

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

SEPTEMBER 1, 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
Councilor Barbara Jones

STAFF PRESENT: Gilbert Jackson, Chief of Police
John Andersen, Planning Director
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor Edwards moved and Councilor Quinby seconded the motion to approve the Consent Agenda, consisting of the Minutes of August 18, 1999.

AYES: 7
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.

Marlin McKay, 350 Main Street, Fairview, approached the podium and stated that the house located at 425 Main Street was constructing a pole barn larger than the home and had received a permit for that construction; however, a pole barn of that size would not be allowed in Fairview Village, and Mr. McKay questioned whether a pole barn that size should be allowed anywhere in the City. Mr. McKay commented that he had previously phoned a City planner and told them that plumbing was being installed, with the response being that that was not permitted. Mr. McKay commented that he was certain that the pole barn would be used for a business; the City planner said that a business would not be allowed, but Mr. McKay was positive that that was what will occur. Mr. McKay went on to comment that the City was way past due in ticketing vehicles in front yards, and that a white and maroon trailer was sitting on Fourth Street on public property with flat tires; also, towards Depot Street, in the apartments, there are three boats and an RV parked on private property and it looks like an RV park in his neighborhood. Mr. McKay asked for the definition of an accessory structure.

John Andersen, Community Development Director, responded that an accessory structure was any secondary building constructed on a parcel, and that a pole barn could be an accessory structure. Mr. McKay questioned why the City would approve a pole barn that was twice the size of a parcel's home. Director Andersen

responded that the City's Code states that accessory structures may be up to 35 feet in height in a residential zone, and added that he has been out to the subject site twice, building inspectors had been to the site three times, and the property owner has come to the City twice to ensure compliance. Mr. Andersen added that other cities do have restrictions in their Code where accessory structures could not be taller than the primary structure, or a certain percentage of lot coverage.

Councilor Raze stated that Fairview Village has CC&Rs which do not allow accessory dwellings. Mr. McKay stated that the idea is to make the core area a unique, quaint, village area, and he would suggest that the City review its Code and make revisions in terms of accessory structures. Councilor Lillard questioned if the pole barn blocked Mr. McKay's view in any way. Mr. McKay responded that it towers 8-10 feet over the residence, and added that a residential area needs to be a residential area; he just feels that it is an inappropriate pole barn. Councilor Lillard commented that the City should review its Zoning Code and update it as needed. Director Andersen agreed, commenting that it should be done so that the Zoning Code is consistent with the Renaissance Plan for the core area. Councilor Owen stated that a Council work session may be needed to discuss this issue as he feels there are some changes that do need to be made.

Carolann Unger, 880 NE Pacific Drive, Fairview, approached the podium and thanked the Council and citizens who attended the concert in the park and donated money for the construction of a church in Fairview Village; she appreciates the support, and reported that \$2,000 was raised for the church. Mayor Vonderharr commented that he noticed that the event was a very social, neighborly function, and hoped that an annual function along those lines could continue.

IV. COUNCIL BUSINESS

A.APPOINTMENT - Planning Commission

Mayor Vonderharr asked Samuel Asbury to approach the podium and tell the Council about himself. Mr. Asbury apologized for having to leave early at the previous meeting, and stated that his primary motivation in applying for the Planning Commission was just to get involved; he likes to be busy, volunteer, and help out where he can. Mr. Asbury commented that he had moved to Fairview in late 1996, and that he likes the City. He applied for the Planning Commission as he felt it would be a great learning experience, and he was successful in problem solving and would like to use those skills to benefit the City.

Councilor Quinby asked what type of law Mr. Asbury practiced and how many hours a week he devotes to it. Mr. Asbury responded that he mainly deals with immigration law and that he works about 30-40 hours a week, adding that since he has his own practice, it allowed him to be very flexible. Councilor Quinby commented that the amount of reading required for the Commission could be quite time consuming, but it sounded as if Mr. Asbury's business was manageable and time would not be an issue.

Councilor Raze questioned if Mr. Asbury had any specific views on the growth of Fairview. Mr. Asbury responded that he has opinions, but no specific growth issues; he knew that growth was limited due to the boundaries of the City, but he feels that growth is a balancing act; it involves charting a course and working out problems. Mr. Asbury added that the concept of Fairview Village, along with the Renaissance Plan, was moving in the right direction. Councilor Raze asked if Mr. Asbury had any real estate experience in his background. Mr. Asbury responded that he has dealt with some legal property issues, but he has no experience in city planning. Councilor Raze questioned if Mr. Asbury had any strong feelings regarding housing

density. Mr. Asbury responded that he has seen high density residential properties, but if he had not read about the complaints regarding density, he would not have any knowledge about it; however, he did not view Fairview itself as having high densities to a great extent.

Councilor Jones asked how Mr. Asbury would handle a situation in which someone comes before the Planning Commission with a proposal that he, personally, did not approve of. Mr. Asbury responded that his first reaction would be to see if other people felt the same way as it was critical to have as much input from citizens as possible. Councilor Quinby questioned how Mr. Asbury would separate personal bias from a decision that would be best for the City. Mr. Asbury responded that there were a lot of tough decisions that need to be made, and he would do his best to make impartial decisions, even if his interests were involved.

Councilor Edwards commented that he wished Mr. Asbury had more experience in building and construction. Mr. Asbury stated that his strong point was research, and everything he would need to learn to be an effective member of the Planning Commission will require a lot of research to get him up to speed, but he was offering the willingness to do that. Mr. Asbury added that he realized that the City was in the position of a lot of growth, with many planning decisions to be made, but he feels that in reviewing evidence, documents, and performing research, that he would enjoy sitting on the Commission.

Mayor Vonderharr commented that Council and the Commission could not always do what they want, and even if we all disagree, the City's ordinances must be adhered to; decisions need to be made based on the interpretation of those ordinances.

