

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

March 20, 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 James Raze
Councilor Barbara Jones

STAFF PRESENT: Mary Jo Briggs, City Administrator
Gilbert Jackson, Chief of Police
Bob Cochran, Public Works Director
Roy Wall, Finance Director
John Andersen, Community Development
Director
Caren Huson, City Recorder
Stephen Richards, Public Works
Superintendent

**II. CITIZEN
COMMUNICATIONS**

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

III. CONSENT AGENDA

Councilor Owen moved and Councilor Quinby seconded the motion to approve the Consent Agenda, consisting of: Appointments to the Citizen Noise Advisory Committee; a Liquor License Change of Ownership for the Quick Shop Minit Mart; and, the Minutes of March 6, 2002.

AYES: 7
NOES: 0
ABSTAINED: 0

IV. PUBLIC HEARINGS

**A. ORDINANCE 3-2002
Accessory Structure
Code and Text
Amendments**

John Andersen, Community Development Director, reported that the Council had adopted a new Development Code in November 2001; however, the accessory structure section was left for further research and discussion. Since that time, staff surveyed accessory structure regulations from other jurisdictions and brought that information to the Planning Commission and City Council. After public hearing and

discussion, the Planning Commission was now recommending approval to the City Council of the proposed ordinance regulating accessory structures and maximum lot coverage for single-family detached homes. Director Andersen commented that the City Attorney had reviewed the proposed ordinance and had suggested some minor text changes as noted in the Council's packet. Mayor Vonderharr opened the public hearing; as there was no response, Mayor Vonderharr closed the public hearing.

Mayor Vonderharr questioned the language in (6.c.) of the proposed ordinance and proposed that the wording "or maintained" be removed as it seemed to read that the City was opposed to property owners maintaining accessory structures which have been grandfathered into the Code. Director Andersen responded that the wording would be removed.

Councilor Owen asked if the maximum square footage of an accessory structure would be 450 square feet. Director Andersen responded no; the maximum square footage allowed for an accessory structure is 1,000 square feet, but if a structure is above 450 square feet, it must be constructed similar to the main home and character of the neighborhood. In addition, accessory structures would be limited to one story, except for some designs which include a loft area. Councilor Owen questioned how accessory structures and lot line limitations were addressed in the proposed ordinance. Director Andersen responded that depending on the character of the accessory structure, that it could be set right next to the property line; there is a 3-foot setback requirement if there is concern about materials to be stored in the accessory structure. Councilor Owen asked if someone wished to construct an accessory structure whether they had to notify their neighbors. Director Andersen responded no

Councilor Lillard questioned if an accessory structure contained a loft and someone wanted to live in the structure, if it would require another process. Director Andersen responded that that scenario would fall under an Accessory Dwelling Permit. Councilor Lillard asked where it was stated in the proposed ordinance that an accessory structure would not be taller than the original building. Director Andersen responded that that language is located at the end of the list of standards (d.) Councilor Lillard stated that her only concern was a 20-foot tall structure that would overshadow a neighbor's yard.

Councilor Quinby stated that language should be added to (d.ii.) of the proposed ordinance so that it would state, "If located at five feet or more . . ."

Councilor Edwards moved and Councilor Lillard seconded the motion that Ordinance 3-2002 be read by title only.

AYES: 7

NOES: 0
ABSTAINED: 0

Caren Huson, City Recorder, read Ordinance 3-2002 by title only.

Councilor Edwards moved and Councilor Lillard seconded the motion to adopt Ordinance 3-2002, AN ORDINANCE AMENDING TITLE 19 OF THE FAIRVIEW MUNICIPAL CODE, SECTION 19.30.070 MAXIMUM LOT COVERAGE FOR SINGLE-FAMILY DETACHED HOMES, AND SECTION 19.30.110 ACCESSORY USES AND STRUCTURES, with the two language changes as noted.

AYES: 7
NOES: 0
ABSTAINED: 0

**B. ORDINANCE 4-2002
Street Vacation -
Northern Portion of
Wistful Vista Drive,
East of NE 205th
Avenue**

Councilor Raze announced that he had had minor discussions with neighbors during development of his subdivision in the area, and that he personally owns property to the south of Wistful Vista; however, he has no bias in making a decision on the proposed street vacation.

Mayor Vonderharr stated that he had been given a tour of the property a couple years ago, but that he would not be biased in deciding on the proposed street vacation. Councilor Lillard stated that she had viewed the property but that it would have no bias on her decision tonight.

