answer any question the Commission may have. Based on feedback received at the Planning Commission meeting, staff will discuss the request with the City Council the following evening at their May 15, meeting.

## **Vision Development, LLC.**

**P.O. Box 33072**

**Portland, OR 97292**

**Date: April 15, 2013**

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**Contact: Jim Murrell - (503) 936-7700**

**Jeff Robison - (503) 453-4155**

**To: The City of Fairview Planning Commission**

**1300 N.E. Village St.**

**Fairview, OR 97024**

**Re: Wind River**

**North of Depot Street, west of Fifth Avenue, East of Seventh Avenue,  
south of I-84**

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Ladies and Gentlemen:

We regret we have the need to ask for one more extension of our deadline to file our final plat. We have invested a great deal of time and energy, as has your city staff, to move this project through the development process. We have every intention and desire to see homes built on the site. We have remained active in looking for ways to move the project forward. We have had the property listed the past few months. On the advice of our realtor we have taken it off the market to be re listed this summer. We are confident things are moving in a positive direction and our options will improve this year.

I was asked to summarize the journey we have been on with this property. My hope is that it will help to convey how invested we all are in this project. The dates are approximate:

2004- We discussed this project for the first time.

2005/06- We went thru the process to have the property rezoned.

2006/07- We went thru the plans review process which was a bit extended by the sensitive environmental concerns on the property, Tree and traffic studies and minor neighborhood resistance to the connection of 7<sup>th</sup> Ave and Depot Street.

2008- We were all but ready to record the final plat. As you all know the housing market took a down turn about then and we were advised by several people to put the recording on hold.

That is an abbreviated version of the process. We are, as we always have been, committed to seeing this project completed. We feel it's going to be good for the city and good for the neighborhood. We are grateful for your patience and support in the past and feel like we are very close to our goal of completion.

Thank you for your time and for considering our request.

Sincerely,

Jim Murrell & Jeff Robison



## PLANNING COMMISSION STAFF REPORT

**To:** Fairview Planning Commission

**From:** Lindsey Nesbitt, Development Analyst

**Date:** May 14, 2013

**Subject:** Ordinance 2-2013, Content Based Sign Code Amendments

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### **Action Requested**

Provide direction to staff.

### **Background Information**

Revisions to the Sign Code were adopted in 2010. Since that time, the City Attorney has identified content based code language that should be removed from the Sign Code. The reason this is important is because any sign ordinance has to be content neutral, not content based. This means that if a person is required to read the sign to determine the sign type or applicable code, the sign regulations are content based. For example, the code cannot establish standards for “political signs” because one must read the content of the sign in order to determine if it is a political sign. We have had the City Attorney perform a thorough review of the code to eliminate these content-based issues.

Ordinance 2-2013, upon adoption, will address the City Attorney’s concerns and eliminate the content based code language. The attachment provides a list of the proposed changes. Please review the proposed changes and provide feedback to staff, including any questions or concerns that you would like to the City Attorney to address at the May 28, 2013 Public Hearing.

**FILE: 2013-11-ZC**  
**DRAFT CODE AMENDMENTS- Chapter 19.170**  
**SIGN REGULATIONS CHANGES IN STRIKETHROUGH AND UNDERLINE**

Sections:

- [19.170.010](#) Purpose/application.
- [19.170.020](#) Definitions.
- [19.170.030](#) Sign permit required.
- [19.170.040](#) Design standards.
- [19.170.050](#) Signing of nonconforming uses.
- [19.170.060](#) Nonconforming signs.
- [19.170.070](#) Hardship relief.
- [19.170.080](#) Exemptions.
- [19.170.090](#) Temporary signs.
- [19.170.100](#) Prohibited signs.
- [19.170.110](#) Permitted signs within residential zones.
- [19.170.120](#) Permitted signs within community service parks (CSP) zone.
- [19.170.130](#) Permitted signs within commercial and light industrial zones (CC, TCC, NC, LI, VO, and VC).
- [19.170.140](#) Permitted signs within village mixed use (VMU) zone.
- [19.170.150](#) Permitted signs within industrial zones (GI).
- [19.170.160](#) Sidewalk A-board signs.
- [19.170.170](#) Abatement of prohibited, substandard and dangerous signs.
- [19.170.180](#) Maintenance.

**19.170.010 Purpose/application.**

It is the city's policy to protect the public interest by promoting signs through regulations that:

- A. Protect the public health and safety.
- B. Maintain a balance between the need to identify sites and activities, and the negative impact on community image created by visual clutter.
- C. Are content-neutral, acknowledging that signs are a protected form of speech under the First Amendment of the United States Constitution.
- D. Provide residents and business owners with ample opportunities and alternatives to communicate messages through signage. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1)

**19.170.020 Definitions.**

"A-board sign" means a double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, and not supported by a structure in the ground.

“Abandoned sign” means a sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days.

“Accessory sign” means a sign which is an integral part of outdoor accessory or display structures.

“Athletic field sign” means a sign placed on the interior of an athletic field fence or wall so as to be viewed from within the athletic facility.

“Awning sign” means a sign incorporated into or attached to an awning.

“Balloon sign” means any three-dimensional ambient air-filled object ~~depicting a container, figure or product~~, or to which a temporary sign has been attached, or to which a sign has been incorporated.

“Banner sign” means a temporary sign made of fabric or other nonrigid material with or without an enclosing framework.

“Bench sign” means a sign that is displayed on a structure designed for sitting and displayed out of doors in view of the general public.

“Billboard sign” means a freestanding sign over 200 square feet and with display surface or surfaces primarily designed for the purpose of painting or posting a message thereon at periodic intervals.

“Canopy” means a permanent decorative porch or walkway cover other than an awning which is attached to a building.

“Direct illumination” means exposed lighting or neon tube on the sign face.

“Directional sign” means a permanent sign which is designed and installed solely for the purpose of traffic or pedestrian direction and placed on the property to which the persons are directed.

“Directory sign” means a sign listing the names, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

“Door sign” means any sign, picture, symbol, or combination thereof that is placed on, painted, or affixed to a door.

“Electronic message center” means signs whose message or display is presented with patterns of lights that may be changed at intermittent interval by an electronic process.

“Facade” means the building elevation that faces the street upon which the building is addressed, or is otherwise understood to be the front of the building through common usage of the term “front.” Buildings located at the corner of intersecting streets have two facades with one facade on each street frontage.

“Fascia sign” means a single-faced sign attached flush to a building.

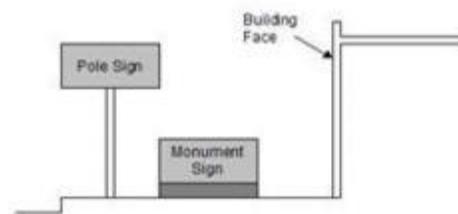
“Fin sign” means a sign which is supported by a pole or poles and partly by a building.

“Flag” means a rectangular piece of fabric or other material of distinctive design, used as a symbol.

“Flashing” means an intermittent or sequential light source used primarily to attract attention.

“Flashing sign” means lights which blink on and off randomly or in sequence.

“Freestanding sign” means a sign on a frame, pole or other support structure which is not attached to any



building. Includes monument, pole, and directory signs.

“Ground story” means the vertical space between the ground elevation around the building and the elevation of the second floor deck.

“Hazardous sign” means a sign that is hazardous either directly through its structural design or indirectly through distracting or confusing features or functions that are visible from a right-of-way, private roadway, or other property.

“Illuminated awning sign” means a sign made of a translucent, flexible covering designed in awning form. Such signs are internally illuminated.

“Incidental sign” ~~means an informational or cautionary sign directing types of behavior including but not limited to trespassing, soliciting, parking, skateboarding, building identification, etc~~ A sign that is no larger than 1.5 square feet.

“Indirect illumination” means the light source is separate from the sign face or cabinet and is directed so as to shine on the sign.

“Internal illumination” means the light source is concealed within the sign.

“Lawn sign” means a temporary freestanding sign that is supported by a frame, pole or other structure placed directly in or upon the ground, wall or window. ~~Signs may include but are not limited to political signs, real estate signs, and garage sale signs.~~

“~~Limited duration event A-board sign~~” ~~means an A-board sign displayed for a temporary time frame to advertise events including but not limited to open houses, farmer’s markets, and school activities.~~

“Mansard wall sign” means any sign placed on a building with an actual or false roof which does not vary more than 30 degrees from the vertical. Such mansard wall shall extend along the full width of the building.

