



PLANNING COMMISSION MEETING

Tuesday, October 11, 2016

6:30 p.m.

Council Chambers

2nd Floor City Hall

1300 NE Village Street

MEETING AGENDA

1. **CALL TO ORDER:** 6:30 p.m.
2. **CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**
3. **REVIEW AND ADOPT MINUTES:** September 13, 2016
4. **WORK SESSION ITEM**
 - Review draft development code language for Food Carts in the Town Center Commercial Zone
5. **COMMISSION UPDATES**
6. **STAFF UPDATES**
7. **TENTATIVE AGENDA**
8. **ADJOURNMENT**

NEXT PLANNING COMMISSION MEETING TUESDAY, OCTOBER 25, 2016

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 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.



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, September 13, 2016

PRESENT: Gary Stonewall, Chair
Jack McGiffin
Les Bick
Keith Kudrna
Ed Jones

ABSENT: Steve Kaufman
Greg Walczyk, Vice Chair

STAFF: Erika Palmer, Senior Planner
Devree Leymaster, City Recorder

1. CALL TO ORDER

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

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

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

3. REVIEW AND ADOPT MINUTES

Commissioner Kudrna moved to approve the April 26, 2016 minutes and Commissioner McGiffin seconded. The motion passed unanimously.

4. DISCUSSION ITEMS

a. Fairview Lake Natural Resource Code Amendments

Senior Planner (SP) Palmer summarized each property is platted with a 35 foot conservation easement and there are Conveyance, Conditions & Restrictions (CC&R's) defining what the property owners may do. She noted the city does not enforce CC&R's. Staff has contacted Metro regarding the process to reduce the 50 foot buffer to the 35 foot conservation buffer to remove the regulatory conflicts.

SP Palmer shared the proposed code changes as follows.

- Establish a consistent 35 foot buffer.
- Add erosion control management language adopted from the best management practice guide. Would be a Type II review process.
- Create a standard for fencing. No more than 3 feet in height and provide visibility i.e. lattice.

She commented on the prior idea to have a two-step buffer. When staff tried to create a process for it they found it would be arduous for the applicant and difficult to enforce; hence, this proposed option.

Commissioner Kudrna inquired about the allowable percentage of usage within the buffer without mitigation standards. SP Palmer replied mitigation standards are not included in the Fairview Lake buffer; they are included in other riparian buffer codes.

Chair Stonewall asked if landscape plans within the buffer would still be required. SP Palmer replied yes, that will not change.

Commissioner Kudrna indicated his support of a 35 foot buffer. Chair Stonewall agreed and commented a 35 foot buffer solidifies what is currently present. The Commission directed staff to move forward with the Fairview Lake buffer amendments.

SP Palmer commented the next step will be for staff to prepare a public notice as per state law, and write the staff report and findings. She expects the process to be completed by the end of year or first of next year. Once the change is made, staff will make a public outreach effort, and continued effort, to remind property owners what is and isn't allowed within the buffer.

b. Food Carts/Trucks

SP Palmer commented that staff is being asked about food carts/trucks at the counter. They have received an inquiry from a business along Halsey Street that would like to place a food cart on their patio. The Halsey business is within the Town Center Commercial (TCC) zone. Currently this type of request is allowable through a 90-day Temporary Use Permit, but the request is for long term placement.

Staff is requesting Commission direction as to whether food carts/trucks should be allowed; if so, where; and what is the definition of a food cart?

Commissioner Kudrna indicated interest in exploring the idea where there is pedestrian access, in an area that can support it. The Halsey Corridor may be a good fit.

Commissioner Jones remarked he likes the 90-day option, with the ability to extend longer. If there are unforeseen issues the city will have recourse. He noted Gresham has an annual permit process.

Commissioner Kudrna commented when an applicant is not in compliance with code standards and conditions of approval, the code should include a specified time to correct or be shut down. Commissioner Jones agreed, and noted there should be language to prevent perpetual offenders.

