

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

March 3, 2004 -- 7:00pm

**I. CALL TO ORDER/
ROLL CALL**

Mayor Weatherby called the meeting to order at 7:00pm.

PRESENT: Mayor Mike Weatherby
Councilor Darrell Cornelius
Councilor Sherry Lillard
Councilor Steve Owen
Councilor Larry Cooper
Councilor Jim Trees

ABSENT: Councilor Jim Raze

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

Mayor Weatherby announced that Councilor Raze was excused from the meeting.

**II. CITIZEN
COMMUNICATIONS**

Mayor Weatherby 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 Trees seconded the motion to approve the Consent Agenda, consisting of the Minutes of February 18, 2004 (2 sets).

AYES: 6

NOES: 0

ABSTAINED: 0

IV. COUNCIL BUSINESS

**A. PRESENTATION
Multnomah County
Road Jurisdiction**

Bob Cochran, Public Works Director, distributed a map which depicted the County roads located in Fairview, and introduced Vic Rhodes who completed the Multnomah County Road Jurisdiction

Study

Study on behalf of the County. Director Cochran reported that Multnomah County provides the following services to the City of Fairview: maintains County roads located in the City; Fairview contracts with the County for road maintenance (crack sealing, shoulder work, etc); County manages Fairview's overlay programs; and, represents the City at Metro and the State Department of Transportation. Director Cochran added that staff works strongly with the County in the planning and engineering areas. Mr. Rhodes conducted a Power Point presentation on the Road Study, stating that he strived to create equity in his report. Mr. Rhodes provided the following information:

Report Methodology

Stakeholder interviews, employee focus groups, findings, evaluation of options, and his personal recommendation.

Key Findings

Maintenance service universally accepted; 3/4 of inventory is in unincorporated areas; past agreements never fully accepted/implemented; East Multnomah County Transportation Committee (EMCTC) has become fragmented; major systemic issues require resolution; capital planning should span jurisdiction boundaries; land use and road standards conflict; leadership and policy guidance is needed.

Service Delivery Options

- A. Status Quo
- B. Transfer Roads in Gresham
- C. Transfer All Roads in Incorporated Area
- D. Full Divestiture
- E. New Governance Structure

Recommendation

Cities should have the local option of assuming ownership and jurisdiction of County roads within their boundaries. Regardless of jurisdiction transfers, Multnomah County should continue to deliver maintenance services for the current road inventory. Road engineering and Capital Improvement Program and operations support group positions required to support road design; maintenance and operations for the rural areas and cities not exercising the local option should be identified and retained by Multnomah County. The survey group should remain with Multnomah County. Willamette River bridges and other structures not transferred as a result of exercising the local options should remain with Multnomah County. Water Quality Program should remain with Multnomah County. Board of County Commissioners should establish and codify a Multnomah County governed transportation and capital improvement plan in the urbanized area of

East Multnomah County, consisting of the four East County Mayors and a Joint Policy Advisory Committee on Transportation (JPACT) representative. Hiring should freeze within the Department of Land Use and Transportation until a detailed implementation plan is developed.

Results

Allows cities, at their option, to assume jurisdiction of current County roads in order to manage them in keeping with local transportation, development and urban design objectives. Retains the quality of maintenance services provided by Multnomah County; provides the cities not likely to exercise the local option and rural areas with the same maintenance service and support for capital projects they now receive from Multnomah County; provides a new forum for the resolution of transportation planning and capital priority setting.

Next Steps

Multnomah County Board direction as to whether to bring forward a resolution adopting the conceptual recommendations made by the report and directing implementation planning; preparation of a resolution establishing the timeline and work program for a Phase II effort.

Mayor Weatherby questioned Option E where it speak of a consortium of cities with each city having total control over their roads, and asked what would happen if Gresham chose to accept their roads but the smaller cities did not. Mr. Rhodes responded that if the small cities choose not to go with the local option, the County would continue to perform services for them the way they currently do; however, if he were a city, he would want to take control of his own roads.

Councilor Lillard stated that she has been a member of EMCTC for eight years, and she found it interesting that Mr. Rhodes had labeled that group as being non-impacting in the roads arena with Metro, as EMCTC has received many great things in the last few years, such as the 223rd railroad underpass funding, and was wondering how he came up with his determination. Mr. Rhodes responded that he did not think EMCTC was as powerful as it could be; the effort the County went to on Fairview's behalf on 223rd placed an impact and friction on staff. Councilor Lillard commented that she thought EMCTC could be more effective if they wielded power, but right now they can only make recommendations, not decisions. Councilor Lillard asked why EMCTC wasn't the governance group Mr. Rhodes suggested in his study. Mr. Rhodes responded that the intention was to give a new group the power.