“Moving parts” means features or parts of a sign structure which through mechanical means are intended to move, swing or have some action.

“Municipal sign” means a sign placed by a municipality.

“Nonconforming sign” means a sign or sign structure lawfully installed and properly maintained that would not be allowed under the sign regulations presently applicable to the site.

“Outdoor advertising sign” means a sign supported by a substantial permanent sign structure with a display surface or display surfaces ~~designated primarily for the purpose of painting or posting a message thereon at periodic intervals.~~

“Painted highlights” means painted areas which highlight a building’s architectural or structural features.

“Painted wall decoration” means displays painted directly on a wall ~~and are designed and intended as a decorative or ornamental feature. Painted wall decorations may not contain copy, logos or trademarks which are greater than 20 square feet, or 10 percent of the building wall, whichever is less.~~

“Painted wall sign” means a sign applied to a building wall with paint and which has no sign structure.

“Pennant sign” means a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles.

“Permanent sign” means a sign attached to a building, structure or the ground in some manner requiring a permit and made of materials intended for more than short-term use.

“Portable sign” means a sign designed to be transported which can be freestanding and unattached or temporarily or permanently attached to the ground, structures or other signs.

“Projecting sign” means a sign attached to and projecting out from a building face or wall and generally at right angles to the building. Projecting signs include signs projecting totally in the right-of-way, partially in the right-of-way and fully on private property.

“Readerboard sign” means a sign on which message copy can be changed manually, in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

“Roof line” means the lower edge of the roof or top of the parapet, whichever forms the top lines of the building wall.

“Roof sign” means a sign installed upon, against or directly above a roof, or roof eave, or on top of or above the parapet, or on a nonfunctional architectural appendage above the roof or roof eave.

“Rotating sign” means sign faces or portions of a sign face which revolve around a central axis.

“Scroll” means the continuous movement of a message on an electronic message center in a horizontal, vertical or diagonal direction.

“Sign” means materials placed or constructed primarily to convey a message or other display to identify sites and activities and which can be viewed from right-of-way, private roadway or another property.

“Sign face” means the display portion of a sign.

“Sign installation” means erecting, constructing, reconstructing, placing, altering, changing the sign face, relocating, suspending, attaching and the installation of electrical parts, wiring or illumination of any sign. However, installation shall not include changes in copy of a readerboard or outdoor advertising sign or of the removable panels of on-site directory signs.

“Sign maintenance” means normal care needed to keep a sign functional such as cleaning, oiling and changing of light bulbs.

“Sign repair” means fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.

“Sign structure” means a structure specifically intended for supporting or containing a sign.

“Site” means the area, tract, parcel or lot of land.

“Special event banner sign” means a banner sign that is temporarily displayed over a right-of-way for a limited period of time ~~for a public event. A special event occurs on a specific date or dates, is open to the community, and has been declared a special event by the city council.~~

“Structural alteration” means modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other comparable materials, for example metal parts replacing wood parts.

“Suspended sign” means a sign which is attached to the underside of a canopy or awning and is



supported by the canopy or awning.

“Temporary sign” means any sign, regardless of construction material, that is not permanently attached to a building, structure or the ground ~~and/or is intended to be displayed for a limited period of time.~~

“Unsafe sign” means any sign determined to be a hazard to the public by the building official or authorized representative.

“Upper story” means the vertical space between the floor and ceiling elevation of any story located above the ground story.

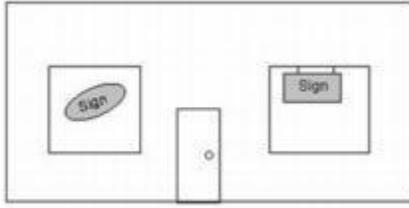
“Wall sign” means any sign painted on or attached to a building wall.



“Wind sign” means any attention-getting device or series of devices such as streamers, banners and pennants designed and fastened in such a manner as to move upon being subject to pressure by the atmosphere.

“Window sign” means any sign, picture, symbol, or combination thereof that is placed, painted, or affixed to a window, upon the interior or exterior face of window panes, or mounted to the interior window frame,

or otherwise located within 24 inches of the window interior.



(Ord. 2-2011 § 1 (Att. 1); Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1. Formerly 19.170.030)

### **19.170.030 Sign permit required.**

Sign permits are subject to a Type I review process. Building and electrical permits and corresponding inspections may be required based on size and weight requirements.

#### **A. Permanent Sign Permit Application.**

1. Sign Permit Form. Application for a sign permit shall be made on the sign permit application form provided by the city.
2. Administrative Approval. Completed sign permit applications must be approved by the community development director or designee. Incomplete sign permit applications are subject to denial.
3. Plans. The applicant shall submit two copies of plans. These plans must be detailed enough to show compliance with all applicable sign regulations. The plan is to include:
  - a. A drawing to scale showing the design of the sign, including dimension, sign size, method of attachment, source of illumination and showing the relationship to any building or structure to which it is, or is proposed to be, installed or affixed, or to which it relates, to include elevations.
  - b. A fully dimensioned plot plan, drawn to scale, indicating the location of the sign relative to property line, rights-of-way, streets, sidewalks, vehicle area and other buildings or structures on the premises.
  - c. The maximum and minimum heights and clearances of the sign.
  - d. Number, size and location of all existing signs on the same building, lot or premises.
  - e. For Signs Requiring a Building/Electrical Permit. Provide structural and mechanical design and engineering data sufficient to ensure compliance with applicable Oregon Specialty Codes.

B. Temporary Sign Permit Application. All temporary signs larger than eight square feet in area require a temporary sign permit.

1. Application. Applicants shall submit an application form, to be provided by the city, for all temporary signs greater than eight square feet. The applicant shall indicate the size and proposed location of the temporary sign.

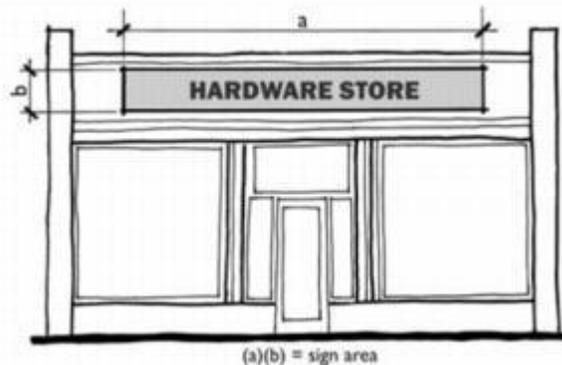
2. Permit Sticker Required. Upon approval, a city-issued sticker, indicating the date of placement and the date the sign is to be removed, shall be placed on the sign face of the approved temporary sign. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1. Formerly 19.170.040)

### 19.170.040 Design standards.

#### A. Measurements.

##### 1. Sign Area.

a. The area of sign faces enclosed in frames or cabinets is determined based on display area of the sign (see Figure 1). Sign area does not include masonry walls, rocks, foundations, supports or other essential structures which are not serving as a backdrop or border to the sign. Only one face of a double-faced sign is counted. If a sign has more than two faces, the total area may not exceed twice the area permitted.

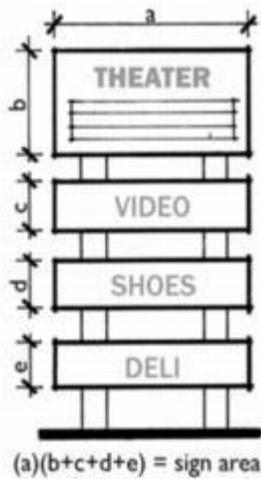


**Figure 1**

b. When a sign is on a base material and attached without a frame, such as wood board or Plexiglas panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign, related display or decoration.

c. When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn (the greater height multiplied by the greater width) around all the pieces.

d. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (see Figure 2).



**Figure 2**

e. The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.

f. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign, related display or decoration.

g. The area of an illuminated awning sign shall be calculated as a sign incorporated into an awning except that an illuminated face of the awning shall not exceed three times the sign area allowed.

h. The area of a window sign is measured along the outer frame of the window where it meets the wall. Window signs are to be measured by the outermost dimensions of text and graphics.

2. Sign Height. The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure.

3. Sign Clearance. Clearances are measured from the average grade directly below the sign to the bottom of the sign structure enclosing the sign face.

