



**MINUTES
CITY OF FAIRVIEW
CITY COUNCIL REGULAR SESSION
1300 NE VILLAGE STREET
FAIRVIEW, OREGON 97024**

March 1, 2006 – 7:00 P.M.

I. CALL TO ORDER/ROLL CALL

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

PRESENT: Mayor Mike Weatherby
Councilor Darrell Cornelius
Councilor Jim Raze
Councilor Larry Cooper
Councilor Barbara Jones
Councilor Ken Quinby

ABSENT: Councilor Steve Owen

STAFF: Jan Wellman, City Administrator
Laura Zentner, Finance Director
Tamara DeRidder, Community Development Director
Connie Hansen, Secretary

II. PLEDGE OF ALLEGIANCE

Mayor Weatherby led the Pledge of Allegiance.

III. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Mayor Weatherby called for any citizens wishing to address the Council on non-agenda items to come forward. Hearing none the meeting continued.

IV. CONSENT AGENDA

A. MINUTES – FEBRUARY 1, 2006

Mayor Weatherby called for a motion on the Consent Agenda.

Councilor Quinby moved and Councilor Jones seconded the motion to approve the Consent Agenda.

AYES: 6
NOES: 0
ABSTAIN: 0

The motion to approve the Consent Agenda passed by a unanimous vote of the Council.

VI. PUBLIC HEARINGS – LAND USE ACTION

A. DEPOT STREET COMPREHENSIVE PLAN AND ZONING MAP AMENDMENT FROM LIGHT INDUSTRIAL (LI) TO LOW DENSITY RESIDENTIAL (R-7.5) FILE: 05-94 CPA/ZC – VISION DEVELOPMENT

- 1. ORDINANCE 08-2006 – COMPREHENSIVE PLAN MAP AMENDMENT**
- 2. ORDINANCE 09-2006 – ZONING MAP AMENDMENT**

Mayor Weatherby opened the public hearing and read the opening statement for land use decisions. He called for any exparte, bias or personal interest by the Council. Hearing none the meeting continued.

Mayor Weatherby called for the staff report on this agenda item.

Director DeRidder stated that the application is a request by a company called Vision Development to rezone two lots from Light Industrial to Residential Old Town (Overlay Zone) R-7.5 and requires an amendment to the Comprehensive Plan Map and Zoning Map. The Planning Commission reviewed this request and made a recommendation to the City Council for approval.

The applicant had also requested the review of the Significant Environmental Concern Overlay (SEC) for this site. It was determined by staff that the SEC would be implemented at the time of development or development review. The Planning Commission will review the SEC overlay in relation to the development at a later date. However, two conditions of approval need to be rendered if the application is approved.

The original plat for the City of Fairview designated different lands for different purposes, such as residential, commercial, and industrial, etc. This site and adjacent property had been designated for industrial when the City was incorporated, as there was a train depot, and other businesses nearby. However, over the years, that area became predominantly residential, with only Cherokee General having a business on Depot Street and Fairview Elementary School two blocks east. The

other unique aspect of the property is that the northern 50 feet of the property is not included because the 1979 property owner sold that part to the railroad. No records have been found that provide documentation that a partition was ever approved or filed.

Policies for the improvement of Old Town support the change from industrial to residential land use. However, if approved, the change will reduce citywide industrial land supply by 1.7 acres of the City's 355-acre supply. Light industrial zoning allows commercial uses and similarly zoned land exists elsewhere in the City. The residential nature of the neighborhood would conflict with industrial development in that area. The applicant proposes to construct 12 new single-family residences on the site.

A new rule for industrial lands became effective in January 2006 that requires industrial sites larger than 2 acres to be evaluated to assure that the property would not be vital to the economic development in the state. This site is less than two acres and is therefore exempt from the rule.

Staff recommends approval of the Zone Change and Comprehensive Plan Amendment, with conditions of approval, that a master plan for coordinated construction of public utilities, including fire protection, be submitted by the applicant and approved by the City prior to issuance of any development or building permits; and resolution of the 1979 land division of the property as noted in the staff report.

Director DeRidder stated that two people who testified in the Planning Commission meeting own property near the site and would rather have the property be Light Industrial instead of high density residential. Staff noted that this would not be zoned for high density residential. Additionally, the number of jobs that would potentially be saved by having this property remain industrial is approximately nine jobs. Staff also noted that Depot Street is a dead end separated from a main road by other residential streets, the roads are not improved to industrial standards, the site is surrounded by homes on two sides, and would be an unlikely area for commercial or industrial uses.

Mayor Weatherby asked if there would be a buffer against the railroad along the northern part of the property. Director DeRidder stated that there is a railroad right of way with small and large trees between the home sites and the railroad, but if a person buys near a railroad, then it is buyer beware.

