



PLANNING COMMISSION MEETING

Tuesday, February 11, 2020, 6:30 PM
Fairview City Hall – Council Chambers, 2nd Floor
1300 NE Village Street, Fairview, OR 97024

MEETING AGENDA

1. **CALL TO ORDER & ROLL CALL:** 6:30 p.m.
2. **CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**
3. **ADOPTION OF MEETING MINUTES FROM JANUARY 14 AND 28, 2020**
4. **PUBLIC HEARINGS**

- a. **File Number 2019-62-ZC**
Type III Quasi-Judicial Procedure

Summary: Amendment to the City of Fairview Zoning Map from Agricultural Holding (AH) to General Industrial (GI) for the Port of Portland's Troutdale Reynolds Industrial Park (TRIP) Fairview lot on the north side of NE Marine Drive.

Applicable Fairview Municipal Code Criteria:

- | | |
|-------------------|---|
| FMC 19.205.020 | Amendments: Criteria |
| FMC 19.413.030 | Procedures: Type III Procedures |
| FMC 19.413.040(G) | Type IV Procedures: Decision Making Consideration |
| FMC 19.470 | Land Use District Map & Text Changes |

4. **TENTATIVE AGENDA**
5. **ADJOURNMENT**

NEXT PLANNING COMMISSION MEETING: TUESDAY, MARCH 10, 2020

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

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting to the [City Recorder](mailto:CityRecorder@fairvieworegon.gov), 503-674-6224.



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, January 14, 2020

PRESENT: Hollie Holcombe, Chair
Jeff Dennerline
Russell Williams, Vice Chair
Wendy Lawton
Steve Owen
Bill Peterson

ABSENT: Steven Hook

STAFF: Sarah Selden, Senior Planner
Carolanne Fry, Associate Planner
Devree Leymaster, City Recorder

1. CALL TO ORDER

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

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

None.

3. INTRODUCTIONS: NEW COMMISSIONER & STAFF MEMBER

Introductions were made between the Commissioners and new Planning Commissioner Bill Peterson and the new Associate Planner/Code Compliance Officer Carolanne Fry.

4. ADOPTION OF MINUTES: NOVEMBER 12 & DECEMBER 10, 2019

Vice Chair Williams moved to approve the minutes and Commissioner Lawton seconded. The motion passed by majority.

AYES: 5

NOES: 0

ABSTAINED: 1 – Commissioner Peterson

5. ELECTION OF CHAIR AND VICE CHAIR FOR 2020

Commissioner Williams nominated Chair Holcombe to continue as Chair for a second term and Commissioner Dennerline seconded. The motion passed unanimously.

AYES: 6

NOES: 0

ABSTAINED: 0

Commissioner Owen nominated Vice Chair Williams to continue as Vice Chair for a second term and Commissioner Dennerline seconded. The motion passed unanimously.

AYES: 6

NOES: 0

ABSTAINED: 0

6. WORK SESSION

Planning Commission Work Plan for 2020

Senior Planner Selden briefed the Commission on anticipated hearings and planning projects as referred to in Exhibit A.

SP Selden asked what training opportunities, goals, and what projects are the highest priority as time and resources allow.

Training

Commissioner Dennerline requested an annual legal training with City Attorney Chris Crean. Commissioner Lawton proposed training for the middle housing legislation, brief context and impact, and would like to learn more about land trusts and how they operate.

Goals

Commissioner Lawton shared she would like to see the Commission be involved and supportive of the Halsey Corridor project, assist the Mayor and City Council; would like to review design standards; and look at what it would take, the scope, of updating the Comprehensive Plan. Chair Holcombe proposed a housing needs analysis, including finding the funding.

Commissioner Peterson inquired about the status of the mixed use definition. SP Selden replied the code amendments including the definition have been adopted and are in effect. She briefly reviewed the definition.

Commissioner Dennerline commented on the discrepancy in the code regarding the time frame for how long a decision is active; one year or two years. SP Selden replied this is included in the list of housekeeping amendments. In practice, the two year time frame (project approval to starting the project) is what is being enforced.

Commissioner Dennerline remarked he supports the design standard review. SP Selden noted design review will be part of the Halsey Corridor project. She proposed moving forward with this process first; great introduction to the process and lessons learned can carry over to a city-wide design review project.

Priority Projects – Time/Resources Allow

Chair Holcombe commented she would like to move through the code maintenance amendments as time allows given other projects.

Commissioner's Dennerline and Owen suggested parking standards be looked at; particularly multi-family. Commissioner Dennerline proposed increasing the number of parking spaces currently required. SP Selden recommended looking at city-wide parking after the Halsey Corridor parking standards are completed. Part of the Halsey project is having a consultant do a Pro Forma analysis of how community objectives are being met under the current code and how they would be met under a potential revised code. This could be helpful information looking at how a change in code would manifest in practice.

Commissioner Peterson remarked on the available time of planning staff and the upcoming work load. He suggested looking into getting a targeted intern to help with projects. SP Selden replied she will inquire with the Department Director about the possibility.

7. TENTATIVE AGENDA – JANUARY 28, 2020

Public Hearing: Zone Change

8. ADJOURNMENT

Meeting adjourned by consensus at 8:05 PM.

Devree A. Leymaster
City Recorder

Hollie Holcombe
Chair

Date

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

PLANNING COMMISSION WORK SESSION

2020 Commission Work Plan
January 14, 2020



WORK SESSION OBJECTIVE

- Review anticipated land use hearing and planning project list for 2020
- Identify priority project to address time permitting, and any desired training
- Discuss overall goals for Commission’s work this year

ANTICIPATED HEARINGS

1.	2018-65-Pre-App	Comp Plan Map & Zoning Map amendment associated with lot line adjustment and annexation (20101 NE Interlachen)
2.	2018-78-Pre-App	9-lot subdivision on north side of Wistful Vista
3.	2019-43-Pre-App	Site Design Review for Truck Depot development (truck parking and warehousing) 23012 NE Sandy Blvd.

ANTICIPATED HEARINGS

4.	2020-02-Pre-App	<i>NEW</i> Site Design Review for NE 223 rd and Townsend Way Light Industrial Development
5.	2020-03-Pre-App	<i>NEW</i> Site Design Review for NE Townsend Way Light Industrial Development
6.	2020--Pre-App	<i>NEW(Expected)</i> Conditional Use Review for development of new City of Fairview Well 10 facility

**PLANNING PROJECTS:
TYPE IV LEGISLATIVE AMENDMENTS**

CONFIRMED:

- **Halsey Street Code Updates**
Level of Effort: High
PC Meetings: March, May, November (work session)
- **Transportation System Plan (TSP) Amendment to incorporate Halsey Street capital improvement projects**
Level of Effort: Low-Medium
PC Meetings: Tentatively April work session, May hearing

**PLANNING PROJECTS:
TYPE IV LEGISLATIVE AMENDMENTS**

PENDING ADDITIONAL INFORMATION:

- **Food Carts / Pods**
Pending results of feasibility study
Level of Effort: Medium/High
PC Meetings: 1 additional work session, public hearing
- **Fairview Lake Riparian Setback**
Pending staff outreach to lake property owners, and additional problem identification
Level of Effort: Medium/High

**PLANNING PROJECTS:
TYPE IV LEGISLATIVE AMENDMENTS**

FUTURE ITEMS LIST:

- **Parking Standards**
Listed by Commission in 2018-19
Level of Effort: High
Staff Recommendation: TCC parking standards to be looked at during Halsey Code Update project. Hold scoping of other zones until TCC update complete.
- **Tree Removal on Development Sites/Private Property**
Listed by Commission in 2018-19
Level of Effort: High
- **HB2001 Middle Housing Implementation (pending State rulemaking, model code, technical assistance grants)**
Briefings in 2020. Code updates to be adopted by June 30, 2022

PLANNING PROJECTS

ANNUAL ITEMS

- **Committee on Citizen Involvement Meeting**
- **Joint Meeting with City Council**

DISCUSSION

- Does the Commission have any overall goals for its work this year?
- If time allows, which of the already identified items or new items would the Commission like to undertake?
- Are there any training topics that should be scheduled?



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, January 28, 2020

PRESENT: Jeff Dennerline
Wendy Lawton
Steve Owen
Bill Peterson
Steven Hook

ABSENT: Hollie Holcombe, Chair
Russell Williams, Vice Chair

STAFF: Sarah Selden, Senior Planner
Carolanne Fry, Associate Planner
Devree Leymaster, City Recorder

1. CALL TO ORDER

As secretary to the Commission, City Recorder Leymaster called the meeting to order at 6:30 PM as the Chair and Vice Chair were not present.

2. APPOINT CHAIR PRO TEM

Commissioner Owen nominated Commissioner Hook for Chair Pro Tem and Commissioner Dennerline seconded. The motion passed unanimously.

3. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

None.

4. PUBLIC HEARING

File Number 2019-60-ZC-CPS

Chair Pro Tem Hook read the Opening Hearing Statement for a Quasi-Judicial, land use, Hearing. Senior Planner Selden cited the applicable criteria.

SP Selden reviewed the staff report as reflected in the presentation. (Exhibit A) In summary, the applicant is requesting a zone change and comprehensive plan map change for two parcels in Townsend Farms to change the Corridor Commercial designation back to General Industrial due to market conditions and demand. She noted staff recommends approval of the application subject to the conditions of approval listed in the staff report.

Lee Leighton, Mackenzie, Portland, OR, applicant representative had no new information to provide, but was available to answer questions.

Chair Pro Tem Hook asked if anyone would like to speak in favor of, neutral, or opposition to the application. Hearing none, Chair Pro Tem Hook closed the public hearing.

During discussion Commissioner Lawton asked if there was a particular plan to develop the property. Mr. Leighton replied not at this time; this change will allow for a general industrial type of use. SP Selden noted she would anticipate the Commission would see any proposal during design review for the proposed development.

Commissioner Lawton inquired about the open space and natural resources; protection for the creek and trees. SP Selden answered there is riparian buffet on the site with a 40 foot buffer for the creek moving north to south. She noted the east, west riparian buffer is a mapping error that will be corrected and tree protection/removal will be reviewed at the time of the development application; applicable criteria will apply.

Chair Pro Tem Hook inquired about page 2 of exhibit C; “proposal also includes a Comp Plan text amendment...”. SP Selden replied the text amendment was already done.

Commissioner Owen moved to recommend the City Council approve 2019-60-ZC-CPA and adopt Ordinances 2-2020 and 3-2020. Commissioner Dennerline seconded. The motion passed unanimously.

AYES: 5

NOES: 0

ABSTAINED: 0

5. TENTATIVE AGENDA – FEBRUARY 11, 2020

Public Hearing: Zone Change from Agricultural Holding to General Industrial.

Commissioner Peterson asked why the Commission does not adopt the findings. SP Selden explained the practice has been if there are no changes to staff recommendations and findings the meeting Chair will sign the written findings following the meeting. If changes to the findings were made, then the amended findings are brought back to the Commission to review and adopt.

Commission discussed the Tree City USA program. Fairview is not a Tree City. There was some interest by the Commission to explore tree preservation and code requirements. SP Selden noted Public Works does look for grants to assist with natural resource rehabilitation and improvements.

Commissioner Lawton asked if Fairview participates in the Backyard Habitat Program. CR Leymaster replied yes. The information is on the city website and some citizens have participated.

Commissioner Peterson asked if tax lot consolidation could be required, referring to the 30 foot wide parcel that was identified during the public hearing. SP Selden answered consolidation would be addressed during the site design process.

6. ADJOURNMENT

Meeting adjourned by consensus at 7:12 PM.

