



MAYOR TED TOSTERUD
COUNCIL PRESIDENT MIKE WEATHERBY COUNCILOR LISA BARTON MULLINS
COUNCILOR CATHI FORSYTHE COUNCILOR NATALIE VORUZ
COUNCILOR KEITH KUDRNA COUNCILOR BRIAN COOPER

FAIRVIEW CITY COUNCIL AGENDA

Fairview City Hall-Council Chambers
1300 NE Village Street, Fairview, Oregon

WEDNESDAY, OCTOBER 17, 2018

WORK SESSION

1. MCSO PATROL CAR BRANDING (CP 3-7) 6:00 PM
(Harry Smith, Police Chief)
2. PROPOSED LEVEE READY COLUMBIA INTERIM GOVERNANCE IGA (CP 9-13)
(Nolan Young, City Administrator)
3. AIRBNB/VACATION RENTAL DISCUSSION (CP15-18)
(Nolan Young, City Administrator)
4. UPDATE STATUS & PRIORITIES OF GOAL OBJECTIVES & TASK LIST
(Nolan Young, City Administrator)

REGULAR SESSION

1. CALL TO ORDER 7:00 PM
ROLL CALL
PLEDGE OF ALLEGIANCE
2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS (I)
3. CONSENT (A)
 - a. Minutes of October 1 and October 3, 2018 (CP 19-39)
4. PRESENTATION (I)
 - a. Proclamation – Breast Cancer Awareness Month (CP 41)
(Lisa Barton Mullins, Councilor)
 - b. Fairview Lake Property Owner Association (FLPOA) Annual Report (10 min.)
(Greg Button, President)
 - c. East Metro Economic Alliance Report (10 min.)
(Jarvis Hall, Executive Director)
5. CITY ADMINISTRATOR AND DIRECTOR REPORTS (I)
 - a. MCSO Report – September 2018 (CP 43-47)
6. MAYOR/COMMITTEE REPORTS AND COUNCIL REPORTS (I)
7. PUBLIC HEARING (A)
 - a. Amend FMC to add Chapter 13.13 Establishing a Public Works Facility Fee:
Ordinance 9-2018 (CP 49-55)
2nd Reading & Council Vote
(Nolan Young, City Administrator)

8. COUNCIL BUSINESS (A)
None.
9. ADJOURNMENT (A)



Ted Tosterud, Mayor

October 12, 2018
Date

(A) Action requested (I) Information only

NEXT COUNCIL MEETING IS NOVEMBER 7, 2018

COUNCIL EXECUTIVE SESSION – IF NECESSARY – END OF MEETING

PARK VIEW CONFERENCE ROOM

ORS 192.660(2)(d) - Labor Negotiations, ORS 192.660(2)(e) - Real Property Transactions,
ORS 192.660(2)(f) - Exempt Public Record and ORS 192.660(2)(h) - Legal Counsel

City Council regular meetings are broadcast live on Comcast Cable Channel 30 or Frontier Channel 38. Replays are shown on Sunday at 4:00 PM and Monday at 2:00 PM following the original broadcast date. Meetings are also available for viewing the Monday following the meeting through MetroEast Community Media at metroeast.peg.tv. Go to the Playlist tab and select Municipal Meetings. Further information is available on our web page at www.fairvieworegon.gov or by calling 503.665.7929. The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 503.665.7929.



AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
October 17, 2018	Work Session #1	2018-34

TO: Mayor and City Council
FROM: Nolan K. Young, City Administrator
DATE: September 27, 2018

ISSUE:
Discuss rebranding of Multnomah County Sheriff's Office's (MCSO) patrol vehicles.

RELATED COUNCIL GOALS:
Goal #4: Enhance service levels of public safety programs.

BACKGROUND:
Chief Deputy Gates brought a patrol car to the meeting on September 19 that was branded with the phrase "Serving Fairview, Maywood Park, Troutdale & Wood Village" on both the side and back of the vehicle (see attached pictures). Section 14.4 of the Intergovernmental Agreement (IGA) for law enforcement services between the city and MCSO provides that the patrol vehicles will have city of Fairview approved markings. MCSO is requesting that the city approve the proposed four cities patrol car marking which will eventually be used on all of its' patrol vehicles.

Having patrol car markings specific to Fairview has resulted in some challenges. Because it is the practice of the Sheriff's Office to move deputies to various districts to help them become familiar with all service areas and how vehicles are assigned to deputies; it cannot always be guaranteed that a car with Fairview city markings is not serving in another district. I have received calls, as city administrator, from citizens concerned about Fairview cars being in the Gorge or in west part of the county. Chief Smith tells a story of a citizen calling 911 to report someone impersonating an officer because they were not familiar with the Fairview car that was patrolling their street.

Having different vehicles also causes the deputy some challenges as they have to explain why a Fairview car is responding to a call. Uniform car markings also creates a stronger team atmosphere among deputies.

One of the things that we've heard during the first year of consolidation is that people are not seeing patrol cars as often as they used to. We believe what is happening is that with the mixture of cars that may be patrolling the streets and assisting on calls, people don't understand that law enforcement cars are in the area, and just may not have Fairview markings. Having a common car that includes Fairview on it will help create a better recognition by citizens that this is their deputy (police officer) in the car.

RECOMMENDED ACTION:

City staff recommends that the Council approve the proposed uniform patrol car branding with the four cities names on each car and recommend to the Sheriff's office that they proceed with changing out the Fairview cars at their earliest convenience.

ALTERNATIVE ACTIONS:

- 1- Request additional information from MCSO for consideration at a future meeting.
- 2- Ask for additional design options after providing input.
- 3- Request that the current car markings continue for at least one more year.

BUDGET IMPLICATIONS:

There will be no costs to the city for the rebranding of the patrol cars.







MULTNOMAH



COUNTY

CALL
(911)
TEST

OR OREGON
E265431
MULTNOMAH COUNTY



SHERIFF'S

OFFICE

SERVING: FAIRVIEW, MAYWOOD PARK, TROUTDALE & WOOD VILLAGE



AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
October 17, 2018	Work Session #2	2018-77

TO: Mayor and City Council
FROM: Nolan K. Young, City Administrator
DATE: October 11, 2018

ISSUE:

A briefing on the status of Levee Ready Columbia's efforts.

RELATED COUNCIL GOALS:

Goal #7: Work with other local, regional and state organizations to enhance the community.
Objective B: Actively participate in the Columbia River levee recertification and governance process.

BACKGROUND: The City Administrator continues to work with the Levee Ready Columbia project team in three primary areas.

- Corps of Engineers new start feasibility study,
- Request to the 2019 Oregon State Legislature and
- A new Intergovernmental Agreement (IGA) for an up to five year transition into a new (hopefully legislative created) governance district.

Below is a brief description each of the three areas. At the meeting I will go into more detail and answer questions the council may have.

Corps of Engineers New Start Feasibility Study: Designation of the Columbia corridor levee system as a new start feasibility study will provide \$3 million to complete a three-year study to do a detailed analysis and develop alternatives which will be used to develop an appropriations request towards the end of the three-year program. The opportunity for federal government funding is anywhere from 45% to 75% of the \$43 million in improvements designated to bring the levee up to standards required for recertification. Attachment is a two page more detailed description of the project including a timeline.

Request to the 2019 Oregon State Legislature: The project team has elected to go to the 2019 state legislature and ask 1) to increase the funding for levee improvements statewide. This funding would be placed in the Infrastructure Financing Authority (IFA) budget. The request is for \$10 million with an emphasis on grants. 2) Creation of a new urban flood safety district for governments of the levee areas in the Columbia Corridor. I will provide the latest information on that effort at the meeting. Attachment B is a two-page document that provides more information on this proposal.

A new Intergovernmental Agreement: This agreement would be between the existing four drainage agencies, three cities in which the districts are located, Multnomah County, Metro, and the Port of Portland. It will replace the current agreement that expire on June 30, 2019. It will be for up to five years or until a new agency is formed. It will include allocation of expenses based on a similar formula to what is currently being used. Each of the entities would have a representative on the new board.



USACE New Start Feasibility Study

October 3rd, 2018 marked the official launch of the US Army Corps of Engineers New Start Feasibility Study of the 27-mile levee system along the lower Columbia River, which reduces the risk of flooding for over 12,000 acres of land, 8,000 residents, and 48,000 jobs. On this day, Colonel Aaron Dorf, Commander of the Portland District of Army Corps, and Reed Wagner, Executive Director of Multnomah County Drainage District (MCDD), signed a Federal Cost-Share Agreement (the official document that signifies the partnership between the Corps and the local Drainage Districts) and commits up to \$3 million in federal funding and staff expertise to investigate solutions to modernize the levee system. The study will identify projects to make our levee system more resilient, reliable, and compliant with 21st century levee safety standards.

This New Start Feasibility Study is unique in that we, the “local sponsors,” are not required to pay half of the \$3 million. Instead, the study has been one-hundred percent funded by Congress under the Army Corps’ Fiscal Year 2019 Storm Supplemental, funds made available to the Corps specifically to work on flood and storm damage reduction projects – e.g., flood safety projects in communities vulnerable to flooding.