4. Building Height Method of Measurement. Building height is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.

b. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (A)(4)(a) of this section is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

## B. Placement.

1. Placement. All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into or over the right-of-way pursuant to FMC Chapter 12.45 FMC.

a. Signs Permitted within the Right-of-Way. Signs located within city of Fairview right-of-way require a right-of-way permit unless otherwise stated in this chapter. Signs placed in Multnomah County right-of-way may require a permit from the county.

i. Municipal signs.

ii. A-board signs in accordance with FMC 19.170.090(B)(5) and 19.170.160.

iii. A right-of-way permit may be granted for the placement of a temporary sign in accordance with FMC Chapter 12.45 FMC when there is no required front yard on a property.

iv. Signs associated with a public works project placed by a utility company or a licensed contractor.

2. Frontages. Signs allowed based on the length of one site frontage may not be placed on another site frontage. Signs allowed based on a building frontage may not be placed on another building frontage.

3. Clear Vision Area. No sign shall be located in the clear vision area as defined in FMC 19.162.020(O). No support structure(s) shall be located in the clear vision area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

4. Vehicle Area Clearances. When a sign extends over an area where vehicles travel or are parked, there shall be a minimum 14-foot clearance. Exception: The bottom of an electric sign or an outline lighting enclosure shall have not less than a 16-foot clearance unless such enclosures are protected from physical damage. In no cases shall the vehicle area clearance be less than 14 feet. Vehicle areas include driveways, alleys, parking lots and loading and maneuvering areas.

5. Pedestrian Area Clearances. When a sign extends over private sidewalk, walkways or other spaces accessible to pedestrians, there shall be a minimum of seven feet clearance.

6. Required Yards. Signs may be erected in required yards.

C. Sign Types. All permanent signs require a sign permit in accordance with FMC [19.170.030](#) and shall be in compliance with FMC [19.170.110](#) through [19.170.140](#).

1. Fascia Sign. No point of a fascia sign may extend more than 18 inches from the wall to which it is attached, except for permitted electronic message signs which may be up to 24 inches in thickness. Fascia signs may not extend beyond the corners of buildings.

2. Projecting Sign. The support structure for a projecting sign shall be designed so that there is the minimum visible support structure above the sign face. There shall be no more than one foot of support structure between the building wall and the sign. Projecting signs may extend into the right-of-way two feet except no portion of the sign shall be closer than 30 feet from the centerline of an existing right-of-way.

3. Freestanding Sign.

a. Freestanding signs shall not extend into the right-of-way.

b. Signs shall comply with clear vision requirements per FMC [19.162.020\(O\)](#).

c. Signs shall meet vehicle area and pedestrian area clearance requirements per subsection B of this section.

4. Suspended Signs and Awnings.

a. Signs may be placed on or incorporated into canopies and awnings; provided they do not extend above the upper surfaces of the structure.

b. Canopies and awnings containing signs may extend into the right-of-way two feet except no portion of the sign shall be closer than 30 feet from the centerline of an existing right-of-way.

5. Illuminated Awning Sign.

a. Illuminated awning signs may extend into the right-of-way the same distance as is allowed for awnings.

b. The projection of an illuminated awning sign shall not be less than three feet.

c. An illuminated awning sign may only be placed on a wall facing a street or adjacent to a pedestrian walkway. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1. Formerly 19.170.050)

#### **19.170.050 Signing of nonconforming uses.**

The following provisions for signs shall apply when a use has been found to lawfully exist within the provisions of FMC Chapter [19.530](#) FMC; ~~however, no the provisions of this section are not intended to allow a sign is allowed~~ to exceed the requirements set forth in the zoning district ~~within which~~ where the subject nonconforming use would be a permitted use.

A. Freestanding Sign. Any existing freestanding sign on the premises of a nonconforming use can be maintained, improved or relocated on the premises ~~as long as provided~~ the change does not increase the total sign area or ~~exceed~~ the height of the existing sign.

B. Wall Sign. Any existing wall sign on the premises of a nonconforming use can be maintained, improved or relocated on the premises ~~as long as provided~~ the maximum area ~~of a wall sign~~ does not exceed five percent of the wall area ~~upon which~~ the sign is located on. Only one wall sign shall be permitted.

C. Projecting Sign. Any existing projecting sign on the premises of a nonconforming use can be maintained, improved, or relocated on the premises ~~as long as provided~~ the change does not increase the total sign area or ~~exceed~~ the height of the existing sign.

D. Readerboard. A permanent readerboard may be incorporated into any one, but no ~~more than one~~ more than one, of the above permitted signs; ~~provided, that~~ the readerboard assembly is ~~an integral to part of~~ the sign ~~and the readerboard portion of the sign~~ does not exceed 40 inches in height. ~~The readerboard may be~~ and constitutes no more than 60 percent of the face of the sign.

E. Replacement. Existing signs for nonconforming uses found in ~~the~~ commercial and industrial zones may be replaced by signs as allowed in that section. Existing signs for nonconforming uses found in the residential zones may be replaced with signs as allowed in that section.

F. Billboard Signs. Billboard signs existing at the effective date of the ordinance adopted July 10, 2010, ~~codified in this title~~ shall be permitted to remain and be maintained in reasonable repair, but may not be replaced, relocated, enlarged, or otherwise structurally modified. Changes in message shall not affect nonconforming status. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1. Formerly 19.170.060)

#### **19.170.060 Nonconforming signs.**

A. Nonconforming signs are ~~these~~ signs installed prior to July 7, 2010, ~~these~~ not conform to the requirements of this section.

B. Permanent signs made nonconforming by changes to this ~~e~~Chapter will be permitted to remain subject to sign maintenance standards in FMC [19.170.180](#).

C. Any nonconforming temporary sign installed prior to July 7, 2010, which does not comply with this ~~title~~ Chapter shall be made to comply, or be removed by January 7, 2011.

D. Changes in copy on readerboards or outdoor advertising signs ~~shall be~~ is permitted without loss of nonconforming status. On-site or off-site repairing or restoring of any part of a sign or sign structure to a safe condition, including normal maintenance, ~~shall be~~ is permitted without loss of nonconforming status. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1. Formerly 19.170.110)

#### **19.170.070 Hardship relief.**

A. Hardship relief may be requested from the planning commission for all sign regulations except for ~~p~~Prohibited sSigns.

B. Requests for hardship relief shall be reviewed in accordance with variance procedures in FMC Chapter 19.520 FMC.

C. ~~Temporary Hardship Relief for Street Closures.~~ Applicants may request a temporary “street closure” sign variance from the ~~p~~Planning cCommission ~~in the case that where~~ the visibility of an existing sign is obstructed ~~due to~~ as a result of a street closure in relation to a public works project.

1. A variance from sign regulations for the underlying zone may be requested from the ~~p~~Planning cCommission for temporary alternatives to the location, size or form of sign if it meets the following standards:-:

- a. The proposed sign may not exceed 50 percent of the maximum allowed size requirements for signs in the underlying zone.
- b. The sign may not be hazardous to surrounding properties, motorists, cyclists, or pedestrians.
- c. The sign may only be displayed for the duration of the hardship or until the public works project is complete.
- d. A right-of-way permit shall be required in accordance with FMC Chapter 12.45 FMC if the proposed sign ~~will~~ is to be located within the City right-of-way.
- e. The sign shall be subject to all other applicable regulations in this chapter unless otherwise specified.

D. Hardship relief for billboards displaced by public improvement projects may be requested from the ~~p~~Planning cCommission and shall be processed in accordance with FMC Chapter 19.520 FMC. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1)

#### **19.170.080 Exemptions.**

A. Exempt Signs. Except for signs prohibited by this chapter in FMC [19.170.100](#), the following signs are exempt from the provisions of the Fairview sign code.

