

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

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**JUNE 2, 1999 -- 7:30pm**

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

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

PRESENT: Mayor Roger Vonderharr  
Councilor Ken Quinby  
Councilor Sherry Lillard  
Councilor Steve Owen  
Councilor Len Edwards  
Councilor James Raze

STAFF PRESENT: Marilyn Holstrom, City Administrator  
Gilbert Jackson, Chief of Police  
Roy Wall, Finance Director  
John Andersen, Planning Director  
Caren Huson, City Recorder

**II. CONSENT AGENDA**

John Andersen, Planning Director, distributed a revised copy of Resolution 13-1999, as the City Attorney had added some additional wording to the findings.

Councilor Edwards moved and Councilor Lillard seconded the motion to approve the Consent Agenda, consisting of: the Appointment of Rich Goheen to the Mt. Hood Cable Regulatory Commission, the Minutes of May 5 and May 19, 1999, and removing Item C, a Resolution regarding preserving and enhancing conservation easement and riparian buffer overlay areas.

AYES: 6  
NOES: 0  
ABSTAINED: 0

Director Andersen stated that a new finding had been added to Resolution 13-1999, as the City Attorney felt we should specifically reference the Fairview Municipal Code section as it deals with conservation issues. Director Andersen displayed a marker that would be placed on all the properties on the south side of Fairview Lake which would have lakefront property, so that new homeowners would find the marker which identifies the area where conservation protection is to occur.

Councilor Quinby commented that he was confused by the language in the second paragraph of proposed Resolution 13-1999, dealing with "aesthetically pleasing environments"; in his opinion, the properties on the north side of Fairview Lake have a better aesthetic quality than those on the other sides of the Lake who were required to retain the lakefront in a natural state. Councilor Quinby questioned how far the City would go in requiring homeowners to retain natural vegetation. Director Andersen responded that the City does require natural vegetation and that a homeowner could not place a lawn, etc., in the conservation area as the natural

vegetation enhances wildlife habitat. Mayor Vonderharr added that larger plants tend to lower water flow and flooding, and that short grass does not provide shade over water edges, which in turn would cause water temperatures to increase and be adverse to water life. Mayor Vonderharr commented that the ducks which are viewed on the north side of the lake are domesticated, and wild ducks would remain in the tall grass and cover. In addition, plant life along the lake edge helps remove pollutants from the water. Councilor Quinby stated that even though we have a duty to protect wildlife, we are telling people what they can or can not do on their property. Director Andersen stated that conservation does contribute to flood prevention and that there are more fish in streams and more wildlife due to the regulations of conservation easements.

Councilor Owen questioned if there was something that informs prospective homeowners about the 35-foot riparian buffer. Director Andersen responded that the 35-foot buffer was addressed in the homeowner's CC&R's which are part of the deed.

Councilor Owen moved and Councilor Edwards seconded the motion to adopt Resolution 13-1999, A RESOLUTION ESTABLISHING GUIDELINES FOR PRESERVING AND ENHANCING CONSERVATION EASEMENT AND RIPARIAN BUFFER OVERLAY AREAS, with the additional language as written by the City Attorney.

AYES: 5  
NOES: 1 (Quinby)  
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. ORDINANCE - Functional  
Plan Enactment Reading

Director Andersen reported that staff had provided a basic report at the Council's previous regular meeting; at that time, Council had requested additional information for tonight's hearing, which had been provided the previous week. Director Andersen stated that the proposed ordinance would provide the following: Policy 13 of the Fairview Area Comprehensive Plan would be simplified; indication that Fairview would be in compliance with the Regional Urban Growth Concept; revised parking requirements; amendment of Title 19 of the Fairview Municipal Code as it relates to accessory dwellings; and, limiting the maximum size of retail structures in industrial zoning.

Director Andersen explained that the Council had requested a comparison of existing parking requirements to the proposed parking requirements, and added that, in some cases, we would be allowing more than what was previously allowed (retail/commercial), but on the other hand, we were tightening up some things such as less parking for warehouses and schools. Director Andersen reported that the table as included in the staff report was correct, and that parking could not exceed the number on the far right of the table, but the minimum column was just that, a developer could put in more than the minimum number of parking spaces, but not greater than the number depicted in the right hand column. Mayor Vonderharr stated that Metro should not compare apartment parking in Portland to apartment parking in Fairview, as Fairview does not have as much transit service as downtown Portland.

