



PLANNING COMMISSION MEETING

Tuesday, May 28, 2019, 6:30 PM

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

MEETING AGENDA

1. **CALL TO ORDER & ROLL CALL:** 6:30 p.m.
2. **CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**
3. **ADOPTION OF MINUTES** – May 14, 2019
4. **WORK SESSION – *PUBLIC COMMENT ACCEPTED***
2019 Code Maintenance Amendments: Work Session #2
Review and provide feedback on draft amendments
5. **COMMISSION AND STAFF UPDATES**
6. **TENTATIVE AGENDA**
7. **ADJOURNMENT**

NEXT PLANNING COMMISSION MEETING: TUESDAY, JUNE 25, 2019

* JOINT MEETING WITH CITY COUNCIL: WEDNESDAY, JUNE 19*

Planning Commission hearings are broadcast live on Comcast Cable Channel 27 and Frontier Channel 33. Replays of the meeting are shown the following Saturday at 12:30pm and Monday at 2:00pm following the original broadcast date on Comcast Cable Channel 22 and Frontier Channel 33. Meetings are also available for viewing via MetroEast Community Media, the week following the meeting, at metrocast.peg.tv. Go to the Playlist tab and select Municipal Meetings or find the link at <http://fairvieworegon.gov/AgendaCenter/Planning-Commission-9>.

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 the [City Recorder](#), 503-674-6224.



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, May 14, 2019

PRESENT: Hollie Holcombe, Chair
Russell Williams, Vice Chair
Steve Owen
Les Bick
Wendy Lawton
Jeff Dennerline

ABSENT: Steven Hook

STAFF: Sarah Selden, Senior Planner
Eric Rutledge, Associate Planner

1. CALL TO ORDER

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

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

None.

3. ADOPT MINUTES – April 23, 2019

Vice Chair Williams moved to approve the April 23, 2019 minutes and Commissioner Bick seconded. Motion passed unanimously.

AYES: 6

NOES: 0

ABSTAINED: 0

4. PUBLIC HEARING

a. File Number 2019-11-MOD

Chair Holcombe read the Opening Hearing Statement for a Quasi-Judicial, land use, Hearing. Senior Planner (SP) Selden cited the applicable criteria.

AP Rutledge reviewed the staff report as reflected in the presentation. (*Exhibit A*) In summary, the request is a major modification to land use application 2018-40-CUP (two duplexes, four units total and eight total parking spaces). In meeting the standards for the approval, the proposed design resulted in an additional 712 sq. ft. per building; triggering the need for a major modification approval. The redesign also resulted in slight changes to the site plan. The number of duplexes, units and parking spaces remains the same. AP Rutledge noted the slight site design changes. He reviewed the key conditions of approval and commented staff recommends approval of the application subject to the conditions of approval listed in the staff report.

Applicant Becca Zaloznik, Gresham, OR commented the main reason they decided to go with a different design is because their prior architect was a little difficult to work with and the layout was not ideal. The new architect came up with a more customized design that is better suited for the site.

Chair Holcombe asked if anyone would like to speak in favor of, neutral, or opposition to the application.

Commissioner Dennerline asked what is north of the development. Staff answered a deep lot with access from 201st Avenue and what looks to be a small utility easement. The applicant is proposing a six foot fence along the north property line and around lots 4 and 5. Commissioner Dennerline commented the redesign is an improvement; better overall development.

Chair Holcombe closed the public hearing.

Commissioner Dennerline moved to approve application 2019-11-MOD with staff recommendations. Vice Chair Williams seconded. The motion passed unanimously.

AYES: 6
NOES: 0
ABSTAINED: 0

5. COMMISSION AND STAFF UPDATES

Commissioner Dennerline asked if staff takes into account that though the code may allow sheds, HOA's in the Village do not. Staff answered when they get these types of questions they do check to see if a subdivision may have particular restrictions and advise them to check CC&R's and to check with their HOA.

Chair Holcombe shared the Parks & Recreation Advisory Committee is planning a family fishing event in September at Salish Ponds; looking for those interested in fishing and volunteering.

Vice Chair Williams reported the free Shred Event is Saturday, May 18, 10:00 AM to 2:00 PM in front of City Hall. Non-perishable food donations will be accepted for the Oregon Food Bank.

SP Selden reviewed the Commission schedule; still working on coordinating a date for a Commission training.

6. TENTATIVE AGENDA

May 28: Work Session #2 – Code Maintenance Text Amendments.

7. ADJOURNMENT

Meeting adjourned by consensus at 7:18 PM.

Devree A. Leymaster
City Recorder

Hollie Holcombe
Chair

Date

FAIRVIEW PLANNING COMMISSION
PUBLIC HEARING

2019-11-MOD
Zaloznik Duplex

May 14, 2019
Eric Rutledge / Associate Planner



APPLICATION

Major Modification to land use application
2018-40-CUP:

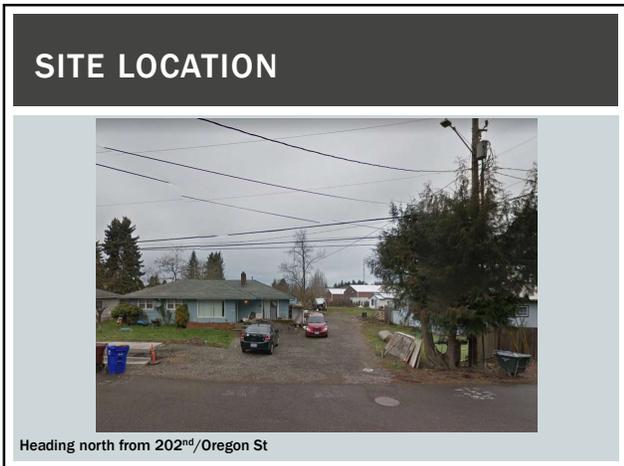
- Two duplexes, (4) four units total
- (8) parking spaces total
- New driveway, landscaping, and utilities
- 3,136 SF per duplex / 1,568 SF per unit**

**MAJOR MODIFICATION TO APPROVED
LAND USE DECISION (FMC 19.415.030)**

- “Significant changes to land use decisions.. require additional review by the original decision-making body.”*
- “Major modifications to applications approved through the Type III process will also be reviewed through the Type III process.”*

SITE LOCATION





NOTICES/REFERRALS/TESTIMONY

Notice of Public Hearing

- April 17: Mailed to property owners within 250 ft. of the site.
- April 23: Published in the Gresham Outlook
- May 3: Sign was posted on the site

Referrals

- Rockwood Water PUD, Gresham Fire, Fairview Public Works

Written Testimony

- By noon on the hearing day, no written testimony received

APPLICABLE CRITERIA

Application Review Procedures

- 19.400 Administration of Land Use and Development Review
- 19.412 Description of Permit Procedures
- 19.413 Procedures
- 14.415 Amendments to Decisions**
- 19.440 Conditional Use Permits

Land Use Districts

- 19.30 Residential District

Design Standards

- 19.162 Access and Circulation
- 19.163 Landscaping, Street Trees, Fences and Walls
- 19.164 Vehicle and Bicycle Parking

RESIDENTIAL (R) ZONE

ALLOWED USES

Residential	*Subject to standards in FMC 19.30.110, Special standards for certain uses CU = Conditional Use
a. Single-family detached	
b. Single-family detached zero-lot line*	
c. Accessory dwellings*	
d. Accessory uses and structures (other than accessory dwellings)*	
e. Manufactured homes on individual lots*	
f. Two-family -Duplex (CU)*	

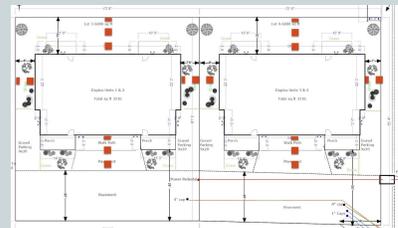
SITE PLAN

SITE ACCESS & PARKING

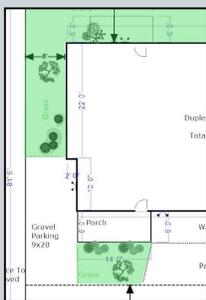


SETBACKS

Setback	Lot 3	Lot 4
Front	14 ft. (8 ft. porch)	14 ft. (8 ft. porch)
Rear	15 ft.	15 ft.
Side (W)	8 ft.	8 ft.
Side (E)	7.5 ft.	7 ft.