Councilor Cornelius stated he was opposed to the zone change because one of the Council's goals was to increase the job base in the City, not decrease it. The City has met its housing goals, but needs industrial and

commercial development for the future. Councilor Cornelius noted that the cost for services is more for residential uses than for industrial or commercial ones.

Councilor Quinby stated he had similar concerns about the loss of potential jobs for the community, as well as, increased housing density when the city has already met its goals. The livability of the neighborhood with the amount of train noise that occurs is a concern for future residents, and industrial uses would not be as heavily impacted.

Council discussion brought up the points that there are many good neighborhoods adjacent to train tracks. Fairview has airplanes overhead that impact some of the neighborhoods. The property along Depot Street is an isolated piece of property surrounded by residential housing, a school and it was not a likely area for industrial development. Single-family homes would be a better mix for that area. Traffic in the area was a concern, as it was noted residential uses would have more trips than industrial due to the increased number of people.

Mayor Weatherby called for the applicant to come forward to address the Council.

James Murrell, a partner in Vision Development, stated that the housing market has changed and properties like the one on Depot Street can be developed with good quality housing to meet a growing need in the metro area. The proposal is to build mid-range single-family homes that will add to the neighborhood, not high-density housing. Other areas throughout the state located along train tracks have developed in a similar manner as Vision Development is proposing for Depot Street.

Mayor Weatherby called for anyone in favor of the application to come forward to address the Council, as there was no one he called for anyone in opposition to the application to address the Council.

Steve Fletcher stated he has the property at 35 7th Street. The existing properties along Depot Street below 5th Street are not well maintained making it a concern for any development there. Mr. Fletcher stated he is concerned that any residential homes built there would be difficult to market because of the poor quality of the area. He does not want more high density, low-income housing brought into the Old Town neighborhood just because that area is not perceived as being as desirable as the Village area. Since the Village and the area along Fairview Lake have been developed the city has not put any effort or improvements in Old Town, and this is something that greatly concerns everyone.

Mayor Weatherby noted that the lots would be single-family residential with a 6,000 sq. foot minimum lot size. Director DeRidder stated that the cost of the property would lend itself more to the mid-range price and would not be affordable for some people at the lower economic scale.

Mr. Fletcher stated that the area around the property has not been well maintained, and there are numerous junk cars that make the situation even worse. Because of this he has concerns that the homes would not sell and eventually would go for lower income housing.

Mr. Murrell offered rebuttal to the concern that the homes would not sell due to the neighborhood. He stated that they have consulted with other developers of similar property and the consensus was that there would be no problem selling the homes because of the strong market in the mid-price range. The homes that Vision Development is designing for the area are structures with three to four bedrooms, 2 baths, and are 1,600 sq. foot or more in size.

Mayor Weatherby called for any other testimony on the application, hearing none he called for and received a consensus to close the public testimony. Mayor Weatherby called for discussion from the Council.

Council discussed the particular site with the surrounding residential uses, the schools, the traffic patterns of the area, and what would be the best fit for the community. Councilor Cornelius and Councilor Quinby opposed the change from Light Industrial to Residential based on the need for economic growth for the city. The rest of the Council noted that residential development would be a better fit for the neighborhood since this area is essentially isolated from a main arterial street. Also, this property has been designated Light Industrial for many years, but there has not been any activity of that type proposed. Other property in Fairview is much better suited for industrial development before this one would even be considered.

Mayor Weatherby called for any further Council discussion, and as there was none he asked Administrator Wellman to outline the process for a motion on this application.

Administrator Wellman stated that the motion should be for a First Reading of Ordinance No. 8-2006, inclusive of conditions of approval, by title only; and a First Reading of Ordinance No. 9-2006, inclusive of conditions of approval, by title only.

Mayor Weatherby called for a motion to read Ordinance No. 8-2006 by title only. Councilor Raze moved and Councilor Jones seconded the motion to read Ordinance No. 8-2006, by title only.

AYES: 6
NOES: 0
ABSTAIN: 0

The motion to read Ordinance No. 8-2006, by title only was unanimous. Administrator Wellman read Ordinance No. 8-2006 – Amending the City of Fairview Comprehensive Plan Map subject to the conditions of approval in the staff report into the record by title only.

Mayor Weatherby called for a motion to approve the first reading of Ordinance No. 8-2006 – Amending the City of Fairview Comprehensive Plan Map subject to the conditions of approval in the staff report.

Councilor Raze moved and Councilor Jones seconded the motion to approve Ordinance No. 8-2006 for first reading – Amending the City of Fairview Comprehensive Plan Map subject to the conditions of approval in the staff report.

AYES: 4
NOES: 2 (Councilor Cornelius and Councilor Quinby)
ABSTAIN: 0

Administrator Wellman stated that since the motion to approve the First Reading of Ordinance No. 8-2006, inclusive of the conditions of approval, was not unanimous, the Second Reading would be held to the regular session of the City Council on March 15, 2006 at 7:00 p.m. in the Council Chambers.