Councilor Lillard commented that the Road Study recommends a one

cent gas tax increase (\$22,000,000) and asked if that money would be split with Portland as they get 80% of that money currently; or, if Gresham takes their roads and the precedent is set that the money would be transferred to Gresham, how much of the East County funds would they receive. Mr. Rhodes responded that his recommendation does not include the transfer of funds to Gresham; and, the funds have not been agreed to by Multnomah County. It was his recommendation that they consider it, and no funds are to be split with Portland. Councilor Lillard questioned how the County felt about losing their assets of the roads. Mr. Rhodes responded that it is the citizens who own the roads. Councilor Lillard stated that she was concerned about the proposed governance group as it was her understanding that the County Commissioners could override that group's decisions and she did not think they should be able to. Councilor Lillard added that she also has a concern about Gresham taking over their roads, as Gresham has a conflict with the County and the EMCTC has had to place pressure on Gresham to work with the County. Also, one problem she sees is if something is built in one city, it affects the others; if each city takes their roads individually, they won't have to answer to neighboring jurisdictions or combine their efforts. Mr. Rhodes suggested a more systemic planning process; politics is the art of compromise and people need to get back to the table to figure out the road topic in a cooperative way. Councilor Lillard invited Mr. Rhodes to attend a future EMCTC meeting. Councilor Lillard addressed the Council, stating that she saw good things in the report, but also some things she saw as being problematic, and she would be happy to speak with each Councilor individually if should they have any questions.

Mayor Weatherby stated that the East County Cities definitely needed a new JPACT representative and he, personally, would like to see Councilor Lillard take that position.

Councilor Owen commented that he was disappointed that County Commissioner Rojo de Steffey did not appear tonight as planned. Councilor Owen mentioned that he did not favor the comment Mr. Rhodes had made about the new governance group that was proposed to be formed and his statement that as long as the group did what the County wanted them to do, that they would be decision makers. Mr. Rhodes responded that that was not what he said; what he said was as long as the decisions being made by the group were within the bounds of good transportation policy, that the County was to keep their hands off. Councilor Owen thanked Mr. Rhodes for his clarification.

Mary Jo Briggs, City Administrator, asked what Mr. Rhodes was expecting from the City of Fairview at this point. Mr. Rhodes responded that if the County does not move forward on the topic, the

issue will not go away; Council should submit a letter directly to the Board of County Commissioners with a response or recommendation to the Road Study; the County would probably not consider adoption of a resolution until April 2004 or later.

Councilor Owen suggested that the Council deal with the issue at their first Work Session in May, and asked if that would work with the County's schedule. Mr. Rhodes responded that he would need to check with the County Board on their timelines.

V. PUBLIC HEARING

A. Comprehensive Plan Chapters 1-4

Mayor Weatherby read the "Opening Statement for Legislative Land Use Hearings" into the record and which is attached hereto to these minutes.

Melissa Slotemaker, Associate Planner, provided an overview of each of the chapters of the Comprehensive Plan (Comp Plan). Planner Slotemaker stated that Council had reviewed two and a half chapters at their Work Session earlier in the evening, and would review the remainder of Chapters 3 and 4 tonight. In addition, a public hearing will be held at each Council meeting in which the Comp Plan is on the agenda. Planner Slotemaker commented that Council is scheduled to adopt the Comp Plan in May 2004.

Mayor Weatherby opened the public hearing; receiving no testimony, Mayor Weatherby closed the public hearing.

Councilor Owen moved and Councilor Lillard seconded the motion to continue the public hearing on Chapters 5 through 8 of the Comp Plan to 7:00pm on Wednesday, March 17, 2004.

AYES: 6
NOES: 0
ABSTAINED: 0

In continuing Council's discussion of Chapter 3 from the Work Session, Planner Slotemaker stated that staff had received direction to revise language in the Vision section to bring it up to date as to what has actually happened in Fairview Village and change the language to reflect present tense vs. visionary language. Planner Slotemaker stated that Council will begin on page 29 of the Comp Plan, picking up where they left off at the Work Session. The following suggestions were made to staff by the Council:

Page 29

Under "Goals", emphasize that connection is to be made to the community as a whole. Planner Slotemaker commented that the two "Goal" sections in Chapter 3 would be combined into one.

Page 30

After the first three bullets, the next three sentences should be deleted as all have been completed. Regarding the opportunity for accessory dwelling units, the current density of Fairview Village should be maintained. Under "Village Commercial", delete sentence which references anchor stores being located south of NE Halsey Street.

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Referring to the first paragraph, Councilor Cornelius questioned if the language was consistent with recent discussions regarding parking and units to expand their commercial to the second floor or entire unit. Director Andersen responded that the wording is intended for those units that could evolve into retail uses, and if the City determines it is appropriate, those changes could be allowed to happen. If a development in the Village is approved with conditions that only the first floor will contain commercial, then that will remain; it is basically for the initial businesses that moved into the units on Village Street. Councilor Lillard suggested that wording be added that all commercial proposals in the Village must take parking into consideration. Director Andersen indicated that they would return with more specific language.

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In regards to a bus pullout for Fairview Village, Director Andersen commented that it has already been designed and the bus shelter looks similar to other TriMet bus shelters throughout the County. Regarding "Policy" as stated on page 32, Planner Slotemaker stated that staff would like to make the policies more clear and identify Village policies separately. Planner Slotemaker added that Helen Maguire had suggested that in Item 4 under Policy, that each statement have a bullet before it to make it more clear. Councilor Lillard mentioned that she would like to see language added under Item 4 which would state the number of units required for a PUD, and that a PUD should fit the character of a neighborhood. Director Andersen stated that lot averaging is allowed in all residential zones in Fairview.