LANDSCAPING & TREE PROTECTION



Native plants:

- Cascara
- Oregon Iris
- Mock Orange
- Lady Fern

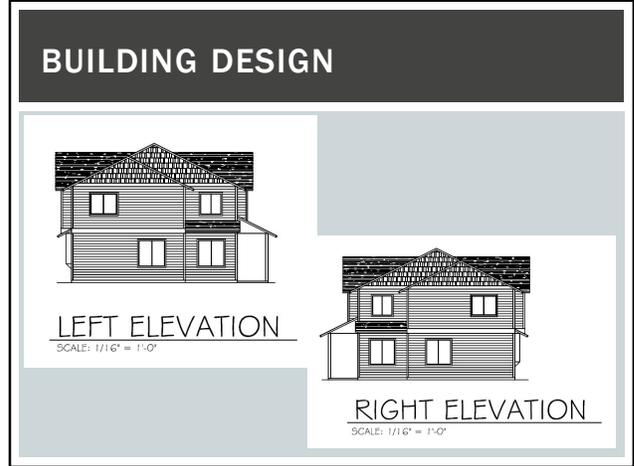


BUILDING DESIGN



FRONT ELEVATION

SCALE: 1/8" = 1'-0"



- PUBLIC FACILITIES**
- All transportation improvements were made as part of the Esther Estates Subdivision
 - Water & sewer available from NE Oregon St.
 - All stormwater from the development site to be managed in accordance with the Portland Stormwater Manual

- KEY CONDITIONS OF APPROVAL**
- A5 The rear decks are proposed to encroach approximately 7 ft. into the rear setback. At time of construction, "decks and similar structures not exceeding 36 inches in height (attached railings not included) can encroach into setbacks by no more than five feet". Decks and similar structures exceeding 36 inches in height are not allowed in the rear setback.

KEY CONDITIONS OF APPROVAL

- C2 Prior to issuance of building permits, revise the site plan to set back the front porch at least 8 ft. from the access easements' northern boundary.

KEY CONDITIONS OF APPROVAL

- D1 Prior to issuance of building permits, the applicant shall revise the site plan / landscape plan to include at least 1 native plant.
- D2 Prior to issuance of building permits, the applicant shall update the Site & Landscape Plan to add a variety of trees and shrubs in the front and side setbacks.
- D5 Prior to issuance of building permits, revise the site plan / landscape plan to include trees and shrubs in the front and side yards not covered by parking spaces. To meet the criteria, at a minimum the landscaping plan shall include one tree in the front setback area in front of each porch, and a variety of shrubs or trees in each side setback area.

STAFF RECOMMENDATION

Staff finds that the proposed application will meet the requirements of the City Code as conditioned, and recommends approval of the Major Modification subject to conditions listed and described in the Staff Report.

PLANNING COMMISSION ALTERNATIVES

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



MEMORANDUM

DATE: May 21, 2019 **MEETING DATE:** May 28, 2019
TO: Planning Commission
FROM: Sarah Selden, Senior Planner
SUBJECT: 2019 Code Maintenance Amendments: Work Session #2 – Draft Code Amendments

ISSUE

The purpose of this work session is to review a first draft of the 2019 Development Code Maintenance Amendments. This is an opportunity to become familiar with the draft amendments and re-organization prior to the public hearing, to ask questions and provide feedback to staff, and to identify additional changes and information needed prior to a public hearing.

DISCUSSION

The Planning Commission held a first Work Session on March 12, 2019, focused on an overview of the amendments and discussion of policy issues identified by staff during the initial stages of drafting the updates.

The majority of the Maintenance Amendments relate to the Residential District, and many of the changes are the result of reorganization with a goal of clarifying and making the code easier to navigate. Discussion of the draft amendments can be found in text boxes throughout the code document. Please see page one of the attachment, which includes a set of Explanatory Notes to help guide you through the changes.

Due to the length of the code amendment document, and its technical nature, a primary objective of the work session is to familiarize the Commission with the draft and the re-organization. The Commission is encouraged to review the draft prior to the meeting, and to bring questions. The City Attorney's office is concurrently reviewing the draft, and staff will bring their feedback to the meeting.

NEXT STEPS

At the work session, the Commission should help to determine whether a follow-up work session is needed to resolve any additional issues, or whether staff should proceed with scheduling a public hearing. Due to the potential impacts of the amendments, a Measure 56 notice will be mailed out to all property owners in the residential zones, 20-40 days prior to the hearing.

ATTACHMENTS

Draft Code Maintenance Amendments, dated 05-21-19

**2019 Fairview Development Code
Maintenance Amendments
Planning Commission Review Draft
05-21-19**

Explanatory Notes on Draft Code:

Added text is double underlined and bolded.

~~Deleted text is stricken.~~

/// marks intervening text that is not being amended.

Grey shading marks text that's been relocated, primarily placed in new Dimensional Standards table 19.30.030-A.

Yellow highlighting marks amended text, to more easily locate the changes.

Additional discussion of each code amendment is provided in the **Discussion boxes** following each amendment; this is for information only, to be removed with adoption of the final ordinance.

**Chapter 19.13
DEFINITIONS**

19.13.020 "B" definitions.

Building Height. See zoning districts. **Building height** means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (see above examples). The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (B)(1) of this section is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy.

Discussion: The same Building Height "Method of Measurement" is repeated zoning district standards throughout the code. As a common standard, it makes more sense to define the measurement methodology in the Definitions section of the code.

19.13.140 “N” definitions.

Net Site Area. The gross area (at 43,560 sq. ft. per acre), minus any area dedicated to public right-of-way.

Discussion: New definition supports the minimum density calculation. Follow-Up Item: Staff is verifying whether the conservation easements for the creeks in Fairview Village are subtracted from gross site area for purposes of calculating allowed lot coverage. There are exceptions to maximum lot size in the Village Single Family zone where conservation easements exist.

Chapter 19.30 RESIDENTIAL (R) DISTRICT

Sections:

19.30.010 Purpose.

19.30.020 Permitted land uses.

~~19.30.030 Lot and development standards.~~

~~19.30.030 Building setbacks.~~

~~19.30.040 Lot area and dimensions.~~

19.30.05~~4~~⁵0 Flag lots and lots accessed by mid-block lanes.

~~19.30.060 Residential density and building size.~~

~~19.30.070 Maximum lot coverage.~~

~~19.30.080 Building height.~~

19.30.09~~5~~⁵0 Building orientation.

19.30.10~~0~~⁰60 Architectural standards.

19.30.11~~0~~⁰70 Special standards for certain uses.

19.30.12~~0~~⁰80 Additional residential districts.

19.30.13~~0~~⁰90 Multifamily district (MF).

19.30.1~~00~~⁰40 Manufactured home park district (MH).

19.30.010 Purpose.

///

19.30.020 Permitted land uses.

///

19.30.030 Building setbacks. Lot and Development Standards

NOTE: This is an **entirely new table**, proposed to re-organize existing standards in the following sections:

- 19.30.030 Building setbacks.
- 19.30.040 Lot area and dimensions.
- 19.30.060 Residential density and building size.
- 19.30.070 Maximum lot coverage.
- 19.30.080 Building height.

