



# PLANNING COMMISSION MEETING

Tuesday, September 25, 2018, 6:30 PM

Fairview City Hall – Council Chambers, 2nd Floor  
1300 NE Village Street, Fairview, OR 97024

## MEETING AGENDA

1. **CALL TO ORDER:** 6:30 p.m.
2. **CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**

3. **PUBLIC HEARING**

**File Number 2018-40-CUP**

Zaloznik Duplexes (NE 202<sup>nd</sup> and NE Oregon – Esther Estate Subdivision)  
Type III Quasi-Judicial Procedure

**Summary:** This application pertains to three parcels in the City of Fairview: R660623, R660624, & R660625 (No site address). The applicant is requesting Conditional Use approval to build two new duplexes on the site, with each duplex totaling 2,424 SF (or 1,212 SF per unit). All three parcels are located in the Residential (R) zone. Access to the proposed development will be provided from NE Oregon Street via a private easement on property R660625.

**Applicable Fairview Municipal Code Criteria:**

FMC 19.30	Residential (R) District
FMC 19.162	Access and Circulation
FMC 19.163	Landscaping, Street Trees, Fences and Walls
FMC 19.164	Vehicle and Bicycle Parking
FMC 19.400	Administration of Land Use & Development Review
FMC 19.412	Description of Permit Procedures
FMC 19.413	Procedures
FMC 19.440	Conditional Use Permits

4. **COMMISSION AND STAFF UPDATES**

5. **TENTATIVE AGENDA**

6. **ADJOURNMENT**

NEXT PLANNING COMMISSION MEETING: TUESDAY, OCT. 9, 2018

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Planning Commission hearings are broadcast live on Comcast Cable Channel 30 and Frontier FiOs Channel 38. Replays of the meeting are shown on Saturday at 12:30pm and Monday at 2:00pm following the original broadcast date. Meetings are also available for viewing on the MetroEast website. 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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**PLANNING COMMISSION STAFF REPORT  
TYPE III SITE CONDITIONAL USE PERMIT  
FINDINGS AND STAFF RECOMMENDATION**

**Date of Report:** September 18, 2018

**Staff Contact:** Eric Rutledge, Associate Planner  
[rutledgee@ci.fairview.or.us](mailto:rutledgee@ci.fairview.or.us)  
503-674-6205

**Application Number:** 2018-62-TA

**Property Owner:** Chris and Becca Zaloznik

**Applicant:** Chris and Becca Zaloznik

**Site Address:** No site address - 3 parcels at NE Oregon St. / NE 202<sup>nd</sup> Ave

**Parcel Number/Tax ID:** R660623, R660624, R660625  
(1N3E32AD-603, 1N3E32AD-604, 1N3E33BC-601)

**Proposal:** Two new duplexes, total of four units. Each duplex will be 2,424 SF or 1,212 SF per unit. Access to both properties provided via a flag lot owned by the applicant.

**Recommendation:** **Approval with Conditions**

**Exhibits:**

- A. Applicant's Narrative & Written Materials**
  - 1. Applicant Narrative
- B. Plans/Drawings**
  - 1. Existing Conditions
  - 2. Site Analysis Map
  - 3. Site Plan

4. Building Elevations
5. Esther Estates Subdivision Plat

**C. Department Referral Comments**

1. Gresham Fire Comments
  2. Gresham Fire Email re: Turnaround
  3. Rockwood Water PUD Comments
  3. City of Fairview Engineering Comments
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## **I. BACKGROUND & EXISTING CONDITIONS**

**Address/Location:** NE Oregon Street / NE 202<sup>nd</sup> Avenue

**Acreage:** 0.41 acres (18,012 SF)

**Comprehensive Plan:** Low Density Residential / Public

**Zoning Designation:** Residential (R)

**Zoning Overlays:** None

**Surround Land Use:**

North: Residential / Residential - Community Service Parks

South: Residential

East: Residential

West: Residential

**Streets/Classification:** NE Oregon Street and NE 202<sup>nd</sup> Avenue are local streets under Fairview jurisdiction.

**Application Narrative:**

The applicant is proposing to build two new duplexes for a total of four new residential units. Each duplex structure will be 2,424 SF, or 1,212 SF per unit. One duplex will be placed on Lot 3 and one duplex on Lot 4 (see Exhibit B5 Esther Estates Plat). Access to Lots 3 & 4 will be provided via a private access easement on Lot 5 which also owned by the applicant. Both parcels are located in the Rockwood Water District.

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Duplexes are allowed as a Conditional Use in the Residential (R) zone, allowing a case specific analysis of the proposal and potential impact to surrounding land uses and public facilities. New duplex developments are also required to comply with special design standards designed to control the scale of the development and potential off-site impacts.

**Existing Site Conditions:**

The three parcels proposed for development were created as part of the Esther Estates subdivision in 2014. The subdivision created seven parcels, four with existing single-family homes that remained and three undeveloped parcels that are the subject of this application.

The parcels are currently vacant except for two old sheds and a fence overgrown with blackberries and other vegetation. The site is flat with low-lying vegetation and scattered trees around the perimeter including firs, locusts, and fruit trees. There are no known wetlands or natural resources on the site.

An 8” public sanitary sewer line extends into the site under Lots 1 & 5, with three 4” laterals extending into Lots 3, 4, & 5. Four 1” water lines have also been installed in a private utility easement under Lots 1 & 5, providing potable water to Lots 3, 4, & 5.

**II. NOTICES & REFERRALS**

<b>Application Date:</b>	May 31, 2018
<b>Application Deemed Complete:</b>	August 21, 2018
<b>Public Hearing Date:</b>	September 25, 2018
<b>Public Notice Date/Type:</b>	August 31, 2018 Notice to Property Owners (250 ft) September 4, 2018 Notice in Outlook September 14, 2018 Notice Posted to Site
<b>Referrals:</b>	Rockwood Water PUD Gresham Fire City of Fairview Public Works

**III. APPLICABLE CRITERIA**

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

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- A) Application Review Procedures
  - FMC 19.400 Administration of Land Use & Development Review
  - FMC 19.412 Description of Permit Procedures
  - FMC 19.413 Procedures
  - FMC 19.440 Conditional Use Permits
- B) Land use Districts
  - FMC 19.30 Residential District
- C) Design Standards
  - FMC 19.162 Access and Circulation
  - FMC 19.163 Landscaping, Street Trees, Fences, and Walls
  - FMC 19.164 Vehicle and Bicycle Parking

## **IV. APPLICATION REVIEW PROCEDURE FINDINGS**

### ***Chapter 19.400 Administration of Land Use Review***

*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.*

**FINDINGS:** If approved, this Conditional Use approval shall expire two (2) years from the date of final decision.

### ***Chapter 19.413 Procedures***

*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 news paper 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*

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*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.*

**FINDINGS:** Public notification for the hearing was provided by city staff in accordance with the requirements listed above including:

- August 31, 2018 Notice to Property Owners (250 ft)
- September 4, 2018 Notice in Outlook
- September 14, 2018 Notice Posted to Site

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:** A planning commission hearing on the application is scheduled for September 25, 2018.

#### **Chapter 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.*

##### *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.*

**FINDINGS:** The application has been processed as a Type III procedure. The application has met all of the submission requirements contained in this chapter and was deemed complete on August 21, 2018.

**NOTE:** FMC Sections 19.440.400 – 500 are addressed below, following the findings for Article II Land Use Districts and Article III Design Standards.

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.

**V. LAND USE DISTRICT FINDINGS**

**Chapter 19.30 Residential (R) District**

*19.30.010 Purpose.*

A. *The residential district is intended to promote the livability, stability and improvement of the city’s neighborhoods...*

*19.30.020 Permitted land uses.*

A. *Permitted Uses. The land uses listed in Table 19.30.020.A are permitted in the residential district, subject to the provisions of this chapter.*

*Table 19.30.020.A  
Land Uses and Building Types Permitted in the Residential District*

Zones and Overlays	Residential
g. Two-family (duplex)	CU*

\* *Subject to standards in FMC [19.30.110](#), Special standards for certain uses.*

**FINDINGS:** Duplexes require Conditional Use approval in the Residential (R) zone and must comply with the special standards listed in FMC 19.30.110.

*19.30.030 Building setbacks.*

A. *Front Setbacks.*

1. *Residential Uses (single-family detached and attached, duplex and triplex, manufactured homes on lots, multifamily housing types). Setbacks for manufactured home parks are located in FMC [19.30.130](#).*

a. *A minimum setback of 10 feet and a maximum setback of 30 feet is required, except that an unenclosed porch may be within eight feet of the right-of-way, as long as it does not encroach into a public utility easement. These setbacks shall also apply to accessory dwelling units. See also FMC [19.30.030\(F\)](#), which provides standards for setbacks*

*for established residential areas (for homes built on vacant lots surrounded by existing development).*

**FINDINGS:** The applicant's narrative says the buildings will be setback 30 ft., however, this is not reflected on the site plan. The front setback for Lots 3 and 4 shall be measured from the northern edge of the private access and utility easement.

**Condition of Approval:** Prior to issuance of building permits, the applicant shall submit a revised, scaled site plan that shows the front setback for each building to between 10-30 ft. from the private access easement.

- b. Garages and carports shall be accessed from rear alleys or otherwise recessed behind the front building elevation (facade or porch) by a minimum of six feet. Alternatively, garage and carport entrances may be built flush with the front building elevation when the building is set back at least 20 feet.*

**FINDINGS:** The duplex on Lot 3 will include two single-car garages, one on each side of the building (west and east). The garages are setback behind the front building elevation by 14 ft. This standard is met.

- c. Multifamily housing shall also comply with the building orientation standards in FMC [19.30.090](#), Building orientation.*

- B. Rear Setbacks. The minimum rear setback shall be 15 feet for street-access lots, and two feet for alley-access lots (for accessory structures).*

**FINDINGS:** The patio cover/back porch for the duplex on Lot 3 extends into the 15 ft. required setback. The proposed duplex on Lot 4 complies with the 15 ft. rear setback requirement.

**Condition of Approval:** Prior to building plan review, the applicant shall submit a revised site plan and building elevations that show compliance with the 15 ft. rear setback. Note: a Type A variance may be obtained that allows a 10% encroachment into the rear setback.

- C. Side Setbacks. The minimum side setback shall be five feet on interior side yards, and 10 feet on street corner yards; or when zero-lot line development is permitted, the minimum side setbacks shall be 10 feet minimum on one side of the dwelling unit, and no setback required on the*

opposite side. (See the special standards for zero-lot line housing in FMC [19.30.110.](#))

**FINDINGS:** The proposed side setbacks for Lot 3 are 6 ft. on the west side and 7 ft. on the east side. The proposed setbacks for Lot 4 are 18 ft. on the west side and 19 ft. on the east side. This standard is met.