Devree A. Leymaster
City Recorder

Steven Hook
Chair Pro Tem

Date

**PLANNING COMMISSION
PUBLIC HEARING**

2019-60-ZC-CPA
Townsend Farms
Zone Change and
Comprehensive Plan Map
Change

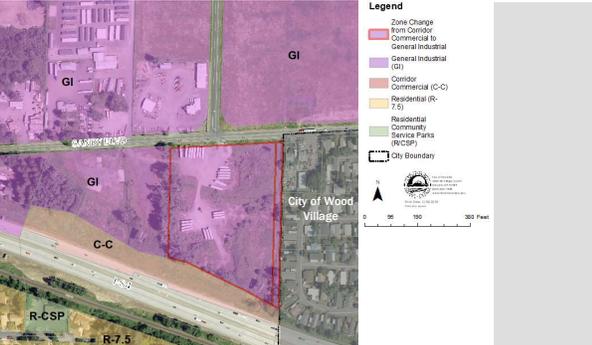
January 28, 2020



SITE LOCATION



PROPOSED ZONING DESIGNATION



PROPOSED COMPREHENSIVE PLAN MAP DESIGNATION



BACKGROUND

2007 Planning Commission approval for zone change and comprehensive map amendment

- Comp plan change from industrial to commercial
- Zone change from industrial to corridor commercial

Applicant requests to change designation back to industrial due to market demand

- Comp plan change from Commercial to General Industrial
- Zoning change from Corridor Commercial to General Industrial

ZONE & COMP PLAN CHANGE CRITERIA

FMC: 19.205.020: Criteria

- A. *The amendment will not interfere with the livability, development or value of other land in the vicinity of site-specific proposals when weighted against the public interest in granting proposed amendment.*
- B. *The amendment will not be detrimental to the general interests of the community.*
- C. *The amendment will not violate the land use designations established by the comprehensive land use plan and map or related text.*
- D. *The amendment will place all property similarly situated in the area in the same zoning designation or in appropriate complementary designations without creating inappropriate "spot zoning".*

ZONE & COMP PLAN CHANGE CRITERIA

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

1. Statewide planning goals and guidelines

Compliance with Goal 1: Citizen Involvement, Goal 9: Economic Development, Goal 11: Public Facilities and Services, and Goal 12: Transportation

2. Comments from applicable federal or state agencies

No comments received

3. Applicable Intergovernmental agencies

Comment received from Multnomah County Transportation Department concurring with transportation analysis submitted with application.

ZONE & COMP PLAN CHANGE CRITERIA

4. Applicable Comprehensive Plan policies

Chapter 3 – Community Building

Goal: to provide sufficient land to accommodate growth to the year 2020, and provide for the orderly development of that land.

Sandy Blvd Goal: The NE 223rd Avenue and Sandy Blvd. Intersection should be used as a dividing line for land uses with the corridor...To the east of the intersection, industrial uses should dominate...

Chapter 5 – Open Space, Scenic and Historic Areas and Natural Resources

Goal: To conserve open space and protect natural and scenic resources.

Chapter 9 – Economic Development

Goal: To attract family-wage jobs, clean industry and businesses to serve local needs.

Chapter 12 – Transportation

Goal: To provide and encourage a safe, convenient and economical transportation system.

Chapter 13 – Energy Conservation

Goal: To assure that urban land use activities are planned, located and constructed in a manner that maximizes energy efficiency.

ZONE & COMP PLAN CHANGE CRITERIA

19.470.600 Transportation planning rule compliance.

- No significant impact on transportation system
 - Sandy Blvd is a Minor Arterial, a roadway type intended to “provide major links in the regional road and bikeway networks; provide for truck mobility and transit corridors”.
 - New zoning designation is consistent with Comprehensive Plan, and zoning and use of surrounding area.
 - None of the permitted uses in the GI District have higher potential trip generation than uses permitted in the CC District.

COMMISSION ALTERNATIVES

- Recommend City Council adoption of draft Ordinance 2-2020 and Ordinance 3-2020, based on the staff findings in this report.
- Recommend City Council adoption of Ordinance 2-2020 and Ordinance 3-2020, with revised findings.
- Continue the Public Hearing if additional information is needed.

STAFF RECOMMENDATION

Staff recommends that the Commission make the following motion to recommend City Council approval of the comprehensive plan map amendment and zone change:

“Move to recommend that City Council approve 2019-60-ZC-CPA and adopt Ordinance 2-2020 and Ordinance 3-2020.”



**STAFF REPORT
TYPE III – QUASI-JUDICIAL AMENDMENT
FINDINGS AND RECOMMENDATION**

Date of Report: February 4, 2020

Hearing Date: February 11, 2020

Staff Contact: Sarah Selden, Senior Planner

Application Number: 2019-62-ZC

Applicant: Port of Portland

Proposal: Amendment to the City of Fairview Zoning Map from Agricultural Holding (AH) to General Industrial (GI) for Map and Tax Lot Numbers 1N3E22-00300 and 00303 on NE Marine Drive.

Exhibits:

- A. Draft Ordinance 5-2020 (Zone Change)**
- B. Application Narrative and Exhibits**
- C. Written Comments**
 - 1. Multnomah County Transportation Comments
- D. Planning Commission Findings**
(reserved for Council hearing)
- C. Minutes**
(reserved for Council hearing)
- D. Staff Reports**
(reserved for Council hearing)

I. NOTICES & REFERRALS

Agency Notice/Referrals:

The Department of Land Conservation and Development (DLCD) and Metro were sent the required 35-day notice of public hearing and draft amendments on January 7, 2020.

City of Troutdale, Multnomah County Transportation, and Multnomah County Drainage District were sent notice on January 16, 2020.

Public Notice Date/Type:

A notice of public hearing was published in the Gresham Outlook on January 22, 2020, in accordance with FMC 19.413.030, Type III procedures.

Property owners within 250 feet of the site location were mailed notice on January 22, 2020, in accordance with FMC 19.413.030, Type III procedures.

The site(s) was posted 10 days prior to the hearing in accordance with FMC 19.413.030.

At the time of this report, the City has not received any written testimony from the public.

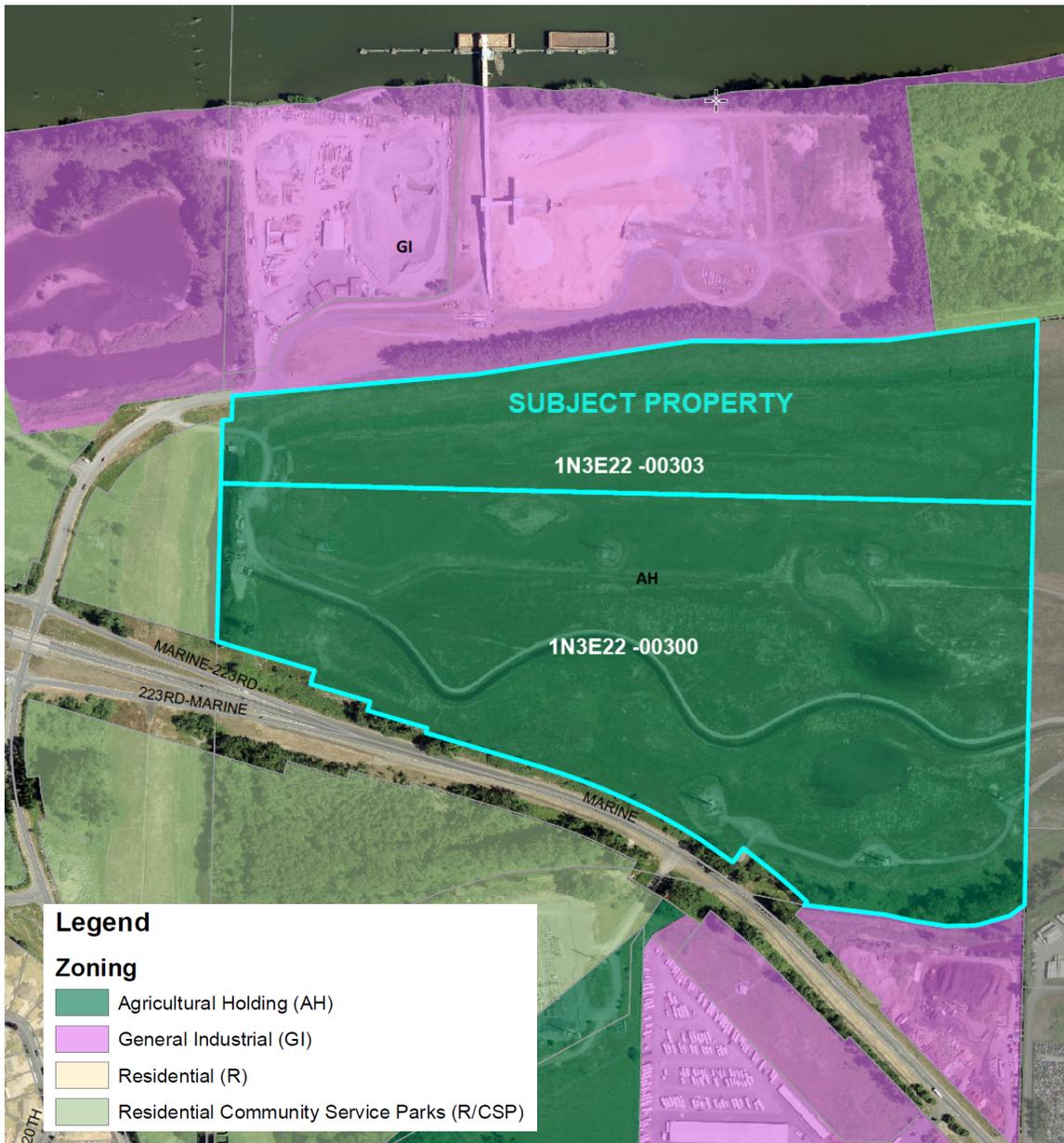
II. APPLICABLE CRITERIA

- FMC 19.205.020 Amendments: Criteria
- FMC 19.413.030 Type III Procedures
- FMC19.413.040 Type IV Procedures (Legislative)
- FMC 19.470.300 Quasi-Judicial Amendments
- FMC 19.470.600 Transportation planning rule compliance

III. BACKGROUND AND SUMMARY OF ISSUES

This application is a request for a change in zoning designation from Agricultural Holding (AH) to General Industrial (GI) for Map and Tax Lot Numbers 1N3E22-00300 and 00303 on NE Marine Drive. The site is currently vacant and not being used for agricultural purposes.

The purpose of the Agricultural Holding (AH) zone, as stated in the Development Code (FMC 19.25 Agricultural Holding Zone) is “primarily as a holding zone to be used for agricultural uses until the land is developed for industrial purposes.” The zoning district applies to a limited number of parcels in areas north of Interstate 84 that abut the General Industrial (GI) zone. All Agricultural Holding-zoned land is designated in the Comprehensive Plan as General Industrial, consistent with the intent stated in FMC 19.25 for that land to be converted to industrial uses. If the subject parcels are rezoned, two parcels will remain in the Agricultural Holding Zone; these are located south of Marine Drive in the vicinity of PGE’s Blue Lake Substation (one of which is owned by PGE).



FMC: 19.205.020: Criteria

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

FINDING: The site is bordered by General Industrial zoning to the north, Residential Community Service Parks to the west, General Industrial and Residential Community Service Parks (across NE Marine Drive) to the south, and the City of Troutdale General Industrial zoning to the east.

Re-zoning the parcel consistent with its Comprehensive Plan land use designation would not interfere with the livability, development or value of other land in the vicinity. This criterion is met.

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

FINDING: Zoning this site for industrial uses will implement the goals of the Fairview Comprehensive Plan, ensure consistency with the Comprehensive Plan land use designation, and will benefit the community through a higher tax base compared to agricultural use of the property. This criterion is met.

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

AND

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

FINDING: The zone change implements the Comprehensive Plan land use designation of General Industrial. As discussed above the site is bordered by General Industrial land to the north, Residential Community Service Parks to the west, General Industrial and Residential Community Service Parks (across NE Marine Drive) to the south, and the City of Troutdale General Industrial zoning to the east. Re-zoning the lots would provide greater overall land use consistency in the area. These criteria are met.

FMC 19.413.030 *Type III Procedures (quasi-judicial).*

FMC 19.413.040.A states that the Type IV process applies to map amendments and FMC 19.470.300 requires the Type III review process for a specific zone change. This application will be reviewed under a Type III amendment process, with additional noticing and criteria met as required for legislative amendments. Per FMC 19.470.300, Quasi-judicial Amendments, the Planning Commission shall make a recommendation to the City Council on a land use district change application. The City Council shall decide on the application. Public notice is required and was provided as described under Section II. Notices & Referrals.

