



## PLANNING COMMISSION MEETING

Tuesday, April 26, 2016

6:30 p.m.

Council Chambers

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

1300 NE Village Street

### MEETING AGENDA

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1. **CALL TO ORDER:** 6:30 p.m.
2. **CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**
3. **REVIEW AND ADOPT MINUTES:** February 23, 2016

4. **PUBLIC HEARING**

Application 2016-04-CUP-DR

An application for a Conditional Use Permit, Design Review and Variance for three duplexes on lots 36, 37 and 38 in the Raze Meadows subdivision at and near the intersection of 208th and Halsey Street.

The application will be reviewed for consistency with the following sections of the Fairview Municipal Code:

- A) Application Procedures
  - FMC 19.400 Administration of Land Use Review
  - FMC 19.412 Description of Permit Procedures
  - FMC 19.413 Procedures
- B) Design Review Criteria
  - FMC 19.424 Site Design Review Application Procedures
  - FMC 19.425 Site Design Review Application Submission Requirements
  - FMC 19.426 Site Design Review Approval Criteria
  - FMC 19.65 Town Center Commercial Zone
  - FMC 19.162 Access and Circulation
  - FMC 19.163 Landscaping, Street Trees, Fences and Walls
  - FMC 19.164 Vehicle and Bicycle Parking
  - FMC 19.165 Public Facility Standards
- C) Conditional Use Permits
  - FMC 19.440
- D) Variances
  - FMC 19.520

5. **COMMISSION UPDATES**
6. **STAFF UPDATES**
7. **TENTATIVE AGENDA**
8. **ADJOURNMENT**

### NEXT PLANNING COMMISSION MEETING MAY 24, 2016

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Planning Commission hearings are broadcast live on Comcast Cable Channel 22 and Frontier Cable Channel 33. Replays of the hearing are shown on Comcast Channel 22 and Frontier Channel 33 Saturday at 12:00pm and Monday at 2:00pm, and Comcast Channel 30 and Frontier Channel 39 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, February 23, 2016

PRESENT: Ed Jones, Chair  
Jack McGiffin  
Gary Stonewall  
Steve Kaufman  
Greg Walczyk  
Les Bick

ABSENT: Keith Kudrna, Vice Chair

STAFF: Allan Berry, Public Works Director  
Erika Palmer, Senior Planner  
Devree Leymaster, City Recorder

**1. CALL TO ORDER**

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

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

Chair Jones inquired if any person would like to speak on a non-agenda item, hearing none moved to approval minutes.

**3. REVIEW AND ADOPT MINUTES**

Commissioner Stonewall moved to approve the January 12, 2016 minutes and Commissioner Kaufman seconded. The motion passed unanimously.

**4. WORK SESSION ITEM**

a. FMC 19.70 Corridor Commercial (CC) District

Senior Planner Palmer reviewed references to mix use development within the Corridor Commercial district from the development code, comprehensive plan, and Sandy Blvd. refinement plan. (*Exhibit A*) The development code language does not specify housing types or an amount to define mix use development. The refinement plan and comprehensive plan indicates that west of the NE 223rd Avenue intersection should be predominantly residential with some service oriented commercial and east of the intersection as pedestrian oriented residential development. She summarized the language is discretionary and doesn't provide clear and objective standards; therefore, staff is requesting direction from the Commission as to what mix use development should look like in the Corridor Commercial zone.

SP Palmer introduced Mr. Greg Winter, Portland, OR a potential developer for a site at NE Sandy Blvd. and 223rd Ave. Mr. Winters noted the group he represents has not submitted an application they are in the due diligence phase. In preparing to consider developing they would like more clarity on what mix use means and how much commercial is enough.

Mr. Winters summarized shared what they are considering is a 3 story multi-family development with 24 units per building for a total of 180 to 200 units, with 25% of the ground units being live/work units affronting Sandy Blvd., parking would be in the center of the development with the primary entrance off 223rd Ave., and the development design would be compatible with neighboring town homes. (*Exhibit B*)

The Commission agreed with the transitional approach of the comp plan and refinement plan from primarily residential to more commercial oriented as you move west to east. This proposal fits well with the transition approach and meets the overall expectations. The corner lot is more suited for higher density commercial; perhaps for future development.

Commissioner Stonewall inquired about traffic impacts along 223rd. SP Palmer replied if the application moves forward, Multnomah County will review the application for transportation impacts.

**5. ELECTION OF CHAIR & VICE CHAIR**

Commissioner McGiffin moved to elect Commissioner Stonewall as Chair and Commissioner Walczyk as Vice Chair and Commissioner Kaufman seconded. The motion passed unanimously.

**6. STAFF UPDATES**

SP Palmer noted the Transportation System Plan Community Meeting on March 14 at 6:00 PM in Council Chambers.

**7. COMMISSION UPDATES**

Commissioner Kaufman commented on the VA clinic and the Planning Commission's approval to not have access on Halsey Street. Looking back perhaps they rushed the process to make sure we got building. Doesn't feel that was built fits in visually with area i.e. Village. If had slowed down maybe could have done better from a visual standpoint. SP Palmer commented the developer did meet and exceed the design standards, but the Commission could develop design guidelines for future development.

**8. TENTATIVE AGENDA**

- March 22, 2016 – TBD

**9. ADJOURNMENT**

Meeting adjourned by consensus at 7:08 PM.

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Devree A. Leymaster  
City Recorder

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Ed Jones  
Chair

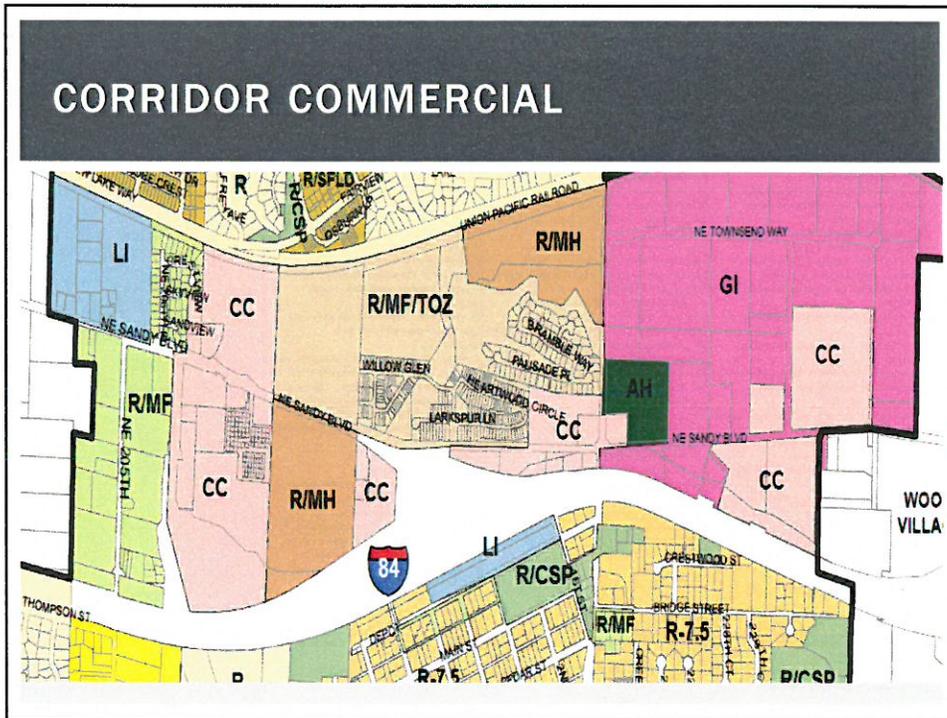
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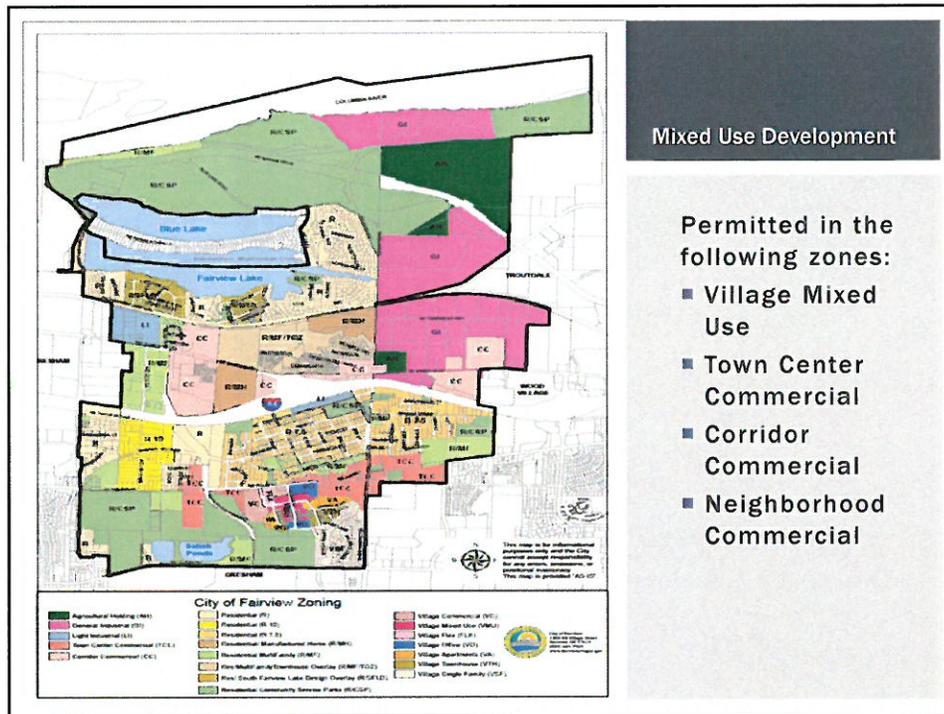
Date

 CITY OF FAIRVIEW  
EST. 1908 OREGON

# CITY OF FAIRVIEW PLANNING COMMISSION

February 23,  
2016





**Mixed Use Development**

Permitted in the following zones:

- Village Mixed Use
- Town Center Commercial
- Corridor Commercial
- Neighborhood Commercial

**CORRIDOR COMMERCIAL**

- |  |  |   |
|--|--|---|
| <p><b>1. Residential*</b></p> <p>a. Manufactured homes – individual lots (existing housing only)</p> <p>b. Residential care homes and facilities (CU)</p> <p>c. Family day care (12 or fewer children) (CU)</p> <p><b>2. Public and Institutional (CU)</b></p> <p>a. Churches and places of worship</p> <p>b. Clubs, lodges, similar uses</p> <p>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</p> <p>d. Libraries, museums, community centers, concert halls and similar uses</p> <p>e. Public parking lots and garages</p> <p>f. Private utilities</p> <p>g. Public parks and recreational facilities</p> <p>h. Schools (public and private)</p> | <p><b>3. Special district facilities</b></p> <p>j. Telecommunications equipment – antennas pursuant to Chapter 19.245 FMC</p> <p>k. Telecommunications equipment – monopoles (CU) pursuant to Chapter 19.245 FMC</p> <p>l. Uses similar to those listed above subject to applicable CU requirements</p> <p><b>4. Accessory Uses and Structures</b></p> <p><b>4. Commercial</b></p> <p>a. Auto-oriented uses and facilities*</p> <p>b. Entertainment (e.g., theaters, clubs, amusement uses)</p> <p>c. Hotels/motels</p> <p>d. Medical and dental offices, clinics and laboratories</p> <p>e. Mixed use development (housing and other permitted use)</p> | <p>f. Office uses (i.e., those not otherwise listed)</p> <p>g. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, and similar uses)</p> <p>h. Repair services (must be enclosed within building)</p> <p>i. Retail trade and services (e.g., grocery, hardware and variety stores, banks and financial institutions)</p> <p>j. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p><b>5. Industrial*</b></p> <p>a. Light manufacture (e.g., small-scale crafts, electronic equipment, furniture, similar goods when in conjunction with retail or if determined by the planning commission to be compatible with the purposes of the district and other uses in the district) (CU)</p> |
|--|--|---|

Table 19.70.020.A

Land Uses & Building Types Permitted in the Corridor Commercial District

Land uses marked with an asterisk (\*) use the special standards for certain uses in FMC 19.70.090.  
Land uses marked with a CU shall require a conditional use permit according to Article IV of this title.