Director Andersen reported that Council had agreed to proceed to conduct a public hearing at their February 20, 2002 regular meeting in regards to the proposed street vacation. Notices were sent and posted on the site pursuant to state law.

Director Andersen stated that the City had initiated the proposed street vacation as part of the agreement with the neighboring property owners, Paul and Wilene Schatz. Over two acres of the Schatz property will be donated to the City for public purposes once the partition process is complete. The Wistful Vista right-of-way is currently 100 feet in width. The City standard for residential roadbeds is a 50-foot right-of-way. Therefore, 25 feet on either side of the right-of-way may be vacated. The existing City sewer and water lines run down the center of the street and would not be impacted. Current access to neighboring properties would not change. Director Andersen commented that there appeared to be no reason not to allow the proposed street vacation.

Director Andersen reported that the Schatz's are in the process of selling their property. Once the street vacation is complete, the final plat must be recorded with the County in order for the larger parcel to be dedicated to the City. In order for the sale and dedication to be completed within the timeline necessary for the owner, the vacation must take effect immediately and therefore an emergency clause has

been included in the proposed ordinance.

Mayor Vonderharr opened the public hearing.

Michael Whitton, 20736 NE Wistful Vista, Fairview, stated that his house would be the second house on the right, and asked how the Schatz vacation would affect other 25-foot buffer zones along that side of the street or across the street from where he lives.

Director Andersen responded that the 100-foot street width was a remnant of the old trolley line that used to run through the property. The City street standard is 50 feet and the City would probably end up vacating property on both sides of Wistful Vista. Mr. Whitton asked what the parcel being given to the City would be used for. Director Andersen responded that no decision had been made. Mr. Whitton asked the Council to take into consideration the condition of Wistful Vista and any future uses of property on Wistful Vista. Bob Cochran, Public Works Director stated that the City was working with the County to have Wistful Vista graded at least once a year. Mayor Vonderharr added that any future proposed uses of property on Wistful Vista would be noticed to property owners and public testimony would be taken.

As there were no further comments, Mayor Vonderharr closed the public hearing.

Councilor Lillard questioned if there was a possibility of an improvement district for Wistful Vista. Director Andersen responded yes, but that it was not dependent upon tonight's decision on the street vacation and a study would have to be conducted in order to decide on road improvements.

Councilor Owen moved and Councilor Jones seconded the motion that Ordinance 4-2002 be read by title only.

AYES: 7
NOES: 0
ABSTAINED: 0

Recorder Huson read Ordinance 4-2002 by title only.

Councilor Owen moved and Councilor Lillard seconded the motion to adopt Ordinance 4-2002, AN ORDINANCE VACATING A 25 FEET WIDTH OF WISTFUL VISTA DRIVE ALONG THE SOUTH PROPERTY LINE OF TAX LOT 1000 OF LOT 1, "OSBURN PARK TRACT", LOCATED IN SECTION 28CB, T1N-R3E, W.M., MULTNOMAH COUNTY, OREGON AND DECLARING AN EMERGENCY..

AYES: 7
NOES: 0
ABSTAINED: 0

V. COUNCIL BUSINESS

**A. UPDATE
Fire Services**

Rob Fussell, Gresham Interim City Manager, introduced Riley Caton, Gresham Interim Fire Chief. Mr. Fussell stated that the Gresham Fire Department has been very busy and that he personally had been on several calls. Mr. Fussell added that he looks forward to continuing the Fire Department relationship with Fairview.

Chief Caton reported that the Gresham Fire Department was an all-risk fire service, including fire suppression, basic and advanced life support, technical rescue, training, hazmat, fire investigation, new construction review, fire code administration, and public education. Their service area is quite large, serving the four East County cities and Fire District #10. Chief Caton commented that the Fire Department's response time is between zero to five minutes for 911 calls, but that some response times are greater than 10 minutes for non-emergency calls.

Councilor Owen commented that having been involved in the Fire Advisory Committee on behalf of Fairview, he can serve as a witness that the Fire Department is very professional and a very high caliber department.

Mayor Vonderharr asked how stretched the Fire Department was in regards to availability of equipment to meet the high growth demands in the area north of I-84. Mr. Fussell responded that they were currently working on a strategic plan. For the time being, they are solid, but as Troutdale continues to grow, they will need to renew their station relocation study and strategically determine where new stations might be placed. Mr. Fussell mentioned that he had spoken to the Fairview City Administrator about the City's available property.

