



## PLANNING COMMISSION MEETING

Tuesday, June 12, 2012

6:30 p.m.

Council Chambers

2<sup>nd</sup> Floor City Hall

1300 NE Village Street

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### MEETING AGENDA

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1. **CALL TO ORDER:** 6:30 p.m.
2. **CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**
3. **REVIEW AND ADOPT MINUTES – May 22, 2012**
4. **PUBLIC HEARING**
  - a) **File 12-14-ZC**  
**Amendments to FMC 19.170**  
**Sign Regulations – Electronic Message Centers**  
**Ordinance 4-2012**
  - b) **File 9-32-ZC**  
**Natural Resource Code Amendments: Title 13**  
**Ordinance 3-2012**  
*Continued from May 22, 2012*
6. **STAFF UPDATES**
7. **TENTATIVE AGENDA – June 26, 2012**
8. **ADJOURNMENT**

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### NEXT PLANNING COMMISSION MEETING IS JUNE 12, 2012

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Planning Commission hearings are broadcast live on Cable Channel 22. Replays of the hearing are shown on Cable Channel 22, Saturday at 12:00pm and Monday at 2:00pm, and Cable Channel 30 Wednesday at 7:00pm. Further information is available on our web page at [www.fairvieworegon.gov](http://www.fairvieworegon.gov) or by calling Devree Leymaster, Administrative Program Coordinator, 503-674-6202.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting to: Devree Leymaster, 503-674-6202.

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MINUTES  
PLANNING COMMISSION MEETING  
1300 NE Village Street  
Fairview, OR 97024  
Tuesday, May 22, 2012

PRESENT: Gary Stonewall, Chair  
Keith Kudrna  
Jack McGiffin  
Jan Shearer  
Ed Jones

ABSENT: Steve Kaufman, Vice-Chair  
Julius Arceo

STAFF: Allan Berry, Public Works Director  
Lindsey Nesbitt, Senior Planner  
Erika Fitzgerald, Associate Planner  
Devree Leymaster, Admin. Program Coordinator

**1. CALL TO ORDER**

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

**2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**

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

**3. REVIEW AND ADOPT MINUTES**

May 8, 2012 minutes approved as written by consensus.

**4. WORK SESSION**

a) Minor Sign Code Amendment: Electronic Message Centers (EMC)

Associate Planner Fitzgerald summarized the direction staff received from Planning Commission during the May 8 work session and policy options resulting from. Policy option #1 increased the maximum allowed area on sites with schools located on an arterial street: 18 square foot maximum for wall signs, 25% of total allowed sign area for freestanding signs, the EMC could be incorporated in either wall or freestanding but not both, and sign with EMC's greater than 8 square feet would be located a minimum of 150 feet from abutting residential uses. Policy option #2 was the same as policy option #1 one but included commercial and industrial zones.

After brief discussion the Commission directed staff to draft code language for policy option #2. Staff would prepare the draft language for public hearing at the June 12 meeting.

**5. PUBLIC HEARING**

**File 9-32-ZC**

**Natural Resource Code Amendments: Title 13**

**Ordinance 3-2012**

Chair Stonewall cited the legislative hearing statement. Commissioner Shearer stated she had spoken with Mr. Garth Everhart regarding the natural resource project. As there was no objection to ex parte contact, bias or conflict of interest the hearing began with Senior Planner Nesbitt presenting the staff report.

Senior Planner Nesbitt summarized the proposed code amendments:

- Fairview and Clear Creek - no changes proposed
- Fairview Lake - no changes proposed at this time; separate project

- Combine code sections - Significant Environmental Concern Overlay, and Wetlands and Riparian Buffer Overlays
- Natural resource overlay – renamed to Upland Habitat, some areas were removed or added during mapping process, development within mapped areas permitted subject to land use review and mitigation
- Riparian resources – areas with mapped 75 foot buffer were primarily park areas and owned by the city, limited development permitted i.e. park bench; permitted use development in mapped 50 foot buffer areas would be allowed subject to land use review and avoid, minimize, mitigate standards; and development within 15 feet of a mapped 35 foot buffer would be subject to the land use process and mitigation.
- Drainage District exceptions – normal maintenance and repair of existing facilities, enlargement not proposed, work would be consistent with local, state, and federal laws, would provide list for review at beginning of year and an annual report of completed projects.

During Commission discussion Chair Stonewall recommended measuring the buffer from center line of creek vs. top of bank; Commissioner Jones commented it would be consistent with other regulations i.e. flood plan. Commission agreed measurement should be from center of creek.

Chair Stonewall inquired if any person would like to give testimony regarding the application.

Mr. Robert Dawson, 4280 Fairview Lake Way, Fairview, Oregon, as representative of the Columbia Slough Watershed Council stated an objection to reducing the buffer from 50ft to 35ft and supported maintaining the 50ft buffer. Reducing the buffer along the creek would impact Fairview Lake and give existing property owners an incentive to let buffers degrade because they would then be reduced. Mr. Dawson also stated the Columbia Slough Watershed Council had just heard about the Natural Resource Project and questioned the public notice requirements.

Ms. Dawn Greenwell, 183 Crestwood Street, Fairview, Oregon, stated she did not support reducing the buffer to 35ft and referred to the Fairview Creek Watershed Action Plan completed in July 16, 2003. Ms. Greenwell commented she did not receive notification for the hearing and questioned why all citizens were not notified. She urged the Council to work with the Columbia Slough Watershed Council in protecting riparian resources.

Ms. Greenwell entered a letter into record from Katherine Muenchow, 182 Crestwood Street, Fairview, Oregon.

Mr. Bill Bus, 185 Crestwood Street, stated he had not received written notification for the hearing.

Commissioner Shearer in reference to the Columbia Watershed Council inquired if the draft code language was in compliance with their standards. Staff responded yes, they had worked with the Public Works Senior Engineer to ensure compliance with the city's NPDES permit. Commissioner Shearer asked who was sent written notification. Staff responded staff worked with the city attorney to ensure all public meeting law notice requirements were met i.e. posted on website, notified local media. Written notification, 40 days prior to the hearing, was sent to all property owners affected by the amendments and changes to their buffer.

Mr. Garth Everhart, 953 Clear Creek Way, Fairview, Oregon supported combining the two redundant code sections - makes it simpler and clearer for the user - and measuring buffers from center line of creek. Mr. Everhart requested the Commission consider 1) making map corrections a type 1 process to ease the burden on an applicant, 2) the impact of overlays on private property owners – diminished land value lead to reduced tax revenue, 3) explore creating a mitigation bank, and 4) extend grandfathering rights beyond the current 1-year allowance. He requested the Commission research and exercise their authority to exempt areas from the process i.e. development based on water needs or PUD's.

Mr. Lonnie Dicus, Senior Advisor, USS Ranger Foundation, 1560 S Beechum Drive, Oregon City, Oregon commented on the impact buffer regulations could have on how a site could be developed. For water front developments i.e. USS Ranger there must be flexibility in the code to promote successful development not hinder it.

Ms. Lynnia Woods, 20315 NE Sandy Blvd., Fairview, Oregon commented, as a property owner who owned approximately 65% frontage along Osburn Creek, property could be developed while still protecting and maintaining natural resources. She requested the Commission consider stronger and longer grandfathering protection and stated regulations should match recorded plat.

Mr. Henry Pelfry, 20905 NE Sandy Blvd, Fairview, Oregon spoke to increasing the time allowance and protection for grandfathering. Mr. Pelfry could attest to the frustration as a property owner when told an approval was grandfathered in to find it may have expired years later without being told it could expire at all.

Planning Commission comments during discussion included expanding the written notice area, using center of creek for measuring a buffer, requested staff research the ORS for grandfathering rights, and contact the city attorney regarding river/creek laws and property lands.

Planning Commission by consensus agreed to continue the public hearing to the June 12 meeting.

**6. STAFF UPDATES**

Staff reported the gazebo at Handy Park had been completed. Sidewalks leading to the gazebo would be completed soon.

**7. TENTATIVE AGENDA**

Public Hearing

a) File 12-14-ZC

Amendments to FMC 19.170

Sign Regulations – Electronic Message Centers

Ordinance 4-2012

b) File 9-32-ZC

Natural Resource Code Amendments: Title 13

Ordinance 3-2012

*Continued from May 22, 2012*

**8. ADJOURNMENT**

Meeting adjourned by consensus at 8:05pm.

Gary Stonewall, Chair

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Devree A. Leymaster  
Administrative Program Coordinator  
Public Works Department

\_\_\_\_\_  
Date: \_\_\_\_\_



## **PLANNING COMMISSION STAFF REPORT**

**TO:** Fairview Planning Commission

**FROM:** Erika Fitzgerald, Associate Planner

**DATE:** June 12, 2012

**PROJECT NUMBER:** 12-14-ZC; Ordinance 04-2012

**REQUEST:** Amendments to Fairview Municipal Code Section 19.170 Sign Regulations – Electronic Message Centers

**LOCATION:** City – wide

**APPLICANT:** City of Fairview

### **Action Requested**

**Adopt a recommendation to the City Council to approve Ordinance 04-2012 amending Fairview Municipal Code Section 19.170 Sign Regulations.**

### **Background**

At the May 22<sup>nd</sup> Planning Commission work session, staff presented policy options for amendments to the maximum allowed area of electronic message centers. Planning Commissioners requested that staff draft revised code language for increased allowed area for electronic message centers on school sites and within commercial and industrial zones.

This proposed amendment came in response to a request for the City to examine:

- The maximum allowed area standard of electronic message centers (currently 8 square feet)
- If the current size limitation is reasonable and appropriate for the intended use of the sign.