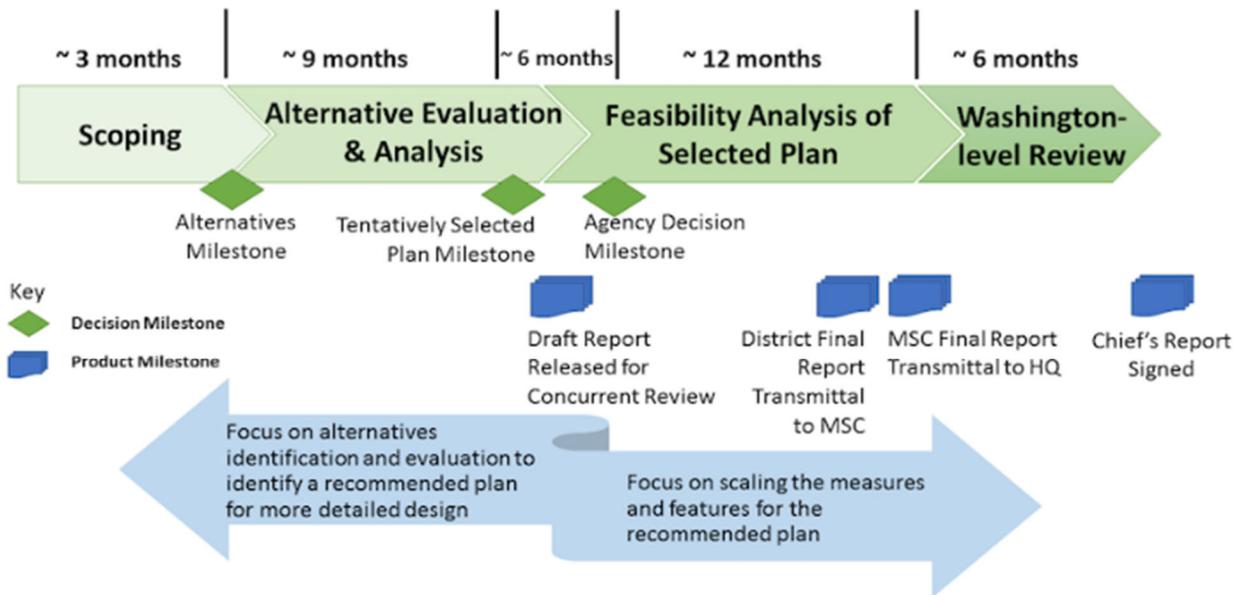
To be clear, all of the funding made available by Congress will go directly to the Army Corps for use on this three-year study, which will build on all of the investigative work we have already done to identify the deficiencies in our local levee system. The Corps brings a deep bench of experienced interdisciplinary water resource professionals, including geotechnical engineers, hydrologists, water resource engineers, environmental and permitting specialists, economists and other supporting staff. The Levee Ready Columbia partnership and the Drainage Districts will contribute staff time to the study and conduct outreach to help assure the projects meet the needs of our community. The Corps, with our support, will develop alternative solutions for addressing problem areas in the system, and will, ultimately, recommend and design specific solutions to reduce the risk of flooding.

Once recommendations are fully developed – and if a federal interest in reinvesting in the system is established – the Corps will deliver a final report to Congress, requesting funds to construct the projects. If funds are allocated, they will require a local match or “cost-share,” but the federal government will contribute a significant portion to the projects they choose to fund. This is an exciting opportunity to have federal help in repairing and modernizing our levee system. Without this opportunity, we would have to identify ways to fund all the necessary repairs and improvements here in Oregon.

Since 2012, Corps feasibility studies have been guided by what they call their “3x3x3 rule,” which basically says that all feasibility reports must be done in three years, cannot cost more than \$3 million, and must involve all three levels of Corps review – district, division, and headquarters – throughout the process. This will help keep the study moving forward and ensure there aren’t any delays when it comes time to deliver the recommendations – and financial request – to Congress.

Here's how the Corps outlines the key decision points and milestones in their feasibility study process:

The Feasibility Study Process: Key Decision & Product Milestones



To translate, the process will involve:

- 3 months of planning to assess problem areas, identify potential solutions, and select the project alternatives to further investigate;
- 9 months of investigation and analysis to tentatively select the recommended solutions for the problem areas;
- 6 months of internal review to vet and decide on the recommended project alternatives to pursue going forward;
- 12 months to design the project plans to bring the recommended solutions to life; and
- 6 months for final review of the recommendations in Washington, DC.

What's important to know right now is that this will be an iterative process that will involve multiple levels of review at the federal and local levels. We will work closely with the Corps every step of the way to ensure our community has a strong voice at the table and local values are well represented.

As we embark on this process with the Corps, we are also planning on conducting our own local process to develop project alternatives. We still have a lot to learn about the Locally Preferred Alternative (LPA) process and how it can be used to integrate local priorities and contribute to the Corps' recommendations. We will continue to research and plan for our local process as the scoping phase of the feasibility study happens over the next three months. We look forward to reaching out to you to solicit your direction and we will share information as it becomes available.

For questions, please contact Eryn Mitchell, LRC Public Affairs & Communications Manager at emitchell@mccd.org or 503-281-5675 ext. 325.

Background

The 27-mile levee system along the lower Columbia River running from North Portland into Gresham, Fairview, and Troutdale protects more than \$16 billion in assets, including the Portland and Troutdale Airports, thousands of homes and jobs, and many recreational areas. Four drainage districts – Peninsula Drainage District #1, Peninsula Drainage District #2, Multnomah County Drainage District, and Sandy Drainage Improvement Company – provide the current governance structure and funding for the flood control system with each drainage district funding capital, operations, and maintenance within the managed floodplain. The drainage districts receive assessments through a century old formula that was established when much of the area was farmland.

After Hurricane Katrina, the Federal Emergency Management Agency (FEMA) and US Army Corps of Engineers (USACE) launched a full-scale review and overhaul of the safety standards for the nation's levee systems. These new standards hold local communities to a higher standard of protection and are critical to maintaining certification and accreditation through FEMA, which provides home- and land-owners behind levees access to more affordable flood insurance through the National Flood Insurance Program (NFIP). In 2012, the local drainage districts received notification that their certification was set to expire. To work toward addressing this challenge, stakeholders along the Columbia Corridor came together, forming the Levee Ready Columbia (LRC) partnership. Over the last four years, LRC has conducted the first ever comprehensive engineering study of the levee system, identifying approximately \$75 million - \$115 million in capital improvements needed to bring the levee system up to modern safety standards and retain federal accreditation.

As a part of their efforts, the LRC partners have approved the development of two legislative proposals to pursue during the 2019 Legislative Assembly. The first proposal will help to meet funding needs of urban and rural levee systems statewide while further demonstrating the State of Oregon's commitment to flood risk reduction and flood control infrastructure, which is important to federal partners such as the USACE as they determine where to invest resources around the country. The second proposal is specific to governance and financing challenges identified as a part of the ongoing efforts to modernize the Columbia Corridor levee system.

Legislative Objective #1 – Addressing access to capital needs for levee projects

In 2015, LRC joined jurisdictions around the state to advocate for the passage of a new loan program for levee certification and accreditation related projects under the Special Public Works Fund of the Oregon Infrastructure Finance Authority (IFA) of the Oregon Business Development Department (OBDD, also known as Business Oregon). Although the fund has proved valuable to jurisdictions that can afford to finance a loan, a number of jurisdictions with aging levee infrastructure have not been able to utilize the fund because they cannot afford to pay back a loan over time. To make the fund more accessible, LRC and partners from around the state plan to pursue legislation that will allow the IFA's levee project fund to distribute more grants and to request an appropriation of \$10 million to the fund for the 2019-2021 biennium.

Legislative Objective #2 – Addressing long-term governance and sustainability challenges specific to the Columbia Corridor Drainage Districts

In addition to the engineering and geotechnical evaluations completed by LRC over the last four years, the partnership has also evaluated the economic, environmental, and community benefits provided by the levee system. This work has shown that the businesses and residences outside of the floodplain, but within the portion of Multnomah County that is within the Urban Growth Boundary (UGB), receive 70% of the economic benefit provided by the levee system. Despite this benefit, the entire cost of repairing, maintaining, and operating the levee system solely falls on the property owners within the managed floodplain. Under the existing governance and financing structure, annual rates paid by property owners within the floodplain will need to at least double in the years to come to meet federal safety standards.

To address these challenges, the LRC partners have evaluated various potential governance and financing methods that would more equitably spread the costs of improving, operating, and maintaining the levee system among the beneficiaries. As a result of this work, LRC has begun to develop legislation that would create a new district within the portion of Multnomah County inside the UGB. Although this legislation is still under development, based on research and analysis, the partnership has agreed that the legislation should:

- a) Maintain existing drainage district authorities while also allowing for the integration of environmental and recreational projects within levee improvement and interior drainage projects;
- b) Expand financing mechanisms to allow for the use of utility service charges and voter approved bonds;
- c) Establish boundaries that more equitably spread the costs of repairing, maintaining, and operating the levee system and interior drainage system based on the benefits received; and
- d) Create efficiencies by streamlining administration and operations.

LRC has commissioned additional analysis and modeling of multiple financing scenarios and have set a goal of reaching consensus on a proposed financing structure for the new district by the end of 2018. In general, the partners have agreed that the legislation should outline that the existing drainage districts will not be absorbed into the new district until the new financing structure is established and in place, which may require a vote of the electorate.

For questions, and to provide feedback, please contact LRC's Public Affairs & Communications Manager, Eryn Mitchell, at emitchell@mcdd.org or 503-281-5675 ext. 325.



AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
October 17, 2018	Work Session #3	2018-85

TO: Mayor and City Council
FROM: Nolan K. Young, City Administrator
DATE: October 11, 2018

ISSUE:
Council discussion on Airbnb's (vacation rentals).

BACKGROUND:
City Council at their October 3 work session discussed Accessory Dwelling Units (ADUs). During that discussion the topic of vacation rentals was raised. The Council requested that this item be on the Council work session for October 17 for further discussion.

We have attached the Feb. 1, 2017 City Council minutes and March 14, 2017 Planning Commission minutes when vacation rentals were discussed. Note that after their meeting the Planning Commission did not identify developing regulations on this issue as a priority until it becomes an issue in the city.

In 2017, planning staff indicated that there were no prohibitions and then at the last Council meeting staff indicated that they are prohibited. This conflict is the results of different staff interpretations of the code. There is a process in the code to obtain formal interpretations. We could go that route if the Council wishes.

Current staff relies on the fact that the Fairview Development Code, in its permitted use tables, only list uses that are allowed. Prohibited uses are not expressly listed as such. A "short-term rental" or "vacation rental" is not specifically defined in the code, so staff looked to other related definitions for guidance. Please see the e-mail below that was recently sent in response to a public inquiry, which explains the code interpretation.

"Thanks for checking in about short-term rentals, as Fairview's code isn't very explicit. You need to look at both the Hotel and motel Tax section of the Municipal Code (Title 3, Chapter 3.05) and the Development Code (Title 19).

Chapter 3.05 defines "Hotel" to include any kind of transient occupancy of 30 days or less, so a short-term vacation rental would fall under this category of land use:

A. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging, or sleeping purposes, and includes but is not limited to any hotel, inn, tourist home or house, motel, studio hotel,

bachelor hotel, lodging house, rooming house, public or private dormitory, public or private club or fraternal organization, and space in RV parks, trailer parks or similar structure(s) or spaces or portions thereof so occupied.

Hotels are only permitted in the Corridor Commercial zone, Village Commercial zone, and Town Center Commercial zone. The Village Commercial and Village Mixed-Use zones also allow bed and breakfasts.

The Town Center Commercial zone (generally located along Halsey) also allows “Bed and breakfast inns and vacation rentals” through a conditional use process (there being some conflict there with allowing a hotel outright, which would need to be resolved). The Multi-Family zoning district also allows bed and breakfasts through a conditional use permit. Bed and breakfasts are defined in the code as follows:

“Bed and breakfast inn” provides accommodations (three or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests.