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Councilor Trees referred to Item 5 in which it speaks of "existing commercial establishments not located in areas designated by the Plan for commercial use will be allowed to continue but will not be permitted to expand beyond their present sites", and asked if that

was a good idea in this economy, as it sounds like there is no room for a variance. Director Andersen responded that he would look into it as the issues are public safety and neighborhood compatibility; he would also look into expansion being decided by the Planning Commission on a case-by-case basis. Planner Slotemaker suggested that the first sentence under Item 11 be deleted.

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Planner Slotemaker referred the Council to Ms. Maguire's written submission regarding Items 11 through 18. For example, Item 14 is redundant as it is also stated in Item 9 and they should be combined into one policy. Regarding Item 17, Director Andersen stated that the language would be changed as Metro included a part of Old Town in the Town Center designation which was not appropriate.

Chapter 4, Page 41

Planner Slotemaker commented that it was suggested that the City not require agricultural land to be developed into industrial and to leave the goal more open-ended. Director Andersen added that staff could clarify the language that no development would occur until the City determines it is appropriate. Councilor Cornelius suggested the following language to the first paragraph: "will be held for agricultural purposes until developed consistent with the Comprehensive Plan."

VI. CITY ADMINISTRATOR REPORT

Administrator Briggs announced that the State of Oregon would be conducting a meeting in the Fairview Council Chamber on March 10, 2004, and that the East Metro Cities Regional Issues Forum would occur on March 11, 2004, at Gresham City Hall.

VII. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Mayor Weatherby reported that he and Councilor Cornelius had attended a Gresham City Council Round Table discussion on the proposed Port of Portland Intermodal Rail facility to be placed on the Alcoa site. Two Gresham Council members clearly felt that a good relationship with the East County cities was important and that supporting us in our decision to oppose the Port was important to that relationship, as mutual support and cooperation benefits us all. The two Council members were Dave Shields and Jacquenette McIntire. There seemed to be the feeling that cooperation with the three small cities is nice, but only if there is something in it for Gresham. If there is a dollar in it for Gresham, the three smaller cities don't exist, and that was the impression he received. They all verbalized how a working relationship with us is important, but that seemed to be expected window dressing. Gresham decided to have their staff study the issue, with some Council members suggesting a 2-year study period. Mayor Weatherby commented that, to him, it was clearly an example of a government body avoiding taking a stand by sending it out to be studied. Mayor Weatherby stated that he was very

disappointed; he honestly had expected more of a spirit of cooperation and support from Gresham.

Councilor Cornelius reported that it seemed to him that the Gresham Council was ill-informed of what facts have been produced so far regarding the Alcoa site. Gresham Mayor Becker had told his Council that the East Metro Economic Alliance (EMEA) was still expecting to receive a report from the Port on the extensive questionnaire which they had provided to them; this was inaccurate information as the Port has informed EMEA that they will not answer any questions until after they purchase the property. Councilor Cornelius commented that it would be wise for Fairview to make sure that each of the Gresham Councilors receive a copy of Mr. Wyatt's letter from the Port to Hiroshi Morihara, and that Fairview needs to try and educate the Gresham City Council as much as possible. Councilor Cornelius reported that he would be attending an Economic Development Summit later in the week.

Councilor Lillard stated that she was disappointed that County Commissioner Rojo de Steffey did not attend the Council's meeting tonight as scheduled. Councilor Lillard commented that she was not opposed to setting up a new way of doing business in East County regarding roads, but EMCTC has been learning to work better together. She was disappointed to hear that Mr. Rhodes felt EMCTC was not functioning as well as it could. Councilor Lillard reported that a representative of TriMet had attended the last EMCTC meeting and reported that Fairview public transportation ridership continues to increase in the area; TriMet knows that and they are trying to provide as much service to Fairview as they can. In 2005, bus service will be provided to Blue Lake Park during the summer. Councilor Lillard stated that, in regards to the 223rd railroad undercrossing, that mapping will begin soon and that Union Pacific Railroad had approved a rail closure for 36 hours on January 1, 2006, so that the old railroad bridge could be removed and the new bridge dropped into place.

Councilor Owen reported that the Citizen/Council Alliance Committee would be meeting at 7:00pm on March 10th at Fairview City Hall and everyone was encouraged to attend; the Police Chief was planning on attending the meeting to discuss code enforcement.

Councilor Cooper reported that he had attended an Economic Development meeting the previous week which he felt was very productive.

Councilor Trees reported that he had attended a Summertime Festival meeting earlier in the day with much being accomplished. Volunteers were needed to help out with the Festival and they should

contact him or the City Recorder. Also, performers were being sought for the local talent show.

VIII. ADJOURNMENT

Councilor Owen moved and Councilor Lillard seconded the motion to adjourn. Mayor Weatherby adjourned the meeting at 9:09pm.

AYES: 6
NOES: 0
ABSTAINED: 0

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Mayor Mike Weatherby

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Dated:

Caren C. Huson Quiniones
City Recorder