



PLANNING COMMISSION MEETING

Tuesday, September 24, 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. **PUBLIC HEARINGS**

- a. **File Number 2019-46-TA**

Corridor Commercial Zone Text Amendments
Type IV Legislative Procedure

Summary: The City is proposing text amendments to the Fairview Municipal Code (FMC) sections 19.13, Definitions, and 19.70 Corridor Commercial (CC) District to clarify code definitions and development requirements for residential/commercial mixed-use development and provide clear and objective site design requirements in this zoning district.

Applicable Fairview Municipal Code Criteria:

FMC 19.205 Amendments

FMC 19.413 Procedures

FMC 19.470 Land Use District Map & Text Amendments

4. **TENTATIVE AGENDA**

5. **ADJOURNMENT**

NEXT PLANNING COMMISSION MEETING: TUESDAY, OCTOBER 8, 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](mailto:CityRecorder@fairvieworegon.gov), 503-674-6224.



**STAFF REPORT
TYPE IV – LEGISLATIVE TEXT AMENDMENTS
FINDINGS AND RECOMMENDATION**

Date of Report:	September 17, 2019
Hearing Date:	September 24, 2019
Staff Contact:	Sarah Selden, Senior Planner
Application Number:	2018-46-TC
Applicant:	City of Fairview
Proposal:	Text amendments to the Fairview Municipal Code (FMC) Sections 19.13, Definitions, and 19.70 Corridor Commercial (CC) District to clarify code definitions and development requirements for residential/commercial mixed-use development and provide clear and objective site design requirements in the Corridor Commercial District.
Exhibits:	<ul style="list-style-type: none">A. Draft Ordinance A-1. Ordinance 09-2019, dated 09/17/19 Attachment A: Draft Code AmendmentsB. Background Materials B-1. Map of Zoning DistrictsC. Written Comments (reserved)D. Planning Commission Findings (reserved for Council hearing)C. Minutes (reserved for Council hearing)D. Staff Reports (reserved for Council hearing)

I. NOTICES & REFERRALS

Public Notice Date/Type: A written notice of public hearing, in accordance with ORS 227.186 (Measure 56) was mailed to all Corridor Commercial zone property owners on September 4, 2019.

A notice of public hearing was published in the Gresham Outlook on September 6, 2019.

Referrals: The Department of Land Conservation and Development (DLCD) and Metro were sent the required 35-day notice of public hearing and draft amendments on August 20, 2019.

II. APPLICABLE CRITERIA

- FMC 19.470 Land Use District Map and Text Amendments
- FMC 19.205 Amendments
- FMC 19.413.040(G) Type IV Procedures

III. BACKGROUND AND SUMMARY OF ISSUES

About the Corridor Commercial Zoning District

Fairview's Corridor Commercial (CC) zone applies to various properties along Sandy Boulevard between Fairview Parkway and NE 230th Ave. and encompasses approximately 60 total acres.

The CC zone was created in 2003 as part of the Sandy Boulevard Refinement Plan, a land use and transportation plan for Fairview and Wood Village that aimed to enhance the appearance and function of Sandy Blvd. for all users including pedestrians, bicyclists, bus riders, and vehicles.

The zoning district was applied to improve the compatibility of land uses along the corridor, where industrial designations were formerly interspersed with residential designations. The newly placed Corridor Commercial zoning was also intended to better complement the residential zones west of 223rd by providing neighborhood-oriented commercial services focused at the intersections of Fairview Parkway and 223rd.

The development code provides the following Purpose statement for the district:

“The corridor commercial district is intended to allow auto-accommodating commercial development while encouraging walking, bicycling, and transit. The district allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects and ensure that they do not dominate the character of the commercial area. The district’s development standards promote attractive development, an open and pleasant street appearance and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.”

The Corridor Commercial zone permits a wide range of commercial uses, and conditionally permits light industrial and institutional uses. Included among the list of commercial uses is “Mixed-use (residential with another permitted use).” Stand-alone residential uses are not permitted.

Development in the Corridor Commercial Zone

Until 2018, new development in the CC zone has been limited to phased development of the All-Stor storage condominiums just east of Fairview Parkway. In 2018, two land use applications were approved for new developments with the CC zoning district:

- Fairview Meadows: 200 multi-family units and 4 live-work units, located on the north side of Sandy Blvd. just west of NE 223rd.
- Fairview Villas: 48 multi-family units and 850 sq. ft. of ground floor office, located on the south side of Sandy Blvd. in front of the All-Stor storage condominiums.

The Planning Commission’s review of these largely residential proposals raised questions about the amount of housing vs. commercial being developed in this zoning district. The Commission denied the second application on the basis that 400 sq. ft. of leasable office space (and 400 sq. ft. of apartment management offices) was an insufficient commercial component for the project to be classified as a mixed-use development. The City Council overturned this decision on appeal with a revised 800 sq. ft. of leasable office space, and directed the Commission and staff to amend the code to clearly define what is expected of mixed use development in the Corridor Commercial zone.

The proposed amendments aim to provide clear direction to future land use applicants, decision-makers and staff.

Key Issues

Definition of Mixed Use

While “Mixed-Use” is listed in the Definitions section of the development code (FMC 19.13), it directs the reader to a section of the Residential district code, where a

description is found among the standards applicable to commercial uses in the Multifamily district:

“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.”