Commissioner Jones remarked issues like size limitations, including height, physical barriers to separate all heating/cooling equipment from the public, etc. need to be determined. Commissioner Bick noted allowed site conditions i.e. traffic; safe pedestrian access, etc. need to also be considered.

The Commission supported staff moving forward and drafting proposed language for food carts.

5. COMMISSION UPDATES

None.

6. STAFF UPDATES

Senior Planner shared the following.

- Northbrook Development – pre construction meeting is scheduled next week.
- Multi-Family, 49 unit, development at NE 205th. If information submitted in time, Planning Commission may have the design review public hearing at the Oct. 25 meeting.
- Fairview Elementary is proposing a new school. The design review and variance to reduce bike parking could come to Planning Commission Oct. 25 or Nov. 8.
- Draft Transportation System Plan (TSP) document should be out next week. Planning Commission should review by end of the year.

7. TENTATIVE AGENDA

- October 11 or 25 (TBD) – proposed language for Food Carts.

8. ADJOURNMENT

Meeting adjourned by consensus at 7:06 PM.

Devree A. Leymaster
City Recorder

Gary Stonewall
Chair

Date

19.13.060 “F” definitions.

“Facade” means the outside wall of a structure designated as either front, rear, or side facade. The front facade does not include front porches, bay windows or other similar architectural features.

“Facility, higher education” means a college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, excluding elementary and high schools, and trade and commercial schools.

Family Day Care. See “Child care center, family childcare.”

“Farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.

“Fence, sight-obscuring” means a barrier consisting of wood, metal, concrete or masonry arranged in such a way as to obstruct or obscure vision, or to enclose an area.

“Fire apparatus lane” means as defined by the Uniform Fire Code.

“Flag lot” means a lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement.

Floor Area Ratio. “Floor area ratio (FAR)” is measured by dividing the gross enclosed floor area of a building by the land area of the development.

“Food and Beverage Carts” means any vehicle that is self-propelled, or which can be pushed or pulled down a sidewalk, street or highway, on which food is prepared, processed or converted, or which is used in selling and dispensing food to the ultimate consumer. Exceptions include residential lemonade stands and similar short-term sales associated with residential uses.

“Frontage” means the dimension of a property line abutting a public or private street.

“Frontage street or road” means a minor street which parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

Front Yard Orientation. See zoning districts. The “front yard orientation” on corner lots is determined by the location of the main building entrance.

“Functional classification” means the classification given to streets (e.g., “local/collector/arterial”) by the city’s Transportation System Plan, by adopted county plans, and Oregon Department of Transportation. (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

Land Uses and Building Types Permitted in the Town Center Commercial District

<p>1. Residential*</p> <p>Single-Family</p> <p>a. Single-family detached housing (existing housing only)</p> <p>b. Zero-lot line housing (existing only)</p> <p>c. Accessory dwellings</p> <p>d. Manufactured homes – individual lots (existing housing only)</p> <p>e. Single-family attached townhomes (CU)</p> <p>Two-Family</p> <p>f. Two-family housing (duplex) (CU)</p> <p>Multifamily and Three-Family</p> <p>g. Multifamily housing and triplexes (CU)</p> <p>Residential care</p> <p>h. Residential care homes and facilities (CU)</p> <p>i. Family day care (12 or fewer children)</p> <p>2. Home occupations</p> <p>3. Bed and breakfast inns and vacation rentals (CU)</p>	<p>4. Public and Institutional*</p> <p>a. Churches and places of worship</p> <p>b. Clubs, lodges, similar use</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>i. Special district facilities</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>5. Accessory Uses and Structures*</p> <p>6. Commercial</p> <p>a. Auto-oriented uses and facilities (CU)*</p>	<p>b. Entertainment (e.g., theaters, clubs, amusement uses)</p> <p><u>c. Food and Beverage Carts</u></p> <p><u>d</u>e. Hotels/motels</p> <p><u>e</u>d. Medical and dental offices, clinics and laboratories</p> <p><u>f</u>e. Mixed use development (housing and other permitted use)*</p> <p><u>g</u>f. Office uses (i.e., those not otherwise listed)</p> <p><u>h</u>g. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)</p> <p><u>i</u>h. Repair services (must be enclosed within building)</p> <p><u>j</u>i. Retail trade and services, except auto-oriented uses</p> <p><u>k</u>j. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p>7. Industrial*</p> <p>Light manufacture (e.g., small-scale crafts, electronic equipment, furniture, similar goods when in conjunction with retail) (CU)</p>
<p>Uses marked with an asterisk (*) are subject to the standards in FMC 19.65.090, Special standards for certain uses.</p>		
<p>Land uses marked with a CU shall require a conditional use permit.</p>		

