

AGENDA

REGULAR CITY COUNCIL MEETING

March 26, 2012

5:30 p.m.

CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS
6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Five minutes per person will be allowed. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT
9. CITY COUNCIL REPORTS
10. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles"

- A. Approval of March 12, 2012 Regular City Council Meeting Minutes
- B. Approval to Declare Two Printers as Surplus Property
- C. Approval to Declare Public Works Department Vehicle as Surplus Property

11. PUBLIC HEARINGS

- A. Public Hearing to Receive Testimony Regarding Proposed Ordinance to Restrict Outdoor Burning in the City of The Dalles [**Agenda Staff Report #12-020**]
 - 1. General Ordinance No. 12-1321 Adopting Burn Restrictions for City of The Dalles
- B. Public Hearing to Receive Testimony Regarding Amendments to the City's Sign Ordinance [**Agenda Staff Report #12-021**]

12. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC
City Clerk

 _____



AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
March 26, 2012	Consent Agenda 10, A - C	N/A

TO: Honorable Mayor and City Council

FROM: Julie Krueger, MMC, City Clerk 

THRU: Nolan K. Young, City Manager

DATE: March 14, 2012

ISSUE: Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

A. ITEM: Approval of March 12, 2012 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the March 12, 2012 regular City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the March 12, 2012 regular City Council meeting.

B. ITEM: Approval to Declare Two Printers as Surplus Property.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The Legal Department has two printers, a Xerox Phaser 866DN, Model #8560DN, Serial # FBT145274, and an HP Laser Jet 6P, Model #C3980A, Serial #USDH03370, which are in poor condition. The Department has replaced these printers and would like to donate them to the STRUT program, consistent with the City's policy of donating equipment which cannot be used by another department and which supports the STRUT program.

RECOMMENDATION: That City Council declare the equipment as surplus property and authorize staff to donate it to the STRUT program.

C. **ITEM:** Approval to Declare Public Works Department Vehicle as Surplus Property.

BUDGET IMPLICATIONS: Proceeds from the sale of the vehicle will be credited to the Wastewater Fund.

SYNOPSIS: The Public Works Department wishes to declare a 1987 Chevrolet ½ ton pickup (Unit #31), VIN 1GCER14H6HJ150590, as surplus property. The vehicle is in poor condition and not capable for the intended work. The vehicle has been replaced. It will be sold at auction.

RECOMMENDATION: That City Council declare the vehicle as surplus property and authorize that it be sold at auction.

MINUTES

REGULAR COUNCIL MEETING
OF
MARCH 12, 2012
5:30 P.M.
THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor pro-tem Brian Ahier

COUNCIL PRESENT: Bill Dick, Carolyn Wood, Tim McGlothlin

COUNCIL ABSENT: Mayor Jim Wilcox, Dan Spatz

STAFF PRESENT: City Attorney Gene Parker, City Clerk Julie Krueger, Police Chief Jay Waterbury, Finance Director Kate Mast, Public Works Director Dave Anderson

CALL TO ORDER

Mayor pro-tem Ahier called the meeting to order at 5:32 p.m.

ROLL CALL

Roll call was conducted by City Clerk Krueger; Mayor Wilcox and Councilor Spatz absent.

PLEDGE OF ALLEGIANCE

Mayor pro-tem Ahier invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Wood and seconded by McGlothlin to approve the agenda as amended by the supplemental agenda, adding an agreement between Dallesport water District and Columbia Gorge Regional airport for water service. The motion carried unanimously, Spatz absent.

AUDIENCE PARTICIPATION

Randy Anderson of School District 21 introduced high school students Danyel Lindhorst and Wesley Mitchell to give a presentation about the Advanced Placement (AP) Art Program.

Ms. Lindhorst and Mr. Mitchell provided invitations to the City Council and audience to attend their art show at The Dalles Art Center through the month of March. Lindhorst explained the program the students were participating in, noting there were seven students displaying their work and some of the pieces would be for sale. She said each student had to produce a minimum of five pieces in one particular concentration and display their understanding of the elements and principles of art, submit photographs and descriptions. She said their work was then graded and they received college credit for the work.

Rose Sherrell, 1107 East Ninth Street, The Dalles, asked the City Council to consider re-opening the bowling alley, saying many senior citizens and veterans were interested in using the bowling alley. Sherrell said she had contacted a famous bowler, Pete Webber, and he was interested in investing in the bowling alley. She said it would also serve as a place to have people teach about the history of The Dalles. Ms. Sherrell reported she had been helping the homeless population of The Dalles by providing them with 5HTP medication which helped replace serotonin and mad the people better able to function in society. She expressed concern that the City didn't seem to care that a barn full of wagon wheels had been purchased by someone and taken away from the City. She said it was important to keep historical items in the community. Sherrell again asked that the City consider re-opening the bowling alley for seniors and veterans.