## CORRIDOR COMMERCIAL

Fairview Comprehensive Plan (pg. 37)

### Sandy Boulevard Corridor Goal:

- *The N.E. 223<sup>rd</sup> Avenue and Sandy Blvd. intersection should be used as a dividing line for land uses within the corridor. To the west of the intersection uses should be predominantly residential with some neighborhood-oriented service commercial, incubator office and light industrial. To the east of the intersection, industrial uses should dominate, with some destination retail commercial near the intersection of N.E. 238<sup>th</sup> Avenue.*

## CORRIDOR COMMERCIAL

### Sandy Corridor Refinement Plan

#### **West of N.E. 223<sup>rd</sup> Avenue:**

#### **Commercial**

##### Vision

Develop neighborhood retail commercial centers at N.E. 207<sup>th</sup> Avenue and N.E. 223<sup>rd</sup> Avenue intersections to serve nearby residents.

##### Criteria

Commercial development should be:

1. Distinctive and responsive to needs of area residents
2. Neighborhood-oriented services, such as a grocery store and/or small restaurant should be encouraged
3. Small in scale
4. Pedestrian oriented



## CORRIDOR COMMERCIAL

### Sandy Corridor Refinement Plan

#### Residential

##### Vision

Provide a variety of residential uses and densities throughout the corridor and allow redevelopment of existing low-density residential areas with higher density housing.

##### Criteria

Residential development should be:

1. Pedestrian oriented
2. Affordable
3. A variety of housing types, including townhomes, rowhouses, garden apartments, and manufactured homes



## CORRIDOR COMMERCIAL

### Sandy Corridor Refinement Plan



## CORRIDOR COMMERCIAL

- Mix Use Development (housing and other permitted use) in the Corridor Commercial zone is allowed
- The development code language doesn't specify housing types or an amount of "other permitted use" to define a mix use site/development.
- What does this look like?
  - Comprehensive Plan
  - Sandy Corridor Refinement Plan
- Planning staff would like direction from Planning Commission
  - What is the community vision for mix use development in the Corridor Commercial zone?





Existing Site  
NE Sandy Blvd and 223rd Ave



Proposed Site Perspective  
NE Sandy Blvd and 223rd Ave



Aerial View

Sandy Blvd

NE 223rd

Future Development



Aerial View

Sandy Blvd

NE 223rd

Future Development

Live/Work



Aerial View



Perspective view looking north from Sandy Blvd.



Perspective view looking south from center parking lot



Express public entry



Articulated roof line with gable end roofs.



Express details at connections



Stained wood



Masonry base & express structure



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## PLANNING COMMISSION STAFF REPORT EXHIBIT "A" FINDINGS OF FACT

**Application Number:** 2016-04-CUP-DR  
**Application Name:** Duplexes Lot 36, 37, 38 Raze Meadows Subdivision  
**Staff Contact:** Erika Palmer, Senior Planner (503) 674-6242  
**Date of Report:** April 19, 2016  
**Public Hearing Date:** April 26, 2016

**Exhibits:**

- A. Findings of Fact
- B. Referral Comments
- C. Site Map

**Attachments:**

- 1. Site Plan
- 2. Front Elevation
- 3. Main Floor Plan
- 4. Upper Floor Plan
- 5. Landscaping Details

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### **1. APPLICATION**

**Proposal:** An application for a Conditional Use Permit and Design Review for three duplexes on lots 36, 37 and 38 in the Raze Meadows subdivision at and near the intersection of 208<sup>th</sup> and Halsey Street.

**Applicant:** Jim Raze  
4020 NE 2016<sup>th</sup> Avenue  
Fairview, OR 97024

**Property Owners:** Fairview Holdings, LLC  
P.O. Box 2182  
Fairview, OR 97024

**Location:** No site address / Raze Meadows Subdivision Lots 36, 37, and 38.

**Tax Map & Tax Lot:** 1N3E28CD & Tax Lots 01236, 01237, and 01238

**Acreage:** Tax Lot 01236 = 3,695 sq. ft.  
Tax Lot 01237 = 4,000 sq. ft.  
Tax Lot 01238 = 5, 238 sq. ft.

**Comprehensive Plan Designation:** Commercial (C)

**Zoning Designation:** Town Center Commercial (TCC)

**Zoning Overlays:** None

**Surround Land Use/Zoning:**

North: Fieldstone Apartments / Residential Multi-Family  
South: Single Family Residential / Raze Meadows Subdivision / Residential zone  
East: Single Family Residential / Raze Meadows Subdivision / Town Center Commercial zone  
West: Single Family Residential / Raze Meadows Subdivision

**Streets/Classification:** NE Halsey Street/Minor Arterial/Multnomah County Jurisdiction

**2. NOTICES & REFERRALS**

**Notice:** On April 5, 2016, notice mailed to surrounding property owners within 250 ft. of the tax lots where the proposed activity will be taking place. On April 15, 2016, the site was posted near the intersection of NE 208<sup>th</sup> and NE Halsey Street. Notice published in the Gresham Outlook on April 5, 2016.

**Referrals:** On March 8, 2016 referrals were sent to: The City of Fairview Public Works, Building and Engineering Departments; Gresham Fire Department; and Multnomah County Transportation Department;

At the time of this report, the City had received three comments:

Application: 2016-04-CUP  
Application Name: RAZE MEADOWS DUPLEXES  
Fairview Planning Commission

- 1) City of Fairview Public Works Department. Engineering Associate Zaldy Macalanda (See Exhibit B);
- 2) Gresham Fire Department. Shawn Durham (See Exhibit B)

### **3. APPLICATION NARRATIVE/ LOCATION/BACKGROUND & EXISTING CONDITIONS**

**Application Narrative:** The applicant is seeking Planning Commission approval of a Conditional Use Permit that will allow three duplexes on Lots 36, 37, and 38 in the Raze Meadows Subdivision. If approved by the Planning Commission, the applicant will make an application for lot line adjustments, which is a Type 1 Ministerial review to accommodate the proposed site design.

- The three lots include Lot 36, which will be 3,695 sq. feet after lot line adjustment. Lot 37, which will be 4,000 sq. feet after lot line adjustment and Lot 38, which will be 5,238 sq. feet after lot line adjustment.

**Location:** The subject lots are located south of NE Halsey Street, and are access from NE 208<sup>th</sup> Avenue. The three vacant lots are located in the Raze Meadows subdivision.

**Background:** The site consists of three vacant tax lots that are part of the Raze Meadows that was approved as a 39 lot Planned Unit Development/Subdivision by the Fairview Planning Commission in 1998. The Raze Meadows subdivision consists of single-family residential lots varying in size from 4,700 sq. ft. to 21, 500 sq. ft. These three vacant lots (lots 36-38) and lot 39 are zoned Town Center Commercial. In 1998, when Raze Meadows was approved the zoning was Residential-7.5 for all 39 lots within the subdivision. In 2002, during changes to the Comprehensive Plan, Development and Zoning map, Lots 36-40 in the Raze Meadows Subdivision were designated as commercial and zoned Town Center Commercial.

#### **Existing Conditions:**

##### Site

The three vacant lots with access from NE 208<sup>th</sup> Street currently range from 4,440 sq. ft. to 5,855 sq. ft. If the Planning Commission approves this application, the owner will submit for lot line adjustments that will reduce the current rear-yard property lines by 10 ft., and one of the side-yard setbacks for lots 36 and 37 by 2 ft. (See Exhibit 1, site plan).

The property is generally flat and is not heavily vegetated; there are no natural resources on the site.

## Utilities

- a. Sanitary Sewer: Access to sanitary sewer connection is available for all three lots from an existing 8" diameter sanitary main installed in 2000 located at the west property line (NE 208<sup>th</sup> St.). There are three existing 6" diameters service laterals provided to the property.
- b. Water: This area is served by the Rockwood People's Utility District service area. Access to water service connection is available from one existing location: an 8" water main installed in 1985 and located at the west property lines (NE 208<sup>th</sup> St.).
- c. Storm: Access to a storm lateral connection is available to the three lots from a storm main installed in 2000 located at the west property lines (NE 208<sup>th</sup>).
- d. Other: There are no overhead utilities on the site

## **4. APPLICABLE REVIEW CRITERIA**

This Type III application process requires a Planning Commission decision subject to the requirements of the Fairview Municipal Code (FMC) Title 19:

### A) Application Procedures

- FMC 19.400 Administration of Land Use Review
- FMC 19.412 Description of Permit Procedures
- FMC 19.413 Procedures

### B) Design Review Criteria

- FMC 19.424 Site Design Review Application Procedures
- FMC 19.425 Site Design Review Application Submission Requirements
- FMC 19.426 Site Design Review Approval Criteria
- FMC 19.65 Town Center Commercial Zone
- FMC 19.162 Access and Circulation
- FMC 19.163 Landscaping, Street Trees, Fences and Walls
- FMC 19.164 Vehicle and Bicycle Parking
- FMC 19.165 Public Facility Standards

- C) Conditional Use Permits FMC 19.440
- D) Variances FMC 19.520

## **5. APPLICATION PROCEDURES**

<b><i>FMC 19.400 Administration of Land Use and Development Review and</i></b>
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### **19.400.010 Introduction.**

This article specifies application requirements and procedures for obtaining land use permits required for development within the city of Fairview. Table 19.413.050 provides permit and decision-making requirements for land use permit applications. (Ord. 1-2012 § 1; Ord. 6-2009 § 2 (Att. 1))

### **19.400.030 Time limit on land use decisions for approval.**

Unless otherwise specified in the decision or elsewhere in this title, an approved land use decision shall expire two years from date of final decision. (Ord. 1-2012 § 1)

**FINDINGS: The application and procedures used meets the requirements of this chapter. If approved, the proposed site and design review shall expire two (2) years from the date of the final decision.**

**Condition of Approval: This approval for application 2016-04-CUP-DR shall become null and void after two (2) years if construction activities has not commenced.**

<b><i>FMC 19.412 Descriptions of Permit Procedures</i></b>
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**FMC 19.412.020, Forms, applications, and filing fees, specifies what information must be included in applications and requests for action.**

**FINDINGS: The submitted application is consistent with the applicable code language.**

### **19.412.030 Concurrent review of multiple applications.**

Applications for more than one land use review on the same property may be processed in a single hearing. (Ord. 6-2009 § 2 (Att. 1))

**FINDINGS: This Type III application review is for conditional use permits and design review.**

**19.412.050 Determination of completeness.**

A. The community development director shall review applications for consistency with submission requirements of the Fairview Municipal Code. Applications that do not meet submission requirements shall be deemed incomplete for the purpose of ORS227.178 and Chapter 19.400 FMC. The community development director shall provide notice to the applicant as to whether an application is complete or incomplete within 30 calendar days of receipt of the application. If the application is deemed incomplete, written notice shall be provided to the applicant that specifies information needed to make the application complete.