### **Decision Making Process**

Changes to the Fairview Municipal Code are reviewed as Type IV applications which use a legislative procedure<sup>1</sup>. A minimum of two hearings is required, one before the Planning Commission and one before the City Council. All required notices for the proposed ordinances have been sent within the required time frame.

The Planning Commission has the following decision-making options on the proposed amendments:

- Recommend approval of Ordinance 04-2012.
- Recommend approval of Ordinance 04-2012 with modifications.
- Recommend denial of Ordinance 04-2012.
- Refer the matter back to staff.
- Take no action.
- Continue the public hearing.

### **Applicable Criteria**

Amendments to the Fairview Municipal Code and Comprehensive Plan are subject to the following applicable criteria:

- Fairview Municipal Code 19.416.070 – Type IV Process
- Comprehensive Plan Chapter 2 Policy 7B

### **Key Issues**

1. Summary of Proposed Fairview Municipal Code Amendments (Ordinance 04-2012<sup>2</sup>)

#### **For school sites located on arterial streets:**

- The maximum allowed area of an electronic message center incorporated into a wall sign is eighteen (18) square feet.
- The maximum allowed area of an electronic message center incorporated into a freestanding sign is limited to no more than 25% of the total allowed area per sign face with a minimum entitlement of eight (8) square feet.
- Electronic message centers greater than eight (8) square feet shall be located no less than 150 feet from an adjacent residential use and shall be oriented towards the street.

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<sup>1</sup> Fairview Municipal Code 19.416

<sup>2</sup> See Attachment 1 for full text of Ordinance 04-2012.

**For commercial and industrial properties:**

- The maximum allowed area of an electronic message center incorporated into a freestanding sign or wall sign is limited to no more than 25% of the total allowed area per sign face with a minimum entitlement of eight (8) square feet.
- Electronic message centers greater than eight (8) square feet shall be located no less than 150 feet from an adjacent residential use and shall be oriented towards the street.

2. Impacts of the Amendments

- A. The amended sign regulations will apply city wide to all residential, commercial and industrial properties.
- B. Overall, the proposed amendments are more permissive and allow greater flexibility for communicating messages, address public safety concerns and legibility for the display of messages on electronic message centers.

3. Public Involvement

All public notices were provided in accordance with applicable sections of the Oregon State Statutes and Fairview Municipal Code.

**Summary**

The proposed ordinance was initiated by staff to address if the current area limitation on electronic message centers is reasonable and appropriate for the intended use of the sign. Current code restricts the area of electronic message centers to eight (8) square feet in all zones.

Staff received direction from the Planning Commission during works sessions held on May 8 and May 22<sup>nd</sup>, 2012, to explore policy options and to draft standards to increase the maximum allowed area for electronic message centers on sites with schools on arterial streets and in commercial and industrial zones. Staff received support on the proposed changes from the Planning Commission. The proposed amendments are consistent with statewide planning goals as outreach has been completed, all required notices were completed and more permissive sign regulations for businesses in the city supports the City's economic development goals.

Staff recommends the Planning Commission adopt a recommendation to the City Council for their approval of Ordinance 04-2012.

**Findings in Support of Approval**

1. The recommendation of the Planning Commission for the proposed amendments to the Fairview Municipal Code is based on the following factors:

A. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197.

*The proposed regulations are consistent with statewide planning goals 1- Citizen Involvement, 2 – Land Use Planning, and 9 – Economic Development (See Summary Section above)*

B. Comments from any applicable federal or state agencies regarding applicable statutes or regulations.

*Not applicable.*

C. Any applicable intergovernmental agreements.

*Not applicable.*

D. Any applicable comprehensive plan policies and provisions.

*Chapter 2 Policy 7B of the Comprehensive Plan requires that any major revisions require re-evaluation of the public's need.*

*The proposed amendments are items for follow-up after the adoption of Ordinance 2-2010 and does not constitute a major revision.*

*The process for the adoption of Ordinance 2-2010 included extensive inventories of existing signs and widespread public outreach. Outreach was also done for the proposed ordinance; however, staff received no comments.*

**Attachments:**

1. Ordinance 04-2012

**ORDINANCE**  
**(4-2012)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRVIEW,  
FAIRVIEW, OREGON, AMENDING FAIRVIEW MUNICIPAL CODE CHAPTER 19.170  
SIGN REGULATIONS FOR ELECTRONIC MESSAGE CENTERS.**

**WHEREAS**, public hearings were held by the Planning Commission on June 12, 2012 and by the City Council on June 20, 2012 and

**WHEREAS**, notice of said hearings was provided in accordance with Fairview Municipal Code 19.416 and Oregon Revised Statutes 227.186, and

**WHEREAS**, amendments are consistent with the Fairview Municipal Code and comprehensive plan policies and provisions, and

**WHEREAS**, Chapter 19.170 Sign Regulations was adopted in 1990 under Ordinance 9-1990, and

**WHEREAS**, the amendments adopted under this ordinance address follow-up items to Ordinance 2-2010, adopted in July 2010, to improve the City of Fairview's sign regulations by revising maximum allowed area standards for electronic message centers on sites with schools and in commercial and industrial zones.

**WHEREAS**, the purpose of this ordinance is to create sign regulations that meet the needs of businesses and residents while also protecting public safety and preserving the aesthetic character of the community.

**NOW, THEREFORE;** The City of Fairview ordains as follows:

Section 1. FMC Chapter 19.170 is amended as shown in Attachment 1.

Section 2. This ordinance shall be effective upon and from 30 days of adoption.

Motion adopted by the City Council of the City of Fairview this 20<sup>th</sup> day of June 2012.

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Mayor, City of Fairview  
Mike Weatherby

ATTEST

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Interim Recorder, City of Fairview  
Samantha Nelson

Chapter 19.170  
SIGN REGULATIONS

Sections:

- 19.170.010 Purpose/application.
- 19.170.020 Definitions.
- 19.170.030 Sign permit required.
- 19.170.040 Design standards.
- 19.170.050 Signing of nonconforming uses.
- 19.170.060 Nonconforming signs.
- 19.170.070 Hardship relief.
- 19.170.080 Exemptions.
- 19.170.090 Temporary signs.
- 19.170.100 Prohibited signs.
- 19.170.110 Permitted signs within residential zones.
- 19.170.120 Permitted signs within community service parks (CSP) zone.
- 19.170.130 Permitted signs within commercial and light industrial zones (CC, TCC, NC, LI, VO, and VC).
- 19.170.140 Permitted signs within village mixed use (VMU) zone.
- 19.170.150 Permitted signs within industrial zones (GI).
- 19.170.160 Sidewalk A-board signs.
- 19.170.170 Abatement of prohibited, substandard and dangerous signs.
- 19.170.180 Maintenance.

19.170.010 Purpose/application.

It is the city's policy to protect the public interest by promoting signs through regulations that:

- A. Protect the public health and safety.
- B. Maintain a balance between the need to identify sites and activities, and the negative impact on community image created by visual clutter.
- C. Are content-neutral, acknowledging that signs are a protected form of speech under the First Amendment of the United States Constitution.
- D. Provide residents and business owners with ample opportunities and alternatives to communicate messages through signage. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1)

19.170.020 Definitions.

“A-board sign” means a double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, and not supported by a structure in the ground.

“Abandoned sign” means a sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days.

“Accessory sign” means a sign which is an integral part of outdoor accessory or display structures.

“Athletic field sign” means a sign placed on the interior of an athletic field fence or wall so as to be viewed from within the athletic facility.

“Awning sign” means a sign incorporated into or attached to an awning.

“Balloon sign” means any three-dimensional ambient air-filled object depicting a container, figure or product, or to which a temporary sign has been attached, or to which a sign has been incorporated.

“Banner sign” means a temporary sign made of fabric or other nonrigid material with or without an enclosing framework.

“Bench sign” means a sign that is displayed on a structure designed for sitting and displayed out of doors in view of the general public.

“Billboard sign” means a freestanding sign over 200 square feet and with display surface or surfaces primarily designed for the purpose of painting or posting a message thereon at periodic intervals.

“Canopy” means a permanent decorative porch or walkway cover other than an awning which is attached to a building.

“Direct illumination” means exposed lighting or neon tube on the sign face.

“Directional sign” means a permanent sign which is designed and installed solely for the purpose of traffic or pedestrian direction and placed on the property to which the persons are directed.

“Directory sign” means a sign listing the names, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

“Door sign” means any sign, picture, symbol, or combination thereof that is placed on, painted, or affixed to a door.

“Electronic message center” means signs whose message or display is presented with patterns of lights that may be changed at intermittent interval by an electronic process.

“Facade” means the building elevation that faces the street upon which the building is addressed, or is otherwise understood to be the front of the building through common usage of the term “front.” Buildings located at the corner of intersecting streets have two facades with one facade on each street frontage.

“Fascia sign” means a single-faced sign attached flush to a building.

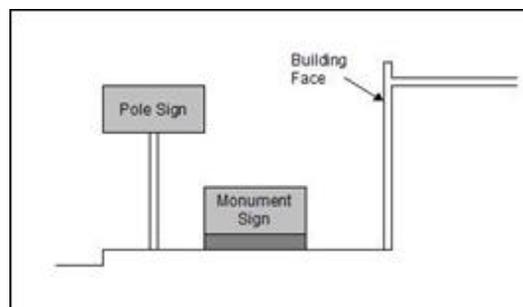
“Fin sign” means a sign which is supported by a pole or poles and partly by a building.

“Flag” means a rectangular piece of fabric or other material of distinctive design, used as a symbol.

“Flashing” means an intermittent or sequential light source used primarily to attract attention.