1. Signs ~~directing traffic~~ placed in the right-of-way by the city or other jurisdiction responsible for the right-of-way.
2. Signs provided to give notice in accordance with FMC [8.30.110](#)(B), private property impounds.
3. Signs required by law, administrative order, or judicial order.
4. ~~Incidental~~ signs less than three square feet ~~located~~ on private property. ~~Placement of incidental signs is prohibited in the right-of-way unless otherwise stated in this chapter.~~

B. Signs Exempt from Permitting Requirements in FMC [19.170.030](#). The following signs ~~shall do not~~ require a permit but ~~shall~~ must conform to all other applicable provisions of this ~~title~~ Chapter:

1. Permanent signs not exceeding one square foot in area.
2. Temporary signs not exceeding eight square feet in area.
3. ~~Professional~~ nonilluminated ~~nameplates~~ signs not exceeding two square feet in area associated with an approved home occupation per FMC Chapter 19.490 ~~FMC~~.
4. Signs directing traffic into off-street parking areas. An on-site directional sign(s) shall not exceed eight square feet in area. A freestanding sign may not exceed 42 inches in height. A wall sign may not exceed eight feet in height above grade.
5. ~~Directional~~ signs for hospital or emergency services, railroad signs and danger signs.
6. ~~Memorial signs or tablets, names of buildings and date of erection when~~ cut into any masonry surface, or constructed of bronze or other noncombustible surface ~~or when constructed of bronze or other noncombustible material~~ not to exceed eight square feet in area.
7. Flags displayed from permanently located freestanding or wall-mounted flagpoles ~~which are~~ designed to allow raising and lowering of flags. ~~The number of such flags shall be limited in~~ number to one per 100 feet of linear frontage, with a maximum of six per premises. Such displays shall be kept neat, clean and in good repair.
8. ~~Painted wall decorations and painted wall highlights.~~
9. One time clock and/or scoreboard sign shall be permitted at each athletic field. Such signs shall have a maximum height of 15 feet above grade.

10. Athletic Field Signs. Banner signs located on athletic field fences may be installed so as to be oriented towards the interior of the athletic field. Each individual sign shall be no more than 32 square feet in area. There shall be no more than 32 square feet of area for any eight linear feet of fence. The maximum height shall not exceed eight feet above grade. The sign shall not project above the fence.

11. Accessory signs within a commercial or industrial zone which are permanent and an internal part of permitted outdoor accessory or display structures ~~such as~~ (i.e. soft drink machines, fuel pumps and newspaper dispensers, etc.).

~~12. Signs associated with a public works or construction project placed by a utility company or licensed contractor.~~

13. Pennants.

a. May not obstruct sidewalks or driveways.

b. May not be placed in the right-of-way.

c. Pole on which pennant is attached may not exceed 15 feet in height.

d. Area of pennant may not exceed 24 square feet.

e. One pennant allowed per 100 feet of site frontage with a maximum of six pennants per frontage.

f. Pennant and structure to which pennant is attached must be properly secured to prevent property damage or personal injury due to movement by wind or other physical force.

g. Pennants must be properly maintained; any torn or tattered pennants must be removed or replaced immediately.

h. Prohibited in single-family residential zones (R, R-7.5, R-10, R/SFLD, VSF, VTH). (Ord. 2-2011 § 1 (Att. 1); Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1)

### **19.170.090 Temporary signs.**

~~The purpose of this section is to allow for the display of temporary messages including but not limited to political signs, real estate signs, and special event signs. Temporary signs are p~~Prohibited s~~Signs except as provided in this section.~~

#### **A. General Requirements.**

1. Illumination. No temporary sign shall be internally or externally illuminated.

2. Location. No temporary sign shall extend into or over ~~the~~ a public right-of-way or into a the clear vision area except as otherwise ~~stated~~ allowed in this Chapter.

3. Maintenance. Temporary signs shall be kept neat, clean and in good repair. Materials used should not fade, tear, rip or otherwise become unsightly during the period of installation.

4. Placement. ~~Except as provided by this section,~~ temporary signs may not be attached to trees, shrubbery, utility poles, or like items. They shall not obstruct or obscure primary signs on adjacent premises. They shall not create a traffic hazard ~~because of distracting character to motorists of any such device or the cumulative effect of all such devices.~~ Temporary signs are subject to clear vision requirements per FMC [19.162.020\(O\)](#).

5. Duration. Temporary signs ~~must be removed within six months of placement except as otherwise stated in this chapter. The display period shall be limited to six months in any one-year period~~ may be displayed for no more than 180 days within any 365 day period.

6. Permit Required. Temporary signs greater than eight square feet in area require a temporary sign permit in accordance with FMC [19.170.030\(B\)](#).

## B. Sign Types.

1. Lawn Signs. Lawn signs shall be pole-mounted ~~Temporary lawn signs and sign structures, if any,~~ must be removed within ~~six months~~ 180 days of the date of installation. Pole-mounted and wall-mounted lawn signs shall not exceed 60 inches in height in residential zones and eight feet in height in commercial and industrial zones.

2. Balloon Signs. One balloon sign per site ~~may be~~ is permitted provided the balloon is ~~Balloon signs shall be~~ ground-mounted or roof-mounted and air-filled. ~~The overall height of a ground-mounted balloon sign shall not exceed~~ be no more than 25 feet above grade ~~with.~~ ~~The overall height of a roof-mounted balloon sign shall not exceed~~ being no more than 25 feet above the roof top. The display period is limited to a total of 30 days per year.

3. Banner Signs. One banner sign attached to a building wall per building frontage per street frontage may be permitted. Such banner sign(s) is limited to 32 square feet in area. Banner signs larger than eight square feet in area shall require a temporary sign permit and be removed within six months of placement.

4. Special Event Banner Signs. Permitted in all land use zones ~~when in conformance~~ consistent with the following criteria:

- a. ~~Notarized,~~ written consent from ~~the~~ any property owner(s) where the banner will be ~~located~~ attached. The consent shall identifying any restrictions that the property owner may ~~requires of the permit holder.~~

b. Plans showing the location of the banner; ~~banner~~ height above the right-of-way, support devices for the banner; and, proposed dates.

c. ~~The display period shall not exceeding~~ 25 consecutive days in duration and for no more than once in any 12-month period.

d. A copy of any liability and/or property damage insurance required by the property owner where the banner will be located.

5. Limited Duration Event A-Board Signs. Permitted only in residential and village mixed use zones when in conformance with the following criteria:

~~a. Two signs permitted per major intersection within one-half mile of location of the event.~~

~~b. One sign permitted on sidewalk within one block of the event.~~

~~a e. Placement of a sign is limited to 7:00 a.m. through 9:00 p.m. and must be removed promptly after the event has ended.~~

~~b d. Signs are subject to size and clearance standards for sidewalk A-board signs in FMC [19.170.160](#). (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1)~~

### **19.170.100 Prohibited signs.**

It shall be unlawful for any person to install, display or maintain any sign ~~or advertising structure~~ falling within any of the following descriptions:

A. Hazardous Signs. The following signs ~~or advertising structures~~ are identified as hazardous either as a result of , either directly through their structural design or indirectly through distracting or confusing features or functions ~~that are~~ visible from a right-of-way, private roadway, or other property:

1. Moving signs, including rotating signs and wind signs, or any sign which has any visible moving part or visible mechanical movement of any description, including movement created by normal wind currents. Clocks and barber poles are exceptions.

2. Flashing signs, or any signs which achieve apparent movement through electrical pulsations, including strobe lights and bead lighting.

3. Signs ~~that substantially~~ obstructing free and clear vision of the traveling public at the intersection of any street or driveway.

4. Signs that interfere with the traveling public's perception of official traffic controls, ~~including signs that use the words "stop," "look," "danger," or any other word, phrase, character, symbol or graphic that is~~ which otherwise designed or are used in a manner reasonably likely to distract or confuse vehicle operators.

5. Exception Electronic Message Center Signs, any Sign(s) that incorporating reflective-type bulbs, or par spot bulbs, or directly visible bulbs of greater than 25 watts capacity. Electronic message center signs are exceptions.

6. Signs ~~that incorporating~~ white or blue neon tubing that exceeds 300 milliamperes rating, or other neon tubing that exceeds 120 milliamperes rating.

7. Signs ~~that incorporating~~ fluorescent tubing that exceeds an illumination equivalent of 800 milliamperes rating, or a spacing of less than nine inches, center to center.

8. ~~Temporary readerboards, portable readerboards, A-board or sandwich signs, or any other portable signs capable of blocking public right-of-way that are not expressly permitted in this title.~~

9. Signs ~~that obstructing~~ in any way a fire escape, stairway or standpipe, or interfere with human exit through a window or any room located above the first floor of any building, or any door required exit from a building, or required light or ventilation source.

10. Signs in the public right-of-way, other than government owned or managed signs, unless otherwise specifically allowed herein.

B. Other Prohibited Signs. The following signs ~~or advertising structures~~ are identified as having unnecessary and adverse visual impact on the community:

1. Roof signs, fin signs, or any sign structure ~~that is attached to a building that does not conforming~~ to the sign standards contained in the remainder of this section.

2. Temporary signs, bench signs, banners, pennants, wind signs, balloon signs, flags ~~or any other temporary sign structure that does not conforming~~ to the sign standards contained in the remainder of this section.