Existing standards that have been relocated into the table are shown in plain text.

Footnotes explain the proposed amendment, and are not part of the code (they will be removed when the final ordinance is adopted). Table notes are listed at the end of the entire table, and add additional requirements to the standard in the table.

19.30.030-A: Dimensional Standards

All standards for the Manufactured Home Park District are located in FMC 19.30.100.

The standards in Table 19.30.030-A apply to all other residential zones. Notes and/or cross references to other applicable code sections are listed in the “Additional Standards” column.

	Standard Residential (R)	R-7.5 ¹ Old Town Overlay Zone	R-10 Lower Density Residential Overlay Zone	Townhouse Overlay Zone	Multifamily District	Additional Standards and Exceptions
A. Minimum lot size (sq. ft.)						
1. Single-family detached [1]	6,000	7,500	10,000	6,000	<u>Not applicable</u>	
2. Duplex	6,000	<u>6,000</u> <u>7,500²</u>	<u>6,000</u> <u>10,000</u>	<u>Not applicable</u>	<u>Not applicable</u>	
3. Attached single-family townhomes	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	2,000	2,000	
4. Triplex	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	6,000	

¹ The name of the zone is changed for consistency with the Zoning Map. The R-7.5 and R-10 function as separate zoning districts, rather than overlays.

² A duplex lot includes two housing units, and should not have a smaller lot size for two units than is required for one detached single family housing units. The minimum lot size in the Old Town zone should be 7,500 sq. ft. regardless of the dwelling type; this change may have been missed with adoption of the Old Town Overlay Zone.

	Standard Residential (R)	R-7.5 ¹ Old Town Overlay Zone	R-10 Lower Density Residential Overlay Zone	Townhouse Overlay Zone	Multifamily District	Additional Standards and Exceptions
5. Multifamily (4 units or greater)	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	2,500 sq. ft. of lot area <i>per unit</i>	
6. Public and Institutional Uses	None	None	None	None	None	
7. Residential commercial	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	None	
B. Maximum lot size (sq. ft.)	10,000 Public and Institutional Uses: None	10,000 Public and Institutional Uses: None	None Duplex: 10,000 <u>None</u> Public and Institutional Uses: None	Single-family detached: 10,000 Single family attached townhomes: 4,500 Public and Institutional Uses: None	Single family attached townhomes: 4,500 Triplex: 10,000 Multi-family & residential commercial: None	See block area standards in FMC 19.162, Access and Circulation
C. Density Requirements						

	Standard Residential (R)	<u>R-7.5¹ Old Town Overlay Zone</u>	<u>R-10 Lower Density Residential Overlay Zone</u>	Townhouse Overlay Zone	Multifamily District	Additional Standards and Exceptions
<u>1. Minimum (dwelling units/acre)</u>	<u>80% of max [2] (5.8)</u>	<u>80% of max [2] (4.6)</u>	<u>80% of max [2] (3.5)</u>	<u>80% of max [2]</u>	<u>80% of max [2] (17.4 triplexes and attached single family townhomes (14 for multi-family))</u>	<u>See 19.30.050.F for flag lots</u>
<u>2. Maximum (dwelling units/acre)³</u>	<u>7.3 [2]</u>	<u>5.8 [2]</u>	<u>4.4 [2]</u>	<u>Single family detached: 7.3 [2] Attached single-family townhomes [2] 21.8 [2]</u>	<u>21.8 for triplexes and attached single family townhomes [2] 17.4 for multi-family [2]</u>	<u>See 19.30.050.F for flag lots</u>
<u>D. Minimum lot width at front property line (ft.) [3]</u>	30	30	30	30	Attached townhomes: 30 Triplex and multi-family: 60	
<u>E. Maximum lot depth (ft.) [3]</u>	3 times the lot width	3 times the lot width	3 times the lot width	3 times the lot width	Multi-family: None All other uses: 3 times the lot width	
<u>F. Yard Setbacks for primary structures and ADUs</u>						<u>See FMC 19.30.030.A Setback Exceptions</u>

³ The maximum number of units per acre is calculated by dividing 43,560 sq. ft. (one acre) by the minimum lot size (square feet). Fractions are rounded to one decimal place. Example for the standard R zone: 43,560/6,000 = 7.26, rounded up to 7.3 units/acre maximum density.

	Standard Residential (R)	<u>R-7.5¹ Old Town Overlay Zone</u>	<u>R-10 Lower Density Residential Overlay Zone</u>	Townhouse Overlay Zone	Multifamily District	Additional Standards and Exceptions
1. Front yard minimum	10	10	10	10	10 Residential Commercial Buildings: None	
2. Front yard maximum	30	30	30	30	30 Residential Commercial Buildings: 10 [4]	
3. Rear yard minimum	15	15	15	15	15	
4. Interior side yard minimum	5	5	5	5	5	
5. Street side yard (corner lot) minimum	10	10	10	10	10	See FMC 19.30.110 for zero-lot line setbacks
G. Setbacks for accessory structures	See 19.30.110.G.6	See 19.30.110.G.6	See 19.30.110.G.6	See 19.30.110.G.6	See 19.30.110.G.6	
H. Maximum lot coverage and impervious area [5] (percent of total lot area)	Single-family detached houses: 65% Duplexes: 70% Public and institutional uses: 85%	Single-family detached houses: 65% Duplexes: 70% Public and institutional uses: 85%	Single-family detached houses: 65% Duplexes: 70% Public and institutional uses: 85%	Single-family detached: 65% Townhomes: 70% Public and institutional uses: 85%	70% Residential commercial 85% Public and institutional uses: 85%	
I. Maximum Building Height	<u>35 ft. or 2.5 stories, whichever is less</u> <u>2.5 stories, but not more than 35 ft.</u>	<u>35 ft. or 2.5 stories, whichever is less</u> <u>2.5 stories, but not more than 35 ft.</u>	<u>35 ft. or 2.5 stories, whichever is less</u> <u>2.5 stories, but not more than 35 ft.</u>	<u>35 ft. or 2.5 stories, whichever is less</u> <u>2.5 stories, but not more than 35 ft.</u>	<u>45 ft. or 4 stories</u> <u>4 stories, but not more than 45 ft.</u>	See FMC 19.30.XXX Building Height Transition for additional standards See FMC 19.13.020 "B" Definitions for building height measurement methodology

TABLE NOTES:

[1] Includes manufactured homes on individual lots

[2] **Minimum density requirements apply when new primarily dwelling units are added to a property, and to the creation of new lots. Exception: Residential care homes/facilities and 2-lot partitions are exempt from minimum density requirements. Minimum density is calculated by dividing the net developable acreage by the minimum lot area per unit, and rounding down to the nearest whole number.**

[3] Except as may be required by this code (e.g., to protect sensitive lands, etc.).

[5] This standard is met when a minimum of 50 percent of the front building elevation is placed 10 feet or closer to the front property line. On parcels with more than one building, this standard applies to the largest building.

[5] Lot coverage and impervious area includes all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished grade and all impervious surfaces (such as paved or bricked areas).

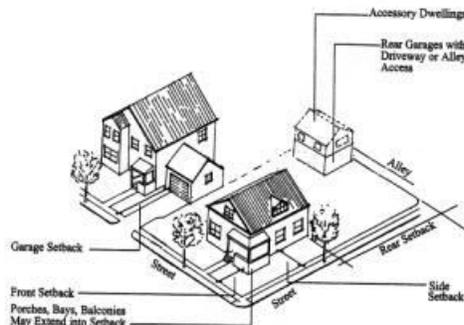


Figure 19.30.030 – Building Setbacks

A. Front Setbacks Exceptions.

1. Applicability. This section applies to single-family detached and attached, duplex and triplex, manufactured homes on lots, and 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 a

2. Exceptions and Additional Standards

a. 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)

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.