“Flashing sign” means lights which blink on and off randomly or in sequence.

“Freestanding sign” means a sign on a frame, pole or other support structure which is not attached to any building. Includes monument, pole, and directory signs.



“Ground story” means the vertical space between the ground elevation around the building and the elevation of the second floor deck.

“Hazardous sign” means a sign that is hazardous either directly through its structural design or indirectly through distracting or confusing features or functions that are visible from a right-of-way, private roadway, or other property.

“Illuminated awning sign” means a sign made of a translucent, flexible covering designed in awning form. Such signs are internally illuminated.

“Incidental sign” means an informational or cautionary sign directing types of behavior including but not limited to trespassing, soliciting, parking, skateboarding, building identification, etc.

“Indirect illumination” means the light source is separate from the sign face or cabinet and is directed so as to shine on the sign.

“Internal illumination” means the light source is concealed within the sign.

“Lawn sign” means a temporary freestanding sign that is supported by a frame, pole or other structure placed directly in or upon the ground, wall or window. Signs may include but are not limited to political signs, real estate signs, and garage sale signs.

“Limited duration event A-board sign” means an A-board sign displayed for a temporary time frame to advertise events including but not limited to open houses, farmer’s markets, and school activities.

“Mansard wall sign” means any sign placed on a building with an actual or false roof which does not vary more than 30 degrees from the vertical. Such mansard wall shall extend along the full width of the building.

“Moving parts” means features or parts of a sign structure which through mechanical means are intended to move, swing or have some action.

“Municipal sign” means a sign placed by a municipality.

“Nonconforming sign” means a sign or sign structure lawfully installed and properly maintained that would not be allowed under the sign regulations presently applicable to the site.

“Outdoor advertising sign” means a sign supported by a substantial permanent sign structure with a display surface or display surfaces designated primarily for the purpose of painting or posting a message thereon at periodic intervals.

“Painted highlights” means painted areas which highlight a building’s architectural or structural features.

“Painted wall decoration” means displays painted directly on a wall and are designed and intended as a decorative or ornamental feature. Painted wall decorations may not contain

copy, logos or trademarks which are greater than 20 square feet, or 10 percent of the building wall, whichever is less.

“Painted wall sign” means a sign applied to a building wall with paint and which has no sign structure.

“Pennant sign” means a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles.

“Permanent sign” means a sign attached to a building, structure or the ground in some manner requiring a permit and made of materials intended for more than short-term use.

“Portable sign” means a sign designed to be transported which can be freestanding and unattached or temporarily or permanently attached to the ground, structures or other signs.

“Projecting sign” means a sign attached to and projecting out from a building face or wall and generally at right angles to the building. Projecting signs include signs projecting totally in the right-of-way, partially in the right-of-way and fully on private property.

“Readerboard sign” means a sign on which message copy can be changed manually, in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

“Roof line” means the lower edge of the roof or top of the parapet, whichever forms the top lines of the building wall.

“Roof sign” means a sign installed upon, against or directly above a roof, or roof eave, or on top of or above the parapet, or on a nonfunctional architectural appendage above the roof or roof eave.

“Rotating sign” means sign faces or portions of a sign face which revolve around a central axis.

“Scroll” means the continuous movement of a message on an electronic message center in a horizontal, vertical or diagonal direction.

“Sign” means materials placed or constructed primarily to convey a message or other display to identify sites and activities and which can be viewed from right-of-way, private roadway or another property.

“Sign face” means the display portion of a sign.

“Sign installation” means erecting, constructing, reconstructing, placing, altering, changing the sign face, relocating, suspending, attaching and the installation of electrical parts, wiring or illumination of any sign. However, installation shall not include changes

in copy of a readerboard or outdoor advertising sign or of the removable panels of on-site directory signs.

“Sign maintenance” means normal care needed to keep a sign functional such as cleaning, oiling and changing of light bulbs.

“Sign repair” means fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.

“Sign structure” means a structure specifically intended for supporting or containing a sign.

“Site” means the area, tract, parcel or lot of land.

“Special event banner sign” means a banner sign that is temporarily displayed over a right-of-way for a limited period of time for a public event. A special event occurs on a specific date or dates, is open to the community, and has been declared a special event by the city council.

“Structural alteration” means modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other comparable materials, for example metal parts replacing wood parts.

“Suspended sign” means a sign which is attached to the underside of a canopy or awning and is supported by the canopy or awning.

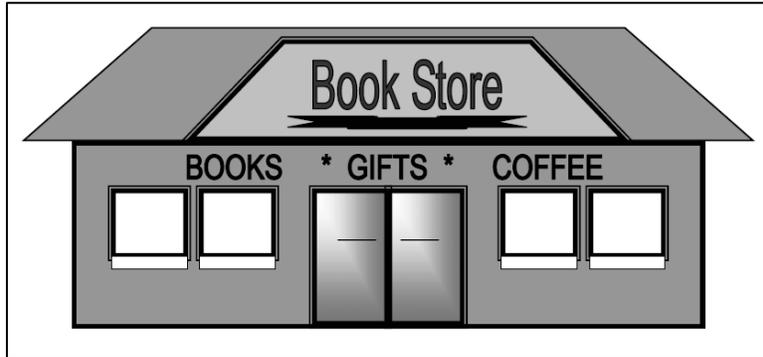


”Temporary sign” means any sign, regardless of construction material, that is not permanently attached to a building, structure or the ground and/or is intended to be displayed for a limited period of time.

”Unsafe sign” means any sign determined to be a hazard to the public by the building official or authorized representative

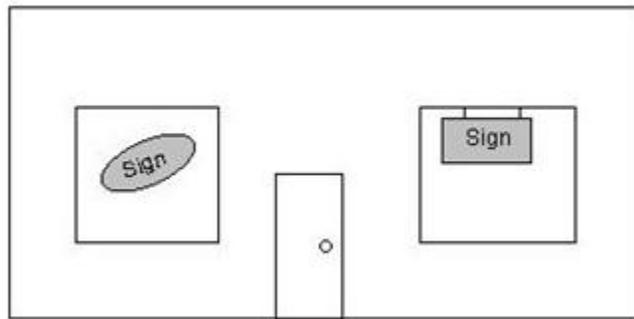
“Upper story” means the vertical space between the floor and ceiling elevation of any story located above the ground story”

“Wall sign” means any sign painted on or attached to a building wall.



”Wind sign” means any attention-getting device or series of devices such as streamers, banners and pennants designed and fastened in such a manner as to move upon being subject to pressure by the atmosphere. (Ord. 6-2001 § 1)

“Window sign” means any sign, picture, symbol, or combination thereof, that is placed, painted, or affixed to a window, upon the interior or exterior face of window panes, or mounted to the interior window frame, or otherwise located within 24 inches of the window interior.



19.170.030 Sign permit required.

Sign permits are subject to a Type I review process. Building and electrical permits and corresponding inspections may be required based on size and weight requirements.

A. Permanent Sign Permit Application.

1. Sign Permit Form. Application for a sign permit shall be made on the sign permit application form provided by the city.

2. Administrative Approval. Completed sign permit applications must be approved by the Community Development Director or designee. Incomplete sign permit applications are subject to denial.

3. Plans. The applicant shall submit two copies of plans. These plans must be detailed enough to show compliance with all applicable sign regulations. The plan is to include:

- a. A drawing to scale showing the design of the sign, including dimension, sign size, method of attachment, source of illumination and showing the relationship to any building or structure to which it is, or is proposed to be, installed or affixed, or to which it relates, to include elevations.

- b. A fully dimensioned plot plan, drawn to scale, indicating the location of the sign relative to property line, rights-of-way, streets, sidewalks, vehicle area and other building or structures on the premises.

- c. The maximum and minimum heights and clearances of the sign.

- d. Number, size and location of all existing signs on the same building, lot or premises.

- e. For signs requiring a building/electrical permit. Provide structural and mechanical design and engineering data sufficient to ensure compliance with applicable Oregon Specialty Codes.

B. Temporary Sign Permit Application. All temporary signs larger than 8 square feet in area require a temporary sign permit.

1. Application. Applicants shall submit an application form, to be provided by the City, for all temporary signs greater than 8 square feet. The applicant shall indicate the size and proposed location of the temporary sign.

2. Permit sticker required. Upon approval, a City-issued sticker, indicating the date of placement and the date the sign is to be removed, shall be placed on the sign face of the approved temporary sign.

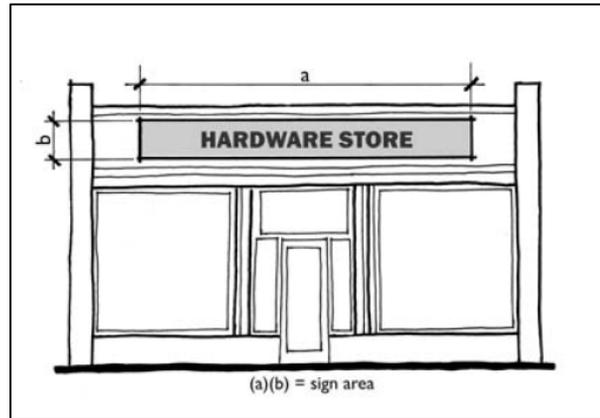
19.170.040 Design Standards.

A. Measurements.

1. Sign Area.

- a. The area of sign faces enclosed in frames or cabinets is determined based display area of the sign (see Figure 1). Sign area does not include masonry walls, rocks, foundations, supports or other essential structures which are not serving as a backdrop or border to the sign. Only one face of a double-faced sign is counted. If a sign has more than two faces, the total area may not exceed twice the area permitted.