3. Nonconforming signs that have been modified in a manner which is not consistent with this section.

4. Billboard signs except as provided by FMC [19.170.050](#) and [19.170.070](#). (Ord. 2-2010 § 1 (Att. 1); Ord. 8-2009 § 3 (Att. 1); Ord. 6-2001 § 1)

**19.170.110 Permitted signs within residential zones.**

All signs shall comply with permitting requirements in FMC [19.170.030](#) and design standards in FMC [19.170.040](#).

A. Permitted Signs within Single-Family Residential Zones (R, R-7.5, R-10, R/SFLD, VTH and VSF).

Type	Area	Height	Number	Illumination
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<b>Freestanding</b> (sign(s) may only be placed at entrance(s) to subdivision)	32 square feet	4 feet	1 if subdivision < 40 units.	External only. 7:00 a.m. – 12:00 midnight.
			2 if subdivision > 40 units.	
<b>Temporary Signs</b>	See FMC <a href="#">19.170.110(C)</a>			

B. Permitted Signs within Multifamily Zones (R/MF, R/MH, R/MF/TOZ, and VA).

Type	Area	Height	Number	Illumination
<b>Multi-Dwelling Signs</b>				
Freestanding	32 square feet total permitted area per site frontage.	8 feet	No limit if within the maximum total allowed area.	External or internal if illumination confined to the lettering and logo.
<b>Wall</b> (fascia, awning and painted wall signs are permitted)	Sign area may not exceed 10% of the wall area on which the sign is placed.	May not extend above the roofline.	No limit if within the maximum total allowed area.	None.
<b>Commercial Use Permitted in the R/MF Zone</b>				
<b>Wall</b> (fascia, awning and painted wall signs permitted).  ** A readerboard may be incorporated into the sign and may be 40 inches in height and no more than 60% of the sign face.	10% of wall area.	25 feet	1 per site frontage.	Internal if illumination is confined to the lettering and logo.  Duration of illumination limited to 7:00 a.m. – 12:00 midnight unless commercial use is operated on a 24-hour basis.
<b>Window/Door Sign</b>	Window signs may not exceed 25% of the total window area.	None	No limit on number if within the total permitted area limit.	N/A
<b>Projecting</b>	18 square feet per sign face.	Shall not extend above the roof line.	1 per site frontage.	Internal or indirect external illumination.

		<p>Max of 25 feet above grade.</p> <p>Minimum clearance of 7 feet between the bottom of the sign and the ground.</p> <p>May extend into the right-of-way 2 feet. No portion of the sign shall be closer than 30 feet from the centerline of adjacent right-of-way.</p>		
<b>Suspended</b>	6 square feet	Clearance – 7 feet	1 sign per business	None
<b>Temporary Signs</b>	See FMC <a href="#">19.170.110(C)</a>			

C. Temporary Signs Permitted in All Residential Zones. Pursuant to FMC [19.170.030\(B\)](#) and [19.170.090](#), the following temporary signs shall be permitted:

<b>Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Duration</b>
<b>Lawn Sign</b> (single-family residential)	12 square feet total permitted area. No sign face may be greater than 3 square feet.	60 inches	No number limit if within the maximum area limit.	Signs must be removed within 6 months of placement.*. **
<b>Lawn Sign</b> (multi-family residential, commercial use in R/MF zone)	64 square feet total permitted area. No sign face may be greater than 32 square feet.	8 feet	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Banner Sign</b> (multi-family zones and commercial use in R/MF only)	64 square feet. No sign face may be greater than 32 square feet.	N/A	No number limit if within the maximum area limit.	Signs must be removed within 6 months of placement.
<b>Limited Duration Event A-Board Sign</b>	24 inches wide.	42 inches standing height	2 per major intersection within one-half mile of event. 1 on sidewalk within one block of event.	7:00 a.m. – 9:00 p.m. on the day of the event. Signs must be removed promptly after the event.

\* Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.

\*\* Temporary signs posted on a property where a garage sale is occurring shall be permitted in accordance with FMC [5.60.030](#).

(Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1. Formerly 19.170.130)

**19.170.120 Permitted signs within eCommunity sService pParks (CSP) zone.**

All signs shall comply with permitting requirements in FMC [19.170.030](#) and design standards in FMC [19.170.040](#).

Type	Area	Height	Number	Illumination
<b>Freestanding</b>	0.4 square feet of sign face area per linear foot of site frontage.  1 sign: Maximum sign face area of 100 square feet.  More than one sign: Maximum sign face area of 80 square feet.  Sites with less than 100 feet frontage: 40 square feet.	25 feet above grade	No limit on number if within the total maximum area.  Minimum 200-foot separation between signs.	Internal or indirect external illumination.
<b>Freestanding directional sign</b>	8 square feet	4 feet above grade	1 per driveway.	Internal or indirect external illumination.
<b>Wall Sign</b> (fascia and painted wall signs permitted)	Sign area may not exceed 10% of the wall area on which the sign is placed.	May not extend above the roof line.	No number restriction if within the maximum area limit.	External or internal if illumination is confined to the lettering and logo.
<b>Window/Door Sign</b>	Window signs may not exceed 25% of the total window area.	None	No limit on number if within the total permitted area limit.	N/A
<b>Projecting</b>	18 square feet per	Shall not extend above the	1 per site	Internal or indirect

	sign face.	roof line. Max. of 25 feet above grade. Minimum clearance of 7 feet between the bottom of the sign and the ground. May extend into the right-of-way 2 feet. No portion of the sign shall be closer than 30 feet from the centerline of adjacent right-of-way.	frontage.	external illumination.
<b>Suspended</b>	6 square feet	Clearance – 7 feet	1 sign per business.	None

A. Temporary Signs. Pursuant to FMC [19.170.030\(B\)](#) and [19.170.090](#), the following temporary signs shall be permitted:

Type	Area	Height	Number	Duration*
<b>Lawn Sign</b>	64 square feet total permitted area. No sign face may be greater than 32 square feet.	8 feet	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Banner Sign</b>	64 square feet total permitted area. No sign face may exceed 32 square feet.	N/A	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Limited Duration Event A-Board Sign</b>	24 inches wide	42 inches standing height	2 per major intersection within one-half mile of event. 1 on sidewalk within one block of event.	7:00 a.m. – 9:00 p.m. on the day of the event. Signs must be removed promptly after the event.
* Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.				

#### 1. Sign Features.

a. Illumination. Signs may be indirectly or internally illuminated.

b. Readerboard. A permanent readerboard may be incorporated either in a freestanding sign or wall sign, but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height. Not permitted in the single-family residential zone.

c. Electronic Message Center. 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.

The display of messages shall conform to the following standards:

- i. Messages may scroll across the electronic message center.
- ii. Flashing messages are prohibited. (Ord. 2-2011 § 1 (Att. 1); Ord. 2-2010 § 1 (Att. 1))

**19.170.130 Permitted signs within commercial and light industrial zones (CC, TCC, NC, LI, VO, and VC).**

All signs shall comply with permitting requirements in FMC [19.170.030](#) and design standards in FMC [19.170.040](#).

**A. Permitted Signs within Commercial and Light Industrial Zones.**

<b>Type</b>	<b>Area</b>	<b>Height/Clearance</b>	<b>Number</b>	<b>Illumination</b>
<b>Freestanding</b> (CC, NC, TCC and LI only)	0.4 square feet of sign face area per linear foot of site frontage up to a maximum sign face area of 100 square feet.  Sites are entitled to a minimum of 40 square feet regardless of site frontage.	25 feet above grade or the height of the building, whichever is greater, up to a maximum of 45 feet.	No limit on number if within the total maximum area.	Internal or indirect external illumination.
<b>Freestanding directional sign</b>	8 square feet	4 feet above grade	1 per driveway.	Internal or indirect external illumination.
<b>Wall</b> (fascia, mansard wall, awning, illuminated awning, marquee and painted wall signs)	Maximum permitted area shall be 10% of the wall area on which the sign is placed.	Shall not extend above the roof line.	No limit on number if within the total permitted area limit.	Internal or indirect external illumination.
<b>Window/Door Sign</b>	Window signs may not exceed 25% of the	None	No limit on number if	Internal illumination

	total window area.		within the total permitted area limit.	only.
<b>Projecting</b>	18 square feet per sign face.	Shall not extend above the roof line. Max. of 25 feet above grade. Minimum clearance of 7 feet between the bottom of the sign and the ground. May extend into the right-of-way 2 feet. No portion of the sign shall be closer than 30 feet from the centerline of adjacent right-of-way.	1 per business frontage.	Internal or indirect external illumination.
<b>Suspended</b>	6 square feet	Clearance – 7 feet	1 per business frontage.	None

B. Temporary Signs. Pursuant to FMC [19.170.030\(B\)](#) and [19.170.090](#), the following temporary signs shall be permitted:

Type	Area	Height	Number	Duration*
<b>Lawn Sign</b>	64 square feet total permitted area. No sign face may be greater than 32 square feet.	8 feet	No number restriction if within the total allowed area limit.**	Signs must be removed within 6 months of placement.
<b>Banner Sign</b>	32 square feet total permitted area.	N/A	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Balloon Sign</b>	N/A	25 feet	1	Display limited to 30 days in a year.
* Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.				
** Lawn signs on the same frontage shall be spaced at least 50 feet apart.				

