

**MINUTES
CITY OF FAIRVIEW
CITY COUNCIL**

May 16, 2012

Council Members

Mike Weatherby, Mayor
Barbara Jones, President
Lisa Barton Mullins
Ken Quinby
Brian Cooper
Dan Kreamier
Steve Owen

Staff

Joseph Gall, City Administrator
Ken Johnson, Police Chief
Samantha Nelson, Finance Director
Allan Berry, Public Works Director
Courtney Lords, City Attorney
Lindsey Nesbitt, Senior Planner
Devree Leymaster, Admin. Program Coordinator

WORK SESSION (6:00 PM)

1. NATURAL RESOURCE CODE AMENDMENTS – TITLE 13- UPDATE

Senior Planner Nesbitt briefed Council on the background of the city's effort to comply with Metro Title 13. Staff conducted an audit of the current natural resource code and concluded that with small changes the city's natural resource code would be in compliance with Metro's Title 13 requirement. The goal of Title 13 was to create standards that provided balance between protecting riparian and upland wildlife natural resources and preserved development value of urban land. Metro reviewed current natural resource code and concluded the city was in substantial compliance and with minor code amendments would fully comply with Title 13. In lieu of adopting Metro's Title 13 model ordinance Staff worked with Planning Commission over the past year to make the required minor modifications. Recommended amendment changes include applying a 75-foot resource protection area along Fairview Creek from Salish Ponds to Community Park, limiting development within the protection area to recreational uses such as trails; applying a 50-foot resource protection area to Fairview Creek (from the area around Smith Memorial Church north to Fairview Lake), Salmon Creek, and Osburn Creek; applying a 35-foot resource protection area for Fairview Creek (from Halsey north to the area near Smith memorial Church), No Name Creek, and Rain Tree Creek - these areas were highly degraded with existing development within the current 50 foot buffer. No changes were recommended to the existing protection areas for Clear Creek and Fairview Creek within the Fairview Village area.

Councilor Quinby inquired which wetland code section and corresponding code language was used as the basis for the merged code section and was the end result more restrictive. Senior Planner Nesbitt responded the code section that provided a numeric value was used. Arguably it could be viewed as the more restrictive of the two because the other code language did not provide clear and objective standards, however; not having a clear and consistent base line created ambiguity in processing land use applications.

Councilor Owen inquired what impact the amendments would have on developing the river frontage i.e. USS Ranger project. Senior Planner Nesbitt responded there were no changes to the current 50 foot buffer. The recommended amendments would, however; provide exception, mitigation, and density transfer options and allowances. Councilor Kreamier inquired if other cities had buffers along the river front. Staff responded yes, City of Portland river front buffer was 50 foot from shore in-land and 100 to 150 feet from shore out into the

river. Senior Planner Nesbitt stated another option for the proposed USS Ranger site would be to develop it with a master plan design, which was how Fairview Village was developed.

Councilor Owen inquired about the City of Troutdale's natural resource code; how it compared to Fairview's, and the status of Troutdale's compliance with Metro. Public Works Director Berry responded Troutdale Senior Planner McCallum was preparing natural resource code language for review by Troutdale's City Council. Staff was aware of Troutdale's resistance to Metro's mandated compliance of Title 13. Troutdale had sought legal counsel regarding the matter. Metro had stated non-compliance could result in the loss of state shared revenues i.e. liquor and gas tax. Fairview staff would research the status of Troutdale's position and update Council at the next meeting.

Council direction to staff was to ensure code revisions would not further restrict or add additional layers of development requirements. Council re-stated their commitment to the USS Ranger project and not wanting to create any regulations that would impede development.

Senior Planner Nesbitt stated the next step was a public hearing at Planning Commission on May 22 in which staff would recommend continuing the hearing until June 12 so comments from the public could be heard and discussed. Planning Commission should have recommendations for adoption to City Council at the June 12 meeting. City Council would consider the recommendations at a public hearing on June 20.

2. FINAL PLAT EXTENSION CODE AMDENDMENT DISCUSSION

Senior Planner Nesbitt presented the proposed amendment. The original 2009 code allowed all applicants with approved preliminary plats one-12 month filing deadline extension for filing final plats with the county. Due to the poor economy two additional one-year final plat filing deadlines were approved for all applicants with approved preliminary plats. In 2011, an additional one-year filing deadline was granted for applicants who had non-expired approved preliminary plats from 2007 and 2008. Three of the 2007/2008 approved preliminary plat approvals have still not been filed with the county and were pending expiration. Once expired the preliminary plat becomes null and void and a new application would be required.