Mayor pro-tem Ahier referred Ms. Sherrell to talk with the City Attorney and Community Development Director regarding the bowling alley because it was part of a proposed development agreement and was not something the City could pursue.

Ms. Sherrell said she hoped the City would enact a leash law. She said she had spoken with the City Attorney who told her it would take at least six months to develop an ordinance, but her dog had been attacked two years ago.

City Attorney Parker said the City was currently working with the County regarding animal control issues and it was possible there could be discussions about her leash law request during that time.

MINUTES (Continued)
Regular Council Meeting
March 12, 2012
Page 3

CITY ATTORNEY REPORT

City Attorney reported he was working to combine the City's technology policies into one document. He said it would be an administrative policy, but wanted the Council to know it was being updated.

CITY COUNCIL REPORTS

Mayor pro-tem Ahier reminded everyone of the upcoming Town Hall meeting on April 16th, 5:30 p.m. at the Senior Center. He said the coal train subject would be discussed, along with the Mayor's 'Pride in The Dalles' proposal.

CONSENT AGENDA

It was moved by Wood and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried unanimously, Spatz absent.

The item approved by Consent Agenda was approval of the February 27, 2012 regular City Council meeting minutes.

ACTION ITEMS

General Ordinance No. 12-1320 Amending the Election Code for the City of The Dalles Concerning the Method for Nominating Candidates for Municipal Elected Offices and Revising the City's Electoral Districts

City Attorney Parker reviewed the staff report.

City Clerk Krueger read General Ordinance No. 12-1320 by title.

It was moved by Wood and seconded by Dick to adopt General Ordinance No. 12-1320 amending the Election Code for the City of The Dalles concerning the method for nominating candidates for municipal elected offices and revising the City's electoral districts, by title.

Ahier asked if this amendment would allow the City to be more consistent with State law. City Attorney Parker said it would follow State law and remove references to specific dates for filing for candidacy.

The motion to adopt General Ordinance No. 12-1320 by title was voted on and carried unanimously, Spatz absent.

MINUTES (Continued)
Regular Council Meeting
March 12, 2012
Page 4

Approval of Agreement Between Dallesport Water District and Columbia Gorge Regional Airport for Water Service

Airport Manager Chuck Covert reviewed the staff report. He noted Klickitat County was funding the project and said they were great partners in the Airport operations.

It was moved by Wood and seconded by McGlothlin to authorize the City Manager to sign the agreement to construct water storage and pumping improvements as presented. The motion carried unanimously, Spatz absent.

ADJOURNMENT

Being no further business, the meeting adjourned at 6:04 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



CITY of THE DALLES
313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481
FAX (541) 296-6906

AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
March 26, 2012	Public Hearings 11, A, 1	12-020

TO: Honorable Mayor and City Council

FROM: Julie Krueger, MMC, City Clerk

THROUGH: Nolan K. Young, City Manager

DATE: March 7, 2012

ISSUE: Public Hearing to Receive Testimony Regarding Proposed Burn Restrictions Ordinance.

BACKGROUND: The Burn Policy Committee provided recommendations to the City Council at their July 11, 2011 meeting regarding banning the use of burn barrels and restricting open burning in The Dalles.

At their February 27, 2012 meeting, the City Council directed staff to add a Section to the ordinance to exempt agricultural burning and to adjust the seasons to match the current burn seasons of Mid-Columbia Fire and Rescue.

Staff is currently working with Wasco County to determine whether the restrictions may extend to the Urban Growth Boundary, as recommended by the Committee. Staff will continue to work with The Dalles Disposal and bring back recommendations regarding the burn barrel phase out program and options for garbage service. This will be brought to Council at a future meeting.

BUDGET IMPLICATIONS: None at this time.

COUNCIL ALTERNATIVES:

1. Staff Recommendation: *Following the public hearing, move to adopt General Ordinance No. 12-1321 by title*
2. Direct staff to make amendments to the ordinance.
3. Decline to proceed with a burn restriction ordinance.

GENERAL ORDINANCE NO. 12-1321

**AN ORDINANCE RESTRICTING BURNING OF
MATERIAL WITHIN THE CITY LIMITS**

WHEREAS, the City Council of the City of The Dalles has determined outdoor burning to adversely affect the health of the citizens of The Dalles; and

WHEREAS, outdoor burning contributes to poor air quality; and

WHEREAS, there are alternative methods for disposal of materials commonly burned outdoors, such as recycling and composting;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:**

Section 1. Nuisance Declared. The City Council of the City of The Dalles hereby finds that outdoor burning, except as exempted in following sections, constitutes a public nuisance and adversely affects the health and safety of the citizens of the City.