Figure 1:

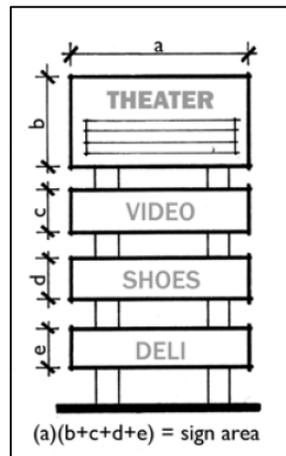


b. When a sign is on a base material and attached without a frame, such as wood board or Plexiglas panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign, related display or decoration.

c. When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn (the greater height multiplied by the greater width) around all the pieces.

d. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (see Figure 2).

Figure 2:



e. The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.

f. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign, related display or decoration.

g. The area of an illuminated awning sign shall be calculated as a sign incorporated into an awning except that an illuminated face of the awning shall not exceed three times the sign area allowed.

h. The area of a window sign is measured along the outer frame of the window where it meets the wall. Window signs are to be measured by the outermost dimensions of text and graphics.

2. Sign Height. The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure.

3. Sign Clearance. Clearances are measured from the average grade directly below the sign to the bottom of the sign structure enclosing the sign face.

4. Building Height 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:

a. 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.

b. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (A)(4)(a) 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.

#### B. Placement.

1. Placement. All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into or over the right-of-way pursuant to Chapter 12.45 FMC.

a. Signs Permitted in the Right-of-Way. Signs located within city of Fairview right-of-way require a right-of-way permit unless otherwise stated in this chapter. Signs placed in Multnomah County right-of-way may require a permit from the county.

i. Municipal signs.

ii. A-board signs in accordance with FMC 19.170.090(B)(5) and 19.170.160.

iii. A right-of-way permit may be granted for the placement of a temporary sign in accordance with Chapter 12.45 FMC when there is no required front yard on a property.

iv. Signs associated with a public works project placed by a utility company or a licensed contractor.

2. Frontages. Signs allowed based on the length of one site frontage may not be placed on another site frontage. Signs allowed based on a building frontage may not be placed on another building frontage.

3. Clear Vision Area. No sign shall be located in the clear vision area as defined in FMC 19.162.020(O). No support structure(s) shall be located in the clear vision area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

4. Vehicle Area Clearances. When a sign extends over an area where vehicles travel or are parked, there shall be a minimum 14-foot clearance. Exception: The bottom of an electric sign or an outline lighting enclosure shall have not less than a 16-foot clearance unless such enclosures are protected from physical damage. In no cases shall the vehicle area clearance be less than 14 feet. Vehicle areas include driveways, alleys, parking lots and loading and maneuvering areas.

5. Pedestrian Area Clearances. When a sign extends over private sidewalk, walkways or other spaces accessible to pedestrians, there shall be a minimum of seven feet clearance.

6. Required Yards. Signs may be erected in required yards.

C. Sign Types. All permanent signs require a sign permit in accordance with FMC 19.170.030 and shall be in compliance with FMC 19.170.110 through 19.170.140.

1. Fascia Sign. No point of a fascia sign may extend more than 18 inches from the wall to which it is attached, except for permitted electronic message signs which may be up to 24 inches in thickness. Fascia signs may not extend beyond the corners of buildings.

2. Projecting Sign. The support structure for a projecting sign shall be designed so that there is the minimum visible support structure above the sign face. There shall be no more than one foot of support structure between the building wall and the sign. Projecting signs may extend into the right-of-way two feet except no portion of the sign shall be closer than 30 feet from the centerline of an existing right-of-way.

3. Freestanding Sign.

a. Freestanding signs shall not extend into the right-of-way.

b. Signs shall comply with clear vision requirements per FMC 19.162.020(O).

c. Signs shall meet vehicle area and pedestrian area clearance requirements per subsection B of this section.

#### 4. Suspended Signs and Awnings.

- a. Signs may be placed on or incorporated into canopies and awnings; provided they do not extend above the upper surfaces of the structure.
- b. Canopies and awnings containing signs may extend into the right-of-way two feet except no portion of the sign shall be closer than 30 feet from the centerline of an existing right-of-way.

#### 5. Illuminated Awning Sign.

- a. Illuminated awning signs may extend into the right-of-way the same distance as is allowed for awnings.
- b. The projection of an illuminated awning sign shall not be less than three feet.
- c. An illuminated awning sign may only be placed on a wall facing a street or adjacent to a pedestrian walkway. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1. Formerly 19.170.050)

#### 19.170.050 Signing of nonconforming uses.

The following provisions for signs shall apply when a use has been found to lawfully exist within the provisions of Chapter 19.530 FMC; the provisions of this section are not intended to allow a sign to exceed the requirements set forth in the zoning district within which the subject nonconforming use would be a permitted use.

A. Freestanding Sign. Any existing freestanding sign on the premises of a nonconforming use can be maintained, improved or relocated on the premises as long as the change does not increase the total sign area or exceed the height of the existing sign.

B. Wall Sign. Any existing wall sign on the premises of a nonconforming use can be maintained, improved or relocated on the premises as long as the maximum area of a wall sign does not exceed five percent of the wall area upon which the sign is located. Only one wall sign shall be permitted.

C. Projecting Sign. Any existing projecting sign on the premises of a nonconforming use can be maintained, improved, or relocated on the premises as long as the change does not increase the total sign area or exceed the height of the existing sign.

D. Readerboard. A permanent readerboard may be incorporated into any one, but not more than one, of the above permitted signs; provided, that the readerboard assembly is an integral part of the sign and the readerboard portion of the sign does not exceed 40 inches in height. The readerboard may be no more than 60 percent of the face of the sign.

E. Replacement. Existing signs for nonconforming uses found in the commercial and industrial zones may be replaced by signs as allowed in that section. Existing signs for

nonconforming uses found in the residential zones may be replaced with signs as allowed in that section.

F. **Billboard Signs.** Billboard signs existing at the effective date of the ordinance codified in this title shall be permitted to remain and be maintained in reasonable repair, but may not be replaced, relocated, enlarged, or otherwise structurally modified. Changes in message shall not affect nonconforming status. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1. Formerly 19.170.060)

19.170.060 Nonconforming signs.

A. Nonconforming signs are those signs installed prior to July 7, 2010, which do not conform to the requirements of this section.

B. Permanent signs made nonconforming by changes to this chapter will be permitted to remain subject to sign maintenance standards in FMC 19.170.180.

C. Any nonconforming temporary sign installed prior to July 7, 2010, which does not comply with this title shall be made to comply, or be removed by January 7, 2011.

D. Changes in copy on readerboards or outdoor advertising signs shall be permitted without loss of nonconforming status. On-site or off-site repairing or restoring of any part of a sign or sign structure to a safe condition, including normal maintenance, shall be permitted without loss of nonconforming status. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1. Formerly 19.170.110)

19.170.070 Hardship relief.

A. Hardship relief may be requested from the planning commission for all sign regulations except for prohibited signs.

B. Requests for hardship relief shall be reviewed in accordance with variance procedures in Chapter 19.520 FMC.

C. **Temporary Hardship Relief for Street Closures.** Applicants may request a temporary “street closure” sign variance from the planning commission in the case that the visibility of a sign is obstructed due to a street closure in relation to a public works project.

1. A variance from sign regulations for the underlying zone may be requested from the planning commission for temporary alternatives to the location, size or form of sign if it meets the following standards.

a. The proposed sign may not exceed 50 percent of the maximum allowed size requirements for signs in the underlying zone.

b. The sign may not be hazardous to surrounding properties, motorists, cyclists, or pedestrians.

c. The sign may only be displayed for the duration of the hardship or until the public works project is complete.

d. A right-of-way permit shall be required in accordance with Chapter 12.45 FMC if the proposed sign will be located within the right-of-way.

e. The sign shall be subject to all other applicable regulations in this chapter unless otherwise specified.

D. Hardship relief for billboards displaced by public improvement projects may be requested from the planning commission and shall be processed in accordance with Chapter 19.520 FMC. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1)

#### 19.170.080 Exemptions.

A. Exempt Signs. Except for signs prohibited by this chapter in FMC 19.170.100, the following signs are exempt from the provisions of the Fairview sign code.

1. Signs directing traffic placed in the right-of-way by the city or jurisdiction responsible for the right-of-way.

2. Signs provided to give notice in accordance with FMC 8.30.110(B), private property impounds.

3. Signs required by law, administrative order, or judicial order.

4. Incidental signs less than three square feet located on private property. Placement of incidental signs is prohibited in the right-of-way unless otherwise stated in this chapter.

B. Signs Exempt from Permitting Requirements in FMC 19.170.030. The following signs shall not require a permit but shall conform to all other applicable provisions of this title:

1. Permanent signs not exceeding one square foot in area.

2. Temporary signs not exceeding eight square feet in area.

3. Professional non-illuminated nameplates not exceeding two square feet in area associated with an approved home occupation per Chapter 19.490 FMC.

4. Signs directing traffic into off-street parking areas. An on-site directional sign(s) shall not exceed eight square feet in area. A freestanding sign may not exceed 42 inches in height. A wall sign may not exceed eight feet in height above grade.

5. Directional signs for hospital or emergency services, railroad signs and danger signs.

6. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or constructed of bronze or other noncombustible surface or when

constructed of bronze or other noncombustible material not to exceed eight square feet in area.

7. Flags displayed from permanently located freestanding or wall-mounted flagpoles which are designed to allow raising and lowering of flags. The number of such flags shall be limited in number to one per 100 feet of linear frontage, with a maximum of six per premises. Such displays shall be kept neat, clean and in good repair.

