

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOMMENDING)
THE CITY OF FAIRVIEW'S REQUEST)
FOR ACKNOWLEDGMENT OF COMPLIANCE)
WITH THE LCDC GOALS)

RESOLUTION NO. 79-98
Introduced by
The Planning and
Development Committee

WHEREAS, Metro is the designated planning coordination body under ORS 197.765; and

WHEREAS, Under ORS 197.255 the Council is required to advise LCDC and local jurisdictions preparing comprehensive plans whether or not such plans are in conformity with the statewide planning goals; and

WHEREAS, LCDC Goal #2 requires that local land use plans be consistent with regional plans; and

WHEREAS, Fairview's comprehensive plan as amended September 19, 1979, has been evaluated following the criteria and procedures contained in the "Metro Plan Review Manual" and found to comply with LCDC goals and to be consistent with regional plans adopted by CRAG or Metro prior to June, 1979, as summarized in staff reports attached as Exhibits "A" and "B"; and

WHEREAS, The city of Fairview is now requesting that LCDC acknowledge its comprehensive plan as complying with the statewide planning goals; now, therefore,

BE IT RESOLVED:

1. That the Fairview comprehensive plan is recommended for compliance acknowledgment by the LCDC.
2. That the Executive Officer forward copies of this resolution and staff reports attached hereto as Exhibits "A" and "B" to LCDC, the city of Fairview and appropriate agencies.

3. That subsequent to the adoption by the Council of any goals and objectives or functional plans after June, 1979, the Council will again review Fairview's plan for consistency with regional plans and notify the city of Fairview of any changes that may be needed at that time.

ADOPTED by the Council of the Metropolitan Service District this 27th day of September, 1979.



Presiding Officer

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FAIRVIEW: FINAL REVIEW

(Numbers Refer to Items on the Checklist
of the MSD Plan Review Manual)

General Requirements

All major items are included. The City must add items 0.1.5 through 0.1.7 before its plan will be accepted by DLCD for a review for acknowledgment. The items are purely procedural and can probably be assembled in less than one hour.

Goal #1: Citizen Involvement

All items are adequately addressed. No citizen involvement problems have been raised to MSD. The CCI evaluation of the CIP is positive.

Conclusion: The City complies.

Goal #2: Land Use Planning

The plan generally follows the policy framework outlined in items 2.1.1 through 2.1.2.2. The zoning map is not identical to the plan map, but in all cases where designations are not identical the zoning is for less intensive uses. Since less intensive zoning now does not preclude more intensive uses in the future, the zoning can be changed as needed (upzoning) when property owners request such a change.

There is no documentation of opportunity for agency review (2.2.2.2); this must be included and may be resolved when the list of affected agencies is prepared (0.1.6).

Conclusion: The City complies.

Goal #3: Agricultural Land

This Goal is not applicable inside an urban growth boundary. Nonetheless, the City has considered the potential for agriculture and the impact urbanization has on it.

Conclusion: The City complies.

Goal #4: Forest Lands

No forest lands are identified.

Conclusion: The City complies.

Goal #5: Open Space

The City has completed each of the inventories required by the Goal. The inventories are consistent with those contained in regional documents (5.1.2.1, 5.1.13). Policies to preserve the major open space and cultural resources (Fairview Creek Greenway and Blue Lake) are included. Fairview, with only 70 acres of buildable land within its city limits clearly has attempted to preserve as much open space and natural areas as possible given the competing demands for residential and commercial land. The zoning, subdivision, PUD, and flood plain ordinances all support the plan policies.

Conclusion: The City complies.

Goal #6: Air, Water, Land Quality

All inventories, with the exception of that for noise (6.1.4) have been included and are consistent with regional documents (6.1 through 6.1.4).

The "regional sample language" that MSD is requiring of local jurisdictions is not contained in the plan. This is acceptable for two reasons. First, the language was not authorized and mailed until June. The Fairview plan was already in final printing. Second, though the "sample language" is not included, its intent is contained in the plan. Fairview has recognized MSD's responsibility and authority in providing for air and water quality and solid waste planning.

Conclusion: The City complies.

Goal #7: Natural Hazards

The hazards identified are flood plain development and development in areas with poor drainage and wet soils. No problems with steep slopes are mentioned and it is assumed that no problems exist. Plan policies and ordinances (including a flood plain ordinance) adequately address these issues. The flood plain map, though not included in the plan, is referenced as being on file at City Hall with assurances that it is reviewed by the building inspector when permits are requested.

Conclusion: The City complies.

Goal #8: Recreation

The plan addresses the most important criteria of this Goal. The major concern is with park land within the City limits. Potential sites are identified and reasonable policies for acquisition are included (p. 34). The zoning, subdivision, and PUD ordinances support these policies.

Open space, historical, and archaeological sites are addressed adequately under Goal No. 5.

