

**MINUTES  
FAIRVIEW CITY COUNCIL REGULAR MEETING  
FAIRVIEW CITY HALL  
1300 NE VILLAGE STREET  
FAIRVIEW, OREGON 97024**

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**JULY 5, 2000 -- 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: Marilyn Holstrom, City Administrator  
John Andersen, Community Development  
Director  
Caren Huson, City Recorder

**II. CONSENT AGENDA**

Councilor Lillard moved and Councilor Owen seconded the motion to approve the Consent Agenda, consisting of: Resolution 14-2000, A RESOLUTION AMENDING RESOLUTION 12-1996 BY CHANGING THE NUMBER OF MEMBERS N THE PARKS/OPEN SPACES CITIZEN ADVISORY COMMITTEE; Resolution 15-2000, A RESOLUTION STATING THE CITY'S QUALIFICATION FOR STATE-SHARED REVENUE FUNDS; Resolution 16-2000, A RESOLUTION ADOPTING THE PARK VISION AND CONCEPT FOR MARILYN'S PARK; a CDBG Contract with Multnomah County; and, the Minutes of June 21, 2000.

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. As there was no response, the session continued.

**IV. PUBLIC HEARING**

**A. CONTINUED HEARING  
- Columbia Shoreline  
Area north of Blue  
Lake Park**

John Andersen, Community Development Director, reported that tonight's public hearing was a continuation of a hearing originally scheduled for June 7, 2000. The hearing was delayed to provide time to gather information regarding Goal 5 resources on the sites. Information provided to staff indicates that no Goal 5 resources will be adversely affected by adoption of the proposed ordinances.

Director Andersen stated that the Planning Commission had reviewed all the materials regarding the proposal and were recommending approval by the City Council.

Director Andersen reported that the proposal regards two parcels of land adjoining the Columbia River. One is the 28-acre Chinook Landing Park, owned by Metro; the second parcel is an 11-acre lot owned by Don Toombs and used for storage and sale of sand and gravel. Mr. Toombs' property is a long narrow piece of land that varies between 60 and 2000 feet in width; the parcels are both currently zoned M-1CR for river related industrial use.

Director Andersen stated that Ordinance 11-2000 would amend the A-1-B land use district to permit some additional residential and minor commercial uses compatible with the residential development in order to assure the viability of the development and enhance employment opportunities. Ordinance 12-2000 would amend the Comprehensive Plan and Zoning Map. The CSP overlay for Chinook Landing would actually give that parcel an appropriate designation since it is public land being used for park purposes, not an industrial parcel. The change for Mr. Toombs' property to A-1-B would allow the land to be developed as a mixed-use project of residential and commercial uses. These uses would be more compatible with the adjoining uses, the unusual conditions that exist due to the shape of this parcel would be better accommodated, and environmental concerns on and adjoining the site could be better addressed. Director Andersen commented that Ordinance 12-2000 included language in regards to an Airport Noise Disclosure Statement; staff was recommending that that language be removed and the subject be discussed at a future Council meeting. Director Andersen stated that Ordinance 13-2000 would amend the zoning regulations to clarify the purposes of the M-1CR zone to indicate that properties should be so designated when the property is actually functional for industrial uses.

Director Andersen reported that the Council had before them an inventory of Goal 5 resources regarding the site which was the information the State had requested to comply with Goal 5. Director Andersen asked that the Council make an amendment to Ordinance 12-2000 to reflect the Goal 5 inventory document. Director Andersen read the Goal 5 inventory document into the record and it is attached and incorporated into these minutes.

In conclusion, Director Andersen stated that staff was recommending approval of the three proposed ordinances, with the changes mentioned above. In addition, staff was recommending that Ordinances 11-2000 and 12-2000 have wording amended which would correct language stating "no more than" to "no less than" as it pertains to Metro parking requirements.

Councilor Edwards stated that he did not want to see a Noise Disclosure Statement Program, but if necessary, he would like it to be associated only with newly built property, not on homes that were existing, as it was not right that anyone who purchased a home three years ago without a disclosure statement would have to disclose a noise to the next purchaser. Director Andersen commented that it would be to the Council's discretion on how they would like the Noise Disclosure Statement presented.