8. Painted wall decorations and painted wall highlights.

9. One time clock and/or scoreboard sign shall be permitted at each athletic field. Such signs shall have a maximum height of 15 feet above grade.

10. Athletic Field Signs. Banner signs located on athletic field fences may be installed so as to be oriented towards the interior of the athletic field. Each individual sign shall be no more than 32 square feet in area. There shall be no more than 32 square feet of area for any eight linear feet of fence. The maximum height shall not exceed eight feet above grade. The sign shall not project above the fence.

11. Accessory signs within a commercial or industrial zone which are permanent and an internal part of permitted outdoor accessory or display structures such as soft drink machines, fuel pumps and newspaper dispensers.

12. Signs associated with a public works or construction project placed by a utility company or licensed contractor.

13. Pennants.

a. May not obstruct sidewalks or driveways.

b. May not be placed in the right-of-way.

c. Pole on which pennant is attached may not exceed 15 feet in height.

d. Area of pennant may not exceed 24 square feet.

e. One pennant allowed per 100 feet of site frontage with a maximum of six pennants per frontage.

f. Pennant and structure to which pennant is attached must be properly secured to prevent property damage or personal injury due to movement by wind or other physical force.

g. Pennants must be properly maintained; any torn or tattered pennants must be removed or replaced immediately.

h. Prohibited in single-family residential zones (R, R-7.5, R-10, R/SFLD, VSF, VTH). (Ord. 2-2011 § 1 (Att. 1); Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1)

#### 19.170.090 Temporary signs.

The purpose of this section is to allow for the display of temporary messages including but not limited to political signs, real estate signs, and special event signs. Temporary signs are prohibited signs except as provided in this section.

##### A. General Requirements.

1. Illumination. No temporary sign shall be internally or externally illuminated.
2. Location. No temporary sign shall extend into or over the public right-of-way or the clear vision area except as otherwise stated in this chapter.
3. Maintenance. Temporary signs shall be kept neat, clean and in good repair. Materials used should not fade, tear, rip or otherwise become unsightly during the period of installation.
4. Placement. Except as provided by this section, temporary signs may not be attached to trees, shrubbery, utility poles, or like items. They shall not obstruct or obscure primary signs on adjacent premises. They shall not create a traffic hazard because of distractive character to motorists of any such device or the cumulative effect of all such devices. Temporary signs are subject to clear vision requirements per FMC 19.162.020(O).
5. Duration. Temporary signs must be removed within six months of placement except as otherwise stated in this chapter. The display period shall be limited to six months in any one-year period.
6. Permit Required. Temporary signs greater than eight square feet in area require a temporary sign permit in accordance with FMC 19.170.030(B).

##### B. Sign Types.

1. Lawn Signs. Lawn signs shall be pole-mounted or wall-mounted. Temporary lawn signs and sign structures, if any, must be removed within six months of the date of installation. Pole-mounted and wall-mounted lawn signs shall not exceed 60 inches in height in residential zones and eight feet in height in commercial and industrial zones.
2. Balloon Signs. One balloon sign per site may be permitted. Balloon signs shall be ground-mounted or roof-mounted and air-filled. The overall height of a ground-mounted balloon sign shall not exceed 25 feet above grade. The overall height of a roof-mounted balloon sign shall not exceed 25 feet above the roof top. The display period is limited to a total of 30 days per year.

3. Banner Signs. One banner sign attached to a building wall per building frontage per street frontage may be permitted. Such banner sign(s) is limited to 32 square feet in area. Banner signs larger than eight square feet in area shall require a temporary sign permit and be removed within six months of placement.

4. Special Event Banner Signs. Permitted in all land use zones when in conformance with the following criteria:

a. Notarized, written consent from the property owner where the banner will be located. The consent shall identify any restrictions that the property owner requires of the permit holder.

b. Plans showing the location of the banner; banner height above the right-of-way, support devices for the banner; and proposed dates.

c. The display period shall not exceed 25 consecutive days in duration and no more than once in any 12-month period.

d. A copy of any liability and/or property damage insurance required by the property owner where the banner will be located.

5. Limited Duration Event A-Board Signs. Permitted only in residential and village mixed use zones when in conformance with the following criteria:

a. Two signs permitted per major intersection within one-half mile of location of the event.

b. One sign permitted on sidewalk within one block of the event.

c. Placement of a sign is limited to 7:00 a.m. through 9:00 p.m. and must be removed promptly after the event has ended.

d. Signs are subject to size and clearance standards for sidewalk A-board signs in FMC 19.170.160. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1)

19.170.100 Prohibited signs.

It shall be unlawful for any person to install, display or maintain any sign or advertising structure falling within any of the following descriptions:

A. Hazardous Signs. The following signs or advertising structures are identified as hazardous, either directly through their structural design or indirectly through distracting or confusing features or functions that are visible from a right-of-way, private roadway, or other property:

1. 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 created by normal wind currents. Clocks and barber poles are exceptions.
2. Flashing signs, or any signs which achieve apparent movement through electrical pulsations, including strobe lights and bead lighting.
3. Signs that substantially obstruct free and clear vision of the traveling public at the intersection of any street or driveway.
4. Signs that interfere with the traveling public's perception of traffic controls, including signs that use the words "stop," "look," "danger," or any other word, phrase, character, symbol or graphic that is reasonably likely to distract or confuse vehicle operators.
5. Signs that incorporate reflective-type bulbs, or par spot bulbs, or directly visible bulbs of greater than 25 watts capacity. Electronic message center signs are exceptions.
6. Signs that incorporate white or blue neon tubing that exceed 300 milliamperes rating, or other neon tubing that exceeds 120 milliamperes rating.
7. Signs that incorporate fluorescent tubing that exceeds an illumination equivalent of 800 milliamperes rating, or a spacing of less than nine inches, center to center.
8. Temporary readerboards, portable readerboards, A-board or sandwich signs, or any other portable signs capable of blocking public right-of-way that are not expressly permitted in this title.
9. Signs that obstruct in any way a fire escape, stairway or standpipe, or interfere with human exit through a window or any room located above the first floor of any building, or any door required exit from a building, or required light or ventilation source.
10. Signs in the public right-of-way, other than government owned or managed signs, unless otherwise specifically allowed herein.

**B. Other Prohibited Signs.** The following signs or advertising structures are identified as having unnecessary and adverse visual impact on the community:

1. Roof signs, fin signs, or any sign structure that is attached to a building that does not conform to the sign standards contained in the remainder of this section.
2. Temporary signs, bench signs, banners, pennants, wind signs, balloon signs, flags or any other temporary sign structure that does not conform to the sign standards contained in the remainder of this section.
3. Nonconforming signs that have been modified in a manner which is not consistent with this section.

4. Billboard signs except as provided by FMC 19.170.050 and 19.170.070. (Ord. 2-2010 § 1 (Att. 1); Ord. 8-2009 § 3 (Att. 1); Ord. 6-2001 § 1)

A. Permitted signs within Single Family Residential Zones (R, R-7.5, R-10, R/SFLD, VTH and VSF)

<b>Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination</b>
Freestanding (Sign(s) may only be placed at entrance(s) to subdivision.)	32 square feet	4 feet	1 if subdivision <40 units  2 if subdivision >40 units	External only. 7:00am – 12:00 midnight.
<b>Temporary Signs</b>	See FMC Section 19.170.110 (C)			

B. Permitted Signs within Multi-Family Zones (R/MF, R/MH, R/MF/TOZ, and VA)

<b>Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination</b>
<b>Multi-dwelling Signs</b>				
Freestanding	32 square feet total permitted area per site frontage.	8 feet	No limit if within the maximum total allowed area.	External OR Internal if illumination is confined to the lettering and logo.
Wall (Fascia, awning and painted wall signs are permitted)	Sign area may not exceed 10% of the wall area on which the sign is placed.	May not extend above the roofline.	No limit if within the maximum total allowed area.	None.
<b>Commercial Use Permitted in the R/MF Zone</b>				
Wall (Fascia, awning and painted wall signs permitted)  **A readerboard may be incorporated into the sign and may	10% of wall area.	25 feet	1 per site frontage.	Internal if illumination is confined to the lettering and logo.  Duration of illumination limited to 7:00am – 12:00 midnight unless commercial use is

be 40 inches in height and no more than 60% of the sign face				operated on a 24-hour basis.
<b>Window/Door Sign</b>	Window signs may not exceed 25% of the total window area.	None	No limit on number if within the total permitted area limit.	N/A
<b>Projecting</b>	18 square feet per sign face	<p>Shall not extend above the roof line.</p> <p>Max of 25 feet above grade.</p> <p>Minimum clearance of 7 feet between the bottom of the sign and the ground.</p> <p>May extend into the right of way 2 feet. No portion of the sign shall be closer than 30 feet from the centerline of adjacent right of way.</p>	1 per site frontage.	Internal or indirect external illumination.
<b>Suspended</b>	6 square feet	Clearance – 7 feet	1 sign per business.	None
<b>Temporary Signs</b>	See FMC Section 19.170.110(C)			

C. Temporary Signs permitted in all residential zones. Pursuant to FMC 19.170.090 and 19.170.040(B) the following temporary signs shall be permitted:

<b>Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Duration</b>
<b>Lawn Sign (Single Family Residential)</b>	12 square feet total permitted area. No sign face may be greater than 3 square feet.	60 inches	No number limit if within the maximum area limit.	Signs must be removed within 6 months of placement.* **
<b>Lawn Sign (multi-family residential, commercial use in R/MF zone.)</b>	64 square feet total permitted area. No sign face may be greater than 32 square feet.	8 feet	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Banner Sign (multi-family zones and commercial use in R/MF only)</b>	64 square feet. No sign face may be greater than 32 square feet.	N/A	No number limit if within the maximum area limit.	Signs must be removed within 6 months of placement.
<b>Limited Duration Event A-Board Sign</b>	24 inches wide.	42 inches standing height.	2 per major intersection within one half mile of event. 1 on sidewalk within one block of event.	7am – 9pm on the day of the event. Signs must be removed promptly after the event.