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

FMC Table 19.413.050, Summary of Development Decisions/Permit by Type of Decision-Making Procedure, also identifies zone changes and Comprehensive Plan Map amendments as Type IV decisions. The following Type IV decision-making criteria have been considered in this application:

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

1. Statewide planning goals and guidelines

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The Economic Development goal calls for cities to inventory areas suitable for economic activity and adopt Comprehensive Plans that provide for an adequate supply of sites for a variety of industrial and commercial land uses. Fairview's 2004 Comprehensive Plan designated all remaining agricultural land for future general industrial use to help provide viable economic activity in the city. This policy direction implements Statewide Planning Goal 9. The proposed zone change is consistent with this Goal 9.

2. Comments from applicable federal or state agencies

DLCD: Staff sent notice of the proposed zone change to DLCD as part of the required 35-day notice, and received no comments.

3. Applicable intergovernmental agencies

Metro: Staff sent notice of the proposed zone change to Metro as part of the required 35-day notice, and received no comments.

4. Applicable Comprehensive Plan policies

Chapter 4 – Agricultural Lands

Goal: *To urbanize all remaining agricultural land in the Fairview Planning Area.*

The Comprehensive Plan background information states that small parcel sizes, incompatible neighboring land uses and high property taxes make farming uses economically unfeasible in Fairview. Further, the Multnomah County Comprehensive Plan, previously applied to unincorporated Fairview, proposed urban use of all remaining agricultural lands.

Policy 1:

The City of Fairview can and should provide public services and facilities to the areas inside the planning area currently zoned for agricultural use. The timing and manner in which services would be provided are described in Chapter 3, Community Building Policies 7-14. The agricultural land shall be developed consistent with the Comprehensive Plan.

FINDING: Re-zoning the parcel from AH to GI implements the Agricultural Lands goal of the Comprehensive Plan, and is consistent with the Comprehensive Plan Map designation for the parcel. In reference to the timing and manner in which urban services are provided to support development, Comprehensive Plan Community Building Policy 7 states that “New urban development (e.g., residential subdivisions, commercial, or industrial) may only occur when the site is provided with public streets and it is determined that water, sanitary sewer, and, if required, storm drainage facilities, are available to the premises before or in conjunction with development. Any future development of industrial buildings on the subject will require significant infrastructure improvements. The zone change will facilitate a future application for an interim low-impact solar power facility that does not require traditional urban services. This goal and policy are met.

Chapter 9 – Economic Development

FINDING: The subject parcel does not abut any residentially-zoned land, and access is not available from any local residential streets. This goal and policy are met.

Chapter 19.470 – Land Use District Map and Text Amendments
19.470.300 Quasi-judicial amendments.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

- 1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;*
- 2. Demonstration of compliance with all applicable standards and criteria of this code, and other applicable implementing ordinances;*
- 3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application.*

FINDING: The proposed zone change will implement the existing Comprehensive Plan map designation of General Industrial and the policies of the Comprehensive Plan, as demonstrated in the findings for FMC 19.413.040(G), above. The agricultural holding zone was applied to agricultural lands in Fairview with the intent that land would be rezoned for industrial uses when economic and market changes supported a non-agricultural use within the urban area. Since the Agricultural Holding zone was created, the northeast section of Fairview has continued to transition from vacant and agricultural land to industrial development, and the Port's request is consistent with the change occurring in the area. Demand for solar energy production and existing site constraints present an opportunity for a new use on the subject property, subject to the zone change. These standards are met.

19.470.600 Transportation Planning Rule Compliance

- A. *When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility consistent with OAR 660-012-0060.*
- B. *Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:*
 - 1. *Limiting allowed land uses to be consistent with the planned function of the transportation facility; or*
 - 2. *Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or*
 - 3. *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.*

FINDING: The proposed zone change is not associated with a change of use or a new site development. Per OAR 660-012-0060(1): A plan or land use regulation amendments significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment

may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

FINDINGS: NE Marine Drive is a Multnomah County roadway classified as a Major Collector. The Multnomah County Transportation System Plan provides the following description of this road classification: “Major Collectors serve several purposes including linking neighborhoods to the regional system of bicycle and automobile streets, and basic transit services. They typically provide direct access between residential and commercial developments, schools and parks and carry higher volumes of traffic than neighborhood streets. Major collector streets are also utilized to access industrial and employment areas and other locations with large truck and over-sized load volumes.”

The General Industrial zoning designation is consistent with the Major Collector classification to “access industrial and employment areas and other locations with large truck and over-sized load volumes.” Reconstruction of Marine Drive to current Multnomah County standards is currently listed on the Regional Transportation Plan as a medium-term (2026-2035) project.

This application is not associated with new site development or change of use, but rather is applying a zoning designation consistent with the property’s designation under the Fairview Comprehensive Plan. No change to the functional classification or traffic levels are anticipated as a result of this zone change that would significantly impact the transportation facility as described above. Proposals for future development would be required to include transportation impact analyses as required by applicable City standards and provide mitigation as deemed necessary. This application was routed to Multnomah County Transportation, who submitted comments stipulating their requirement for a transportation impact study to be submitted prior to application for any development or building permit (see Exhibit C-1).

VI. CONCLUSION AND RECOMMENDATIONS

Staff finds that the requested zone change complies with all applicable decision-making criteria and recommends that the Commission make a recommendation to City Council for adoption of the zone change by Ordinance 5-2020.

Suggested motion for the Commission:

“Move to recommend that City Council approve 2019-62-ZC and adopt Ordinance 5-2020 based on the staff findings in this report.”

PLANNING COMMISSION ALTERNATIVES

1. Recommend City Council adoption of draft Ordinance 5-2020, based on the staff findings in this report.
2. Recommend City Council adoption of Ordinance 5-2020, with revised findings.
3. Continue the Public Hearing if additional information is needed.



ORDINANCE
(05-2020)

AN ORDINANCE AMENDING THE CITY OF FAIRVIEW ZONING MAP FROM AGRICULTURAL HOLDING (AH) TO GENERAL INDUSTRIAL (GI) FOR THE PORT OF PORTLAND'S TROUTDALE REYNOLDS INDUSTRIAL PARK (TRIP) FAIRVIEW LOT ON THE NORTH SIDE OF NE MARINE DRIVE, IDENTIFIED AS MAP AND TAX LOT NUMBERS 1N3E22 -00300 AND -00303

WHEREAS, the City of Fairview has previously adopted and acknowledged a Comprehensive Plan in compliance with Statewide Planning Goals; and

WHEREAS, the applicant submitted an application to amend the Zoning Map designation from Agricultural Holding to General Industrial for the following tax lots: Map Reference Number Map 1N3E22-00300 and 00303, totaling 85.83 acres (the "Subject Property");

WHEREAS, the Subject Property is designated on the Comprehensive Plan Map as General Industrial; and

WHEREAS, the Purpose statement for the Agricultural Holding Zone states that the zone is "intended primarily as a holding zone to be used for agricultural uses until the land is developed for industrial purposes"; and

WHEREAS, the Planning Commission found that the applicant demonstrated compliance with Fairview Municipal Code sections 19.205, Amendments, and 19.470 Land Use District Map and Text Amendments, as well as applicable Statewide Planning Goals; and

WHEREAS, the City Council has received from the Planning Commission its recommendation and adopted findings, together with the full staff report and background materials, and has fully reviewed and considered the same; and

WHEREAS, based upon its review and analysis of the Planning Commission's recommendations and findings, its own review of the staff reports, input received and consideration of all pertinent materials as submitted.

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

Section 1 The Zoning Map is amended by changing the zoning designation of the Subject Properties from the "Agricultural Holding" to "General Industrial".

Section 2 In support of its decision, the City Council adopts the findings contained in the Staff Report dated February 4, 2020 (the “Staff Report”). As further support, the City Council makes the additional findings:

- A. The City of Fairview presently has a Comprehensive Plan adopted and acknowledged for compliance with Statewide Land Use Goals.
- B. The proposed zoning amendment involves two lots with a combined area of 85.83 acres as shown on Exhibit “A” attached hereto.
- C. The applicable criteria in the Fairview Municipal Code and the relevant policies of the Fairview Comprehensive Plan have been satisfied, as demonstrated in the adopted findings of the Staff Report and the record of the public hearings conducted by the Planning Commission and City Council.

Ordinance adopted by the City Council of the City of Fairview, this [date] day of [month], 2020.

Mayor, City of Fairview
Brian Cooper

ATTEST

City Recorder, City of Fairview
Devree Leymaster

Date

**TRIP FAIRVIEW LOT
COMPREHENSIVE PLAN ZONE CHAGE**

**CITY OF FAIRVIEW
APPLICATION NARRATIVE**

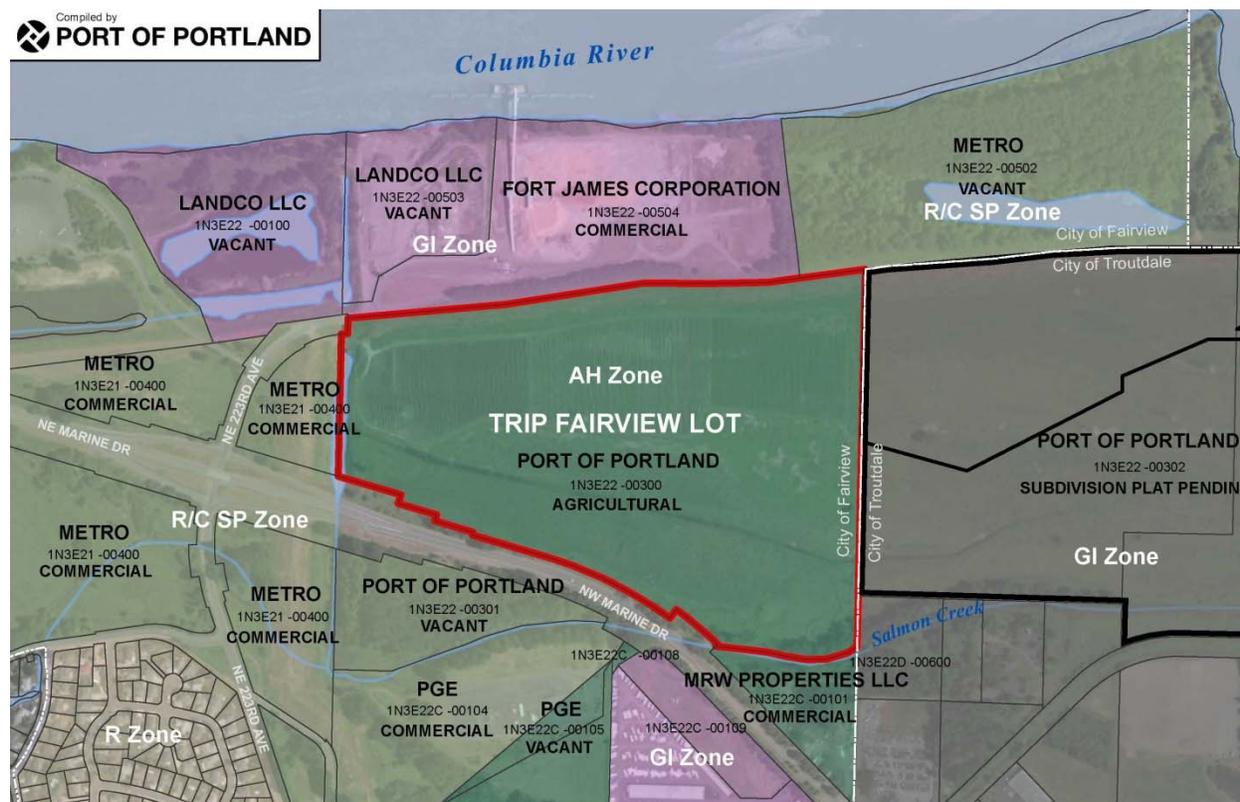
November 11, 2019

Land Use Approval

The subject site is currently owned by the Port of Portland (Port). The site is currently designated Agricultural Holding (AH) on the City of Fairview Zoning Map. The site is designated general Industrial (GI) on the Comprehensive Plan Map. Both maps have been included as exhibits with this application narrative.

The AH zone is intended as a holding zone for vacant and formerly agricultural land until future industrial development is proposed. The Port is the applicant requesting a Map Amendment to rezone the site to allow for General Industrial use in order to provide a site for a solar energy facility. Solar energy is a renewable source of energy that over time will help reduce reliance on non-renewable energy sources and help reduce carbon impacts. Solar energy is abundant, sustainable, environmentally friendly, reduces electricity costs, silent and low maintenance. Permits associated with the Solar energy facility will be submitted later by the future developer, user of the site.