Mayor Weatherby called for a motion to read Ordinance No. 9-2006 – amending the City of Fairview Zoning Map, inclusive of the conditions of approval, by title only.

Councilor Raze moved and Councilor Jones seconded the motion to read Ordinance No. 9-2006, inclusive of the conditions of approval, by title only.

AYES: 6
NOES: 0
ABSTAIN: 0

The motion to approve the reading of Ordinance No. 9-2006, by title only, was unanimous. Administrator Wellman read Ordinance No. 9-2006 – amending the City of Fairview Zoning Map, inclusive of the conditions of approval, into the record by title only.

Mayor Weatherby called for a motion to approve Ordinance No. 9-2006 – amending the City of Fairview Zoning Map, inclusive of the conditions of approval in the staff report, for first reading.

Councilor Raze moved and Councilor Jones seconded the motion to approve Ordinance No. 9-2006 – amending the City of Fairview Zoning Map, inclusive of the conditions of approval in the staff report, for first reading.

AYES: 4
NOES: 2 (Councilor Cornelius and Councilor Quinby)
ABSTAIN: 0

Administrator Wellman stated that since the motion to approve the First Reading of Ordinance No. 9-2006 – amending the City of Fairview Zoning Map, inclusive of the conditions of approval in the staff report was not unanimous, the Second Reading would be held to the regular session of the City Council on March 15, 2006 at 7:00 p.m. in the Council Chambers.

VI. COUNCIL BUSINESS

A. APPROVAL OF THE SPECIAL EVENTS APPLICATION FOR THE 2006 FAIRVIEW FARMER'S AND ARTIST'S MARKET

Mayor Weatherby stated that the Fairview Farmer's Market was in the third year of operation and asked the market manager, Peter Tuomala to come forward and address the Council.

Mr. Tuomala stated that this year he had turned over the management of the Fairview market to a board consisting of three of the vendors from previous years. Several weeks ago the board met with the local merchants to discuss the hours of operation, placement of the market, and any issues of concern they might have. The response from the merchants was overall positive with just a few concerns about parking of vendor vehicles, types of merchandise to be sold should not conflict with the existing merchants, and how to control the traffic. The hours of operation will be from 4:00 to 8:00 p.m. with setup time from 3:00 to 4:00 p.m. and take down by 9:00 p.m. The board will closely monitor the market and vendors to minimize any problems that might arise.

Councilor Cooper noted that in the application having a beer and wine garden was mentioned and asked for further clarification. Mr. Tuomala stated that over the past two seasons this was something that people had indicated they would like to have available with their evening meals while listening to the music. This is just an idea for discussion purposes. The OLCC requires that the vendor be licensed in the state, have a remote site permit, the site must be cordoned off, and that no alcohol would be allowed outside of the area. The intent is to perhaps have wine or micro

brew tastings, not to have a "drinking establishment" type situation. Another way of handling the situation would be to have two chips per person and that would be the limit.

Council discussed this issue and noted that the Chief of Police had comments and concerns about having alcohol at the market. It was decided to table the beer garden at this time and have a well drawn up plan brought before the Council by next year if the market director wants to have this considered.

Council also asked about the parking situation, fee structure for vendors, and to be sure that the rules of the market were attached to the applications. Mr. Tuomala noted that there has been some adjustments made that should address those issues and, with the three people on the board to work much more closely with the vendors, there should be fewer problems.

The Council complimented the market for being a wonderful community event and, that they appreciate the service to the community.

Mayor Weatherby called for a motion on the Special Events application for the Farmer's Market. Councilor Raze moved and Councilor Jones seconded the motion to approve the application for the 3rd Annual Farmer's Market.

AYES: 6
NOES: 0
ABSTAIN: 0

The motion was unanimous to approve the Special Events application for the Farmer's Market.

Mayor Weatherby called for a five-minute break.

B. APPOINTMENT OF THREE BUDGET COMMITTEE MEMBERS

Mayor Weatherby called for the staff report.

Director Zentner stated that there are now five open positions due to two additional resignations. Three of the current members ended their three-year terms in 2005, and now two have resigned due to moving out of the area. At this time there are five vacancies and five applicants. The three incumbents have indicated they would like to continue and there are two new applicants. The Council interviewed the new applicants in the work session at 6:00 p.m. Director Zentner stated that Council can appoint all of the applicants to the vacant positions at one time.

Councilor Jones stated for the record that one of the applicants is her son-in-law, Stephen Wachner.

Councilor Raze moved to appoint Stephen Wachner to the two-year term, Teresa Gallucci to the one-year term, Todd Johnsen and Cara Phillips to be reappointed to a three-year term, and to appoint Kitty Fudge to the other three-year term. Councilor Cornelius seconded the motion.