Councilor Owen commented that if one was to look at the Noise Contour Map from the 1996 Port of Portland Summary, the airline noise contour begins in the middle of Fairview Lake; however, currently, the noise contour is north of Fairview Lake, so the Council should base any decisions on new summaries and noise contours. Councilor Owen stated that he was not really interested in City staff spending the time on a Noise Disclosure Statement if it involves just a small piece of Fairview. Councilor Raze mentioned that he thought the City would be getting into something they

would not actually need in terms of a Noise Disclosure Statement as the airplanes are overhead about every 15 minutes and easily noticed. Director Andersen responded that staff was recommending a reintroduction of the Noise Disclosure provision as there was an objection filed by the Port of Portland on the City for not having that condition in place. Mayor Vonderharr stated that no other City in East County has such a disclosure, and he did not think it was fair to make it a condition of one city alone; aircraft fly in a fan-shaped area and it affects many properties besides those in Fairview.

Councilor Lillard questioned a high water mark vs. a 100-year flood event. Director Andersen responded that the 100-year flood elevation was considerably higher than the mean high water mark which is reached on average each year. The City would not be in a position to approve any development within the 100-year floodplain; our own restrictions would prevent development in that area.

Councilor Quinby moved and Councilor Owen seconded the motion to remove the Noise Disclosure Statement from Ordinance 12-2000, and to deal with the issue on an as-needed basis, or as ordained by the State, as it concerns only a small area of Fairview.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Mayor Vonderharr opened the public hearing.

Tim McMahan and Robert Price stated that they represented the property owner, Don Toombs. Mr. McMahan indicated that Mr. Toombs had spoken with staff many months ago regarding his property, and staff had worked very hard at solving problems related to the site. Mr. McMahan stated that he believed the proposal would serve the community very well and would establish a vibrant residential/mixed use area. Mr. McMahan commented that Mr. Toombs was requesting Council approval of the three proposed ordinances. Mr. Price stated that he has worked with Mr. Toombs for about 13 years regarding the property, and he wished to make it clear that Toombs Sand & Gravel was not going out of business. Mr. Toombs simply realized that the City may not always want a sand and gravel site on the property and he wants to provide the opportunity, in the future, for a potential residential/mixed use development for the site.

As no one else wished to testify, Mayor Vonderharr closed the public hearing.

Councilor Lillard questioned if "mobile home parks" should be removed from the list of permitted uses as stated in Ordinance 11-2000. Director Andersen responded yes, that "mobile home parks" should be removed from Ordinance 11-2000 as it regards section 19.50.020, Permitted Uses.

Councilor Owen commented that since Mr. Toombs' property has such a very unique shape, that he hoped the Planning Commission will place special emphasis on parking due to the limited amount of space. Mr. Price responded that any design for the site would be a challenge, but if he and Mr. Toombs were involved, what they present to the City would be something the City would think was perfect. Councilor Owen asked if half-street improvements would be required. Mr. Price responded that, likely no, except for driveway improvements; Marine Drive drops right onto the

site and to expand Marine Drive would take too much property from the site. Councilor Owen mentioned that Toombs Sand & Gravel has always been a good neighbor to Fairview.

Councilor Lillard questioned what Metro's comments meant in regards to the Comprehensive Plan Map, Zoning, Growth Management Function Plan, etc. Director Andersen responded that Metro had a concern that Fairview staff should have given them more notice, and their other comments dealt with their concerns about our extension in regards to Title 3 (riparian wetland areas). Fairview would not be in compliance with Title 3 until October 2000; however, some of Metro's issues were addressed by the Goal 5 work which was performed.

Councilor Owen moved and Councilor Lillard seconded the motion to read Ordinance 11-2000 a first time by title only.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Caren Huson, City Recorder, read Ordinance 11-2000 by title only.

Councilor Edwards moved and Councilor Raze seconded the motion to adopt Ordinance 11-2000, AN ORDINANCE AMENDING FAIRVIEW MUNICIPAL CODE CHAPTER 19.50, "APARTMENT RESIDENTIAL-BUSINESS OFFICE (A-1-B)," TO ALLOW CERTAIN LIMITED COMMERCIAL BUSINESS ACTIVITIES IN MIXED USE PROJECTS WITHIN THE A-1-B ZONE, AND DECLARING AN EMERGENCY, with "Mobile Home Parks" to be removed from Section 19.50.020 of the Ordinance, and with the Metro parking requirement language changed from "no more than", to "no less than".

AYES: 7  
NOES: 0  
ABSTAINED: 0

Councilor Raze moved and Councilor Jones seconded the motion to read Ordinance 12-2000 a first time by title only.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Recorder Huson read Ordinance 12-2000 by title only.