Uses in the AH zone are limited to farming/timber/horticultural uses, public utilities, and accessory uses, and the current zoning would not allow for a solar facility.



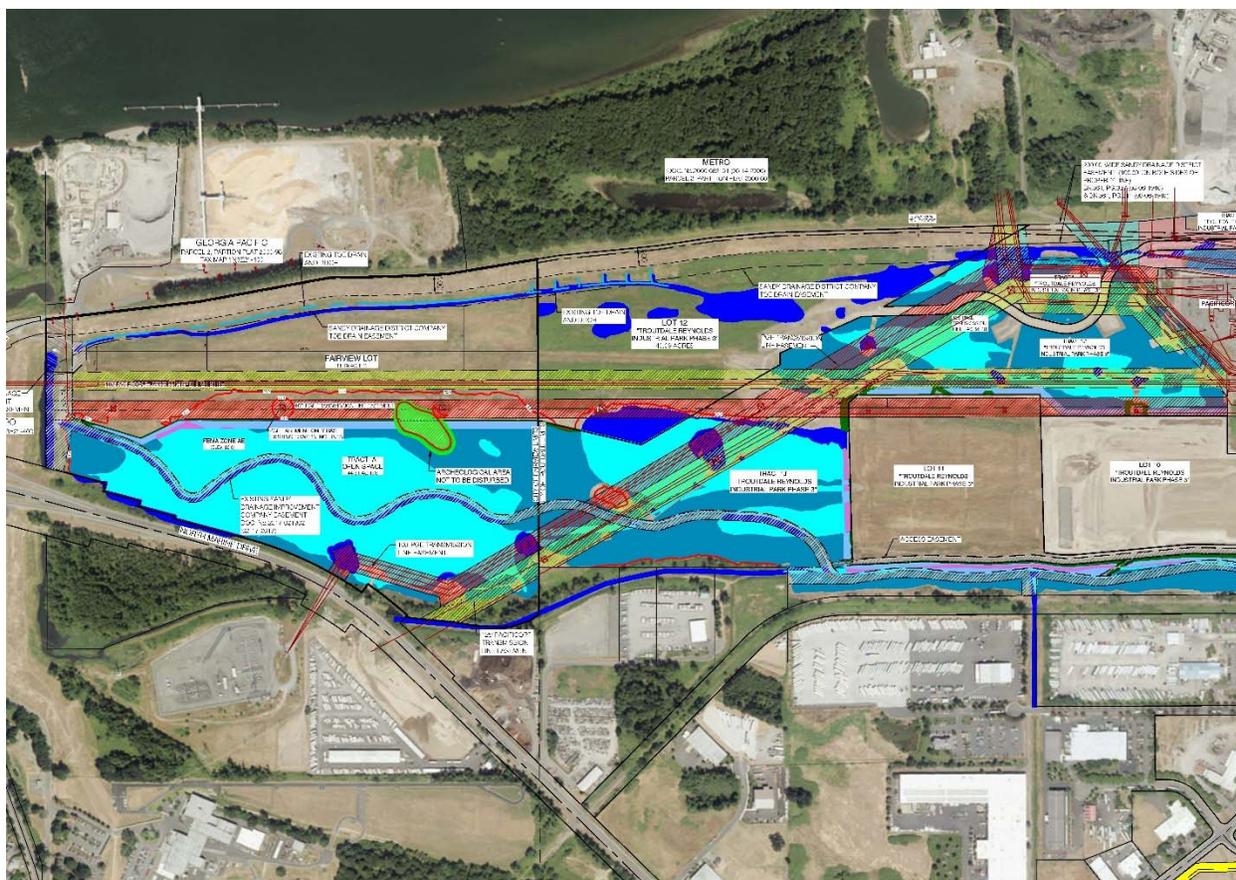
Subject site is outlined in red.

Background

In the summer of 2015 File No. 2014-39-NR the site was improved with a few environmental enhancements to restore a more natural configuration and continuum of habitat types replacing non-native and invasive plant species, improving habitat structure, processes and functions and values of the entire ecosystem. Channel floodplain storage was increased within Sundial Channel by widening

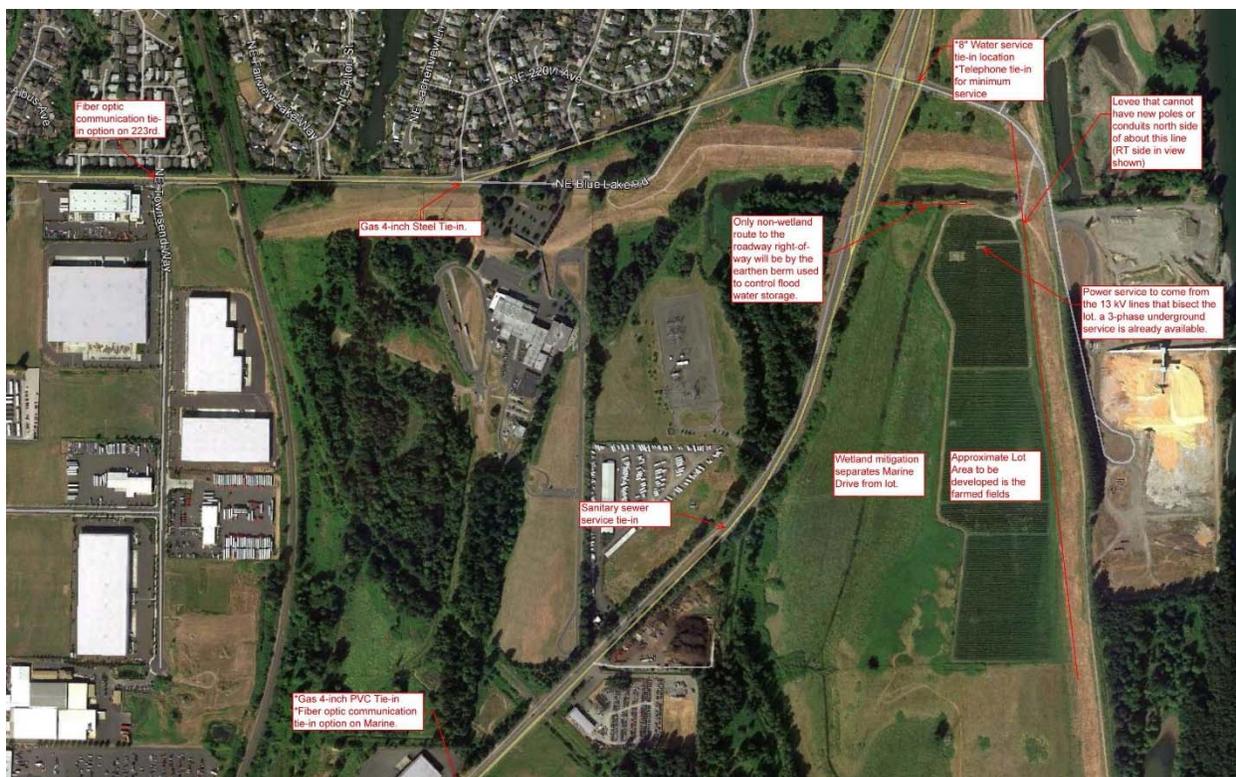
wetland benches beside the newly enhanced meandering channel. Total flood storage volume was increased by approximately 82,000 cubic yards as a result of the proposed improvements. Invasive species in and around the wetlands were removed and replanted with native plants.

The mass site grading work and environmental enhancements supported the foundation for the creation of one rough graded future development lot in the city of Fairview. Even with the site improvements described above the Fairview lot has proved to be a challenge in terms of developable area. The site remains severely constrained with a 100-foot-wide PP&L and 100-foot-wide PGE easement easements bisecting the southern portion of the property. No buildings can be constructed under the areas reserved for electricity transmission and distribution. On the north the site is bordered by the levee which also poses a challenge in consideration of impacts associated with excavation and improvements in and around the levee encroachment zone. The levee encroachment zone is highly regulated by the Army Corps. Of Engineers. The north portion of the site remains undeveloped and is currently not in use.



Constraints Map Fairview Site

Utility extensions and frontage improvements associated with supporting a General Industrial use other than solar far exceed costs for lots of similar size in the area. The price per square foot for lot development far exceeds industry standards.



Fairview Lot Utility Tie -In Location Figure

Project Proposal: The applicant requests approval to rezone the site to General Industrial.

Property Description: Multnomah County Assessor's Map 1N-3E-22, Tax Lot 300

Site Size: 85.83 Acres

Current Zoning: Per the City of Fairview Zoning map the site is currently zoned for Agricultural Holding or (F-2).

Comprehensive Plan Designation: General Industrial (GI)

Natural Resources located on site include: Trees, Flood Plain, Wetlands & Salmon Creek

Overlays: Significant Environmental Concern Overlay (WD-12) & Cultural Sensitivity (SEC)

Special Flood Hazard Area: Yes-Zone Special Flood Hazard Area Zone AE & Zone X

Steep Slopes: No

Chapter 19.25
AGRICULTURAL HOLDING ZONE (F-2)

- 19.25.010 Purpose.**
- 19.25.020 Permitted uses.**
- 19.25.030 Conditional uses.**
- 19.25.040 Additional requirements.**

19.25.010 Purpose.

This zone is intended primarily as a holding zone to be used for agricultural uses until the land is developed for industrial purposes.

19.25.020 Permitted uses.

The following uses and their accessory uses are permitted in the F-2 zone:

- A. Grazing, agriculture, horticulture, or the growing of timber.*
- B. Dwelling or dwellings for owner, operator and/or help required to carry out grazing, agriculture, horticulture or the growing of timber.*
- C. Accessory building.*
- D. Family day care providers and residential homes activities in existing buildings.*
- E. Home occupations.*
- F. Telecommunications facilities: monopoles and antennas pursuant to Chapter 19.245 FMC.*

19.25.030 Conditional uses.

The following uses and their accessory uses are permitted in an F-2 zone after approval of the planning commission:

- G. Other community service uses and uses similar in nature to those listed above when approved by the planning commission. (Ord. 6-2001 § 1)*

19.25.040 Additional requirements.

All land use shall be subject to the applicable requirements of appropriate overlays. (Ord. 6-2001 § 1)

Applicant Response: Solar energy facilities are not allowed on F-2 zoned properties. In order to make the site more appealing for future development the applicant requests the property be rezoned from AH to GI in accordance with the Comprehensive Plan Map.

Chapter 19.85
GENERAL INDUSTRIAL (GI) DISTRICT

19.85.010 Purpose.

This district is intended for a broad range of uses, which can be in areas where they do not directly affect the livability of residential neighborhoods and the quality and viability of commercial areas in the city. This district provides for the normal operation of an industry, which can meet and maintain the standards set in this section in order to reasonably protect nearby residential and commercial districts. The general industrial district accommodates a range of light and heavy industrial land uses. It is intended to segregate incompatible developments from other districts, while providing a high-quality environment for businesses and employees. This chapter guides the orderly development of industrial areas based on the following principles:

- A. Provide for efficient use of land and public services;*
- B. Provide transportation options for employees and customers;*

C. Provide appropriate design standards to accommodate a range of industrial users, in conformance with the Comprehensive Plan. (Ord. 6-2001 § 1)

19.85.020 Permitted land uses.

A. Permitted Uses. The land uses listed in Table 19.85.020.A are permitted in the general industrial district, subject to the provisions of this chapter. Only land uses which are specifically listed below, and land uses which are approved as “similar” to those listed below, may be permitted. The land uses identified with a “CU” in Table 19.85.020.A require conditional use permit approval prior to development or a change in use.

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

Applicant Response: Per the allowed use Table 19.85.020.A solar energy facilities are allowed as Community Services for private utilities which include electricity.

C. Land Uses Prohibited in General Industrial District. Only uses specifically listed in Table 19.85.020.A, and uses like those in Table 19.85.020.A, are permitted in this district. The following uses are expressly prohibited: new housing, churches and similar facilities and schools.

Applicant Response: The type of use proposed is not prohibited as described in the section above in this narrative.

19.85.030 Development setbacks.

Development setbacks provide separation between industrial and nonindustrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

Applicant Response: At the time of future development setbacks will be reviewed and approved as part of the site development review.

B. Other Requirements.

1. Buffering. The city may require landscaping, walls or other buffering in setback yards to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties.

2. Neighborhood Access. Construction of pathway(s) within setbacks may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 19.162 FMC, Access and Circulation.