*19.30.040 Lot area and dimensions.*

<i>Land Use</i>	<i>Districts* and Lot Area</i>	<i>Lot Width/Depth</i>	<i>Related Standards</i>
<i>Two-Family Attached Housing</i>	<i>Standard Residential District</i>  <i>Minimum: 6,000 square feet.</i> <i>Maximum: 10,000 square feet.</i>	<i>Minimum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (see FMC <a href="#">19.30.050.</a>)</i> <i>Maximum Depth: Three times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.).</i>	<i>The average lot area and residential floor area in new developments shall conform to the standards in FMC <a href="#">19.30.060,</a> Residential density and building size.</i>

**FINDINGS:** Lots 3 and 4 are both 6,000 SF, meeting the minimum lot area for the R zone. The lots also comply with the flag lot and residential floor area standards, as described below.

*19.30.050 Flag lots and lots accessed by mid-block lanes.*

*B. Driveway and Lane Width. The minimum width of all shared drives and lanes shall be 12 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code.*

**FINDINGS:** A variable width access and utility easement over Lots 1 and 5 provides vehicle and pedestrian access to Lots 3 and 4. In some locations, the easement width is greater than 20 ft.

**Condition of Approval:** The final paved driveway width may not exceed 20 ft., unless required by the Uniform Fire Code.

- C. *Dedication of Drive Lane. The owner shall dedicate 12 feet of right-of-way or record a 12-foot easement (i.e., six feet for each property sharing a drive) for vehicle access similar to an alley. The dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.*

**FINDINGS:** A private access easement has already been dedicated for access to Lots 3 and 4 on Subdivision Plat 1305-009-010 (Multnomah County). This standard is met.

- D. *Maximum Drive Lane Length. The maximum drive lane length is 400 feet unless a greater length is approved based upon the requirements of the Uniform Fire Code.*

**FINDINGS:** The proposed driveway length to the end of Lot 3 is approximately 230 ft. This standard is met.

*19.30.060 Residential density and building size.*

- A. *Residential Density Standard. New development applications must achieve at least the minimum density of the zoning district in which they are located.*
- B. *Minimum Density Calculation. Multiply the total (gross) site area by .80 to obtain total net site area. Divide the total net site area by the maximum lot size and multiply that figure by .80 to determine the minimum density or the minimum number of required units.*

**FINDINGS:** The minimum number of cumulative units for Lots 3 and 4 is 1.28 (or 2). The applicant is proposing 4 units. This standard is met.

- C. *Residential Building Size Standard. In order to implement the residential building intensity policies of the Comprehensive Plan and limit the mass of residential buildings in relation to the lot area, the following floor area standards are established:*

**FINDINGS:** This standard does not include a defined maximum adjusted floor area and cannot be applied to development applications as written. The City has flagged this standard for update.

*19.30.070 Maximum lot coverage.*

- A. *Maximum Lot Coverage. The following maximum lot coverage standards shall apply to all, subject to the maximum building size standards in FMC [19.30.060](#):*

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2. Duplexes and triplexes: 70 percent;

**FINDINGS:** The proposed lot coverage is approximately 64% on Lots 3 and 4. This standard is met.

19.30.080 Building height.

- A. *Building Height Standard. Buildings within the residential district shall be no more than 35 feet or two and one-half stories in height, whichever is less.*

**FINDINGS:** The proposed building height for both duplexes is 27 ft. 5.5 in. This standard is met.

19.30.090 Building orientation.

- B. *Applicability. This section applies to: single-family detached housing (except for flag lot development);...*

**FINDINGS:** The proposed duplexes are located on flag lots. This section does not apply.

19.30.100 Design standards.

- A. *Purpose. The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.*
- B. *Applicability. This section applies to all of the following types of buildings, and shall be applied during site design review:*
5. *Duplexes and triplexes.*
- C. *Standards. All buildings which are subject to this section shall comply with all of the following standards...*
1. *Building Form. The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 120 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above figure. Along the vertical face of a structure, such features shall occur at a minimum of every 35 feet, and on each floor shall contain at least two of the following features:*

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- a. *Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of five feet;*
- b. *Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or*
- c. *Offsets or breaks in roof elevation of two feet or greater in height.*

**FINDINGS:**

**Duplex on Lot 3**

<b>Building wall</b>	<b>Building form features</b>
Front top	Two (2) gables with projection from wall
Front bottom	(1) Patio, (1) canopy extension
Rear top	None
Rear bottom	None (when patio/porch is removed)
Left side (west) top	None
Left side (west) bottom	(1) Garage projection
Right side (east) top	None
Right side (east) bottom	(1) Garage projection

**Duplex on Lot 4**

<b>Building wall</b>	<b>Building form features</b>
Front top	Two (2) gables with projection from wall
Front bottom	(1) Patio, (1) canopy extension
Rear top	None
Rear bottom	None
Left side (west) top	None
Left side (west) bottom	None
Right side (east) top	None
Right side (east) bottom	None

**Condition of Approval:** Prior to building plan review, the applicant shall submit revised building elevations that show the rear wall (top/bottom floors) and side walls (top/bottom floors) for the duplex on Lot 3 comply with the building form standard above.

Prior to building plan review, the applicant shall submit revised building elevations that show the rear wall (top/bottom floors) and side walls (top/bottom floors) for the duplex on Lot 4 comply with the building form standard above.

- 2. Eyes on the Street. All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.*

**FINDINGS:** The proposed duplexes are located on flag lots and do not have frontage on a public street.

3. *Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least three of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):*
- a. *Dormers;*
  - b. *Gables;*
  - c. *Recessed entries;*
  - d. *Covered porch entries;*
  - e. *Cupolas or towers;*
  - f. *Pillars or posts;*
  - g. *Eaves (minimum six-inch projection);*
  - h. *Off-sets in building face or roof (minimum 16 inches);*
  - i. *Window trim (minimum four inches wide);*
  - j. *Bay windows;*
  - k. *Balconies;*
  - l. *Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features);*
  - m. *Decorative cornices and rooflines (e.g., for flat roofs);*
  - n. *An alternative feature providing visual relief, similar to options in subsections (C)(3)(a) through (m) of this section.*

**Findings:**

**Duplex on Lot 3**

<b>Building wall</b>	<b>Detailed design features</b>
Front	Covered porch entry, off-sets in building face, eaves
Rear	Eaves
Left side (west)	Eaves, off-sets in building face, decorative pattern (board and batten on second floor)
Right side (east)	Eaves, off-sets in building face, gable

**Duplex on Lot 4**

<b>Building wall</b>	<b>Detailed design features</b>
Front	Covered porch, off-sets in building face, eaves
Rear	Eaves
Left side (west)	Eaves, gable, decorative pattern (board and batten)

Right side (east)	Eaves, gable, decorative pattern (board and batten)
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**Condition of Approval:** Prior to building plan review, the applicant shall submit revised elevations that show the rear wall for the duplexes on Lots 3 & 4 comply with the detailed design standards above.

**19.30.110 Special standards for certain uses.**

E. *Single-Family Attached (Townhomes), Duplexes and Triplexes. Single-family attached housing (townhome units on individual lots), duplex and triplex developments shall comply with the standards in subsections (E)(1) through (E)(4) of this section. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.*

1. *Building Mass Supplemental Standard. Within the residential district, the maximum number and width of consecutively attached town-homes on individual lots (i.e., with attached walls at property line) shall not exceed four units. Within the multifamily district, the number and width of consecutively attached townhome units on one lot shall not exceed six units.*

**FINDINGS:** The total number of consecutively attached units will not exceed two. This standard is met.

2. *Alley Access. Townhome, duplex, triplex and subdivisions (four or more lots) shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval, in accordance with FMC 19.165.020, Transportation standards, and Chapter 19.430 FMC, Land Divisions and Lot Line Adjustments. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (see subsection (E)(3) of this section for standards). As necessary, the city shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Chapter 19.162 FMC, Access and Circulation.*

**FINDINGS:** The duplexes are proposed on two lots in an existing subdivision without alley access. Private property surrounds the development site in all directions and dedication of a new alley is impracticable.

3. *Street Access Developments. Town-homes, duplexes and triplexes receiving access directly from a public or private street (and not an alley) shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, maximize on-street parking, improve appearance of the streets, and minimize paved surfaces for better stormwater management.*
  - a. *When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of four feet.*
  - b. *The maximum allowable driveway width facing the street is 12 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.*
  - c. *Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.*

**FINDINGS:** The driveway has been constructed as part of the Esther Estates subdivision and does not exceed 24 ft.

The proposed duplexes and their garages are located on flag lots and are not visible from the street. The standards intended to mitigate the visual impact of garages from the right-of-way do not apply.

4. *Common Areas. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.*

**FINDINGS:** The applicants are owners of Lots 3, 4, and 5 and all necessary restrictions for vehicles and utilities have been provided on the final plat.

## **VI. DESIGN STANDARDS FINDINGS**

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### **Chapter 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.*

#### *FMC 19.162.020 Vehicular Access and circulation*

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

**FINDINGS:** The development site is located adjacent to NE 202<sup>nd</sup> Avenue, identified as a local street operated by the City of Fairview in the 2016 Transportation System Plan. This section applies to the subject development.

- 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 based on the standards contained in this chapter, and the provisions of the transportation standards.*

**FINDINGS:** Access to the site was approved part of the Esther Estates subdivision (2008-32-FP) in 2008. A concrete driveway and apron has already been constructed at the south end of Lot 5.

- D. Traffic Study Requirements. The city may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements.*

**FINDINGS:** A traffic study was not required to determine access, circulations, or other transportation improvements.

#### *FMC 19.162.020 Sections E-L*

**FINDINGS:** Subsections E-K address access standards that have been previously addressed during the Esther Estates subdivision approval process. A single access with a private driveway over Lot 5 will provide vehicular and pedestrian access to Lots 3, 4, and 5.

*M. Fire Access and Parking Area Turnarounds. 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 turnaround 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 proposed duplex on Lot 3 will be greater than 150 ft. from an existing public street and a fire equipment access drive and turnaround is required (Exhibit C2 Gresham Fire Email re: Turnaround). The site plan indicates paved driveway will provide vehicle access to Lots 3, 4, and 5 but does not include an emergency vehicle or delivery turnaround area.

**Condition of Approval:** Prior to issuance of building permits, the applicant shall submit a revised site plan that includes a turn around location for emergency and service/delivery vehicles in conformance with the Uniform Building Code and approved by Gresham Fire.