Councilor Lillard mentioned that Fairview would be very interested in participating in strategic planning for the future.

Councilor Raze commented that, in the area of new construction, that perhaps there was some room for improving regulations regarding accessibility in new construction sites. Mr. Fussell responded that they would be happy to meet with Councilor Raze or staff as accessibility in new construction sites is becoming a more and more complex issue.

Mayor Vonderharr thanked Mr. Fussell and Chief Caton and expressed the City's appreciation of the quality of service that the Gresham Fire Department provides.

**B. RIPARIAN BUFFER
EXCEPTIONS**

Director Andersen reported that during 2001, the City increased its riparian enforcement activities as development of lands adjoining Fairview Lake continued. While significant success was achieved, there was considerable debate and a growing public hostility towards the City's enforcement standards and efforts. To address these

concerns, the City established a Riparian Consensus Committee and process to arrive at a consensus that could be supported by the City and a majority of the property owners as allowing reasonable use of their lands while protecting the important environmental resources of the area.

Director Andersen stated that the Riparian Consensus Committee (composed of property owners, state/regional agencies, experts in biological and riparian landscaping issues, and City staff) met and over the course of several meetings and tours of home sites, arrived at a recommendation for approval by the City Council. The Fairview Planning Commission met on March 5, 2002 and after consideration of the Committee's work, was recommending the City Council's approval of the proposed recommendation for use in an Administrative Type 1 decision process.

Councilor Quinby questioned if the Planning Commission had reviewed the proposed document. Director Andersen responded that everything came from the Committee to the Planning Commission. Councilor Quinby asked why the planting list was so much smaller from the original list. Director Andersen responded that Metro's general list had too many options, so the Committee had the biologist select plants that he knew would survive in the particular lake area conditions. Councilor Quinby questioned whether property owners would be limited to the submitted list as opposed to Metro's general list. Director Andersen responded yes. Councilor Quinby commented that it appeared as if we were limiting the choices that people previously had.

Councilor Owen questioned whether the Committee had reviewed the biologist material. Director Andersen responded no. Councilor Owen asked whether there would be a problem in delaying Council's decision so that citizens would have the opportunity to review the biologist materials. Administrator Briggs responded that the item could be brought back to Council on April 3rd as it did seem premature for Council to approve the Riparian Consensus Committee Recommendation; Councilor Raze concurred.

Councilor Edwards commented that everything he read in the Council's staff report stated that the Planning Commission was recommending that Council approve the document; however, if he is going to approve something, he would like to see it first, such as the Covenant document which is mentioned.

Mayor Vonderharr asked if there was anyone in the audience who might like to offer comment.

Dan McCann, 21990 NE Lachenvue, Fairview, stated that as part of the Committee, they worked to create a functional riparian area around Fairview Lake. His problem is the number of trees being recommended per 100 feet (six) as his property is 60'x35' and if he placed three trees, it would be overwhelming to the property and he was not sure the ground could even hold that many trees in that small

of a space. He feels the plant list should be enlarged and that perhaps the Committee should go with Metro's general list as it is the property owners responsibility to replace trees and shrubs. Mr. McCann thought the Committee should meet again and review the biologist material as the rules and regulations keep changing.

Councilor Lillard questioned if the Committee could get together within the next week. Mr. McCann responded yes. Councilor Lillard agreed that the list of plants for each area was limited and she would like to know the basis for the biologist's decisions on the recommended plants. Director Andersen responded that the biologist had been recommended by the State, and that in terms of plantings, he was sure the list could be expanded but the original direction of the Committee was that the list contain only those plants that had at least a 90% survival rating. Councilor Lillard asked if previously approved plantings would be grandfathered in. Director Andersen responded yes, and that he would simply ask for additional plantings.

Rick Parrish, 22282 NE Lachenvew, Fairview, stated that he appreciated the fact that Council realized approval of the recommendation tonight was premature. Mr. Parrish felt there were critical items left out of the report and added that when a property owner signs the Covenant that it runs with the property in perpetuity, so before anything is signed, everything needs to be completely clear as there is no mention of maintenance and maintaining view corridors. Mr. Parrish stated that the rules and guidelines had to stop changing all the time; they need to be in a definitive structure so that the next homeowner who buys his property understands the restrictions that run with the Covenant he will sign with the City.