3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).

4. Groundwater Protection. All development shall meet the standards for the groundwater protection area. (Ord. 6-2001 § 1)

Applicant Response: Other requirements such as buffering, building and fire codes and other applicable requirements associated with the project will be reviewed at the time a site development permit is submitted for review and approval. This section is not applicable to this application.

19.85.040 Lot coverage.

The maximum allowable lot coverage in the general industrial district is 85 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses. (Ord. 6-2001 § 1)

19.85.050 Development orientation.

Industrial developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and protect the privacy of adjacent uses to the extent possible. The following standards shall apply to all development in the general industrial district:

- A. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other nonindustrial areas to the maximum extent practicable; and*
- B. The city may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof) to mitigate adverse impacts that cannot be avoided through building orientation standards alone.*

Applicant Response: Development orientation will be reviewed at the time site development permits are submitted. This section is not applicable to this application.

19.85.070 Special standards for certain uses.

A. Uses with Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts. The following uses shall require conditional use permit approval, in addition to development review or site design review:

- 1. Uses with Significant Noise, Light/Glare, Dust and Vibration Impacts. Uses which are likely to create significant adverse impacts beyond the industrial district boundaries, such as noise, light/glare, dust, or vibration, shall require conditional use approval, in conformance with Article IV of this title. The following criteria shall be used in determining whether the adverse impacts of a use are likely to be "significant":*
 - a. Noise. The noise level beyond the property line exceeds 65 dBA (24-hour average) on a regular basis.*
 - b. Light/Glare. Lighting and/or reflected light from the development exceeds ordinary ambient light and glare levels (i.e., levels typical of the surrounding area).*
 - c. Dust and/or Exhaust. Dust and/or exhaust emissions from the development exceeds ambient dust or exhaust levels, or levels that existed prior to development.*

Applicant Response: The type of use envisioned for this property is permitted outright therefore this section is not applicable to this application.

- 2. Traffic. Uses which are likely to generate unusually high levels of vehicle traffic due to shipping and receiving. "Unusually high levels of traffic" means that the average number of daily trips on any existing street would increase by 10 percent or more as a result of the development. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by ODOT for developments that increase traffic on state highways.*

Applicant Response: The project will not generate significant levels of traffic. It could be expected that less than one trip per day is generated to allow for maintenance.

D. Columbia River Uses Located North of Marine Drive.

- 1. Lot Coverage. The maximum allowable lot coverage in the general industrial district is 90 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.*
- 2. Building Height. The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:*

Applicant Response: Only a small portion of the site can be utilized for the project. Lot coverage requirements will be reviewed and approved as part of the project.

19.85.080 Special standards for city of Fairview adopted Metro Title 4 industrial properties.

A. The purpose of this section is to impose special standards to protect and preserve the supply of industrial lands in Fairview in accordance with the limitations set out in Title 4 of Metro's Urban Growth Management Functional Plan (see Figure 9-C in the Comprehensive Plan for all Fairview Adopted Title 4 Industrial and Employment Lands).

- 1. Limitation on Retail/Commercial Service Land Uses. Retail and commercial service uses (in accordance with FMC 19.85.020) are limited in size to a maximum of 5,000 square feet in gross floor area for a single outlet (e.g., convenience market, small restaurant, secondary use for wholesaler, similar use) and up to 20,000 square feet in gross floor area for a multi-building project.*

Applicant Response: No retail or commercial uses are anticipated. The applicant has read and understands the commercial limitations described above.

- 2. Freight Network Analysis Required. A freight network impact statement is to be included in all traffic studies for proposed developments on properties identified as industrial lands in Title 4 of the Metro Urban Growth Management Functional Plan. The purpose of this statement is to analyze potential adverse effects of the proposed development on the regional freight system as identified in the regional transportation plan (RTP) and the Fairview transportation system plan. Freight routes located in Fairview include Interstate 84, Marine Drive, 223rd Avenue, Fairview Parkway, Sandy Boulevard, and Glisan Street.*

Applicant Response: A freight network analysis is not warranted for this project. Multnomah County has jurisdiction over NE 223rd Avenue and the County Transportation Engineer will be routed this application for review and comment. Given the nature and requirements of Solar energy facilities the Transportation system serving the site and few other businesses utilizing NE 223rd Avenue the Transportation system will not significantly impact transportation facilities. Multnomah County has jurisdiction over NE 223rd Avenue and the County Transportation Engineer will be routed this application for review and comment.

- 3. Land Division Standards. Properties in the general industrial district that are identified as industrial lands as shown on the Title 4 Properties Map in the Comprehensive Plan shall be subject*

to certain land division restrictions. All land divisions in the general industrial district shall be in accordance with Chapter 19.430 FMC, Land Divisions and Lot Line Adjustments.

Applicant Response: No land divisions are proposed are required for the desired use. The property will remain one tax lot after the zone change from AH to GI.

Article III Design Standards

Amendments

19.205.010 Procedure.

A proposal to amend the zoning ordinance text or map may be initiated by the city council, the planning commission or a property owner who files an application with the city.

Amending the zoning ordinance text or map shall require a public hearing before both the planning commission and the city council. Mailed notice of hearing shall include the owners of the property within 250 feet of the subject parcel or parcels when the proposed amendment is site specific. (Ord. 6-2001 § 1)

19.205.020 Criteria.

Approval of an ordinance text or map amendment shall be based on finding that it complies with the following criteria:

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

Applicant Response: The area near the site is currently being utilized for a range of uses which include electricity transmission and distribution to the greater Portland Metropolitan area, in addition to a wide range of industrial uses. The amendment will not interfere with the livability, development or value of other land in the vicinity of the site.

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

Applicant Response: The amendment will no be detrimental to the community. It will support green development, reduce carbon consumption and provide a percentage of the energy generated to lower wage-earning families in east Multnomah County.

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

Applicant Response: The amendment supports the Comprehensive Plan since the AH zone is intended as a holding zone for vacant and formerly agricultural land until future industrial development is proposed.

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

Applicant Response: The amendment will not create spot zoning with consideration of the current zoning of properties around the site being zoned for industrial use.

19.205.030 Limitation on reapplication.

No application of a property owner for an ordinance text or map amendment shall be considered within the one-year period immediately following a denial of a request for the same property, except the hearing body may permit a new application upon deciding that it is warranted because of new evidence or a change in circumstances. (Ord. 6-2001 § 1)

19.205.040 Effective dates.

An ordinance text or map amendment shall take effect 30 days after the date of approval, unless appealed or immediately where an emergency is declared to exist consistent with Section 33 of the City Charter. (Ord. 6-2001 § 1)

19.205.050 Notice of ordinance or plan amendments.

Type IV decisions shall comply with the provisions of FMC 19.413.040.

Applicant Response: The request is a Type IV decision. Applicable provisions of FMC 19.413.040 are addressed below in this narrative.

Chapter 19.413 PROCEDURES

19.413.040 Type Procedures (legislative).

A. Type IV matters are considered initially by the planning commission with final decisions made by the city council. Type IV procedures apply to legislative matters and involve the following:

- 1. Zoning map amendments.*
- 2. Development code text amendments.*
- 3. Comprehensive plan text amendments.*
- 4. Comprehensive plan map amendments.*
- 5. Planned developments.*
- 6. Park master plans.*
- 7. Master plan adoption.*
- 8. Annexations.*

B. Required Hearings. A minimum of two hearings, one before the planning commission, and one before the city council, are required for all Type IV applications, except annexations where only a hearing by the city council is required.

C. Public Notification Requirements. Notice of public hearings shall be given by the city in the following manner:

- 1. At least 30 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:*
 - a. Each owner whose property would be rezoned in order to implement the ordinance.*
 - b. Any affected governmental agency.*
 - c. Recognized neighborhood groups or associations affected by the ordinance.*

- d. Any person who requests notice in writing.*
- e. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.*
- f. Any property owner affected by the zone changes where the change in regulations becomes more restrictive than the current regulations shall be notified.*

2. At least 10 days before the scheduled planning commission public hearing date, and 10 days before the city council hearing date, notice shall be published in a newspaper of general circulation in the city.

3. Metro and the Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed Comprehensive Plan and development code amendments at least 35 days before the first public hearing at which public testimony or evidence will be received.

4. Notifications for annexation shall follow the provisions of this chapter. The notice must be received by the Department of Land Conservation and Development no later than 35 days prior to the evidentiary hearing.

D. Content of Notices. The mailed and published notices shall be consistent with

ORS 227.186 and 197.610 and include the following information:

- 1. The file number and city contact information.*
- 2. A description of the location of the proposal that effectively and clearly describes the location of the geographic area.*
- 3. A detailed description of the proposed changes/modifications, and the place where all relevant materials and information may be obtained or reviewed.*
- 4. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the council and available at City Hall.*

E. Failure to Receive Notice. The failure of any person to receive notice shall not invalidate the action, providing:

- 1. Personal notice is deemed given where the notice is deposited with the United States Postal Service.*
- 2. Published notice is deemed given on the date it is published.*

F. Process.

- 1. The planning commission shall:
 - a. After notice and a public hearing, vote on and prepare a recommendation to the city council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and*
 - b. Within 10 business days of determining a recommendation, the presiding officer of the planning commission shall sign the written recommendation, and it shall be filed with the city recorder.**
- 2. Any member of the planning commission who votes in opposition to the planning commission's majority recommendation may file a written statement of opposition with the city before the council public hearing on the proposal. The community development director shall send a copy to each council member and place a copy in the record.*
- 3. If the planning commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal, within 60 days of its first public hearing on the proposed change, the community development director shall:
 - a. Report the failure together with the proposed change to the city council; and*
 - b. Provide notice and put the matter on the city council's agenda, a public hearing to be held, and a decision to be made by the council. No further action shall be taken by the commission.**
- 4. The city council shall:*

a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the planning commission for rehearing and reconsideration on all or part of the application.

b. Consider the recommendation of the planning commission; however, it is not bound by the commission's recommendation.

c. Adopt ordinances, which shall be signed by the mayor after the council's adoption of the ordinance.

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

- 1. Statewide planning goals and guidelines.*
- 2. Comments from applicable federal or state agencies.*
- 3. Applicable intergovernmental agencies.*
- 4. Applicable Comprehensive Plan policies.*

H. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, Metro, and the Department of Land Conservation and Development, within five business days after the city council decision is filed with the city administrator or designate. The city shall also provide notice to all persons as required by other applicable laws.

I. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. (Ord. 5-2012 § 2; Ord. 1-2012 § 3; Ord. 6-2009 § 2 (Att. 1))

Applicant Response: This application will be reviewed as a Type legislative land use review. The applicant has read and understands the procedural and public notice requirements described above.

City of Fairview Comprehensive Plan-Chapter 2, Goal 1, 7D

The following criteria will be used to establish the justification of a proposed plan amendment or zone change:

- 1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval.*
- 2. Demonstration of compliance with all applicable standards and criteria of the Fairview Development Code.*
- 3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property, which is the subject of the application.*
- 4. Demonstration of compliance with the Fairview Transportation System Plan.*

Applicant Response: The request to change the zoning from AH to GI is consistent with the Comprehensive Plan Map. Herein these narrative and accompanying exhibits the applicant has demonstrated compliance with all applicable standards and criteria of the Fairview Development Code. The purpose of the AH zone is a holding zone until future industrial uses are developed. No demonstration of error is necessary in this case.

NE 223rd Avenue north of Marine Drive is designated as a Local Street the Transportation System Plan states "local street provides direct access to immediately adjacent land. The speed limit on this section of NE 223rd Avenue is 45 miles per hour and serves existing river dependent industrial uses north of the site.

The zone change is consistent with the adopted Transportation System Plan and Comprehensive Plan Map. Development allowed by the zone change will not substantially impact the functional classification or operation of the transportation facilities or reduce the level of service of transportation facilities below acceptable levels identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic study may be required for the proposed change if it may impact transportation facilities.

Below is a brief summary for utility and employee needs related to a Solar Energy facility:

Employee Parking-No employees are required to be onsite full time. Employees will be onsite periodically for maintenance and repairs. Minimal parking needed to accommodate site maintenance.

Employee Building-Other than a structure that may shield inverters from rain. No buildings are required.

