

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

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**March 6, 2002 -- 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 Barbara Jones

ABSENT: Councilor James Raze

STAFF PRESENT: Mary Jo Briggs, City Administrator  
Bob Cochran, Public Works Director  
John Andersen, Community Development  
Director  
Caren Huson, City Recorder

**II. CITIZEN  
COMMUNICATIONS**

Mayor Vonderharr called for persons wishing to speak on non-agenda items.

Erfan Arsanjani, 1143 SE 213<sup>th</sup> Avenue, Gresham, stated that he owns three businesses in Fairview; he was planning on opening a video game arcade, but the vending machine fees in Fairview prevented him from doing so. Mr. Arsanjani commented that Fairview was going to charge him \$75 to \$100 per arcade game and mentioned that other cities in the area did not have vending machine/arcade fees. Mr. Arsanjani reported that he had a tenant who declared bankruptcy and did not pay their water bill, so Fairview charged him for the water as he was the property owner. Again, Mr. Arsanjani mentioned that other cities in the area do not have this policy. Mr. Arsanjani stated that one of the businesses he owns in Fairview is a laundromat for which he paid \$250 in water fees; for his similar laundromat in Gresham, which does twice as much business, the utility bill was only \$164. Bob Cochran, Public Works Director, mentioned that he had briefly spoken with Mr. Arsanjani and informed him that he would be researching the utility fees in the City's future rate study. Mary Jo Briggs, City Administrator, stated that staff would provide Council with a comparison sheet regarding vending machine licensing, and also provide Council with the City policy regarding property owners being liable for water use on the property

they own; Mr. Arsanjani would also receive the information.

Councilor Owen questioned who Mr. Arsanjani anticipated would use the video game arcade. Mr. Arsanjani responded that it was planned for individuals aged 8 years and up.

Councilor Lillard stated that it was very important for the laundromat to remain in Fairview.

Councilor Quinby suggested that Mr. Arsanjani contact the leasee regarding the outstanding water bill, and that Mr. Arsanjani also review his tenant contract verbiage to determine if language is included regarding tenants responsibility to pay outstanding bills.

### **III. CONSENT AGENDA**

Councilor Quinby moved and Councilor Edwards seconded the motion to remove the Planning Commission reappointments from the Consent Agenda.

AYES: 6  
NOES: 0  
ABSTAINED: 0

Councilor Owen moved and Councilor Edwards seconded the motion to reappoint Jan Shearer and Steve Mayes to the Planning Commission for four-year terms.

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

Councilor Quinby moved and Councilor Edwards seconded the motion to approve the revised Consent Agenda, consisting of: an Intergovernmental Agreement with Metro for the Commercial Technical Assistance Program/Waste Evaluation Program; Council Policy Adoption on Planning Commission and On-Going Committee Reappointments; a Personal Services Agreement for Fairview Community Park; and, the Minutes of February 20, 2002 .

AYES: 6  
NOES: 0  
ABSTAINED: 0

### **IV. PUBLIC HEARING**

#### **A. George Rezoning**

Mayor Vonderharr excused himself from the decision-making process for this subject, but retained his right to testify regarding the proposal and the impact on the neighborhood. Mayor Vonderharr turned the meeting over to Council President Steve Owen.

John Andersen, Community Development Director, reported that the applicant was proposing a Comprehensive Plan Map Manemndnet and Zone Change for the old Post Office Property at 110 Cedar

Street. The applicant's proposal is to change the Comprehensive Plan Map Designation from "Public" to "Medium-Density Resident", and to change the zoning from "Residential" to "Residential Multi-Family". With these changes the Comprehensive Plan and zoning would be consistent in allowing multi-family development.

Director Andersen stated that a public hearing was held on February 5, 2002, before the Planning Commission. The Planning Commission heard testimony and has recommended a Comprehensive Plan Map Amendment from "Public" to "Low-Density Residential", instead of the applicant's request of "Medium-Density Residential". In addition, the Planning Commission has recommended denial of the zone change request to Residential Multi-Family, keeping the existing zoning of Residential. With this recommendation, the Comprehensive Plan and zoning will be consistent in allowing only single-family residential development.

Director Andersen reported that the applicant has now requested to continue the public hearing an additional 90 days, in order to complete additional research and review other development options; the hearing would be continued until the June 5, 2002 Council meeting.

In addition, the applicant has agreed to waive his right for a 120-day decision.