\*Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.

\*\*Temporary signs posted on a property where a garage sale is occurring shall be permitted in accordance with FMC 5.60.030.

19.170.120 Permitted signs within Community Service Parks (CSP) Zone. All signs shall comply with permitting requirements in FMC 19.170.030 and design standards in FMC 19.170.040

A. Permitted signs with the Community Service Parks (CSP) Zone

<b>Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination</b>
<b>Free-standing</b>	0.4 square feet of sign face area per linear foot of site frontage.  1 sign: Maximum sign face area of 100 square feet.  More than one sign: Maximum sign face area of 80 square feet.  Sites with less than 100 feet frontage: 40 square feet.	25 feet above grade	No limit on number if within the total maximum area.  Minimum 200 foot separation between signs.	Internal or indirect external illumination.
<b>Free-standing directional sign</b>	8 square feet	4 feet above grade	1 per driveway	Internal or indirect external illumination.
<b>Wall Sign</b> (Fascia and painted wall sign permitted)	Sign area may not exceed 10% of the wall area on which the sign is placed.	May not extend above the roofline	No number restriction if within the maximum area limit.	External OR Internal if illumination is confined to the lettering and logo.
<b>Window/Door Sign</b>	Window signs may not exceed 25% of the total window area.	None	No limit on number if within the total permitted area limit.	N/A
<b>Projecting</b>	18 square feet per sign face	Shall not extend above the roof line.  Max of 25 feet above	1 per site frontage.	Internal or indirect external illumination.

		grade.  Minimum clearance of 7 feet between the bottom of the sign and the ground.  May extend into the right of way 2 feet. No portion of the sign shall be closer than 30 feet from the centerline of adjacent right of way.		
<b>Suspended</b>	6 square feet	Clearance – 7 feet	1 sign per business	None
<p><b>Temporary Signs</b> Pursuant to FMC 19.170.090 and 19.170.040(B) the following temporary signs shall be permitted.</p>				
<b>Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Duration*</b>
<b>Lawn Sign</b>	64 square feet total permitted area. No sign face may be greater than 32 square feet.	8 feet	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.

<b>Banner Sign</b>	64 square feet total permitted area.  No sign face may exceed 32 square feet.	N/A	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Limited Duration Event A-Board Sign</b>	24 inches wide.	42 inches standing height.	2 per major intersection within one half mile of event. 1 on sidewalk within one block of event.	7am – 9pm on the day of the event. Signs must be removed promptly after the event.
*Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.				

**B.4. Sign Features.**

**1a.** Illumination. Signs may be indirectly or internally illuminated.

**2b.** Readerboard. A permanent readerboard may be incorporated either in a freestanding sign or wall sign, but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height. Not permitted in the single-family residential zone.

**3e.** Electronic Message Center. An electronic message center may be incorporated into either a freestanding sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design ~~and shall not exceed eight square feet.~~

**a.** The display of messages shall conform to the following standards:

i. Messages may scroll across the electronic message center.

ii. Flashing messages are prohibited. (Ord. 2-2011 § 1 (Att. 1); Ord. 2-2010 § 1 (Att. 1))

**b. For school sites located on arterial streets:**

**i. The maximum allowed area of an electronic message center incorporated into a wall sign is eighteen (18) square feet.**

ii. The maximum allowed area of an electronic message center incorporated into a freestanding sign is limited to no more than 25% of the total allowed area per sign face with a minimum entitlement of eight (8) square feet.

iii. Electronic message centers greater than eight (8) square feet shall be located no less than 150 feet from an adjacent residential use and shall be oriented towards the street.

c. For all other sites in the Community Service Parks (CSP) Zone:

i. The maximum allowed area of an electronic message center incorporated into either a freestanding sign or a wall sign is eight (8) square feet.

19.170.130 Permitted signs within commercial and light industrial zones. (CC, TCC, NC, LI, VO, and VC) All signs shall comply with permitting requirements in FMC 19.170.030 and design standards in FMC 19.170.040.

A. Permitted signs within commercial and light industrial zones.

Type	Area	Height/ Clearance	Number	Illumination
<b>Free- Standing</b>  (CC, TCC, NC, and LI only)	0.4 square feet of sign face area per linear foot of site frontage up to a maximum sign face area of 100 square feet.  Sites are entitled to a minimum of 40 square feet regardless of site frontage.	25 feet above grade or the height of the building, whichever is greater, up to a maximum of 45 feet.	No limit on number if within the total maximum area.	Internal or indirect external illumination.
<b>Free- standing directional sign</b>	8 square feet	4 feet above grade	1 per driveway	Internal or indirect external illumination.
<b>Wall</b> (Fascia, mansard wall, awning, illuminated awning, marquee and painted wall signs)	Maximum permitted area shall be 10% of the wall area on which the sign is placed.	Shall not extend above the roof line.	No limit on number if within the total permitted area limit.	Internal or indirect external illumination.

<b>Window/ Door Sign</b>	Window signs may not exceed 25% of the total window area.	None	No limit on number if within the total permitted area limit.	Internal illumination only.
<b>Projecting</b>	18 square feet per sign face	Shall not extend above the roof line. Max of 25 feet above grade.  Minimum clearance of 7 feet between the bottom of the sign and the ground.  May extend into the right of way 2 feet. No portion of the sign shall be closer than 30 feet from the centerline of adjacent right of way.	1 per business frontage.	Internal or indirect external illumination.
<b>Suspended</b>	6 square feet	Clearance – 7 feet	1 per business frontage.	None

**Temporary Signs** Pursuant to FMC 19.170.090 and 19.170.040(B) the following temporary signs shall be permitted.

Type	Area	Height	Number	Duration*
<b>Lawn Sign</b>	64 square feet	8 feet	No number	Signs must be

	total permitted area. No sign face may be greater than 32 square feet.		restriction if within the total allowed area limit.**	removed within 6 months of placement.
<b>Banner Sign</b>	32 square feet total permitted area.	N/A	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Balloon Sign</b>	N/A	25 feet	1	Display limited to 30 days in a year.
*Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.				
** Lawn signs on the same frontage shall be spaced at least 50 feet apart.				

B. Sign Features.

1. Illumination. Signs may be indirectly or internally illuminated.

2. Readerboard. A permanent readerboard may be incorporated either in a freestanding sign or wall sign but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height.

3. Electronic Message Center. An electronic message center may be incorporated into either a freestanding sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design ~~and shall not exceed eight square feet.~~

a. The display of messages shall conform to the following standards:

i. Messages may scroll across the electronic message center.

ii. Flashing messages are prohibited. (Ord. 2-2011 § 1 (Att. 1); Ord. 2-2010 § 1 (Att. 1))

b. The maximum allowed area of an electronic message center incorporated into a freestanding sign or wall sign is limited to no more than 25% of the total allowed area per sign face with a minimum entitlement of eight (8) square feet.

c. Electronic message centers greater than eight (8) square feet shall be located no less than 150 feet from an adjacent residential use and shall be oriented towards the street.

19.170.140 Permitted signs within Village Mixed Use (VMU) Zone. All permanent signs are subject to permitting requirements in FMC 19.170.030.

A. Ground story and upper story signs may only be placed on the front elevation except for mixed use townhouses that have ground story doors or windows along driveways, walkways, or parking areas. In such cases window signs up to 25% of the total window area are allowed.

<b>Ground Story</b>				
<b>Type</b>	<b>Area</b>	<b>Height/Clearance</b>	<b>Number</b>	<b>Illumination</b>
<b>Fascia</b>	Total area of all signs may not exceed 10% of the area of the ground story.*	3 foot max height	No number restriction if within the maximum area allowed.	Internal only if confined to lettering and/or logo. Duration of illumination limited to 7am-10pm.  No illumination on signs located on side or rear elevations.
<b>Window</b>		None.		
<b>Door</b>		None.		
<b>Awning</b> (materials limited to metal, glass, and/or fabric)	Window and door signs may not exceed 25% of the total window/door area.  Maximum 4 square feet for signs located on side or rear elevations.	Maximum 4 foot projection from the wall to which the awning is attached.  Minimum clearance of 7 feet above finished grade.	1 per business frontage.	
<b>Projecting</b>	7.5 square feet.  Front elevation only.	Maximum 4 foot vertical dimension.  Maximum 4 foot projection from the wall to which it is attached.  Minimum clearance of 7 feet above finished grade.	1 per business frontage.	None permitted.
* Excludes projecting and A-board signs.				

<b>Upper Story</b>				
<b>Type</b>	<b>Area</b>	<b>Height/Clearance</b>	<b>Number</b>	<b>Illumination</b>
<b>Fascia</b>	The total area of all signs may not exceed 10% of the area of the upper story.  Maximum 4 square feet for signs located on side or rear elevations.	Sign(s) may not extend beyond the corners of the top of the building.	No number restriction if within the maximum area allowed.	None permitted.
<b>Window Sign</b>	Window signs may not exceed 25% of the total window area.  Maximum 4 square feet for signs located on side or rear elevations.	None	No limit on number if within the total permitted area limit.	N/A

Temporary Signs. Pursuant to FMC 19.170.090 and 19.170.040(B) the following temporary signs shall be permitted.