Pavement-Typically the area is stabilized with gravel for operations and maintenance, but even that isn't totally necessary. Stabilization of the site can be achieved in whatever way is deemed most environmentally friendly to the local permitting authority.

Water- Given the rainfall in the region, cleaning panels would be a once or twice a year activity. Trucks with water will be called in to perform cleaning activities. No other on-site water is required.

Sanitary Sewer-There will be no full-time or part time employees. Thus, no need for sanitary sewer.

Construction-As demonstrated above site works is minimal in nature, therefore traffic due to site works would be minimal and not impact other operations north of Marine Drive.

Given the nature and requirements of Solar energy facilities the Transportation system serving the site and few other businesses utilizing NE 223rd Avenue the Transportation system will not be impacted as a result of the project.

When Requesting Both a Comprehensive Plan & Zone Change FMC 19.470.600 Transportation Planning Rule Compliance

The following criteria will be used to establish the justification of a proposed plan amendment or zone change:

- A. *When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility consistent with OAR 660-012-0600.*
- B. *Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:*
 1. *Limiting allowed land uses to be consistent with the planned function of the transportation facility; or*
 2. *Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or*
 3. *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.*

Applicant Response: Multnomah County has jurisdiction over NE 223rd Avenue and the County Transportation Engineer will be routed this application for review and comment. Given the nature and requirements of Solar energy facilities the Transportation system serving the site and few other businesses utilizing NE 223rd Avenue the Transportation system will not significantly impact transportation facilities. Multnomah County has jurisdiction over NE 223rd Avenue and the County Transportation Engineer will be routed this application for review and comment.

REMAINDER PORTION OF TRACT A
PORT OF PORTLAND
SPECIAL WARRANTY DEED No. 2007-216750 (12-21-2019)

A TRACT OF LAND LOCATED IN SECTION 22, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF FAIRVIEW, MULTNOMAH COUNTY, OREGON BEING A PORTION OF TRACT "A" OF THAT LAND DESCRIBED IN SPECIAL WARRANTY DEED TO THE PORT OF PORTLAND, RECORDED DECEMBER 21, 2007 IN DOCUMENT FEE No. 2007-216750, MULTNOMAH COUNTY DEED RECORDER'S, THAT LIES WITHIN THE CITY OF FAIRVIEW, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE FEZETT DONATION LAND CLAIM NO. 47 IN TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, SAID POINT BEING ON THE DIVISION LINE BETWEEN THE CITY OF FAIRVIEW AND THE CITY OF TROUTDALE; THENCE, ALONG SAID DIVISION LINE, NORTH 00°15'03" WEST, 1638.10 FEET TO THE NORTH LINE OF SAID TRACT "A" AND THE CENTERLINE OF THE DRAINAGE DIKE; THENCE, ALONG THE CENTERLINE OF SAID DRAINAGE DIKE THE FOLLOWING FIVE (5) COURSES: 1) THENCE SOUTH 80°43'34" WEST, 489.45 FEET; 2) THENCE SOUTH 87°25'04" WEST, 301.36 FEET; 3) THENCE SOUTH 88°52'34" WEST, 326.20 FEET; 4) THENCE SOUTH 79°34'34" WEST, 699.00 FEET; 5) THENCE SOUTH 83°22'34" WEST, 819.52 FEET TO THE CENTERLINE OF VACATED NW CAMPBELL ROAD; THENCE, LEAVING THE SAID DIKE AND RUNNING ALONG THE CENTERLINE OF CAMPBELL ROAD SOUTH 00°10'23" EAST, 1,755.02 FEET TO A POINT IN A DRAINAGE FEATURE; THENCE, CONTINUING IN SAID DRAINAGE FEATURE NORTH 89°49'27" EAST, 291.16 FEET; THENCE, CONTINUING IN SAID DRAINAGE FEATURE NORTH 68°41'27" EAST, 300.00 FEET TO A POINT IN THE CENTER OF SALMON CREEK; THENCE, ALONG THE CENTERLINE OF SALMON CREEK THE FOLLOWING EIGHTEEN (18) COURSES: 1) THENCE NORTH 69°15'27" EAST, 92.00 FEET; 2) THENCE NORTH 65°49'27" EAST, 100.00 FEET; 3) THENCE NORTH 72°07'27" EAST, 200.00 FEET; 4) THENCE NORTH 82°49'27" EAST, 252.00 FEET; 5) THENCE SOUTH 89°23'33" EAST, 102.00 FEET; 6) THENCE SOUTH 83°46'33" EAST, 102.00 FEET; 7) THENCE SOUTH 86°36'33" EAST, 100.00 FEET; 8) THENCE SOUTH 70°06'33" EAST, 100.00 FEET; 9) THENCE SOUTH 75°11'33" EAST, 100.00 FEET; 10) THENCE SOUTH 80°54'33" EAST, 100.00 FEET; 11) THENCE SOUTH 84°54'33" EAST, 100.00 FEET; 12) THENCE SOUTH 82°20'33" EAST, 87.00 FEET; 13) THENCE SOUTH 84°52'33" EAST, 200.00 FEET; 14) THENCE SOUTH 79°09'33" EAST, 100.00 FEET; 15) THENCE SOUTH 83°09'33" EAST, 100.00 FEET; 16) THENCE NORTH 87°09'27" EAST, 100.00 FEET; 17) THENCE NORTH 71°51'27" EAST, 110.00 FEET; 18) THENCE NORTH 53°49'27" EAST, 58.00 FEET TO THE WESTERN LINE OF THE EAST ONE-HALF OF THE FEZETT DLC LINE AND THE DIVISION LINE BETWEEN THE CITY OF FAIRVIEW AND THE CITY OF TROUTDALE; THENCE, ALONG SAID WESTERN LINE NORTH 00°15'03" WEST, 249.50 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL OF THAT LAND FALLING SOUTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH MARINE DRIVE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

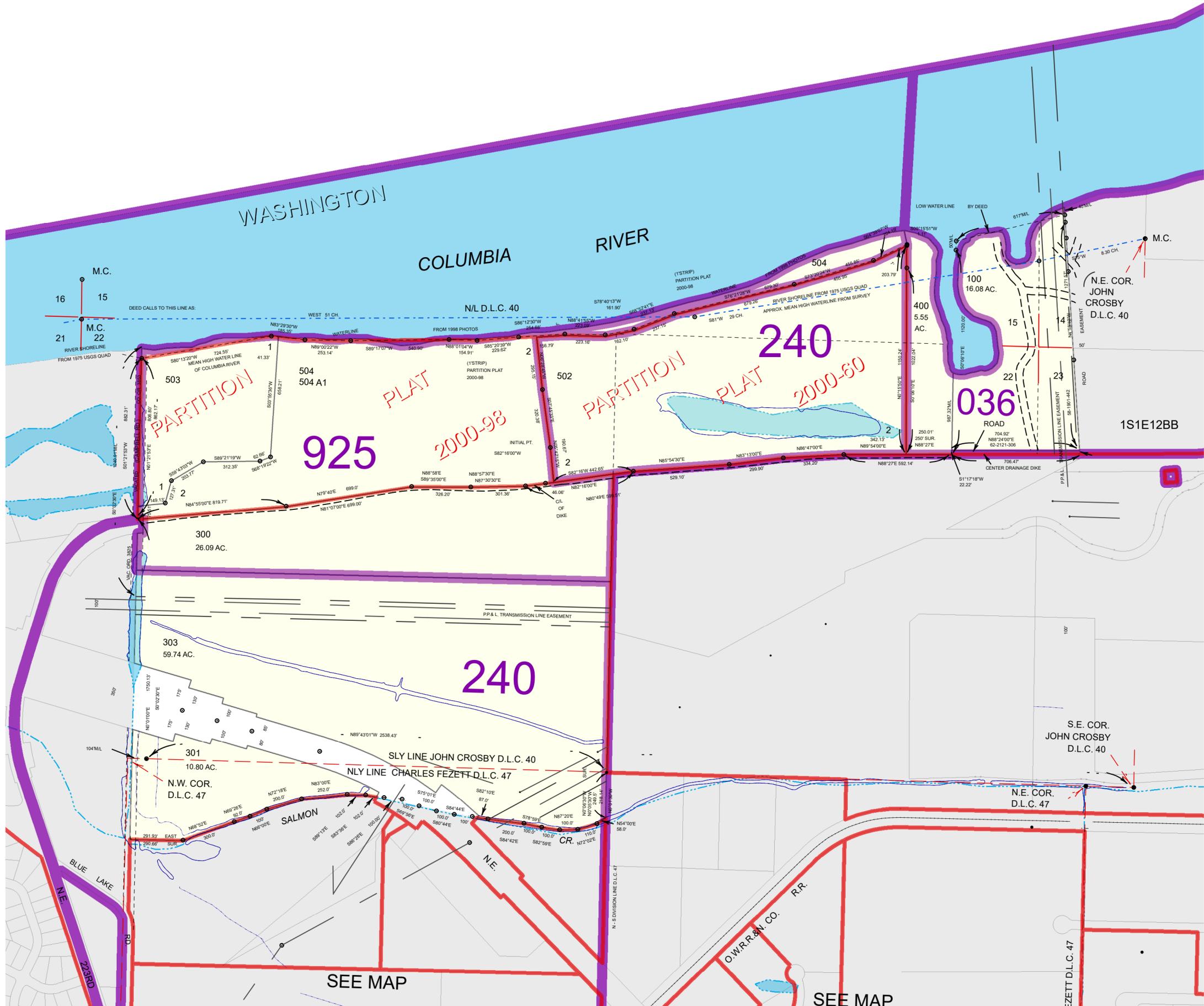
OREGON
JULY 25, 1995
CHRISTOPHER M. VANDERWERF
2719

SIGNED:
EXP: 6/30/2020

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 22 T.1N. R.3E. W.M.
MULTNOMAH COUNTY
1" = 400'

1N 3E 22
FAIRVIEW



1N 3E 22
FAIRVIEW

BOUNDARY FOR COMPREHENSIVE MAP AMENDMENT

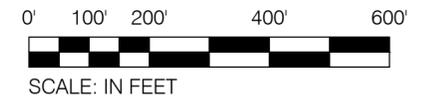
A TRACT OF LAND LOCATED IN SECTION 22, TOWNSHIP 1
NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF
FAIRVIEW, MULTNOMAH COUNTY, OREGON

LOT 12
"TROUTDALE REYNOLDS
INDUSTRIAL PARK No.3"

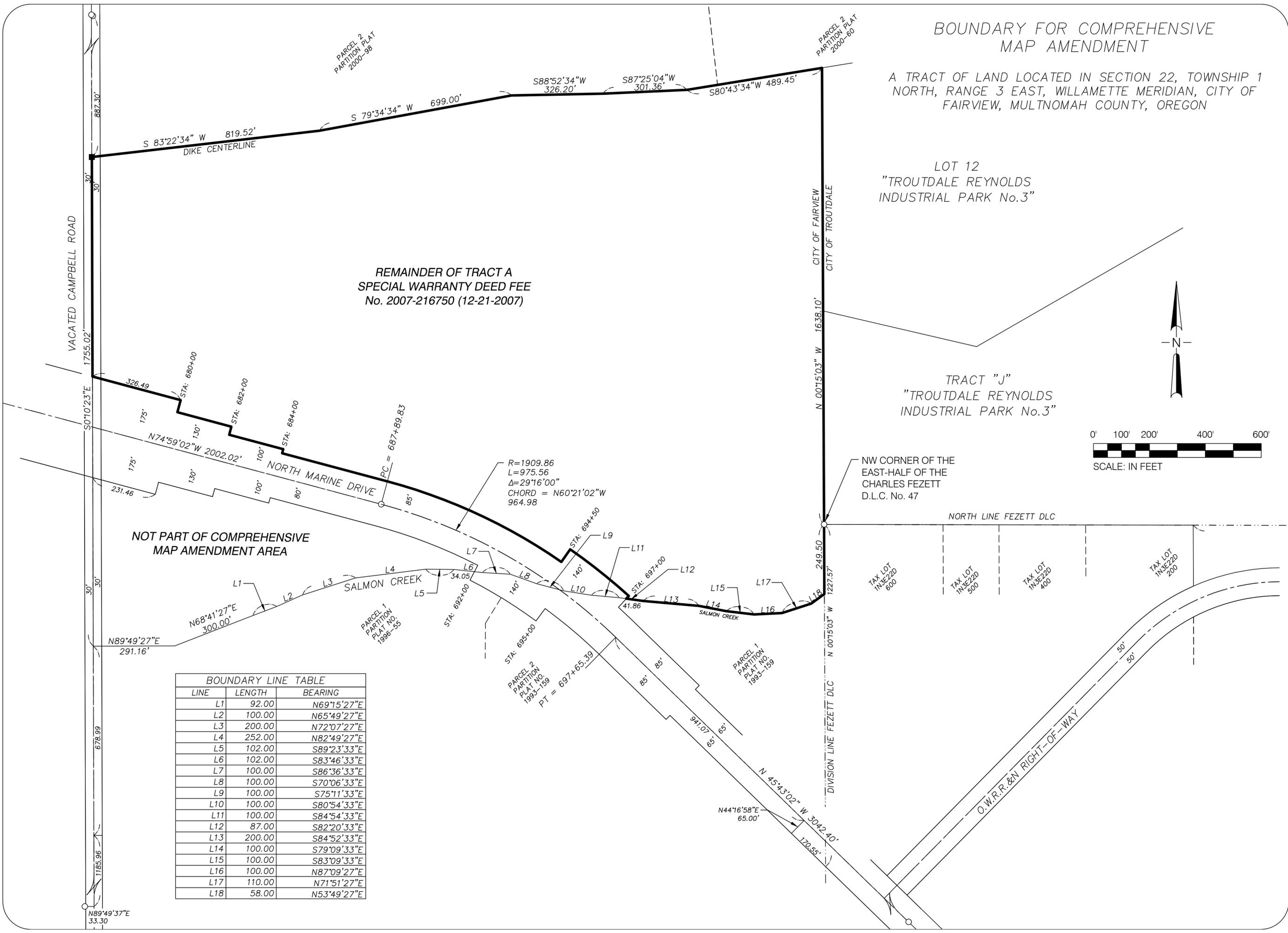
TRACT "J"
"TROUTDALE REYNOLDS
INDUSTRIAL PARK No.3"