So, short-term vacation rentals (30 days or less) are not permitted in any of Fairview’s single-family residential zones."

Our current practice is that if we received a complaint about a vacation rental in a single-family residential zone, we will pursue it as a code violation.

to present their proposed model and potential impacts. CA Young recommended Council keep the goal objective to improve fire and emergency services and stay engaged with Gresham as they move through the process. Council had no objections.

Councilor Barton Mullins inquired how this will affect our upcoming budget and planning. CA Young reiterated a change in service does not necessarily mean an increase in cost; an additional service beyond the model may increase costs. He recommended we continue with the budget based on what we know. He expects the model will not cost us more; it would just be a change in the service model.

* 5. VACATION RENTALS

CA Young shared the city currently does not regulate vacation rentals. The city does restrict bed and breakfast inns (B&B's) to residential, multi-family zones. Both vacation homes and B&B's would be required to obtain a city business license. Currently there are no issued business licenses for these uses. Staff did research and find there are twelve Air B&B's in Fairview. Staff will follow up to ensure if they are a B&B inn that they are located in the proper zone and that they are contributing the transient room tax. CA Young inquired if Council would like staff to do additional research and prepare options for regulating vacation rentals.

Councilor Cooper asked if there is a problem. Councilor Forsythe replied the topic came up because a citizen approached her about a home that was purchased in the lake area by a developer remodeling the property with the intent of renting it as a vacation home (short-term rental) and asked if there were any city regulations.

CA Young proposed staff identify some sample regulations and report back to Council. Staff will also notify the Air B&B's of the requirement regarding a transient room tax. Council agreed.

6. UPDATE STATUS & PRIORITIES OF GOAL OBJECTIVES & TASK LIST

a. Review February 4 Agenda: Strategic Planning/Goal Setting

CA Young reviewed the proposed work plan for the strategic planning/goal setting session and asked if Council had any proposed changes. Council did not request any changes.

COUNCIL MEETING (8:00 PM)

1. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

2. CONSENT AGENDA

a. Minutes of January 18, 2017

b. Authorize Amendment of an IGA with Multnomah County for Police Services – Acting Police Chief: Resolution 5-2017

Council President Weatherby moved to approve the consent agenda and Councilor Barton Mullins seconded. The motion passed unanimously.

AYES: 7

NOES: 0

ABSTAINED: 0

3. PRESENTATION

a. Levee Ready Columbia Project Update

Colin Rowan and Sara Morrissey, Multnomah County Drainage District (MCDD), provided a project update regarding the levee recertification process. (*Exhibit C*) Ms. Morrissey reviewed the efforts of the Levee Ready Columbia Project Team working together to facilitate the project. Mr. Rowan reviewed the more technical aspect of the project i.e. number of borings required, decision to use a mud-rotary boring

* b. Vacation Rental Discussion

SP Palmer shared the topic of short term rentals was brought up at City Council. The city has received one complaint concerning these types of rentals. Currently they are not regulated, nor do they have a business license requirement associated to them. The question for Planning Commission will be do we want regulatory code to addresses this?

Chair Pro Tem Kaufman replied he would want to know how many there are in Fairview, how big of an issues is it, and is there a problem. Other Commissioners agreed, would want to know if there truly is a problem before addressing regulatory options. SP Palmer noted she would research the scope of short term rentals in Fairview.

7. STAFF UPDATES

a. Pre-Applications

SP Palmer reported there are two mixed use developments (commercial in front and residential in back) expected to come in for pre-application review. The lots are within the Town Center Commercial (TCC) zone: one is between 208th Place and 207th on Halsey (vacant parcel to the west) and the other is on the corner of 207th (north). Separate architectural firms are representing each developer. The next step after pre-app will be the submittal of a development application, which will come before the Commission.

Commissioner Bick asked if there had been any word about the property at 223rd and Sandy. SP Palmer replied they have indicated they will be moving forward with a pre-application for a mixed used development (commercial facing Sandy and residential in the back).

Director Berry reported drilling along Marine Drive for the Levee Project has begun. There could be some traffic delays.

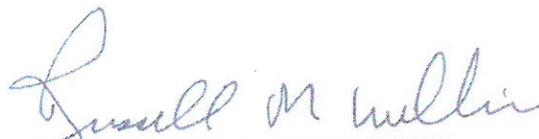
8. TENTATIVE AGENDA

- Planning Commission (2 hour) Training – April 11, 2017

9. ADJOURNMENT

Meeting adjourned by consensus at 6:51 PM.


Devree A. Leymaster
City Recorder


~~Ed Jones~~ Russell Williams
Chair (Vice)

July 25, 2017
Date

**MINUTES
CITY OF FAIRVIEW
CITY COUNCIL**

October 1, 2018

Council Members

Ted Tosterud, Mayor
Cathi Forsythe (Absent)
Mike Weatherby
Keith Kudrna
Lisa Barton Mullins
Natalie Voruz
Brian Cooper

Staff

Nolan Young, City Administrator
Elaine Howard, Consultant
Seth Thompson, PSU Fellow
Devree Leymaster, City Recorder

SPECIAL WORK SESSION (6:00 PM)

1. REVIEW PROPOSED FAIRVIEW URBAN RENEWAL PLAN

Consultant Elaine Howard presented a review of the proposed Urban Renewal Plan. (*Exhibit A*) She noted most of the underdeveloped areas in Fairview are included in the boundary. Council President Weatherby inquired why the north side of Halsey between 223rd and 7th Avenue are not included in the boundary, as this is an area the City is trying to encourage economic development. Consultant Howard indicated the committee did discuss including the area and it could be included without exceeding the percentage allowed. The direction from Council was to include the north side of Halsey, Town Center Zone, in the boundary.

Council President Weatherby asked why the south side of Depot Street by the railroad tracks was not included. CA Young replied the planning committee recommended not including areas of Historic Fairview in the boundary.

Consultant Howard explained part of the financing plan includes a \$650,000 bridge loan from the City to the Urban Renewal Agency (URA) to start projects. Once the UR Plan ordinance goes into effect an IGA would be drafted between the URA and City for the bridge loan. CA Young clarified the proposal is to loan \$650,000 from the unrestricted general fund with a current beginning balance of \$1.6 million to the URA. The projected pay back to the City is fiscal year 2022. Once the UR Plan ordinance goes into effect an IGA would be drafted between the URA and City for the bridge loan.

Mayor Tosterud inquired about the interest rate for the bridge loan. CA Young proposed two options: follow the LGPI rate, like Troutdale, at 2%, or use the bonding rate, like Wood Village, at 3.5%. He proposed setting the interest rate when the IGA is reviewed and adopted; will have actual numbers vs. estimated. CA Young requested Council confirmation that they support the proposed financing plan. Council concurred yes.

Consultant Howard commented the majority of the project list is public infrastructure. CA Young proposed adding “public art” to the Economic Development category. Public art is identified in Council goals as part of an economic development tool. He recommended moving \$500,000 from the Plan’s contingency line item to “public art”. Consultant Howard noted there is pending legislation that may affect this type of project in the future. If Council is considering this would recommend doing so now. If the legislation is passed after the Plan is adopted it will not be affected. The direction from Council is to add a “public art line” item funding \$500,000 from the contingency fund.

Mayor Tosterud asked if the Plan includes a small business loan program. Consultant Howard replied no. If Council wants to consider this option need to frame in the context of providing assistance for projects that will continue whether a particular use fails or not; anyone using the space will benefit. The

proposed Loan-to-Grant program could be modified to include this. Should include criteria that if enough conditions are not met it becomes a loan. Want to be careful that the projects are sustainable and removing real obstacles to development.

Consultant Howard commented the Plan Administration will assist in paying for staff time, studies related to projects, etc. There will be an IGA for the scope and it will be included in the annual budget. Council President Weatherby asked if additional staff will be needed. CA Young replied there is no intent to add staff, but there may be a request at budget time for a PSU Fellow with a portion of the cost paid out of UR funds. He noted most projects require staff time regardless of the UR Plan. Council President Weatherby inquired if staff time in relation to implementing the Plan could be provided. CA Young commented they can prepare an annual plan in conjunction with the annual budget allocation request for Plan Administration each year.

CA Young explained the reason for trying to adopt the Plan by year end is so we don't lose some of this year's tax value and we start collecting the increment tax beginning next year.

Constant Howard reiterated that the direction is to add the north property along Halsey to the boundary and add a "public art" project category using \$500,000 from contingency. Council replied yes.

3. ADJOURNMENT

Mayor Tosterud adjourned the meeting at 7:00 PM.

Devree Leymaster
City Recorder

Ted Tosterud
Mayor

Date of Signing

A complete recording and/or video of these proceedings is available.
Contact the City of Fairview City Recorder Office, 1300 NE Village St., Fairview, OR 97024, (503) 674-6224.





ROLE OF AGENCY

Review draft Fairview Urban Renewal Plan and Report and send out for formal public review

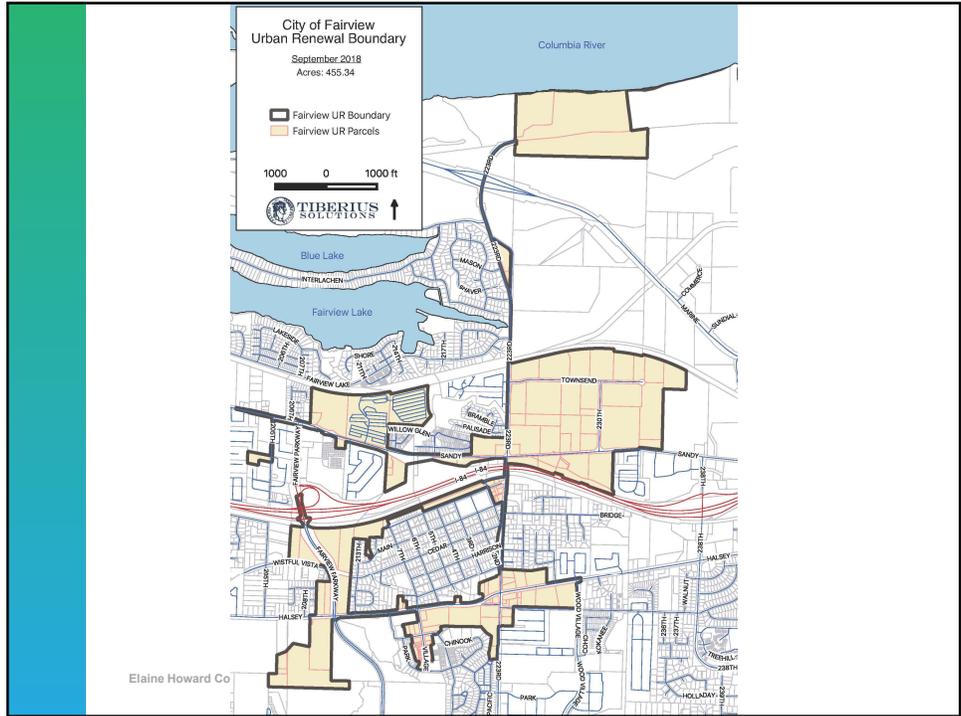
- Taxing Districts
- Planning Commission
- County Commission
- City Council Hearing and Vote