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

**FINDINGS:** The applicant's site plan does not indicate any private streets or drive areas with a clearance under 13 ft. 6 in. This standard 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.*

**FINDINGS:** No new structures are proposed that would obstruct the vision clearance area near the driveway intersection.

*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 turnarounds 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.*

**FINDINGS:** The site plan indicates the driveway easement and parking areas will be constructed of pavement.

2. *Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turnarounds 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.*

**FINDINGS:** A rain garden is proposed on Lot 5 to collect stormwater runoff. A grading, utility, and stormwater control plan has not been submitted to confirm the stormwater runoff will drain into the rain garden.

**Condition of Approval:** Prior to issuance of building permits, a final stormwater management plan is required showing the site complies with the 2016 Portland Stormwater Management Manual. Surface water facilities shall be constructed in conformance with city standards. If the rain garden is used to treat stormwater, a stormwater facility maintenance agreement is required.

*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...*
  1. *Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of FMC 19.162.020, Vehicular access and circulation, and the transportation standards in Chapter 19.165 FMC.*

**FINDINGS:** A 4 ft. wide porch and pedestrian path is proposed between all building entrances within each property. A 3 ft. wide pedestrian path is also proposed between buildings on separate lots. Note: The 3 ft. wide pedestrian path is not required if the 4 ft. wide porch is widened to 5 ft. as conditioned below.

**Condition of Approval:** The Public Facilities Standards (FMC 19.165.025(K)) requires internal pathways to be at least 5 ft. in width. Prior to the issuance of building permits, the applicant shall submit a revised site plan that shows one of the two pedestrian path connecting building entrances on the same lot to be at least 5 ft. in width. If both pedestrian paths are retained, both shall be at least 5 ft. in width.

2. *Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:*
  - a. *“Reasonably direct” means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.*
  - b. *“Safe and convenient” means bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.*
  - c. *For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.*

**FINDINGS:** A 4 ft. wide porch and pedestrian path is proposed between all building entrances within each property. As conditioned above, one of the pathways connecting building entrances within each side must be widened to 5 ft. A pathway is not proposed to connect the building entrances to the adjacent street. A fire access road will be required along the easement over Lot 5 making a raised and curbed pedestrian pathway impracticable.

3. *Connections within Development. For all developments subject to site design review, pathways shall connect all building entrances*

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*to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.*

**FINDINGS:** The application is not subject to site design review. This section does not apply.

4. *Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near midblock where the block length exceeds the length required by FMC 19.162.020. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:*

**FINDINGS:** The block formation standard required for land divisions and large site developments in FMC 19.162.020 does not apply to this site. This standard does not apply.

5. *Connections to Other Facilities. Proposed pathways shall be located to provide access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and park and transit facilities. To the greatest extent possible, access shall be reasonably direct, providing a route or routes that do not deviate unnecessarily from a straight line or that do not involve a significant amount of out-of-direction travel.*

**FINDINGS:** The development site is surrounded by private property in all directions. Connections to other facilities through private property is not feasible.

- B. *Design and Construction. Pathways shall conform to all of the standards in subsections (B)(1) through (B)(5) of this section:*

1. *Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum strip with bollards, a landscape buffer, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.*

**FINDINGS:** A 3 ft. wide pedestrian path is proposed parallel and adjacent to the private access easement on Lots 3 and 4.

**Condition of Approval:** If the pedestrian pathway parallel to the access easement is retained, it shall be widened to 5 ft in width, raised six inches, and curbed to be in compliance with FMC 19.165.025(K) and the construction standard listed above.

2. *Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of five feet from all residential living areas on the ground floor, except at building entrances. Separation is measured as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 19.163 FMC, Landscaping, Street Trees, Fences and Walls. No pathway/building separation is required for commercial, industrial, public, or institutional uses.*

**FINDINGS:** A landscaped area and front porch with a minimum width of 5 ft. are proposed between all pedestrian pathways and residential living areas. This standard is met.

3. *Crosswalks. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings.*

**Findings:** Crosswalks are not proposed over parking or driving areas. This standard does not apply.

4. *Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide. (See also Chapter 19.165 FMC, Transportation Standards for public, multi-use pathway standard.)*

**FINDINGS:** The Fairview Development code allows for two different pedestrian pathway widths. In addition to the 6 ft. standard noted above, the Public Facilities standards in FMC 19.165.025(K) "Transportation Improvements – Internal Pathways" calls for internal pathways to be at least 5 ft. in width. The Planning Commission has previously found that a 5 ft. width complies with ADA requirements and that the differing requirements created an unintended conflict, and have approved pedestrian pathways at the 5 ft. width.

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**Condition of Approval:** The proposed width of pedestrian paths is 3 ft. Prior to issuance of building permits, the applicant shall submit a revised site plan that shows all pedestrian paths at least 5 ft. in width.

5. *Accessible Routes. Pathways shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.*

**Condition of Approval:** Prior to the issuance of building permits, site development plans must comply with applicable ADA requirements.

### **Chapter 19.163 Landscaping, Street Trees, Fences and Walls**

#### *19.163.010 Purpose.*

*The purpose of this chapter is to promote community health, safety and welfare by protecting natural vegetation, and setting development standards for 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...*
- 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.*

**FINDINGS:** There are 13 significant trees on site including two fruit trees, two fir trees, and a cluster of locust trees. The applicant's site plan indicates that all significant vegetation, except for the 18 in. fir at the west end of Lot 3 will be removed. The second 18 in. fir tree, fruit trees, and three locust trees (Lot 3) are located in drive and parking areas required for the site.

No development is proposed in the area surrounding the six (6) locust trees at the northeast corner of Lot 4. The species of locust tree is not indicated in the application. The locust trees shall remain on site and be protected through construction unless the trees are determined to be nuisance plants. Black locust trees are classified as nuisance plants on the Portland Native Plant List.

**Condition of Approval:** The 18 in. fir near the west end of Lot 3 and the six (6) locust trees at the east end of Lot 4 shall remain on site and be protected before, during, and after construction. The locust trees can be removed if they are

determined to be nuisance plants according to the Portland Native Plant list or a qualified professional.

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.*

**FINDINGS:** The site does not contain any sensitive lands as described in the Natural Resource or Floodplain Overlay sections.

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.*

**FINDINGS:** The Condition of Approval requiring protection of significant vegetation does not apply to non-native plants.

- 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.*

**FINDINGS:** The existing conditions map (Exhibit B1) shows significant vegetation. As described and conditioned above, the 18" fir tree and cluster of six (6) locust trees at the east end of Lot 4 shall be protected as part of the development.

**Condition of Approval:** Prior to issuance of grading permits, the applicant shall submit a tree protection plan for the 18" fir tree and six locust trees.

2. *Sensitive Lands. Sensitive lands shall be protected in conformance with the provisions of Chapters 19.105 and 19.106 FMC.*

**FINDINGS:** There are no sensitive lands on the site. This standard does not apply.

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.*

**FINDINGS:** No conservation easements or dedications are required.

*19.163.025 Existing landscaping.*

- A. *Applicability. This section shall apply to all developments.*

**FINDINGS:** This section applies to the proposed development.

- B. *Construction. All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the city for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Chapter 19.105 FMC, Floodplain Overlay and Chapter 19.106 FMC, Natural Resource Regulations.*

**Condition of Approval:** The tree protect

- C. *Exemptions. The protection standards in FMC 19.163.020(D) shall not apply in the following situations:*
  1. *Dead, Diseased, and/or Hazardous Vegetation...*
  2. *Emergencies...*

**FINDINGS:** The significant vegetation on site is not proposed to be removed under the exemption or emergency section. Significant vegetation that meets

the exemption standards can be removed. A tree report from a qualified professional may be required.

*19.163.030 New landscaping.*

A. *Applicability. This section shall apply to all developments requiring site design review, and other developments with required landscaping.*

**FINDINGS:** The development requires landscaping and this section applies.

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.*

**FINDINGS:** Landscaping details has been included on the applicant's site plan.

C. *Landscape Area Standards. The minimum percentage of required landscaping equals:*

1. *Residential Districts: twenty percent of the site.*

**FINDINGS:** The total site area of Lots 3 and 4 is 12,000 SF, requiring 2,400 SF of landscaped area. The applicant's narrative indicates that 28.05% of Lot 3 and 34.46% of Lot 4, totaling 3,750 SF will be landscaped.

**Condition of Approval:** The lot coverage percentage and landscaped area percentage listed on the site plan do not equal 100%. Prior to issuance of building permits, the applicant shall submitted a revised site plan that shows how the lot coverage and landscaped area for Lots 3 and 4 total 100%.

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.*

**FINDINGS:** The proposed vegetation includes grass and maple trees. As conditioned in subsection 2 below, a greater variety of plants will be required.

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.*

**FINDINGS:** The proposed vegetation includes grass and maple trees. Evergreen trees and shrubs are not proposed.

**Condition of Approval:** Prior to issuance of building permits, the applicant shall submit a revised site plan or landscape plan showing a greater variety of plants including at least three different species of trees or shrubs and one ground cover.

3. *Non-native, invasive plants, as per FMC 19.164.020(B), shall be prohibited.*

**FINDINGS:** Maple trees are proposed in the front setback area. The application does not indicate which type of maple tree will be planted and some maple trees can be nuisance plants.

**Condition of Approval:** Prior to issuance of building permits, the applicant shall indicate on the site plan or landscape plan the species of maple tree to be planted. The maple tree may not be considered a nuisance plant according to the Portland Native Plant list or a qualified professional.

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.*

**FINDINGS:** The site plan and narrative do not indicate any hardscape features to be counted towards the required landscaping.

5. *Nonplant Ground Covers. Bark dust, chips, aggregate or other nonplant 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.*

**FINDINGS:** The landscape plan, site plan and narrative do not propose any nonplant groundcovers to be counted towards the required landscaping.

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.*

**FINDINGS:** The proposed maple trees are 3 in. in diameter at time of planting. The size of other any other proposed trees will be reviewed for compliance with this standard when details are submitted.

7. *Shrub Size. Shrubs shall be planted from one-gallon containers or larger.*

**FINDINGS:** No shrubs are proposed in the current site plan. The size of any newly proposed shrubs will be reviewed for compliance with this standard when details are submitted.

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.*

**FINDINGS:** Grass is proposed in the backyard of Lots 3 and 4. Any newly proposed ground cover plants will be reviewed for compliance with this standard when details are submitted.

9. *Significant Vegetation. Significant vegetation preserved in accordance with FMC 19.163.020 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The street tree standards of FMC 19.163.040 may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.*

**FINDINGS:** The significant vegetation on site, including the fir tree and locust trees, can be counted towards meeting the minimum landscaping requirement.