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

Discussion: Proposed deletion of standard. The applicability section for 19.30.090 Building Orientation states that the section applies to single-family detached (except flag lots), 3 or more attached units, multi-family, residential commercial, and public & institutional buildings, and is not limited to multifamily as stated here.

~~c. 2. Residential Commercial Buildings in the Multifamily District, and Public and Institutional Buildings~~

~~a. A minimum front setback is not required, except as necessary to comply with the vision clearance standards in FMC [19.162.020](#).~~

~~b. A maximum setback of 10 feet is required. This standard is met when a minimum of 50 percent of the front building elevation is placed 10 feet or closer to the front property line. On parcels with more than one building, this standard applies to the largest building.~~

~~Exception: i. The **maximum** setback may be increased when an expanded sidewalk, outdoor seating area, plaza, pocket park, or town square is provided between the building and front property line.~~

~~ii. 3. Public and Institutional Buildings. The standards in subsection (A)(2) of this section (residential commercial buildings) shall also apply to public and institutional buildings, except that the maximum setback standard in subsection (A)(2)(b) shall not be required for buildings that do not receive the public (e.g., buildings used solely for storage or housing mechanical equipment, and similar uses) are exempt from the maximum setback requirement.~~

~~**[Cross-Reference: FMC 19.30.XXX Residential Commercial Standards.]**~~

Discussion: Amended to clarify and specify that the Residential Commercial Building standards only apply in the Multifamily District (the only Residential zone where they are permitted), and that some of the same standards apply to Public and Institutional Building. Added new Cross Reference to related set of standards, which is something that may be added throughout the code to make it more user-friendly.

~~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).~~

~~C. Side Setbacks. The minimum side setback shall be five feet on interior side yards, and 10 feet on street corner yards; or when~~

d. For 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](#).)

~~e. D. Setback Exceptions.~~ **Encroachments.** The following architectural features are allowed to encroach into the setback yards:

i. Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than three feet.

ii. Decks and similar structures not exceeding 36 inches in height (attached railings not included) may encroach into setbacks by no more than five feet, subject to the front yard setback provisions in subsection A of this section.

iii. Walls and fences may be placed on property lines, subject to the standards in Chapter [19.163](#) FMC, Landscaping, Street Trees, Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in FMC [19.162.020](#).

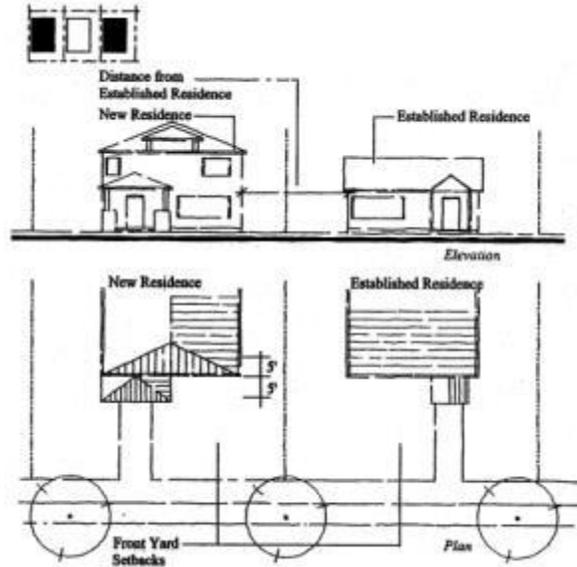
F. E. Special Yards – Distance between Buildings on the Same Lot. To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be no less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space. This standard does not apply to detached garages, accessory dwelling units, and other accessory structures.

Discussion: The Special Yards standard doesn't apply to accessory structures in the single family zones, but to multiple primary structures on the same lot. **QUESTION:** Should the standard stay in the "Setbacks" section, or be moved to the Multifamily district, and Community Service/Park sections of

G. F. Setbacks for Infill Housing in Established Residential Areas. "Established residential area" means an area within the residential district that was platted prior to the effective date of the ordinance codified in this title. In such areas, the following setback standards shall apply:

Discussion: The "platted prior to the effective date of the ordinance codified in this title" clause is confusing. Which ordinance does this apply to? **QUESTION:** Should the instead apply to any new infill structure, that is adjacent to an existing home?

Figure 19.30.030.F – Infill/Established Residential Area Setbacks



1. When an existing single-family residence on the same street is located within 30 feet of the subject site, a front yard setback similar to that of the nearest single-family residence shall be used. “Similar” means the setback is within five feet of the setback provided by the nearest single-family residence on the same street. For example, if the existing single-family residence has a front yard setback of 20 feet, then the new building shall have a front yard setback between 15 feet and 25 feet. If the new building is to be located between two existing residences, then the setback for the new building shall be based on the average setback of both adjacent residences, plus or minus five feet.

2. In no case shall a front yard setback be less than 10 feet. Zero-lot line houses shall comply with the standards for zero-lot line housing in FMC [19.30.110](#).

3. The preceding standards in subsections (F)(1) and (F)(2) of this section shall not be changed, except through a Type III variance (i.e., to avoid significant trees, topographic constraints or other sensitive lands). (Ord. 3-2010 § 4; Ord. 6-2001 § 1)

19.30.040 Lot area and dimensions.

Discussion: This entire section is replaced by the new Dimensional Table 19.30.030-A, above. Lot Dimensions diagram below does not really add anything, and is very difficult to read.

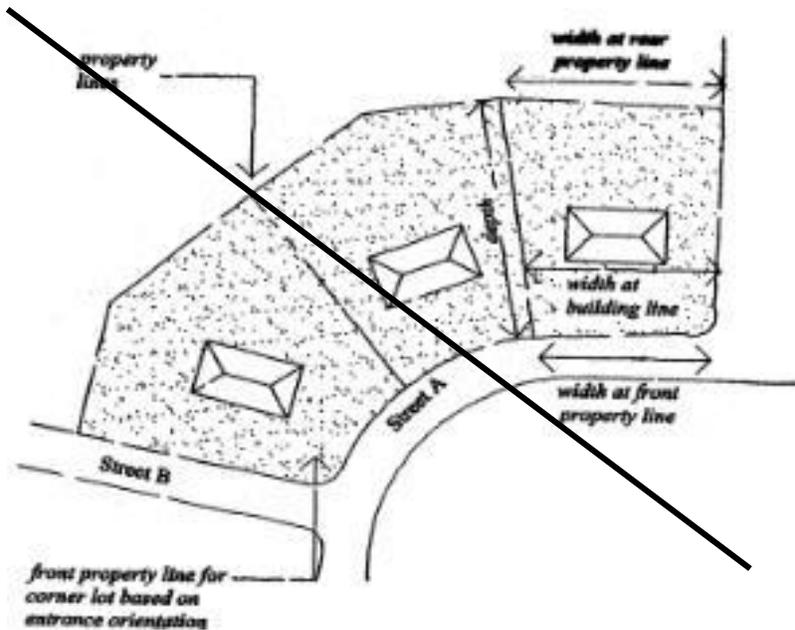


Figure 19.30.040 – Lot Dimensions

Table 19.30.040 – Lot Area and Dimensions

Land Use	Districts* and Lot Area	Lot Width/Depth	Related Standards
Detached Single-Family Housing; Manufactured Homes on Lots	Standard Residential District and Townhouse Overlay Zone: Minimum: 6,000 square feet. Maximum: 10,000 square feet.	Minimum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (see FMC 19.30.050); Maximum Depth: Three times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.).	The average lot area and residential floor area in new developments shall conform to the standards in FMC 19.30.060 , Residential density and building size.
	Old Town Overlay Zone: Minimum: 7,500 square feet. Maximum: 10,000 square feet.		
	Lower Density Residential Overlay Zone: Minimum: 10,000 square feet. Maximum: None.		
Single-Family	MF Subdistrict and		