Elaine Howard Consulting LLC



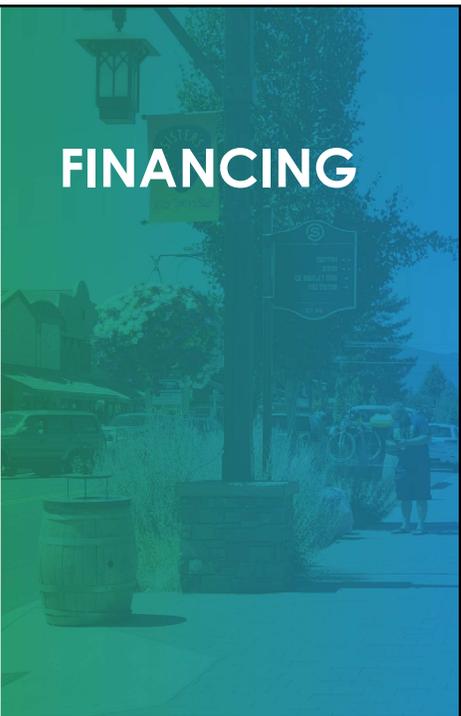
URBAN RENEWAL PLANNING COMMITTEE/ OPEN HOUSE

- 3 meetings of Urban Renewal Planning Committee
 - reviewed boundary
 - projects
 - allocations of funding to projects
 - financing
- Open House



FINANCING

- Maximum Indebtedness
\$51,000,000
- \$\$ Needed \$59,875,756
- City provides upfront bridge loan of \$650,000
- One bond will be impacted for one year: estimated impact on \$100K of assessed value: 7 cents





PROJECTS

- Incentives and assistance to private developers
- Public Infrastructure
- Economic Development
- Administration

Elaine Howard Consulting LLC



INCENTIVES AND ASSISTANCE TO PRIVATE DEVELOPERS

- A. Private Development Loan-to-Grant Program
- B. Utility System Development Charges Assistance

Elaine Howard Consulting LLC



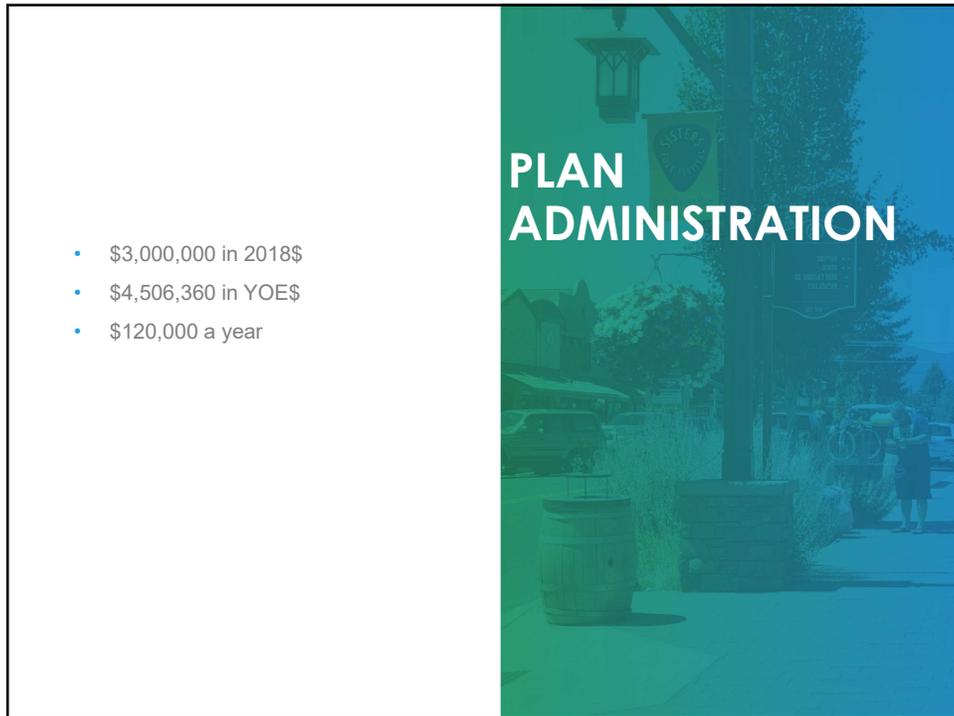
PUBLIC INFRASTRUCTURE

- A. Water System Well #10
- B. Reservoir #1 Rehabilitation
- C. Street Improvements Including Pedestrian and Bicycle Improvements
- D. Round-a-bout Features on Halsey Street's Major Intersections
- E. Streetscape Improvements on Halsey
- F. Sandy Sewer Trunk Line
- G. Streetscape Improvements on Fairview Parkway
- H. Trails Next to Rails
- I. Fairview Village Parking



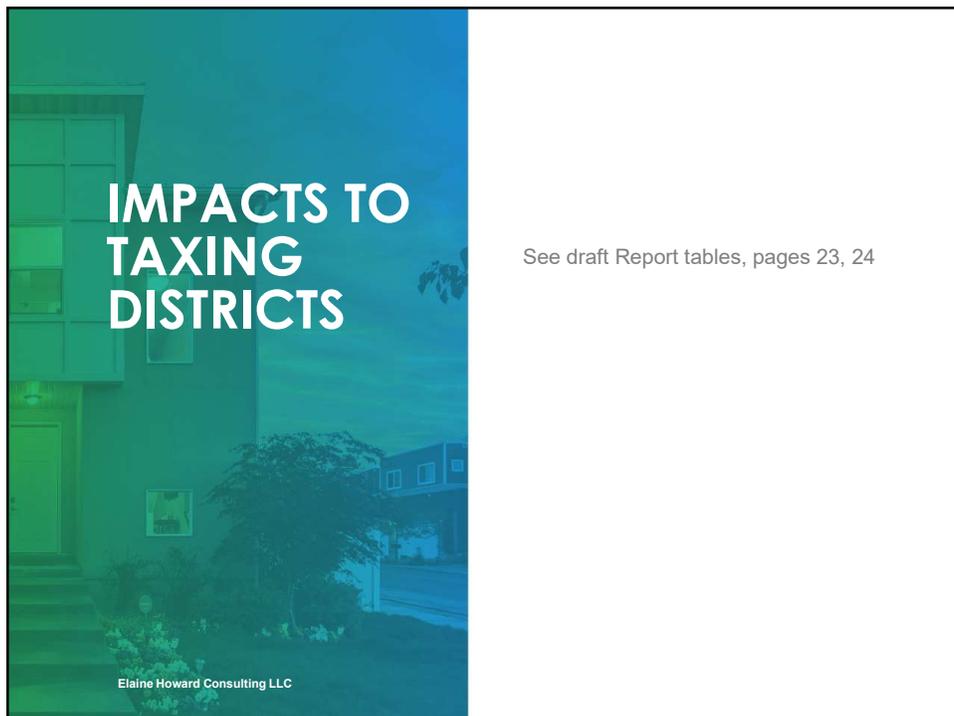
ECONOMIC DEVELOPMENT

- A. Incentivize Village Live Work Developments
- B. Park-n-Ride with Transit and Bike Hub on PPL Property
- C. Purchase and Resale of Property for Development or Redevelopment



- \$3,000,000 in 2018\$
- \$4,506,360 in YOES\$
- \$120,000 a year

PLAN ADMINISTRATION



IMPACTS TO TAXING DISTRICTS

See draft Report tables, pages 23, 24

Elaine Howard Consulting LLC



NEXT STEPS & SCHEDULE

Elaine Howard Consulting LLC

1. Agency Meeting	October 3
2. Taxing Districts letters	October 4
3. County Comm briefing	October 4
4. Planning Comm briefing	October 9
5. Ec. Dev Comm briefing	October 11
6. Planning Comm meeting	October 23
7. City Council Hearing	November 7

**MINUTES
CITY OF FAIRVIEW
CITY COUNCIL**

October 3, 2018

Council Members

Ted Tosterud, Mayor
Cathi Forsythe
Mike Weatherby
Keith Kudrna
Lisa Barton Mullins
Natalie Voruz
Brian Cooper (Excused)

Staff

Lesla Folger, Finance Director
Allan Berry, Public Works Director
Heather Martin, City Attorney
Devree Leymaster, City Recorder
Sarah Selden, Senior Planner

WORK SESSION (6:30 PM)

Mayor Tosterud reported two work session agenda items have been deferred to October 17, 2018: MCSO Patrol Car Branding and Proposed Levee Ready Columbia Interim Governance IGA; and item 4.b. Ordinance 9-2018 first reading has been deferred to a date to be determined.

1. ORDINANCE 9-2018 (PUBLIC WORKS FACILITY FEE) UPDATE

Director Folger briefed the Council on the review and drafting of the code language for Council consideration; want to ensure the best option is presented.

Council discussed and consented to holding a special meeting on October 15, 2018 at 6:00 PM for the first reading and staff report. The second reading will be during the regular meeting on October 17, 2018.

2. CRITERIA FOR WHAT IS CONSIDERED MIXED USE IN THE CC ZONE

Mayor Tosterud commented he had spoken with Planning Commission Chair Ed Jones who shared his perspective on options to clarify what defines “mixed-use” in the Corridor Commercial (CC) zone. He invited Chair Jones to attend the work session, but he was not available.

Senior Planner Selden shared the Commission has provided feedback on a conceptual set of code amendments to address in 2019. Reviewing and revising the Corridor Commercial (CC) District standards is a top priority. This would include a clarification of what defines “mixed-use”, but would go beyond the single issue to ensure that the zoning code implements the intent and vision for re-developable CC-zoned land along Sandy Blvd.