AYES: 6
NOES: 0
ABSTAIN: 0

The vote was unanimous to appoint Stephen Wachner to the two-year term, Teresa Gallucci to the one-year term, Todd Johnsen and Cara Phillips to be reappointed to a three-year term, and to appoint Kitty Fudge to the other three-year term.

C. APPROVAL OF THE FIRE SERVICES CONTRACT BETWEEN THE CITY OF FAIRVIEW AND THE CITY OF GRESHAM.

Mayor Weatherby called for the staff report on this agenda item.

Administrator Wellman stated that the Fire Services Contract has been in process for the past year. This represents the agreement reached between the three cities of Fairview, Wood Village and Troutdale for fire services from the City of Gresham. Representatives from all the cities worked together through an Ad Hoc Committee to develop this agreement. The City of Gresham approved the contract on February 7, 2006, Wood Village on February 15th and the City of Troutdale on February 28th. The City of Fairview is the last to review this final agreement for approval. Once Fairview has approved the contract, it will be in effect for all three cities.

Administrator Wellman stated that staff recommends approval of the contract.

Councilor Cornelius stated that it is important to note that the user board will consist of nine members. The Cities of Fairview, Troutdale and Wood Village will have two representatives each and the City of Gresham will appoint the remaining three. This will be an advisory board that will make a report on a quarterly basis to assure that the service levels are being met. Mayor Weatherby noted that Councilor Cornelius and Councilor Cooper would be the two appointed from the City of Fairview.

Mayor Weatherby called for a motion on the Fire Services Contract with the City of Gresham.

Councilor Quinby moved and Councilor Jones seconded the motion to approve the Fire Services Contract between the City of Fairview and the City of Gresham.

AYES: 6
NOES: 0
ABSTAIN: 0

The motion was unanimous to approve the Fire Services Contract between the City of Fairview and the City of Gresham.

VII. CITY ADMINISTRATORS REPORT

Mayor Weatherby called for the staff report from Administrator Wellman.

Administrator Wellman stated that on March 3rd the Oregon First Credit Union would be having the ribbon cutting for the Fairview Village location and encouraged everyone to attend. There is a four cities meeting on Thursday, March 9th in Gresham with dinner at 6:00 p.m. and the meeting starting at 6:30 p.m. The presentations include EMGET, emergency management coordination with the East County cities, and the developers for the proposed casino in Wood Village. On March 16th from 8:30 – 3:00 p.m. there will be a meeting on “Building a Healthy Economy for Oregon and Washington with Governors from both states attending. The final meeting of note was one with the three cities and the new city administrator from Damascus on March 10th.

VIII. MAYOR/COMMITTEE REPORTS & COUNCIL CONCERNS

Mayor Weatherby called for reports or Council concerns.

Councilor Jones reported that the preparations for the Chili on the Green event being held on September 16th are well underway. Volunteers are needed and encouraged to contact Connie Hansen in the Community Development Department at City Hall.

Councilor Cooper stated that the letter drafted by Director DeRidder on Metro’s proposed affordable housing tax program is appreciated and it is important for the three smaller cities to respond quickly on this issue. The three cities are opposed to the tax and the letter offers excellent alternatives to the plan.

Director DeRidder stated that the staff from the three cities had researched this proposed tax, developed a joint letter and alternatives because this does not benefit the cities or offer credit for having met the metro housing goals. The excise tax will be used to pay for planning and public facilities outside the urban growth boundary and new affordable housing in those same areas. The City of Fairview currently has 59% of

the affordable housing stock, easily meeting those standards at this time. This is counter-productive and appears to penalize those cities that have complied.

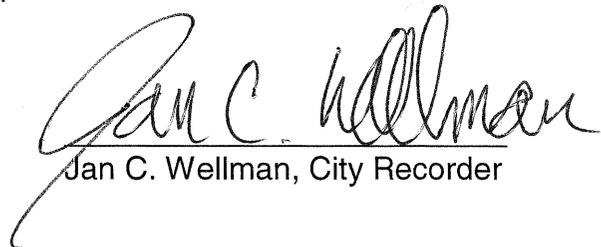
Council discussed this issue and noted that this is a concern, as the citizens would be taxed, but receive no benefit from these funds. The initial funds will be approximately \$10 million for a pilot project. Portland stands to gain the most from this excise tax on new construction. Council agreed that they are opposed to this tax and support sending a letter to Metro as outlined in the discussions.

IX. ADJOURNMENT

Mayor Weatherby called for a motion to adjourn. Councilor Cornelius moved and Councilor Jones seconded the motion to adjourn.

The meeting was adjourned at 9:15 p.m.


Mike Weatherby, Mayor


Jan C. Wellman, City Recorder

April 20, 2006
Date of Signing