B. When an application is deemed complete, the community development director shall note the date of completeness.

**FINDINGS: A notice of determination of completeness was mailed to the applicant on March 6, 2016. The application is consistent with applicable code language.**

***FMC 19.413 Type III Procedure***

**19.413.030 Type III procedure (quasi-judicial).**

Type III decisions are made by the planning commission after a public hearing. Appeals of Type III decisions are reviewed and decided by the city council.

- A. Public Notification. Notice of the public hearing shall be mailed to the property owner and applicant, if different, and to all property owners within 250 feet of the outer boundaries of the site, not less than 20 days prior to the date of the hearing. Notice must also be provided in a public newspaper at least 20 days prior to the hearing date. In addition, a sign indicating the date of the public hearing, shall be posted on the subject property not less than 10 days prior to the date of the hearing. Notice must also be provided at least 20 days prior to the scheduled hearing to any neighborhood or community organization recognized by the city whose boundaries include the subject property.
- B. Content of Public Notices. The mailed and published notices shall be consistent with ORS 197.763 and include the following information:
  - 1. The file number and city contact information.
  - 2. A description of the location of the proposal that effectively and clearly describes the location of the geographic area.
  - 3. An explanation of the nature of the application and the proposed use or uses which could be authorized.
  - 4. A list of the applicable criteria from the ordinance that apply to the application at issue.

5. The time(s), place(s), and date(s) of the public hearing(s).
  6. A statement that public oral or written testimony is invited.
  7. A statement that the failure of an issue to be raised in a hearing, in person, or by letter or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal on the issue.
  8. A statement that a copy of the staff report will be available for inspection at no cost and a copy will be provided as a reasonable cost at least seven days before the hearing.
- C. Public Hearing. The planning commission conducts a public hearing and renders a decision on the matter including findings, conclusions, and conditions, if necessary, consistent with FMC [19.412.070](#).

**FINDINGS: Application is consistent with applicable code language. The notice of public hearing was mailed on March 30, 2016 to the Gresham Outlook to be published on April 5, 2016. Notice to property owners within 250 ft. of the site was mailed on April 5, 2016 and the site was posted on April 15, 2016.**

## **6. PROPOSED FINDINGS SITE DESIGN REVIEW**

<i>FMC 19.424 Site Design Review Application Procedures</i>
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### **19.424.010 Procedure.**

Site design review shall be conducted as a Type III procedure, as specified in FMC 19.424.020, using the procedures in Chapter 19.410 FMC, and using the approval criteria contained in Chapter 19.426 FMC. (Ord. 6-2001 § 1)

### **19.424.020 Determination of Type II and Type III applications.**

Applications for site design review shall be subject to Type II or Type III review, based on the following criteria:

A. Residential buildings with three or fewer dwelling units shall be reviewed as a Type II application, except when development review is allowed under Chapter 19.423 FMC. Residential buildings with greater than three units shall be reviewed as a Type III application.

B. Commercial, industrial, public/semi-public, and institutional buildings – not applicable

C. Developments with more than one building (e.g., two duplex buildings or an industrial building with accessory workshop) shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections A and B of this section.

D. Developments with 25 or fewer off-street vehicle parking spaces shall be reviewed as Type II applications, and those with more than 25 off-street vehicle parking spaces shall be reviewed as Type III applications

E. Developments involving the clearing and/or grading of 10 acres – not applicable.

F. All developments in designated sensitive lands and historic overlay districts shall be reviewed as Type III applications. (Ord. 6-2001 § 1)

**FINDINGS: This application is subject to a Type III land use review per FMC.**

***FMC 19.425 Site Design Review Application Procedures***

**19.425.010 General submission requirements.**

The applicant shall submit an application containing all of the general information required by FMC 19.413.020 (Type II Application) or FMC 19.413.030 (Type III Application), as applicable. The type of application shall be determined in accordance with FMC19.424.020. (Ord. 6-2009 § 4; Ord. 6-2001 § 1)

**FINDINGS: The applicant's submittal documents are consistent with applicable code language for a Type III application.**

***FMC 19.426 Site Design Review Approval Criteria***

**19.426.001 Site design review approval criteria.**

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application. (Ord. 6-2001 § 1)

**19.426.010 Complete application.**

The application must be complete, as determined in accordance with FMC 19.412.050, on types of applications, and Chapter 19.425FMC. (Ord. 6-2009 § 4; Ord. 6-2001 § 1)

**19.426.020 Compliance with land use district provisions.**

The application complies with all of the applicable provisions of the underlying land use district, including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses. (Ord. 6-2001 § 1)

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Application Name: RAZE MEADOWS DUPLEXES

Fairview Planning Commission

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**19.426.040 Compliance with design standards.**

The application complies with the design standards contained in Article III of this title. All of the following standards shall be met:

- A. Chapter 19.162 FMC – Access and Circulation;
- B. Chapter 19.163 FMC – Landscaping, Street Trees, Fences and Walls;
- C. Chapter 19.164 FMC – Automobile and Bicycle Parking;
- D. Chapter 19.165 FMC – Public Facilities Standards;
- E. Other standards (telecommunications facilities, solid waste storage, environmental performance, signs), as applicable. (Ord. 6-2001 § 1)

**19.426.050 Conditions.**

All conditions required as part of an approval shall be met. (Ord. 6-2001 § 1)

**19.426.060 Exceptions.**

Exceptions to criteria in FMC 19.426.040(A) through (E) may be granted only when approved as a variance. (Ord. 6-2001 § 1)

**FINDINGS: The application was determined to be complete on March 3, 2016. Per FMC 19.426.020, the proposed duplexes are in substantial compliance with the applicable provisions of the Town Center Commercial zone and analyzed below.**

<b><i>FMC 19.65: Town Center Commercial</i></b>
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**19.65.010 Purpose**

A city goal is to strengthen the town center commercial district as the “heart” of the community and as the logical place for people to gather and create a business center. The town center commercial district is intended to support this goal through elements of design and appropriate mixed-use development. This chapter provides standards for the orderly improvement of the district based on the following principles:

- A. Efficient use of land and urban services;
- B. A mixture of land uses to encourage walking as an alternative to driving, and to provide more employment and housing options;
- C. Both formal and informal community gathering places;

- D. A distinct storefront character that identifies commercial districts;
- E. Connections to neighborhoods and other employment areas;
- F. Reduced reliance on the automobile and reduced parking needs. (Ord. 6-2001 § 1)

**19.65.020 Permitted land uses**

A. Permitted Uses. The land uses listed in Table 19.65.020.A are permitted in the town center commercial district, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 19.65.020.A, and land uses that are approved as “similar” to those in Table 19.65.020.A, may be permitted. The land uses identified with a “CU” in Table 19.65.020. A require conditional use permit approval prior to development or a change in use.

TABLE 19.65.020.A PERMITTED USES  
f. Two-family housing (duplex) (CU)

- B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter [19.480](#) FMC.
- C. Land Uses Prohibited in the Commercial District. Only uses specifically listed in Table 19.65.020.A, and uses similar to those in Table 19.65.020.A, are permitted in this district.

**FINDINGS: The applicant is proposing three duplexes on three existing lots within the Raze Meadows subdivision. At the time of plat approval for Raze Meadows in 1998 the three lots were zoned Residential-7.5. In 2002, these three lots were zoned to Town Center Commercial.**

**Duplexes are permitted with a conditional use permit within the Town Center Commercial zoning district.**

**19.65.030 Building setbacks**

In the town center commercial district, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable commercial area.

Building setbacks are measured from the wall or facade to the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page, apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance.

A. Front Setbacks.

1. Minimum Setback. There is no minimum front setback required.

2. Maximum Setback. The maximum allowable front setback is 10 feet. This standard is met when a minimum of 80 percent of the front building elevation is placed no more than 10 feet back from the front property line. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also pedestrian amenities standards in FMC 19.65.080, and architectural standards in FMC 19.65.070 for related building entrance standards.)

B. Rear Setbacks.

1. Minimum Setback. The minimum rear setback for all structures shall be zero feet, except for doorways which will be recessed to assure safe exiting, for street-access lots, and eight feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking. When a building abuts a residential district the minimum rear setback shall be 15 feet.

2. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front setbacks in subsection A of this section shall apply.

C. Side Setbacks. There is no minimum side setback required, except that buildings shall conform to the vision clearance standards in FMC 19.162.020 and the applicable fire and building codes for attached structures, firewalls, and related requirements.

D. Setback Exceptions. Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than four feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on the property line, subject to the requirements of Chapter 19.163 FMC, Landscaping, Street Trees, Fences and Walls. (Ord. 6-2001 § 1)

**FINDINGS:** The proposed application meets the rear and side yard setback standards. The proposed application does not meet the front yard setback – as proposed the front yard setback is not met, it exceeds the maximum of 10 ft. Each duplex on each lot is setback 20 ft. and a variance is requested.

<b>FMC 19.520 VARIANCES</b>
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**19.520.040 Class C variances**

A. Purpose. The purpose of this section is to provide standards for variances which exceed the Class A and Class B variance criteria in this article. Class C variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district); except that no variances to “permitted uses” shall be granted.

B. Applicability

1. The variance standards are intended to apply to individual platted and recorded lots only.
2. An applicant who proposes to vary a specification standard for lots yet to be created through a subdivision process may not utilize the Class C variance procedure.
3. A variance shall not be approved which would vary the “permitted uses” of a land use district.

**Comments:** The individual platted lots 36, 37, and 38 in the Raze Meadows subdivision have an unusual circumstance and the literal application of standards of the applicable land use would create a hardship to the development, which is not applicable to other properties in the vicinity. These lots were platted as part of a Planned Unit Development approved by the Planning Commission in 1998 – the Raze Meadows Subdivision. All 39 lots in the Raze Meadows Subdivision at this time were zoned Residential -7.5. In 2002, lots 36, 37, 38, and 39 were rezoned to Town Center Commercial.

There is an existing single-family dwelling on lot 39 which is located behind lots 36,37, and 38. Single-family dwellings are not a permitted outright use within Town Center Commercial, but duplexes are a conditional use. Residential development on these three lots is more align with the existing neighborhood character. These lots are too

small for commercial development and it would be incompatible use in front of a residential structure within an existing residential subdivision. Originally, these lots were platted as part of a residential planned unit development.

**FINDINGS: Staff finds that a variance is acceptable and meets the purpose and applicability of FMC 19.520.**

C. Approvals Process and Criteria.

1. Class C variances shall be processed using a Type III procedure, using the approval criteria in subsection (C)(2) of this section. In addition to the application requirements contained in this code, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection (C)(2) of this section.