10. *Stormwater Facilities. Stormwater facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.*

**FINDINGS:** A rain garden is proposed on Lot 5 to treat stormwater from Lots 3, 4 and 5. The site plan and narrative do not indicate the type of plant species proposed for the garden.

**Condition of Approval:** Prior to issuance of building permits, the applicant shall submitted a revised site plan/landscape plan that shows the rain garden will be planted with water tolerant, native plants.

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....*

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 proposed site plan utilizes landscape materials in the front, rear, and site setback areas. Proposed vegetation will help define pedestrian pathways in the front setback areas. Trees are also proposed in the front yard to

provide shade to parking areas. As conditioned above, a greater variety of plant types is required to provide year-around color and visual interest.

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. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per five parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of four feet by four feet to ensure adequate soil, water, and space for healthy plant growth.*

**FINDINGS:** A total of 2 spaces per dwelling (8 total) are proposed. Parking will be provided in the side setback areas between each building wall and the adjacent property line. Front yard landscaping is proposed adjacent to the parking areas and will provide vegetation and shade to the parking areas.

3. *Buffering and Screening Required. Buffering and screening are required under the following conditions:*
  - a. *Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway...*

**FINDINGS:** A parking area is not located parallel to a street or driveway. This standard does not apply.

- b. *Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than four feet in width....*

**FINDINGS:** A landscaped area and front sidewalk are proposed between the driveway easement and the duplexes. This standard is met.

- 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.*

**FINDINGS:** This standard does not apply to residential developments.

*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.*

**FINDINGS:** The application is not subject to land division or site design review. This standard does not apply.

*19.163.050 Fences and walls.*

*The fences and walls section provides height limits for construction of new walls. The guidelines prevent walls that reduce pedestrian connectivity and sight clearance. The standards also provide guidelines relating to maintenance.*

*The following standards shall apply to all fences and walls:*

- A. *General Requirements. All fences and walls shall comply with the standards of this section...*
- B. *Dimensions.*
  - 1. *The maximum allowable height of fences and walls is six feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed six feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding six feet in height, in conformance with the Uniform Building Code.*
  - 2. *The height of fences and walls within a front yard setback shall not exceed four feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way.*

3. *Walls and fences to be built for required buffers shall comply with FMC 19.163.030.*
4. *Fences and walls shall comply with the vision clearance standards of FMC 19.162.020.*

**FINDINGS:** The site plan indicates a 6 ft. fence will be placed around the perimeter of Lots 3, 4 and 5, including the private access easement on Lot 5. While a 6 ft. fence is suitable for the perimeter of Lots 3 and 4, constructing a 6 ft. fence on each side of the driveway easement leading into the property will create a narrow and uninviting space.

**Condition of Approval:** A maximum 4 ft. fence can be constructed along the driveway easement running north-south along Lot 5.

- C. Maintenance.
- D. *Fences – Recreational Courts.*
- E. *Swimming Pool Fences.*
- F. *Barbed Wire Fencing.*
- G. *Electrically Charged or Sharp Pointed Fencing.*
- H. *Critical Facility Security Fences.*

**FINDINGS:** Subsections C-H above to not apply.

### **Chapter 19.164 Vehicle and Bicycle Parking**

*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.*

**FINDINGS:** Site design review is not required. This chapter does not apply.

### **Chapter 19.165 Public Facilities Standards**

*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...*

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*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...*

**FINDINGS:** Transportation improvements for the subject site were made during the land division approval process (2008-32-FP).

19.165.025 Transportation improvements.

**FINDINGS:** This section addresses transportation improvements. Transportation improvements were required and constructed as part of the land division approval process. This section does not apply to the this phase of development. Improvements to public streets are not required as part of this development proposal.

*19.165.030 Public use areas.*

**Findings:** Dedication of new public use areas is not required as part of the development. This standard does not apply.

*19.165.040 Sanitary sewer and water service improvements.*

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

**Findings:** A public sanitary sewer main is located under NE Oregon Street. An 8" public sanitary sewer line that connects to the main line under NE Oregon Street has already been installed on the development site under Lots 1 & 5. Three private 4" sewer laterals extend from the 8" line under Lot 5 into Lots 3, 4, & 5.

Four 1" private water lines have also been installed in a private utility easement under Lots 1 & 5, providing potable water to Lots 3, 4, & 5. The private lines were installed by the applicant responsible for the land division and have not passed final inspection per the state plumbing code.

**Condition of Approval:** Prior to final occupancy, the applicant shall pass final inspection for all private water lines and shall comply with all requirements of the Rockwood Water PUD.

*19.165.050 Storm drainage.*

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

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- 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.*

**Condition of Approval:** Prior to the issuance of building permits the applicant shall provide the city with a final stormwater management plan and stormwater maintenance agreement, if required, demonstrating compliance with the 2016 Portland Stormwater Management Manual.

*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.*

- 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:*

- B. *Easements. Easements shall be provided for all underground utility facilities.*
- C. *Exception to Undergrounding Requirement. The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, Chapter 19.106 FMC, or existing development conditions.*

**Findings:** All electric utilities serving the development site have already been placed underground.

**Condition of Approval:** Any new utility lines required for the site, including those for electric, communication, lighting, and cable television shall be placed underground.

*19.165.070 Easements.*

*The easements section provisions reserve adequate space for utilities.*

*Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also, Chapter 19.420 FMC, Development Review and Site Design Review and Chapter 19.430, Land Divisions and Lot Line Adjustments. The developer or applicant shall make arrangements with the city, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard width for public main line utility easements shall be 20 feet unless otherwise specified by the utility company, applicable district, or city engineer.*

**FINDINGS:** The final plat for Esther Estates indicates a 15 ft. wide sanitary sewer easement under Lots 1 and 5 has been dedicated to the City of Fairview. Primary sewer and water mains are already installed under NE 202<sup>nd</sup> and NE Oregon Street.

19.165.080 Construction plan approval and assurances.

*19.165.090 Installation.*

**FINDINGS:** All required public facilities for Esther Estates have been installed and passed final inspection.

**FMC 19.440 Conditional Use Permits**

*19.440.100 Purpose.*

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*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.*

**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. Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 19.415 FMC, Modifications to Approved Plans and Conditions of Approval.*

**FINDINGS:** The application has been processed as a Type III application with a public hearing before the planning commission. A modification is not required at this time.

**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.*

**FINDINGS:** The applicant met the submission requirements for the Conditional Use Permit.

**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:** The proposed duplexes are located in the residential zone, surrounded by existing single-family residential homes. While the new homes will result in two families per lot, the lot size and building size are similar to surrounding development. All public facilities have adequate capacity to serve the development.

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

**FINDINGS:** FMC 19.426 includes the approval criteria for site design review. The subject application has met all of the land use district and design standards listed, as described in this report.

- 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;*

**FINDINGS:** The applicant's proposal is not expected to result in adverse impacts related to transportation, parking, noise, etc. No conditions of approval are required related to the proposal two-family buildings on each lot rather than single-family buildings.

*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.*

**FINDINGS:** Public land dedications are not required as part of the development proposal.

*19.440.500 Additional development standards for conditional use types.*

- A. *Concurrent Variance Application(s). A conditional use permit shall not grant variances to regulations otherwise prescribed by the development code. 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.*

**FINDINGS:** The application has been reviewed for compliance with Article II of this title. This standard is met.

## **VII. CONCLUSION AND RECOMMENDATIONS**

---

### **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 application.

### **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.

### **CONDITIONS OF APPROVAL**

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

1. This Conditional Use approval shall expire two (2) years from the date of final decision.
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 as described in FMC 19.415 Amendments to Decisions.
3. 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. Any new utility lines required for the site, including those for electric, communication, lighting, and cable television shall be placed underground.

#### **B. Prior to Building Plan Review**

1. Prior to building plan review, the applicant shall submit a revised site plan and building elevations that show compliance with the 15 ft. rear setback. Note: a Type A variance may be obtained that allows a 10% encroachment into the rear setback.
2. Prior to building plan review, the applicant shall submit revised building elevations that show the rear top/bottom and side top/bottom floors for the duplex on Lot 3 comply with the building form standards in FMC 19.30.100.C.1
3. Prior to building plan review, the applicant shall submit revised building elevations that show the rear top/bottom and side top/bottom floors for the duplex on Lot 4 comply with the building form in FMC 19.30.100.C.3
4. Prior to building plan review, the applicant shall submit revised elevations that show the rear wall for the duplexes on Lots 3 & 4 comply with the detailed design standards above.

#### **C. Prior to grading/site disturbance**

1. The applicant shall obtain a grading and erosion control permit from the Fairview Public Works Department. The City of Fairview permit shall be obtained no more than 30 days before grading is commenced on site.
2. Prior to issuance of grading permits, the applicant shall submit a tree protection plan for the 18 in. fir tree and six locust trees.

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

1. Prior to issuance of building permits, the applicant shall submit a revised, scaled site plan that shows the front setback for each building to between 10-30 ft. from the private access easement.
2. Prior to issuance of building permits, the applicant shall submit a revised site plan that includes a turn-around location for

emergency and service/delivery vehicles in conformance with the Uniform Building Code and approved by Gresham Fire.

3. Prior to issuance of building permits, a final stormwater management plan is required showing the site complies with the 2016 Portland Stormwater Management Manual. Surface water facilities shall be constructed in conformance with city standards. If the rain garden is used to treat stormwater, a stormwater maintenance agreement is required.
4. The Public Facilities Standards (FMC 19.165.025(K)) requires internal pathways to be at least 5 ft. in width. Prior to the issuance of building permits, the applicant shall submit a revised site plan that shows one of the two pedestrian path connecting building entrances on the same lot to be at least 5 ft. in width. If both pedestrian paths are retained, both shall be at least 5 ft. in width.
5. The proposed width of pedestrian paths that connect entrances on the same property is 3 ft. Prior to issuance of building permits, the applicant shall submit a revised site plan that shows all pedestrian paths at least 5 ft. in width.
6. The lot coverage percentage and landscaped area percentage listed on the site plan do not equal 100%. Prior to issuance of building permits, the applicant shall submitted a revised site plan that shows how the lot coverage and landscaped area for Lots 3 and 4 total 100%.
7. Prior to issuance of building permits, the applicant shall submit a revised site plan or landscape plan showing a greater variety of plans including at least three different species of trees or shrubs and one ground cover.
8. Prior to issuance of building permits, the applicant shall indicate on the site plan or landscape plan the species of maple tree to be planted. The maple tree may not be considered a nuisance plant according to the Portland Native Plant list or a qualified professional.
9. Prior to issuance of building permits, the applicant shall submitted a revised site plan/landscape plan that shows the rain garden will be planted with water tolerant, native plants.