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter 19.480 FMC.

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.

The following uses are expressly prohibited: Industrial uses not permitted in section 7 of Table 19.65.020.A. (Ord. 6-2001 § 1)

Chapter 19.490

MISCELLANEOUS PERMITS (TEMPORARY USES, HOME OCCUPATIONS, DOCKS, FOOD CARTS,)

Sections:

- 19.490.100 Temporary use permits.
 - 19.490.200 Home occupation permits.
 - 19.490.300 Fairview Lake dock permits.
 - 19.490.400 Food and Beverage Cart permits.
- 19.490.100 Temporary use permits.**

Temporary uses are characterized by their short-term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Three types of temporary uses require permit approval:

A. Seasonal and Special Events. These types of uses occur only once in a calendar year and for no longer a period than 90 days.

Using a Type I procedure under FMC 19.414.010, the city shall approve, approve with conditions or deny a temporary use permit based on finding that all of the following criteria are satisfied:

1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);
2. The applicant had proof of the property owner's permission to place the use on his/her property;
3. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet his or her minimum parking requirement under Chapter 19.164 FMC, Vehicle and Bicycle Parking;
4. The use provides adequate vision clearance, as required by FMC 19.162.020(O), and shall not obstruct pedestrian access on public streets;
5. Ingress and egress are safe and adequate when combined with other uses of the property as required by Chapter 19.162 FMC, Access and Circulation;
6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use; and
7. The use is adequately served by sewer or septic system and water, if applicable (the applicant shall be responsible for obtaining any related permits);
8. An extension of 60 days may be obtained if determined appropriate by the city administrator.

B. Temporary Sales Office or Model Home. Using a Type I procedure under FMC 19.414.010, the city may approve, approve with conditions or deny an application for the use of any real property within the city as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the city, but for no other purpose, based on the following criteria:

1. Temporary Sales Office.
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and
 - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.

2. Model House.

- a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
- b. The model house shall be designed as a permanent structure that meets all relevant requirements of this code.

C. Temporary Building. Using a Type I procedure under FMC 19.414.010, the city may approve, approve with conditions or deny an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property within the city as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, based on the following criteria:

1. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located;
2. The primary use on the property to be used for a temporary trailer is already developed;
3. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Chapter 19.162 FMC, Access and Circulation;
4. There is adequate parking for the customers or users of the temporary use as required by Chapter 19.164 FMC, Vehicle and Bicycle parking;
5. The use will not result in vehicular congestion on streets;
6. The use will pose no hazard to pedestrians in the area of the use;
7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;
8. The building complies with applicable building codes;
9. The use can be adequately served by sewer and water if necessary. The applicant shall be responsible for obtaining any related permits;
10. The length of time that the temporary building will be used does not exceed 12 months, and if a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit; and
11. Adequate landscaping, screening, buffering or other method to assure the structure is visually consistent with conditions surrounding the site. (Ord. 6-2009 § 3; Ord. 6-2001 § 1)

19.490.200 Home occupation permits.

The purpose of this section is to encourage those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. They are permitted by right in all residential units (dwellings), subject to the following standards:

A. Appearance of Residence.

1. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
2. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
4. No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
5. Home occupation activities will occupy no more than 30 percent of the gross floor area.
6. One professional, nonilluminated nameplate not exceeding two square feet in area is permitted in accordance with FMC 19.170.080(B)(3).
7. Home occupations in accessory structures are only allowed after approval of a conditional use permit by the planning commission.