2. The city shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:

a. The proposed variance will not be materially detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;

**Comments: The proposed variance of a 20 ft. front yard setback will not be materially detrimental to the purposes of the code or other applicable policies/standards and other properties in the same land use district or vicinity. The 20 ft. front yard setback allows for a shared driveway and is consistent with the surrounding residential front yard setbacks within the platted subdivision.**

b. A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);

**Comments: These lots were platted as part of a Planned Unit Development approved by the Planning Commission in 1998 – the Raze Meadows Subdivision. All 39 lots in the Raze Meadows Subdivision at this time were zoned Residential -7.5. In 2002, lots 36, 37, 38, and 39 were rezoned to Town Center Commercial.**

**There is an existing single-family dwelling on lot 39, which is located behind lots 36, 37, and 38. Single-family dwellings are not a permitted outright use within Town Center Commercial, but duplexes are a conditional use. Residential development on these three lots is more align with the existing neighborhood character. These lots are too small for commercial development and it would be incompatible use in front of a**

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**residential structure within an existing residential subdivision. Originally, these lots were platted as part of a residential planned unit development.**

c. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

**Comments: The proposed use (3 duplexes on 3 individual lots in the Town Center Commercial zoning district) is a permitted use in conjunction with an approved conditional use permit. City standards will be maintained to the greatest extent that is reasonably possible while permitting the reasonable economic use of the land that is compatible with the surrounding characteristics of the neighborhoods.**

d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;

**Comments: The existing natural systems, traffic, drainage and parks will not be adversely affected any more that if the development occurred as specified by the subject code. The shared driveways and garage lessen the impacts of vehicles parked on the neighborhood street and the larger setback is consistent with the surrounding homes with driveways.**

e. The hardship is not self-imposed; and

**Comments: Duplexes require 1.5 parking spaces. The driveway and the garage count toward the parking requirement. The Fairview Municipal Code does not allow for vehicles parked in driveways that hangover into the public right-of-way and a 20 ft. driveway allows for the parking of a vehicle.**

f. The variance requested is the minimum variance, which would alleviate the hardship.

**Comments: An extra 10 ft. front yard setback for a total of 20 ft. is the minimum variance that will allow for two off-street parking spaces for each unit, cars not encroaching into the right-of-way, and it keeps with the existing residential neighborhood character. The front yard setback for all the lots in the Raze Meadows subdivision on average is 20 feet.**

**FINDINGS: Staff finds that the request for a 20 ft. front yard setback is justified and is in accordance with the Class C variance criteria in FMC 19.510.**

**FMC 19.65: Town Center Commercial... Continued**

**19.65.040 Lot coverage, floor area ratio and maximum building size**

A. Lot Coverage. There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

**FINDINGS: The proposed application meets the lot coverage standards as there is no maximum lot coverage requirement. The proposed lot coverage amounts are consistent with the existing neighborhood. The maximum lot coverage standard in the Residential Zone is 60%. The proposed lot coverage of the proposed duplexes are in in character with the surrounding residential zone.**

Lot Number	% Lot Coverage
36	57%
37	52%
38	40%

B. Floor Area Ratio. Floor Area Ratio (FAR) controls the bulk and mass of development. FAR is measured by dividing the gross enclosed area of all floors of a building (or combination of buildings in a single development) by the net land area of the development (not including street rights-of-way). For example, a 1.0 FAR equals two building stories (approximately 25 to 30 feet high) with 50 percent lot coverage. A FAR of 4.0 equals six building stories (more than 75 feet high) with 67 percent lot coverage. The following standard shall be met in all commercial, industrial and mixed use (residential with nonresidential) developments:

**FINDINGS: Floor Area Ratio (FAR) does not apply because the proposed development is strictly residential.**

C. Maximum Building Size. Individual maximum building size is 60,000 square feet.

**FINDINGS: The proposed duplex development meets the maximum building size. The footprint of each duplex is roughly 1,710 sq. feet.**

**19.65.050 Block layout and building orientation**

This section is intended to promote the walkable, storefront character of the town center commercial district by forming short blocks and orienting (placing or locating) buildings close to streets. Placing buildings close to the street also slows traffic down

and provides more “eyes on the street,” increasing the safety of public spaces. The standards, as listed on the following page and illustrated above, complement the front setback standards in FMC 19.65.030.

A. Applicability. This section applies to new land divisions and all of the following types of development (i.e., subject to site design review):

2. Duplex and triplex developments with more than one building

Compliance with all of the provisions of subsections B through E of this section shall be required.

B. Block Layout Standard. New land divisions and developments, which are subject to site design review, shall be configured to provide an alley or interior parking court, as shown above. Blocks (areas bound by public street right-of-way) shall have a length not exceeding 200 feet, and a depth not exceeding 200 feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. Exceptions to this standard may be approved when all of the provisions of subsection C of this section, superblock developments, are met.

**FINDINGS: The proposed site is comprised of three individual lots with one building on each lot, therefore this section FMC 19.65.050 does not apply.**

**19.65.070 Architectural guidelines and standards.**

A. Purpose and Applicability. The town center commercial district architectural guidelines standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all of the following types of buildings:

2. Duplex and triplex developments with more than one building

**FINDINGS: The proposed site is comprised of three individual lots with one building on each lot, therefore this section FMC 19.65.070 does not apply.**

**19.65.080 Pedestrian and transit amenities.**

A. Purpose and Applicability. This section is intended to complement the building orientation standards in FMC 19.65.050, and the street standards in Chapter 19.165 FMC, by providing comfortable and inviting pedestrian spaces within the town center commercial district. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the city’s town center commercial district, and contribute to a walkable district. This section applies to all of the following types of buildings:

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2. Duplex and triplex developments with more than one building

**FINDINGS: The proposed site is comprised of three individual lots with one building on each lot, therefore this section FMC 19.65.080 does not apply. Vehicle and pedestrian accessed is addressed below.**

**19.65.090 Special standards for certain uses.**

This section supplements the standards contained in FMC 19.65.030 through 19.65.080. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Town Center Commercial District:

- Residential Uses
- Public and Institutional Uses
- Accessory Uses and Structures
- Automobile-Oriented Uses and Facilities
- Outdoor Storage and Display

A. Residential Uses. Higher density residential uses, such as multifamily buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in subsections (A)(1) through (A)(6) of this section which are intended to require mixed use development; conserve the community’s supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses which existed prior to the effective date of this code are exempt from this section.

**FINDINGS: The applicant is not proposing multi-family buildings or attached townhomes, which are outright permitted in the Town Center Commercial District. The proposed site is comprised of three individual lots with duplex building on each lot, therefore this section FMC 19.65.090 does not apply. The proposed development is not required to be a mixed-use development because it is not a multi-family development.**

***FMC 19.162 – Access and Circulation***

**19.162.010 Purpose.**

The purpose of this chapter is to ensure that developments provide safe and efficient access and circulation, for pedestrians and vehicles. FMC 19.162.020 provides standards for vehicular access and circulation. FMC 19.162.030 provides standards for pedestrian access and circulation. Standards for transportation improvements are provided in Chapter 19.165 FMC. (Ord. 6-2001 § 1)

**19.162.020 Vehicular access and circulation.**

“A. Intent and Purpose. The intent of this section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. ...”

B. Applicability. This section shall apply to all public streets within the city and to all properties that abut these streets.

C. Access Permit Required. Access to a public street requires an access permit in accordance with the following procedures:

1. Permits for access to city streets shall be subject to review and approval by the city engineer...
3. Permits for access to county highways shall be subject to review and approval by Multnomah County, except where the county has delegated this responsibility to the city, in which case the city shall determine whether access is granted based on adopted county standards

D. Traffic Study Requirements.

A traffic study must be provided for any proposed development that includes more than 10 dwellings or generates at least 100 vehicle trips per day....

**FINDINGS: Access to the three lots will be from NE 208<sup>th</sup> Street. NE 208<sup>th</sup> is a local neighborhood street. No traffic study is required.**

**Condition of Approval: Prior to site disturbance/construction the applicant shall be required to obtain a ROW permit for driveway access for each individual lot.**

E. Conditions of Approval – Not applicable

F. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods. These methods are “options” to the developer/subdivider, unless one method is specifically required by “Special Standards for Certain Uses.” A minimum of 10 feet per lane is required.

3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing.

**FINDINGS: Application has met this requirement as access if from a public street.**

G. Access Spacing. Access spacing ensures safe connections to local and arterial streets. Driveway accesses shall be separated from other driveways and street intersections...

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**FINDINGS: The proposed developed ensures safe connections to local and arterial streets. The three lots were platted and approved as part of the Raze Meadows subdivision that addressed this criterion.**

H. Number of Access Points For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot.

**FINDINGS: Each duplex has one street access point from a shared driveway.**

I. Shared Driveways

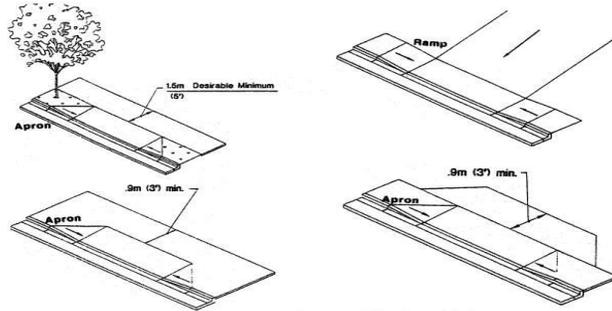
**Comments: Each duplex has a shared driveway that minimizes serves to reduce impermeable surfaces.**

K. Street Connectivity and Formation of Blocks Required – Not applicable.

L. Driveway Openings. All driveway openings must comply with the “Standard Specifications for Public Works Construction,” pages 53 – 55. Driveway openings or curb cuts shall be within the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single-family, two-family, and three-family uses shall have a minimum driveway width of 10 feet...,
2. Multiple-family uses with between four and seven dwelling units shall have a minimum driveway width of 20 feet...,
3. Multiple-family uses with more than eight dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the city engineer determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
4. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 19.164, Vehicle and Bicycle Parking.
5. Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of three feet in width, with a cross slope not exceeding two percent.

**Figure 19.162.020.L – Examples of Acceptable Driveway Openings Next to Sidewalks/Pathways**



**FINDINGS: FMC 162.020(L) Driveway Openings, requires that all driveway openings comply with the standard specifications for Public Works Construction (pages 53-55). Driveway openings shown on the site plan are 20-foot wide on NE 208<sup>th</sup> Street. The applicant’s proposal meets this criterion.**

M. Fire Access and Parking Area Turn-arounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Chapter 19.165 FMC.

**FINDINGS: The three lots are accessed from NE 207<sup>th</sup> Street which is a public street and the lots were platted as part of the Raze Meadows subdivision which addressed this criterion as part of that application.**

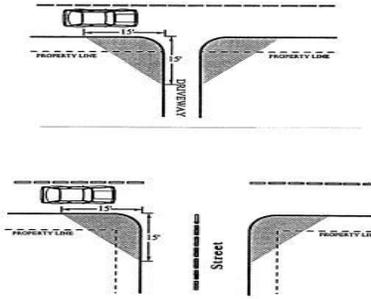
**Gresham Fire District submitted comments (see Exhibit B) which are incorporated as part of this application request.**

N. Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13 feet 6 inches for their entire length and width.

**FINDINGS: No vertical obstruction is proposed. This criterion is met.**

O. Vision Clearance. No signs, structures or vegetation in excess of three feet in height shall be placed in “vision clearance areas,” as shown above. The city engineer upon finding that more sight distance is required may increase the minimum vision clearance area (i.e., due to traffic speeds, roadway alignment, etc.).

**Figure 19.162.020.O – Vision Clearance Areas**



**Condition of Approval: No signs, structures or vegetation in excess of three (3) feet shall be located in the vision clearance area to provide for sight distance.**

P. Construction. The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:

1. Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable nonpaving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the city engineer.
2. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with city standards.
3. Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing (see also subsection L of this section). (Ord. 5-2009 § 2 (Att. 1); Ord. 6-2001 § 1)

**Condition of Approval: Construction surface options, shall apply at the time of building permit approval and as part of the building permit packet, the applicant shall apply for a ROW access permit.**

#### 19.162.030 Pedestrian access and circulation.

The standards presented in this code provide standards for safe, connected and user-friendly pedestrian connections and pathways that join neighborhoods and buildings within a development.