Table 19.30.040 – Lot Area and Dimensions

Land Use	Districts* and Lot Area	Lot Width/Depth	Related Standards
Attached Townhomes	Townhouse Overlay Zone: Minimum: 2,000 square feet. Maximum: 4,500 square feet.		
Two-Family Attached Housing	Standard Residential District, Old Town Overlay Zone and Lower Density Residential Overlay Zone: Minimum: 6,000 square feet. Maximum: 10,000 square feet.		
Three-Family Attached Housing (Triplex)	MF Subdistrict: Minimum: 6,000 square feet. Maximum: 10,000 square feet.	Minimum Width: 60 feet at front property line, except for flag lots and lots served by private lanes (see FMC 19.30.050). Maximum Depth: Three times the lot width; except as required to protect sensitive lands, etc.	
Multifamily Housing (Four Units or More)	MF Subdistrict: Minimum Area: 2,500 square feet per unit. Maximum Area: None. (The maximum lot/parcel area is controlled by the block area standards in Chapter 19.162 FMC, Access and Circulation.)	Minimum Width: 60 feet at front property line. Maximum Depth: None.	
Manufactured Home Parks	MH Subdistrict: See FMC 19.30.140 for special standards.	See FMC 19.30.140 for manufactured home park standards.	

Table 19.30.040 – Lot Area and Dimensions

Land Use	Districts* and Lot Area	Lot Width/Depth	Related Standards
Public and Institutional Uses	All Residential Districts: Minimum Area: None. Maximum Area: None. (See FMC 19.30.110 for special standards.)	Minimum Width: 0 feet at front property line for open space uses and 60 feet at front property line for all other uses. Maximum Depth: None.	The maximum lot/parcel area is controlled by the block area standards in Chapter 19.162 FMC, Access and Circulation.
Residential Commercial Uses	MF Subdistrict: Minimum Area: None. Maximum Area: None. (See FMC 19.30.130 for special standards.)	Minimum Width: 60 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is indirectly controlled by the floor area standards for residential commercial development, as provided in FMC 19.30.130(C)(4) .

*See Table 19.30.020 for permitted uses and building types

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

As shown below, some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” or “mid-block developments,” as defined below:

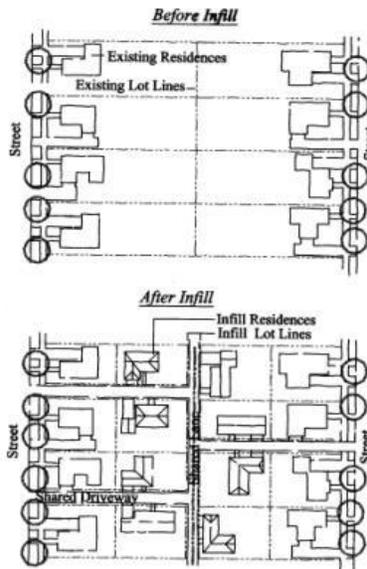


Figure 19.30.050 – Mid-Block Infill

A. Mid-Block Lanes. Lots may be developed without frontage onto a public street when lot access is provided by a series of mid-block lanes, as shown above. Mid-block lanes shall be required whenever practicable as an alternative to approving flag lots. The lanes shall meet the standards for alleys, per subsections B through E of this section.

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.

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.

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.

E. Future Street Plans. Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in the preceding graphic). (Ord. 6-2001 § 1)

E. The flag “pole” portion of the flag lot shall be considered buildable for the purpose of calculating densities. See Figure 19.30.060B.

Discussion: Standard F above is proposed to be relocated from the Minimum Density Calculation section (below), with a note in the Dimensional Table to cross reference. QUESTION: Does or should the same approach apply for calculating lot coverage (include the pole), and for access easement areas?

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, **as provided in 19.30.030-A: Dimensional Standards**. Projects proposed at less than the minimum density must demonstrate on a site plan or other means, how, in all aspects, future intensifications of the site to the minimum density or greater can be achieved without a variance. ~~For the purposes of this subsection, new development shall mean intensification of the site by adding new primary dwelling units, other than accessory dwelling units, or land division of the property. New development is not intended to refer to additions to existing structures, rehabilitation, renovation, remodeling, or other building modifications or revisions of existing structures.~~

Discussion: Staff is working to clarify how the “future intensification” requirement applies, and update the language to be more specific about applying to 2-lot partitions that create oversize lots, and to phased master planned developments.

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.

For example, density for a five-acre parcel would be calculated in the following manner:

Net site area = Total site area (217,800 sq. ft.) multiplied by .80 for streets and roads = 174,200 sq. ft.

Density = Net site area (174,200 sq. ft.) divided by 6,000 sq. ft. (minimum lot area) = 29.03

Minimum density = 29.03 multiplied by .80 = 23.22. Therefore, 23 units is the minimum number of units which must be placed on the site.

This is only one example; actual lot sizes will vary based on the proposed building type and the lot area standards in FMC [19.30.040](#). The flag “pole” portion of the flag lot shall be considered buildable for the purpose of calculating densities. See Figure 19.30.060B.

Discussion: The density standard has been moved into the Dimensional Table, which states that minimum density is 80% of the maximum density, and also lists the minimum and maximum densities as number of dwelling units per acre. Per the Planning Commission’s direction at a work session, a change is proposed to calculate the net site area based on actual dedications, rather than a standard 20% deduction for streets, which could likely overestimate the dedication needed.

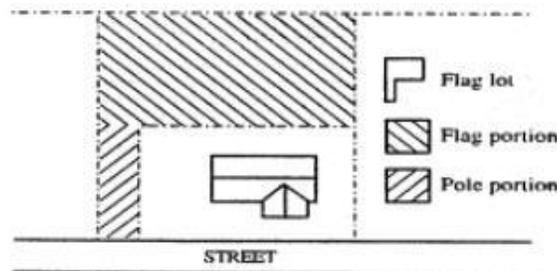


Figure 19.30.060.B – Flag Lot (Typical)

1. **Exception:** The density standards may be averaged over more than one development phase in (i.e., as in a master planned development). Duplex and triplex lots used to comply with the density standard shall be so designated on the final subdivision plat. (see [19.450 Master Planned Developments](#))

2. The following types of housing are exempt from the density standards: Residential care homes/facilities and partitions creating two lots.

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:

1. Existing Development. On any lot where the adjusted floor area which existed on the effective date of this section exceeded or was within 100 square feet of the maximum adjusted floor area specified in subsection (C)(2) of this section, a building permit may be obtained for up to 100 square feet of additional adjusted floor area, without requiring a variance, where the proposed addition complies with all other provisions of this section.

2. Adjusted Floor Area. As used in this section, "adjusted floor area" is the sum of the gross horizontal areas of all floors of all principal and accessory buildings measured from the exterior faces of the exterior walls of the building(s), and all other enclosed volumes which could be utilized as floor area and have minimum dimensions of eight feet by 10 feet and seven and one-half feet head room, without additional excavation. Adjusted floor area excludes all unenclosed horizontal surfaces such as balconies, decks or porches; the first 500 square feet of garage space; the first 500 square feet of any accessory dwelling; and any areas below or predominately below both the natural and finished grade, measured at the perimeter of the building, which in the opinion of the planning director does not add to the visual mass of the building. Interpretation of this section made by the director may be appealed to the planning commission, as specified in Article IV of this title. (Ord. 6-2001 § 1)

Discussion: This section refers to two items which are nonexistent: 1) The "residential building intensity policies of the Comprehensive Plan", and 2) The "maximum adjusted floor area". Standard proposed for deletion. Alternately, the Commission could develop a maximum Floor Area requirement to regulate overall building mass.