She explained the typical process for code amendments is for the Commission to hold work sessions in which they would review different approaches and look at how other cities are defining it, conduct additional public outreach as needed, and then hold a public hearing to make a recommendation to City Council. On larger policy items, such as this, she suggested scheduling a joint work session with Commission to help ensure Council policy direction is being interpreted correctly.

Councilor Kudrna commented the VMU code section has good “mixed-use” language and proposed using similar language for the CC zone code language.

SP Selden reported there are no current applications within the CC zone for “mixed use” development. If an application is received prior to the code amendments being completed staff will share the information from the appeal process.

3. PLASTIC BAG BAN – CONTINUED DISCUSSION

Mayor Tosterud explained Troutdale will discuss at their next meeting. Three Troutdale Councilors are interested in pursuing it. Wood Village is moving forward. His hope was to have a collaborative effort between the three cities, but it looks as if each city is going to take their own action. He proposed requesting staff to prepare an ordinance, similar to Milwaukie, for review in November.

Councilor Kudrna asked if Target had been notified. Mayor Tosterud replied not yet. Councilor Kudrna proposed speaking with Target first, before enforcement; be a good neighbor and work with our businesses. Councilor Voruz commented Target is a large corporation and other stores are already dealing with plastic bag regulations. Councilor Barton Mullins remarked she supports the plastic bag ban, but agrees should speak with Target first and share what we are proposing; even if it just a for-your-information. Councilor Kudrna clarified he supports the proposed ban, but would like to provide Target the option to be involved in the process.

Council President Weatherby noted he supports moving forward with drafting an ordinance and in the meantime meeting with Target.

The consensus of Council is to direct staff to work on an ordinance, and invite Target to the work session discussion.

4. PROPOSED AMENDMENTS TO FMC CHAPTER 19 RELATED TO ACCESSORY DWELLING UNITS

SP Selden summarized the proposed amendments in the ordinance scheduled for a first reading during Council Business. The State adopted requirements to require cities with populations over 2,500 to allow one accessory dwelling unit (ADU) for every detached single family home; subject to reasonable siting and design standards. The intent is remove barriers and help with the housing shortage around the State. The Planning Commission forwarded a recommendation for approval following their review and public hearing process.

SP Selden reviewed the key proposed amendments as follows.

- Allow two ADUs per detached single family home; limit to one detached and one within existing structure.
- Remove the square footage minimum if converting an interior space (within existing structure).
- Remove discretionary language. State requires clear and objective code language.
- Clarify one additional parking space is required for each ADU unless four on-site spaces are already available.
- Review procedure a type 1, staff level. Same process city uses to review single family homes.

Councilor Forsythe asked if the ADU has to comply with setbacks and may they be rented out. SP Selden replies yes, ADUs must comply with setbacks and lot coverage requirements. There is a provision that requires one of the on-site units be owner occupied. Councilor Kudrna proposed looking at more flexible language for the owner occupancy requirement.

Councilor Voruz summarized three residences could be allowed on one property. She is more comfortable with two; one the primary home and one an ADU. Councilor Forsythe agreed; concerned could create multi-family living situation in single family home areas.

Councilor Forsythe requested clarification as to which amendments were state required and which were recommended. SP Selden shared she has a more detailed presentation that identifies which are state requirements, prepared for the first reading during Council Business. Council requested moving forward with the presentation but deferring the first reading of the ordinance.

5. PHASE II INTERLACHEN SEWER TRUNK LINE DESIGN

Civil Engineer Jeremy Hanson summarized phase II is to finalize the design and project details to repair the Interlachen sewer trunk line. During the assessment of the line multiple problems were identified i.e. cracking, seepage, etc.

The proposed repair method is cured-in-place pipe. The trunk line runs through Interlachen Lane and south shore properties, but also carries Fairview sewer where it ties in. The Phase III construction services (repair work) will be completed budgeted in the next budget cycle.

6. UPDATE STATUS & PRIORITIES OF GOAL OBJECTIVES & TASK LIST

Director Berry reported Multnomah County is applying for a Safe Routes to School grant for two locations within Fairview. They are requesting letters in support of their application. If Council wishes to approve the letters of support will do so in a motion under Council Business.

Councilor Forsythe request an Airbnb discussion be added to the next work session agenda.

Mayor Tosterud encouraged everyone to wear pink at the next meeting in support of the Breast Cancer Awareness proclamation and for staff to issue reminders.

COUNCIL MEETING (8:00 PM)

1. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

2. CONSENT AGENDA

- a. Minutes of September 19, 2018
- b. Authorize Transfer of Budget Appropriations from the Street Fund to Grant and Special Project Fund: Resolution 53-2018
- c. Authorize Design Contract for Phase II of the Interlachen Sewer Trunk Line Design: Resolution 55-2018

Council President Weatherby moved to approve the consent agenda and Councilor Barton Mullins seconded. The motion passed unanimously.

AYES: 6

NOES: 0

ABSTAINED: 0

3. PRESENTATION

- a. Code Enforcement Quarterly Report

Director Berry inquired if Council had questions. Council did not, but did commend staff for the formatting and quality of the report.

- b. Accessory Dwelling Unit Code Amendment

SP Selden reviewed the code amendment process and the proposed amendments, identifying whether they were State required or recommended. (*Exhibit A*)

Council asked why the Village code is staying at one ADU per single family home; while other zones are allowing two ADUs per single family home. SP Selden replied she believes the rationale is because of parking and lot coverage restrictions; would not be able to meet the criteria for two ADUs.

Councilor Forsythe noted concern about the impact to property values.

Councilor Voruz requested clarification for amendment 11; front setbacks. SP Selden confirmed front setbacks are not being removed.

SP Selden summarized this is a legislative code amendment. The Council may consider the Planning Commission recommendation and make changes as they see appropriate.

Council directed staff to schedule the item for work session on November 7 and invite the Planning Commission to attend. The first reading will be scheduled either November 7 or November 15.

4. COUNCIL BUSINESS

a. Multnomah County Application for Safe Routes to School

Director Berry commented Multnomah County is pursuing a grant for pedestrian improvements for two locations in Fairview and have requested letters of support.

Councilor Kudrna moved to support Multnomah County in their pursuit of a “Safe Routes to Schools’ infrastructure grant for pedestrian improvements on 223rd Avenue in Historic Fairview and on NE Halsey Street adjacent to Reynolds Middle School. Council President Weatherby seconded. The motion passed unanimously.

AYES: 6

NOES: 0

ABSTAINED: 0

b. Amend FMC Chapter 19 to Comply with Oregon SB 1051 and to Make Additional Amendments Related to Accessory Dwelling Units: Ordinance 7-2018

Item deferred to the November 7 work session and first reading November 7 or November 15.

c. Amend FMC to add Chapter 13.13 Establishing a Public Works Facility Fee: Ordinance 9-2018 First reading deferred to October 15, 2018.

d. Authorize Execution and Delivery of Full Faith and Credit Financing for a New Public Works Facility, Designate an Authorized City Representative, and Appoint a Placement Agent/Underwrite and Special Counsel: Resolution 54-2018

Director Folger summarized the resolution authorizes the city to secure financing in an amount not to exceed \$3.2 million, designates the City Administrator, Finance Director, or designee of the City Administrator as authorized representative of the city, appoints Piper Jaffray & Co. as underwriter, and appoints Mersereau Shannon LLP as special council. She noted the additional \$97,000 for debt issuance cost and Council’s alternative to amend the resolution and set the amount at \$3.103 million. Council would then need to determine where the funds for cost debt issuance would be obtained.

Council President Weatherby clarified the resolution is to borrow funds and the city has to pay to borrow. Director Folger replied the debt issuance cost is to cover the cost of the underwriter. This resolution sets the parameters and allows the underwriter to solicit bids.

Councilor Voruz commented on her frustration that the cost has crept up \$700,000 from where they started; wants to ensure there are no more hidden costs. Council President Weatherby agreed and remarked the debt issuance cost should have been brought forward prior to tonight. Mayor Tosterud concurred that the debt issuance cost was not discussed, and it should have been brought up earlier in the process.

Councilor Kudrna moved to approve Resolution 54-2018 and Councilor Barton Mullins seconded. The motion passed by majority.

AYES: 5

NOES: 1 – Weatherby

ABSTAINED: 0

6. ADJOURNMENT

Councilor Kudrna moved to adjourn the meeting and Councilor Barton Mullins seconded. The motion passed, and the meeting adjourned at 8:50 PM.

AYES: 6

NOES: 0

ABSTAINED: 0

Devree Leymaster
City Recorder

Ted Tosterud
Mayor

Date of Signing

A complete recording and/or video of these proceedings is available.
Contact the City of Fairview City Recorder Office, 1300 NE Village St., Fairview, OR 97024, (503) 674-6224.

**FAIRVIEW CITY COUNCIL
1ST READING
ORDINANCE 07-2018**

Accessory Dwelling Unit
Code Amendments

October 3, 2018



FAIRVIEW ADU'S



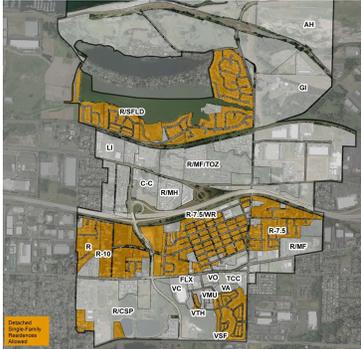
FAIRVIEW ADU'S



The Village

Detached ADU above garage, oriented towards alley

ZONING DISTRICTS ALLOWING SINGLE-FAMILY DETACHED



- Residential (R)
- Residential 7.5
- Residential 10
- Res/South Fairview Lake
- Village Single-Family
- Village Townhouse

BACKGROUND

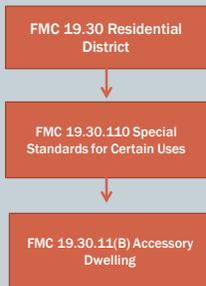
- Amendments required to implement SB 1051
 - Allow 1 ADU per detached single-family dwelling
 - Subject to reasonable siting and design standards
 - Apply only clear and objective development standards
- Additional amendments encouraged to remove barriers to ADU development



CODE AMENDMENT PROCESS

- Planning Commission Work Sessions (2)
 - Background and code concepts
 - Draft code language
- Planning Commission Public Hearing
 - Recommendation to City Council
- City Council 1st Reading October 3
2nd Reading October 17
 - Adopt Ordinance 07-2018

AMENDED CODE SECTIONS



SUMMARY OF ADU REGULATIONS

Amendments Proposed

- Definition of ADU
- Number of units
- Maximum floor area
- Maximum height (for detached)
- Parking
- Village: ADU location
- Review procedure
- NEW ITEM: Remove maximum front setback for R-Zones

No Changes Proposed

- Owner occupancy
- Min. Setbacks (R-Zones: Front: 10 ft. min & 30 ft. max, 15 ft. rear (alley access 2 ft.), 5 ft. interior side)
- Lot coverage

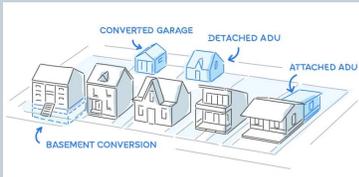
Deletion proposed

- Buffering
- Maximum per block

PROPOSED AMENDMENTS

FMC 19.13 DEFINITIONS

“An interior, attached, or detached dwelling unit that is used in connection with, or that is accessory to, a single-family dwelling.”