A. Pedestrian Access and Circulation. To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system....

**FINDINGS: The site meets pedestrian access and circulation. The three lots that comprise this development site were platted as part of the Raze Meadows subdivision, which address this criterion. Sidewalks are adjacent to each lot and on NE Halsey Street.**

***FMC 19.163 – Landscaping, Street Trees, Fences and Walls;***

**19.163.020 Landscape conservation.**

A. Applicability. All development sites containing significant vegetation, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development and protect vegetation that is subject to requirements of the significant environmental concern and riparian buffer overlay zones, Chapter 19.106 FMC. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation. “Significant vegetation” means:

1. Significant Trees and Shrubs. Individual trees and shrubs with a trunk diameter of six inches or greater, as measured four feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected.
2. Sensitive Lands. Trees and shrubs on sites that have been designated as “sensitive lands,” in accordance with Chapter 19.106 FMC, Natural Resource Regulations, and Chapter 19.105 FMC, Floodplain Overlay (e.g., due to slope, natural resource areas, wildlife habitat, etc.) shall be protected.
3. Exception. Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Multnomah County.

C. Mapping and Protection Required. Significant vegetation shall be mapped as required by this code. Significant trees shall be mapped individually and identified by species and size (diameter at four feet above grade, or “DBH”). A “protection” area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The city also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. All of the following protection standards shall apply to significant vegetation areas:

1. Protection of Significant Trees. Significant trees identified as meeting the criteria in subsection (B)(1) of this section shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.
2. Sensitive Lands. Sensitive lands shall be protected in conformance with the provisions of Chapters 19.105 and 19.106 FMC.
3. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the city may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees. This will be addressed on a case by case basis. (Ord. 3-2012 § 6; Ord. 6-2001 §

**FINDINGS: There is no significant vegetation on the proposed development site.**

**19.163.025 Existing landscaping.**

- A. Applicability. This section shall apply to all developments.
- B. Construction. All areas of significant vegetation shall be protected prior to, during, and after construction – Not applicable.
- C. Exemptions. The protection standards in FMC 19.163.020(D) shall not apply in the following situations -Not applicable

**19.163.030 New landscaping.**

- A. Applicability. This section shall apply to all developments requiring site design review, and other developments with required landscaping.
- B. Landscaping Plan Required. A landscape plan is required at the time of design review or other pertinent applications. All landscape plans shall conform to the requirements in FMC 19.420.020 (E), Landscape plans.
- C. Landscape Area Standards. The minimum percentage of required landscaping equals:
  2. Town center commercial district: five percent of the site.

**FINDINGS: The application exceeds five percent of landscaped area on each lot, and therefore meets this criterion.**

D. Landscape Materials. This section provides guidelines that ensure significant vegetation growth and establishment using a variety of size specifications and coverage recommendations.

Landscape materials include trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features, as described below:

1. Native Vegetation. Native vegetation shall be preserved or planted where practicable.
2. Plant Selection. A combination of deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.
3. Non-native, invasive plants, as per FMC 19.164.020(B), shall be prohibited.
4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 15 percent of the required landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. Nonplant Ground Covers. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than five percent of the area to be landscaped. "Coverage" is measured based on the size of plants at maturity or after five years of growth, whichever comes sooner.
6. Tree Size. Trees shall have a minimum caliper size of 1.5 inches or greater, or be six feet or taller, at time of planting.
7. Shrub Size. Shrubs shall be planted from one-gallon containers or larger.
8. Ground Cover Size. Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 80 percent of the underlying soil within three years.
9. Significant Vegetation. Significant vegetation preserved in accordance with FMC 19.163.020 may be credited toward meeting the minimum landscape area standards.
10. Stormwater Facilities. Stormwater facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.

**FINDINGS: The applicant has submitted landscaping materials and is working with a local landscape company. The submitted landscaping materials indicate a variety of trees, shrubs, and groundcover. The plan indicates that trees will be 2.5 inches at the time of planting and shrubs will in gallon or larger containers.**

**The applicant exceeds the five percent (5%) minimum percentage of required landscaping within the Town Center Commercial zone and is consistent with the existing requirement of the Residential zone, which is compatible to all other lots in the Raze Meadows subdivision.**

E. Landscape Design Standards. The landscape design standards provide guidelines within setback areas, parking areas, etc.

All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of this chapter. Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:

1. Yard Setback Landscaping. Landscaping shall satisfy the following criteria:
  - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
  - b. Use shrubs and trees as windbreaks, as appropriate;
  - c. Retain natural vegetation, as practicable;
  - d. Define pedestrian pathways and open space areas with landscape materials;
  - e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;
  - f. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;
  - g. Use a combination of plants for year-long color and interest;
  - h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.

**FINDINGS: The landscaping plan provides typical visual screening of the site. The combination of selected trees and shrubs will provide yearlong color and interest. The landscaping will be compatible to other residential lots in the surrounding area.**

2. Parking Areas. A minimum of five percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped – Not applicable.

3. Buffering and Screening Required. Buffering and screening are required under the following conditions:

- a. Parking/Maneuvering Area Adjacent to Streets and Drives – not applicable
- b. Parking/Maneuvering Area Adjacent to Building – not applicable
- c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and residential districts. Screening shall be provided by one or more of the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non-see-through fence, or a similar feature that provides a non-see-through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 19.162 FMC, Access and Circulation. (Ord. 6-2001 § 1)

**Condition of Approval: Walls, fences and hedges shall comply with vision clearance requirements.**

**19.163.040 Street trees.**

The guidelines provided in this section promote healthy street trees and adequate canopy cover to provide shade, reduce stormwater runoff, and improve the appearance of a development.

Street trees shall be planted for all developments that are subject to land division or site design review. Requirements for street tree planting strips are provided in Chapter 19.165 FMC, Public Facility Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

A. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.

B. Assurances. The city shall require the developer to provide a performance and maintenance bond in an amount determined by the city engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

C. Growth Characteristics. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:

1. Provide a broad canopy where shade is desired.
2. Use low-growing trees for spaces under utility wires.

3. Select trees which can be “limbed-up” where vision clearance is a concern.
4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
7. Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
8. Select trees for their seasonal color, as desired.
9. Use deciduous trees for summer shade and winter sun.

D. Caliper Size. The minimum caliper size at planting shall be 1.5 inches, based on the American Association of Nurserymen Standards.

E. Spacing and Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.

F. Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this code shall be maintained in good condition, or otherwise replaced by the owner.

G. Additional Requirements. Additional buffering and screening may be required for specific land uses, as identified by Article II of this title, and the city may require additional landscaping through the conditional use permit process. (Ord. 6-2001 § 1)

**FINDINGS: The three lots are part of the Raze Meadows subdivision and street trees were addressed as part of this application.**

**19.163.050 Fences and walls.**

**FINDINGS: Fences and walls shall meet requirements in FMC 19.163.050**

***FMC 19.164 – Vehicle and Bicycle Parking***

**19.164.010 Purpose.**

The purpose of this chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability....

**19.164.020 Applicability.**

All developments subject to site design review Chapter 19.420 FMC, including development of parking facilities, shall comply with the provisions of this chapter. (Ord. 6-2001 § 1)

**19.164.030 Vehicle parking standards.**

A. The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Table 19.164.030.A.

*There is no minimum number of off-street parking spaces required in the town center commercial district; however, the “maximum parking” standards of this chapter apply.*

**FINDINGS: See below under “maximum parking” standards.**

B. Credit for On-Street Parking – not applicable

C. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Article II of this title for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See also Chapter 19.162 FMC, Access and Circulation.)

2. Off-Site Parking -- Not applicable.

3. Mixed Uses – Not applicable.

4. Shared Parking – Not applicable.

5. Availability of Facilities – Not applicable.

**FINDINGS: The sum of all parking requirements for all uses onsite is the following:**

Use	Minimum Standard	Parking Spaces Required
Each duplex	1.5 spaces per unit	9

**Staff finds that the parking space requirements are met. The applicant is proposing 12 parking spaces. Each duplex has a garage and a driveway space for parking.**

D. Maximum Number of Parking Spaces -- not applicable

E. Parking Management – not applicable

F. Parking Stall Standard Dimensions and Compact Parking Spaces – Not applicable.

G. Variances – Not applicable

H. Disabled Person Parking Spaces – Not applicable.

**19.164.040 Bicycle parking standards.**

All uses which are subject to site design review shall provide bicycle parking, in conformance with the following standards, which are evaluated during site design review:

1. Multifamily Residences. Every residential use of four or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit – Not applicable.

2. Parking Lots – not applicable

3. Schools – not applicable

4. Colleges and Trade Schools – not applicable

5. Town Center Commercial District. Within the town center commercial district, bicycle parking for customers shall be provided along the street at a rate of at least one space per use – Not applicable.

B. Exemptions -- Not applicable

C. Location and Design – Not applicable.

D. Visibility and Security – Not applicable.

E. Options for Storage – Not applicable.

F. Lighting. – Not applicable.

G. Reserved Areas – Not applicable.

H. Hazards – Not applicable.

<b><i>FMC 19.165 – Public Facilities Standards</i></b>
--

19.165.010 Purpose and applicability.

A. Purpose. The purpose of this chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land....

B. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the city shall occur in accordance with the standards of this chapter....

C. Standard Specifications. The city engineer shall establish standard construction specifications consistent with the design standards of this chapter and application of engineering principles. They are incorporated in this code by reference.

D. Conditions of Development Approval. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this code.....

E. Rough Proportionality Report -- Not applicable.

**Condition of Approval: Prior to the issuance of building permits the applicant shall submit construction plans and permit applications for public facilities (sewer, storm drainage) to Public Works for review and approval that meet city design standards.**

**Condition of Approval: Prior to obtaining building permits, the applicant shall obtain all necessary permits from Rockwood Water Utility District.**

**19.165.020 Transportation standards.**

Transportation standards are necessary so that the Fairview street system remains intact and well connected. Streets are critical to the connection of neighborhoods,

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businesses, schools, etc. It is important to regulate roadway sizes, locations and right-of-way dimensions.....

**19.165.025 Transportation improvements.**

A. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Chapter 19.162 FMC, Access and Circulation, and the following standards are met:

1. Streets within or adjacent to a development shall be improved in accordance with the transportation system plan and the provisions of this chapter;
2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;
3. New streets and drives connected to a collector or arterial street shall be paved; and
4. The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:
  - a. A partial improvement may create a potential safety hazard to motorists or pedestrians;
  - b. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
  - c. The improvement would be in conflict with an adopted capital improvement plan; or
  - d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

B. Variances. Variances to the transportation design standards in this section may be granted by means of a Class B variance, as governed by Article V of this title, Variances.

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A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands Chapter [19.106](#) FMC

**FINDINGS: 19.165.025.A, the site has frontage and access to NE 208<sup>th</sup> Street, a public street. This street was constructed to city specifications as part of the Raze Meadows Subdivision.**

C. Creation of Rights-of-Way for Streets and Related Purposes – not applicable

D. Creation of Access Easements – not applicable.

E. Street Location, Width and Grade.

1. Street grades shall be approved by the city engineer in accordance with the design standards in subsection N of this section; and

2. Where the location of a street is not shown in an existing street plan (see subsection H of this section), the location of streets in a development shall either:

a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter, or

b. Conform to a street plan adopted by the planning commission, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

**FINDINGS: The proposed development does not create new public rights-of-ways. The applicant is proposing two accesses from NE 208<sup>th</sup> Street to each lot.**

F. Minimum Rights-of-Way and Street Sections – not applicable

G. Traffic Signals and Traffic Calming Feature – not applicable

J. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Figures 19.165.025(F)(1) to (6), applicable provisions of the transportation system plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the

continuing obligation of the adjacent property owner. All work must comply with the city of Fairview public works construction standards.