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](#):

1. Single family detached houses: 65 percent;

2. Duplexes and triplexes: 70 percent;

3. Single family attached townhomes: 70 percent;

4. Multiple family housing: 70 percent; and

5. Residential commercial and public/institutional uses: 85 percent.

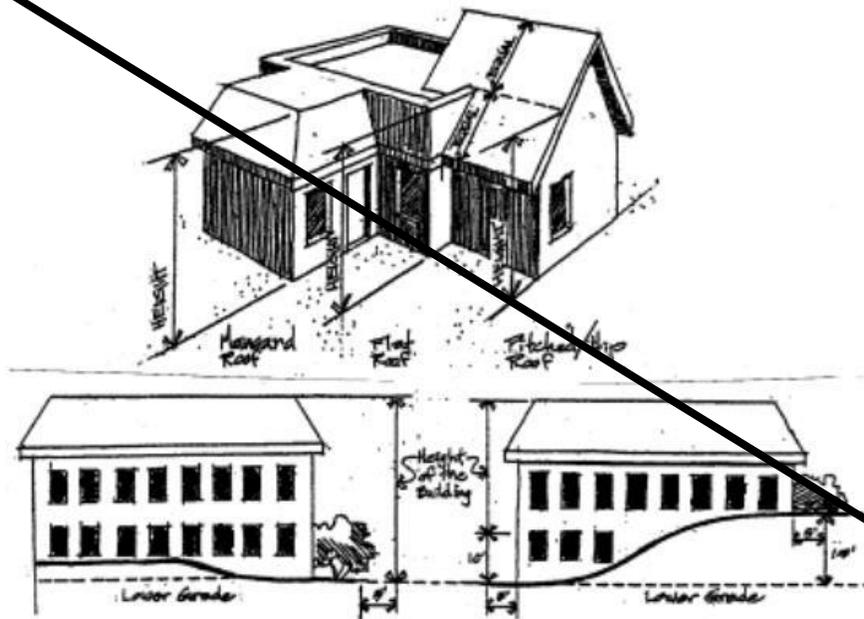
B. Lot Coverage Defined. "Lot coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished grade and all impervious surfaces (such as paved or bricked areas).

C. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

Discussion: This statement seems obvious, and really applies to all code standards. QUESTION: Should it be deleted, or moved into FMC 19.12 General Administration.

19.30.080 Building height.

Figure 19.30.080 – Building Height Measurement (Composite of Several Roof Forms)



Discussion: This could be moved into the Definitions section to support the height measurement standard, however, the code graphics are very difficult to read. They come from the Oregon Model Code for Small Cities, and are intended to illustrate the general concept of the standard. The graphics are not regulatory. Recommend updating all of the graphics. If higher quality files can be obtained from the old (2001) code, these could be replaced for now. Replacing the graphics will be a future project.

The following building height standards are ~~is~~ intended to promote land use compatibility and support the principle of neighborhood-scale design:

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. Building height within the multifamily housing district and

for residential-commercial buildings may be up to 45 feet or four stories. Building height may be restricted to less than these maximums when necessary to comply with the building height transition standard in subsection C of this section.

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

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

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

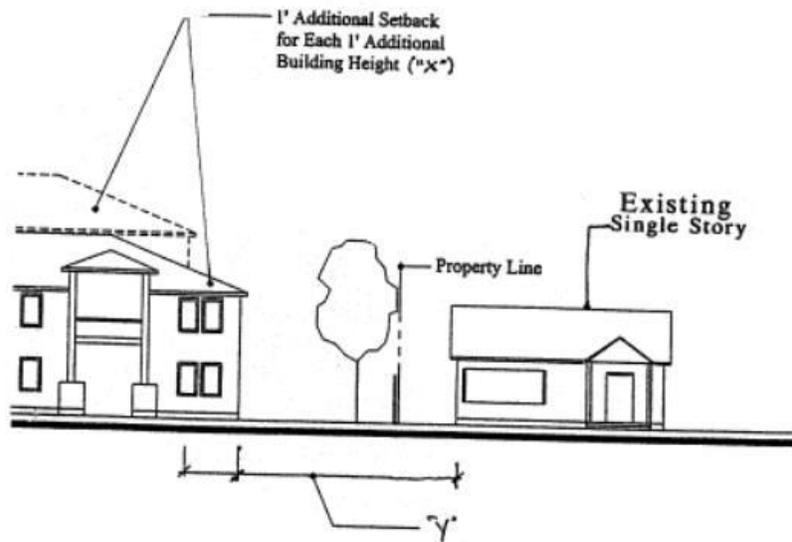
Discussion: Building Height Standard moved into the Dimensional Table. Method of Measurement moved into the Definitions section of the code (19.13), since it applies across all zoning districts.

A-C. Building Height Transition. To provide compatible building scale and privacy between developments, taller buildings shall "step-down" to create a building height transition to adjacent single-story building(s).

1. This standard applies to new and vertically expanded buildings within 20 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.

2. The building height transition standard is met when the height of the taller building ("x") does not exceed one foot of height for every one foot separating the two buildings ("y"), as shown in Figure 19.30.080.C.

Figure 19.30.080.C – Building Height Transition



19.30.090 Building orientation.

Figure 19.30.090.A – Typical Building Orientation (Multifamily/Attached Housing)

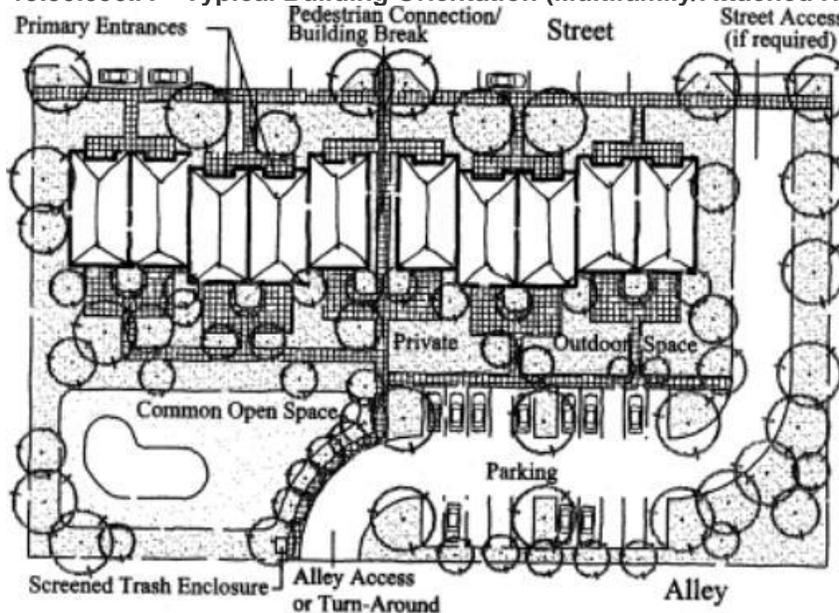
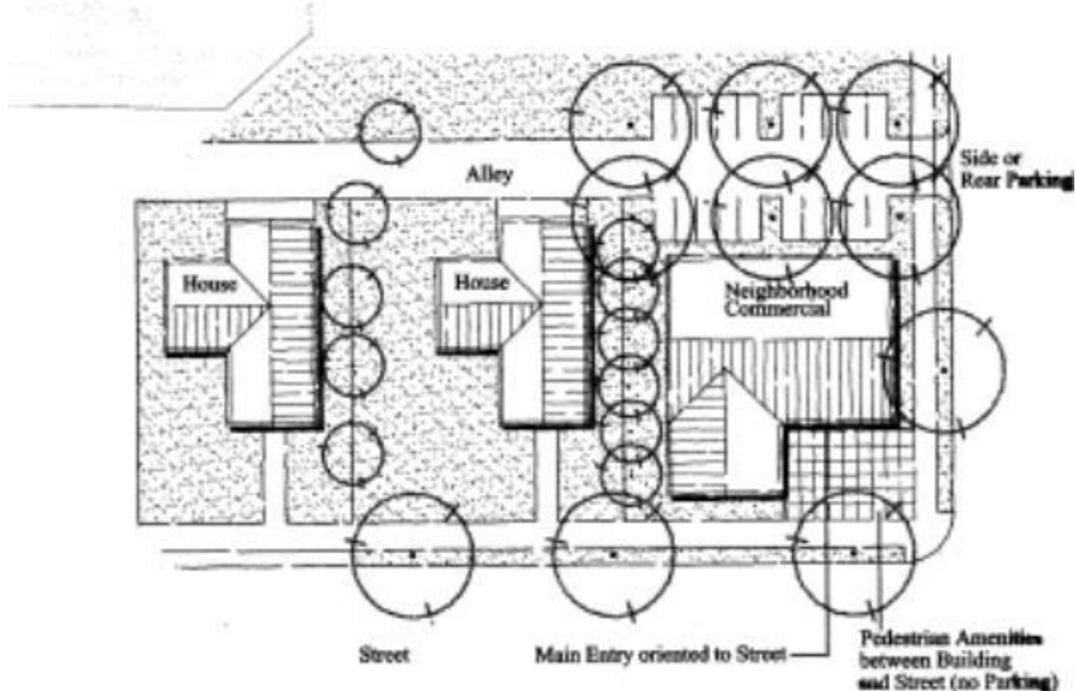