(STATE-REQUIRED)

PROPOSED AMENDMENTS

FMC 19.30.110 RESIDENTIAL DISTRICT Special Standards for Certain Uses

Amendment 1:

Updates description of “Accessory dwelling” to match the revised definition

(CLEANUP)

PROPOSED AMENDMENTS

FMC 19.30.110 RESIDENTIAL DISTRICT Special Standards for Certain Uses

Amendment 2:

Increases the number of ADUs allowed per detached single-family from 1 to 2. Only 1 may be detached.

(STATE-RECOMMENDED)

PROPOSED AMENDMENTS

FMC 19.30.110 RESIDENTIAL DISTRICT Special Standards for Certain Uses

Amendment 3:

Removes square footage limitation where entire floors of existing homes are converted to ADU.
Removes redundant language pertaining to detached garages.

(STATE-RECOMMENDED and CLEANUP)

PROPOSED AMENDMENTS

FMC 19.30.110 RESIDENTIAL DISTRICT
Special Standards for Certain Uses

Amendment 4:
Retains 20 ft. height limit for all detached ADUs except where ADU is above a detached garage:

- If building is setback more than the minimum required for primary dwelling, max height = height of primary building or 25 ft., whichever is less.

(STATE-RECOMMENDED)

PROPOSED AMENDMENTS

FMC 19.30.110 RESIDENTIAL DISTRICT
Special Standards for Certain Uses

Amendment 5:
Removes discretionary standard that allows a hedge or fence to be required based on subjective privacy and yard enjoyment criteria.

(STATE-REQUIRED for CLEAR & OBJECTIVE)

PROPOSED AMENDMENTS

FMC 19.30.110 RESIDENTIAL DISTRICT
Special Standards for Certain Uses

Amendment 6:
Removes limitation on ADUs to 50% of block. SB 1051 requires ADUs be allowed for every home.

(STATE-REQUIRED)

PROPOSED AMENDMENTS

FMC 19.30.110 RESIDENTIAL DISTRICT
Special Standards for Certain Uses

Amendment 7:

- Clarifies requirement that an additional parking space is required for each ADU (updated for possibility of 2 ADUs) unless at least 4 on-site spaces are already available
- Prohibits tandem and shared parking with primary dwelling.

(NOT RECOMMENDED)

PROPOSED AMENDMENTS

FMC 19.30.110 RESIDENTIAL DISTRICT
Special Standards for Certain Uses

Amendment 7:

- Simplifies standard to require one additional space for each ADU.
- Ensures additional parking is provided, and treats ADUs equally to detached single-family homes
- Meets “reasonable” standards test

(STATE-RECOMMENDED)

PROPOSED AMENDMENTS

FMC 19.30.110 RESIDENTIAL DISTRICT
Special Standards for Certain Uses

Amendment 8:

Corrects inconsistent reference to maximum lot coverage.

(CLEANUP)

PROPOSED AMENDMENTS

FMC 19.115 VILLAGE SINGLE FAMILY
Permitted Uses

Amendment 9:

- Allows one ADU per single single-family residence, instead of per lot.
- Removes requirement that ADUs only be located above garages.

(STATE REQUIREMENT)

PROPOSED AMENDMENTS

FMC 19.422 APPLICABILITY
Development Review

Amendment 10:

- Would apply a Type I Development Review procedure to all ADUs, consistent with procedure for detached single-family dwellings.
- Amended standards remove discretionary decision-making & need for public review process.

(STAFF-RECOMMENDED
PROCESS IMPROVEMENT)

PROPOSED AMENDMENTS

FMC 19.30.030 RESIDENTIAL DISTRICT
Building Setbacks

Amendment 11:

A. Front Setbacks.

a. A minimum setback of 10 feet and a maximum setback of 30 feet is required, except that an unenclosed porch may be within eight feet of the right-of-way, as long as it does not encroach into a public utility easement. These setbacks shall also apply to accessory dwelling units....

(NOT REQUIRED. STAFF-RECOMMENDED)

DECISION-MAKING CRITERIA

FMC 19.413.040(G) Type IV Procedures – Decision Making Considerations

- Statewide planning goals and guidelines
- Comments from applicable federal or state agencies
- Applicable intergovernmental agencies
- Applicable Comprehensive Plan policies

FMC 19.205.020 Criteria

- Amendment not detrimental to general interests of community

PLANNING COMMISSION FINDINGS & RECOMMENDATION

- Proposed amendments apply with applicable criteria
- Recommended adoption of Ord. 07-2018 by City Council



City of Fairview Official Proclamation



BREAST CANCER AWARENESS MONTH

WHEREAS, October is National Breast Cancer Awareness Month; and

WHEREAS, the City of Fairview is committed to raising awareness about breast cancer and the impact it has on our loved ones, friends, colleagues and community members; and

WHEREAS, hundreds of thousands of people in our country are diagnosed with breast cancer each year; and

WHEREAS, screening, early detection, and improved treatment is believed to have significantly reduced the number of deaths caused by breast cancer; and

WHEREAS, we recognize the researchers, scientists, and numerous nonprofit organizations, dedicated to discovering the cure for breast cancer; and

WHEREAS, we acknowledge the importance of raising awareness of breast cancer in order to support survivors, those currently battling breast cancer and those who might detect it in its early stages.

NOW, THEREFORE, I, Lisa Barton Mullins, City Councilor of the City of Fairview, on behalf of the Fairview City Council do hereby declare October 2018 as Breast Cancer Awareness Month in the City of Fairview and encourage all citizens in Fairview to join in this observation.

PROCLAIMED, signed and sealed this 17 day of October 2018, in the City of Fairview, Oregon.

ATTEST:

Mayor, City of Fairview
Ted Tosterud

City Recorder
Devree Leymaster

Date

Multnomah County Sheriff's Office

Law Enforcement Activity Report

Fairview

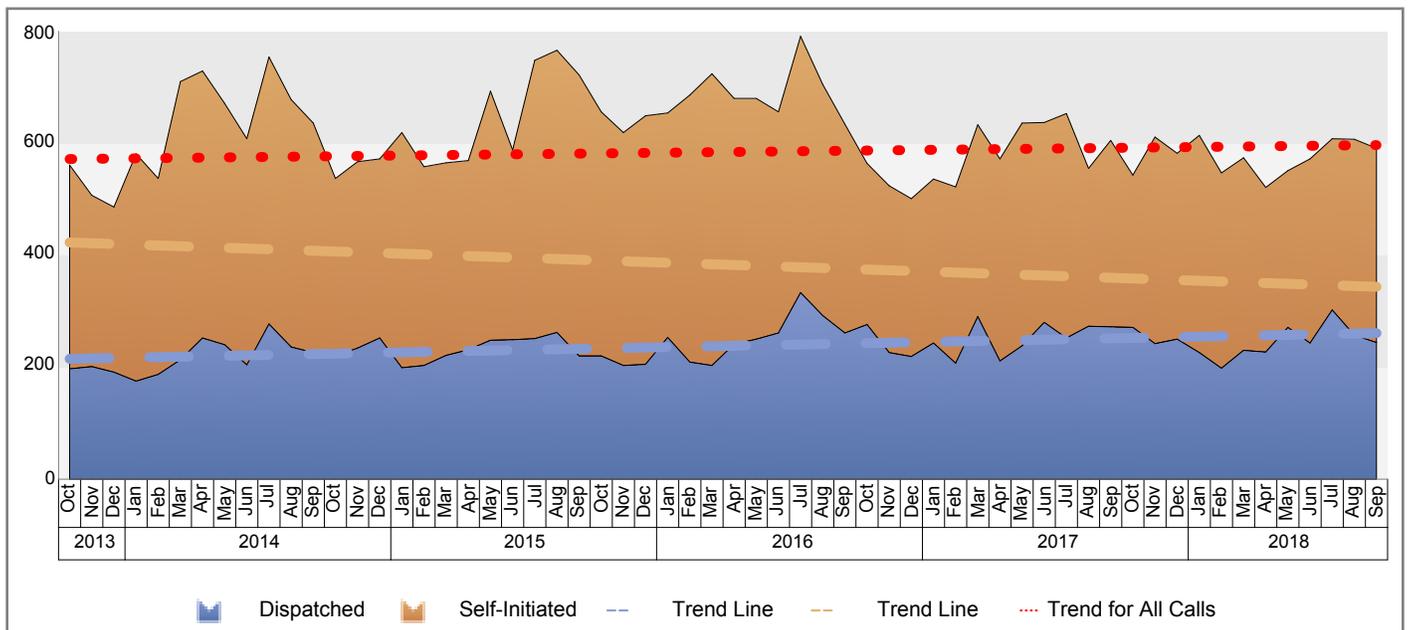
Sep 1, 2018 to Sep 30, 2018

(30 days in period)

Calls for Service by Call Type

	24-Month Chart	Current 30 Day Period	Previous 30 Day Period	Previous Year's 30 Day Avg.
Area Check		6	11	8.0
Burglary		4	3	4.6
Premise Check		11	8	9.0
Stolen Vehicle		4	6	8.3
Subject Stop		19	24	30.2
Suspicious Sub/Veh/Cir		63	39	54.4
Theft		17	22	25.6
Traffic Accident		17	15	16.8
Traffic Stop		202	190	165.5
Vacation Home Check		6	7	3.7
Vandalism		5	6	6.2
Vice		2	--	1.9
Welfare Check		20	17	19.5
All Other Call Types		215	233	216.2
Total		591	581	570.0

Calls for Service by Month: 5-Year View



Multnomah County Sheriff's Office

Law Enforcement Activity Report

Fairview

Sep 1, 2018 to Sep 30, 2018

(30 days in period)

Dispatched vs. Self-Initiated Calls for Service

	Current 30 Day Period	Previous 30 Day Period	Previous Year's 30 Day Avg.
Dispatched	244	237	245.7
Self-Initiated	347	344	324.3