Councilor Owen moved and Councilor Lillard seconded the motion to adopt Ordinance 12-2000, AN ORDINANCE AMENDING THE CITY'S COMPREHENSIVE PLAN TEXT AND LAND USE MAP FOR PROPERTY ADJACENT TO THE COLUMBIA RIVER; CHANGING THE PLAN DESIGNATIONS OF PROPERTY OWNED BY METRO FROM INDUSTRIAL TO PARKS AND OPEN SPACE; CHANGING THE DESIGNATION OF PROPERTY TO THE WEST OF THE METRO PROPERTY FROM INDUSTRIAL TO RESIDENTIAL TO ENABLE A MIXED RESIDENTIAL/COMMERCIAL/OFFICE USE OF THE PROPERTY; AMENDING THE CITY'S ZONING MAP TO IMPLEMENT COMPREHENSIVE PLAN AMENDMENTS, AND DECLARING AN EMERGENCY, with the removal of language regarding

a Noise Disclosure Statement, inclusion of the Goal 5 inventory document, and with the Metro parking requirement language changed from "no more than", to "no less than".

AYES: 7  
NOES: 0  
ABSTAINED: 0

Councilor Owen moved and Councilor Lillard seconded the motion to read Ordinance 13-2000 by title only.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Recorder Huson read Ordinance 13-2000 by title only.

Councilor Owen moved and Councilor Lillard seconded the motion to adopt Ordinance 13-2000, AN ORDINANCE AMENDING CHAPTER 19.90 OF THE FAIRVIEW MUNICIPAL CODE, "HEAVY MANUFACTURING, COLUMBIA RIVER" (M-1CR), SECTION 19.90.010, TO CLARIFY THE APPLICABILITY OF THE M-1CR ZONING DISTRICT TO PROPERTIES SUITABLE FOR WATER-DEPENDENT HEAVY MANUFACTURING USES AS DESIGNATED ON THE ZONING MAP, IMPLEMENTING COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS ADOPTED BY THE CITY COUNCIL FOR THE CITY OF FAIRVIEW, AND DECLARING AN EMERGENCY.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Mayor Vonderharr thanked Mr. Toombs for the use of his land to launch the fireworks on July 4th.

## **V. CITY ADMINISTRATOR REPORT**

Marilyn Holstrom, City Administrator, reported that the Mural Committee continued to meet and were making much progress; the summer months will be spent in fundraising. A budget for the mural was determined and the City's fund was not sufficient. In addition, an individual was hired to put together a proposal for the mural.

Administrator Holstrom reminded the Council that a City Street Faire would be held the following evening in Lakeshore Estates.

Administrator Holstrom stated that Metro negotiations regarding a proposed use fee were moving forward; the City had submitted numbers to them of actual police log-in times spent in their facilities this year within Fairview, and we are projecting those figures out for the Year 2000. Administrator Holstrom commented that she felt comfortable with the negotiations and that there was no antagonism. Councilor Raze questioned how many Fairview Police Officers were activated the previous evening for the 4th of July Fireworks Display. Administrator Holstrom responded that all but one Officer, including Reserves, were on duty. Mayor Vonderharr commented that he would like a list of those cities who made commitments for the 4th of July event but failed to participate. Administrator Holstrom responded that she could obtain that information, but that the commitments were made to the Fireworks Committee, not to the City of Fairview.

Administrator Holstrom reported that staff has been meeting with the owners of the Portland/Fairview RV Park and that an ordinance was tentatively scheduled for Council in mid-August.

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

Councilor Jones thanked all the sponsors of the Fireworks Display.

Councilor Raze stated that break-ins continue to occur at the Heslin House and that he thought some kids needed to be caught and dealt with in the City.

Councilor Lillard reported that the East Multnomah County Transportation Committee would meet the following week, and that she would probably not be able to attend the Street Faire the following evening.

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

Mayor Vonderharr reported that he would be attending a Four Cities Mayors meeting the following Friday morning.

Administrator Holstrom welcomed Carl Malone to the Fairview Council meeting; Mr. Malone was the new Public Works Director for Wood Village. Mr. Malone thanked the Council for the welcome and added that he was a resident of Fairview Village.

**VII. ADJOURNMENT**

Councilor Edwards moved and Councilor Raze seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 8:31pm.

AYES: 7  
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