Figure 19.30.090.B – Typical Building Orientation (Residential Commercial Building)



A. Purpose. The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes-on-the-street.”

B. Applicability. This section applies to: single-family detached housing (except for flag lot development); attached townhomes which are subject to site design review (three or more attached units); multifamily housing; residential commercial buildings; and public and institutional buildings, except that the standard shall not apply to public and institutional buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)

C. Building Orientation Standards. All developments listed in subsection B of this section shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in FMC [19.30.030](#).
2. All buildings shall have their primary entrance(s) oriented to the street. Multifamily and neighborhood commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Chapter [19.162](#) FMC, Access and Circulation. In this case, at least one entrance shall be provided not more than 20 feet from the closest sidewalk or street.

3. Off-street parking, drives or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard. (Ord. 6-2001 § 1)

19.30.100 Design standards.

///

19.30.110 Special standards for certain uses.

///

F. Community Services/Parks. Public and institutional uses (as listed in Table 19.30.020.A) are allowed in the residential district subject to the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences:

1. Development Site Area. The maximum development site area shall be eight acres, except that this standard shall not apply to parks and open space uses. Larger developments may be approved as a conditional use, in accordance with Chapter [19.440](#) FMC, Conditional Use Permits, or as part of a master planned development, in accordance with Chapter [19.450](#) FMC.

2. Vehicle Areas and Trash Receptacles. All vehicle areas (i.e., parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height.

Discussion: Some clarification is needed on the Community Service/Parks, and Public and Institutional uses. For example, no specific uses are listed in Table 19.30.020.A, and there are conflicts pertaining to allowing public only, or public and private institutional uses. Staff is following up to provide clarification.

19.30.120 Additional residential districts.

A. Districts Authorized. These districts provide needed land for land uses that may not otherwise be accommodated in the underlying residential district. The Comprehensive Plan identifies a need for maintaining higher density development, providing small commercial services within residential neighborhoods, and encouraging the development of multifamily housing. Therefore, the city has adopted the following additional subdistricts: residential multifamily (MF), FMC [19.30.130](#), and mobile home park (MH), FMC [19.30.140](#).

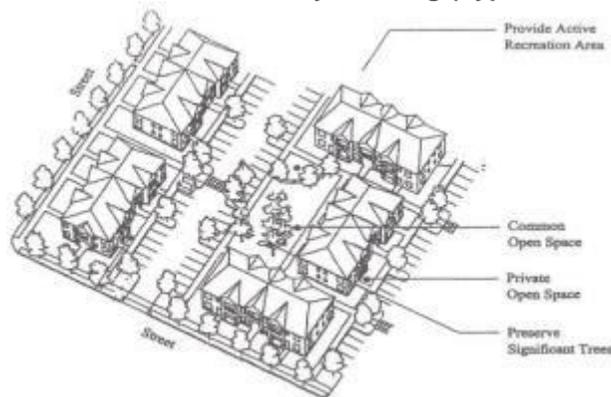
B. Applicability. These districts are identified on the city's official zoning map. Properties designated with the MF-1 and MH-1 districts shall comply with the provisions of the underlying residential district, except as may be modified by this section. (Ord. 6-2001 § 1)

Discussion: This reads as an introduction for the Multifamily and Manufactured Home Park code sections that are listed next in the code, and should not really be a separate section. It and also reference outdated zoning districts (MF 1 and MH 1). Proposed for deletion.

19.30.130 Residential multifamily district (MF).

A. Purpose/Intent Statement. The multifamily district is designed to provide land for larger multiple-family housing and residential commercial uses. Multifamily housing is housing that provides four or more dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.). New multifamily developments shall comply with all of the following standards.

Figure 19.30.130.A – Multifamily Housing (Typical Site Layout)



B. Multifamily Housing Development Standards.

1. Common Open Space. Inclusive of required yard setbacks, a minimum of 10 percent of the site area shall be designated and permanently reserved as usable common open space in all multiple-family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands (e.g., wetlands, floodplains, steep hillsides) and historic buildings or landmarks open to the public and designated by the Comprehensive Plan or by the U.S. Department of the Interior may be counted toward meeting the common open space requirements.

2. Private Open Space. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:

a. Ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. "Ground-floor housing" means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping);

b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 48 square feet. "Upper-floor housing" means housing units which are more than five feet above the finished grade; and

c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, and adjacent and on-site trash receptacles, parking and drives, to the greatest extent practicable.

3. Exemptions. Exemptions may be granted for the first 50 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans with Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields, children's play area, sports courts, walking/fitness course, or similar facilities.

4. Trash Receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pickup trucks.

C. Residential Commercial Standards.

1. Permitted Uses. Only those residential commercial uses specifically listed in [Section 2 of Table 19.30.020.A](#) are permitted. Residential and residential commercial uses may be mixed "vertically," meaning that a residential use is developed above the commercial use (i.e., ground floor retail/office with upper-story apartments, town-homes, or condominiums), or may be mixed "horizontally," meaning commercial and residential uses both occupy ground floor space. Automobile-oriented uses, as defined in FMC [19.65.090\(E\)](#) or where only service vehicles are parked.

2. Location. Residential commercial uses shall locate the front facade of the building along a city-designated collector or arterial street.

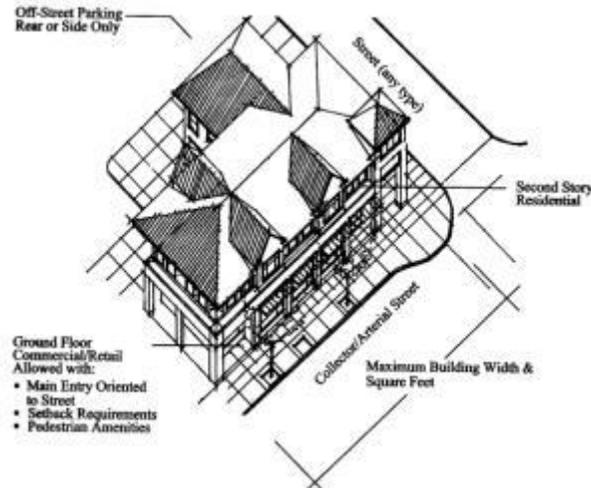
3. Building Mass Supplemental Standard. The maximum width or length of a residential commercial or mixed use (residential and commercial) building shall not exceed 80 feet (from end-wall to end-wall).