<b>Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Duration* **</b>
<b>Lawn Sign</b>	12 square feet total permitted area. No sign face may be greater than 3 square feet.	60 inches	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Banner Sign</b>	16 square feet	N/A	1	Signs must be removed within 6 months of placement.
<b>Limited Duration Event A-Board Sign</b>	24 inches wide.	42 inches standing height.	2 per major intersection within one half mile of event. 1 on	7am – 9pm on the day of the event. Signs must be removed

			sidewalk within one block of event.	promptly after the event.
<p>*Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.</p> <p>**Temporary signs posted on a property where a garage sale is occurring shall be permitted in accordance with FMC 5.60.030.</p>				

**B. Prohibited Signs.**

1. Painted wall signs (without sign structure).
2. Roof Signs
3. Painted wall decorations.
4. Readerboards.
5. Flashing signs.
6. Bench signs.

19.170.150 Permitted signs within Industrial Zones (GI). All signs shall comply with permitting requirements in FMC 19.170.030 and design standards in FMC 19.170.040.

[A. Permitted Signs in the General Industrial \(GI\) Zone](#)

<b>Type</b>	<b>Area</b>	<b>Height/ Clearance</b>	<b>Number</b>	<b>Illumination</b>
<b>Free-standing</b>	0.4 square feet of sign face area per linear foot of site frontage up to a maximum sign face area of 100 square feet.  Sites are entitled to a minimum of 40 square feet regardless of site frontage.	25 feet above grade or the height of the building, or whichever is greater, up to a maximum of 45 feet.	No limit on number if within the total maximum area.	Internal or indirect external illumination.
<b>Free-standing directional sign</b>	8 square feet	4 feet above grade	1 per driveway	Internal or indirect external illumination.
<b>Wall</b> (Fascia and painted wall signs)	Maximum permitted area shall be 10% of the wall area on which the sign is placed.	Shall not extend above the roof line.	No limit on number if within the total permitted area limit.	Internal or indirect external illumination.
<b>Window/ Door Sign</b>	Window signs may not exceed 25% of the total window area.	None	No limit on number if within the total permitted area limit.	N/A
<b>Projecting</b>	18 square feet per sign face	Shall not extend above the roof line.  Max of 25 feet above grade.  Minimum	1 per business frontage.	Internal or indirect external illumination.

		<p>clearance of 7 feet between the bottom of the sign and the ground.</p> <p>May extend into the right of way 2 feet. No portion of the sign shall be closer than 30 feet from the centerline of adjacent right of way.</p>		
<b>Suspended</b>	6 square feet	Clearance – 7 feet	1 sign per business.	None

**Temporary Signs** permitted in Industrial Zones Pursuant to FMC 19.170.090 and 19.170.040(B) the following temporary signs shall be permitted.

<b>Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Duration*</b>
<b>Lawn Sign</b>	64 square feet total permitted area. No sign face may be greater than 32 square feet.	8 feet	No limit on number if within the total permitted area limit.**	Signs must be removed within 6 months of placement.
<b>Banner Sign</b>	32 square feet total permitted area.	N/A	No limit on number if within the total permitted area limit.	Signs must be removed within 6 months of placement.
<b>Balloon Sign</b>	N/A	25 feet	1	Display limited to 30 days in a year.

\*Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.

\*\* Lawn signs on the same frontage shall be spaced at least 50 feet apart.

A. Sign Features.

1. Illumination. Signs may be indirectly or internally illuminated.
2. Readerboard. A permanent readerboard may be incorporated either in a freestanding sign or wall sign but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height.
3. Electronic Message Center. An electronic message center may be incorporated into either a freestanding sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design ~~and shall not exceed eight square feet.~~

[a. The display of messages shall conform to the following standards:](#)

[i. Messages may scroll across the electronic message center.](#)

[ii. Flashing messages are prohibited. \(Ord. 2-2011 § 1 \(Att. 1\); Ord. 2-2010 § 1 \(Att. 1\)\)](#)

b. The maximum allowed area of an electronic message center incorporated into a freestanding sign or wall sign is limited to no more than 25% of the total allowed area per sign face with a minimum entitlement of eight (8) square feet.

c. Electronic message centers greater than eight (8) square feet shall be located no less than 150 feet from an adjacent residential use and shall be oriented towards the street.

#### 19.170.160 Sidewalk A-board signs. (Ord. 8-2009)

##### A. Intent

The intent of these regulations is to allow A-board signs in mixed use, commercial, and multifamily districts under certain conditions, to assist businesses by providing commercial exposure and identification while protecting against sign clutter, reducing potential sign conflict between businesses, maintaining an attractive commercial streetscape, providing adequate pedestrian access, ensuring that curbside parking is usable, and providing public safety.

##### B. Permit Required.

A permit is required prior to placing an A-Board sign on private property or within the public right of way. In the event a business closes or is sold, a new operation in the business space or the new business operator must apply for a new A-board sign permit.

##### C. A-Board Sign Permit Requirements

A-board sign applications will be processed within 10 business days of receipt. An A-board sign may not be placed until all of the following requirements have been met:

1. Submission of a complete application form, supporting materials, and application fee.
2. For signs to be located in the public right of way, a signed indemnification form as provided by the City and an approved right-of-way permit.
3. A permit authorizing placement of the sign has been issued by the Community Development Director or designee.

##### D. Enforcement

Use of an A-board sign without an approved permit or in a manner that is inconsistent with these regulations is a violation of the Fairview Municipal Code. Repeat violations of these regulations may result in a six month revocation of the permit. No permit shall be revoked without the Community Development Director or designee first providing the permit holder a fair opportunity to correct the violation and providing a written warning that a repeat violation can result in revocation of the permit. This section does not limit enforcement through standard enforcement provisions of the Fairview Municipal Code.

#### E. Prohibitions.

1. A-board signs may not be used in residential districts excluding limited duration event signs in accordance with FMC 19.170.090(B)(5) and except when in association with legal non-conforming businesses.
2. A-board signs may not be used in association with home occupations.
3. Lights and attraction getting devices such as balloons, streamers, and flags may not be attached to an A-board sign.
4. A-board signs shall not be placed in a location that interferes with parking or vehicle circulation.

#### F. A-board Sign Standards

1. One A-board sign per storefront is allowed whether located on private property or within the public right-of-way.
2. The size of the A-board sign shall not exceed 24” wide by 42” standing height when the sign boards are in the open-standing position.
3. A-board signs must be located or otherwise secured to prevent property damage or personal injury due to movement of the sign by wind or other physical force.
4. A-board sign placement must meet clear vision requirements of Fairview Municipal Code Chapter 19.162.020(O) for clear vision areas.
5. The area of the A-board is exempt from the total allowed sign area for the site.

#### G. Placement in Public Right of Way.

1. One A-board sign may be placed within a public right-of-way adjacent to premises by the person in control of those premises. A-board signs may only be displayed in front of premises at which a business is being conducted. A-board signs may only be placed outdoors during business hours of the business for which the sign was approved.
2. A minimum 5 feet of unobstructed sidewalk clearance must be maintained. A-frame signs may be not placed on a sidewalk that is too narrow to maintain the required 5-foot minimum clearance. A-board signs may not be placed on the paved portion a public street. A-board signs shall not be placed in a location that interferes with parking.

#### H. Placement on Private Property

1. A-board signs may be placed on private property located in mixed-use, commercial, and multifamily zoning districts. A-board signs may be used in residential districts in association with legal non-conforming businesses only.

2. A-board signs may only be displayed in front of premises at which a business is being conducted. A-board signs may be placed outdoors only during business hours of the business for which the sign was approved.

3. A minimum 5 feet of unobstructed sidewalk clearance must be maintained. A-frame signs may be not placed on a sidewalk that is too narrow to maintain the required 5-foot minimum clearance.

19.170.170 Abatement of prohibited, substandard and dangerous signs. Every prohibited sign as set forth under Section 19.170.100 and those found to be unsafe are subject to immediate abatement by the City. Every sign identified by the City as being an abandoned and /or nonconforming sign is substandard and subject to abatement proceedings as set forth under Section 2.27. (Ord. 08-2009)

19.170.180 Maintenance.

All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and be maintained in a safe, neat, clean and attractive condition, free from rust, corrosion, peeling paint or other surface deterioration. Any sign structure of support that is not maintained is substandard and subject to abatement procedures. (Ord. 6-2001 § 1)



## PLANNING COMMISSION STAFF REPORT

**TO:** Fairview Planning Commission  
**FROM:** Lindsey Nesbitt, Senior Planner  
**DATE:** June 5, 2012  
**SUBJECT:** Ordinance 3-2012 Natural Resource Regulation Amendments

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### Action Requested

Provide feedback and direction to staff at the June 12, 2012 Planning Commission meeting regarding changes to the draft Natural Resource Code.

### Summary of May 22, 2012 Public Testimony

1. Objections to reducing the buffer from 50 feet to 35 feet for portions of Fairview Creek were raised. Support for maintaining a 50-foot buffer along all of Fairview creek was expressed.

The protection area for Fairview Creek is proposed to be reduced from 50 feet to 35 feet from Halsey Street north towards Smith Memorial Church.<sup>1</sup> The existing conditions adjacent to this portion of Fairview Creek provide reasoning for reducing the protection area. In most cases this section of Fairview Creek is developed with structures, driveways, roadways, and other impervious areas that are located on average 23 to 35 feet from the bank of the creek. Mitigation within the protection area will be required if development occurs within 15 feet of the 35 foot protection area. The intent of the mitigation requirement is to re-vegetate the creek corridor and provide environmental enhancements to the functions of the corridor. The buffer in this area will be 35 feet on each side of the centerline of the creek. The overall buffer width will be 70 feet.

2. Concerns were raised that allowing development in only degraded areas provides incentive to let the riparian area become degraded.

