



PLANNING COMMISSION MEETING

Tuesday, August 13, 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 FROM MAY 28 AND JULY 9, 2019**
4. **WORK SESSIONS – PUBLIC COMMENT ACCEPTED**
Food Cart Code Amendments: Work Session #2
Review first draft of new Development Code standards regulating food carts and food cart pods
5. **COMMISSION AND STAFF UPDATES**
 - Observations from July 23 Tour
 - Development Project Status
6. **TENTATIVE AGENDA**
7. **ADJOURNMENT**

NEXT PLANNING COMMISSION MEETING: TUESDAY, AUGUST 27, 2019

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 28, 2019

PRESENT: Hollie Holcombe, Chair
Russell Williams, Vice Chair
Jeff Dennerline
Les Bick

ABSENT: Wendy Lawton
Steven Hook
Steve Owen

STAFF: Sarah Selden, Senior Planner
Devree Leymaster, City Recorder

1. CALL TO ORDER

Chair Holcombe called the meeting to order at 6:34 PM.

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

None.

3. ADOPTION OF MINUTES

Vice Chair Williams moved to adopt the May 14, 2019 minutes and Commissioner Dennerline seconded. The motion passed unanimously.

AYES: 4

NOES: 0

ABSTAINED: 0

4. WORK SESSION

a. 2019 Code Maintenance Amendments: Work Session #2

Senior Planner Selden reviewed the draft amendments and re-organization as referenced in *Exhibit A*. She explained the feedback from the first work session in March is incorporated in the draft amendments including: minimum density, naming consistency between zoning districts (code and zoning map), density rounding, calculating net site area, and utilizing tables for information. She noted the re-organization includes a proposed new dimensional table with table notes.

Below is a summary of the feedback from the Commission.

- Provide a definition for apartment and townhome.
- Use “n/a” instead of “not applicable” in the tables.
- Clarify zero lot line (common wall).
- Each use within the table should have its own row for each standard (i.e. B page 4; like A page 3).
- Reference a footnote one time per category section instead of listing in each row/cell.
- Move the special yards section to multifamily district and community service/park sections.

Discussion items the Commission requested additional information from staff for further future discussion are summarized below.

- Code language for cottage housing developments i.e. Cottages at Salish. Staff will look at Salish to see how it is zoned and what development standards were used.
- Setbacks for infill housing.
- Flag lots and calculating densities. Staff to bring back examples for further discussion.
- Future intensification requirements. Staff will look into examples and options to clarify what situations will require a new development application to provide details of how a site could be developed for maximum density, when the current request is to develop at minimum and below maximum. Will also look at different naming options for “intensification”.

Chair Holcombe called a five minute recess.

Commissioner Dennerline inquired about page 23, item C1, if it is a copy/past error or a prior error. The last sentence “Automobile-oriented...” doesn’t make sense; needs clarity. Also, the code section it refers to is incorrect. Should be D, not E.

5. COMMISSION AND STAFF UPDATES

SP Selden reminded the Commission about the Ross Chapin presentation at Gresham City Hall tomorrow, May 29.

6. TENTATIVE AGENDA

June 19 – Joint Work Session with City Council

7. ADJOURNMENT

Meeting adjourned by consensus at 8:13 PM.

Devree A. Leymaster
City Recorder

Hollie Holcombe
Chair

Date

PLANNING COMMISSION WORK SESSION

2019 Code Maintenance Amendments

Work Session #2
May 28, 2019



WORK SESSION OBJECTIVES

- Review with amendments and re-organization
- Ask questions
- Provide feedback on draft
- Identify changes & information needed before public hearing

INITIAL PC FEEDBACK

- 2-lot partitions & residential care homes/facilities should be exempt from the minimum density requirement.
- Names of zoning districts in code should match the Zoning Map (e.g. R-7.5 vs. Old Town Overlay Zone).
- When minimum or maximum density results in a fractional number, round down to the nearest whole number.
- Net site area should be calculated based on actual street dedication, not an automatic 20% deduction.
- Place more information in tables.