C. Sign Features.

1. Illumination. Signs may be indirectly or internally illuminated.

2. Readerboard. A permanent readerboard may be incorporated either in a freestanding sign or wall sign, but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height.

3. Electronic Message Center. 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.

The display of messages shall conform to the following standards:

a. Messages may scroll across the electronic message center.

b. Flashing messages are prohibited. (Ord. 2-2011 § 1 (Att. 1); Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1. Formerly 19.170.140)

**19.170.140 Permitted signs within village mixed use (VMU) zone.**

All permanent signs are subject to permitting requirements in FMC [19.170.030](#).

A. Ground story and upper story signs may only be placed on the front elevation except for mixed use townhouses that have ground story doors or windows along driveways, walkways, or parking areas. In such cases window signs up to 25 percent of the total window area are allowed.

**Ground Story**

Type	Area	Height/Clearance	Number	Illumination
<b>Fascia</b>	Total area of all signs may not exceed 10% of the area of the ground story.*	3-foot max. height.	No number restriction if within the maximum area allowed.	Internal only if confined to lettering and/or logo. Duration of illumination limited to 7:00 a.m. – 10:00 p.m. No illumination on signs located on side or rear elevations.
<b>Window</b>		None.		
<b>Door</b>		None.		
<b>Awning</b> (materials limited to metal, glass, and/or fabric)	Window and door signs may not exceed 25% of the total window/door area. Maximum 4 square feet for signs located on side or rear elevations.	Maximum 4-foot projection from the wall to which the awning is attached. Minimum clearance of 7 feet above finished grade.	1 per business frontage.	
<b>Projecting</b>	7.5 square feet. Front elevation only.	Maximum 4-foot vertical dimension. Maximum 4-foot projection	1 per business frontage.	None permitted.

		from the wall to which it is attached. Minimum clearance of 7 feet above finished grade.		
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\* Excludes projecting and A-board signs.

### Upper Story

Type	Area	Height/Clearance	Number	Illumination
<b>Fascia</b>	The total area of all signs may not exceed 10% of the area of the upper story.  Maximum 4 square feet for signs located on side or rear elevations.	Sign(s) may not extend beyond the corners of the top of the building.	No number restriction if within the maximum area allowed.	None permitted.
<b>Window Sign</b>	Window signs may not exceed 25% of the total window area.  Maximum 4 square feet for signs located on side or rear elevations.	None	No limit on number if within the total permitted area limit.	N/A

B. Temporary Signs. Pursuant to FMC [19.170.030\(B\)](#) and [19.170.090](#), the following temporary signs shall be permitted:

Type	Area	Height	Number	Duration*. **
<b>Lawn Sign</b>	12 square feet total permitted area. No sign face may be greater than 3 square feet.	60 inches	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Banner Sign</b>	16 square feet	N/A	1	Signs must be removed within 6 months of placement.
<b>Limited Duration Event A-Board Sign</b>	24 inches wide	42 inches standing height	2 per major intersection within one-half mile of event. 1 on sidewalk within one block of event.	7:00 a.m. – 9:00 p.m. on the day of the event. Signs must be removed promptly after the event.

\* Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the

property.

\*\* Temporary signs posted on a property where a garage sale is occurring shall be permitted in accordance with FMC [5.60.030](#).

C. Prohibited Signs.

1. Painted wall signs (without sign structure).
2. Roof signs.
3. Painted wall decorations.
4. Readerboards.
5. Flashing signs.
6. Bench signs. (Ord. 2-2011 § 1 (Att. 1); Ord. 2-2010 § 1 (Att. 1))

**A. 19.170.150 Permitted signs within industrial zones (GI).**

All signs shall comply with permitting requirements in FMC [19.170.030](#) and design standards in FMC [19.170.040](#).

Type	Area	Height/Clearance	Number	Illumination
<b>Freestanding</b>	0.4 square feet of sign face area per linear foot of site frontage up to a maximum sign face area of 100 square feet.  Sites are entitled to a minimum of 40 square feet regardless of site frontage.	25 feet above grade or the height of the building, or whichever is greater, up to a maximum of 45 feet.	No limit on number if within the total maximum area.	Internal or indirect external illumination.
<b>Freestanding directional sign</b>	8 square feet	4 feet above grade	1 per driveway.	Internal or indirect external illumination.
<b>Wall</b> (fascia and painted wall signs)	Maximum permitted area shall be 10% of the wall area on which the sign is placed.	Shall not extend above the roof line.	No limit on number if within the total permitted area limit.	Internal or indirect external illumination.
<b>Window/Door</b>	Window signs may not	None	No limit on	N/A

<b>Sign</b>	exceed 25% of the total window area.		number if within the total permitted area limit.	
<b>Projecting</b>	18 square feet per sign face.	<p>Shall not extend above the roof line.</p> <p>Max. of 25 feet above grade.</p> <p>Minimum clearance of 7 feet between the bottom of the sign and the ground.</p> <p>May extend into the right-of-way 2 feet. No portion of the sign shall be closer than 30 feet from the centerline of adjacent right-of-way.</p>	1 per business frontage.	Internal or indirect external illumination.
<b>Suspended</b>	6 square feet	Clearance – 7 feet	1 sign per business.	None

A. Temporary Signs Permitted in Industrial Zones. Pursuant to FMC [19.170.030\(B\)](#) and [19.170.090](#), the following temporary signs shall be permitted:

<b>Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Duration*</b>
<b>Lawn Sign</b>	64 square feet total permitted area. No sign face may be greater than 32 square feet.	8 feet	No limit on number if within the permitted area limit.**	Signs must be removed within 6 months of placement.
<b>Banner Sign</b>	32 square feet total permitted area.	N/A	No limit on number if within the total permitted area limit.	Signs must be removed within 6 months of placement.
<b>Balloon Sign</b>	N/A	25 feet	1	Display limited to 30 days in a year.

\* Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.

\*\* Lawn signs on the same frontage shall be spaced at least 50 feet apart.

B. Sign Features.

1. Illumination. Signs may be indirectly or internally illuminated.

2. Readerboard. A permanent readerboard may be incorporated either in a freestanding sign or wall sign, but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height.

3. Electronic Message Center. 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.

The display of messages shall conform to the following standards:

a. Messages may scroll across the electronic message center.

b. Flashing messages are prohibited. (Ord. 2-2011 § 1 (Att. 1); Ord. 2-2010 § 1 (Att. 1))

#### **19.170.160 Sidewalk A-board signs.**

A. Intent. The intent of these regulations is to allow A-board signs in mixed use, commercial, and multifamily districts under certain conditions, to assist businesses by providing commercial exposure and identification while protecting against sign clutter, reducing potential sign conflict between businesses, maintaining an attractive commercial streetscape, providing adequate pedestrian access, ensuring that curbside parking is usable, and providing public safety.

B. Permit Required. A permit is required prior to placing an A-board sign on private property or within the public right-of-way. In the event a business closes or is sold, a new operation in the business space or the new business operator must apply for a new A-board sign permit.

C. A-Board Sign Permit Requirements. A-board sign applications will be processed within 10 business days of receipt. An A-board sign may not be placed until all of the following requirements have been met:

1. Submission of a complete application form, supporting materials, and application fee.
2. For signs to be located in the public right-of-way, a signed indemnification form as provided by the city and an approved right-of-way permit.
3. A permit authorizing placement of the sign has been issued by the community development director or designee.