10. Prior to the issuance of building permits, the applicant shall provide the city with a final stormwater management plan and stormwater maintenance agreement, if required, demonstrating compliance with the 2016 Portland Stormwater Management Manual.

#### **E. Landscaping**

1. The 18 in. fir near the west end of Lot 3 and the six (6) locust trees at the east end of Lot 4 shall remain on site and be protected before, during, and after construction. The locust trees can be removed if they are determined to be nuisance plants according to the Portland Native Plant list or a qualified professional.

#### **F. Vehicle/Bike Parking and Access**

1. All pedestrian access and circulation including any portion of raised walkway shall comply with ADA requirements.
2. Maintenance of internal pathways is the continuing obligation of the property owner. All work and future work must comply with the City of Fairview public works construction standards.
3. The final paved driveway width may not exceed 20 ft., unless required by the Uniform Fire Code.
4. If the pedestrian pathway parallel to the access easement is retained, it shall be widened to 5 ft in width, raised six inches, and curbed to be in compliance with FMC 19.165.025(K) and the construction standard listed above.
5. A maximum 4 ft. fence can be constructed along the driveway easement running north-south along Lot 5.

#### **G. Prior to Final Occupancy**

1. Prior to final occupancy, the applicant shall pass final inspection for all private water lines and shall comply with all requirements of the Rockwood Water PUD.
2. The applicant shall provide a final Fire Access and Water Supply Plan to be reviewed by Gresham Fire and show compliance with all of the comments provided by Gresham Fire in Exhibit C1.

3. Copies of any applicable CC&R's and Operations and Maintenance Agreements must be recorded and provided to the city.
4. All mail boxes shall be installed in accordance with approved plan from USPS.
5. Existing water laterals that will not be used must be abandoned and capped at the main.
6. Public Works shall approve backflow assembly devices to be installed at appropriate service locations.
7. One sanitary sewer connection is allowed per lot. Existing sewer laterals that will not be used must be abandoned and capped at the main. If there is an existing private wastewater disposal system on site it shall be abandoned in accordance with the regulations of the Oregon Department of Environmental Quality.

Submitted 7/27/18 

**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)

Standard:

Building setbacks:

- Front: 10'-30'
- Back: 15' minimum
- Sides: 5' minimum

Proposed Duplexes:

- Front: 30'
- Back: 15'
- Sides:
  - Lot 3: 6'
  - Lot 4: 18'

Lot area and dimensions:

- Lot 3: 81.58 x 73.74 = 6015 sq ft
- Lot 4: 83 x 72.57 = 6000 sq ft

Density and floor area:

- Lot 3: 2424 sq ft duplex (34 x 36)
- Lot 4: 2424 sq ft duplex (34 x 36)

Lot coverage:

- Lot 3: 63.84%
- Lot 4: 64.39%

Building height:

Maximum 2.5 stories or 35'

26.25

Building orientation:

Does not apply

**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)

Access and Circulation Minimum driveway width 10' water runoff

Lot 3: 18' gravel to reduce surface

Exhibit A1 Narrative

	Lot 4: 18' gravel to reduce surface water runoff
Driveway must be paved with asphalt, concrete, or comparable surfacing	Easement: pavement
Landscaping: A minimum of 20% of the site must be landscaped	Lot 3: 28.05% grass and trees Lot 4: 34.46% grass and trees
Fences: Maximum fence height is six feet	All fences are six feet
Automobile and bicycle parking 1.5 spaces per dwelling	2 spaces per dwelling

**19.30.100 Design Standards:**

Building Form: ... Along the vertical face of a structure, such features shall occur at a minimum of every 35 feet, and on each floor shall contain at least two of the following features....etc.

Front: Entryway with a separate roof line, covered entry/porch, 2 projections on 2<sup>nd</sup> floor.

Right and Left: Only 34 feet total and building form requirements only require the vertical face of the structure to have these features but the eaves are offset from building.

Rear: Building form requirements only require the vertical face of the structure to have these features but there are 4 windows and 2 sliding glass doors.

**19.30.100 Detailed Design:**

All buildings shall provide detailed design along all elevations.

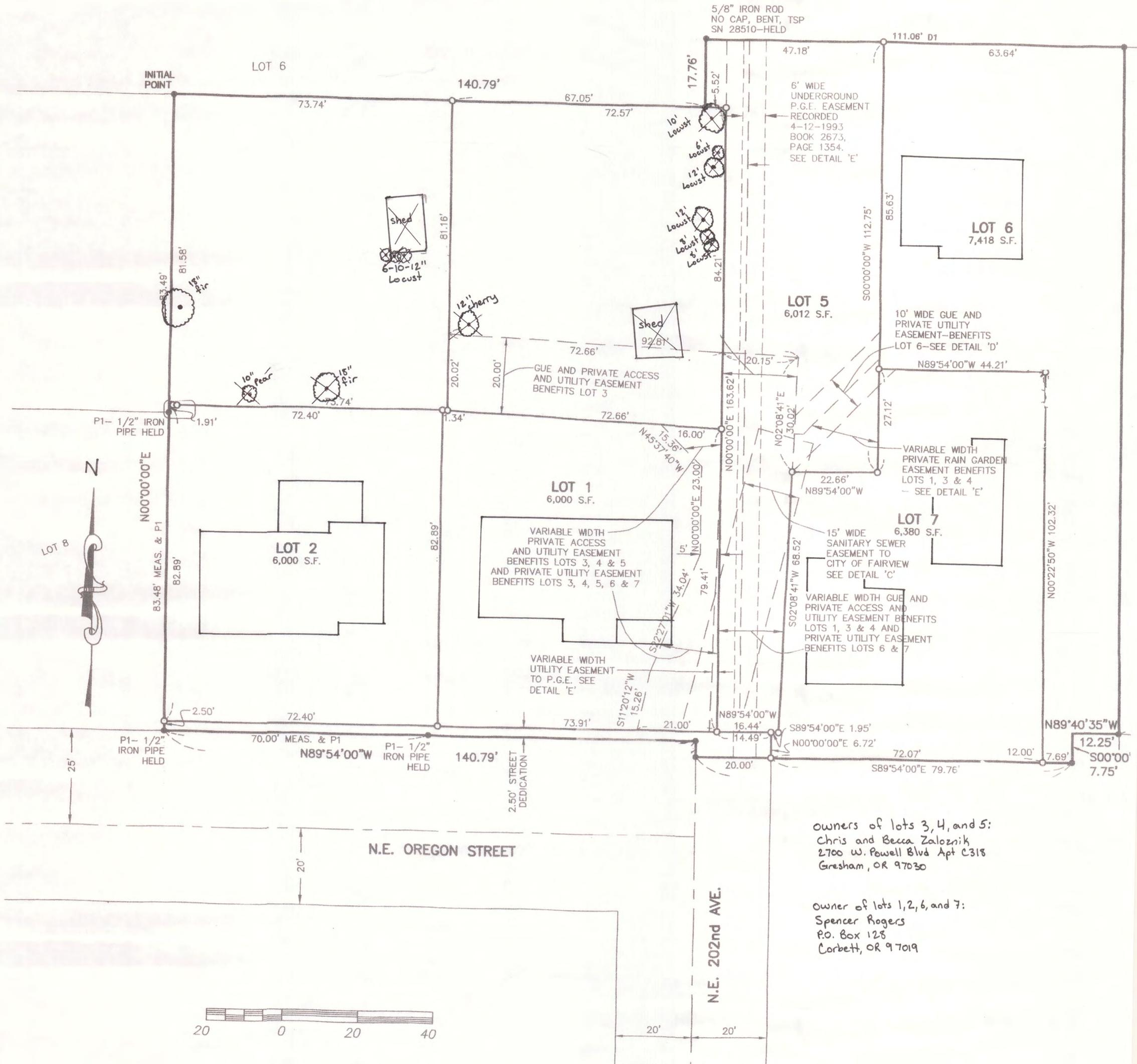
Front: Covered front porch, 4 pillars, 3 gables with board and batt siding, trim around all 4 windows

Right and Left: 2 gables, 2 windows, trim around both windows

Rear: 4 windows, 2 sliding glass doors, trim around all windows and both doors.

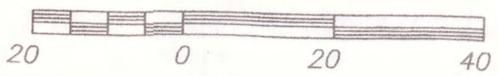


Submitted  
7/27/18  
RL

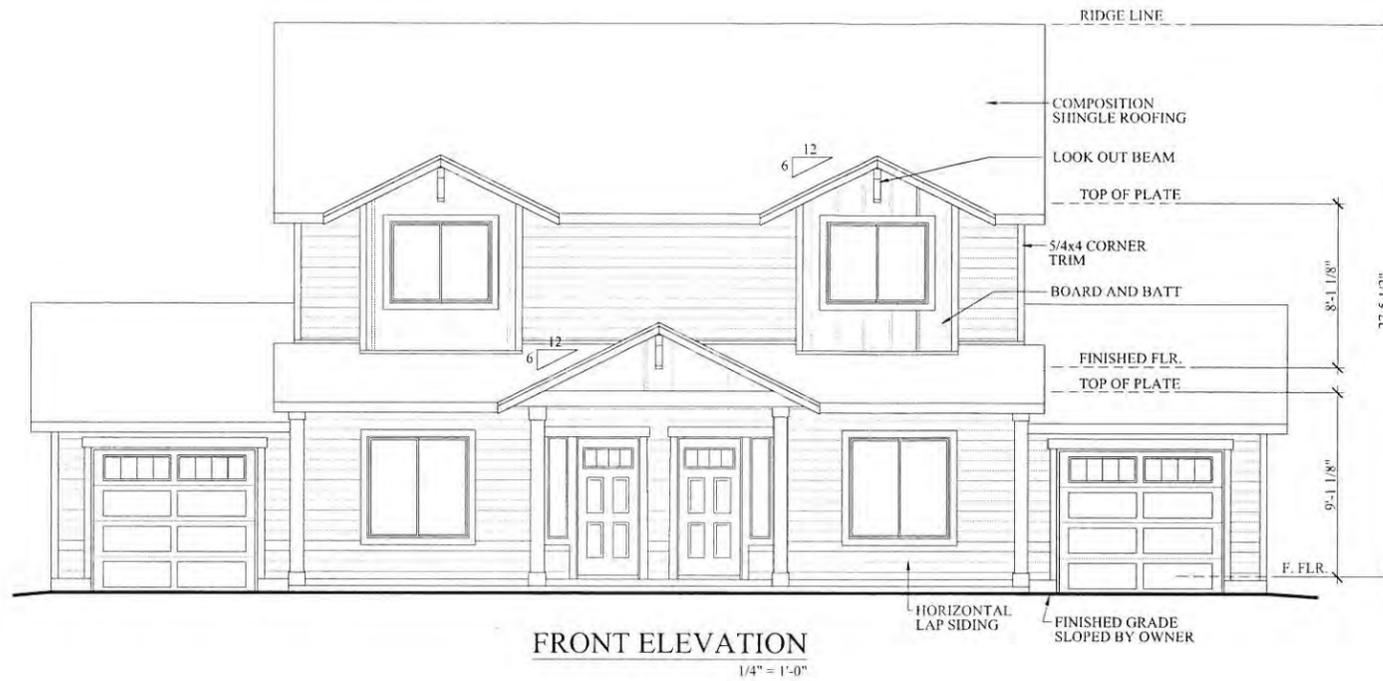


owners of lots 3, 4, and 5:  
 Chris and Becca Zaloznik  
 2700 W. Powell Blvd Apt C318  
 Gresham, OR 97030