ORGANIZATIONAL CHANGES

- Moved common standards into Definitions section (19.13)
- Moved dimensional standards from paragraphs to table (setbacks, height, etc.)
- Deleted redundancies

ORGANIZATIONAL CHANGES

- Table Notes at end help to interpret the dimensional standards
- Exceptions and longer/more nuanced standards are listed in paragraph form after Dimensional table
 - Cross-referenced in table column

LOT AREA & DIMENSIONS TABLE

Table 19.30.040 - Lot Area and Dimensions

ZONING DISTRICTS	Land Use	Standard	Lot Width/Depth	Height	DIMENSIONAL STANDARDS
	Detached	Minimum 30 feet of front setback	Minimum Width: 30 feet of front setback	Maximum Height: 35 feet	
	Single-Family Attached	Minimum 10,000 sq. ft. lot area	Minimum Width: 30 feet of front setback	Maximum Height: 35 feet	
	Manufactured Homes on Individual Lots	Minimum 4,000 sq. ft. lot area	Minimum Width: 30 feet of front setback	Maximum Height: 10 feet	
	Old Town Overlay Zone	Minimum 7,500 sq. ft. lot area	Minimum Width: 30 feet of front setback	Maximum Height: 35 feet	
	Lower Density Residential Overlay Zone	Minimum 10,000 sq. ft. lot area	Minimum Width: 30 feet of front setback	Maximum Height: 35 feet	
	Single-Family Attached Townhomes	Minimum 2,000 sq. ft. lot area	Minimum Width: 30 feet of front setback	Maximum Height: 35 feet	

RESIDENTIAL USE TABLE

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

ZONES AND OVERLAYS	MF	MH	Townhouse Overlay Zone	Old Town Overlay Zone	Lower Density Residential Overlay Zone	ZONING DISTRICTS
USES						
1. Single-family detached	X		X	X	X	
2. Single-family detached accessory lot use	X		X	X	X	
3. Accessory dwellings	X		X	X	X	
4. Accessory uses and structures (other than accessory dwellings)	X	X	X	X	X	
5. Manufactured homes on individual lots	X			X	X	

NEW DIMENSIONAL TABLE

19.30.030-A
Dimensional Standards

STANDARDS	Standard Residential (R)	R1.7.5'	R1.10	Townhouse Overlay Zone	Multifamily District	Additional Standards and Exceptions	ZONING DISTRICTS
A. Minimum lot size (sq. ft.)							
1. Single-family detached [1]	6,000	7,500	10,000	6,000	Not applicable		
2. Duplex	6,000	7,500	10,000	Not applicable	Not applicable		
3. Attached single-family townhomes	Not applicable	Not applicable	Not applicable	2,000	2,000		
4. Triplex	Not applicable	Not applicable	Not applicable	Not applicable	6,000		
5. Multifamily (6 units or greater)	Not applicable	Not applicable	Not applicable	Not applicable	2,200 sq. ft. of lot area per unit		
6. Public and institutional Uses	None	None	None	None	None		
7. Residential commercial	Not applicable	Not applicable	Not applicable	Not applicable	None		

LOT AREA & DIMENSIONS TABLE (TYPICAL)

DIMENSIONAL STANDARDS	Table 19.301.4 Low Density Residential Development Standards			ZONING DISTRICTS
	R-10	R-7	R-5	
A. Lot Standards				Standards/ Additional Provisions
1. Minimum lot size (sq ft)				Subsection 19.501.1 Lot Size Exceptions
a. Single-family detached	10,000	7,000	5,000	
b. Duplex	14,000	14,000	10,000	
2. Minimum lot width (ft)	70	60	50	
3. Minimum lot depth (ft)	100		80	
4. Minimum street frontage requirements (ft)				
a. Standard lot				35
b. Flag lot				25
c. Double flag lot				35
B. Development Standards				
1. Minimum yard requirements for primary structures (ft)				Subsection 19.301.5-A Side Yards

DRAFT CODE

Explanatory Notes on Draft Code:

Added text is double underlined and bolded.

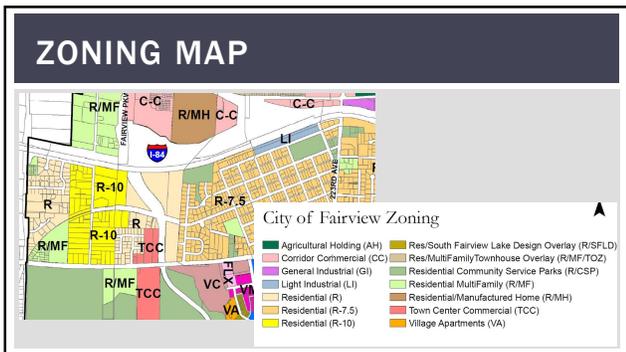
~~Deleted text is stricken.~~

~~/// 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.