Councilor Quinby agreed that each homeowner should have a chance to review the document and express their concerns. Mr. Parrish added that the guidelines need to be written clearly and concisely, and that he believes in flexibility, but he would like some reassurances that homeowners would have a voice in any future proposed changes to the guidelines.

Director Andersen stated that he understood Mr. Parrish's concerns, but in as far as plants changing, they would not change after the point of the Covenant. The concern that might exist would be possible new guidelines in terms of sprinkler systems. City Attorney Pam Beery added that any changes to the guidelines would have to go through a public noticing process.

Councilor Raze moved and Councilor Owen seconded the motion to table the item for one month in order to refine what has already been developed.

Maureen Zehendner, 22077 NE Alton, Fairview, stated that she was a member of both the Consensus Committee and the Planning Commission. She supports what the Planning Commission has

recommended, but there were some things that came up in Planning Commission that still needed to be addressed. The Planning Commission had not even seen the wording of the Covenant, and she suggested that the entire document go through the Planning Commission again for review.

Mayor Vonderharr called for vote on tabling the item for one month.

AYES: 7
NOES: 0
ABSTAINED: 0

Councilor Quinby mentioned that in terms of sprinkler and irrigation systems, that this was the first time he had heard of the concern and asked why it was an issue. Director Andersen responded that sometimes sprinklers have washed dirt away throughout the City, but he did not know about areas around Fairview Lake.

**C. 2002 REVISED
CAPITAL
IMPROVEMENTS
PLAN**

Bob Cochran, Public Works Director, reported that before the Council was Resolution 2-2002 which was an addendum to the City's Capital Improvement Plan water section. CH2M Hill performed the two-year update to the Water System portion of the CIP and determined the following changes: accurate tracking of daily water production of the City wells through the SCADA system; construction already completed on two water system CIP projects; Council agreed to maintain autonomy of the City water system; and, Public Works is in the process of constructing a new well that may supply Fairview's needs through build-out. This well could meet the needs of the three wells proposed in the 2000 CIP.

Councilor Owen moved and Councilor Edwards seconded the motion to adopt Resolution 2-2002, A RESOLUTION ADOPTING AN UPDATED SECTION (SECTION 3 - WATER SYSTEM) TO THE 2000 CAPITAL IMPROVEMENT PLAN.

AYES: 7
NOES: 0
ABSTAINED: 0

**D. INTERLACHEN
SANITARY SEWER
LIFT STATION
GENERATOR**

Stephen Richards, Public Works Superintendent, reported that in an effort to provide an emergency system that adequately meets the needs of the City, he had obtained bids for the purchase of a "permanent" generator for the Interlachen Lift Station. Bids were received from Halton, Tice Electric, Cummings, and EC Power Systems. EC Power Systems submitted the low bid for the generator and installation with a total price of \$28,590. However, internal evaluation of EC's bid determined that their proposed 100kW generator was not adequate to run one pump while starting the second. With this in mind, the EC bid was disqualified. The second low bid was submitted by Halton. Halton's total bid of \$33,417 specified a 125kW generator that could run one pump while starting the second. Halton's bid was selected as the low bid.

Councilor Quinby questioned if all companies had been given the same bid specifications. Mr. Richards responded no. Councilor Quinby commented that it did not seem like it was a fair bid process as no specifications were distributed. Mr. Richards stated that staff had informed each company of what we thought we needed; each contractor was taken to the pump station and all contractors had the same information to evaluate needs.

Councilor Raze stated that he agreed with Councilor Quinby that the bid specifications should have been spelled out more clearly to the contractors. Councilor Owen mentioned that it sounded as if staff had the ability to determine what the City needed to run the pump station, but didn't supply that information to the contractors.

Acting as the Contract Review Board for the City of Fairview, Councilor Lillard moved and Councilor Jones seconded the motion to approve the purchase of the 125kW generator from Halton for the Interlachen Pump Station.

AYES: 3 (Lillard, Jones, Edwards)
NOES: 4 (Quinby, Owen, Raze, Vonderharr)
ABSTAINED: 0

Mayor Vonderharr announced that the motion failed and that all bids were rejected; the bidding process should occur again with more clear specifications for the contractors.

VI. DEPARTMENTAL REPORTS

A. Police

Gilbert Jackson, Chief of Police, reported that, as first responders, the Gresham Fire Officers always have been, and probably always will be, arriving in the shortest possible time and that they do an excellent job. Chief Jackson stated that last night at Municipal Court 112 people were scheduled with about 90 actually appearing, so it was quite a busy night.