Conclusion: The City complies.

Goal #9: Economy of the State

It is important at the outset to note that Goal No. 9 applies to the economy of state. The inventory requirements become less applicable, important, and stringent as the size of the jurisdiction decreases. The position of the Department of Economic Development is that it is enough for a jurisdiction to identify economic goals that are realistic given existing constraints, and to have policies which permit those goals to be realized.

The Fairview Plan contains a clear statement of the community's economic goals: compact commercial development in the City center and some industrial development in the planning area. Evidence of a demand for this type of land is not presented directly, but it is not unlikely that Fairview, with available services and transportation access, could become the commercial center for the area included in its planning area (Map 1). (Because this case is not made in the plan, items 9.1.4 and 9.1.5 are checked "unclear"). Given these goals, the plan contains policies and land use designations which encourage the commercial uses the City projects and desires. The analysis is not sophisticated but for a small jurisdiction the plan does what the goal intends: it identifies for developers the types of development the City is seeking and makes available sites where such development can be located.

Conclusion: The City complies.

Goal #10: Housing

The analysis of this goal requires a brief introduction. In June, LCDC formally adopted a clarification of its policies on Urban Planning Areas. The important point for Fairview was that cities must determine whether they wish to "actively" plan for areas outside their city limits or confine their planning process to areas inside city limits only. The requirements for coordination and consistent land uses with the County are much stricter in the former case. Fairview has stated clearly in its plan that it intends the land use designations to apply only within city limits. However, because of its previous planning process, the land use map in the plan has designations for areas outside city limits. The plan states that these are only "recommendations." All of this is consistent with LCDC policy. The problem, though, is that the housing element of the plan is for the entire planning area. In order to be a "city limits" plan, Fairview must show that it complies with all goals within its city limits.

To resolve this problem, Fairview has disaggregated the data contained in its housing element (pp. 38-43) and presented an

analysis of housing within city limits in Appendix L. The MSD staff analysis of Goal #10 is based on our review of a draft of this Appendix and results in an evaluation contingent on the Appendix being inserted without major revisions. Any major changes would be addressed during the Acknowledgment review.

In general, the analysis addresses the major issues embodied in Goal #10: buildable land, housing need, housing diversity (including "regional fair share"), and outright zoning at appropriate densities. Almost half of Fairview's current housing stock can be considered low- or moderate-income: multi-family units and mobile homes. A survey of citizen attitudes indicates preference for owner-occupied single family homes. The plan correctly notes that while some efforts can be made to attract this type of housing, Fairview cannot ignore its obligation to provide for some proportion of regional needs. The case made in Appendix L is that Fairview has already provided more low-cost housing than most jurisdictions in the MSD region and legitimately can shift its emphasis from multi-family to single family construction. The shift is not a major one: Fairview projects that 40 percent of all new construction will be multi-family units or mobile homes and that the housing ratio at saturation (that is, when all land within city limits has been developed) will be 56 percent single-family to 44 percent multi-family.

The buildable lands inventory (10.2.1) identifies 62 acres of buildable residential land. The suitability of the land is addressed as part of the Natural Hazards Element (pp. 28-30). Ownership patterns and land availability are not addressed.

The Fairview need analysis is the best of any we have seen from a small jurisdiction. Most of the data are current as of May, 1979. The conclusions on page 10 of Appendix L seem reasonably related to the findings presented.

Page 39 of the plan explains the rationale for housing location by type and density (10.2.3.1): multi-family development should occur adjacent to arterials because of its higher intensity use. This is consistent with the needs analysis presented and with common planning practices.

The plan attempts to make as much residential land as possible available to meet projected need. However, because Fairview has a "City Limits Only" Plan, and because of its limited amount of buildable land, it concedes that it may not have sufficient land for all its projected growth. The obvious response is that the city will have to annex. The city realizes this, mentions the possibility in its plan and in its Urban Planning Area Agreement with Multnomah County, and is presently considering certain annexations. The problem is one of political boundaries rather than poor planning on the part of Fairview. The plan addresses the issue as well as possible given the LCDC Urban Planning Area requirements and the current city limits.

The zoning provides for a variety of housing types and densities as outright uses. The majority of this land is R-10, with nine percent of the buildable land zoned outright for multi-family uses. A direct translation to number of units is not provided, though the plan states that such zoning will result in construction on a ratio of 60/40, single family/multi-family. This results in an overall ratio of 56/44, which favorably exceeds the 65/35 ratio of the MSD UGB Findings.

Mobile homes appear in the zoning ordinances as a conditional use. Though this is generally unsatisfactory, there are reasons given in the plan to justify it, at least temporarily. First, the provision has existed since the 1960's and has not precluded Fairview from permitting the siting of 128 mobile homes, over 20 percent of its housing stock. Moreover, the plan states explicitly that it wants to encourage in-filling of mobile homes on the 22 sites yet available. Secondly, the plan calls for the development of a "mobile home" zone to change existing mobile homes to an outright use and facilitate mobile home siting in any areas to be annexed to the city.

Except for the few minor problems noted above, the city has done a creditable job of attempting to address the complex issues associated with this goal.

Conclusion: The City complies.

Goal #11: Public Facilities and Services

Sewer, water, storm drainage, schools, solid waste and energy are all adequately inventoried and a system for maintenance or expansion of these services is referenced.

The providers of police, fire, health, and general government services are identified, but no further analysis is provided. While this is not the best planning possible, it should not bar the plan from acknowledgment. One can assume that in a jurisdiction of Fairview's size that if no problems are listed, current needs are being met and no future problems are perceived. The amount of new service burden that the City could place on County police, fire and health services is small and it is reasonable to assume that the population growth of Fairview (with 20 buildable residential acres) will not overextend these service providers.

Additionally, the plan's key policy (p. 49) is that no development will be allowed without public services. The clear intent is to provide urban level services in an efficient manner. A policy exists to coordinate the provision of services to areas of future development (p. 50).

Subdivision and PUD ordinances require that a subdivision plan include proposals for water supply, sewage disposal, storm drainage, and flood control. In addition the PUD ordinance requires that community facilities (schools, libraries and fire protection) be addressed by the developer. The plan encourages clustering on

parcels of four or more acres, to promote higher density and lower service costs.

Conclusion: The City complies.

Goal #12: Transportation

The plan deals primarily with highway transportation. Average daily traffic counts on major streets are compared to capacities based on "D" level service. In all cases but one the capacity is more than double current traffic counts. Though not specifically stated, the implication is that Fairview, with its small amount of vacant buildable land, will not grow enough during the planning period to generate serious traffic problems.

Most items from 12.2.1.2 through 12.2.3.4 are checked "unclear" indicating that a criterion has not been addressed specifically in the plan but that it is not difficult to see how either 1) a case could be made that other parts of the plan address these issues (e.g., the Energy element, p. 59, encourages mass transit to support conservation); or 2) that these elements were considered in the analysis that preceded the writing of the transportation element.

The plan does not include a street functional classification system, but indicates that roadways in Fairview will be classified in accordance with Section 25 of the Subdivision Ordinance. This, coupled with a policy (p. 55) to continuously participate in transportation and circulation planning, and "opening language," ensure that any problems which may be identified when the MSD regional transportation plan is completed can be corrected.

Conclusion: The City complies.

Goal #13: Energy

All inventories, policies, and necessary ordinances are present and adequate.

Conclusion: The City complies.

Goal #14: Urbanization

Neither Fairview city limits nor its planning area boundaries are coterminous with any disputed part of with the regional Urban Growth Boundary. Therefore, items 14.2.2.1 and 14.2.2.2 are not applicable.

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FAIRVIEW: ACKNOWLEDGMENT REVIEW

Staff's final review of Fairview's plan (Exhibit "A") found the plan in substantial compliance with state goals, but identified a few small technical problems which required corrections before submission to LCDC for compliance acknowledgment. After the final review was completed an additional problem, inconsistencies between the plan and zoning maps, was also identified as a compliance issue as a result of a new information about the methodology used in the housing analysis.

This report evaluates only new material submitted with the plan since that review was completed. Staff finds this new material adequate to resolve problems identified and accordingly recommends the plan and supporting materials for compliance acknowledgment.

General Requirements

A list of supporting documents and of affected agencies (item 0.1.5 and 0.1.6) have been added to the plan. The plan contains all items required by the LCDC completeness check.

Goal #2: Land Use Planning

On September 19, 1979, the Fairview City Council voted to amend the comprehensive plan map to correct all major inconsistencies, and to initiate two zone change requests to correct two minor inconsistencies.

The changes in the plan map cover all undeveloped land, the proposed future use of which were thrown into question as a result of these inconsistencies. These revisions also provide protection for most existing residential development subject to a non-residential designation on the plan map.

The two small changes remaining to be made by means of a change in zone rather than a change in designation will merely recognize existing uses and not affect future development--and so substantive goal compliance--in any way and affect too small an area to constitute a substantial Goal #2 violation.

Metro finds, therefore, that the plan map changes approved by the City Council are adequate for compliance.

Goal #10: Housing

Appendix L, "In-City Housing Needs" has been added to the plan. The analysis it contains addresses all the major criteria of Goal #10 and demonstrates that Fairview has policies and ordinances which encourage a diversity of housing types and price levels.

Since this analysis was based on zone rather than plan map designations, its validity is not affected by the recent plan map changes. The proposed zone changes will not affect any vacant land considered in the analysis.

The plan map changes do provide the assurance needed that projected housing development can be achieved. The plan does, therefore, comply with this goal.

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