HOUSING TYPES AND DENSITY

Maximum Density Based on Smallest Allowed Lot Size

RESIDENTIAL MULTI-FAMILY EXAMPLE:

Triplexes: 6,000 s.f. min lot size (2,000 s.f. per unit) = 21.8 units per acre MAX density

Attached SF: 2,000 s.f. min lot size = 21.8 units per acre MAX density

Multi-Family: 2,500 s.f. lot area *per unit* = 17.4 units/acre MAX density

HOUSING TYPES AND DENSITY

MINIMUM Density Based on LARGEST Allowed Lot Size

RESIDENTIAL MULTI-FAMILY EXAMPLE:

Triplexes: 10,000 s.f. max lot size (3,333 s.f. per unit) = 13 units per acre MIN density

Attached SF: 4,500 s.f. max lot size = 9.7 units per acre MIN density (80% of max would be

Multi-Family: 2,500 s.f. lot area *per unit* = 17.4 units/acre MAX density

NEXT STEPS

- Additional changes based on PC feedback
- City Attorney final review
- Mail notice to property owners 20-40 days before hearing
- Notify DLCD and Metro 35+ days before hearing
- Planning Commission hearing
- City Council hearing

MINIMUM DENSITY (FAIRVIEW CODE)

FMC 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.

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

MINIMUM DENSITY (FAIRVIEW CODE)

FMC 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.

MINIMUM DENSITY

EXAMPLE: 1 acre lot (43,560 s.f.) in R-7.5 (Old Town Overlay) Zone

Maximum density: $43,560 \div 7,500$ s.f. (smallest allowed lot size) = **5.8 lots** (either 5 or 6 depending on rounding method)

Minimum Density Option #1: Partition at maximum lot size of 10,000 s.f. = 4.4 lots (either 4 or 5 lots, depending on rounding method)

Minimum Density Option #2: Calculated at 80% of maximum $5.8 \times 0.80 = 4.6$ (either 4 or 5 lots, depending on rounding method)

MINIMUM DENSITY

EXAMPLE: 1 acre lot (43,560 s.f.) in Standard R Zone

Maximum density: $43,560 \div 6,000$ s.f. (smallest allowed lot size) = **7.3 lots** (either 7 or 8 depending on rounding method)

Minimum Density Option #1: Partition at largest lot size of 10,000 s.f. = **4.4 lots** (either 4 or 5 lots, depending on rounding method)

Minimum Density Option #2: Calculated at 80% of maximum density $7.3 \times 0.80 = 5.8$ (either 5 or 6 lots, depending on rounding method)

MINIMUM DENSITY

EXAMPLE: 1 acre lot (43,560 s.f.) in Multi-Family Zone with Attached Single-Family Homes (townhomes)

Maximum density: $43,560 \div 2,500$ s.f. (smallest allowed lot size) = **21.8 lots** (either 21 or 22 depending on rounding method)

Minimum Density Option #1: Partition at largest lot size of 4,500 s.f. = **9.8 lots** (either 9 or 10 lots, depending on rounding method)

Minimum Density Option #2: Calculated at 80% of maximum density $21.8 \times 0.80 = 17.4$ (either 17 or 18 lots, depending on rounding method)



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, July 9, 2019

PRESENT: Hollie Holcombe, Chair
Russell Williams, Vice Chair
Jeff Dennerline
Steven Hook
Steve Owen

ABSENT: Wendy Lawton
Les Bick

STAFF: Sarah Selden, Senior Planner
Eric Rutledge, Associate Planner
Devree Leymaster, City Recorder

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. WORK SESSION

a. Fairview Lake Riparian Buffer: Work Session #1

Associate Planner Rutledge presented a brief history and summary of Fairview Lake riparian buffer regulations and an analysis of potential amendments as referenced in *Exhibit A*.

Commissioner Dennerline inquired if docks are still allowed. Staff replied yes, one dock per frontage is permitted. Commissioner Dennerline clarified the Village has a 35 foot standard riparian buffer. AP Rutledge replied yes, but other water riparian buffers differ; need to refer to the map. Commissioner Dennerline queried how many properties would be impacted by the proposed changes. Staff replied they need more analysis to determine.

Commissioner Hook referred to page 11, exhibit A, item D.1.b. (Flexible landscaping requirements...); not sure what is intended. He also asked about page 16, 19.106.060a (...best management practices (BMPs)...); what is the source and how will it be kept up to date. AP Rutledge replied the code will be kept up to date as other code sections are.

Commissioner Owen asked what level of involvement there is with the Fairview Lake Property Owners Association (FLPOA) and what their expectations are. AP Rutledge replied FLOPA requested the changes and they seem generally supportive. They do have other concerns i.e. weed control. Commissioner Owen proposed inviting them to a meeting; keep them involved in the process and manage expectations. AP Rutledge agreed and noted staff will be working with a lot of regional partners. Senior Planner Selden noted FLPOA understands the city intends to make revisions over time. One of the outreach strategies may be having FLPOA survey all of their members.

b. 2019 Code Maintenance Amendments: Work Session #3

Senior Planner Selden reported she has begun reviewing the questions from the May 28 work session, but does not have anything concrete to present.