**FINDINGS: There is an existing sidewalk on NE 208<sup>th</sup> Street and on adjacent NE Halsey.**

K. Intersection Angles -- Not applicable.

L. Existing Rights-of-Way -- Not applicable.

M. Cul-de-Sacs -- Not applicable.

N. Grades and Curves -- Not applicable

O. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Chapter 19.162 FMC, Access and Circulation.

**Condition of Approval: Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Chapter 19.162 FMC, Access and Circulation.**

P. Streets Adjacent to Railroad Right-of-Way -- Not applicable.

Q. Development Adjoining Arterial Streets -- Not applicable.

R. Alleys, Public or Private. Alleys -- Not applicable.

S. Private Streets -- Not applicable.

T. Street Names -- Not applicable.

U. Survey Monument -- Not applicable.

V. Street Signs.... Not applicable.

**FINDINGS: P-V above, not applicable.**

W. Mail Boxes. Plans for mail boxes to be used shall be approved by the United States Postal Service.

**Condition of Approval: Prior to final occupancy all mailboxes shall be installed in accordance with approved plan from USPS.**

X. Streetlight Standards. Streetlights shall be installed in accordance with city standards.

**FINDINGS: Existing streetlights are installed on NE 208<sup>th</sup> Street.**

Y. Street Cross-Sections – not applicable

**19.165.040 Sanitary sewer and water service improvements.**

The sanitary sewer and water service improvements ensure adequate sanitary sewer services to new developments.

A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the city's construction specifications and the applicable Comprehensive Plan policies.

B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the city engineer has approved all sanitary sewer and water plans in conformance with city standards.

C. Oversizing. Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the oversizing.

D. Permits Denied. Development permits may be restricted by the city where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505 to 197.520. (Ord. 6-2001 § 1)

**As conditioned above, prior to receiving building permits, the applicant shall submit construction plans and permits for public facilities (water, sewer, storm drainage) to Public Works for review and approval that meet city design standards.**

**Water**

**Water supply is served by the Rockwood People's Utility District service area by an 8" pipe installed in 1985 and located at the west property line of the site.**

**Condition of Approval: Prior to receiving building permits, the applicant shall obtain and complete the Residential Fire Flow Verification form and submit verification to the City of Fairview's engineering/public works staff.**

**Condition of Approval: Water meters shall be located in the city's ROW.**

**Condition of Approval: Rockwood People's Utility District shall approve backflow assembly devices to be installed at appropriate service locations.**

**Sewer**

**Access of sanitary sewer lateral connection is available to this site from an existing 8" sanitary sewer main installed in 2000 located at the west property line of the site.**

**Condition of Approval: Prior to building permits, the applicant shall provide sanitary sewer capacity (in gpd) in writing to determine capacity accommodation with the City's existing sanitary sewer system designed capacity.**

**19.165.050 Storm drainage.**

The storm drainage section requires developers to accommodate and treat stormwater runoff from buildings and parking lots.

A. General Provisions. The city shall issue a development permit only where adequate provisions for stormwater and flood water runoff have been made.

B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the city engineer.

C. Effect on Downstream Drainage. Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the city may deny approval of the development permit unless provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.

D. Easements. Where a development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance. (Ord. 6-2001 § 1)

**FINDINGS: Access of a storm lateral connection is available to the site from an existing 12" storm main installed in 2000 located at the west property line.**

**19.165.060 Utilities.**

The utilities section provides standards regarding electric lines and cable. Many types of utilities now must be installed underground for safety and aesthetic purposes.

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- A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities.....

**Condition of Approval: All utility lines except those required except for surface-mounted transformers, surface mounted connection boxes and meter cabinets, and temporary service during construction shall be placed underground.**

19.165.060 B-C – Not applicable

**19.165.070 Easements.**

The easements section provisions reserve adequate space for utilities... Not applicable.

**19.165.080 Construction plan approval and assurances.**

The construction plan approval portion ensures the completion of a development by a builder.

**Condition of Approval: Prior to the issuance of building permits the applicant shall submit construction plans and permit applications for public facilities (sewer, storm drainage) to Public Works for review and approval that meet city design standards**

**19.165.090 Installation.**

A. Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the city.

B. Adopted Installation Standards. The Standard Specifications for Public Works Construction, Oregon Chapter APWA shall be a part of the city's adopted installation standard(s); other standards may also be required upon recommendation of the city engineer.

C. Commencement. Work shall not begin until the city has been notified in advance.

D. Resumption. If work is discontinued for more than one month, it shall not be resumed until the city is notified.

E. City Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require minor changes in typical sections and

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details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Chapter 19.415 FMC, Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

F. Engineer's Certification and As-Built Plans

**Condition of Approval: The applicant agrees to comply with all regulations and requirements of the Fairview City Code which are current on this date, EXCEPT where variance or deviation from such regulation and requirements have been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval.**

***Other Standards: Solid Waste Storage, Equipment Screening, Signs, etc.***

Not applicable to the proposed application.

## **7.PROPOSED FINDINGS CONDITIONAL USE PERMIT**

### ***FMC 19.440 Conditional Use Permits***

#### **19.440.100 Purpose.**

There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as "conditional uses" in Article II of this title, Land Use Districts. The purpose of this chapter is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met. (Ord. 6-2001 § 1)

#### **19.440.200 Approvals process.**

A. Initial Application. An application for a new conditional use shall be processed as a Type III procedure. The application shall meet the submission requirements, and the approval criteria contained in this chapter.

B. Modification of Approved or Existing Conditional Use – Not Applicable.

#### **19.440.300 Application submission requirements.**

In addition to the submission requirements required elsewhere, an application for conditional use approval must include the information in subsections A through H of this section, as applicable. For a description of each item, please refer to site design review application submission requirements.

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- A. Existing site conditions;
- B. Site plan;
- C. Preliminary grading plan;
- D. A landscape plan;
- E. Architectural drawings of all structures;
- F. Drawings of all proposed signs;
- G. A copy of all existing and proposed restrictions or covenants;
- H. Narrative report or letter documenting compliance with all applicable approval criteria.

**FINDINGS: This application met the submission requirements and was processed as a Type III procedure.**

**19.440.400 Criteria, standards and conditions of approval.**

The city shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria.

A. Use Criteria.

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.

**FINDINGS: Each lot size, dimension, location, topography and access are adequate for the needs of the proposed use. The use of duplexes is more in character and compatible with the adjacent use of single-family homes than a commercial use. Staff does not anticipate issues around noise, vibration, light, glare, odor, etc. The construction of the duplexes will blend with the current adjacent housing. Construction materials include hardi-plank siding and paint will neutral in color. The height of each duplex is 26 ft. 7.5 inches, which meets the Residential Zone height requirement and is compatible to the existing homes in the Raze Meadows Subdivision.**

B. Site Design Standards. The criteria for site design review approval (Chapter 19.420 FMC) shall be met.

C. Conditions of Approval. The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative

impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points or parking areas;
6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Chapter 19.160 FMC. (Ord. 6-2001 § 1)

**FINDINGS: The size of each lot is compatible with the existing lots in the Raze Meadows Subdivision. The proposed lot coverage of each duplex is compatible with**

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**the existing lot coverage requirement of the Residential Zone, which most lots in the Raze Subdivision are zoned. The maximum lot coverage in the Residential Zone is 60%. The maximum lot coverage proposed is 57% on lot 36. The proposed duplexes are compatible with the surrounding setbacks when taking into account the proposed variance of an additional 10 ft. to the front yard setback for a total front yard setback of 20 ft.**

**The proposed use is a residential use, which will not have significant impacts to the surrounding residential uses and existing homes in the Raze Meadows subdivision.**

**19.440.500 Additional development standards for conditional use types.**

A. Concurrent Variance Application(s). Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.

B. Additional Development Standards. Development standards for specific uses are contained in Article II of this title, Land Use Districts. (Ord. 6-2001 § 1)

**FINDINGS: The applicant is requesting a variance to the front yard setback, which is reviewed as part of this application.**

## **8. CONCLUSIONS & RECOMMENDATIONS**

### **PLANNING COMMISSION ALTERNATIVES**

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

### **STAFF RECOMMENDATION**

Staff finds that the proposed application will meet the requirements of the City Code as conditioned, and recommends approval of the conditional use permit, site design review, and variance to the front yard setback.

### **CONDITIONS OF APPROVAL**

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met. The site shall be developed in accordance with the applicant's approved plans, as attached and modified below.

**A. General Requirements**

1. Approval for application shall be shown on:
  - Exhibits        “A”   Findings of Fact
  - “B”   Referral Comments
  - Attachments   “1-5”
    1. Site Plan
    2. Front Elevation
    3. Main Floor Plan
    4. Upper Floor Plan
    5. Landscaping Details
  
2. Any modifications to the approved plans or changes of use, except those changes relating to the Building Codes, will require approval by the Planning Director or Planning Commission.
  
3. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Fairview City Code which are current on this date, EXCEPT where variance or deviation from such regulation and requirements have been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval.
  
4. This approval for application 2015-52 DR shall become null and void after two (2) years if construction activities has not commenced.
  
5. Prior to receiving development permits all plans must be approved by the City, development permit fees paid, and permits issued.

**B. Prior to grading/site disturbance**

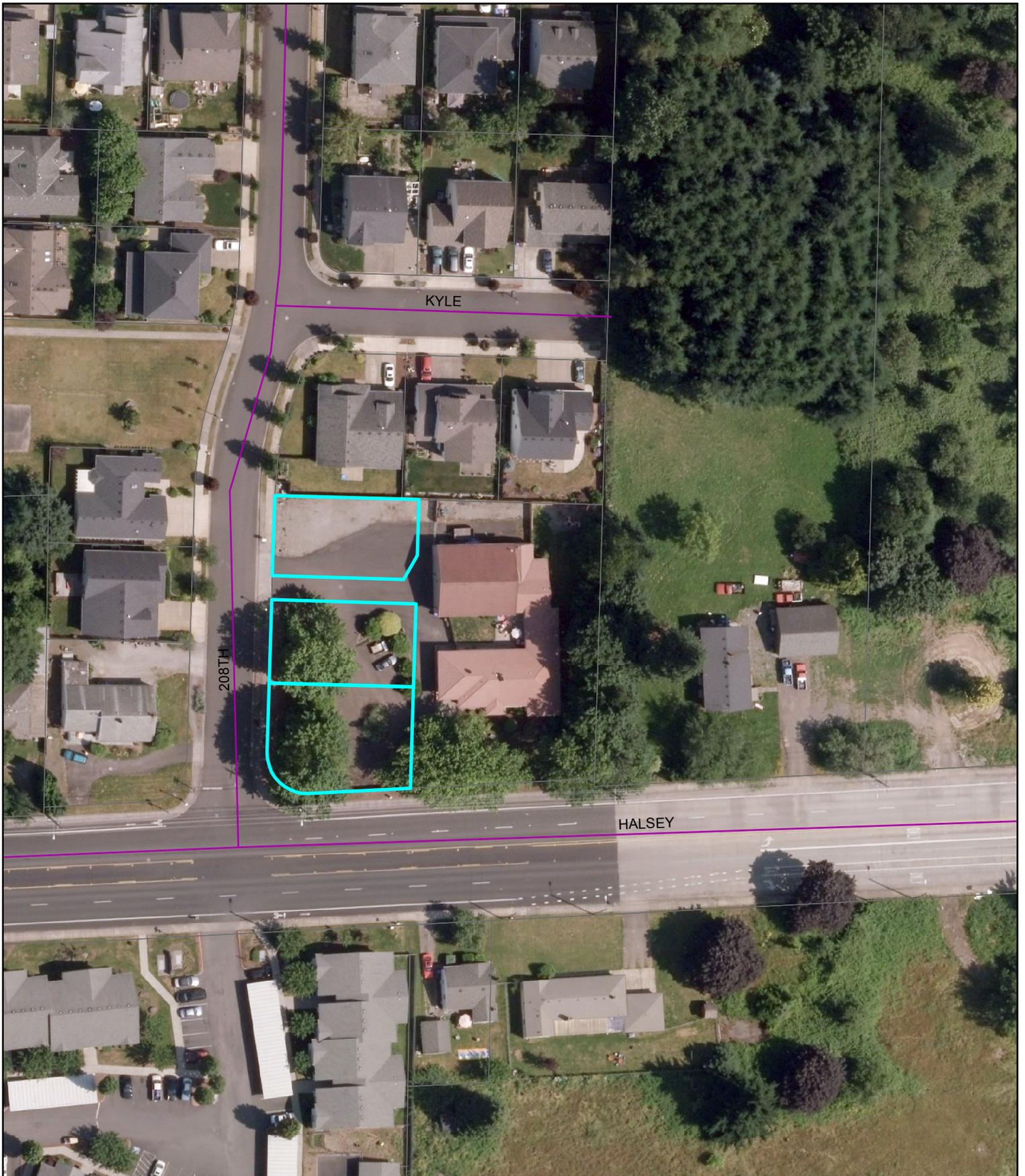
1. Prior to site disturbance the applicant shall be required to obtain a ROW permit for driveway access for each individual lot.
  