Councilor Quinby questioned if a developer proposed parking that ended up in a number plus a quarter of a parking space, would staff round up that parking number or round down. Director Andersen responded that staff would round the number up to the next whole number.

Councilor Owen asked what Director Andersen's view was of current apartment parking in Fairview, asking if we had enough or were some tenants forced to park on the street. Director Andersen responded parking on streets does occur near apartment complexes, but he has not seen significant problems; there was no question, though, that there would be parking on the street and the proposed ordinance would allow that. Gilbert Jackson, Chief of Police, added that he thought apartment parking was fine for now; the police department has not seen hazardous or inappropriate parking. Councilor Owen questioned who was actually pushing the reduced parking requirement. Director Andersen responded that it was stated in the Metro Functional Plan and that the numbers in the table were the same as those of Metro. Councilor Owen commented that it seems as if it did not matter if you had good transportation or not, this is just how it was going to be, and he personally felt there was not enough parking for apartment tenants.

Mayor Vonderharr asked if the parking requirement numbers were across the board region-wide. Brenda Bernards of Metro responded that the "minimum" numbers were across the board; the difference came in the "maximum" column in which Portland has lower maximum numbers. Councilor Owen stated that it did not seem appropriate that apartment tenants did not have enough parking. Director Andersen commented that it was not common practice among developers to not provide enough parking for their tenants, as providing enough parking is a selling point for their apartment complexes. Director Andersen added that Fairview has had responsible developers, and staff has worked actively with them to ensure adequate parking.

Councilor Edwards stated that the only way he could approve the proposed ordinance would be if the maximum size for retail uses in an industrial zone be raised to 60,000 square feet from the stated 40,000 square feet. Councilor Lillard asked for an explanation as to why the Planning Commission had recommended a maximum size of 40,000 square feet. Director Andersen responded that the Commission's argument was, by reducing the size of retail in Industrial zones, it would protect the City's industrial areas from commercial development; industrial designations usually provide more of a living wage, and in addition, the Commission felt the land was better situated for industrial development than commercial development.

Councilor Quinby asked if Fairview was required to comply with Metro's Functional Plan. Director Andersen responded yes. Councilor Quinby questioned why Council was even discussing the proposed amendments, as it seems they were just "rubber-stamping" the document, and if that was the case, how can the other cities have 60,000 square foot maximums. Director Andersen responded that Metro had set a standard of 60,000 square feet maximum for retail uses in industrial zones; Fairview's Planning Commission had recommended the 40,000 square feet and it was not mandatory that the Council apply the 40,000 square foot maximum. Councilor Quinby questioned if the parking requirements were mandatory. Director Andersen responded that the parking requirements were mandatory, but Fairview does have an area to work within. Councilor Quinby commented that it just seemed as if the Council could not have a say in their own city, and that Metro has already decided everything for everybody. Director Andersen mentioned that Metro had held public hearings in the area for their Functional Plan.

Councilor Quinby asked if the Council also had to "rubber-stamp" Metro's minimum density rule. Director Andersen responded that Fairview must adopt Metro's 80% rule, but Fairview has a great amount of open space, about 25%, and it is the highest in the metro area; in addition, R-7.5 and R-10 zoning designations are large lots for the Portland region. Councilor Quinby stated that he could not endorse the high density and crowding and asked if a Planned Development was proposed, couldn't the developer override the density and create smaller lots. Director Andersen responded yes, but they must provide more open space. Councilor Raze commented that in terms of Planned Developments, the developer could still not exceed the number of units that could be placed per the zoning designation.

Councilor Owen questioned if Fairview had any other large parcels that were zoned for multi-family residential. Director Andersen responded no, but there were still some small pieces of land which could contain apartments; however, he feels the market will shift soon with apartment demand falling.

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

Councilor Quinby stated that it still seemed to him that Fairview was being asked to "rubber-stamp" the proposed amendments and asked what would happen if the Council denied the proposed amendments. Ms. Bernards responded that the Council would be able to ask Metro for an exception, which would have to go through the Metro Policy Advisory Committee, the Growth Committee, and then the Metro Council; an exception could be asked for anything in the Functional Plan. Mayor Vonderharr commented that the Council was not really rubber-stamping the proposed amendments as the Planning Commission had reviewed the amendments and came up with the numbers appropriate for Fairview.