B. Storage.

1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

C. Employees.

1. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full-time equivalent employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the lot on which the home occupation is conducted.
2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Advertising and Signs. Signs shall comply with Chapter 19.170 FMC. In no case shall a sign exceed two square feet in area.

E. Vehicles, Parking and Traffic.

1. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
2. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 10:00 p.m. to 7:00 a.m.
3. There shall be no more than one client's or customer's vehicle at any one time and no more than eight per day at the home occupation site.

F. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7:00 a.m. to 10:00 p.m. only, subject to subsections A and E of this section.

G. Prohibited Home Occupation Uses.

1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line, is prohibited.
2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by a home business are allowed subject to subsections A through F of this section.
3. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:
 - a. Ambulance service;
 - b. Animal hospital, veterinary services, kennels or animal boarding;
 - c. Auto and other vehicle repair, including auto painting;
 - d. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on site.

H. Enforcement. The city administrator or his or her designee may visit and inspect the site of home occupations in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Chapter 19.14 FMC, Enforcement. (Ord. 2-2010 § 5 (Att. 2); Ord. 6-2001 § 1)

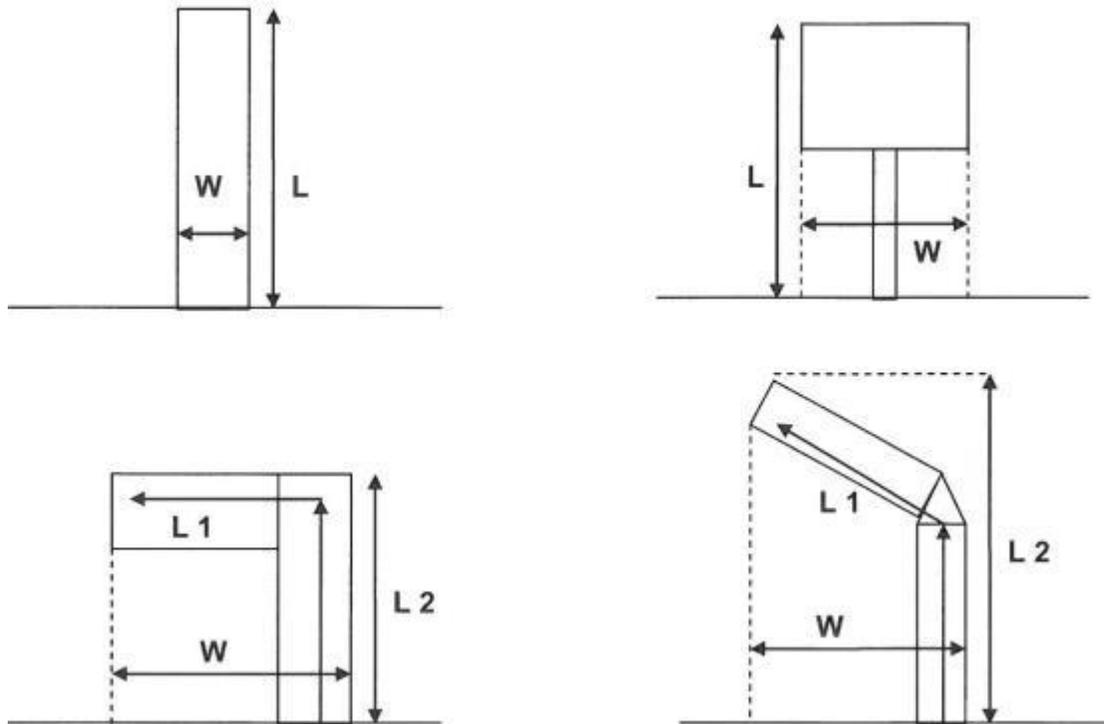
19.490.300 Fairview Lake dock permits.

The purpose of this section is to identify a permit process for proposed docks on Fairview Lake and to clarify regulations for the length, width, number, materials and accessory structures associated with the construction and design of docks on Fairview Lake.