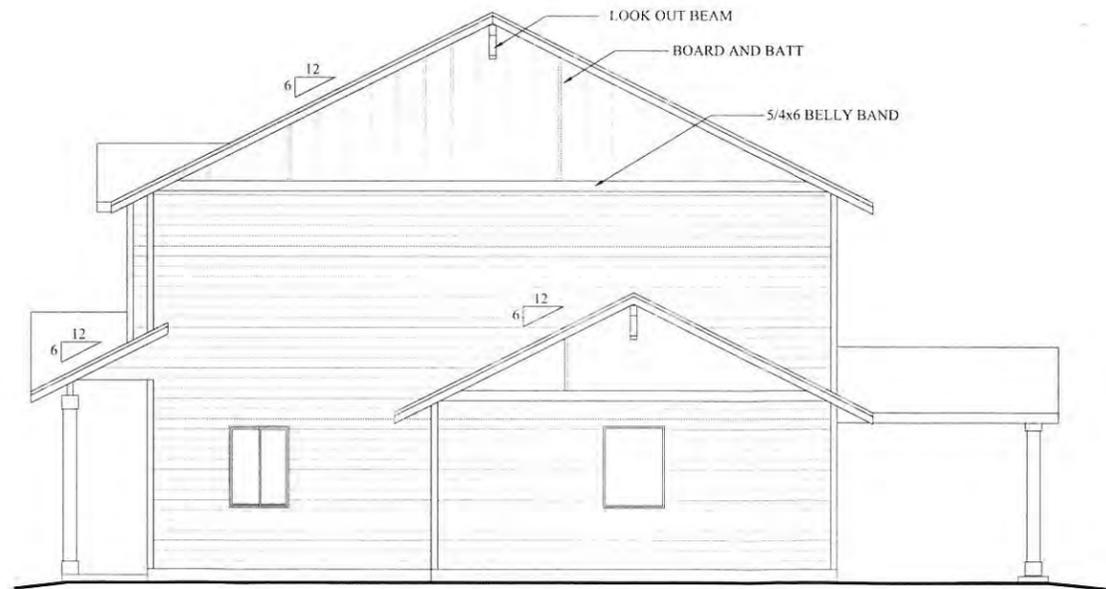
owner of lots 1, 2, 6, and 7:  
 Spencer Rogers  
 P.O. Box 128  
 Corbett, OR 97019







**FRONT ELEVATION**  
1/4" = 1'-0"



**RIGHT ELEVATION**  
1/4" = 1'-0"

**TRADITIONS ELEV. NOTES**

**EXTERIOR SIDING & TRIM SPECIFICATIONS**

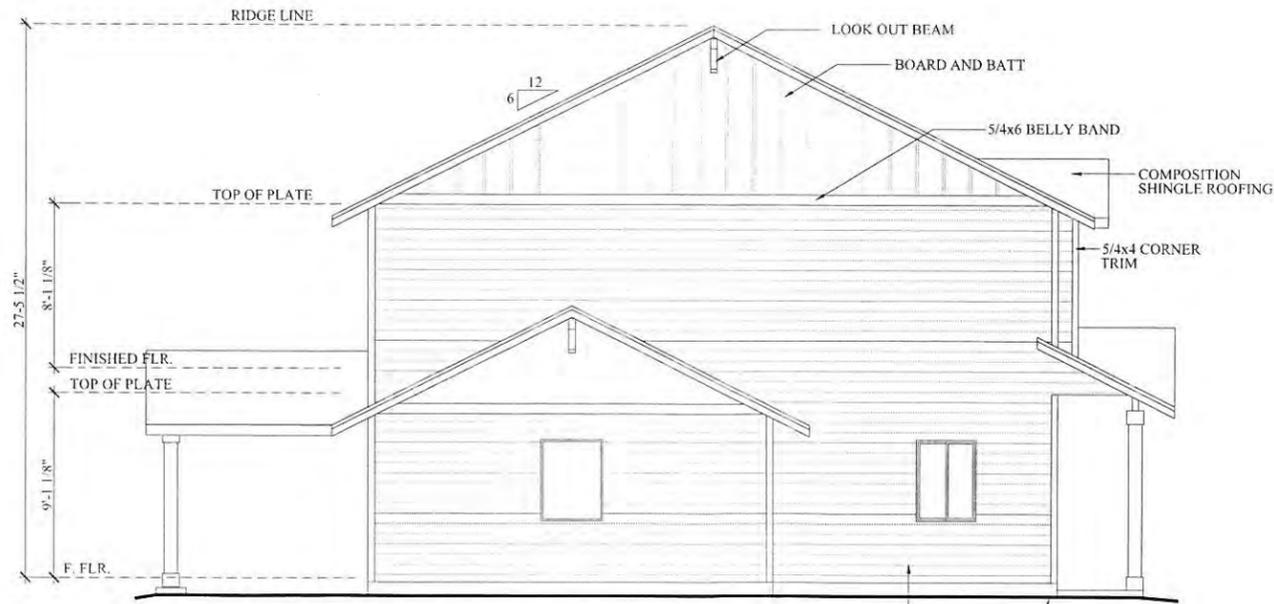
- 1) SIDING ON WALLS: HORIZONTAL LAP SIDING.
- 2) SIDING IN GABLES WHERE SHOWN ON PLANS (TYP. FRONT ONLY): PLAIN PANEL SIDING W/ VERTICAL BATTS AT 16" O.C. OR SHAKE SIDING W/ STAGGED EDGES TO EDGE.
- 3) TRIM AT EXTERIOR CORNERS: 5/4x4 EACH WAY.
- 4) BELLY BAND AT THE BOTTOM OF DESIGNATED GABLES: 5/4x6 FROM MITER HEAD FLASHING TO MITER.
- 5) LOOK-OUT BEAM AT PEAK OF DESIGNATED GABLE ENDS: 4x6 BEAM, 5/4 ANGLED BRACE, AND 2x4 BAY PLATE.
- 6) WINDOWS ON FRONT ELEVATION ONLY: 5/4 TRIM ALL SIDES ON GROUDED WINDOWS THE VERTICAL CENTER MULLIONS WILL BE 5/4x8 RIPPED TO FIT THE WIDTH BETWEEN WINDOWS.
- 7) GARAGE AND FRONT ENTRY DOOR TRIM: 5/4x4 TRIM EACH SIDE AND 5/4x6 HEADER TRIM, HEADER TRIM OVERLEANS EACH SIDE. (1" 2" DOGS NOT APPLY TO OTHER EXTERIOR DOORS)
- 8) SOFFITTED AREAS: PLAIN PANEL SIDING WITH 4x4 TRIM AT THE PERIMETER.
- 9) WRAPPED PORCH SUPPORT BEAM AND PILLARS: FRONT, BACK, BOTTOM BETWEEN POSTS, AND EXPOSED ENDS OF THE SUPPORT BEAM TO BE COVERED WITH PLAIN (NO GROOVES) PANEL SIDING. POSTS TO BE WRAPPED PER DETAIL 2-20. PILLAR COVER TO BE INSTALLED AT THE BOTTOMS BELOW THE TOP OF THE ROUGH FLOOR ELEVATION OF THE HOUSE. THE OWNER WILL PROVIDE THE FRONT PORCH WOOD DECK OR CONCRETE SLAB; BASE TRIM TO BE ADJUSTED AS NEEDED.

**NOTE:**  
EXTERIOR ELEVATIONS ARE DRAWN W/  
ESTIMATED GRADES. ONCE SITE  
CLEARING & EXCAVATION IS COMPLETE,  
SOME ADJUSTMENTS MAY BE NECESSARY.

<b>ZALOZNIK - 2424 DUPLEX</b>		2017 ORSC	PAGE: <b>A1</b>
GARAGE CONFIGURATION: <b>NONE</b>	PLAN ORIENTATION: <b>STANDARD</b>	HIMS MODEL CODE: <b>D30-AO-24835</b>	SCALE: 1/4" = 1'-0" DATE: 06/21/2018 DRAFTED BY: BP REV:
<b>TRADITIONS ELEVATIONS</b>			
<b>ADAIR HOMES INC.</b> © COPYRIGHT 2018 ADAIR HOMES, INC 1311 SE CARDINAL COURT SUITE 100 VANCOUVER, WA 98683			



REAR ELEVATION  
1/4" = 1'-0"



LEFT ELEVATION  
1/4" = 1'-0"

TRADITIONS ELEV. NOTES

EXTERIOR SIDING & TRIM SPECIFICATIONS

- 1) SIDING ON WALLS: HORIZONTAL LAP SIDING
- 2) SIDING IN GABLES WHERE SHOWN ON PLANS (TYP. FRONT ONLY): PLAIN PANEL SIDING w/ VERTICAL BATTIS AT 16" O.C. OR SHAKE SIDING w/ STAGGERED BOTTOM EDGE
- 3) TRIM AT EXTERIOR CORNERS: 5/4x4 EACH WAY
- 4) BELLY BAND AT THE BOTTOM OF DESIGNATED GABLES: 5/4x6 TRIM METAL HEAD FLASHING TO MATCH
- 5) LOOK-OUT BEAM AT PEAK OF DESIGNATED GABLE ENDS: 5/6 BATT, 4x4 ANGLE BRACE, AND 2x4 BRACK PLATE
- 6) WINDOW SILL FRONT ELEVATION ONLY: 5/4x4 TRIM ALL SIDES ON GROUPED WINDOWS. THE VERTICAL CENTER DIVISIONS WILL BE 5/8x8 RIPPED TO FIT THE WIDTH BETWEEN WINDOWS.
- 7) GARAGE AND FRONT ENTRY DOOR TRIM: 5/4x4 TRIM EACH SIDE AND 5/4x6 TRIM OVER FRONT DOOR TRIM ON EACH SIDE 1/2" (DOES NOT APPLY TO OTHER EXTERIOR DOORS)
- 8) SOFFITTED AREAS: PLAIN PANEL SIDING WITH 4x4 TRIM AT THE PERIMETER
- 9) WRAPPED PORCH SUPPORT BEAM AND PILARS, FRONT, BACK, BOTTOM (BETWEEN POSTS) AND EXPOSED ENDS OF THE SUPPORT BEAM TO BE COVERED WITH PLAIN 5/8x8 GROOVE PANEL SIDING. POSTS TO BE WRAPPED PER IBC 5.10. PILLAR COVER TO TERMINATE AT THE BOTTOM 8" BELOW THE TOP OF THE ROUGH FLOOR ELEVATION OF THE HOME. THE OWNER WILL PROVIDE THE FRONT PORCH COVERED W/ CK OR CONCRETE SLAB. BASE TRIM TO BE ADJUSTED AS NEEDED.