Mayor Vonderharr commented that he has personally endorsed Mr. Hannon who is running for a judgeship in Multnomah County. Mr. Hannon supports obtaining court facilities in East Multnomah County and that he was probably the strongest advocate for East County.

B. Public Works

Director Cochran reported that drilling began for Well No. 8, with the latest target depth being 400 feet. A rotary drill was being used which is quieter for residents, and seems to be more "state of the art" than the drill used for Well No. 7.

C. Community Development

Director Andersen reported that there has been an upsurge in building permit activity due to the Spring construction season, with most activity focused on the Heron Pointe development and Fairview Terrace. Director Andersen commented that staff has been busy working on the housing inventory and have complied with the State

Housing Goal and the Metropolitan Housing Goal.

Director Andersen stated that he had sent an inquiry to Council regarding the 223rd Avenue railroad crossing and the saving of two elm trees in the area. If the elm trees are saved, it would eliminate a sidewalk on the east side of 223rd, but retain a sidewalk on the west side.

Councilor Jones asked if the two elm trees were healthy. Director Andersen responded yes. Councilor Lillard mentioned that if the trees were healthy that it seemed reasonable to only have a sidewalk on the west side of 223rd Avenue

Councilor Quinby commented that he thought pedestrian safety was more important than the two elm trees and that the City should be planning for the future; the removal of the trees could always be mitigated. Mayor Vonderharr stated that the City has worked for 50 years to have the railroad overpass widened and we need to grab the opportunity to have sidewalks on both sides of 223rd Avenue. Council concurred that the elm trees should be removed to allow sidewalks on both sides of 223rd Avenue.

Director Andersen reported that he had received a letter from the YMCA of the Columbia Willamette who was interested in opening a satellite office in the Fairview Community Center and asked Council if they had any concerns regarding that proposal.

Mayor Vonderharr mentioned that his only concern would be the loss of use for other organizations and suggested that perhaps the YMCA office be placed in the lower level of the Community Center.

Councilor Lillard commented that she was in favor of any services that could be provided in the Community Center as far as outreach into the community. Mayor Vonderharr thought it could be a positive partnership for the City.

D. Administration

Mary Jo Briggs, City Administrator, reported that a proposal from the YMCA would be before the Council once it was in a more final form, mentioning that partnerships such as that have been very beneficial in other communities. Administrator Briggs stated that a joint meeting between the Council and Planning Commission would occur on March 27th regarding visioning, and that the first Budget Committee meeting would be held on April 1, 2002.

E. City Attorney

Ms. Beery stated that her written report was before the Council.

VII. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Raze stated that the Heslin House still needed to have the floors sanded and that the interior of the structure had been painted. The Fairview Elementary School sportsfield was basically complete and special thanks were extended to Ken Fletcher and Vince Herschel for their contributions. Bonita Jenkins mentioned that the first public meeting was held in the Heslin House and that it had

worked out very well.

Councilor Edwards questioned whether the City had any problems with Fairview Elementary School regarding the loading and unloading of children. Chief Jackson responded that the structure of loading and unloading will be changing and that the school was working with the City on the issue.

Councilor Quinby reported that he had substituted for Councilor Owen at the last Fire Meeting where fire facilities were reviewed and updates provided on recovery costs. Councilor Quinby added that he had attended a Metro Conference the previous week where the Urban Growth Boundary was discussed.

Councilor Lillard mentioned that she, too, had attending the Metro Conference where discussion occurred regarding the type of growth that was needed in our area and the significance of expanding the Urban Growth Boundary.

Councilors Jones and Owen had no reports or concerns.

Mayor Vonderharr reported that he had also attended the Metro Conference and added that Metro was starting to recognize that people choose where they want to live due to various factors, so they are putting more effort in maintaining neighborhood densities as they currently are.

Mayor Vonderharr stated that he and Councilors Owen and Raze had been working on forming a Fairview Business Association, and that the fourth meeting had been scheduled. The City will be shifting the management of the organization to the business owners who will run the Association.

Mayor Vonderharr commented that he would meet with staff from the Oregon Department of Fish and Wildlife and conduct a site survey of Salish Ponds in order to determine if the ponds could be stocked with fish.

VIII. ADJOURNMENT

Councilor Raze moved and Councilor Lillard seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 10:08pm.

AYES: 7
NOES: 0
ABSTAINED: 0

—

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder