

**MINUTES  
FAIRVIEW CITY COUNCIL REGULAR MEETING  
FAIRVIEW CITY HALL  
300 HARRISON  
FAIRVIEW, OREGON 97024**

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**JUNE 17, 1998 -- 7:30pm**

**I. CALL TO ORDER/  
ROLL CALL**

Mayor Vonderharr called the meeting to order at 7:30pm.

PRESENT: Mayor Roger Vonderharr  
Councilor Sherry Lillard  
Councilor Dave McCutcheon  
Councilor Len Edwards  
Councilor James Raze  
Councilor Steve Owen

STAFF PRESENT: Marilyn Holstrom, City Administrator  
Gilbert Jackson, Chief of Police  
Jeffrey Sarvis, Director of Public Works  
Roy Wall, Finance Director  
John Pettis, City Planner  
Caren Huson, City Recorder

**II. CONSENT AGENDA**

Councilor McCutcheon moved and Councilor Lillard seconded the motion to approve the Consent Agenda, consisting of: Resolution 4-1998, A RESOLUTION FOR COST OF LIVING ADJUSTMENT AS OF JULY 1, 1998; Resolution 6-1998, A RESOLUTION STATING THE CITY'S QUALIFICATION FOR STATE-SHARED REVENUE FUNDS; a performance evaluation form for the City Administrator; and, the Minutes of May 27 and June 3, 1998.

AYES: 6  
NOES: 0  
ABSTAINED: 0

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

Mayor Vonderharr called for persons wishing to speak on non-agenda items. As there was no response, the session continued.

**IV. PUBLIC HEARINGS**

**A.RESOLUTION - Budget  
Adoption  
FY 1998-99**

Roy Wall, Finance Director, reported that on April 6, 1998, the Budget Committee approved a 1998-99 budget for consideration by the Fairview City Council; the approved budget was submitted to the Tax Supervisory and Conservation Committee for comment, and their letter of response was included in the Council packet.

Mayor Vonderharr opened the public hearing; as no one approached the podium, Mayor Vonderharr closed the public hearing.

Councilor Edwards moved and Councilor Raze seconded the motion to approve Resolution 7-1998, A RESOLUTION ADOPTING BUDGET, MAKING APPROPRIATIONS, LEVYING TAXES, AND CATEGORIZING THE LEVY.

AYES: 6  
NOES: 0  
ABSTAINED: 0

**B.ORDINANCE -  
South Fairview Lake Overlay  
Zone**

John Pettis, City Planner, presented the staff report, stating that the amendment proposal affects the south side of Fairview Lake, north of the Union Pacific Railroad right-of-way. The proposed zoning overlay would be applied to two sites (4 tax lots) which are owned by the applicant, J.T. Smith Company. These properties have a total area of 42.87 acres and are located between the Lake Shore Estates subdivision and the Blue Heron Shores subdivision. Like Blue Heron Shores and Lake Shore Estates, the subject properties are zoned R7.5, Single-Family Residential. R7.5 zoning restricts development to detached single-family residences on lots with at least 7500 square feet of area.

Planner Pettis reported that the applicant and City staff have developed an alternative set of development standards, the "South Fairview Lake Design Overlay Zone", that could be applied to properties in the south Fairview Lake area. It would allow a greater flexibility in housing types and lot sizes for single-family residences in order to minimize development impacts on Fairview Lake and associated natural areas. In addition to relatively large (5,000-25,000 square feet) lots for residences, the overlay zone would allow three other housing types on lots with areas primarily between 3,000 square feet and 5,000 square feet. The three housing types include an "attached townhouse" type that could be part of a group of 3-6 attached units. The overlay zone places an overall maximum density limitation of 6 units per acre on site development. This is only 3% above the maximum density allowed by the existing R7.5 zoning (5.81 units per acre). The overlay zone includes development and design standards for the three housing types (Charleston Row House, Courtyard Cluster Home, Attached Townhome). In addition, the overlay zone includes standards and requirements for landscaping and street design, and conservation easement requirements were included for the Riparian Buffer Overlay area along the lake shoreline and for the Significant Environmental Concern areas of the wooded and wetland areas near the shoreline of the lake; a requirement for a common open space set-aside was also included.