Calls for Service by Call Priority (dispatched calls only)

	Current 30 Day Period	Previous 30 Day Period	Previous Year's 30 Day Avg.
P1-2 (Emergency)	50	38	45.2
P3-7 (Non-Emergency)	184	183	190.2

Average Response Time by Call Priority (from dispatched to on-scene)

	Current 30 Day Period	Previous 30 Day Period	Previous Year's 30 Day Avg.
P1-2 (Emergency)	4 minutes 25 seconds	4 minutes 56 seconds	5 minutes 2 seconds
P3-7 (Non-Emergency)	8 minutes 13 seconds	8 minutes 31 seconds	9 minutes 8 seconds

Total Time Spent on all Calls for Service (from on-scene to cleared)

Current 30 Day Period	Previous 30 Day Period	Previous Year's 30 Day Avg.
209 hours 42 minutes	188 hours 5 minutes	206 hours 19 minutes

Average Time Spent per Call for Service (from on-scene to cleared)

Current 30 Day Period	Previous 30 Day Period	Previous Year's 30 Day Avg.
21 minutes 57 seconds	20 minutes 7 seconds	22 minutes 30 seconds

Multnomah County Sheriff's Office

Law Enforcement Activity Report

Fairview

Sep 1, 2018 to Sep 30, 2018

(30 days in period)

Traffic Accidents Reported between Sep 1, 2018 and Sep 30, 2018

Date and Time	Accident Type	Accident Location
Sunday, Sep 2, 2018 1:13 PM	Unknown Injury	2700 BLOCK NE 205TH AVE
Monday, Sep 3, 2018 8:34 AM	Injury	21800 BLOCK NE FAIRVIEW LAKE WAY
Monday, Sep 3, 2018 6:54 PM	Hit & Run	2200 BLOCK NE 201ST AVE
Tuesday, Sep 4, 2018 2:57 PM	Injury	NE HALSEY ST / NE FAIRVIEW PKWY
Thursday, Sep 6, 2018 9:55 AM	Injury	EB I84 FWY TO / NE FAIRVIEW PKWY EXIT
Thursday, Sep 6, 2018 4:54 PM	Injury	NE 223RD AVE / NE SANDY BLVD
Sunday, Sep 9, 2018 1:46 PM	Hit & Run	2700 BLOCK NE 205TH AVE
Sunday, Sep 9, 2018 3:58 PM	Non-Injury	20400 BLOCK NE SANDY BLVD
Tuesday, Sep 11, 2018 10:15 AM	Unknown Injury	NE 201ST AVE / NE OREGON ST
Thursday, Sep 13, 2018 7:21 AM	Unknown Injury	EB I84 FWY AT / NE FAIRVIEW AVE
Thursday, Sep 13, 2018 3:40 PM	Non-Injury	NE HALSEY ST / NE FAIRVIEW PKWY
Friday, Sep 14, 2018 8:03 AM	Non-Injury	WB I84 FWY WO / NE FAIRVIEW PKWY
Saturday, Sep 15, 2018 12:22 PM	Hit & Run	NE HALSEY ST / NE FAIRVIEW PKWY
Sunday, Sep 16, 2018 3:13 PM	Hit & Run	3200 BLOCK NE 223RD AVE
Friday, Sep 21, 2018 7:58 AM	Hit & Run	FAIRVIEW AVE / NE HALSEY ST
Wednesday, Sep 26, 2018 8:26 PM	Injury	I84 FWY / NE FAIRVIEW PKWY
Thursday, Sep 27, 2018 4:25 PM	Injury	WB I84 FWY WO / NE FAIRVIEW PKWY

Community Policing Contacts and Meetings between Sep 1, 2018 and Sep 30, 2018

Date and Time	Time Spent	Contact Type	Location
Saturday, Sep 1, 2018 11:12 AM	369 minutes	Community Service	20500 NE MARINE DR
Wednesday, Sep 5, 2018 3:06 PM	5 minutes	Community Policing	3120 NE 206TH PL
Friday, Sep 7, 2018 12:54 PM	51 minutes	Community Policing	40 SE MATNEY ST
Wednesday, Sep 12, 2018 10:24 AM	102 minutes	Community Meeting	22701 NE HALSEY ST
Thursday, Sep 13, 2018 6:02 PM	5 minutes	Community Policing	40 SE MATNEY ST
Wednesday, Sep 19, 2018 5:06 PM	257 minutes	Community Meeting	1300 NE VILLAGE ST
Monday, Sep 24, 2018 5:54 PM	175 minutes	Community Meeting	1300 NE VILLAGE ST

A. Traffic Stops made in the City of Fairview:

FAIRVIEW TRAFFIC STOPS	
DISPOSITION	SEPTEMBER
WARNING ISSUED	138
CITATION ISSUED (NON-CRIMINAL)	51
ARREST (PHYSICAL)	6
ASSIGNMENT COMPLETED	4
ARREST (CITE-IN-LIEU)	2
REPORT WRITTEN (NO ARREST)	1
TOTAL	202

B. Other Deputy Activity Reporting Summary:

- Total Calls for Service: **591**
- Total time spent on calls: **209 hours 42 minutes**
- Avg. time spent per call: **21 minutes 57 seconds**
- Dispatched: **244**
- Self-Initiated: **347**
- Traffic Stops: **202**
- Subject Stops: **19**

C. Response Time (from dispatched to arriving on scene):

- | | Average ¹ | Median |
|------------------------------------|-----------------------------|----------------------------|
| • Emergency (Priority 1 and 2): | 4 minutes 25 seconds | 4 minutes 2 seconds |
| • Non-Emergency (Priority 3 to 7): | 8 minutes 13 seconds | 6 minutes 15 second |

¹ The average response time calculation can be significantly influenced by a small number of calls in which a response was slower than usual. When looking at a small number of records (such as a month's worth of call data) the influence of these outliers is much greater. The median provides the "middle point" of the data, where half of the response times were faster and half were slower.

D. Detective Case Activity:

NEW FAIRVIEW CASES ASSIGNED TO DETECTIVES		
DATE ASSIGNED	CRIME	STATUS
PROPERTY CRIME = 1		
9/10/2018	Found Property	Not an Offense
PERSON CRIME = 1		
9/27/2018	Domestic Violence	Active

DISPOSITION OF FAIRVIEW CASES ASSIGNED TO DETECTIVES	
DISPOSITION	COUNT
Cleared	
Cleared by Arrest	
Cleared – Located	
Declined by District Attorney	
Direct Present to District Attorney	
Forward to District Attorney	
No Complaint	
Not an Offense	1
Referred to City Attorney	
Referred to District Attorney	
Runaway Located	
Suspended	
Unfounded	
SEPTEMBER CASES DISPOSED	1
OTHER CASES DISPOSED	0
TOTAL CASES DISPOSED:	1



AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
October 17, 2018	7.a.	2018-82

TO: Mayor and City Council
FROM: Lesa Folger, Finance Director
THRU: Nolan K. Young, City Administrator
DATE: October 11, 2018

ISSUE:

Proposed public works facility fee for payment of debt service associated with the Full Faith and Credit borrowing used to fund the Public Works shop facility project.

RELATED COUNCIL GOALS:

Goal #4 – Maintain and enhance the City’s public infrastructure in a cost efficient manner.
Objective B – Pursue plan to design, fund, and build a new PW shop facility.

PREVIOUS AGENDA STAFF REPORTS:

- September 19, 2018
- July 25, 2018
- July 18, 2018
- March 7, 2018
- February 21, 2018
- October 4, 2017
- July 19, 2017

BACKGROUND:

On October 3, 2018, Council passed Resolution 54-2018, authorizing, in part, the City to secure Full Faith and Credit financing not to exceed \$3,200,000 to fund the Public Works shop facility project design and construction (not to exceed \$3,103,000) as well as the cost of debt issuance (not to exceed \$97,000).

In order to pay the debt service on the Full Faith and Credit financing, Council determined a Public Works facility fee should be established. A General Obligation Bond was also considered. Public meetings were held on August 30, 2018 at 6:30 pm at City Hall and September 13, 2018 at 6:30 pm at the Community Center. An informal poll at each of these meetings indicated overwhelming support for a utility fee vs. taking the issue to the voters and potentially issuing a General Obligation (GO) Bond.

The utility fee received overwhelming support as it would result in an overall savings for most customers. Additionally, utilizing a utility fee results in significant interest savings over the debt term as compared to utilizing a GO Bond with repayment through a tax assessment. Finally, a Utility Fee is more equitable as it splits the cost amongst all utility users, while the GO Bond funding and corresponding tax assessment would exclude those users who reside on Interlachen Lane in unincorporated Multnomah County.

Financing is scheduled to be obtained on November 8, 2018. A utility fee could be implemented in December. Customers would be reminded that the fee would become effective with the December 1, 2018 billing by notification sent with their November 1, 2018 utility bill.

Adoption of Ordinance 9-2018 adds Chapter 13.13 – “Public Works Facility Fee” to the Fairview Municipal Code. Chapter 13.13 would remain in effect until the debt associated with the project is repaid, then will need to be repealed for the fee collection to stop.

RECOMMENDED ACTION:

Continue to second reading of Ordinance 9-2018 with public hearing on October 17, 2018

ALTERNATIVE ACTIONS:

1. Decline to approve Ordinance 9-2018
2. Amend Ordinance 9-2018

BUDGET IMPLICATIONS:

Approval of Ordinance 9-2018 would provide funding for the primary purpose of paying the annual debt service on the Full Faith and Credit financing associated with the Public Works shop project. Current figures estimate the fee will result in approximately \$242,000 in annual revenue. Average annual debt service is anticipated to be around \$235,000.



ORDINANCE
(9-2018)

**AN ORDINANCE OF THE FAIRVIEW CITY COUNCIL AMENDING THE
FAIRVIEW MUNICIPAL CODE TO ADD CHAPTER 13.13 ESTABLISHING A
PUBLIC WORKS FACILITY FEE**

WHEREAS, public works services benefit all city utility users; and

WHEREAS, the current public works facility does not meet modern building code standards, including but not limited to seismic requirements, and this building would be critical during any natural disaster; and

WHEREAS, the current facility also does not have the capacity to meet all the public works needs of a city the size of Fairview and with the number of users of the city's utilities; and

WHEREAS, the Council believes that a new facility will better meet the needs of city utility customers and will also eliminate the liability associated with the current public works facility; and

WHEREAS, the City will obtain full faith and credit financing to fund the new public works facility; and

WHEREAS, the City must determine how it will pay the debt service on the chosen financing mechanism; and

WHEREAS, the Council believes it is in the best interest of the residents, businesses, and customers of the City of Fairview to establish a public works facility fee for the primary purpose of paying the debt service.