The Planning Commission recommended approving an additional 1-year extension for the three 2007/2008 preliminary plats pending expiration with language that warned additional extensions may not be granted and the final plat extension criteria be returned to original 2009 code language.

Councilor Kreamier inquired why the filing deadline at all. The incentive to complete the final plat process was in the best interest of the applicant. Staff responded zoning areas and codes could change over time and having no deadlines could result in a preliminary plat being approved under zoning that no longer existed when the final plat was recorded; development that was no longer intended could be developed.

Council directed staff to move forward with an ordinance authorizing an additional one-year final plat filing extension for the three outstanding 2007/2008 applications. Council did not direct staff to amend the extension criteria back to 2009 code language.

COUNCIL MEETING (7:00 PM)

1. CALL TO ORDER

ROLL CALL
PLEDGE OF ALLEGIANCE

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Mr. Garth Everhart, PO Box 1753, Fairview, Oregon thanked Senior Planner Nesbitt for attending and briefing the Fairview Business Association on the proposed natural resource code amendments. Mr. Everhart entered into record a May 17 letter regarding the pending natural resource code updates. He commented the natural resource regulations were part of a complex land use issue and urged the Council to be mindful of property rights when deliberating on the issue.

3. CONSENT AGENDA

- a. Minutes of April 4, 2012
- b. Revised Emergency Operations Plan: Resolution 4-2012
- c. Transportation and Growth Management Grant: Resolution 14-2012
- d. Transfer of Appropriations – Demolition of Structure: Resolution 17-2012

Councilor Barton Mullins moved to approve and Council President Jones seconded. The motion passed.

AYES: 7

NOES: 0

ABSTAINED: 0

4. PRESENTATIONS

a. Representative Matt Wand Legislative Update

Representative Wand briefed the Council on the February 2012 legislative session. Initiatives that were approved included: healthcare transformation - community care modeled after medicare; the Oregon health care exchange; EMGET funding; healthy teen relationship act; and senior elder abuse bill. Items that were not approved but were still being worked on include the East County Courthouse providing full services and a small business capital bill.

Representative Wand's final comment was to urge all those involved in resolving the difficult financial education issues to be mindful of the wounds that could be created and the years it would take to heal those wounds.

Council President Jones thanked Representative Wand for his presentation and inquired if the transformation bill would be applicable in other areas i.e. workers comp. Representative Wand responded he didn't believe the model would be applicable for workers comp due to the inflated cost per procedure because of having to factor in losses.

Councilor Kreamier thanked Representative Wand for his update and time, and recommended looking at local credit unions for financing options.

b. Planning Commission Annual Report

Senior Planner Nesbitt with Planning Commission Chair Gary Stonewall and Vice Chair Steve Kaufman presented the Planning Commission annual report. Highlights included the sign code amendments; natural resource code and map updates; title 19 code audit and the top items recommended for amending - TCC no parking requirements, lot size requirement conflicts, lack of residential limitations in corridor commercial zones, and prohibited minor commercial development in industrial zones; 2010 and 2011 code interpretations and reviewed land use applications. Chair Stonewall commented the Commission was mindful throughout the different code modifications of cleaning up the code, keeping it simple, and business friendly.

Councilor Barton Mullins inquired about the natural resource tour the Planning Commission had taken in preparation for the resource code project. Chair Stonewall responded the tour expanded their knowledge of the resources the city has and was valuable in providing a context of what was being discussed throughout the project process. Councilor Barton Mullins requested staff organize a similar tour for Council. Senior Planner Nesbitt responded staff would work with Council on coordinating a date.

5. CITY ADMINISTRATOR/DEPARTMENT DIRECTOR'S REPORTS

City Administrator Joseph Gall stated the bi-monthly reader would be posted tomorrow, May 17, and provided a November 2012 elections reminder: first day to file was May 30, last day to file was August 8, file for City Council at City Hall, 4 of 7 City Council positions were up for election, and additional information was available via the elections page at the city website – fairvieworegon.gov – or by contacting the city recorder's office.

Finance Director Samantha Nelson stated final Council review and adoption of the FY 2012-13 budget was scheduled for June 6, 2012. This was a public meeting and all were welcome to attend.

Police Chief Ken Johnson stated all incident command training had been completed and all NIMS requirements had been met.