The proposed code amendments place new definitions for “Mixed-Use Development” and “Residential Mixed-Use Development” within the Definitions section of the code. A definition for “Live-Work Development” is also provided as a type of mixed-use. (See **pages 1-2 of Ordinance Attachment A** for amendments and additional discussion.)

Residential and Commercial Components of Mixed-Use

One of the key questions related to mixed-use development is how much residential vs. non-residential is required, and whether residential uses should be located on the ground floor. During the course of two work sessions, an open house, and a joint work session with the City Council, the Planning Commission considered several options for regulating the placement and proportion of residential uses in the CC zone to ensure the Commercial purpose of the zoning district was not lost.

The Commission considered a range of options, including: regulate the percentage of *total* residential floor area, regulate the percentage of residential *ground floor area*, and regulate the amount of residential uses on the *street-facing ground floor*.

Among the Commission and Council’s considerations were the approaches used in Fairview’s two other mixed-use commercial/residential zones:

- The Town Center Commercial (TCC) zone limits ground floor residential uses to 50% of the street frontage.
- The Village Mixed-Use and Village Commercial zones require ground floors to be occupied by commercial uses within designated areas.

The proposed Corridor Commercial code amendment requires ground floor commercial along 75% of the building’s street frontage. (See **page 14 of Ordinance Attachment A** for amendments and additional discussion.)

Discretionary Site Design Standards

During staff’s review of the recent Corridor Commercial development proposals, a handful of discretionary standards and code inconsistencies were also observed.

Amendments are proposed to remove discretionary language for two primary reasons:

- Oregon Revised Statute (ORS) 197.307 requires that “local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing.” While cities may also provide an alternative discretionary review track, a clear and objective option must be maintained.

- Discretionary language such as “encourage” and “should” also creates uncertainty on the requirements for applicants, and does not give the City authority to require these discretionary standards be met.

The proposed code amendments replace the discretionary language with clear and objective standards intended to support the purpose of the zoning district. These amendments require new buildings to be sited near the street, and prohibit parking and maneuvering between the building and street frontage. (See **pages 5 & 7 of Ordinance Attachment A** for amendments and additional discussion.)

Character of Sandy Blvd. East of 223rd

The Comprehensive Plan policy for the Sandy Boulevard Corridor, based on the Sandy Boulevard Refinement Plan, creates a distinction in land use between the east and west side of NE 223rd Avenue:

To the west of the intersection uses should be predominantly residential with some neighborhood-oriented service commercial, incubator office and light industrial. To the east of the intersection, industrial uses should dominate, with some destination retail commercial near the intersection of N.E. 238th Avenue.

On the east side of NE 223rd, only two developable parcels remain in the Corridor Commercial zone. All other land along Sandy Blvd. (with the exception of a small natural area) is zoned General Industrial or Agricultural Holding and designated on the Comprehensive Plan as General Industrial. As part of this code amendment process, the Planning Commission discussed prohibiting residential uses at the east end of the corridor to implement the Comprehensive Plan policy direction cited above. This would impact one parcel, located at the easternmost end of the Sandy Blvd. corridor near 230th, abutting the Wood Village boundary (residential mixed-use would still be allowed on the vacant parcel located at the northeast corner of 223rd and Sandy).

Recently, this property owner has initiated the process to change the parcel’s zoning and Comprehensive Plan designation from Corridor Commercial to General Industrial. While the residential prohibition was included in the Measure 56 notice to property owners, and the DLCD and Metro notice, the Commission or Council should consider whether this provision should still be included in the amendments. (See **pages 14-15 of Ordinance Attachment A** for amendments and additional discussion.)

Amendment Process

The Planning Commission held three work sessions and an open house to consider background information, code amendment concepts, and draft code language, and to provide direction to staff on options that should be forwarded to public hearing.

V. APPROVAL CRITERIA FINDINGS

FMC 19.470 Land Use District Map and Text Amendments

19.470.200: Legislative amendments.

Legislative amendments are policy decisions made by city council. They are reviewed using the Type IV procedure in FMC 19.413.040.

FINDINGS: The Type IV legislative procedures have been followed, as described in below.

FMC 19.413.040 Type IV Procedures (legislative).

This is a Type IV application for legislative amendments to the Fairview Municipal Code (“FMC”) and follows the process set forth in FMC 19.413. Type IV matters are considered by the Planning Commission at a public hearing, and a recommendation made to the City Council. The final decision is made by City Council following a public hearing and consideration of the Planning Commission’s recommendation. Public notice is required and was provided as described under Section II. Notices & Referrals.

FMC 19.413.040(G), Type IV Procedures – Decision Making Consideration

G. Decision Making Consideration. The recommendation by the planning commission and the decision by the city council shall be based on consideration of the following factors:

1. Statewide planning goals and guidelines

Goal 10: Housing

The Housing goal serves to ensure the opportunity for adequate housing to meet the needs of Oregon households. The housing goal and implementing statutes ensure that local regulations allow for housing at range of price and rent levels, and in varying housing forms, densities and locations.

FINDINGS: The Corridor Commercial code amendments are proposed to comply with Goal 10 implementing statute ORS 197.307. This statute requires cities to provide clear and objective standards regulating housing, which do not have the effect of discouraging needed housing through unreasonable cost or delay. The proposed amendments replace discretionary standards with clear and objective requirements. This goal is met.

2. Comments from applicable federal or state agencies

FINDINGS: No comments were received from DLCD.

3. Applicable intergovernmental agencies

FINDINGS: No comments were received from Metro.

4. Applicable Comprehensive Plan policies

Community Building Chapter

Sandy Boulevard Corridor Goal:

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

Policy 5. *Retail and service commercial businesses serving clientele from the planning area and nearby locations will be encouraged to develop in the Town Center and arterial corridor commercial areas, as well as in clusters along 223rd Avenue at Halsey Street and Sandy Boulevard. Off-street parking will be required. Existing commercial establishments not located in areas designated by the Plan for commercial use will be allowed to continue, but will only be permitted to expand beyond their present sites upon Planning Commission approval.*

Policy 7. *Additional commercial or industrial development will be sought on land parcels scattered along the I-84N/Union Pacific Railroad/Sandy Boulevard corridors. These areas are suitable for industrial development. Site plans for industrial development proposals will be reviewed by the Planning Commission to evaluate the relationship to adjoining land uses.*

Economic Development Chapter

Policy 8. *Commercial development along Sandy Boulevard will be focused in three centers at 207th, 223rd and approximately 233rd. The focus of the first two centers is on providing services to the neighboring residential and industrial activities. The third center at approximately 233rd may include services but may also reflect a more regional market given the character of uses that already exist in the area.*

Findings for Community Building and Economic Development Policies: The proposed amendments support the Sandy Boulevard Goal, Community Building and Economic Development policies by preserving visible space in mixed-use developments for non-residential uses, as an opportunity to provide goods and

services to nearby residents and employees. Designating the east end of the zoning district for commercial or industrial uses. This goal and policies are met.

Housing Chapter

Policy 10. *In the Sandy Boulevard Corridor area to the west of N.E. 223rd Avenue, provide a variety of residential uses and densities throughout the corridor and allow redevelopment of existing low-density residential areas with medium density town homes and row houses that are pedestrian oriented and affordable.*

Findings: The proposed amendments support the housing policy by retaining the opportunity to develop new housing as part of mixed-use developments along the Sandy Boulevard Corridor. This policy is met.

FMC 19.205 Amendments

19.205.020: Criteria

- A. *The amendment will not interfere with the livability, development or value of other land in the vicinity of site-specific proposals when weighted against the public interest in granting proposed amendment.*

FINDINGS: The proposal is not site specific, and therefore this criterion does not apply.

- B. *The amendment will not be detrimental to the general interests of the community.*

FINDINGS: The code amendments are intended to support the intent of the CC zone to provide nearby commercial goods and services for residents, and create developments that are aesthetically pleasing for motorists, transit users, pedestrians. The proposed requirement for street-facing ground floor commercial is intended to help benefit the community through creation of new commercial opportunities. Amendments to site design standards requiring a pedestrian-oriented design also supports the goal of creating a more visually engaging street environment. This criterion is met.

- C. *The amendment will not violate the land use designations established by the comprehensive land use plan and map or related text.*

AND

- D. *The amendment will place all property similarly situated in the area in the same zoning designation or in appropriate complementary designations without creating inappropriate "spot zoning".*

FINDINGS: No changes are proposed to the Zoning Map or Comprehensive Plan Map.

VI. CONCLUSION AND RECOMMENDATIONS

STAFF RECOMMENDATION

Staff recommends that the Commission consider the draft code amendments, along with any public testimony, and make a recommendation to City Council.

PLANNING COMMISSION ALTERNATIVES

- 1. Recommend City Council adoption of draft Ordinance 09-2019, with the staff-recommended code amendments in Attachment A to the ordinance.*
- 2. Recommend City Council adoption of Ordinance 07-2018, with other changes to the proposed code amendments.*
- 3. Continue the Public Hearing to if additional information is needed.*



ORDINANCE
(09-2019)

AN ORDINANCE AMENDING FAIRVIEW MUNICIPAL CODE CHAPTER 19.13 DEFINITIONS, AND 19.70 CORRIDOR COMMERCIAL (CC) DISTRICT, TO CLARIFY THE DEFINITIONS AND DEVELOPMENT REQUIREMENTS FOR RESIDENTIAL/COMMERCIAL MIXED-USE DEVELOPMENT AND PROVIDE CLEAR AND OBJECTIVE SITE DESIGN REQUIREMENTS IN THE CORRIDOR COMMERCIAL DISTRICT

WHEREAS, the Corridor Commercial (CC) District provides an opportunity for commercial, mixed-use, and industrial development along the Sandy Boulevard corridor; and

WHEREAS, the intent of the Corridor Commercial zoning district is to provide opportunities for commercial goods and services and compatible light industrial development, while creating an aesthetically pleasing environment for motorists, transit users, pedestrians and businesses; and

WHEREAS, residential uses are allowed in the zoning district as part of a mixed-use development; and

WHEREAS, the development code did not provide clear definitions for mixed-use development, and the Corridor Commercial standards did not set parameters for how residential uses could be development in a mixed-use project; and

WHEREAS, the Corridor Commercial standards included discretionary requirements related to siting and design; and

WHEREAS, the proposed amendments are intended to implement the purpose of the Corridor Commercial District, while providing greater clarity and predictability to land use applicants, and to comply with statutory requirements for clear and objective standards for housing as required by ORS 197.307; and

WHEREAS, the City provided notice of Ordinance 09-2019 / 2019-46-TA to DLCD and Metro on August 20, 2019, and provided notice to Corridor Commercial District property owners on September 4, 2019 in accordance with ORS 227.186 (Measure 56); and

WHEREAS, the Planning Commission and City Council review of the Development Code amendments have determined that the proposed amendments meet the criteria set forth in the Comprehensive Plan.