4. COMMISSION AND STAFF UPDATES

SP Selden reviewed the feedback from the June 19 joint meeting with City Council and requested verification from the Commission.

Corridor Commercial Zone Amendments

Area east of 223rd: feedback leaned toward area being more compatible for non-residential uses. More specific buffering requirements between industrial/commercial and abutting residential zones. Commissioner Dennerline agreed the sense was to keep mixed use as little as possible; keep more commercial oriented. Commissioner Owen agreed, but noted the Council did not make a strong statement.

Building orientation: felt there was less consensus from Council. Seemed to agree the building orientation should be toward the street with up to a 20 ft. setback, but there were some comments about parking/circulation in-between the street and building. Chair Holcombe agreed the direction was vague; proposed the Commission continue discussion and work towards an agreement to present to Council.

Residential/commercial ratio for mixed used: of the three options presented Council supported Option C (commercial occupy the ground floor along 75% of the buildings street facing façade). Commission agreed.

Food Carts

Council was supportive; want inviting developments (restrooms, recycling/garbage areas screened and well maintained). They supported beer and wine being served at food carts. Interested in starting with one property that has a potential developer as a pilot; see how it goes. Commission concurred.

Vice Williams asked how quickly the food cart regulations could be developed; developer could lose interest. SP Selden replied staff is communicating with the property owner and there is momentum for spring or summer next year.

SP Selden reported another joint work session will be scheduled in fall.

SP Selden gave a status update for development projects.

Commissioner Dennerline proposed the Commission look at developing a style code; address HB2001, cottage cluster concept, etc.

5. TENTATIVE AGENDA

July 23, 2019 – Field Trip: food cart pods and “missing middle” housing types

6. ADJOURNMENT

Meeting adjourned by consensus at 8:00 PM.

Devree A. Leymaster
City Recorder

Hollie Holcombe
Chair

Date

A complete recording and/or video of these proceedings is available.
Contact the City of Fairview City Recorder Office, 1300 NE Village St., Fairview, OR 97024, (503) 674-6224.

FAIRVIEW PLANNING COMMISSION
WORK SESSION

Fairview Lake Riparian Buffer Setback



July 9, 2019
Eric Rutledge / Associate Planner



ISSUE

Request from the Fairview Lake Property Owners Association (FLOPA) to amend the riparian buffer regulations around Fairview Lake



PROPOSED AMENDMENTS

- Reduce riparian buffer from 50 ft. to 35 ft.
- Add bank stabilization hierarchy requirements when alterations are made
- Add fences as an allowed alteration within the buffer zone
- Update the definition of riprap



HISTORY OF FAIRVIEW LAKE





RIPARIAN BUFFER HISTORY

Year	Fairview Lake	Comments
1994 - 2000	Various platted subdivisions around Fairview Lake	Subdivision plats included variable width riparian buffer easements, stormwater easements, and wetland tracts around the lake. Easements and tracts included as a condition of subdivision approvals

Blue Lake Estates - 50 ft. canal drainage easement

Lakeshore Estates - 35 ft. riparian buffer

RIPARIAN BUFFER HISTORY

Year	Fairview Lake	Comments
1993	Riparian buffer adopted into development code - 35 ft.	<p>First code amendment that established a riparian buffer overlay over Fairview Lake, Fairview Creek, Osburn Creek, No Name Creek and Columbia Slough. Included allowed uses, application procedures, and construction standards.</p> <p>The code did not adequately address Statewide Planning Goal 5 and was required to be amended.</p>
2001	Riparian buffer increased to 50 ft.	<p>Major update to development code to comply with state and regional requirements. Adopted as FMC 19.106 Wetlands and Riparian Buffer Overlay.</p> <p>Established or increased riparian buffer around all major waterways to 50 ft.</p> <p>Start of buffer measured from top of bank, or "annual mean high water level" of 11.4 NGVD</p>

Fairview Creek headwaters

RIPARIAN BUFFER HISTORY

RIPARIAN BUFFER HISTORY

Year	Fairview Lake	Comments
2012	Riparian buffer maintained at 50 ft.	<p>Update to riparian buffer overlay to comply with Metro Title 13, including refined and sometimes reduced buffers for various creeks.</p> <p>Established regulations that stand today as FMC 19.106 Natural Resource Regulations</p>

Fairview Lake

City of Fairview Natural Resource Map

- 30' Resource Protection Area
- Fairview Lake 50' Riparian Buffer
- 40' Resource Protection Area
- Platted Protected Area
- 50' Resource Protection Area
- 60' Resource Protection Area
- Updated Habitat
- Wetland
- Stream

RIPARIAN BUFFER HISTORY

Year	Fairview Lake	Comments
2019	Riparian buffer maintained at 50 ft.	Updated and added detail to dock standards and procedures. Removed "docks", "piers", and "boathouses" from the list of structures allowed in the setback.



ANALYSIS OF PROPOSED AMENDMENTS

- Reduce riparian buffer from 50 ft. to 35 ft.
 - Alterations allowed within 15 ft. of released buffer area
 - Impact will vary by property
 - Additional analysis needed to determine erosion, wildlife, and water quality impacts
- Add bank stabilization hierarchy requirements when alterations are made
 - Requires bank stabilization best management practices to be used as first alternative
 - New/additional requirement

ANALYSIS OF PROPOSED AMENDMENTS

- Add fences as an allowed alteration within the buffer zone
 - Additional privacy between properties
 - Vegetation removal around fence
- Update the definition of riprap
 - Clarifies definition, no significant impact

KEY ISSUES MOVING FORWARD

- Existing condition analysis
 - Encroachments, habitat quality, etc.
- Determining buffer location
 - Top of bank, 11.4 NGVD, 14.7 NAVD
- Environmental impacts of reduced buffer
 - Erosion rates, water quality, lake sedimentation, wildlife habitat
- Clarify enforcement practices

KEY ISSUES MOVING FORWARD

- Clarify compliance requirements with state and regional land use regulations
 - DLCD Goal 5: Natural Resources, Scenic and Historic Area, and Open Spaces
 - Metro Title 3: Water Quality and Flood Management
 - Metro Title 13: Nature in Neighborhoods



MEMORANDUM

DATE: August 8, 2019 **MEETING DATE:** August 13, 2019

TO: Fairview Planning Commission

FROM: Eric Rutledge, Associate Planner

SUBJECT: Review of draft code for food cart regulations

ISSUE

The purpose of the work session for the commission to review and provide feedback on draft code language for food carts in the City.

BACKGROUND

In 2018 a property owner in the Village expressed interest in developing a food cart pod on their property as an interim use. In response, the Planning Commission identified adopting food cart regulations as a policy item to consider in 2019.

A work session was held on March 26, 2019 to discuss an overall approach to food cart regulations and to identify key issues moving forward. On June 19, 2019 a joint work session was held between the commission and City Council to further discuss the key issues. The commission also had an opportunity to visit the Prost! food cart pod in Northeast Portland on the evening of July 23, 2019.

The proposed code language is based on adopted food cart regulations in other cities in the region with modifications based on feedback from recent Fairview Planning Commission and City Council meetings.

DISCUSSION

Existing Regulations

The Fairview Development code does not currently define food carts or list them as an allowed use in any zoning districts. The code also prohibits parking on city streets for the primary purpose of selling merchandise. New food carts as defined in the proposed code would not be permitted under the existing city regulations.

Proposed Regulations

The draft food cart regulations (Exhibit A) draw from examples in other jurisdictions and reflect feedback received from the Fairview Planning Commission and City Council. The code amendment will be applied to Development Code and organized in the following way:

- FMC 19.13 Definitions
 - Adds definitions for “Food cart” and “Food cart pod”
- FMC 19.490 Miscellaneous Permits
 - Adds Section 400 “Food and Beverage Cart permits” that will include applicability, permit procedures, application submission requirements, site design standards, and other criteria.
- Zoning map
 - A “Food Cart Overlay Zone” will be added to the zoning map and applied to a single property at the southeast corner of NE Village Street and NE Market Drive. The overlay zone may be applied to other properties in future.

FEEDBACK FROM THE COMMISSION

Staff is requesting feedback on the draft code generally and on the following questions:

- Setbacks
 - Is 20 ft. an appropriate setback from residential uses?
 - Should the code allow an exception to the 20 ft. setback from residential uses if specific screening requirements are met?
 - Should “residential uses” include mixed-use development such as the Village Mixed-Use zone?
- Site aesthetic and compatibility standards
 - Are the screening requirements as written for site amenities such as restrooms, trash receptacles, and storage sheds acceptable?
 - Are the design and compatibility standards for accessory structures (e.g. shelters for customers) acceptable?
 - Should the code keep the requirement that certain high-quality materials for be used for site amenities and accessory structures? Should the code also prohibit other materials that result in poor aesthetic appearance?
- Utilities
 - Should above ground tanks for water and wastewater be allowed?
- Operating Hours
 - Should the code add limitations on operating hours for food carts?

NEXT STEPS

The draft code will be revised with feedback from the work session and will be brought back for a Public Hearing at in the fall.

EXHIBITS

- A. Draft Code
- B. Proposed Overlay Zone Map

**Development Code Amendments Regulating Food Carts and Food Cart Pods
Planning Commission Review Draft
08-06-19**

NOTE: These standards are proposed for the purpose of adding food carts and cart pods as an allowed use in a specific location/s adopted by the City. All standards are new as marked by underlined text.

Fairview Municipal Code Title 19: Development Code

CHAPTER 19.13 DEFINITIONS

19.13.060 "F" definitions.

"Food cart" means a mobile vehicle, such as a food truck, trailer, or cart, from which service of food and/or beverages is provided to walk-up customers.

"Food cart pod" means a site containing one or more food carts and associated amenities on private property.

CHAPTER 19.490 MISCELLANEOUS PERMITS (TEMPORARY USES, HOME OCCUPATIONS, OTHERS)

19.490.400 Food and Beverage Cart permits.

The purpose of this section is to establish regulations for food carts and food cart pods that allow food and beverage carts on a year-around basis within the City of Fairview subject to review approval by the City. The standards are intended to support a wider choice of eating and drinking options, while regulating for safety, aesthetics and compatibility of surrounding development. Food and beverage carts shall comply with all applicable City, County, and State regulations.

A. Applicability. The provisions of this section apply to all food cart pods and food carts within the City of Fairview. Drive-through uses are not permitted as food carts under this section.

B. Permit Required. Food carts are required to obtain a Food Cart Permit and City of Fairview Business License prior to operating.

1. Applications for a new food cart pod are processed using a Type II procedure under FMC 19.413.030 and are valid for one calendar year from the date of issuance.

2. Applications for a new food cart within an approved food cart pod are processed as a Type I procedure under FMC 19.413.020 and are valid for one calendar year from the date of issuance.
3. Permits for food carts and food cart pods are renewed through a Type I procedure under FMC 19.413.020. Renewal applications must be approved prior to the expiration of a valid permit.

C. Food Cart and Pod Application Submission Requirements.

1. Completed land use application and application fee.
2. Existing Conditions Plan drawn to scale including the location of buildings, landscaping, parking, vehicular and pedestrian access and circulation, trash enclosures, utilities, and other permanent site features.
3. Proposed Site Plan drawn to scale including:
 - a. Site dimensions
 - b. Relationship of the site to adjoining properties, streets, alleys, easements, structures, and public utilities
 - c. Pedestrian and vehicle access points and circulation.
 - d. Location and square footage of each food cart on the site.
 - e. Location and specification of food cart pads.
 - f. Location and design elevations of all site amenities and accessory structures.
 - g. Location and specification of landscaped areas.
 - h. Location and design of fences and walls.
 - i. Location and design of trash and recycling areas and receptacles.
4. Pictures or architectural elevations of proposed food cart(s).
5. Exterior lighting plan indicating location, size, height, design, material, and method of illumination.
6. Written permission from property or business owner when on-site restrooms will be shared.
7. Written verification that the food cart has been inspected and meets applicable County Health regulations.

8. Written contract for a wastewater holding tank service with an Oregon Department of Environmental Quality licensed pumper, if applicable.
9. Any additional information that may be required by the Public Works Director to properly evaluate the proposed site plan.
10. The Public Works Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

D. Site Design.

1. Food cart pods shall be designed to meet the following standards:
 - a. Food carts and site amenities shall be located on a paved surface including but not limited to concrete, asphalt, and pavers.
 - b. Food carts shall not occupy pedestrian walkways or required landscaping.
 - c. Food carts and site amenities shall not occupy or obstruct required bicycle or vehicle parking of an existing use.
 - d. Food carts, site amenities, and all related objects shall not occupy or block fire lanes or other emergency vehicle access areas.
 - e. Front and side yard setbacks abutting a street shall be a minimum of 3 feet from the property line to any food cart.
 - f. Rear and interior side setbacks for food carts and amenities shall be the same as the zone in which it is located, except when a rear or side yard abuts a residential zone or land use. Any rear or side yard that abuts a residential zone or land use must be setback a minimum of 20 ft. This setback can be reduced by 10 ft. when the following screening standards are met:
 - i. A 6 ft. tall sight-obscuring fence is provided at or near the property line
 - ii. A 5 ft. wide landscaped area is provided within the setback that includes one (1) tree every thirty (30) lineal feet, one (1) evergreen shrub every 5 lineal feet, and a ground cover in the areas not covered by trees and shrubs. Trees shall be a minimum of six (6) feet at time of planting and shrubs shall reach a mature height of at least four (4) feet within two years of planting.