**NOTE:**  
EXTERIOR ELEVATIONS ARE DRAWN W/  
ESTIMATED GRADES. ONCE SITE  
CLEARING & EXCAVATION IS COMPLETE,  
SOME ADJUSTMENTS MAY BE NECESSARY.

 ADAIR HOMES INC. © COPYRIGHT 2018	ZALOZNIK - 2424 DUPLEX		2017 ORSC
	GARAGE CONFIGURATION: NONE	PLAN ORIENTATION: STANDARD	IIMS MODEL CODE: D30-AO-24835
TRADITIONS ELEVATIONS			
ADAIR HOMES, INC 1311 SE CARDINAL COURT SUITE 100 VANCOUVER, WA 98683		PAGE: A1	

SURVEYED BY:  
**KENT W. COX AND ASSOCIATES, INC.**  
 CONSULTING ENGINEERS - LAND SURVEYORS  
 204 NORTHEAST KELLY AVENUE  
 GRESHAM, OREGON 97030  
 ENGINEERING PLANNING SURVEYING LAND DEVELOPMENT  
 PHONE No.(503) 667-4464 FAX No.(503) 665-9634  
 E-MAIL: kwcox@kwcox.com  
 KWC FILE NO. 07-008SUB.DWG

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*[Signature]* 2-24-2014

OREGON  
 SEPTEMBER 23, 1977  
 KENT W. COX  
 1161  
 RENEWED THRU: 12/31/15

# ESTHER ESTATES

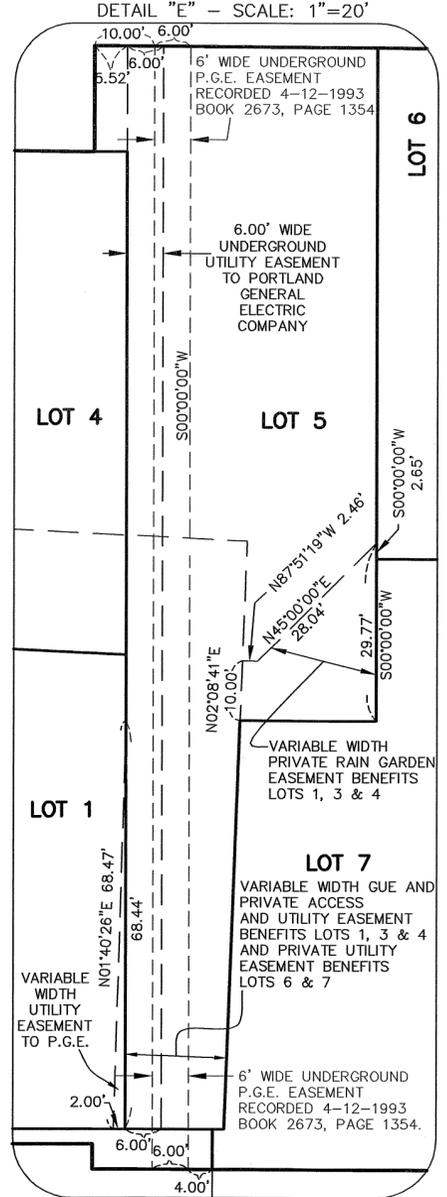
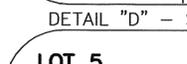
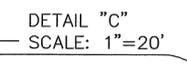
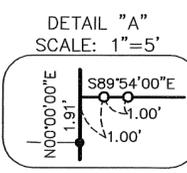
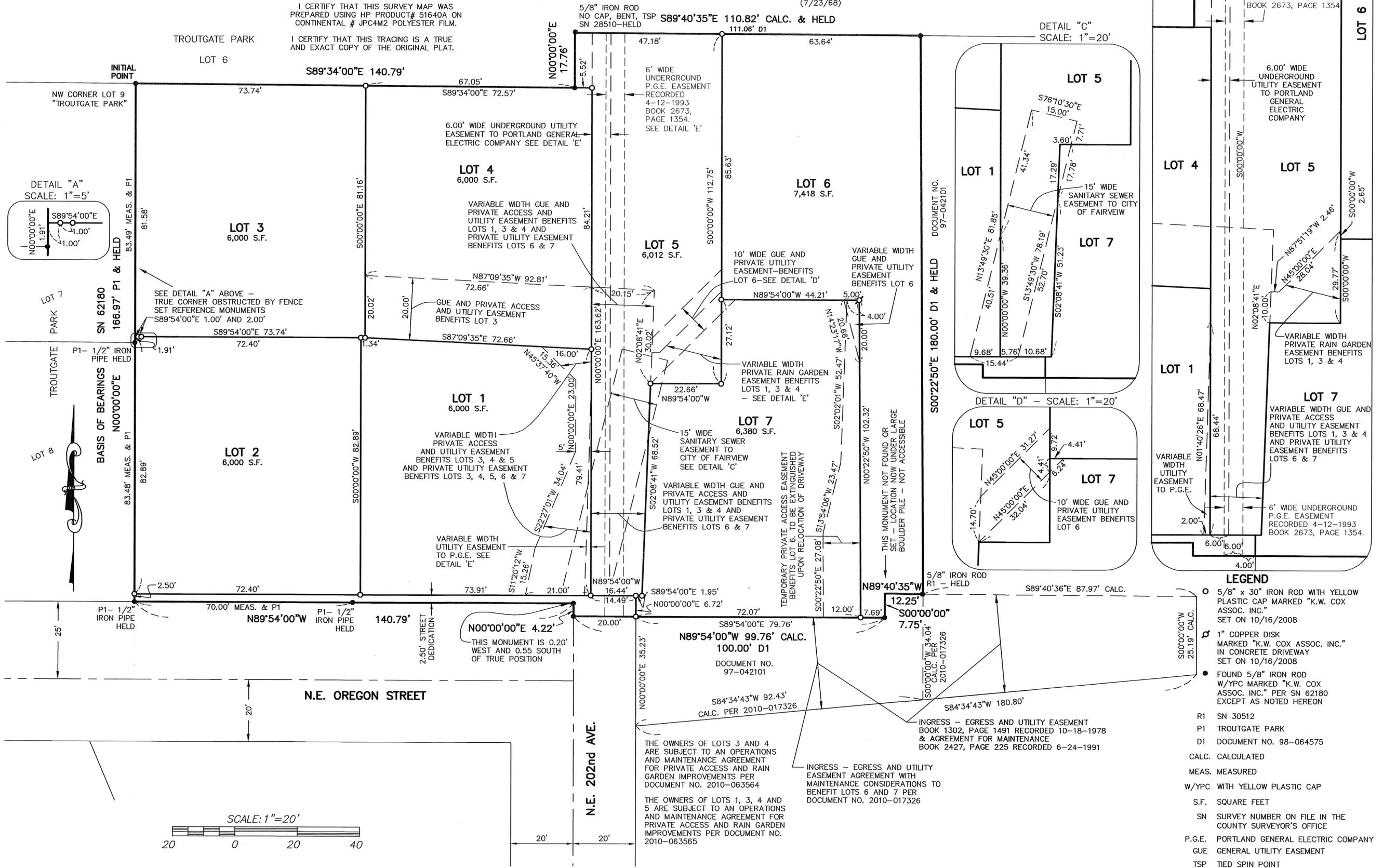
A REPLAT OF LOTS 9 & 10, TROUTGATE PARK AND  
 A PORTION OF LOT 19, SELMA, LOCATED IN THE  
 NE 1/4 OF SECTION 32 AND THE NW 1/4 OF SECTION 33  
 T.1N., R.3E., W.M., CITY OF FAIRVIEW  
 MULTNOMAH COUNTY, STATE OF OREGON  
 SURVEYED 10/16/2008

BOOK 627  
 PAGE 429  
 (7/23/68)

BOOK 1305 PAGE 9

SHEET 1 OF 2

I CERTIFY THAT THIS SURVEY MAP WAS  
 PREPARED USING HP PRODUCT# 51640A ON  
 CONTINENTAL # JPC4M2 POLYESTER FILM.  
 I CERTIFY THAT THIS TRACING IS A TRUE  
 AND EXACT COPY OF THE ORIGINAL PLAT.



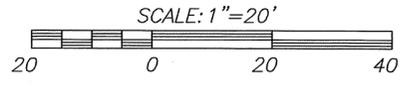
- LEGEND**
- 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "K.W. COX ASSOC. INC." SET ON 10/16/2008
  - ⊕ 1" COPPER DISK MARKED "K.W. COX ASSOC. INC." IN CONCRETE DRIVEWAY SET ON 10/16/2008
  - FOUND 5/8" IRON ROD W/YPC MARKED "K.W. COX ASSOC. INC." PER SN 62180 EXCEPT AS NOTED HEREON
  - R1 SN 30512
  - P1 TROUTGATE PARK
  - D1 DOCUMENT NO. 98-064575
  - CALC. CALCULATED
  - MEAS. MEASURED
  - W/YPC WITH YELLOW PLASTIC CAP
  - S.F. SQUARE FEET
  - SN SURVEY NUMBER ON FILE IN THE COUNTY SURVEYOR'S OFFICE
  - P.G.E. PORTLAND GENERAL ELECTRIC COMPANY
  - GUE GENERAL UTILITY EASEMENT
  - TSP TIED SPIN POINT

THE OWNERS OF LOTS 3 AND 4 ARE SUBJECT TO AN OPERATIONS AND MAINTENANCE AGREEMENT FOR PRIVATE ACCESS AND RAIN GARDEN IMPROVEMENTS PER DOCUMENT NO. 2010-063564

THE OWNERS OF LOTS 1, 3, 4 AND 5 ARE SUBJECT TO AN OPERATIONS AND MAINTENANCE AGREEMENT FOR PRIVATE ACCESS AND RAIN GARDEN IMPROVEMENTS PER DOCUMENT NO. 2010-063565