4. Floor Area Supplemental Standards. The maximum commercial floor area shall not exceed 5,000 square feet total per residential commercial site within the residential commercial district. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than seven and one-half feet of vertical clearance).

5. Hours of Operation. Residential commercial land uses shall be limited to the following hours of operation: 7:00 a.m. to 10:00 p.m. with alternative hours proposed as a conditional use.

Discussion: The specific commercial uses allowed in the R/MF zone are listed in the permitted use table, but there is no “Section 2”.

Figure 19.30.130.C – Residential Commercial (Typical Site Layout)



19.30.140 Residential manufactured home park district (MH).

A. Manufactured Home Park. Manufactured home parks are permitted on parcels of one acre or larger within the manufactured home park (MH) district, subject to compliance with subsections (A)(1) through (A)(5) of this section (in cases of conflict with state statutes, the statutes shall prevail, see ORS Chapters [197](#) and [446](#)):

1. Permitted Uses. Manufactured homes, manufactured home park manager's office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with FMC [19.490.200](#), Home occupation permits.

2. Space. The minimum size pad or space for each home is 2,500 square feet; provided, that the overall density of the park does not exceed 14 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS [446.100\(c\)](#).

3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is five feet. The minimum setback between park structures and public street rights-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than six feet to any other structure or dwelling, except that a double carport or garage may be built which serves two dwellings. When a double

carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least three feet.

4. Perimeter Landscaping. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the city may require installation of fencing and planting of a 10-foot to 15-foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.

5. House Design. Manufactured homes in parks shall meet the following design standards, consistent with ORS [197.314\(6\)](#):

a. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).

b. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing).

c. Exception. Subsections (A)(5)(a) and (b) of this section do not apply to manufactured homes sited within the city prior to the effective date of the ordinance codified in this title. (Ord. 6-2001 § 1)

Chapter 19.163 LANDSCAPING, STREET TREES, FENCES AND WALLS

19.163.030 New landscaping.

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

B. Landscaping Plan Required. A landscape plan is required at the time of design review or other pertinent applications. **All landscape plans shall conform to the requirements in FMC 19.420.020 (E), Landscape plans.**

Discussion: Proposed for deletion because FMC 420.020 (E) does not exist; there are no specific requirements in the code for landscape plans. The Site Design Review checklist given to land use applicants does include a list of items that must be shown on the landscape plan, intended to provide information needed to determine compliance with the landscaping standards.

Chapter 19.250
MINIMUM DENSITIES

Sections:

19.250.010 — Minimum density.

19.250.010 Minimum density.

A. When single-family lots are created through partition or subdivision, a minimum density permitted in the zone is required on all parcels within the R zones. For purposes of this section, the number of lots required shall be determined by multiplying the maximum density, exclusive of potentially allowable density transfer, by 0.8.

B. In all multifamily zones 80 percent of the allowable density must be achieved by all residential developments. (Ord. 6-2001 § 1)

Discussion: The minimum density standards have been incorporated in the Residential District code sections, so this additional section is redundant.

Chapter 19.413
PROCEDURES

19.413.010 Type I ministerial review.

Type I decisions are made by the community development director, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying city standards and criteria requires no use of discretion.

A. Notification. Notification is not required. The decision is final on the date it is mailed or otherwise provided to the applicant. The decision is effective the day after it is final.

B. Decision. A decision shall grant or deny the application. The decision will be made within 40 30 days of receipt of a complete application in the community development department. An applicant will be notified by phone or by mail within five days of the decision. The decision shall address approval criteria. Based on criteria, the decision shall approve, approve with conditions, or deny the requested permit or action. A written record of decision shall be provided to applicant and kept in the city file.

Type I decisions are effective the day after they become final and cannot be appealed.

Discussion: Type I decisions include Minor Modifications to approved land use decisions, lot line adjustments, and Class A variances. Staff has found that 10 (calendar) days is not sufficient time to route an application, review comments, evaluate the proposal and write the staff report/ issue the decision. There are no Oregon statutory deadlines for Type I permits. A 30-day decision period is proposed.

Chapter 19.428 DEVELOPMENT IN ACCORDANCE WITH PERMIT APPROVAL

19.428.020 Approval period.

Development review and site design review approvals shall be effective for a period of ~~one year~~ two years from the date of approval. The approval shall lapse if:

- A. A building permit has not been issued within a one-year period; or
- B. Construction on the site is in violation of the approved plan.

Discussion: The one-year expiration timeline conflicts with *FMC 19.400.030 Time limit on land use decisions for approval*, which establishes a 2-year time limit: "Unless otherwise specified in the decision or elsewhere in this title, an approved land use decision shall expire two years from date of final decision. (Ord. 1-2012 § 1)" Two years is a more reasonable and appropriate timeline, providing some flexibility and accounting for the time needed to prepare a building permit submittal package, get through planning, civil engineering, and building dept. plan review, and receive a permit. Follow-Up Item: Staff is looking into how "building permit" is defined to add that clarification to the code.

Chapter 19.430 LAND DIVISIONS AND LOT LINE ADJUSTMENTS

19.430.220 Lot line adjustments.

Lot line adjustments include the consolidation of lots, and the modification of lot boundaries, when no new lots are created. The application submission and approvals process is as follows:

- A. Submission Requirements. All applications for lot line adjustment shall be made on forms provided by the city and shall include information required for a Type I application, as governed by Chapter [19.413](#) FMC. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of significant vegetation as defined and mapped in Chapter [19.163](#) FMC; existing fences and walls; and any other information deemed necessary by the city administrator or his or her designee for ensuring compliance with city codes.

B. Approval Process.

1. Decision-Making Process. Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Chapter [19.413](#) FMC, using approval criteria contained in subsection C of this section.
2. Time Limit on Approval. The lot line adjustment approval shall be effective for a period of one year from the date of approval, during which time it must be recorded.
3. Lapsing of Approval. The lot line adjustment approval shall lapse if:
 - a. The lot line adjustment is not recorded within the time limit in subsection (B)(2) of this section;
 - b. The lot line adjustment has been improperly recorded with Multnomah County without the satisfactory completion of all conditions attached to the approval; or
 - c. The final recording is a departure from the approved plan.

C. Approval Criteria. The city administrator or his or her designee shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

1. No additional parcel or lot is created by the lot line adjustment;
2. Lot standards. All lots and parcels comply with the applicable lot standards of the land use district (Article II of this title) including lot area and dimensions;
3. Access. All lots and parcels comply with the standards or requirements of Chapter [19.162](#) FMC, Access and Circulation;
4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district (Article II of this title); and
5. Exemptions from Dedications and Improvements. A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

D. Recording Lot Line Adjustments.

1. Recording. Upon the city's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with Multnomah County within ~~60 days~~ **one year** of approval (or the decision expires), and submit a copy of the recorded survey map to the city, to be filed with the approved application.

2. Time Limit. The applicant shall submit the copy of the recorded lot line adjustment survey map to the city within 15 days of recording and prior to the issuance of any building permits on the reconfigured lots.

E. Extension. The city shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes are made on the original plan as approved by the city;
2. The applicant can show intent of recording the approved partition or lot line adjustment within the one-year extension period;
3. There have been no changes in the applicable code or plan provisions on which the approval was based. In the case where the lot line adjustment conflicts with a code change, the extension shall be denied; and
4. The extension request is made before expiration of the original approved plan.

Discussion The timeline for recording the lot line adjustment with the Multnomah County Surveyor is proposed to change from 60 days to one year. This is consistent FMC 19.430.220.B.2, Time Limit on Approval for lot line adjustments, which sets the expiration of the land use decision at one year. Recent feedback from a land use applicant has been that the County Surveyor cannot guarantee meeting the 60 day timeline.