The red light cameras were working and the program was operating in the warning phase. Over 300 incidents had been registered, of those 11% were rejected. Of concern was the high volume of cars stopping after the cross walk; legally need to stop prior to the cross walk. The police dept. would launch a public education program and inquire if the county would repaint the delineation line to help remind drivers of the correct and lawful stopping point. Active citations would be issued beginning June 3. Council President Jones inquired who sent the red light camera letters/citations. Chief Johnson responded letters were issued from Redflex, only after police had viewed and approved, and had to be issued within 10 days. Councilor Kreamier inquired if the fee was the same whether driving through the light or stopping after the stop walk. Chief Johnson responded the fee was the same.

Police Chief Johnson commented it was National Police Week and requested everyone take a moment to pause and reflect on the sacrifices made by law enforcement.

Public Works Director Berry stated the Handy Park gazebo was complete, the Main St. project was nearly complete, delineation turtles around the Market Dr. Corner would be installed within the week, approval had been granted to demo the depilated house on the corner of Halsey St. and Fairview Parkway, and the seasonal raising of Fairview Lake had begun.

6. MAYOR/COMMITTEE REPORTS AND COUNCIL COMMENTS

Council President Jones reminded the audience and viewing public about Fairview on the Green on August 25, 2012. Chili contestants were needed for the ICS chili contest.

Council President Jones recommended not supplying the Council with printed Planning Commission packets. Packets could be viewed on the website and would save paper; Council agreed.

Councilor Kreamier commented EDAC was busy preparing for the upcoming Mayor's Business Roundtable and promoting the RSD cascade intern program to local businesses.

7. PUBLIC HEARINGS

a. Department of Land Conservation and Development Code Amendment: Ordinance 1-2012 Senior Planner Nesbitt presented the staff report for 4 minor code amendments: a 2-year time limit for land use approval which was recommended by the city attorney instead of relying on state statutes; amend section 149.400 to remove the double 14-day comment period; DLCD notice change, 35 days from 45 days; and zero setback allowance for accessory structures less than 200 square feet. Councilor Barton Mullins inquired how or if Home Owner Association regulations were effected. Staff responded the city does not enforce HOA rules. If the HOA rules are more restrictive it is a civil matter and up to the property owner and HOA to work together.

Mayor Weatherby opened the public hearing. There was no public comment, and the Mayor closed the hearing. Councilor Barton Mullins moved to approve Ordinance 1-2012 at first reading by title only and Council President Jones seconded. City Recorder Joseph Gall cited the ordinance title and applicable code sections. The motion passed.

AYES: 7

NOES: 0

ABSTAINED: 0

Council President Jones moved to approve and enact Ordinance 1-2012 at second reading by title only and Councilor Barton Mullins seconded. City Recorder Joseph Gall read the ordinance by title only. The motion passed.

AYES: 7

NOES: 0

ABSTAINED: 0

8. COUNCIL BUSINESS

a. Appointment of Interim City Administrator: Resolution 15-2012

City Administrator Joseph Gall stated he had given official notice of resignation on May 15 and recommended Finance Director Samantha Nelson as Interim City Administrator.

Councilor Owen thanked Gall for his contribution and years of service to the City and stated he looked forward to working with Director Nelson as Interim. Mayor Weatherby thanked Gall for his service and stated he was confident in Director Nelson's ability to perform as Interim.

Councilor Owens moved to approve and Council President Jones seconded. The motion passed.

AYES: 7

NOES: 0

ABSTAINED: 0

Administrator Gall thanked the Council for giving him the opportunity to serve the City of Fairview and the mentoring they provided over the years.

9. ADJOURNMENT

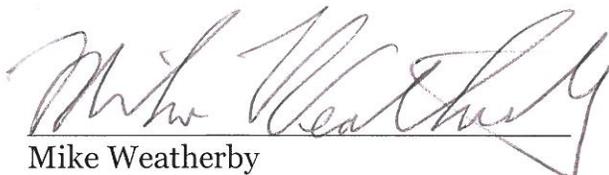
Councilor Owen moved to adjourn the meeting and Council President Jones seconded. The motion passed, and the meeting adjourned at 8:05 PM.

AYES: 7

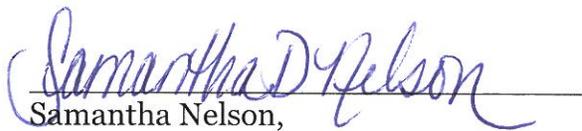
NOES: 0

ABSTAINED: 0

A complete recording of these City Council proceedings is available by contacting the City of Fairview Administration Office, 1300 NE Village Street, Fairview, Oregon 97024.



Mike Weatherby
Mayor



Samantha Nelson,
Interim City Recorder

6/8/2012
Date of Signing