This was a concern also raised by the Planning Commission early on in the process. If a property owner intentionally allows the resource area to become degraded, code enforcement action would be utilized to ensure the resource area is brought back into compliance. The code also clearly limits removal of native vegetation without first obtaining a permit. Table 19.106.040(B) in the draft amendments provides permitted and prohibited uses, including the prohibition of clearing of native vegetation within resource protection areas.

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<sup>1</sup> The development code and proposed map show/describe the exact location where the buffer increases to 50-feet.

3. The buffer width for streams and creeks should be measured from the centerline of the water feature.

The Planning Commission expressed support of measuring the protection areas from the centerline of the creek or water resource area. Staff will provide draft code language supporting this at the June 12 Public Hearing. Staff does not recommend applying the centerline measurement to the Columbia River or Fairview Lake and proposes to continue to measure the protection area setback from the top of bank for these two resources.

4. Map amendments should be reviewed through the Type I process and the final map amendment should be the responsibility of the City. This creates an easier process for property owners to amend resource maps.

The proposed code provides a Boundary Verification and a Map Amendment and Administration process, which is currently not provided in the resource code. The process allows for a property owner to request changes or amendments to the resource map. Type I applications may be approved by staff when discretion is not required and clear and objective standards apply. The requirement of discretion is necessary when determining whether or not a mapped resource boundary should be amended. Therefore map amendments cannot be decided through the Type I process. The draft code provides map amendment decisions to be reviewed through the Type II process which requires public notice and allows for public comment on the proposed map amendments. If a decision is made to amend the map, the City of Fairview will be responsible for making the needed changes to the map once the Type II process is complete.

5. Re-establishment of Nonconforming Rights.

The development code requires structures that are destroyed by more than 75% of its current value, as assessed by Multnomah County, shall be re-constructed only in conformity of the development code. When nonconforming use of the property stops for more than a 12 month period, only new uses permitted in the underlying zone shall be permitted.

Comments were received that the nonconforming requirement should be reconsidered and that a one year period was not enough time for a property owner to re-establish the nonconforming rights. Staff met with property owners to further discuss this issue. It was requested that the code be amended to allow nonconforming structures destroyed due to any cause (not just natural causes, this would include intentional demolition) to be rebuilt for up to 20 years from the date destruction occurred.

Staff seeks Commission feedback regarding adequate amount of time to allow a property owner to re-establish nonconforming rights for structures within mapped resource protection areas. The Commission expressed concern that the one year time limit does not provide adequate time for a property owner to re-establish nonconforming development rights. Staff will present draft code at the June 12 meeting for Planning Commission consideration.

6. Testimony was given that in some cases specific uses, such as planned developments can be exempt from the Title 13 Natural Resource code requirements. Consideration was requested to develop a special resource overlay district to support water front development and development for the USS Ranger.

Staff discussed the issue of omitting the no practicable alternatives criteria for development within the resource protection area with Metro. The City may exempt specific areas from Title 13/Natural Resource requirements through this code amendment process. However, when the areas exempted are to be developed through a master plan process, natural resource regulations and protection must be addressed through the master plan process. The natural resource code requirements will still apply, implementation of them will be deferred to the master plan process.

Testimony was received regarding the water front development site and for the USS Ranger. This development site is mapped with two wetlands, Salmon Creek, and the Columbia River. Testimony was provided that the ideal river front pedestrian development for this site would be similar to the Downtown Portland Eastbank Esplanade or the south waterfront near the OHSU campus. With the current requirements and limitations of the 50-foot buffer along the Columbia River, development of this type of water front use might be difficult.

The City may adopt a special resource overlay district for this area in anticipation of the river front development. Staff plans to discuss this concept with the Commission on June 12 and to seek feedback and direction on this topic. If the Commission wishes to pursue this option staff will work with the developer of the site to draft code for Commission consideration.

Or, the Commission may adopt a zone similar the Agricultural Holding (AH) zone. The AH zone allows the current uses to continue. However, when the site is redevelopment it must be rezoned General Industrial (GI) and comply with GI uses and standards. The Commission may adopt the proposed resource protection areas, and when the property is rezoned and the master plan is developed, adoption of a resource code that incorporates the proposed river front development may be considered.

7. Concerns were raised about the costs to developers needing to demonstrate no feasible alternatives. This requires an applicant to pay a consultant to draft multiple site plans and in most cases does not provide clear criteria as to what no feasible alternative means, or how one demonstrates this.

The no feasible alternatives is a common requirement for natural resource codes and is a requirement in the Metro Title 13 Model Ordinance. The model ordinance requires applicant to avoid, minimize and mitigate development within resource protection areas. The city's existing resource code also requires demonstration of no feasible alternatives prior to permitting development within in buffer areas.

Staff discussed removing the requirement to demonstrate no feasible alternatives with Metro. The Commission may consider removing to no feasible alternatives requirement for development within the protection areas because the code still provides the following:

- Development is limited to no more than 50% of the protection area width and the protection area cannot be reduced to less than 35 feet on each side, measured from center line of creek.
- A Habitat Assessment form will still be required, and development will be allowed only in the already degraded areas.
- Vegetation mitigation will be required.

8. Will the city consider the establishment of a mitigation bank for vegetation mitigation requirements?

Mitigation standards call for replacement of more trees than are removed (in order to accommodate an 80% survival rate, and replace to the greatest extent possible canopy that is lost from removal of mature trees). In some cases it may not be feasible to provide all landscaping on a development site. A request has been made to develop code allowing an applicant to demonstrate that all landscaping cannot be provided on site, and that trees and shrubs may be put into a mitigation bank to be used elsewhere in the city. The mitigation bank vegetation may be used on city properties to enhance public parks, or to enhance resources on private properties.

Currently the draft code allows for an alternative landscaping plan in the event the mitigation requirements cannot feasibly be placed on the development site within the resource protection area. Staff will rework the mitigation requirements and create draft language demonstrating how the mitigation bank could work for discussion at the June 12 meeting.

9. Shade mapping mitigation requirements. Concerns were raised that the calculations required for the shade mapping were cumbersome and confusing. Concerns were also raised that the shade category may change on a property over time as vegetation continues to grow and mature.

Staff recommends amending the vegetation mitigation requirements to make them more user friendly and will present some options to the Commission on June 12.

10. Questions were raised as to why the Columbia River is being mapped with a 50-foot protection area.

Portions along the Columbia River are in excellent condition regarding resource value and in some areas, typically the general industrial areas, the riparian area is highly degraded. The 50-foot protection area is the current code standard. The intent is to allow existing uses to continue, however if the sites are redeveloped establishment of the 50 foot protection area will be required. As discussed above in item number 5, establishment of special resource protection districts can be adopted.

11. Concerns were raised regarding whether or not a smaller buffer for Osburn Creek, specifically adjacent to Dirt and Aggregate and Pelfrey Shore subdivision properties was “grandfathered” in. It was stated that the buffer on this portion of the creek has been changed many times and the property owners were told that they were “grandfathered” in with a buffer less than 50 feet. The resources adjacent to the Pelfrey Shores development are protected in a separate tract. The subdivision development was created around the resources with the buffers taken into

consideration and mapped in a separate tract. It was requested that the commission consider mapping this area similar to how properties within Fairview Village are mapped, by mapping the existing tract rather than applying a generalized 50-foot buffer.

Staff agrees with the concerns regarding mapped protection areas that are preserved through conservation tracts created from previous developments. The generalized protection areas were proposed for ease of applying the development code. Each mapped tract varies in size and does not necessarily have a set protection area width. These areas cannot be developed as the development occurred around the tract and the tracts were set aside as mitigation and for compliance with environmental requirements. If directed by the Planning Commission staff will incorporate code language and a map delineation for these specific areas.

Grandfathering a smaller buffer for Osburn creek adjacent to Dirt and Aggregate property .

The existing development code and resource map require a 50-foot buffer on this portion of Osburn Creek. An aerial photograph in Attachment \_\_\_ shows that the 50-foot protection area is mostly consistent with the existing vegetation. There are a few buildings and a few small paved areas that encroach into the 50-foot protection area, and it is also degraded in other areas. The property is located in the Commercial Corridor zone and is an excellent site for redevelopment at this site. The Commission may want to reduce the protection area from 50 feet to 35 feet in order to accommodate commercial development. With a 35 foot buffer on each side of the creek (measure from centerline of the creek) a 70 foot wide buffer will still be provided.

### Next Steps

1. Provide direction to staff on the following items:
  - a. Maintaining the reduced buffer for apportion of Fairview Creek at 35 feet on each side of the creek.
  - b. Measuring the resource protection area from the center line of the creek to create a clear and consistent form of measurement. By measuring from the center line of the creek, the 75 foot buffer will create a 150 foot corridor, the 50 foot buffer will create a 100 foot corridor, and the 35 foot buffer will create a 70 foot corridor.
  - c. Increasing the nonconforming compliance deadline to greater than 1 year. Property owners have proposed amending the code to allow 20 years for the re-establishment of nonconforming rights.
  - d. Developing code language that creates a special overlay area for river front development along the Columbia River.
  - e. Eliminating the requirement for an applicant to demonstrate no feasible alternatives.
  - f. Creating code language supporting a vegetation mitigation bank.

- g. Alternative mitigation options.
  - h. Mapping environmental tracts from previous developments.
  - i. Reducing the protection area for a portion of Osburn Creek.
- 2. Based on feedback at the June 12, 2012, staff will draft revisions to the proposed code and present to the Commission at the June 26 meeting.
- 3. Planning Commission adoption on June 26, 2012.
- 4. City Council adoption on July 18, 2012.