NOW, THEREFORE, THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

- Section 1** The Development Code, Chapter 19 of the Fairview Municipal Code, is amended in substantially the same form as the attached Attachment A.
- Section 2** The City adopts the findings as set forth in the staff report dated September 17, 2019 (File No. 2019-46-TA) in support of Ordinance 9-2019.
- Section 3** This ordinance takes effect 30 days after its adoption.

Ordinance adopted by the City Council of the City of Fairview, this day of , 2019.

Mayor, City of Fairview
Brian Cooper

ATTEST

City Recorder, City of Fairview
Devree Leymaster

Date

City of Fairview

Corridor Commercial Code Update Project

Draft Code Amendments

September 17, 2019

NOTE: All proposed changes are **highlighted in yellow**. New text is shown in **bold underline**, and deleted text is shown in ~~strikethrough~~. Existing text that's omitted for the purpose of this document is marked with ///

Chapter 19.13

DEFINITIONS

19.13.120 "L" definitions.

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Live-Work. A type of Residential Mixed Use Development that combines a non-residential use with a residential use in the same unit, and where the work space is used by someone residing in the unit. The living space may be located in front or behind the work space on the same floor, or on a separate floor.

Discussion: Live-work units provide larger and more flexible non-residential spaces in zones where mixed-use development is permitted (Town Center Commercial, Corridor Commercial, Residential Multifamily, Village Commercial and Village Mixed Use). While home occupations are allowed as an accessory use in any residential dwelling (including in commercial/mixed use zones), they are subject to a number of limitations intended to prevent an outward appearance of business use. The new definition is proposed to help provide a common understanding of the development type, which has been approved and constructed in Fairview.

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19.13.130 "M" definitions.

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~~Mixed-Use Building/Development/Horizontal/ Vertical. See FMC [19.30.130\(C\)](#).~~

Mixed-Use. A development consisting of more than one broad category of use (e.g., commercial, industrial, residential, or institutional).

Residential Mixed-Use Development. Development containing both residential and nonresidential uses on a single site. Uses may be mixed vertically in the same building, such as ground floor commercial with upper story residential units, or may be mixed horizontally in separate buildings on the same site.

Discussion: The Definitions section of the code currently lists “Mixed Use” but refers to a description in the Residential (R) District development standards (FMC 19.30.130(C)). Staff recommends relocating the description to the definitions section because “mixed use” is listed as a permitted use in a number of code sections, and the Definitions section of the code is intended to define common terms in a central location. The Residential district standards describe mixed-use as follows:

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.

The proposed definitions add a general definition for “mixed-use” and a definition specific to residential mixed-use that incorporates the existing description.

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Chapter 19.70 CORRIDOR COMMERCIAL (CC) DISTRICT

Sections:

- [19.70.010 Purpose.](#)
- [19.70.020 Permitted land uses.](#)
- [19.70.030 Corridor commercial setback standards.](#)
- [19.70.040 Lot coverage and floor area ratio.](#)
- [19.70.050 Site layout and building orientation.](#)
- [19.70.060 Building height.](#)
- [19.70.070 Architectural guidelines and standards.](#)
- [19.70.080 Pedestrian and transit amenities.](#)
- [19.70.090 Special standards for certain uses.](#)

19.70.010 Purpose.

The corridor commercial district is intended to allow auto-accommodating commercial development while encouraging walking, bicycling, and transit. The district allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects and ensure that they do not dominate the character of the commercial area. The district's development standards promote attractive development, an open and pleasant street appearance and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves. (Ord. 6-2001 § 1)

19.70.020 Permitted land uses.

A. Permitted Uses. The land uses listed in Table 19.70.020.A are permitted in the corridor commercial district, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 19.70.020.A, and land uses that are approved as "similar" to those in Table 19.70.020.A, may be permitted. The land uses identified with a "CU" in Table 19.70.020.A require conditional use permit approval prior to development or a change in use.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter [19.480](#) FMC, Code Interpretations.