George Olson, 120 Cedar Street, Fairview, stated that he lives next door to the subject property and that he would like to maintain the zoning as Single-Family Residential. Many years ago, when he purchased his property, he reviewed the zoning and was assured that once the Post Office relocated, that the Public Overlay would revert back to Single-Family Residential. Mr. Olson stated that he had also testified before the Planning Commission, and they had voted against the rezoning to Multi-Family Residential. Mr. Olson commented that there was not a need for multi-family in the area, and that the property owner had never taken care of the property, even when it was leased by the Post Office. Mr. Olson mentioned that he would like to see the Council make a decision tonight. In addition, he would like to know how many continuances the applicant may request. Director Andersen responded that State Statute sets a 120-day deadline for a decision, but if an applicant waives that right, they may continue the application period.

Roger Vonderharr, 180 Second Street, Fairview, stated that he lives across the street from the subject property and that the only reason the property owner was asking for a multi-family zoning designation was to limit his tax liability. Mr. Vonderharr commented that the property owner was an absentee landlord and that he knew very well when he originally purchased the property that it was zoned single-family residential. The property owner's request for multi-family residential would allow for a commercial use which was inappropriate

for the residential area. Mr. Vonderharr stated that the current building on the property does not meet the setback requirements of the City, that traffic would be a problem, and that the neighborhood was single-family residential. There is an existing tri-plex that is non-conforming to the zoning, but it was grandfathered in. Mr. Vonderharr commented that if the Council was to look at 223rd Avenue, virtually 80% of it was single-family residential from Marine Drive to Glisan Street, and most of the residents who live in the immediate area of the subject property have lived there 20 years or more. Adding additional multi-family residential or a commercial use would change the single-family character of the neighborhood. Mr. Vonderharr mentioned that the City had relocated the Post Office and City Hall due to traffic in their previous single-family residential locations. Mr. Vonderharr urged the Council to deny the applicant's proposal. Councilor Lillard questioned if Mr. Vonderharr was opposed to multi-family residential or the commercial aspect of the proposal. Mr. Vonderharr responded that he was opposed to both, and that the City's Renaissance Plan participants never suggested that additional rental units be brought into the core area; in addition, the City should not be spot-zoning different areas of the City as it would chop up neighborhoods.

Lynn Stokes 120 Cedar Street, Fairview, stated that she moved into her home in February 1995 and strongly requests that the subject property not be rezoned. She and her neighbors like the single-family residential zoning and were assured that if the Post Office moved, that the overlay would be removed and the property would revert back to single-family residential. Ms. Stokes commented that the property owner has not maintained the existing building on the site, even when it was in use, and she was concerned that the same would happen with any rentals that were placed on the property. Ms. Stokes mentioned that the subject property was a pie-shaped lot, and she did not know how four rental units and a business could be placed on the site; the alley should not be removed as the residents in the area actually use it to access their properties. Ms. Stokes added that her neighborhood is single-family residential and that she would like it to remain that way. Ms. Stokes asked the Council to please leave old Fairview as it should be.

Councilor Quinby asked if the property owner had hinted at the other development options he was reviewing. Director Andersen responded that the Council would have to wait for the property owner to be present and ask him that question.

Jerry Ruff, 140 Cedar Street, Fairview, stated that he disagrees with the multi-family rezoning and that he would like old town Fairview to retain its character.

Robin Heiner, 110 Main Street, Fairview, stated that she has lived in her home for 16 years, and when they first purchased their property,

families got out and did things together, but that has changed and she did not want to see it get any worse. She did not want to see multi-family residential or commercial uses on the subject property.

Ken Heiner, 110 Main Street, Fairview, stated that the City's Comprehensive Plan should take a long-range view of what the City should be, and should not be a quick fix for a proposal. It was always intended that when the overlay was removed, that the property would revert back to single-family residential. Mr. Heiner commented that there was enough multi-family residential available in the City and the argument could not be made that we need more.

Councilor Jones asked why the applicant was not present. Director Andersen responded that the applicant was reconsidering his request and reviewing other options, so he requested a continuance in writing. The applicant does have the right to respond to the concerns raised tonight. Councilor Jones mentioned that she, too, did not understand why the City needed more multi-family residential.

Councilor Quinby commented that basically the Council could not do anything tonight except take testimony and then wait for the property owner to appear at the June 5<sup>th</sup> meeting. Director Andersen mentioned that the Council has a right of make a decision on the matter, and they can make a decision different than what the applicant has requested.