NOW, THEREFORE, THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

Section 1 Chapter 13.13 is hereby adopted as set forth in substantially the same form as the attached Exhibit A.

Section 2 The ordinance is and shall be effective thirty (30) days from its passage.

Ordinance adopted by the City Council of the City of Fairview, this 17th day of October, 2018.

Mayor, City of Fairview
Ted Tosterud

ATTEST

City Recorder, City of Fairview
Devree Leymaster

Date

Exhibit A

Chapter 13.13 – Public Works Facility Fee

Sections:

13.13.010	Purpose.
13.13.020	Definitions.
13.13.030	Establishment of fee.
13.13.040	Amount of fee.
13.13.050	Billing.
13.13.060	Payment due date.
13.13.070	Adjustment and administration of accounts.
13.13.080	Delinquency.

13.13.010 Purpose

The purpose of the public works facility fee is to provide a funding mechanism to pay for the benefits conferred on residents, customers, and businesses in the provision of City public works and utility services through a new public works facility and maintenance of the public works facility. The new public works facility will meet state and local building standards and will allow the City to better serve its customers.

13.13.020 Definitions.

As used in this chapter, the following definitions apply:

A. “City utility service” means water, sanitary sewer, and/or storm water services provided by the City.

B. “Non-residential unit” means a premise or a portion of a premise which is not used primarily for personal domestic accommodation and includes but is not limited to governmental, nonprofit, business, food cart, commercial, and industrial enterprises. Each separate business entity located on a premises shall be considered a separate non-residential unit for these purposes. Portions of premises primarily used for transient lodging and subject to FMC 3.05 (Hotel/Motel Tax) shall be considered a non-residential unit when occupancy is 30 days or less.

C. “Premise” means a parcel or portion of real property which is receiving City utility service.

D. “Residential unit” means a premise or a portion of a premise used for personal, domestic accommodation which provides complete living facilities for one or more persons. An accessory or ancillary residential dwelling unit on a premise may be considered as a separate residential unit. In premises with two or more apartments, condominiums, mobile homes, or other residential units, each residential unit shall be considered as a separate residential unit. Portions of premises primarily used for transient lodging and subject to FMC 3.05 (Hotel/Motel Tax) shall be considered a residential unit when occupancy is more than 30 days.

E. “Vacancy rate” means 3.81%, which is the average Troutdale/Fairview/Wood Village/Gresham area vacancy rate as reported by the Metro Multifamily Housing Association Apartment Report, Spring

13.13.030 Establishment of fee.

Effective November 16, 2018 there is hereby created a public works facility fee for the purposes set forth in this chapter. The full monthly fee will be charged on the December 2018 billing or January 2019 billing, depending on the billing cycle associated with each account. Accounts will be prorated for the initial billing only if the occupant has changed during the billing cycle. All public works facility fee revenues imposed by and collected under this chapter shall be deposited in the public works facility fee fund. An amount sufficient to pay the debt service on outstanding debt payable from the public works facility fee shall be paid from a debt service account within the fund.

13.13.040 Amount of fee.

- A. The public works facility fee shall be assessed to each residential and non-residential unit receiving City utility services at \$4.82 per unit, per month.
 - 1. The public works facility fee for a premise or portion of a premise with four or more attached residential units shall be reduced by the vacancy rate.
 - 2. Determination of the number of residential units in a premises subject to hotel/motel tax under FMC 3.05 will be based on the average percentage of revenue reported to the City in each category over the four most recent quarters for which returns have been received by November 16, 2018. The percentage of revenue attributable to residential units will then be multiplied by the total units available, adjusted for the vacancy rate. Should a new entity form that is subject to FMC 3.05 (Hotel/Motel Tax), quarterly returns will be averaged cumulatively until four have been received.
- B. The public works facility fee shall be prorated based on utility billing cycles and, for utility accounts that are opened or closed during the periods the public works facility fee is in effect, based on the date the utility account is opened or closed.
- C. Premises owned or operated by the City of Fairview are exempt from the public works facility fee.

13.13.050 Billing.

A. The party responsible for paying City utility service bills has the obligation to pay the public works facility fee.

B. The City shall collect the public works facility fee by adding a line item to the utility bill of each customer of the City. The City will bill the public works facility fee every month or every other month, consistent with normal utility billing cycles.

C. If a premise has more than one utility account, the public works facility fee for the premise shall be calculated based on the total number of residential units or non-residential units on the premise. The residential and non-residential units may be combined into one account or allocated to each account based on the method used to bill other utility fees.

D. Charges for water, sanitary sewer, and storm water, fire suppression fee, and the public works facility fee may be billed on the same utility bill. Payment shall first be applied to the public works

facility fee.

E. Creation of a utility account is the basis for imposing the public works facility fee. The public works facility fee does not in any way create an obligation of the real property. Rather, the obligation to pay the public works facility fee is a personal obligation of the customer responsible for payment of the utility account. No lien will attach to the premises at which the account is located because of the nonpayment of the fee.

13.13.060 Payment due date.

The public works facility fee shall be bound by the same due dates as water, sanitary sewer, and storm water charges and fire suppression fees. Penalties will also be assessed on the same schedule as these charges.

13.13.070 Adjustment and administration of accounts.

A. Customers who believe their public works facility fee, as applied to their premise, is not within the intent of this chapter may request, in writing, a review of their public works facility fee by the Finance Director. The Finance Director may initiate the review of a customer's public works facility fee. Similarly, if the City feels that the public works facility fee, as it applies to a particular premise, is not within the intent of this chapter, it may be reviewed by the Finance Director.

1. If a customer's charge is reduced as a result of this review, the corrected public works facility fee shall begin with the next billing and a credit or refund shall be made retroactively, not to exceed one year from the last billing.

2. If a customer's charge is increased as a result of this review, the corrected public works facility fee shall begin with the next billing and the customer may be billed for the increase retroactively, not to exceed one year from the last billing.

B. If an existing customer has not been billed for the public works facility fee, the fee shall begin with the next billing and the customer may be billed retroactively, not to exceed one year.

C. Customers not satisfied with the results of the review by the Finance Director may protest the decision to the City Administrator.

D. The Finance Director may write off closed accounts and retroactive bills if in the best interest of the City and may write off refunds, unless the customer requested otherwise, if the cost of making the refund would exceed the amount of the refund.

E. The Finance Director shall be responsible for the administration of this chapter and for the collection of fees hereunder.

13.13.080 Delinquency.

A. A public works facility fee is considered delinquent based on the same criteria as water, sanitary sewer, and storm water charges and fire suppression fees.

B. If a customer's utility account for the public works facility fee is delinquent, the City may discontinue all water services billed on that account. The City may refuse to restore water service to the premises until the delinquent charges and other costs incurred are paid.

C. Notwithstanding any provision herein to the contrary, the City may institute any legal proceedings to enforce the provisions of this chapter, including but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative. If the City commences any legal proceedings to enforce the provisions of this chapter and the City prevails, the City is entitled to all fees and costs it incurred, as well as any sum that a court, including any appellate court, may deem reasonable as attorneys' fees.

D. The council may set by resolution fees for extra services required in collecting delinquent customer accounts for the public works facility fee.



City of Fairview

Check Register

Packet: APPKT02460 - PO #19-0011 RA

By Check Number

Vendor Number Payable #	Vendor Name Payable Type	Payment Date Payable Date	Payment Type Payable Description	Discount Amount Discount Amount	Payment Amount Payable Amount	Number
02304 18008-02	P & C CONSTRUCTION CO Invoice	10/02/2018 10/02/2018	Regular "FY 18/19 PHASE I SVCS-PW SHOP"	0.00 0.00	76,125.00 76,125.00	66110

Bank Code US BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	76,125.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	1	1	0.00	76,125.00



City of Fairview

Check Register

Packet: APPKT02458 - PO #19-0005 RA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Payable Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: US BANK-OPERATING ACCOUNT						
02262	RODNEY H. GRAFE	10/02/2018	Regular	0.00	400.00	66109
INV0029482	Invoice	10/02/2018	FY 18/19 MUNICIPAL COURT JUDGE SVCS	0.00	400.00	

Bank Code US BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	400.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	1	1	0.00	400.00



City of Fairview

Check Register

Packet: APPKT02462 - 10/4/2018 PO #19-0009 RA

By Check Number

Vendor Number Payable #	Vendor Name Payable Type	Payment Date Payable Date	Payment Type Payable Description	Discount Amount Discount Amount	Payment Amount Payable Amount	Number
00041	AMERICAN LEAK DETECTION	10/04/2018	Regular	0.00	5,000.00	66111
47031	Invoice	10/04/2018	SMOKE TESTING INTERLACHEN SEWER	0.00	5,000.00	

Bank Code US BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	5,000.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	1	1	0.00	5,000.00



By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Payable Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: US BANK-OPERATING ACCOUNT						
02279	ELAINE HOWARD CONSULTING , LLC	10/09/2018	Regular	0.00	27,026.39	66142
#2	Invoice	10/09/2018	URBAN RENEWAL PLAN & REPORT	0.00	3,789.00	
#3	Invoice	10/09/2018	URBAN RENEWAL PLAN & REPORT	0.00	10,353.09	
#4	Invoice	10/09/2018	URBAN RENEWAL PLAN & REPORT	0.00	12,884.30	

Bank Code US BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	3	1	0.00	27,026.39
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	3	1	0.00	27,026.39



City of Fairview

Check Register

Packet: APPKT02480 - 10/11/2018 PO #19-0014 RA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Payable Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: US BANK-OPERATING ACCOUNT						
02328	WILDISH STANDARD PAVING CO	10/11/2018	Regular	0.00	6,500.00	66144
1279	Invoice	10/11/2018	WATER LINE AND METER RELOCATION(22	0.00	6,500.00	

Bank Code US BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	6,500.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	1	1	0.00	6,500.00



City of Fairview

Check Register

Packet: APPKT02468 - 10/11/18 BOTW PAYROLL DEPOSIT RA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Payable Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: US BANK-OPERATING ACCOUNT						
02073	BANK OF THE WEST	10/11/2018	Regular	0.00	42,000.00	66143
INV0029530	Invoice	10/11/2018	CASH DEPOSIT - PAYROLL	0.00	42,000.00	

Bank Code US BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	42,000.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	1	1	0.00	42,000.00