Table 19.70.020.A

Land Uses and Building Types Permitted in the Corridor Commercial District

<p>1. Residential*</p> <p>a. Manufactured homes – individual lots (existing housing only)</p> <p>b. Residential care homes and facilities (CU)</p> <p>c. Family day care (12 or fewer children) (CU)</p> <p>2. Public and Institutional (CU)</p> <p>a. Churches and places of worship</p> <p>b. Clubs, lodges, similar uses</p> <p>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</p> <p>d. Libraries, museums, community centers, concert halls and similar uses</p> <p>e. Public parking lots and garages</p> <p>f. Private utilities</p> <p>g. Public parks and recreational facilities</p> <p>h. Schools (public and private)</p>	<p>i. Special district facilities</p> <p>j. Telecommunications equipment – antennas pursuant to Chapter 19.245 FMC</p> <p>k. Telecommunications equipment – monopoles (CU) pursuant to Chapter 19.245 FMC</p> <p>l. Uses similar to those listed above subject to applicable CU requirements</p> <p>3. Accessory Uses and Structures</p> <p>4. Commercial</p> <p>a. Auto-oriented uses and facilities*</p> <p>b. Entertainment (e.g., theaters, clubs, amusement uses)</p> <p>c. Hotels/motels</p> <p>d. Medical and dental offices, clinics and laboratories</p> <p>e. Mixed-Use and Residential Mixed-Use development* (housing and other permitted use)</p>	<p>f. Office uses (i.e., those not otherwise listed)</p> <p>g. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, and similar uses)</p> <p>h. Repair services (must be enclosed within building)</p> <p>i. Retail trade and services (e.g., grocery, hardware and variety stores, banks and financial institutions)</p> <p>j. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p>5. Industrial*</p> <p>a. Light manufacture (e.g., small-scale crafts, electronic equipment, furniture, similar goods when in conjunction with retail or if determined by the planning commission to be compatible with the purposes of the district and other uses in the district) (CU)</p>
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Land uses marked with an asterisk (*) use the special standards for certain uses in FMC [19.70.090](#).
 Land uses marked with a CU shall require a conditional use permit according to Article IV of this title.

Discussion: Adds “special standards for certain uses” as noted by the *. These new standards are shown in section 19.70.090 in these code amendments. Reflects proposed new definitions.

19.70.030 Corridor commercial setback standards.

A. Building Setbacks. In the corridor commercial district, setback standards are **intended to support the purpose of the district to create an aesthetically pleasing, open and pleasant street appearance; to complement the Building Orientation standard; and to enhance visibility of commercial uses from the street.** ~~flexible to allow parking to be located near the entrance of new commercial development.~~

Building setbacks are measured from the wall or facade to the respective property line. The setback standards apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance.

1. Front Setbacks.

a. Minimum Setback. **There is no minimum front setback.** ~~The minimum allowable front setback is zero feet. There is no maximum front setback.~~

b. Maximum Setback. The maximum setback is 20 feet.

c. Frontage Requirement: Building facades shall occupy a minimum of 50% of the frontage width at the maximum setback line.

Discussion: Establishment of a maximum front setback is intended to prevent buildings from being sited back from the street, with parking and maneuvering placed in front of the building. Requiring buildings to occupy at least half of the frontage helps to create a more visually pleasing street environment and a consistent development pattern along the street. The 50% requirement allows flexibility for driveways and parking to be located to the side of the building. Other zoning districts have maximum front setbacks as follows: Town Center Commercial Zone: 10 feet, Residential zones: 30 ft., Village Mixed Use: 12 ft. for 75% of frontage.

2. Rear Setbacks.

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

b. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front setbacks in subsection (A)(1) of this section shall apply.

3. Side Setbacks. There is no minimum side setback required, except that buildings shall conform to the vision clearance standards in Chapter [19.162](#) FMC, the landscaping and buffering requirements in Chapter [19.163](#) FMC, and the applicable fire and building codes for attached structures, firewalls, and related requirements.

4. Setback Exceptions.

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

19.70.040 Lot coverage and floor area ratio.

There are no maximum lot coverage or floor area ratio requirements, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses. (Ord. 6-2001 § 1)

19.70.050 Site layout and building orientation.

This section is intended to encourage the efficient use of space, and connectivity to parking areas. The standards, as listed on the following page and illustrated above, complement the front setback standards in FMC [19.70.030](#).

A. Applicability. This section applies to all new land divisions, site design review, and conditional use applications.

Compliance with all of the provisions of subsections B through E of this section is required. As an alternative to meeting the requirements of subsections B through E, the applicant may propose alternative design solutions that satisfy the criteria in subsection F.

Discussion: Sections D-F do not exist in the code.

B. Pedestrian Access Standard. New land divisions and developments, which are subject to site design review or conditional use permits, shall provide pedestrian pathways as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking.

1. From adjoining street right-of-way to building entrances and off-street parking these pathways shall be provided with an average maximum interval of 100 feet along the street right-of-way.

2. Between adjoining developments where practical.

3. In conformity with applicable requirements in Chapter [19.162](#) FMC, Access and Circulation.

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

1. Buildings shall have their primary entrance(s) oriented to (facing) the street with a direct pedestrian walkway connecting with the adjoining street right-of-way. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side when a direct pedestrian walkway not exceeding 30 feet in length is provided between the building entrance and the street right-of-way.

2. Off-street parking, driveways or other vehicular circulation **should shall** not be placed between a building and the street. On corner lots, buildings and their entrances should be oriented to the street corner. Parking, driveways and other vehicle areas shall not be permitted adjacent to street corners. (Ord. 6-2001 § 1)

Discussion: The proposed amendments replace the ambiguous and discretionary language with clear and objective standards. The amendments *require* rather than *encourage* developments to meet the intent of the zone. Requiring developments to orient entrances to the street and prohibiting parking and maneuvering in front of the building will help to create an aesthetically pleasing street environment where automobiles are not the visual focus of the site.

19.70.060 Building height.

All buildings in the corridor commercial district shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings.

A. Maximum Height. Buildings shall be no more than 45 feet in height.

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. 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, flag poles, and similar features which are not for human occupancy.

C. Performance Option. The allowable building height may be increased to 55 feet, when approved as part of a conditional use permit. The development approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between the development and adjacent development. Roof equipment and other similar features, which are necessary to a commercial or industrial operation shall be screened, and may not exceed eight feet in height without approval of a conditional use permit. (Ord. 6-2001 § 1)

19.70.070 Architectural guidelines and standards.

A. Purpose and Applicability. The corridor commercial district architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all development applications that are subject to site plan review or conditional use permits.

B. Guidelines and Standards. Each of the following standards shall be met. An architectural feature used to comply with more than one standard in this title.

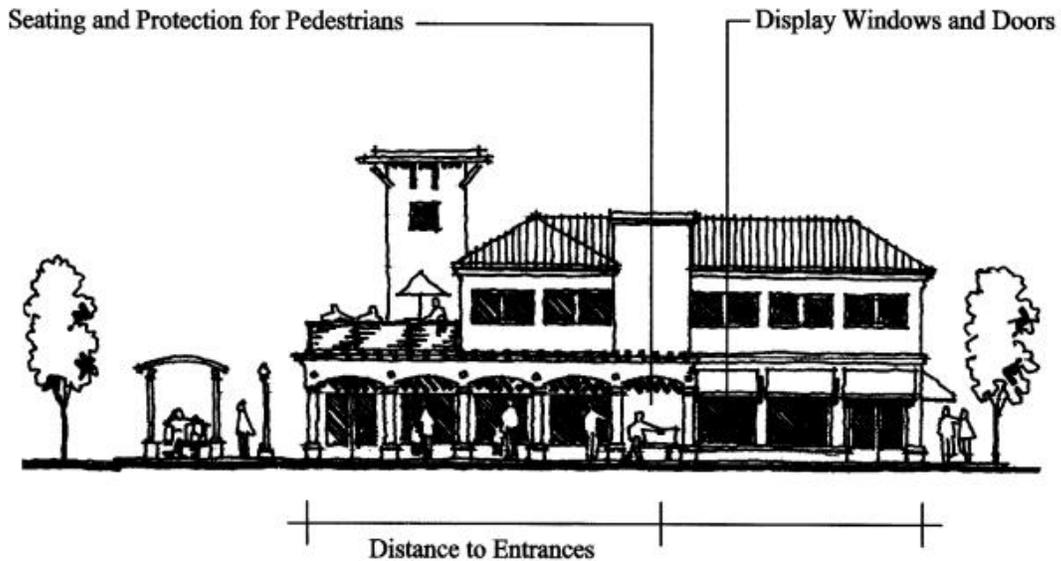
1. Pedestrian-Oriented Design. All buildings shall contribute to the desired pedestrian-friendly character of corridor commercial district buildings. This criterion shall be met by providing all of the architectural features listed in subsections (B)(1)(a) through (d) of this section, along the front building elevation (i.e., facing the street), as applicable.

a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).

- c. Large display windows on the ground floor. Bulkheads, piers and a storefront cornice (i.e., separates ground floor from second story) shall frame display windows.
- d. Decorative cornice at the top of a building (flat roof); or eaves provided with pitched roof.

Figure 19.70.070.B(2) – Design of Large-Scale Buildings and Developments (Typical)



[Note: the example shown above is meant to illustrate examples of these building design elements, and should not be interpreted as a required architectural style.]

2. Design of Large-Scale Buildings and Developments. The standards in subsection (B)(2)(c) of this section shall apply to large-scale buildings and developments, as defined in subsections (B)(2) (a) and (b) of this section:

- a. Buildings with greater than 20,000 square feet of enclosed ground-floor space (i.e., “large-scale”). Multitenant buildings shall be counted as the sum of all tenant spaces within the same building shell;
- b. Multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (i.e., shopping centers, public/institutional campuses, and similar developments);
- c. All large-scale buildings and developments, as defined in subsections (B)(2)(a) and (b) of this section, shall provide human-scale design by conforming to all of the following criteria:

i. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (i.e., wall-mounted lighting, or up-lighting); and similar features.

ii. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance, which is open during business hours. Pathways shall connect all entrances to the street right-of-way, in conformance with Chapter [19.162](#) FMC, Access and Circulation, unless waived by the approval authority when the applicant can demonstrate that the building(s) is unable to provide such an entrance because the function of the building and/or the characteristics of the site do not allow an alternative floor plan or building orientation that could reasonably provide it. (Ord. 6-2001 § 1)

19.70.080 Pedestrian and transit amenities.

A. Purpose and Applicability. This section is intended to complement the building orientation standards in FMC [19.70.050](#), and the street standards in Chapter [19.165](#) FMC, by providing pedestrian spaces within the corridor center commercial district. This section applies to all development applications that are subject to site design review or conditional use permits.

B. Guidelines and Standards. Every development shall provide at least one of the “pedestrian amenities” listed in subsections (B)(1) through (4) of this section. Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of eight feet);
2. Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width));
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space);
4. Public art which incorporates seating (e.g., fountain, sculpture, etc.).

C. Transit Amenities. Development on sites that are adjacent to or incorporate transit streets shall provide improvements as described in this section at any existing or planned transit stop located along the site's frontage, unless waived by the community development director.