A. Permit Required. A permit must be obtained prior to constructing or installing a dock in or on Fairview Lake. Using a Type II review procedure under FMC 19.413.020, the city shall approve or deny a Fairview Lake dock permit based on finding that all of the following criteria are satisfied:

1. Width.
 - a. A dock may have a minimum width of 10 feet; however, the total width of the dock may not exceed 20 percent of the width of the applicant's property at water's edge to which the dock will be attached.
 - b. Method of Measurement. The width of the dock is calculated based on the total of all dock components measured to the furthest dimensions of the dock. (See figure below.)
2. Length.
 - a. Total length of a dock structure may not exceed 35 feet as described in subsection (A)(2)(c) of this section.
 - b. A dock may not extend into Fairview Lake more than 35 feet.
 - c. Method of Measurement.
 - i. Calculate the length of the dock as one component from the shoreline to the furthest dimension of the dock (L1 in figure below).
 - ii. Calculate the total distance that the dock extends out into the lake from the shoreline to the furthest dimension the dock extends into the lake (L2 in figure below).

Figure 1: Method of measurement for length and width of docks.



3. Number. One dock per tax lot is allowed. Shared docks are permitted in accordance with standards in subsection E of this section.

4. Shoreline Attachment. The mechanism for attaching the dock to the shoreline including, but not limited to, a concrete pad or wooden platform not exceeding 32 square feet does not require a natural resource permit.

5. Materials. The use of Styrofoam, bead board or chemical treatments on wooden docks is prohibited on any portion of the dock.

6. Accessory Structures.

a. The attachment of accessory structures, as defined by FMC 19.13.010, including but not limited to boat houses and canopies, is prohibited on any portion of the dock.

b. Boat lifts are permitted but shall be included in the total width and length calculations of the dock.

B. All Fairview Lake dock permit applications must include:

1. City of Fairview dock permit application form.

2. Detailed narrative including:

a. Description of proposed dock including length, width, and materials.

b. Dock installation details including how dock parts will be transported to the site and method of attachment to the shoreline and lake bottom.

c. Demonstration that the proposed dock meets the approval criteria in subsection A of this section.

d. Any additional site alterations proposed in association with installation of the proposed dock (see subsection C of this section).

3. Scaled site plan including:

- a. Location of the proposed dock.
- b. Property dimensions.
- c. Dock dimensions.
- d. Natural resource protection area boundaries.
- e. Existing structures on the property owned by the applicant to which the dock will be attached.

4. Application fee as set forth by resolution.

C. Additional Permits Required. If alterations in the resource protection area are proposed in association with the installation of the dock, including but not limited to a path, vegetation removal, erosion control measures or structures, additional permits may be required (i.e., natural resource permit, building permit).

A shoreline attachment mechanism that is less than 32 square feet in area does not require a natural resource permit as described in subsection (A)(4) of this section.

D. Shared Docks. A shared dock shall meet all approval criteria for an individual dock. The maximum width for a shared dock shall be 20 percent of the total width of all contiguous properties adjacent to the lake that the shared dock will serve.

E. Nonconforming Docks.

1. The provisions of subsections A to E of this section do not apply to a structure that was lawfully established or to a permit that was lawfully issued prior to the effective date of the ordinance codified in this section. An application for a permit to alter, expand or otherwise modify a lawfully permitted structure that is submitted after the effective date of the ordinance codified in this section is subject to the provisions of this section.
2. Normal maintenance and repair of an existing legal dock is permitted.
3. Legal nonconforming docks are subject to Chapter 19.530 FMC, Nonconforming Uses and Developments. (Ord. 1-2013 § 1 (Att. 1))

19.490.400 Food and Beverage Cart permits.

The purpose of these regulations is to permit food and beverage carts on a year-round basis in the Town Center Commercial zone.

A. Applicability

The provisions of this section apply to food and beverage carts used in the preparation and/or sales of food and beverage items to the general public. Drive-through uses are not permitted as food carts under this section. Carts must be mobile units and are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food (but not a food truck or RV) or a smaller mobile push-cart. As with temporary uses, permanent site improvements may not be required. However, the standards and permit processes of this section are intended to ensure that mobile food unit sites are conducted as lawful uses and in a

manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

B. Permit Required

1. Food and Beverage Carts are required to obtain a City of Fairview Food Cart Permit and Business License prior to operating.
2. The initial permit review for a Food Cart Permit shall follow a Type II review procedure per the requirements of FMC 19.413, Procedures.
3. Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Type I procedure, except if the use was subject to a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Type II review procedure.

C. Submission Requirements

An application for a permit to allow operation of one or more food carts on private property shall be on forms provided by the Fairview Planning Department and include materials listed as follows:

- A. Completed General Land Use Application and application fee.
 1. Site plan drawn to scale including:
 - a. Site dimensions.
 - b. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
 - c. Number and location of food carts on the site.
 - d. Individual square footage of all food carts.
 - e. Accessible pedestrian route clearances.
 - f. Size, location, and clearances of customer seating areas.
 - g. Vehicular circulation and access points.
 - h. Parking, maneuvering and loading areas.
 - i. Location and design elevation of all structures.
 - j. Location and specification of landscaped areas.
 - k. Location and specifications of food cart pads.
 - l. Location and design of fences and walls.
 - m. Number and location of trash and recycling areas.
 - n. Location and type of auxiliary storage.
 - o. Photos or architectural elevations of proposed food cart(s).
 - p. Proximity to bathroom and written permission, if applicable.
 - q. Disposal plan for wastewater and gray water.

Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.

Written verification that the food cart has been inspected and meets applicable County Health regulations.

Any additional information that may be required by the Director to properly evaluate the proposed site plan.

The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

D. Standards for Food and Beverage Carts

An application for a food and beverage cart shall be reviewed for compliance with the following standards:

1. Surfacing
 - a) All Food and Beverage Carts shall be placed on an existing hard-surfaced area such as but not limited to concrete, asphalt, or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in FMC Chapter 19.164.
 - b) Any associated parking, loading, and maneuvering areas for vehicles shall be on existing hard-surfaced areas, unless a permeable parking, loading, or maneuvering area surface was authorized as part of a previously implemented design review approval for the site.
2. Unit Dimensions: Food and Beverage Cart mobile units shall not exceed 26 feet in length, or be greater than 200 sq. feet.
3. Minimum Setbacks and Separation Distance
 - a) All mobile food units on the site shall be located a minimum of:
 - i. Five feet from any structure or other mobile food unit;
 - ii. Three feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
 - iii. Five feet from any side or rear lot line
 - iv. Carts shall not be located within twenty-five feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way.
4. Driveway Access: No new or modified driveway access is permitted.
5. Vehicle Parking
 - a) Carts shall not occupy parking to the meet minimum vehicle and bicycle parking requirements as required per FMC Chapter 19.164
 - b) Each food cart shall provide one pave off-street parking space for employee use or provide proof of written permission from an adjacent business or property owner within ¼ mile of the subject site allowing the food cart operator to share parking facilities.
6. Fire Lanes and Drive Aisles: Food and Beverage Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access

7. Screening : If the mobile food unit site is located less than twenty (20) feet from a residential zoning district, the residential property shall be screened from the mobile food unit site, which may be a portion of a property including the mobile food unit, seating, queuing, etc., abutting the residential zoning district and may not necessarily extend to the shared property line.
 - a) Required screening:
 - i. May be provided by an existing, continuous, sight-obscuring structure, fence, or hedge.
 - ii. If new, shall be a continuous, sight-obscuring vegetative screen; or if fencing is utilized as screening, shall be stained cedar or ornate metal. Chain-link fencing with slats shall not qualify as acceptable screening material; and shall have a minimum height of six feet.
8. Signs: Signage shall comply with applicable requirements of Chapter 19.170 (Sign Regulations) and each cart is permitted one (1) A-Frame sign.
9. Obstruction of Vehicular and Pedestrian Use Areas and Landscape Areas:
 - a) No mobile food unit or associated element, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, or walkways.
 - b) Food and Beverage Carts shall not occupy landscaping areas approved as part of a prior design review or other land use application.
 - c) However, occupying existing onsite automobile parking spaces is permitted, provided that such spaces are not simultaneously used for parking or required to meet minimum parking requirements on the site.
10. Attachments
 - a) Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground.
 - b) Neither the Food and Beverage Cart nor any item relating to the unit shall lean against or hang from any structure or utility pole.
 - c) No structure shall be attached to the unit.
11. Exterior Condition
 - a) The exterior surfaces of all Food and Beverage Carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken.
 - b) Day-glo and highly reflective colors are prohibited.
 - c) Tents and canopies shall not have not tears, mold, or broken or non-functioning supports and shall be securely anchored.
12. Aesthetics
 - a) Food and Beverage Carts shall limit the visual effect of accessory items not used by customers examples include, but are not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a small storage shed.
 - b) Items relating to the Cart shall be stored in, on, or under the unit.