Councilor Owen stated that Mr. Asbury would bring great leadership skills to the Commission, and asked if he was willing to make the time commitment. Mr. Asbury responded that he would be committed to the Planning Commission position.

Councilor Lillard commented that she thought Mr. Asbury had presented himself very well, and she did not see a reason to solicit additional applications.

Councilor Lillard moved and Councilor Edwards seconded the motion to appoint Sam Asbury to the Planning Commission. Councilor Edwards added that Mr. Asbury should remember that his legal views had to stay home and that he did not want to ever hear about any decisions being made on a one-on-one basis. Mr. Asbury reassured Councilor Edwards that he had no delusions of grandeur and did not intend to take over the Commission; his intention was just to offer his skills and research abilities.

AYES: 7
NOES: 0
ABSTAINED: 0

Mayor Vonderharr appointed Mr. Asbury to the Planning Commission.

B.APPOINTMENT - Parks Committee

Mayor Vonderharr announced that two applications had been received for the Parks Committee Vacancy. Councilor Raze asked, as Council liaison to the Parks Committee, if both individuals could be appointed to the Parks Committee. Director Andersen responded yes.

Councilor Raze moved and Councilor Quinby seconded the motion to appoint

Richard Modic and Mark Martin to the Fairview Parks Committee.

AYES: 7
NOES: 0
ABSTAINED: 0

V. PUBLIC HEARING

A. ZONING MAP AMENDMENT - 20818 NE Wistful Vista Drive

Councilor Raze announced that he would be abstaining from this item and removed himself from the dais.

Director Andersen stated that the Council had before them an application for a zone change from R-10 to R-7.5. The application was filed by Adelene Lindstrom and was reviewed by the Planning Commission who was recommending approval of the zone change. Director Andersen reported that a minor partition was also proposed, but that the Planning Commission had approved the minor partition subject to Council's zone change approval. Director Andersen stated that the proposal would change the zoning density from 4.36 to 5.81 units per acre, and would create two new lots with a minimum lot size of 7500 square feet. A single-family residence was currently on the property. After reviewing the criteria for a zone change decision, Director Andersen stated that staff had reviewed the application and found that all zoning criteria were met. Director Andersen stated that the Council had a copy of a letter that was received earlier in the day which was in opposition to the zone change.

Councilor Quinby asked for clarification of Section 3.d. of the staff report, in which it states that a zone change must place all property similarly situated in the area in the same zoning designation. Director Andersen responded that that meant that the adjoining properties must be residential zoning, not particularly R7.5, but single-family residential.

Mayor Vonderharr opened the public hearing.

Jim Raze, 20901 NE Halsey, Fairview, stated that the writer of the opposition letter does not live on NE Wistful Vista, but on NE 205th Avenue, several hundred feet away from the proposed zone change. Mr. Raze commented that in terms of increased density, the application would only allow one more house to be built than could be placed without the zone change, but that would not be an efficient use of the land. In addition, all of the criteria has been met, and he was in favor of the zone change as it was a good use, fits the Comprehensive Plan, and serves the City well in providing additional housing units.

Jerry Boyle, 20818 NE Wistful Vista, stated that he was the applicant along with his mate, and that the two new homes proposed to be built would not be visible from the street. Mr. Boyle reported that NE Wistful Vista was maintained by the people who live on it, so the person opposed to the proposal does not pay anything for the maintenance of Wistful Vista. Mr. Boyle added that there are several smaller lots on NE 205th Avenue and are not all one acre in size as stated by the opponent.

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

Councilor Lillard questioned if this parcel was rezoned to R-7.5, would that leave many R-10 parcels in the City. Director Andersen responded that there really was not a lot of R-10 properties currently in the City. Mayor Vonderharr commented that

he thought the only reason the City still had R-10 zoning was because it came over as such when the property was annexed from the County. Director Andersen stated that, actually, the land came in as R-7.5 and it was a larger group of residents at some point who had it rezoned to R-10.

Councilor Owen moved and Councilor Lillard seconded the motion to read Ordinance 12-1999 a first time by title only.

AYES: 6
NOES: 0
ABSTAINED: 1 (Raze)

Director Andersen read Ordinance 12-1999 a first time by title only.

Councilor Owen moved and Councilor Lillard seconded the motion to adopt Ordinance 12-1999, AN ORDINANCE AMENDING THE CITY OF FAIRVIEW ZONING MAP.

AYES: 6
NOES: 0
ABSTAINED: 1 (Raze)

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

Councilor Raze took his seat on dais.

Councilor Owen reported that he had spoken to the Mayor regarding the Regional Air Transportation Task Force which has 15 members on their committee, but no representation from East Multnomah County. Councilor Owen was trying to determine if we should push to get East County representation on the committee, and if the Council concurred, a letter would be sent to the Committee requesting representation; CNAC has also requested a spot on the committee and it was being taken into consideration.

Councilors Jones and Lillard stated that an event should be held annually for the City, similar to the one held in Fairview Village.

Councilors Raze, Quinby, and Edwards had no reports or concerns.

Mayor Vonderharr reminded the Council that a Street Faire was scheduled for September 16th at 6:00pm; a Four Cities meeting would be held on October 7th at 6:30pm in which Fairview was the host; and, on October 9th, the City's Time Capsule Ceremony would be held at 10:00am.

Mayor Vonderharr reported that he had not received a response from Metro on his latest letter, but ODOT did make a change on the State map which he had requested, as the current map did not depict the 207th Avenue Exit off of I-84.

VII. ADJOURNMENT

Councilor Quinby moved and Councilor Lillard seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 9:12pm.

AYES: 7
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated: _____

Caren C. Huson Quiniones
City Recorder