D. Enforcement. Use of an A-board sign without an approved permit or in a manner that is inconsistent with these regulations is a violation of the Fairview Municipal Code. Repeat violations of these regulations may result in a six-month revocation of the permit. No permit shall be revoked without the community development director or designee first providing the permit holder a fair opportunity to correct the violation and providing a written warning that a repeat violation can result in revocation of the permit. This section does not limit enforcement through standard enforcement provisions of the Fairview Municipal Code.

E. Prohibitions.

1. A-board signs may not be used in residential districts excluding limited duration event signs in accordance with FMC [19.170.090](#)(B)(5) and except when in association with legal nonconforming businesses.
2. A-board signs may not be used in association with home occupations.
3. Lights and attraction-getting devices such as balloons, streamers, and flags may not be attached to an A-board sign.
4. A-board signs shall not be placed in a location that interferes with parking or vehicle circulation.

#### F. A-Board Sign Standards.

1. One A-board sign per storefront is allowed whether located on private property or within the public right-of-way.
2. The size of the A-board sign shall not exceed 24 inches wide by 42 inches standing height when the sign boards are in the open-standing position.
3. A-board signs must be located or otherwise secured to prevent property damage or personal injury due to movement of the sign by wind or other physical force.
4. A-board sign placement must meet clear vision requirements of FMC [19.162.020](#)(O) for clear vision areas.
5. The area of the A-board is exempt from the total allowed sign area for the site.

#### G. Placement in Public Right-of-Way.

1. One A-board sign may be placed within a public right-of-way adjacent to premises by the person in control of those premises. ~~A-board signs may only be displayed in front of premises at which a business is being conducted.~~ A-board signs may only be placed outdoors during business hours of the business for which the sign was approved.
2. ~~A minimum five feet of unobstructed sidewalk clearance must be maintained. A-frame signs may not be placed on a sidewalk that is too narrow to maintain the required five-foot minimum clearance.~~ A-board signs may not be placed on the paved portion of a public street. A-board signs shall not be placed in a location that interferes with parking.

#### H. Placement on Private Property.

1. A-board signs may be placed on private property located in mixed use, commercial, and multifamily zoning districts. A-board signs may be used in residential districts in association with legal nonconforming businesses only.

2. A-board signs may only be displayed in front of premises at which a business is being conducted. A-board signs may be placed outdoors only during business hours of the business for which the sign was approved.

3. A minimum five feet of unobstructed sidewalk clearance must be maintained. A-frame signs may not be placed on a sidewalk that is too narrow to maintain the required five-foot minimum clearance. (Ord. 2-2010 § 1 (Att. 1); Ord. 8-2009 § 5 (Att. 2))

**19.170.170 Abatement of prohibited, substandard and dangerous signs.**

Every prohibited sign as set forth under FMC [19.170.100](#) and those found to be unsafe are subject to immediate abatement by the city. Every sign identified by the city as being an abandoned and/or nonconforming sign is substandard and subject to abatement proceedings as set forth under Chapter [2.27](#) FMC. (Ord. 2-2010 § 1 (Att. 1); Ord. 8-2009 § 4 (Att. 1))

**19.170.180 Maintenance.**

All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and be maintained so as to be in a safe, neat, clean and attractive condition, free from rust, corrosion, peeling paint or other surface deterioration or be. ~~Any sign structure or support that is not maintained is substandard and~~ subject to abatement procedures. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1)



## PLANNING COMMISSION STAFF REPORT

**To:** Fairview Planning Commission  
**From:** Lindsey Nesbitt, Development Analyst  
**Date:** May 14, 2013  
**Subject:** Riverfront Mixed Use Code Development

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### **Action Requested**

Review and provide direction to staff.

### **Background Information**

Recently, the City Council has expressed interest in exploring the possibility of rezoning a portion of the water front from General Industrial to Riverfront Mixed Use. The attached draft code was previously submitted with a rezone application, however, the application has since been withdrawn. Please take a moment to review the draft riverfront Mixed Use Code and provide feedback to staff at the May 14 Planning Commission work session.

**Chapter 19.50**  
**RIVERFRONT MIXED USE DISTRICT**

Sections:

- 19.50.010 Purpose.
- 19.50.020 Permitted land uses.
- 19.50.030 Development setbacks.
- 19.50.040 Lot coverage.
- 19.50.050 Development orientation.
- 19.50.060 Building height.
- 19.50.070 Special standards for certain uses.
- 19.50.080 Landscaping Requirements

**19.50.010 Purpose.**

This district is intended for a broad range of commercial, residential and public uses along the Columbia River. This chapter guides the orderly development of Columbia River waterfront areas based on the following principles:

- A. Provide a mix of commercial and residential developments above the 100 year flood elevation and Public uses including parks and moorages below the 100 year flood elevation;
- B. Provide for efficient use of land and public services; and implement the Comprehensive Plan;
- C. Provide pedestrian, bicycle and vehicular linkages between Chinook Landing, the 40-mile loop and a mix of residential and commercial activities within the District;
- D. Support the development of public use areas adjacent to Chinook Landing and the development of residential and commercial uses oriented towards the Columbia River;
- E. Encourage the expansion of the district through the conversion of industrial lands between Marine Drive and the Columbia River to this zoning.

**19.50.020 Permitted land uses.**

A. Permitted Uses. The land uses listed in Table 19.50.020.A are permitted in the Riverfront Mixed Use, subject to the provisions of this chapter. Only land uses which are specifically listed below, and land uses which are approved as “similar” to those listed below, may be permitted. The land uses identified with a “CU” in Table 19.50.020.A require conditional use permit approval prior to development or a change in use.

**Table 19.50.020.A**

**Land Uses Types Permitted in the Riverfront Mixed Use**

<p><b>1. Residential:</b>                  a.Multifamily house                  b.Rowhouses                  c.Attached housing.</p> <p><b>2. Home occupations</b></p> <p><b>3. Bed and breakfast inns and vacation rentals</b></p> <p><b>4. Public and Institutional:</b>                  a.Libraries, museums, community centers, concert halls and other public use spaces                  b.Parking lots and garages                  c.Public &amp; private utilities                  d-Community Services/Public Parks and recreational facilities                  e-Telecommunication equipment                  f-Uses similar to those listed above subject to applicable CU requirements</p>	<p><b>5. Commercial:</b>                  a. Marina and all related marine activities including but not limited to docks, ramps, fuel depots and transient marine services                  b. Entertainment                  c. Hotels/motels                  d- Mixed use development                  e- Personal and professional services (e.g., catering/food services, salons, and other service providers.                  f- Retail up 10,000 SF total enclosed space                  g. Photography, art studio and related retail and supply stores                  h. General retail and gift shops                  i. Business or professional office (CU)                  j. Restaurant excluding drive in service                  k. Breweries and wineries with related retail operations                  l. Lounges, bars and taverns                  m. Similar uses to those listed above.</p> <p><b>6. Public use:</b>                  a. Ship moorage                  b. Community space &amp; parks                  c. bike and pedestrian paths                  d. riparian and natural resource areas</p>
<p>Land uses marked with a CU shall require a conditional use permit.</p>	

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter [19.480](#) FMC, Code Interpretations.

C. Land Uses Prohibited in Riverfront Mixed use. Only uses specifically listed in Table 19.20.020.A, and uses similar to those in Table 19.50.020.A, are permitted in this district. The determination of prohibited uses shall be made as narrowly as practicable so to foster a mix of uses to serve the needs of the public use and residents within the District.

**19.50.030 Development setbacks.**

Development setbacks provide separation between approved uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

**A. Front, Side and Rear Setbacks.**

1. None, except for riparian setbacks per FMC \_\_\_\_\_.

2. Setbacks for Insufficient Right-of-Way. Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Plan and applicable ordinances and standards.

**B. Other Requirements.**

1. Buffering. The city may require landscaping, walls or other buffering to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties.

2. Neighborhood Access. Construction of pathway(s) within setbacks may be required to provide pedestrian connections to adjacent uses along the Columbia River and to the 40 mile loop.

3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).

4. Groundwater Protection. All development shall meet the standards for the groundwater protection area. (Ord. 6-2001 § 1)

**19.50.040 Lot coverage.**

The maximum allowable lot coverage in the riverfront mixed use district is 90 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses. (Ord. 6-2001 § 1)

**19.50.050 Development orientation.**

Development within the district shall be oriented on the site towards the Columbia River.