- c) All seating areas shall be located on the subject property at least 10 ft. from a food cart and shall be separated from parking areas by an approved fence or barrier.

13. Graywater

- a) Food & Beverage Carts must provide a graywater disposal plan that describes how graywater will be disposed of properly.
- b) The plan must indicate a method that ensures the graywater is disposed of properly and fats, oils and grease do not enter the City's sanitary sewer system.
- c) Dumping water on the ground, streets or in storm drains is prohibited.
- d) If contracting with a third -party service for graywater disposal, a copy of the contract must be provided to the City.
- e) Food & Beverage Carts may connect to the municipal wastewater system but can only establish a temporary (such as RV-style) connection.
- f) Uses that cook or prepare foods or beverages will be required to install a grease interceptor to capture grease, oil or solid foods.

14. Lighting: Outdoor lighting shall be required per this title if not already provided by an existing use.

15. Fire Safety

- a) Carts shall meet City of Gresham Fire Code requirements regarding distances from other structures or combustible materials.
- b) Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall.
- c) Appropriate fire extinguishers are required.
- d) Propane tanks shall be stored and handled properly and be located at least 10 feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.
- e) Carts shall not have any internal floor space available to customers.

16. Utilities: To the extent that utilities are desired by the applicant or required by applicable regulations, mobile vending units shall have self-contained utilities, or if onsite utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company.

Notwithstanding this requirement:

If allowed by the utility district or company and any applicable Oregon Specialty Code, aboveground utility connections are permitted, when a mobile vending unit will remain on the subject property for no more than one hundred twenty (120) days in a calendar year. For the purpose of this exception:

If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.

If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.

If allowed by the utility district or company and the Oregon Electrical Specialty Code, aboveground power cords are permitted to connect the mobile vending unit to an approved electricity source.

If allowed by the utility district or company and the Oregon Plumbing Specialty Code, aboveground hoses are permitted to connect the mobile vending unit to an approved water source.

17. Health & Sanitation

- a) Trash and recycle receptacles shall be provided onsite, and must be emptied and maintained. Where the food cart operator proposes to provide a common seating area a minimum of one (1) trash receptacle and one (1) recycle receptacle shall be provided in the common seating area.
- b) Restrooms with handwashing facilities shall be provided for employees and customers. The restroom can be on-site within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.

E. Permit Requirements

1. Each food cart permit shall terminate December 31st of the year in which it is issued.
2. The permit issued shall be personal to the permittee only and is not transferable in any manner. The permittee will be responsible for compliance with all conditions of approval.
3. All food carts shall be appropriately licensed and approved for operation in Multnomah County as a Class I-V food cart. All food carts are subject to all applicable city, county, and state regulations. The property owner shall ensure that each food cart on the subject site complies with these regulations.

F. Denial, Revocation or Suspension of Permit

1. A food cart shall be subject to revocation by the Director if the application is found to include false information or if the conditions of approval have not been complied with or are not being maintained.
2. A food cart that has not been in use for over 60 days are determined abandoned and shall be removed in accordance with nuisance regulations as described in Title X of the Fairview Municipal Code.