Councilor Owen moved and Councilor Raze seconded the motion to adopt Ordinance 6-1999, AN ORDINANCE AMENDING THE FAIRVIEW AREA COMPREHENSIVE PLAN AND TITLE 19, ZONING, OF THE FAIRVIEW MUNICIPAL CODE, with the language for Sections 19.75.55, 19.80.65, 19.85.65, and 19.90.55 of the FMC, stating that the maximum size of retail structures shall not exceed 60,000 square feet.

AYES: 6  
NOES: 0  
ABSTAINED: 0

**B.RESOLUTION -  
Utility Rate Increase, Storm Drainage**

Roy Wall, Finance Director, introduced Ray Bartlett, Financial Advisor. Director Wall stated that on May 5, 1999, a rate model was presented to the Council regarding the City's stormwater system, and that a public hearing would be heard tonight. A public hearing notice was mailed to every resident in Fairview.

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

Councilor Edwards questioned if the proposed stormwater rate increase was a break-even cost for the City. Director Wall responded yes; the increase would meet operational and maintenance costs of the stormwater system and would add an additional 18 cents to a single-family residential monthly bill.

Councilor Lillard stated that she just hated the increase; Councilor Raze concurred,

adding that he knew it was necessary and knew it was required to maintain the system.

Councilor Edwards commented that the public does not understand why the stormwater fee was even needed. Administrator Holstrom suggested that an article be placed in the City's newsletter to explain what the fee was used for.

Councilor Edwards moved and Councilor Owen seconded the motion to approve Resolution 15-1999, A RESOLUTION REVISING STORM WATER SERVICE CHARGES RELATING TO THE FAIRVIEW STORM WATER SYSTEM.

AYES: 6  
NOES: 0  
ABSTAINED: 0

**C.RESOLUTION -  
Utility Rate Increase, Sanitary Sewer**

Director Wall reported that on May 5, 1999, Council had received information on the City's sewer rate model; staff was recommending a 5% increase which would equate to an increase of \$1.03 per month on a single-family residential utility bill.

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

Councilors Edwards moved and Councilor Raze seconded the motion to adopt Resolution 16-1999, A RESOLUTION REVISING SEWER SERVICE CHARGES RELATING TO THE FAIRVIEW SEWER SYSTEM.

Councilor Quinby commented that nobody likes rate increases, but the Council had to pay the increases, also. Mr. Bartlett was hired as an independent to review the City's rates and systems.

AYES: 6  
NOES: 0  
ABSTAINED: 0

**D.RESOLUTION -  
Police Assessment**

Chief Jackson reported that at the last regularly scheduled Council meeting, discussion occurred regarding the imposition of a \$5.00 assessment to all traffic citations. Chief Jackson stated that Fairview Police issues approximately 1400 to 1500 citations each year for violations of the Oregon Motor Vehicle Code. The City would like to recover some of the costs associated with that enforcement through a fee on citations that are issued in the City of Fairview. The estimated fees for those citations would be approximately \$7,250.00. That money would be allocated to the cost of replacing Fairview Police cars, which currently cost the City about \$31,000 each.

Councilor Quinby stated that he disagreed with the wording of Section 1 of the proposed resolution, as it does not give an "out" to someone who comes to court and is found 'not guilty'. Councilor Quinby commented that he would like to see the language changed so that the proposed fee would only be imposed on those individuals found 'guilty'.

Councilor Lillard questioned if the proposed fee would apply to a parking citation. Chief Jackson responded yes, as they are covered under the Oregon Motor Vehicle

Code.

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

Councilor Quinby moved and Councilor Raze seconded the motion to approve Resolution 14-1999, A RESOLUTION AUTHORIZING THE IMPOSITION OF A FIVE DOLLAR ASSESSMENT TO ALL TRAFFIC CITATIONS ISSUED BY THE FAIRVIEW POLICE WHEN ENFORCEMENT IS DONE THROUGH THE FAIRVIEW MUNICIPAL COURT, with the language in Section 1 to clarify that only those individuals adjudicated a verdict of 'guilty' be imposed the additional \$5.00.

AYES: 6  
NOES: 0  
ABSTAINED: 0

#### V. CITY ADMINISTRATOR REPORT

Administrator Holstrom reported that Lynn Stokes had resigned from the Planning Commission and that the vacancy would be advertised in the newsletter, along with the City Council vacancy. Applications will be accepted for the Planning Commission vacancy until July 30, 1999.