2. The applicant shall obtain a grading and erosion control permit from the Public Works Department no more than 30 days before grading is commenced on site.
  
3. Prior to the submittal for development permits (grading, erosion, building, etc.) the applicant shall submit all necessary information to the City’s building official to be reviewed for compliance with FMC Chapter 16.05.

### **C. Plan Check Review/Prior to Construction**

1. Prior to the issuance of building permits the applicant shall submit a lot line adjustment application.
2. Construction surface options, shall apply at the time of building permit approval and as part of the building permit packet, the applicant shall apply for a ROW access permit.
3. Prior to the issuance of building permits the applicant shall submit construction plans and permit applications for public facilities (sewer, storm drainage) to Public Works for review and approval that meet city design standards.
4. Prior to obtaining building permits, the applicant shall obtain all necessary permits from Rockwood Water Utility District.
5. Prior to receiving building permits, the applicant shall obtain and complete the Residential Fire Flow Verification form and submit verification to the City of Fairview's engineering/public works staff.
6. Prior to building permits, the applicant shall provide sanitary sewer capacity (in gpd) in writing to determine capacity accommodation with the City's existing sanitary sewer system designed capacity.

### **D. Prior to Final Occupancy**

1. Prior to final occupancy all mail boxes shall be installed in accordance with approved plan from USPS.
2. Rockwood People's Utility District shall approve backflow assembly devices to be installed at appropriate service locations.
3. All utility lines except those required except for surface-mounted transformers, surface mounted connection boxes and meter cabinets, and temporary service during construction shall be placed underground.



City of Fairview  
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Fairview, OR 97024  
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**PROPOSED DEVELOPMENT SITE**  
**Vacant Lots 36,37 & 38**  
**RAZE MEADOWS**  
**Application 2016-04 CUP & DR**



1 inch = 80 feet

This map is for informational purposes only and the City cannot accept responsibility for any errors, omissions, or positional inaccuracy. This map is provided "AS-IS".



**MEMORANDUM**

**TO:** Erika Palmer  
**FROM:** Zaldy Macalanda, Engineering Associate (Public Works Engineering)  
**DATE:** March 09, 2016  
**RE:** **Pre-Application, Development Review Process for Raze Meadow's Proposed 3 Duplexes on the NE Corner of 208<sup>th</sup> & NE Halsey St.**

---

Comply with the following components of the City of Fairview Municipal Code (FMC), Erosion Prevention and Sediment Control (EPSC) Manual, adopted standards with the City of Portland's Stormwater Quality Management and Design Standards and the Columbia South Shore Wellfield Protection Program (CSSWFPP).

• **WATER:**

1. Water supply distribution system is served by the Rockwood People's Utility District (RWPUD) service area. Take the form to them to obtain the "Residential Fire-Flow Verification". Once RWPUD completes the lower portion of the form, include it with your building permit application.
2. Access of water service line connection is available to this site from 1 existing location: an existing 8" diameter Ductile Iron (DI) Pipe water main installed in 1985 and located at the west property line of the applicant's address (208<sup>th</sup> St.).
3. There is one existing service line provided in the property and installed with residential water meter, located at the mid property line of the 2 southern properties.
4. Water meter shall be located in the city's Right-Of-Way.
5. If applicable, "Residential Fire-Flow Verification" for one-and two-family dwellings (all floor levels within the exterior walls and under horizontal projections of the roof, including garage) must meet minimum fire flow requirements.
6. An approved backflow assembly, if applicable shall be installed at service connections.

• **SANITARY SEWER:**

1. The applicant shall provide sanitary sewer capacity (in gpd) in writing to determine capacity accommodation with the City's existing sanitary sewer system designed capacity.
2. Access of sanitary sewer lateral connection is available to this site from an existing 8" diameter Poly Vinyl Chloride (PVC), sanitary sewer main installed in 2000 located at the west property line of the applicant's address (208<sup>th</sup> St).
3. There are three existing 6" diameters service laterals provided in the property:
  - ✓ North: 6" diameter, 30' in length, and 8.5' deep at the end of line (EOL).
  - ✓ Middle: 6" diameter, 30' in length, and 9' deep at the end of line (EOL).
  - ✓ South: 6" diameter, 30' in length, and 10.8' deep at the end of line (EOL).



4. If there is an existing private wastewater disposal system (Septic Tank) on site it shall be abandoned in accordance with the regulations of the Oregon Department of Environmental Quality.

• **STORMWATER:**

1. Access of storm lateral connection is available to this site from an existing 12" diameter Poly Vinyl Chloride (PVC), storm main installed in 2000 located at the west property line of the applicant's address (208<sup>th</sup> St).

For stormwater quality management implementation, address best management practices from point of collection, conveyance, detention, treatment and to the point of on-site ground infiltration discharge. The goal is to protect underground infiltration of hazardous and pollutant sources under the Columbia South Shore Well Filed Area (CSSWFA) protection program through Inter-Governmental Agency agreement with the City of Portland and Gresham. It is also to enhance water quality management by preventing discharge of sediments and pollutants from construction sources via stormwater to adjacent receiving water bodies. The closest stream to the proposed development is the Osburn Creek, located north of the property.

• **SIDEWALK:**

1. Curb and sidewalk is existing at the west side of the property. Driveway location has to be determined based on the development plan.

• **WELL HEAD PROTECTION:**

1. The proposed location of the development is located in Zone 1 of the Columbia South Shore Well Field Wellhead Protection Area (CSSWHPA). Any Hazardous Materials identified for usage, storage and transport during construction, operation and maintenance of the facility shall be submitted with the building permit submittal.
2. Storage and construction sites shall meet all applicable requirements based on the results of the identified hazardous materials if applicable and refer to the CSSWPP Reference Manual.
3. Under any consideration of possible contaminated soils, there shall be no infiltration of stormwater runoff.

• **EROSION PREVENTION & SEDIMENT CONTROL (EPSC) MANUAL and APPENDICES (A & B):**

Developers, builders and contractors shall ensure prevention of discharging sediment and pollutants from construction sites via stormwater or other construction related discharges. Refer to the City of Fairview's adopted Erosion Prevention and Sediment Control (EPSC) manual and technical information about EPSC best management practices (BMP's).



8"  $\phi$  DUCTILE IRON MAIN\_1985  
12"  $\phi$  PVC STORM MAIN\_2000  
RESIDENTIAL (1) WATER METER

8"  $\phi$  PVC SANITARY MAIN\_2000  
6"  $\phi$  SEWER LATERAL L=30' DEPTH=8.5'  
6"  $\phi$  SEWER LATERAL L=30' DEPTH=9'  
6"  $\phi$  SEWER LATERAL L=30' DEPTH=10.8'  
STORM MANHOLE  
PRIVATE CATCHBASIN

LOT NOS. 36,37,38 - NE CORNER of NE HALSEY ST. & NE 208<sup>TH</sup> ST.  
(RAZE MEADOWS)  
ZONING: TCC  
PROJECT: PROPOSED DUPLEXES (3)