Planner Pettis commented that once the amendments are adopted, the designation would apply to the applicant's property. However, it could also be applied to other properties in the south Fairview Lake area upon property owner request and submission of required application and fee. In addition, on June 2, 1998, the Fairview Planning Commission reviewed the three amendment proposals and voted to recommend their approval by City Council.

Mayor Vonderharr opened the public hearing.

Paul Morris, McKeever/Morris, 209 SW Oak #200, Portland, approached the podium and thanked staff for all their help in designing the proposed overlay zone. Mr. Morris stated that the overlay would provide flexibility and would do so in a way that will have a mix of housing units. Mr. Morris presented draft illustrations of the design elements and street cross-sections.

Mike Robinson, 900 SW 5th #2300, Portland, approached the podium and stated that he was the attorney for the J.T. Smith Company, and that before the Council was a packet and the building blocks for the actual proposal, with a formal design to be presented at a later date. Mr. Robinson commented that the overlay district was a good idea as it mixes lot sizes and architectural types for variety; larger lots will be along the lake, and smaller housing lots would be placed towards Sandy Boulevard, without changing any of the environmental protections the City has for Fairview

Lake. Mr. Robinson reported that the proposed ordinance would require the developer to dedicate a minimum amount of open space, and the ordinance would benefit both the City and the developer. Mr. Robinson, on behalf of the applicant, requested that the Council adopt the ordinance with an added emergency clause so that the ordinance could take effect immediately, thus allowing the actual development application to be submitted 30 days sooner. Mr. Robinson stated that he had spoken to the City Attorney in regards to the emergency clause, and J.T. Smith would "hold harmless" the City.

As no one else approached the podium, Mayor Vonderharr closed the public hearing.

Councilor Raze questioned the anticipated price range of the cluster homes and townhomes. Mr. Morris responded that the homes would run between \$125,000 and \$225,000, but the developer had not chosen a builder as yet. Councilor Raze asked if ownership of the dirt under the Lake would go along with the lots. Marilyn Holstrom, City Administrator, responded that that issue had not been resolved yet, but that Fairview's position is that the homeowner would own the property to the center of the Lake.

Councilor Owen asked for more specifics in regards to the open space which was proposed. Mr. Morris responded that the goal was to set aside about 2 to 2½ acres for a City park, with a park design to be submitted to the Parks Committee; the developer would ultimately build the park for the City, but it would not be a waterfront park. Mayor Vonderharr questioned if the building of the park would be in lieu of Park System Development Charges. Mr. Morris responded yes. Councilor Owen asked if once the park landscaping was placed, if the City was prepared to maintain that park. Administrator Holstrom responded yes, that the maintenance of the park would be the City's responsibility. Councilor Owen questioned the timeline of the project. Mr. Morris responded that the goal was to have an application submitted to the City this summer, and to break ground in early Fall.

Councilor Lillard asked if the overlay designation would extend to Lot 68, which is not owned by the applicant. Planner Pettis responded yes, that the overlay could extend to Lot 68 if it was requested by that property owner, although they would not have to use the overlay. Mayor Vonderharr commented that the proposal was not for a zone change, simply for an overlay, with the default zoning remaining R7.5.

Councilor McCutcheon questioned if there would be access to the Lake for those residents who would not have a lakeside lot. Mr. Morris responded yes, that there would be pedestrian access to the Lake, with the anticipated location being on the western half of the proposal, roughly towards the middle of that section.

Councilor Edwards wished to clarify that some of the homes would only be 6 feet apart. Mr. Morris responded that that was correct, and that it was the Uniform Building Code minimum; typically, there are no windows on the zero lot line side of a house. Councilor Edwards questioned whether the design would lessen the look of the area around the Lake. Administrator Holstrom responded that it had always been the City's intent to try and maintain an appealing look and to retain the high quality housing that is currently around the lake.

Councilor Raze asked whether five of the exact same type of house could be built in a cluster. Mr. Morris responded no, that the requirements would not allow that. Mayor Vonderharr questioned whether the common areas would be covered by CC&R's. Mr. Morris responded yes.

Councilor Raze asked for clarification regarding the indemnity for the emergency clause in the proposed ordinance. Pam Beery, City Attorney, responded that in

order for the City to adopt an emergency clause, a finding was needed as to why it must take effect immediately, and she suggested that, should the City be challenged, that the developer be responsible for paying the expense and their counsel agreed with that precaution. Mayor Vonderharr mentioned that the City should take into account the fact that the project was slowed down somewhat when the City asked them to start over and meet with staff in designing a project that would meet the City's vision.

On the request of Council, Ms. Beery read into the record the new finding and section for the proposed Ordinance 14-1998.

Councilor Edwards moved and Councilor Raze seconded the motion to read Ordinance 14-1998 by title only.

AYES: 6  
NOES: 0  
ABSTAINED: 0

Administrator Holstrom read Ordinance 14-1998 by title only.

Councilor Edwards moved and Councilor Raze seconded the motion to adopt Ordinance 14-1998 with the amendments as added by City Attorney Beery.

AYES: 6  
NOES: 0  
ABSTAINED: 0

### C.ORDINANCE - Fence Regulations

Planner Pettis reported that staff had delivered a revised ordinance to the Council, which would replace the ordinance as shown in their packet. Planner Pettis stated that the City has regulations which govern the height of fences in a residential area; in front yards, fences are presently limited to no more than 3'6" in height. Planner Pettis commented that the main limitation for the height of a fence in the front yard was to allow a clear vision of traffic in the street, and reported that the proposed ordinance would amend the height allowed to 4 feet, as most fence manufacturers do not make 3'6" fences, but do make 3-foot and 4-foot fences. Residents have informed the City that a 3-foot fence was too low to be functional for security, and that by raising the height by ½-foot, the fence would still allow for visibility and it would not affect the 3-foot height imitations on fences that affect corner lots. Planner Pettis stated that the proposed ordinance was reviewed and approved by the Planning Commission, and staff was also recommending its approval.

Councilor Raze questioned the height of fences that were built prior to being annexed into the City. Planner Pettis responded that they would be nonconforming, and if they should need to be replaced, they would have to meet the new City requirements.

Councilor Lillard asked about side yard fences that meet the front yard fence. Planner Pettis responded that the proposed ordinance would only affect the front yard of the house, except on a corner lot. Mayor Vonderharr suggested that in the City's next newsletter, that an article address the Fence Ordinance and also the issue that shrubs must also be trimmed to allow for visibility.

Councilor Lillard moved and Councilor McCutcheon seconded the motion to read Ordinance 12-1998 by title only.

AYES: 6  
NOES: 0  
ABSTAINED: 0

Administrator Holstrom read Ordinance 12-1998 by title only.

Councilor Lillard moved and Councilor Owen seconded the motion to adopt Ordinance 12-1998, AN ORDINANCE AMENDING SECTION 19.235.030 FENCE REGULATIONS FOR RESIDENTIALLY ZONED PROPERTY, BY ADDING SECTION 3. MANUFACTURED HOMES ON INDIVIDUAL BUILDING LOTS, PART 'A'.

AYES: 6  
NOES: 0  
ABSTAINED: 0

**D.ORDINANCE -  
Non-Conforming Uses**

Planner Pettis reported that nonconforming uses are uses that were existing and allowed under a former Zoning Ordinance, prior to 1990, but upon adoption of our present Ordinance 9-1990, became nonconforming or not allowed. These uses include a number of single-family units which were built when the properties were zoned residential, but rezoned in 1990 to industrial or commercial, thus making the properties nonconforming. Planner Pettis explained that under the existing ordinance, residential owners are denied from rebuilding their homes if they were to be destroyed by fire or other disaster, which places a financial hardship on homeowners in non-residential zones. Planner Pettis stated that certain incidents have occurred where homeowners were denied loans for their property due to the nonconforming status; when refinancing or selling a house to a new owner, lenders require a letter of assurance from the City stating that existing homes in non-residential zones may be restored to the full 100% market value if destroyed by fire or other disaster; amending the ordinance would allow the City to legally allow homes to be fully restored when destroyed by fire or other disaster.

Planner Pettis reported that the Planning Commission had reviewed and approved the proposed ordinance, and that staff was also recommending approval.

Councilor Lillard questioned if a home were to be lost to a disaster, if the homeowner would then have to rebuild per the City's development standards. Planner Pettis responded yes.

Councilor McCutcheon moved and Councilor Lillard seconded the motion to read Ordinance 13-1998 by title only.

AYES: 6  
NOES: 0  
ABSTAINED: 0

Administrator Holstrom read Ordinance 13-1998 by title only.

Councilor McCutcheon moved and Councilor Edwards seconded the motion to adopt Ordinance 13-1998, AN ORDINANCE AMENDING CHAPTER 19.185 NONCONFORMING USES PROPERTY, OF THE FAIRVIEW MUNICIPAL CODE. Councilor Lillard asked if the City had an ordinance which addressed the Little Red Store in the event that it should be destroyed by fire or other disaster. Planner Pettis responded no, as it was a commercial use and nonconforming, and would revert to its original zoning designation.

AYES: 6  
NOES: 0  
ABSTAINED: 0

**V.COUNCIL BUSINESS**

**A.APPOINTMENT - City Council  
Position #5**

Administrator Holstrom stated that Robb Pierson had withdrawn his application on June 15th.

Mayor Vonderharr questioned that since there was only a single applicant, if Council wished to reopen the application period or interview the present applicant. Council's general consensus was to move forward with the interview. Mayor Vonderharr asked Ken Quinby to approach the podium and provide a brief presentation.

Mr. Quinby stated that he has lived in Fairview for a little over two years, that he has no aspirations of being a politician, but thought that the Councilors all had common sense and that he would fit right in with them. Mr. Quinby commented that he was curious about what was going on in Fairview, and that he wanted to do more than just sit back and observe.

Councilor Lillard stated that Fairview was growing rapidly and asked what Mr. Quinby thought about the growth and how it was being handled. Mr. Quinby responded that he likes the small town look of Fairview, but that he was concerned about how close the homes would be next to each other near the lake, as approved earlier in the evening, and the mix of higher end housing near moderate housing as people may not want that. Mr. Quinby stated that he believed Fairview Village to still be an experiment, and that it appears as though Part 2 of the Village was being put into place before the City knew if the Village concept really works. Councilor Lillard asked if Mr. Quinby was aware of the time constraints which serving on the Council would incur. Mr. Quinby responded that that was not a problem and that he had quite a bit of free time.

Councilor Owen asked Mr. Quinby to comment on some of the volunteer activities which he has been involved with. Mr. Quinby responded that he voluntarily served on the Board of Directors for a water ski/show team for 2 years, and that he has been a water ski coach. Councilor Owen questioned what personal goals Mr. Quinby expected to fulfill in being on the Council. Mr. Quinby responded that he would just like to be involved and hopes that he could be an influence in decisions. Councilor Owen asked Mr. Quinby what his opinion was on City staffing levels. Mr. Quinby responded that the City seems as if it was understaffed and desperate for help, but that there simply was not enough money to provide additional staff.

Councilor Edwards questioned what Mr. Quinby did as a purchasing agent. Mr. Quinby responded that his employer builds integrated circuits for motion control, and that he was responsible for purchasing material, component valving, shop supplies, etc. Councilor Edwards asked if Mr. Quinby had to travel a lot in his job. Mr. Quinby responded no.

Councilor Raze stated that the Council was a diverse group and that everybody offered something to the mix; Councilor Raze asked what Mr. Quinby would offer. Mr. Quinby responded that he has two areas of concern: how the City stands in its readiness for a natural disaster or emergency, and also the Y2K millennium problem. Councilor Raze commented that sometimes the Council will have citizens present with different views and that it can turn confrontational; Councilor Raze questioned how Mr. Quinby would react in terms of controversial issues. Mr. Quinby responded that he has been involved in people management and had to make decisions that were not always welcome. Mr. Quinby added that he would simply listen to the citizens.

Councilor Lillard asked how Mr. Quinby felt about the City's current status on natural resources. Mr. Quinby responded that he was not sure how the City stood on natural resources, but that the Council seems to be a common sense group and he would have to go along with whatever the City had in place until he knew more. Mr.

Quinby commented that it was everyone's duty to tend to the garden, but that he was not a tree hugger or environmentalist and that he strongly disagrees with some of the environmental movements; the City should be conservative, do some recycling, and be somewhat responsible.

Councilor Edwards questioned if Mr. Quinby could envision himself on the Council and being able to vote as to what was best for the City vs. what was best for him. Mr. Quinby responded that he would not be joining the Council with any agenda, and that he would spend a lot of time learning and listening.

Mayor Vonderharr asked if Mr. Quinby had any views on the core area of the City vs. the new areas of the City which were developing. Mr. Quinby responded that there was probably some impact between the two areas, but that he could not point them out; however, the older part of the City probably wants to protect things that pertain to the small town feel.

Mayor Vonderharr stated that, if chosen for Council, Mr. Quinby would have to assume a leadership position for the City. Mr. Quinby responded that he did not have a problem with that, and that he decided to apply for the position as it would be up for reelection in November, and if he did not think it was working out, he would not petition for the position in November.

Mayor Vonderharr asked if anyone on the Council would like to reopen the application process. Councilor McCutcheon stated that he did not have a problem in making a decision tonight. Councilor Raze added that Mr. Quinby had applied, that everyone in the City had the same opportunity to apply, and suggested that a vote be taken tonight.

Mayor Vonderharr asked each Councilor to write down their name and whether they would like to appoint Mr. Quinby.

Caren Huson, City Recorder, received the votes and stated that the majority of the votes were in favor of appointing Ken Quinby to Council Position No. 5. Recorder Huson swore in Mr. Quinby, who then took his seat on the dais.

## VI. DEPARTMENTAL REPORTS

### A. Police

Gilbert Jackson, Chief of Police, reported that the bicycle patrol program had put in 42 hours since May 9th, and that even an arrest was made. Chief Jackson stated that 111¼ hours of Reserve time had been put in for the month of May.

### B. Public Works

Jeffrey Sarvis, Director of Public Works, reported that the Public Works Department was now on the 800mhz radio system, and that summer workers would be hired soon. Director Sarvis stated that Well No. 7 was on line, as well as the new reservoir on Glisan Street, adding that only a couple of complaints were received concerning water spotting and lower pressure when the new reservoir was put on line.

Councilor McCutcheon questioned if 207th Avenue would meet its anticipated completion date. Director Sarvis responded yes, that the contractors were a large firm, and that they would hit the project hard and have it completed by the end of September 1998.

### C. Planning

Planner Pettis reported that at their June 1998 meeting, the Planning Commission approved the South Fairview Lake Overlay District and the amendments which Council heard earlier tonight, along with approval of a manufactured housing park. Planner Pettis stated that at their July 1998 meeting, the only item on the Commission agenda would be the Raze Meadows subdivision proposal to be

located on the north side of Halsey Street. Planner Pettis commented that he had issued an Expedited Land Decision for Lake Shore Estates 2 for 55 single-family lots, and that he had issued building permits for the Texaco StarMart on NE Sandy Boulevard. Planner Pettis reported that building plans had been submitted for two Holt & Haugh projects: Gold's Gym and LaPetite Academy daycare. Planner Pettis commented that he has been working with McKeever/Morris regarding the City's Transportation System Plan.

Councilor Owen questioned how long the development would take of the land on the north side of Sandy Boulevard west of 223rd Avenue. Planner Pettis responded that the development would consist of 154 condominium units and that the developer was trying to get enough fill dirt to level off the easterly part of the parcel where it slopes down; Phase 1 will begin this year and would consist of 70 of the 154 units. Planner Pettis added that he believed the developer had a time limitation of 45 days to remove the debris from the demolished buildings.

Councilor Lillard commented that she thought at the last East Multnomah County Transportation Committee meeting, that they spoke of funds they would be receiving from a grant, and which Fairview could possibly use for its Renaissance Plan. Planner Pettis responded that when he had discussed the topic further, he discovered that the grant would only apply to County-owned streets, which could include Fairview Avenue or NE Halsey Street. Planner Pettis mentioned that staff had applied for a State grant for sidewalks on Sandy Boulevard, but had not heard from them yet.

**D. Finance**

Director Wall reported that he would be starting the City's annual audit process, and that Council would receive a copy of the adopted budget within the next week. Director Wall stated that staff had been going through a sewer certification process involving sewer-only customers who have not paid their bill, and of the nearly 30 accounts outstanding, all but 3 had paid in full; the other 3 will be sent to Multnomah County to have the amount added to their property tax bill.

**E. Administration**

Administrator Holstrom stated that she would be asking for an Executive Session tonight. Administrator Holstrom reminded Council that a Street Faire would be held on Thursday, June 25th, in Fairview Village. Administrator Holstrom stated that the City's Annual Report had been completed and was currently at the printer, and that the airport noise issue has raised the interest of the Wilkes Neighborhood Group who were very impressed with Councilor Owen's presentation. Administrator Holstrom reported that when the Council last had a joint session with the Planning Commission, the concern and interest was to address those areas in the City that needed to be reviewed as to how they were currently listed in the Comprehensive Plan; those areas of concern will be part of the City's TGM process and Council will be involved in the discussions.

**F. Legal**

Attorney Beery reported that she has begun legal review of Fairview's recently adopted Municipal Code, and that she would be reviewing it on a chapter-by-chapter basis. Ms. Beery stated that they are almost ready to submit revised purchasing rules to Administrator Holstrom, and that beginning next week, would be addressing the sewer issue with Wood Village.

**VII.MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS**

Councilor Owen stated that the next airport noise meeting would be June 30th and the main topic will be the reorganization of the Committee.

Councilor Raze reported that he would be meeting with staff of Wood Village next week to begin the discussion of sewer issues.

Councilor Lillard stated that there was a large mailbox at the end of Bridge Street and she was wondering if it was still used. Director Sarvis responded that he would look into it.

Councilors Edwards and McCutcheon had no reports or concerns.

Councilor McCutcheon stated that he would not be able to attend the Street Faire as he would be on vacation; Councilor Lillard mentioned that she thought she had to work that evening, and Mayor Vonderharr commented that he would be out of town.

Mayor Vonderharr reported that there would be a meeting in July with Metro to set priorities for road improvements. Mayor Vonderharr stated that he had attended the Metro Regional Solid Waste Advisory Committee meeting and that it was very informational. Mayor Vonderharr commented that he has asked Councilor Edwards to represent the City at the County's public hearing regarding the location of an East County library branch which he would like to see placed in Fairview Village. Mayor Vonderharr stated that discussions were on-going regarding Metro's latest statements on affordable housing and densities.

**VIII. EXECUTIVE SESSION**  
**ORS 192.660(1)(e) and (h)**

At 10:25pm, Councilor Mccutcheon moved and Councilor Lillard seconded the motion to adjourn into Executive Session per ORS 192.660(1)(e) and (h).

AYES: 7  
NOES: 0  
ABSTAINED: 0

At 10:30pm, Councilor McCutcheon moved and Councilor Lillard seconded the motion to extend the meeting to 11:00pm.

AYES: 7  
NOES: 0  
ABSTAINED: 0

At 10:55pm, Councilor McCutcheon moved and Councilor Edwards seconded the motion to adjourn from Executive Session and back into the Regular Session.

AYES: 7  
NOES: 0  
ABSTAINED: 0

**IX. ADJOURNMENT**

Councilor McCutcheon moved and Councilor Edwards seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 10:56pm.

AYES: 7  
NOES: 0  
ABSTAINED: 0

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Mayor Roger Vonderharr

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Dated:

Caren C. Huson Quiniones  
City Recorder