REMAINDER OF TRACT A
SPECIAL WARRANTY DEED FEE
No. 2007-216750 (12-21-2007)

NOT PART OF COMPREHENSIVE
MAP AMENDMENT AREA



BOUNDARY LINE TABLE		
LINE	LENGTH	BEARING
L1	92.00	N69°15'27"E
L2	100.00	N65°49'27"E
L3	200.00	N72°07'27"E
L4	252.00	N82°49'27"E
L5	102.00	S89°23'33"E
L6	102.00	S83°46'33"E
L7	100.00	S86°36'33"E
L8	100.00	S70°06'33"E
L9	100.00	S75°11'33"E
L10	100.00	S80°54'33"E
L11	100.00	S84°54'33"E
L12	87.00	S82°20'33"E
L13	200.00	S84°52'33"E
L14	100.00	S79°09'33"E
L15	100.00	S83°09'33"E
L16	100.00	N87°09'27"E
L17	110.00	N71°51'27"E
L18	58.00	N53°49'27"E



NW CORNER OF THE
EAST-HALF OF THE
CHARLES FEZETT
D.L.C. No. 47

TAX LOT
1N3E22D
600

TAX LOT
1N3E22D
500

TAX LOT
1N3E22D
400

TAX LOT
1N3E22D
200

PARCEL 1
PARTITION
PLAT No.
1993-159
PT = 697+65.39

PARCEL 1
PARTITION
PLAT No.
1993-159

PARCEL 1
PARTITION
PLAT No.
1996-59

PARCEL 2
PARTITION PLAT
2000-98

PARCEL 2
PARTITION PLAT
2000-80

S 83°22'34" W 819.52'
DIKE CENTERLINE

S 79°34'34" W 699.00'

S88°52'34"W
326.20'

S87°25'04"W
301.36'

S80°43'34"W 489.45'

N74°59'02"W 2002.02'

N89°49'27"E
291.16'

N68°41'27"E
300.00'

R=1909.86
L=975.56
Δ=29°16'00"
CHORD = N60°21'02"W
964.98

STA: 692+00

STA: 695+00

STA: 697+00

STA: 694+50

PC = 687+89.83

DIVISION LINE FEZETT DLC
N 00°15'03" W 1227.57'

NORTH LINE FEZETT DLC

O.W.R.R. & N RIGHT-OF-WAY

N44°16'58"E
65.00'

N 45°43'02" W 3042.40'

CITY OF FAIRVIEW
CITY OF TROUTDALE

VACATED CAMPBELL ROAD

N89°49'37"E
33.30'

1185.96'

678.99'

1755.02'

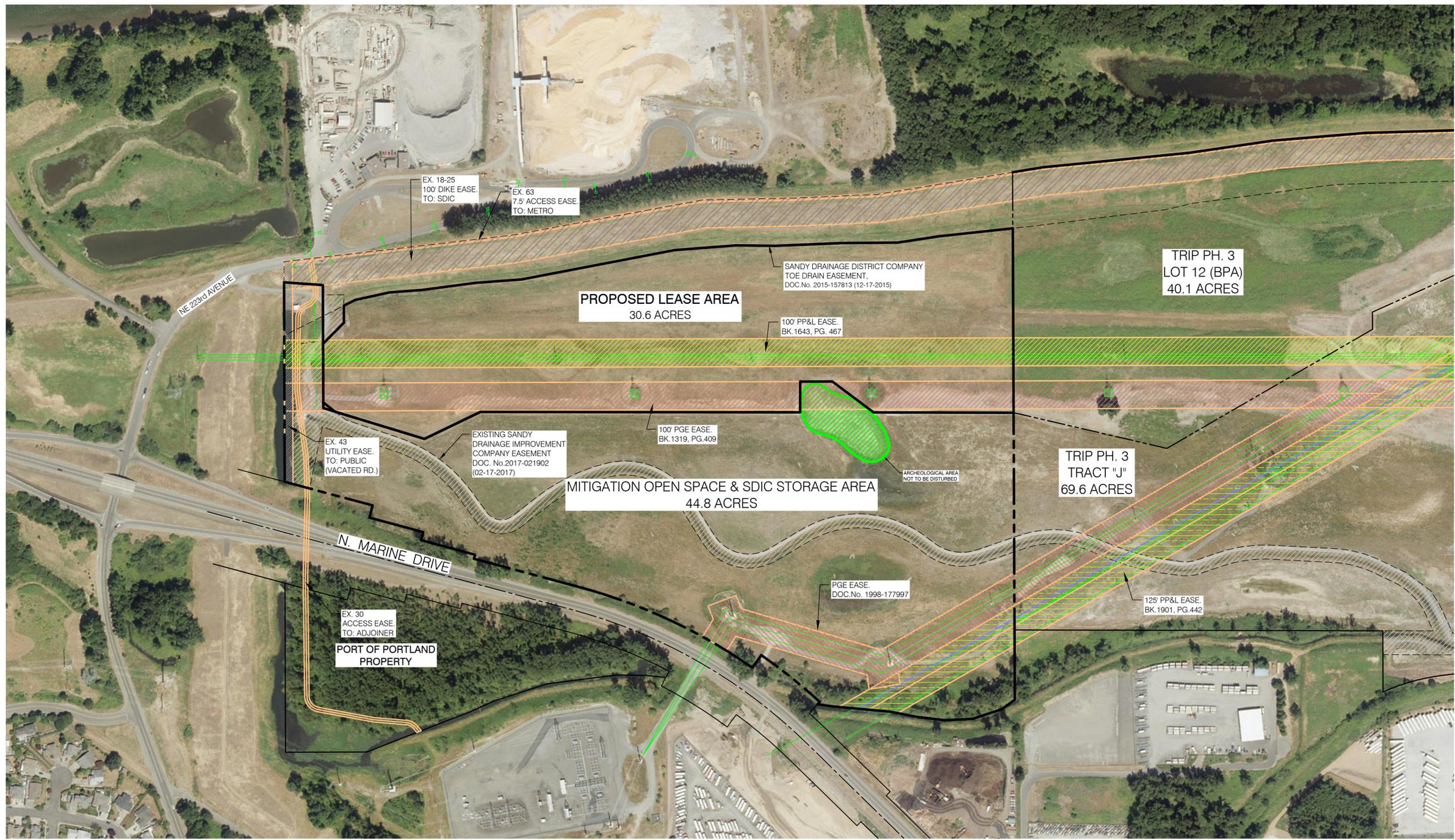
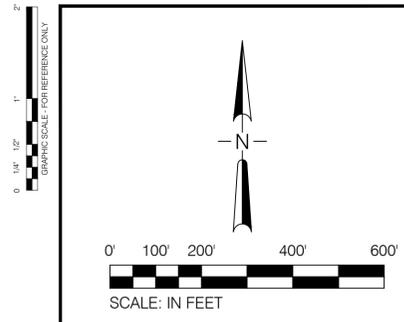
1755.02'

1755.02'

1755.02'

1755.02'

1755.02'



CAN YOU SEE THE AIRPLANES? THE ADJACENT SAMPLES SHOW THREE DIFFERENT LEVELS OF SHADING. SETTINGS FOR VIEWING AND PRINTING DRAWING CONTENT ARE OPTIMIZED WHEN ALL THREE PLANES ARE VISIBLE. THIS GUIDANCE IS PROVIDED FOR REFERENCE ONLY.



NO.	DATE	BY	REVISIONS	CKD	APPVD	NO.	DATE	BY	REVISIONS	CKD	APPVD



PORT OF PORTLAND
PORTLAND, OREGON

2010UGEN
DESIGN NUMBER

1284
PROJECT NUMBER

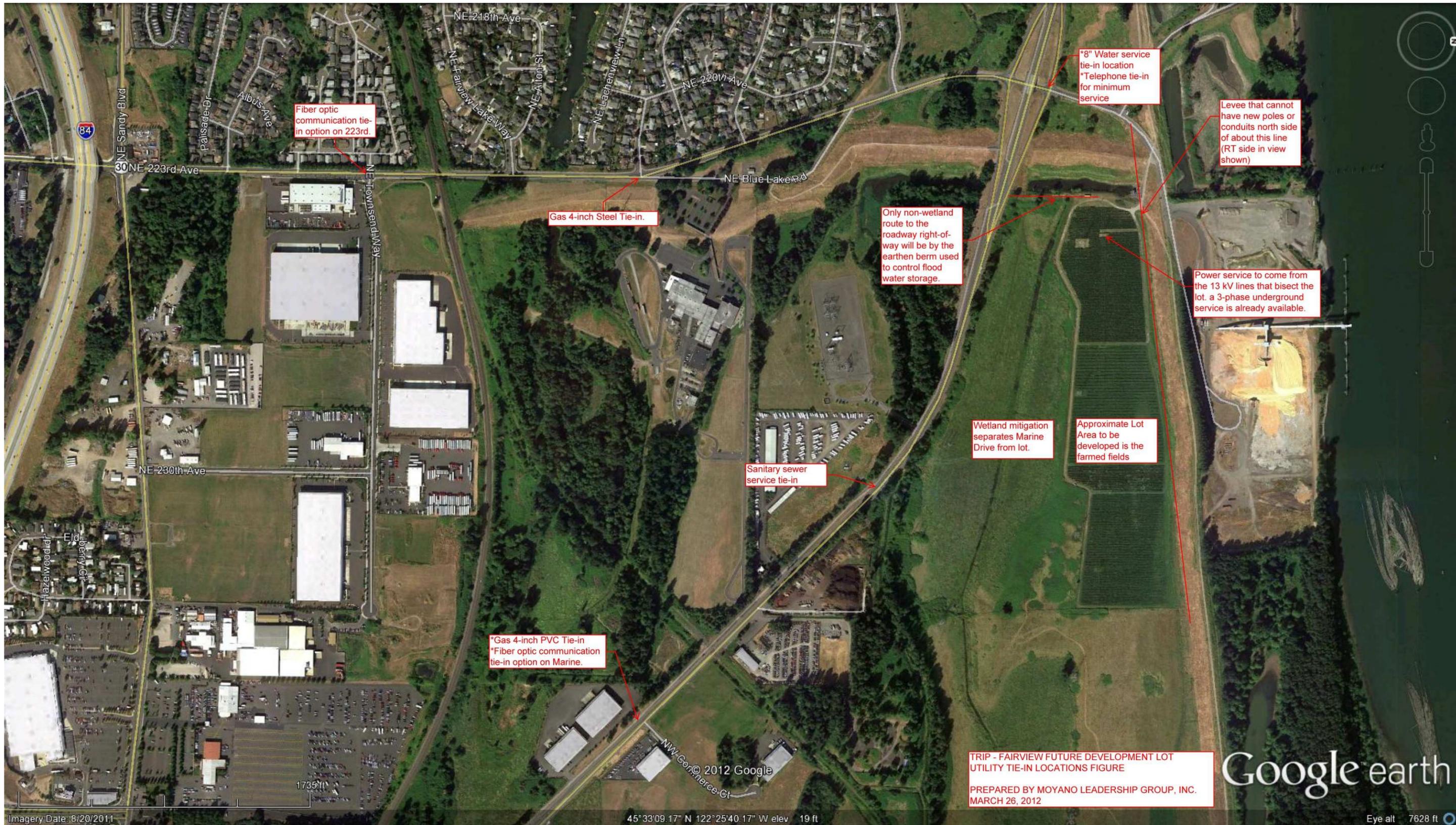
DESIGNED BY _____
 DRAWN BY C. VANDERWERF
 CHECKED BY STEVE BLOOMQUIST
 DATE JUL. 2019
 SCALE 1"=200'