- g. Food cart uses shall not create tripping hazards in pedestrian and vehicular circulation areas with items including, but not limited to, cords, hoses, pipes, and similar items.
 - h. Where more than one cart is located on a site, carts shall be separated by a minimum of 6 feet.
 - i. Food carts shall not be located within Vision Clearance Areas as defined by FMC 19.162.020(O).
 - j. Fences and walls associated with food cart pods shall comply with the following standards:

 - i. Fences and walls shall be constructed with high-quality building material that is compatible with other development on the site and within the surrounding neighborhood. High-quality building material includes wood, brick, stone, concrete, metal and similar materials. Cyclone fencing, vinyl, and other material that detracts from the overall attractiveness of the site and neighborhood is prohibited.
 - ii. The maximum height of fences along street frontages is 4 ft.
 - iii. The maximum height of fences on interior rear and side yards is 6 ft.
2. Amenities within food cart pods shall be designed to meet the following standards:
- a. On-site restrooms shall be provided for employees and customers and be screened from view.
 - b. Restrooms shall be available during food cart operating hours and include handwashing facilities with hot and cold running water.
 - c. All food carts and customer amenities within a food cart pod shall be served by a minimum 5 ft. wide paved surface including but not limited to concrete, asphalt, and pavers.
 - d. Waste and recycling receptacles shall be provided for customer and business waste and be screened from view.
 - e. Storage structures accessory to food carts shall be less than 120 square feet in size and 10 feet in height. The storage structures shall be constructed with high-quality building material that is compatible with other development on the site and within the surrounding neighborhood. Alternatively, the storage structures can be screened from view.

- f. Structures used to provide shelter to customers shall be constructed with high-quality building material that is compatible with other development on the site and within the surrounding neighborhood. Permanent and temporary structures used to provide shelter to customers that detract from the overall appearance of the site and surrounding neighborhood are prohibited.
- g. All on-site amenities shall be compatible other development on the site and within the surrounding neighborhood. All screening shall include well-maintained and attractive vegetation or high-quality building material including wood, brick, stone, concrete, and similar materials. Screening materials that detract from the overall appearance of the site including but not limited to sheet metal and cyclone fencing with vinyl, are prohibited.

E. Individual Food Cart Design Standards.

1. All food carts shall meet the following design standards:

- a. Food cart accessory items including but not limited to tanks and barrels shall be fully enclosed with screening.
- b. The wheels and tongues must remain on the food cart. Wheels must remain inflated. Lattice screening is not permitted as a screening material between the bottom of the cart and the ground.
- c. Carts and cart accessories must be kept in good repair and maintained in a safe and clean condition. Carts shall not have missing siding or roofing.
- d. Food carts shall not be longer than 26 ft., as measured from wall to wall.
- e. Food carts shall not exceed 15 ft. in height.
- g. Food carts shall obtain and keep current a City of Fairview business license.
- g. Food carts shall maintain all required licenses by the appropriate State and/or local agency, including Multnomah County Health.
- h. Cart awnings shall have seven (7) feet of clearance between the ground and awning for safe pedestrian circulation.

F. Utilities.

1. Wastewater shall be addressed in one of the following two ways:

- a. Food carts shall connect to the sanitary sewer consistent with applicable state plumbing codes, and will include an approved grease separator for the disposal of fats, oils, and grease. Discharge or leakage into the storm water system is prohibited.

- b. Food carts shall connect to individual or community wastewater holding tanks. Tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper. A copy of the contract shall be provided to the City before any food carts are located on site. Discharge or leakage into the storm water system is prohibited.
- 2. Potable water shall be addressed in one of the two following ways:
 - a. Food carts shall connect to a permanent water source in conformance with applicable state plumbing codes.
 - b. Food carts shall be connected to a potable water tank consistent with Section 5-3 of the Oregon Health Authority's 2012 Food Sanitation Rules.
- 3. Food carts and amenities shall connect to a permanent power source. Power connections may not be connected by overhead wires to the individual food carts. Generators are prohibited.
- 4. All utilities shall be screened from view.

G. Parking.

- 1. Each food cart shall provide a minimum of 1.5 parking spaces to serve employees and customers. Parking can be shared with an existing use on the same site or on an adjacent parcel where the number of spaces provided exceeds the minimum required to serve both uses.

H. Signs.

- 1. Signage on individual food carts shall be limited to the signs on the face of the food cart.
 - a. Signs attached to the face of the food cart shall not exceed 3 ft. above the roof line the cart.
 - b. Signs attached to the roof of the cart are prohibited.
- 2. One (1) A-board sign per food cart is allowed within the site on private property.
 - a. A-board signs shall not exceed 24 inches wide by 42 inches standing height when the sign boards are in the open-standing position.
 - b. A minimum five feet of unobstructed sidewalk clearance must be maintained for pedestrian pathways within the site. A-Board signs may not be placed on a pathway that is too narrow to maintain the required five-foot minimum clearance.

EXHIBIT A - DRAFT CODE

3. Moving signs, including rotating signs and wind signs, or any sign which has any visible moving part or visible mechanical movement of any description, including movement by normal wind currents are prohibited.