Administrator Holstrom stated that, in regards to the signal at 207th Avenue/Sandy Boulevard, Representative Karen Minnis had attached a budget note to ODOT's current budget stating that they must spend \$150 thousand on a permanent signal for that location. In addition, the temporary signal is to remain until the permanent signal is placed.

Administrator Holstrom reported that the City's next Street Faire would be held on June 24th, 6:00pm, on 227th Court. A letter was received from one resident who was unhappy with the choice of their neighborhood for the Street Faire.

Administrator Holstrom stated that the City had received 31 applications for the Municipal Court Clerk position, with the application period now being closed.

Administrator Holstrom commented that she had placed a copy of Metro's letter in response regarding Fairview's request that an additional fee amount be added to the entrance charges for Blue Lake Park and Chinook Landing for police services; the letter from Metro indicates that they will not place an additional cost to the entrance fees and listed a variety of reasons; however, staff will still pursue the issue.

Administrator Holstrom reported that the Time Capsule Committee had met and had determined that the size of the Time Capsule will be pretty large; boxes will be placed in the Time Capsule containing various items. Each school in Fairview will receive a box and they will decide what is to be placed in it; the City will supply information on the box size and types of materials which should be used. The Historical Society will also receive a box, along with the Council, who should begin thinking about what they would like to put in it. Since the City can not use city funds to provide the Time Capsule, individual cells in a few boxes will be placed for sale so

that a business and/or individual could place an item to be discovered 50 years from now. Administrator Holstrom commented that the anticipated deadline for Time Capsule items will be sometime in October 1999.

Administrator Holstrom stated that, about seven years ago, Fairview withdrew from Fire District 10 in order to save Fairview residents a good portion of money. The City received a letter from PERS recently which indicated that the cities in Multnomah County needed to make up the loss of revenue for Fire District 10 retirees and employees. The PERS Board of Directors will consider a proposal next Tuesday in which Fairview, Wood Village, Troutdale, Gresham, and Portland would have to provide the funds to make up the loss. The total amount of money asked of all Multnomah County cities is \$40 million, with Fairview being charged \$988,000, which is a devastating amount for Fairview. Administrator Holstrom continued by stating that the cost could be paid over 30 years, but that would still cost the City \$80,000 a year. A meeting of all city attorneys had been scheduled for Friday morning to put together a presentation before the PERS Board of Directors.

#### VI.MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Quinby asked for clarification on the June Police Goals regarding a talk group problem. Chief Jackson explained that all police departments have talk groups for radio usage, and that there was a problem in which dispatchers were told to take all general dispatch off the net and place them somewhere else; however, that is not sensible to do as any time you have to use another channel for a talk group, that is a conversation that does not have a recorded back-up tape through dispatch.

Councilors Lillard, Raze, Edwards, and Owen had no reports or concerns.

Mayor Vonderharr reported that he had a meeting earlier in the day with Mayor Becker of Gresham to discuss things in general and to make sure that our cities continue to work together. Mayor Vonderharr also reported that he had attended a Mayor's Legislation Day in Salem the previous week.

#### VII.EXECUTIVE SESSION - ORS 192.660(1)(f) - Records Exempt from Public Inspection

Councilor Edwards moved and Councilor Lillard seconded the motion to adjourn out of the Regular Session and into Executive Session per ORS 192.660(1)(f) - Records Exempt from Public Inspection.

AYES: 6  
NOES: 0  
ABSTAINED: 0

At 9:40pm, Councilor Owen moved and Councilor Lillard seconded the motion to adjourn out of Executive Session and back into the Regular Session.

AYES: 6  
NOES: 0  
ABSTAINED: 0

Councilor Edwards moved and Councilor Lillard seconded the motion that Council retain our attorney-client privilege.

AYES: 5  
NOES: 0  
ABSTAINED: 1 (Quinby)

#### VIII. ADJOURNMENT

Councilor Edwards moved and Councilor Lillard seconded the motion to adjourn.

Mayor Vonderharr adjourned the meeting at 9:46pm.

AYES: 6  
NOES: 0  
ABSTAINED: 0

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Mayor Roger Vonderharr

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Dated:

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Caren C. Huson Quiniones  
City Recorder