1. Transit facilities include bus stops, shelters, and related facilities. Required transit facility improvements may include the dedication of land or the provision of a public easement.

2. Development shall at a minimum provide reasonably direct pedestrian connections, as defined in FMC [19.162.030](#), between building entrances and the transit facility and between buildings on the site and streets adjoining transit stops.

3. Improvements at Major Transit Stops. A proposed development that is adjacent to or includes an existing or planned major transit stop will be required to plan for access to the transit stop and provide for transit improvements, in consultation with TriMet and consistent with an agency adopted or approved plan at the time of development. Requirements apply where the subject parcel(s) or portions thereof are within 200 feet of a transit stop. Development requirements and improvements may include the following:

a. Intersection or mid-block traffic management improvements to allow for pedestrian crossings at major transit stops.

b. Building placement within 20 feet of the transit stop, a transit street or an intersection street, or a pedestrian plaza at the stop or at street intersections.

c. Transit passenger landing pads accessible to disabled persons to transit agency standards.

d. An easement or dedication for a passenger shelter and an underground utility connection to a major transit stop if requested by TriMet.

e. Lighting to TriMet standards.

f. Intersection and mid-block traffic management improvements as needed and practicable to enable marked crossings at major transit stops.

4. Any Type II land divisions where further divisions are possible, and all Type III land divisions, multiple-family developments, community services uses, and commercial or industrial uses located on an existing or future planned major transit street shall meet the TriMet transit facility requirements. Applicants shall consult with TriMet to determine necessary transit facility improvements in conjunction with the proposed development. Proposals shall be consistent with

the road crossing improvements that are identified in the transportation system plan on streets with existing or planned transit service. (Ord. 2-2017 § 1 (Exh. A); Ord. 6-2001 § 1)

19.70.090 Special standards for certain uses.

This section supplements the standards contained in FMC [19.70.030](#) through [19.70.080](#). It provides additional standards for the following land uses in order to control the scale and compatibility of those uses within the corridor commercial district:

- Accessory Uses and Structures
- Automobile-Oriented Uses and Facilities
- Sidewalk Displays
- Light Industrial
- **Residential Mixed-use Development**

Discussion: Added to list to reflect the new standards in section E, page 14.

A. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the corridor commercial district include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the corridor commercial district, as identified in Table 19.70.020.A. Accessory structures shall comply with the following standards:

1. Primary Use Required. An accessory structure shall not be allowed before or without a primary use.
2. Setback Standards. Accessory structures shall comply with the setback standards in FMC [19.70.030](#), except that the maximum setback provisions shall not apply.
3. Design Guidelines. Accessory structures shall comply with corridor commercial district design guidelines, as provided in FMC [19.70.070](#).
4. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

5. Compliance with Subdivision Standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

B. Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the corridor commercial district. The standards are intended to provide a vibrant commercial character and encourage walking, bicycling, and transit.

1. Parking, Garages, and Driveways. On corner lots, parking lot or garage entrances shall be oriented to a side street (i.e., away from the more major street), unless topography, ownership patterns or unreasonable expense would make this requirement not practicable.

2. Automobile-Oriented Uses. "Automobile-oriented use" means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly character of the district and can consume large amounts of land relative to other permitted uses. Automobile-oriented uses shall comply with the following standards:

a. Vehicle Repair, Sales, Rental, Storage, Service. Outdoor storage and display for these uses is prohibited unless the use is in a fully enclosed structure.

b. Drive-Up, Drive-In, and Drive-Through Facilities. Drive-up, drive-in, and drive-through facilities (i.e., associated with restaurants, banks, car washes, and similar uses) are permitted only when accessory to a primary commercial "walk-in" use, and shall conform to all of the following standards:

i. The facility receives access from an alley or driveway, and not a street;

ii. None of the drive-up, drive-in, or drive-through facilities (i.e., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a corner); and

iii. The facility is subordinate to a primary permitted use. "Subordinate" means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building.

C. Sidewalk Displays. Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to

pedestrians (i.e., non-automobile-oriented). A minimum clearance of five feet shall be maintained. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited.

D. Light Industrial Uses.

1. High Traffic-Generating Uses. Uses which are likely to generate “significant” levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a conditional use permit. “Significant traffic” means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 10 percent or greater as a result of the development. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The conditional use permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis and/or ODOT, in conformance with Chapter [19.165](#) FMC.

2. Wireless Communication Equipment. Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities are permitted, subject to the standards for wireless communication equipment in Chapter [19.245](#)FMC. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the corridor commercial district. (Ord. 6-2001 § 1)

E. Residential Mixed-Use Development. The following standards apply to support the commercial and light manufacturing intent of the Corridor Commercial zoning district and the direction of the Comprehensive Plan.