Mary Ann Arnold, 2120 NE Fairview Avenue, Fairview, stated that she lives across the street from the subject property, and that she had testified at the Planning Commission hearing and feels the same way as the other residents who testified tonight. Ms. Arnold added that there has always been talk of widening Fairview Avenue, which would remove frontage of the subject property, and that was one more reason not to approve the rezoning.

Councilor Owen questioned the entire process on the subject proposal and asked why it was even before Council as the applicant was not present, the applicant has requested a continuance, the Planning Commission has recommended a Comprehensive Plan Map Amendment from "Public" to "Low Density Residential" instead of the applicant's requested "Medium Density Residential", and the applicant has indicated that he is now exploring other possibilities for the property.

Councilor Edwards commented that nothing was going to happen tonight and moved to continue the public hearing to the June 5<sup>th</sup> Council meeting, which will occur at 7:30pm in the Fairview Council Chamber; Councilor Jones seconded the motion.

AYES: 5  
NOES: 0

ABSTAINED: 1 (Vonderharr)

Mr. Vonderharr requested that the City initiate the process of removing the "Public Service" overlay from the subject property and return the property to its original single-family residential designation.

Councilor Lillard stated that all those who testified had made a very good case, but in the sense of fairness, the property owner needs to come before the Council and have an opportunity to speak. Councilor Lillard added that if the City does not have wording in its Code regarding how long a continuance may be granted, that it should be added and that continuations would be at the discretion of the Council.

**V. COUNCIL BUSINESS**

At 8:30pm, Mayor Vonderharr returned to his place on the dais.

**A. DISCUSSION -  
Fairview on the**

**Fourth**

Director Andersen reported that the City has been proposing, for quite some time, a new community event. Staff was proposing, as part of the dedication of the new Community Park, that it was a great opportunity to demonstrate Fairview as a "destination". A committee has been formed and they were currently working on events to hold in the Community Park and Community Center on July 4<sup>th</sup>. It is hoped that the July 4<sup>th</sup> event will become an annual celebration for the City, and staff was looking for any suggestions or guidance from the Council.

Councilor Lillard questioned if the City held a July 4<sup>th</sup> event, if it would be in competition with the festivities in Blue Lake Park and the Fireworks Event. Director Andersen responded that the City's celebration would occur earlier in the day and that it would be a predecessor to the activities in Blue Lake Park later on in the afternoon and evening. Director Andersen added that the City's Parks Committee had taken on the lead in this celebration.

Mayor Vonderharr commented that perhaps the Committee could involve the still-forming Fairview Business Association members in the celebration.

Councilor Quinby mentioned that a water ski team has also shown interest in performing shows on Blue Lake on July 4<sup>th</sup>.

Mayor Vonderharr stated that Gresham Mayor Chuck Becker has asked if Fairview would be interested in holding a function in the Community Park around the same time as the Mt. Hood Jazz Festival.

**VI. CITY ADMINISTRATOR  
REPORT**

City Administrator Briggs encouraged citizens in Fairview to complete the Police Survey. The Survey could be accessed from the City's or mailed to anyone requesting it.

Administrator Briggs reported that two joint Work Sessions between the Planning Commission and City Council have been scheduled: the first one will occur on March 27<sup>th</sup>, 5:30pm, and would focus on visioning; the second Work Session would be held on May 1<sup>st</sup> and the topic of discussion would be parking concerns.

Administrator Briggs thanked the newly opened Fairview Target store for their performing arts grant which would allow a future production at the Fairview Community Center.

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

Councilor Jones also thanked the Target store as it was her understanding that most of the employees were from the community. Councilor Jones added that she thought the Target store and the City would be a great partnership.

Councilor Lillard reported that she had attended the East Multnomah County Transportation Committee meeting the previous Monday, and that in regards to the TriMet Bus Shelter Expansion Program, that Fairview would receive a total of four new bus shelters. Also, House Bill 4010 would allow an increase in funding for the State Transportation Investment Fund, and the Joint Policy Committee for Transportation was discussing which projects they would like to select should they receive additional funds.

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

Mayor Vonderharr stated that he had attended a conference regarding retailing and redevelopment of downtown areas, and was happy to report that most of the retailers locating in East County were the most successful retailers in the country. Mayor Vonderharr reported that he and Councilors Owen and Raze had been working to form a Fairview Business Association, and that the third meeting would take place on March 14th.

**VIII. ADJOURNMENT**

Councilor Quinby moved and Councilor Lillard seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 8:50pm.

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