4. All other signs on public and private property shall conform to the requirements of FMC 19.170 Sign Regulations.

I. Lighting.

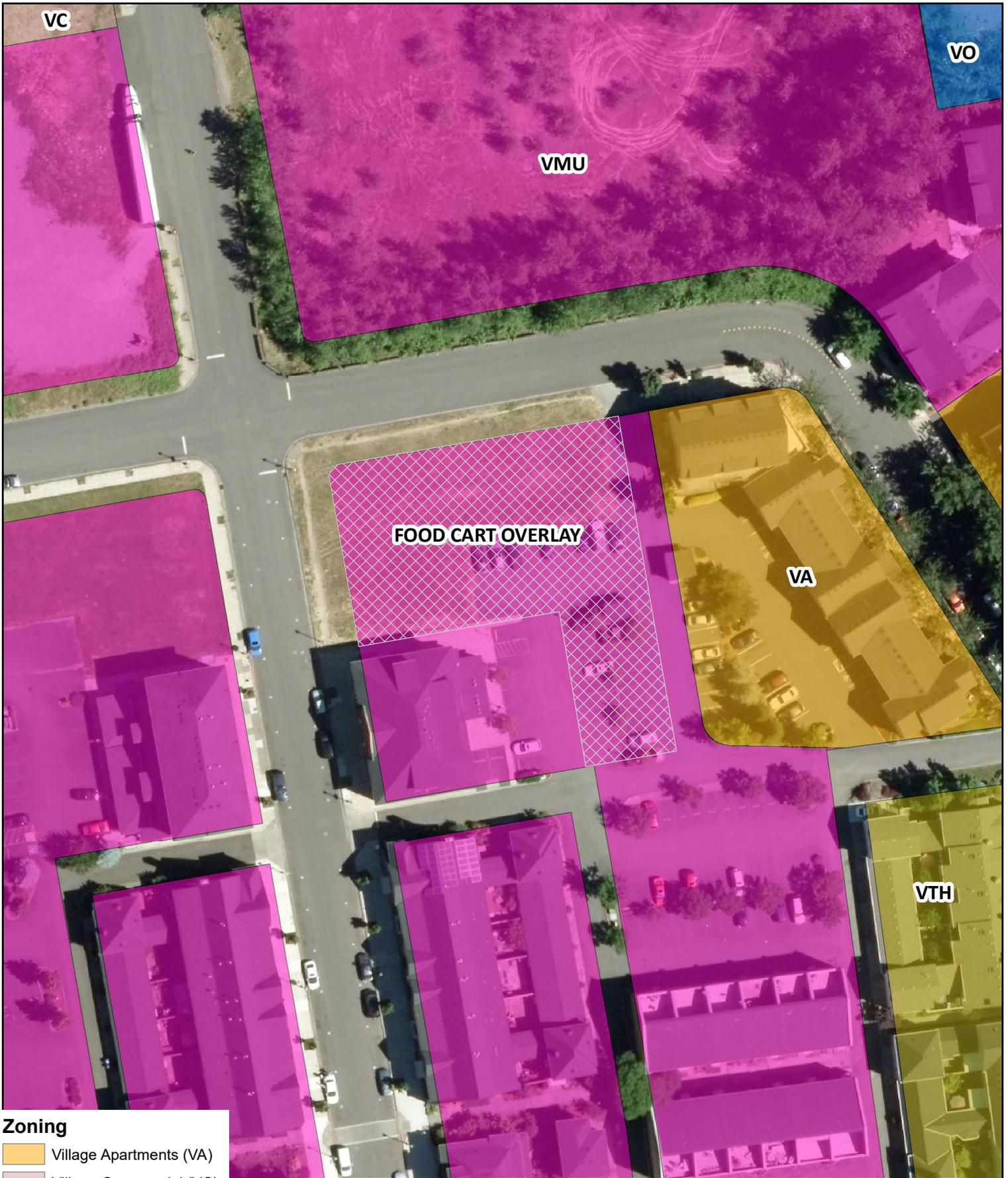
1. Food cart pods shall have lighting to a safe environment for customers and employees that complies with the following:

a. Areas to be occupied by customers shall be illuminated when carts operate during hours of darkness.

b. No direct light source shall be visible from the property line.

c. Lighting fixtures shall be oriented and/or shielded to prevent glare on abutting properties.

EXHIBIT B - OVERLAY ZONE MAP



Zoning

-  Village Apartments (VA)
-  Village Commercial (VC)
-  Village Mixed Use (VMU)
-  Village Office (VO)
-  Village Townhouse (VTH)
-  Food Cart Overlay



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