**19.50.060 Building height.**

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

A. Base Requirement. Buildings shall be no more than 100 in height.

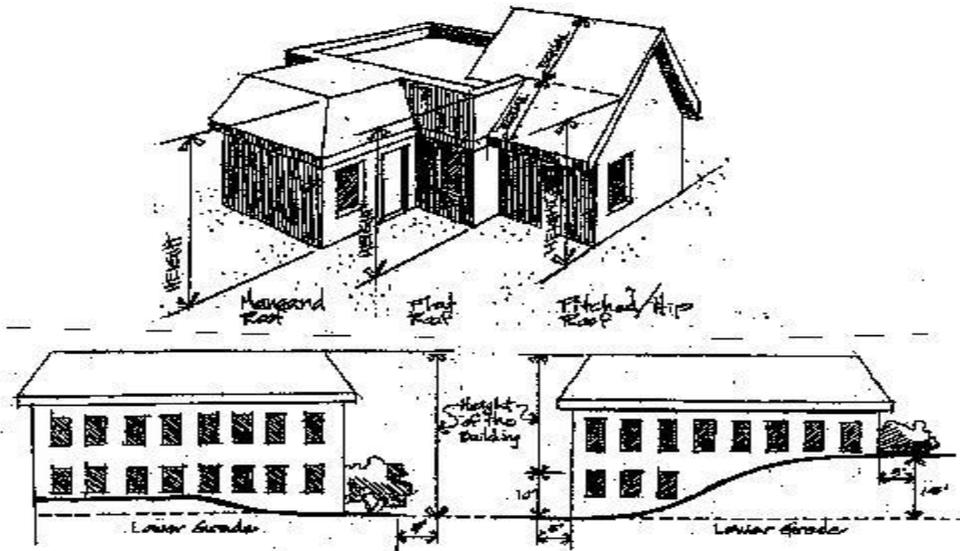
B. Method of Measurement. “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (C)(1) of this section is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy. (Ord. 6-2001 § 1)

3. An elevation 10 higher than the floor level of any underground parking area under the building whether parking area is totally underground or partially submerged.

**Figure 19.50.060**  
 – Building Height Measurement (Composite of Several Roof Forms)



**19.50.070 Special standards for certain uses.**

A. Traffic. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by Multnomah County or the ODOT for developments that increase traffic on county or state highways.

B. Wireless Communication Equipment. Wireless communication equipment includes radio (i.e., cellular), television and similar types of transmission and receiving facilities. The requirements for wireless communication equipment are provided in Chapter [19.245 FMC](#). Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the general industrial district.

C. Common Areas. All common areas (i.e., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

D. Sidewalk Displays. Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-automobile oriented). A minimum clearance of four feet shall be maintained. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited.

E. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of five feet.

#### **19.50.080 Landscaping**

A. Not less than (10%) of the area will be landscaped.

B. Street trees will be planted at the average rate of 1 per 30 lineal feet along all public rights-of-way including the public walkways located adjacent to the Columbia River. Trees may be deciduous or evergreen. Deciduous trees at the time of planting must be fully branched, have a minimum diameter of two inches, measured five feet above the ground, and have a minimum height of 10 feet. Evergreen trees at the time of planting must be fully branched and be a minimum of six feet in height.

C. All vegetation in the riparian areas shall count towards the landscaping requirement.

#### **19.50.085 Minimum required off-street parking requirements.**

A. Residential.

1. One-, two- and three-unit dwelling structures: two space per dwelling unit.
2. Attached dwellings containing four or more dwelling units including dwelling units above retail uses: one and one-half spaces per dwelling unit.

B. Commercial.

1.
  - a. General Retail and Office: one space per 500 square feet of floor area .
  - b. Services Providers: one space per 250 square feet of floor area.
  - c. Eating or drinking establishment: one space per 200 square feet of floor area open to public use.
  - d. Marina use: one space per moorage space

C. Park and Community Use Areas:

D. Joint Use. Off-street parking required by this code for any use shall be considered for shared use by others space where a joint use agreement exists in a form that includes provisions for enforcement to assure adequate parking. The intent to is minimize the amount of parking required by recognizing how parking is used by various uses in order to maximize the density of the project.

E. On-Street Parking. All on-street parking stalls shall apply toward satisfying the parking standards in this section.

#### **19.140.090 Bicycle parking.**

A. Number Required.

1. Multifamily dwelling: one space per unit (50% of requirement per unit if occupancy restricted to 55 years or older).
2. Commercial use classifications: five percent of the required automobile parking but not less than one stall per commercial space.

B. Bicycle Parking Space and Aisle Dimensions.

1. Uncovered spaces shall be at least six (6') feet long and one and a half (1.5') feet wide.
2. Covered spaces shall be at least six (6') feet long and one and a half (1.5') feet wide.
3. A five-foot-wide aisle is required adjacent to each row of bicycle parking.

C. Required bicycle parking racks shall be located no further than 50' beyond the closest automobile parking space from the major building entrance.

D. When more than ten bicycle parking spaces are required, 25 percent of the spaces shall be covered.

**6.1.2012**



## PLANNING COMMISSION STAFF REPORT

**To:** Fairview Planning Commission  
**From:** Lindsey Nesbitt, Development Analyst  
**Date:** May 14, 2013  
**Subject:** Fairview Lake Natural Resource Protection Discussion

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### Action Requested

Provide direction to staff.

### Background Information

2012 aerial photographs show that many properties abutting Fairview Lake may be in violation of Fairview Municipal Code (FMC) 19.106 Riparian Buffer Regulations.<sup>1</sup> Fairview Lake is a man made reservoir that was used as irrigation storage for adjacent farms. Historically, the southern shore of Fairview Lake was farmed for produce. Aerial photographs demonstrate farming uses existed all the way to the edge of Fairview Lake since 1960. Prior to development of the single family houses, there was no established riparian buffer along the eastern portion of Fairview Lake. The western shore historically was heavily vegetated, due mostly likely to steep terrain.

In the 1990's single family development began. Fill was brought in to create a more useable shoreline to accommodate development. By 2000, the majority of the eastern portion of the Lake was developed. When the single family homes were constructed, the entire backyard of most homes falls within the mapped 35 foot riparian buffer. Establishing a dense vegetative backyard is not typically consistent with the expectation of water front properties, for which a premium land value is paid, and the desire for visual and physical access to the water is expected.

As shown in the aerial photographs, owners of water front property prefer to actively use and maintain the area adjacent to the water. This is why so many lawns, structures, and landscape rock and materials have been installed within the mapped buffer area. In 2001 the city began enforcement of the riparian buffer. To create a balance between buffer requirements and creation of useable backyard space, the Zone I and Zone II option was created. Zone I includes 20 feet of buffer area measured from the high water mark. This area must have extensive riparian plantings. Zone II is

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<sup>1</sup> A number of properties are also in compliance with the riparian buffer requirements.

the remaining 15 feet (furthest from water) where an eco-lawn with limited mowing options is permitted. As the Commission is aware, this option was approved for many homes, but without the required code being adopted.

## Discussion Items

1. Preserving a buffer vs. creating a buffer.

As previously discussed, the buffer on the eastern portion of the Lake has had significant disturbance from historical farming practices. Significant riparian vegetation was already in place before the west side of the lake developed.

It is far easier to preserve an existing high value buffer than it is to create one where it has not existed for generations. It is challenging to create meaningful biological and physical conditions that sustain a functioning riparian ecology. A basic policy question is can the objectives of the City's riparian buffer be reasonably achieved based on current development standards and property owner desires for use of property?

2. What is the potential for creating and maintaining a functional buffer that meets the following purposes of FMC 19.106?

- Protect natural functions of the watershed.
- Prevent property damage from floods.
- Protect and enhance wildlife and fisheries habitat.
- Provide esthetically pleasing and healthy environment.
- Maintain water quality.
- Recharge, store, and discharge ground water.
- Provide plant and animal habitat and support riparian ecosystems.

What riparian functions and values can be readily achieved along the eastern shore of Fairview Lake?

3. Can a meaningful riparian habitat be established given seasonal fluctuating water levels and the extensive use of rip rap?

Fluctuating water levels that occur in the spring and the fall when the water level is raised and lowered have a negative impact on the shoreline and riparian plants. Bank erosion is a common problem with the varying water level. The traditional solution is to stabilize the bank has been the installation of rock rip rap. The rock rip rap creates a significant barrier between the water and the shoreline, which interferes, along with fluctuating water levels, with the natural riparian processes of plants and animals.

4. The Metro Title 13 maps do not recognize the eastern shore as having any habitat value.