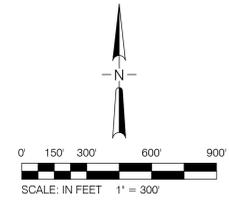
TROUTDALE REYNOLDS INDUSTRIAL PARK

**FAIRVIEW DEVELOPMENT PLAN
ZONE CHANGE EXHIBIT**

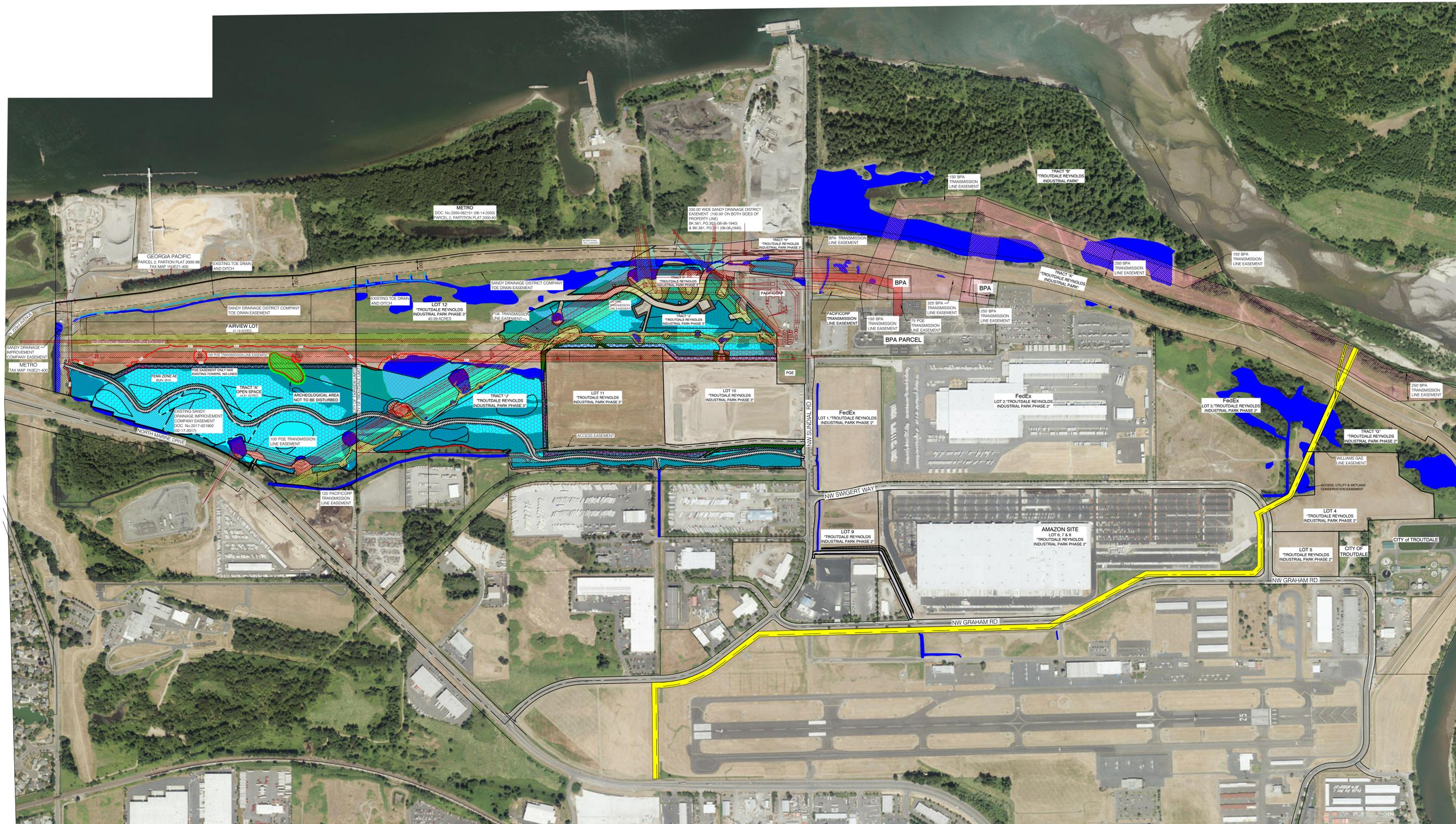
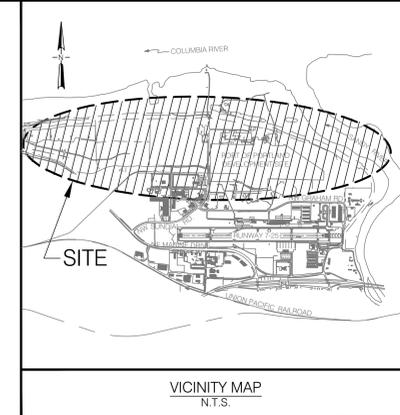
SUBMITTED BY STEVE BLOOMQUIST
DEVELOPMENT PLANNER

TYPE EP
DRAWING NO. TRIP 2019-
1/1 (SU-1)





- LEGEND:**
- BPA TRANSMISSION LINE EASEMENT
 - PACIFICORP TRANSMISSION LINE EASEMENT
 - PGE TRANSMISSION LINE EASEMENT
 - GEORGIA-PACIFIC TRANSMISSION LINE EASEMENT
 - WILLIAMS PIPELINE EASEMENT
 - FEMA 100-YR FLOOD PLAIN LINE (EL. 20.0' NAVD 88)
 - EXISTING SDIC TOE DRAIN & DITCH



CAN YOU USE THE ABRVIATIONS? THE ADJACENT SAMPLES SHOW THREE DIFFERENT LEVELS OF SHADING. SETTINGS FOR VIEWING AND PRINTING DRAWING CONTENT ARE OPTIMIZED WHEN ALL THREE PLANES ARE VISIBLE. THIS GUIDANCE IS PROVIDED FOR REFERENCE ONLY.

NO.	DATE	BY	REVISIONS	APPVD	CKD	NO.	DATE	BY	REVISIONS	APPVD	CKD



PORT OF PORTLAND
PORTLAND, OREGON

2019AJEN
DESIGN NUMBER

1284
PROJECT NUMBER

DESIGNED BY
DRAWN BY C. VANDERWERF
CHECKED BY P. CHRISTOPHER
DATE OCT. 2019
SCALE 1"=300'

TROUTDALE REYNOLDS INDUSTRIAL PARK
TRIP PHASE 3 CONSTRAINTS MAP
EASEMENTS, WETLAND MITIGATION & PLANTINGS

SUBMITTED BY PATRICK CHRISTOPHER
MC PROPERTY DEVELOPMENT MANAGER
TYPE PD
DRAWING NO. TRIP 2019-
SHEET NO. 1/1
DISC. SHT. NO. SU-1

1620 SE 190th Avenue, Portland, Oregon 97233-5910 • Phone (503) 988-5050 • Fax (503) 988-3321

MEMORANDUM

TO: Sarah Seldon, Senior Planner, City of Fairview

CC: Steve Bloomquist, applicant
Jessica Berry, AICP, Interim Transportation Planning and Development Manager, Multnomah County
Rick Buen, Transportation Engineer, Multnomah County

FROM: Natalie Warner, Transportation Planner, Multnomah County

DATE: January 31, 2020

SUBJECT: City File No: 2019-62-ZC (County Case No: EP-2020-12922) County Comments on Proposed Zoning Map Change for Tax Lots 1N3E22 -00300, -00303 R320364 & R697128

Multnomah County Transportation Planning and Development has reviewed the above referenced application materials and provides the following comments. Please feel free to contact me at 503-988-5050 or ROW.permits@multco.us if you have any questions.

The comments provided in this memorandum are based on the project description provided in the application materials. While every effort has been made to identify all related standards and issues, additional issues may arise and other standards not listed may become applicable as more information becomes available.

The subject proposal consists of Fairview zoning map amendments for Tax Lots 1N3E22 -00300, -00303. The application is only for the rezone, and no specific development is being considered at this time even though the application materials indicate the proposed zone change would facilitate future use as a solar energy facility. Specifically the proposal is to rezone the Tax Lots 1N3E22 -00300, -00303 from Agricultural Holding (AH) to General Industrial (GI).

The subject properties are located northeast of the intersection of NE Marine Dr and NE 223rd Ave. NE Marine Dr and NE 223rd Ave are Multnomah County roads. NE Marine Dr is functionally classified as an Urban Major Collector facility. NE 223rd Ave is functionally classified as an Urban Local facility.

In the following text, all references to *Multnomah County Design and Construction Manual* (MCDCM) use the acronym "MCDCM" and all references to *Multnomah County Road Rules* (MCRR) use the acronym "MCRR".

Condition of Approval

The County provides the following condition of approval in support of approving the application. A more detailed explanation of the condition of approval is provided subsequently in this memorandum.

1. Submit a transportation impact study that considers the maximum trip generation of uses allowed in the proposed zoning designation compared to the maximum trip generation of uses allowed in the existing

zoning designation. The application narrative states that the potential future use of the site (as a solar energy facility) would not have a significant transportation impact and therefore no transportation impact study is required. However, this determination must be based on the use with the highest potential transportation impact allowed in the proposed zoning designation compared to that of the existing zoning designation, not the applicant's stated intended future use of the site [MCRR 7.000]. Based on the result of comparing the allowable intensity of uses, the Study may need to analyze the intensity of uses over the 20-year time horizon [MCRR 6.300]. **This information will need to be provided to Multnomah County Transportation Division prior to building permit application submittal. This is necessary so that Multnomah County can determine if any improvements are required per MCRR 6.100.**

Transportation Impact

A transportation impact is defined in MCRR Section 3.000 as any new construction or alteration which increases the number of trips generated by a site by more than 20 percent, by more than 100 trips per day, or by more than 10 trips in the peak hour. A minimum increase of 10 new trips per day is required to find a transportation impact.

The following methods may be used to determine if a proposed development would cause a transportation impact: trip generation calculations from the Institute of Transportation Engineers (ITE) or a transportation impact study conducted by a professional engineer registered in the State of Oregon [MCRR 5.100].

A transportation impact study over the 20-year planning horizon is required for all changes to zones that would allow for a more intensive use of a site(s) than allowed by the site's existing zoning [MCRR 6.300]. It is the understanding of County staff that a change of zone from Agricultural Holding (AH) to General Industrial (GI) will allow for more intensive uses of the subject property than currently allowable. Associated traffic impacts resulting from allowed uses in the new zone also have the potential to affect the adjacent county road network, including NE Marine Dr and NE 223rd Ave.

Please submit a transportation impact study over a 20-year planning horizon to determine if the proposal would create a transportation impact. The transportation impact study should document the site's existing conditions (total trip generation of allowed uses under the existing zoning designation) compared with net changes for the site's proposed conditions (total trip generation of allowed uses under the proposed zoning designation).

Prior to commencement of the traffic study, please contact Multnomah County 503-988-5050 or ROW.permits@multco.us to determine the required scope. Needed mitigation measures may include on and/or off-site improvements [MCRR 6.300, 7.000 / MCDCM 1.1.3]. The County will require the applicant to submit a transportation impact study prepared by a qualified professional.