FILE COPY

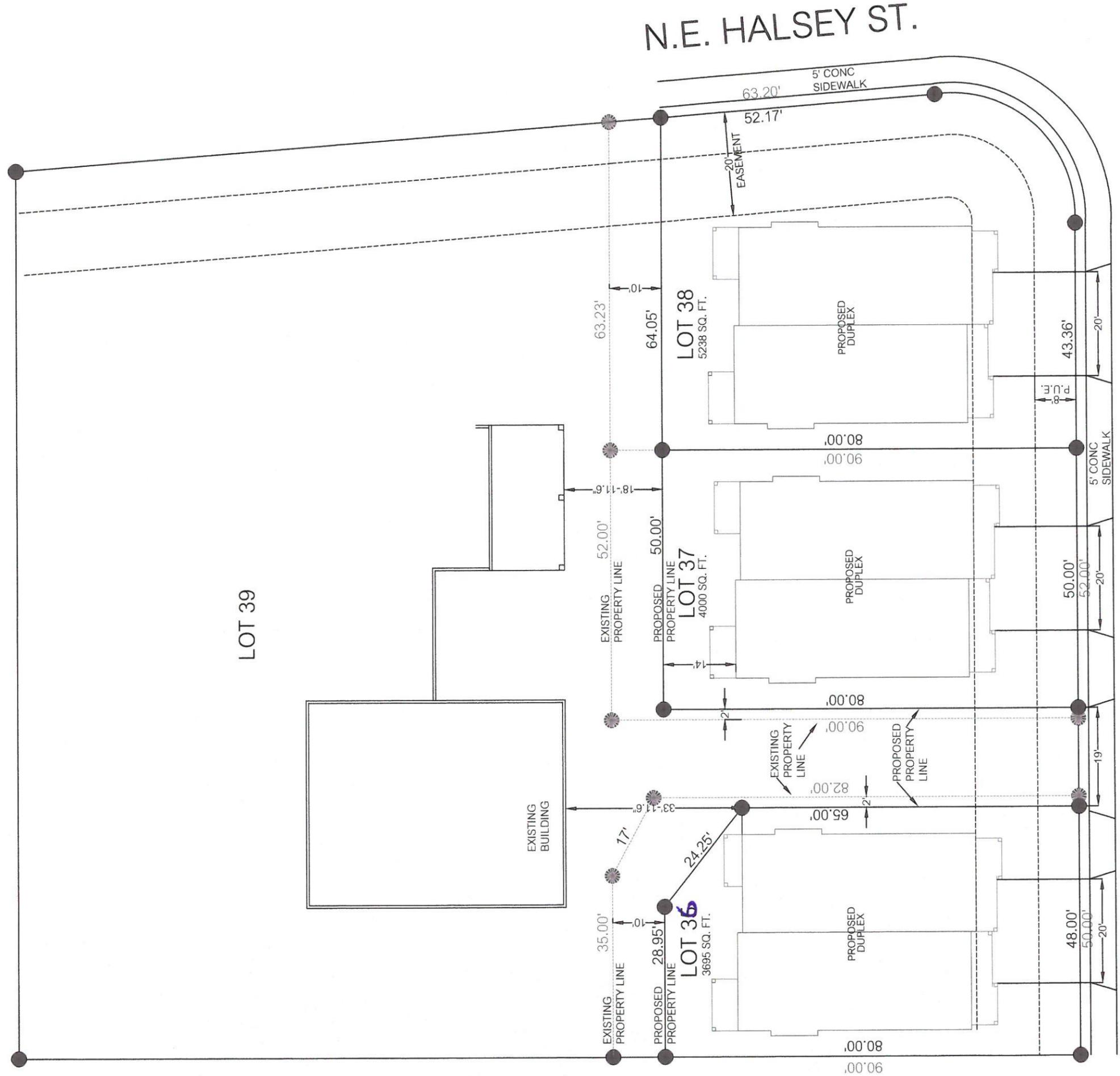
**Fairview P2016-04**

**NAME: Raze Meadows**

**FROM: Shawn Durham ([Shawn.Durham@GreshamOregon.gov](mailto:Shawn.Durham@GreshamOregon.gov))**

**DATE: 3/22/16**

1. Residential homes up to 3,600 sq ft require a minimum of 1,000 gpm fire flow. Residential homes from 3,601 – 4,800 square feet require 1,750 gpm fire flow. The fire flow increases from there. Fire Flow forms will be required to be filled out during the building permit process. **OFC App B**
2. Each building is required to be sprinklered if the code's minimum water flow is not available. **OFC App B**
3. This application to create new lots also creates a “flaglot” for the existing structure. I am not able to scale the length or width of the fire access. The minimum access driveway driving surface shall be 12 feet with 20 feet of clear space. Fire lane marking may be required. **OFC 503.3**
4. The turning radius for all emergency apparatus roads shall be: 28’ inside and 48’ outside radius. This must be indicated **OFC 503.2.4**
5. All Fire Dept. Access Roads shall be constructed and maintained prior to and during construction. **OFC 1410**
6. Access roads shall support an imposed load of at least 75,000 lbs. Provide an engineer’s letter stating that requirement was met during subdivision final. **OFC 503 & APP D-102.1**
7. The location of the fire hydrants are not indicated on the plans. A fire hydrant must be within 600 feet of the furthest point around the furthest home. This is measured as the fire hose lays on the ground. Fire Hydrants will be required to have Storz quick connection adapters installed. I can email you a copy. **OFC 507.5**
8. Where a fire hydrant is installed the access road must be a minimum of 26’ wide for a min of 40’. **OFC APP D-103.1**
9. A minimum 4” address numbers shall be mounted on a permanent post at the flaglot entrance. It shall be visible from both directions and color contrast with the background. **OFC 505.1**



N.E. 208TH PL.

 LOT LINE ADJUSTMENT PLAN  
SCALE: 1"=20'

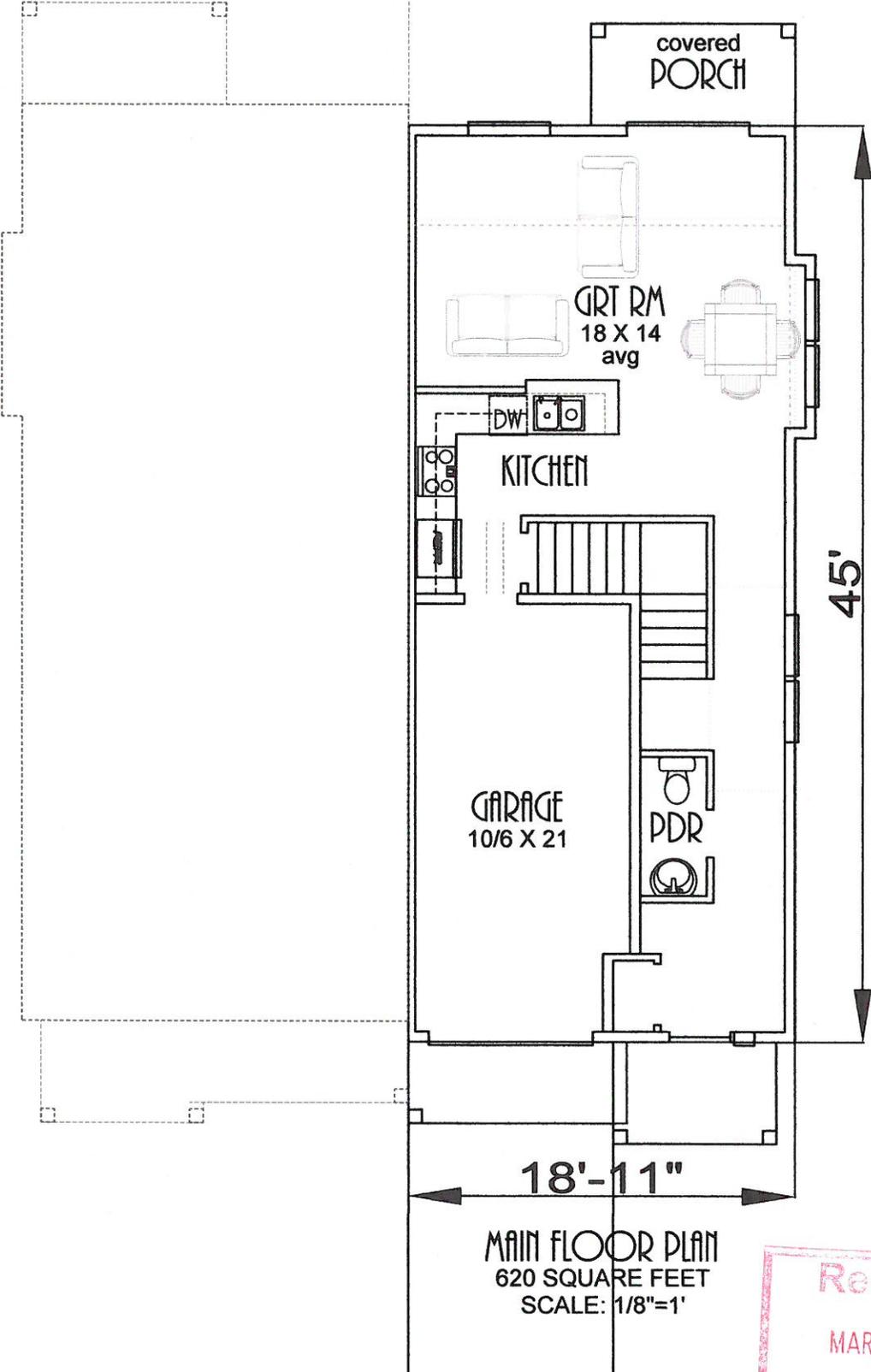
Received  
MAR 03 2016  
City of Fairview



FRONT ELEVATION  
SCALE: 1/8"=1'

Received  
MAR 03 2016  
City of Fairview

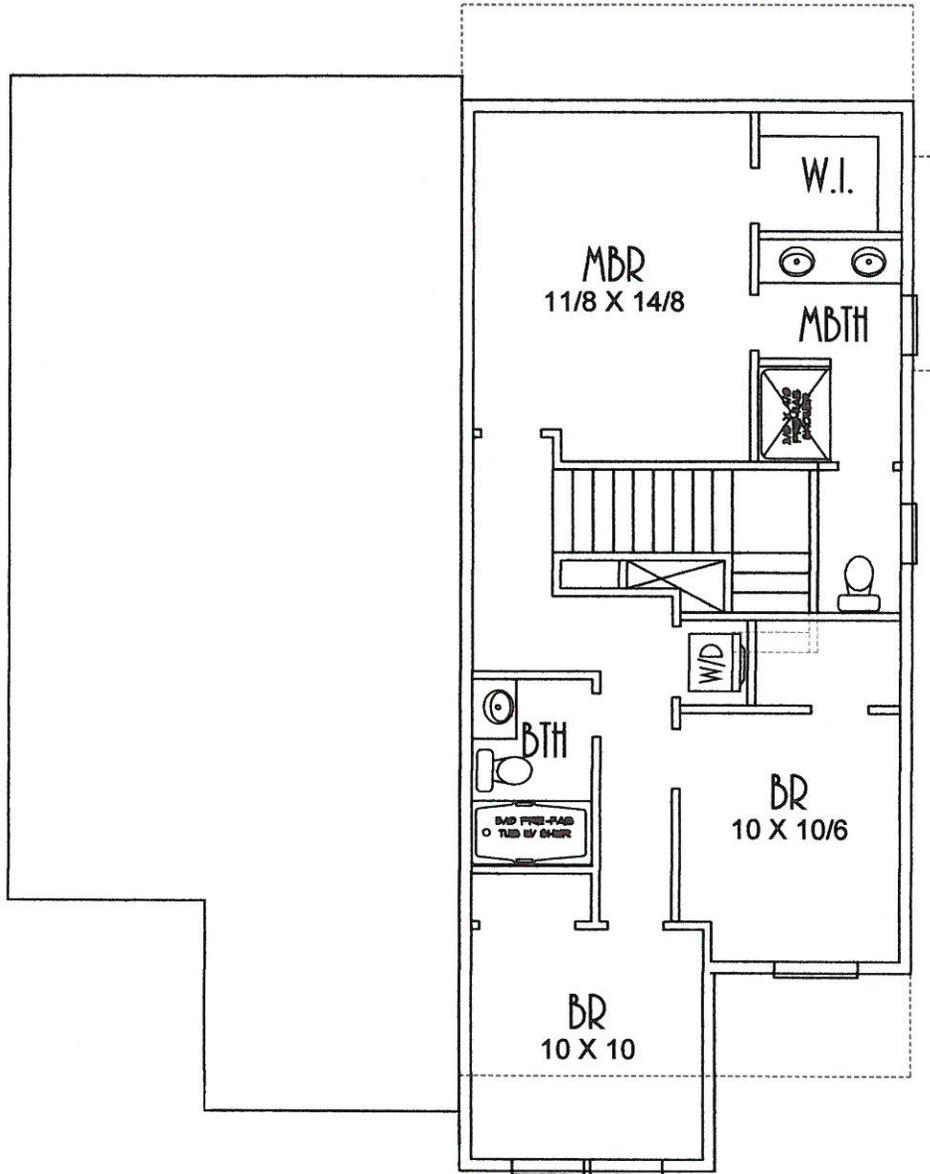
Attachment 3. Main Floor Plan



MAIN FLOOR PLAN  
620 SQUARE FEET  
SCALE: 1/8"=1'

Received  
MAR 03 2016  
City of Fairview

Attachement 4. Upper Floor Plan



UPPER FLOOR PLAN  
715 SQUARE FEET  
SCALE: 1/8"=1'

Received  
MAR 03 2016  
City of Fairview

Landscaping List and Details / Duplexes NE 208<sup>th</sup> Street / Fairview, Oregon  
Mountain View Landscapes  
Russ Alex

Install 3 inch and a half red Sunset maple Street trees

Install 3. 5 gallon rhododendrons

Install eight 1 gallon azaleas

Install three six-foot Vine Maples

Install two six-foot Hinoki cypress

Install 8 assorted grasses 1 gallon

Install for landscape boulders

Install sod and bark dust