- 1. Non-residential uses must occupy the ground floor along 75% of the street-facing facade width.**
- 2. Except for property located at the corner of NE 223rd and Sandy Blvd., residential mixed-use development is prohibited within the Corridor Commercial zone east of NE 223rd Avenue.**

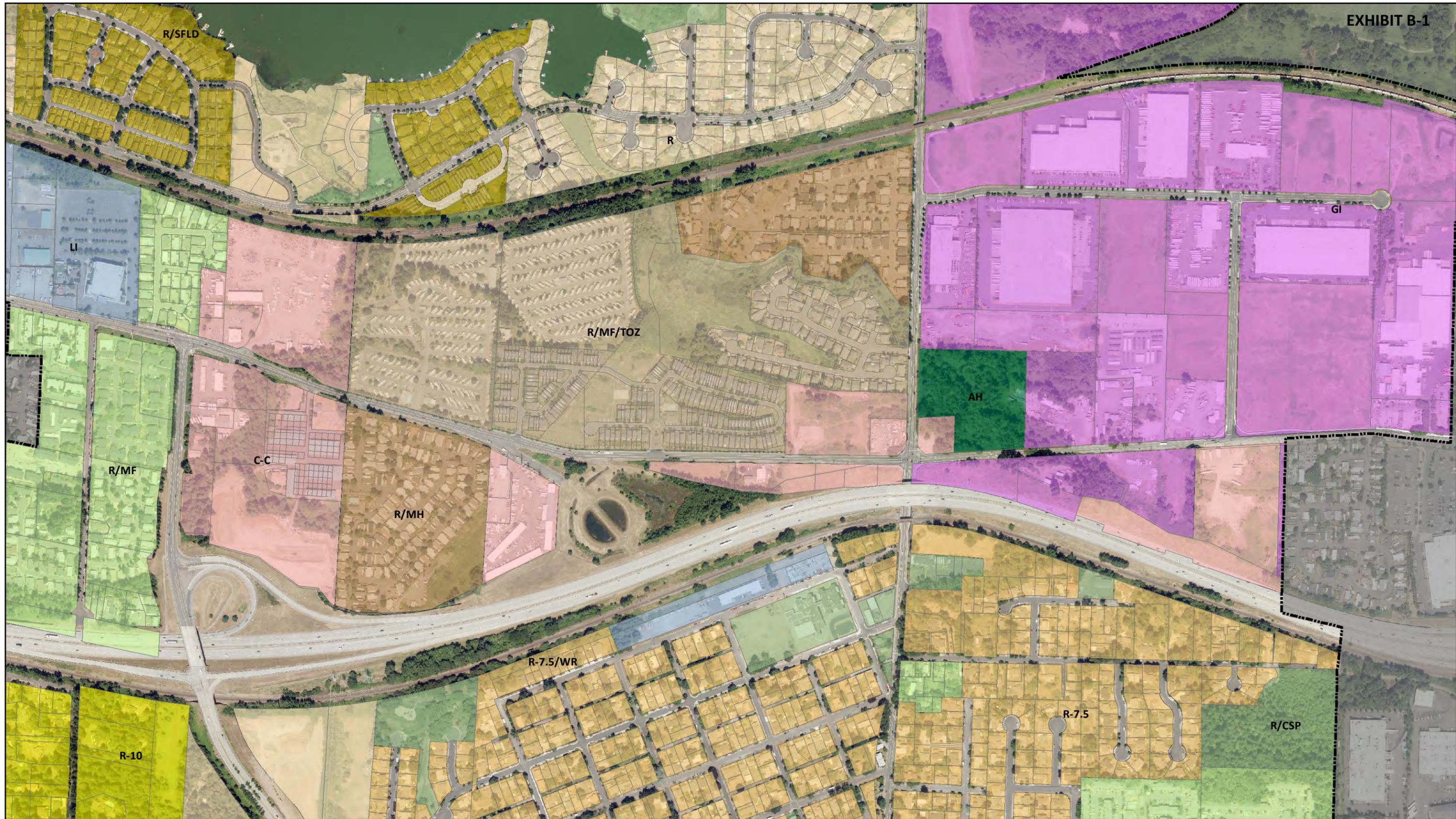
Discussion: The proposed change in subsection (1) reserves the majority of street-facing ground floor for non-residential uses, similar to the limitation in the Town Center Commercial zone.

Continued on next page.

Discussion continued:

The proposed prohibition on residential uses east of NE 223rd Avenue addresses the difference in land use character along Sandy Blvd. between the east and west sides of NE 223rd Avenue. The Comprehensive Plan states that “To the west of the intersection uses should be predominantly residential with some neighborhood-oriented service commercial, incubator office and light industrial. To the east of the intersection, industrial uses should dominate, with some destination retail commercial near the intersection of N.E. 238th Avenue.”

Since the CC zone was adopted, properties east of 223rd have changed back and forth from industrial to commercial to industrial again. This change would apply to one parcel at the east of 223rd (south of the intersection of 230th and Sandy), which is surrounded by General Industrial zoning to the north.



Legend

 Light Industrial (LI)	 Res/ South Fairview Lake Design Overlay (R/SFLD)	 Residential (R-7.5)
 Agricultural Holding (AH)	 Res/MultiFamilyTownhouse Overlay (R/MF/TOZ)	 Residential Community Service Parks (R/CSP)
 Corridor Commercial (CC)	 Residential (R)	 Residential MultiFamily (R/MF)
 General Industrial (GI)	 Residential (R-10)	 Residential/ Manufactured Home (R/MH)



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1 inch = 500 feet



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Development Status of Corridor Commercial Parcels

- Vacant
- Redevelopment Potential
- Constrained - ODOT Right-of-Way or Natural Resources
- Developed/Under Development

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