INGRESS - EGRESS AND UTILITY EASEMENT AGREEMENT WITH MAINTENANCE CONSIDERATIONS TO BENEFIT LOTS 6 AND 7 PER DOCUMENT NO. 2010-017326

INGRESS - EGRESS AND UTILITY EASEMENT BOOK 1302, PAGE 1491 RECORDED 10-18-1978 & AGREEMENT FOR MAINTENANCE BOOK 2427, PAGE 225 RECORDED 6-24-1991



**Fairview File #: 18-40**

**Oregon St Residential Duplex Homes**

**FROM: Kyle Stuart, Gresham Fire ([kyle.stuart@GreshamOregon.gov](mailto:kyle.stuart@GreshamOregon.gov))**

**DATE: 6/20/2018**

**FIRE COMMENTS:**

**NOTE: Building permit plans shall include a separate “FIRE ACCESS AND WATER SUPPLY PLAN” indicating all of the following!**

1. Provide fire flow per Oregon Fire Code Appendix B. Prior to applying for a building permit provide a fire flow test and report. The fire flow report will verify that the correct fire flow is available and will be required to have been conducted within the last 12 months. ***OFC 507.3 & B-101.1***
2. Address numbers of 4” shall be provided at each entrance prior to ANY construction materials arriving on site and shall be on the side of the house facing the address street, per Gresham Fire Addressing Policy. I can email the policy to you. ***OFC 505 & 3310***
3. Required fire hydrants and access road shall be installed and approved PRIOR to any combustible construction material arriving on site. ***OFC 3312.1***
4. Without knowing the building construction types or sizes, a PUBLIC fire hydrant is required to be within 250 feet of the main entrance driveway. The furthest point on each building shall be no more than 600 feet from a hydrant. Show on the building plans where the nearest existing and new hydrants are located. ***OFC Appendix C and 507***
5. Each public or private fire hydrant used for fire flow for this property shall have a 5-inch **Storz** adapter with National Standard Threads installed on the 4 ½ -inch fire hydrant outlet. The adapter shall be constructed of high-strength aluminum alloy, have a Teflon coating on the seat and threads, and use a rubber gasket and two (2) set screws to secure it in place. The adapter shall be provided with an aluminum alloy pressure cap. The cap shall be attached to the hydrant barrel or Storz adapter with a cable to prevent theft of the cap. Adapter shall be Harrington HPHA50-45NHWCAP or equal approved by Gresham Fire.
6. Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be BLUE. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the marker accordingly. ***OFC 508.5.4***

## Exhibit C1

7. Fire Sprinklers may be required if minimum fire flow cannot be met. **OFC 903.2.9, OFC App B**
8. Required Fire Dept. Access Roads on site shall be designed to support an apparatus weighing 75,000 lb. gross vehicle weight. Provide an engineer's letter stating the access road meets those requirements at time of building permit submittal. **OFC, Appendix D, Section D102.1**
9. **If** a gate is installed on a fire access road, it must meet the requirements of the Gresham Fire Gate Policy. This policy can be faxed to you if requested. **OFC 506.**

**Eric Rutledge**

---

**From:** Scott Lewis <scott.lewis@greshamoregon.gov>  
**Sent:** Tuesday, September 18, 2018 10:56 AM  
**To:** Robert Mottice; Katie Lowell; Fire Life Safety; Eric Rutledge  
**Subject:** RE: Final Routing 2018-40-CUP Duplexes

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Morning Eric,

Robert is working alone this week between vacations and training for his co-workers. Your question #2 is correct, there needs to be a turn around as part of the design as well as widths and turning radius. This will require a significant change in the plan as currently provided. Page 3&4 of the Fire Code Application Guide provides more detail. It can be seen at the following link.

<https://greshamoregon.gov/WorkArea/DownloadAsset.aspx?id=1060>

***Scott Lewis***

Division Chief - Administration  
Gresham Fire & Emergency Services  
Office: (503) 618-2355  
Fax: (503) 666-8330  
[Scott.Lewis@GreshamOregon.gov](mailto:Scott.Lewis@GreshamOregon.gov)

**From:** Robert Mottice  
**Sent:** Tuesday, September 18, 2018 10:28 AM  
**To:** Katie Lowell <[katie.lowell@greshamoregon.gov](mailto:katie.lowell@greshamoregon.gov)>; Fire Life Safety <[FireLifeSafety@greshamoregon.gov](mailto:FireLifeSafety@greshamoregon.gov)>; [rutledge@ci.fairview.or.us](mailto:rutledge@ci.fairview.or.us)  
**Subject:** RE: Final Routing 2018-40-CUP Duplexes

Eric,

I do not have all the information on this project, with an last hour quick look here is what the Oregon Fire code requires.

No new fire hydrant is required if with in 600 feet of the furthest point on each new duplex. The existing hydrant(s) will need to have Storz fittings installed if not currently.

If the fire access road way is longer than 150 feet it will require an approved (fire) turnaround with signage as to the Fire Lane.

Robert Mottice  
LT. Deputy Fire Marshal

## Exhibit C2

Gresham Fire and Emergency Service  
503-618-2355

**From:** Katie Lowell  
**Sent:** Tuesday, September 18, 2018 09:32  
**To:** Fire Life Safety <[FireLifeSafety@greshamoregon.gov](mailto:FireLifeSafety@greshamoregon.gov)>  
**Subject:** FW: Final Routing 2018-40-CUP Duplexes

Could someone answer this question by next Tuesday with the revised plans.

Thank you,

Katie Lowell  
Administrative Assistant II  
Gresham Fire & Emergency Services  
503-618-2355

**From:** Eric Rutledge <[rutledge@ci.fairview.or.us](mailto:rutledge@ci.fairview.or.us)>  
**Sent:** Tuesday, September 18, 2018 9:05 AM  
**To:** Katie Lowell <[katie.lowell@greshamoregon.gov](mailto:katie.lowell@greshamoregon.gov)>  
**Subject:** FW: Final Routing 2018-40-CUP Duplexes

Hi Katie,

Is there an inspector available to answer the two questions below? Kyle is the contact but I see he is out. I'm hoping to get an answer by about 1pm to include in our staff report.

Thank you,

Eric Rutledge  
Associate Planner  
Code Compliance Officer  
City of Fairview  
503.674.6205



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**From:** Eric Rutledge  
**Sent:** Monday, September 17, 2018 4:36 PM  
**To:** 'Stuart, Kyle'  
**Subject:** RE: Final Routing 2018-40-CUP Duplexes

Hi Kyle,

I'm finalizing the staff report on this application and sending out tomorrow (Tuesday). A few clarifications:

## Exhibit C2

1. The nearest public hydrant is 260 ft. away from the driveway entrance. Will a new public hydrant be required?
2. Will a turnaround be required inside the development site? The furthest building wall will be approximately 250 ft. from the driveway entrance. See site plan.

Thank you,

LINK TO APPLICATION MATERIALS: <https://.dropbox.com/sh/7x0kc6zsjr24zw1/AADpUHyJv-ajHwGxv6TvtCsQa?dl=0>

Eric Rutledge  
Associate Planner  
Code Compliance Officer  
City of Fairview  
503.674.6205



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**From:** Eric Rutledge  
**Sent:** Wednesday, August 22, 2018 10:15 AM  
**To:** 'Stuart, Kyle'  
**Subject:** Final Routing 2018-40-CUP Duplexes

Hi Kyle,

We have deemed land use application 2018-40-CUP complete. We are requesting final comments from Fire. I've attached the completeness comments you provided, do you have any changes?

The only thing I can see is #4, which addresses hydrants based on building type and size. The revised application has some additional details on the building. There is an existing public hydrant ~260 ft. away from the driveway entrance. Can you tell if a new public hydrant will be required?

Thanks,

Eric Rutledge  
Associate Planner  
Code Compliance Officer  
City of Fairview  
503.674.6205



## Exhibit C2

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**Eric Rutledge**

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**From:** Jeremy Hudson <jhudson@rwpud.org>  
**Sent:** Wednesday, June 13, 2018 10:45 AM  
**To:** Eric Rutledge  
**Cc:** Andy Crocker; Joey Schlosser  
**Subject:** RE: Land Use Application Routing

Hey Eric,

A few years ago we installed a single ¾" water service for each lot, with the meters located on NE Oregon Street. I believe our portion of the work is complete, unless the service lines needs to be increased, based on our meter sizing spreadsheet (form R2 in the link below).

<https://rwpud.org/developers/>

I don't believe we will have any comments, but our Superintendent and Assistant Superintendent are out this week, so I don't have any of their thoughts/concerns. When do you need a final response?

Thanks,

Jeremy Hudson, P.E.  
District Engineer  
Rockwood Water P.U.D.  
ph: 503-665-4179

**From:** Eric Rutledge [<mailto:rutledgee@ci.fairview.or.us>]  
**Sent:** Wednesday, June 13, 2018 10:03 AM  
**To:** Jeremy Hudson <[jhudson@rwpud.org](mailto:jhudson@rwpud.org)>  
**Subject:** Land Use Application Routing

Hi Jeremy,

We have an application to build two duplexes along NE 202<sup>nd</sup> Avenue in the Rockwood PUD (see attached routing package). Land use review is required because duplexes are conditional use in the single-family zone here in Fairview.

Do you have any comments or concerns regarding the proposal?

Thank you,

Eric Rutledge  
Associate Planner  
Code Compliance Officer  
City of Fairview  
503.674.6205

Exhibit C3



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**Eric Rutledge**

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**From:** Jeremy Hanson  
**Sent:** Wednesday, January 24, 2018 4:24 PM  
**To:** Eric Rutledge  
**Subject:** PreApp - Zaloznik  
**Attachments:** Jeremy Hanson.vcf

Eric,  
Here is what I have for the PreApp  
-JH

Applicable Code Requirements

Technical Requirements & Design Specifications

Utility Providers

Water

- This area is served by Rockwood PUD. The applicant shall meet all RWPUD conditions as part of this project.

Sewer

- An existing 8" sewer line exists between lots 1 and 7 in a private utility easement
- A separate sewer connection shall be provided for each lot.

Storm

- Stormwater treatment and disposal shall be on-site.
- Provide treatment of stormwater through use of best management practices as specified in the "City of Portland, Stormwater Management Manual."

General

- City of Fairview erosion control and grading permits are required.

Process Issues

Substantive Concerns and Issues



**Jeremy Hanson**  
City of Fairview  
Public Works Department

(503) 674-6222 Direct  
(503) 665-9320 Office  
(971) 347-7928 Cell  
[hansonj@ci.fairview.or.us](mailto:hansonj@ci.fairview.or.us)