Section 2. Burning Barrels Prohibited. No person shall cause or allow to be initiated or maintained any outdoor burning in burn barrels or incinerators of any material within the city limits of the City of The Dalles.

Section 3. Open Burning Restricted. Open burning of yard debris shall be permitted on a seasonal basis. Seasons for open burning are April 1 through May 14 and October 16 through December 1.

Section 4. Permit Required. Permits for open burning shall be required. A permit must be obtained annually which will include both seasons and shall be issued by Mid Columbia Fire and Rescue.

Section 5. Exemptions. The following types of outdoor burning are exempt from the prohibition set forth in Section 2:

- A. Recreational Fires: Burning of clean, unaltered wood or charcoal contained in an outdoor fireplace, barbecue grill, barbecue pit or other receptacle for pleasure, religious, ceremonial, or cooking purposes, so long as such fire does not emit dense smoke;
- B. Training Fires: Fires for training purposes will be allowed only as conducted by Mid Columbia Fire and Rescue District.

C. Agricultural Fires: The burning of any grass field, grain field, pasture, rangeland or other field by open burning or by use of mobile equipment or flaming equipment on any land or vegetation within the city limits and which has direct necessity for the production of an agricultural product. The destruction of diseased and/or rotated fruit trees shall be classified as an agricultural burn for the purposes of this ordinance.

Section 6. Inspection and Citation. The City Codes Enforcement Officer or designee shall be authorized to make investigations and inspections as necessary to enforce the provisions of this ordinance and to issue violation citations to the Municipal Court.

Section 7. Violation Penalty. Each fire constitutes a separate violation. A first time violation is punishable by a fine of \$50.00. A second violation is punishable by a fine of \$100.00 and additional violations shall be punishable by a fine of up to \$500.00 per violation.

Section 8. Effective Date. This ordinance shall be in effect 30 days after adoption by the City Council.

PASSED AND ADOPTED THIS 26th DAY OF MARCH, 2012

Voting Yes, Councilors: _____
Voting No, Councilors: _____
Absent, Councilors: _____
Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 26th DAY OF MARCH, 2012

SIGNED: _____
James L. Wilcox, Mayor

ATTEST: _____
Julie Krueger, MMC, City Clerk



AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
March 26, 2012	Public Hearings 11, B	12-021

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager

DATE: March 14, 2012

ISSUE: Public Hearing for General Ordinance No. 12-1319, amending Section 13.070.040(C) of General Ordinance No. 98-1222 concerning enforcement of provisions prohibiting placement of signs in the public right-of-way or on City-owned real property.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: Refer to staff report presented at July 26, 2010 Council meeting

BACKGROUND: On March 15, 2010, the City Council adopted General Ordinance No. 10-1303, which included provisions concerning the removal of signs improperly placed in the public right-of-way or on City owned real property. These provisions were adopted in part to address a problem caused by the placement of yard and garage sale signs in the public right-of-way. Under the provisions, the City was required to store any sign which was confiscated, and notify the owner of the sign of their right to redeem the sign upon payment of an impoundment fee (which fee increased with each alleged violation up to a maximum of \$100), or to request a hearing to challenge the impoundment.

On July 26, 2010, the City Council conducted a discussion to review the effectiveness of the enforcement provisions in the City's Land Use & Development Ordinance (LUDO). The consensus of the Council was that the existing provisions were too complicated. One of the suggestions that was mentioned during this Council discussion was that the City should consider the establishment of a central location where yard and garage sale signs could be placed. The City Council directed the City staff to focus their enforcement efforts upon picking up yard and garage sale signs that remained in the public right-of-way on Mondays. The Council also indicated their desire for City staff to review the existing provisions in Section 13.070.040(C) and determine if the provisions could be revised to simplify the enforcement process as it relates to signs improperly placed in the public right-of-way.

Enclosed with this staff report is a copy of proposed General Ordinance No. 12-1319. Under the Oregon constitution, sign regulations cannot be based upon the content of the sign. To avoid the potential for any constitutional challenge, the proposed ordinance contains provisions which apply to any sign placed in the public right-of-way or on City-owned real property, which is not otherwise authorized by other provisions in the City's LUDO. The following is a summary of the major changes in the enforcement process under the proposed ordinance:

1. The proposed ordinance removes the provision requiring the City to store confiscated signs for a period of up to 30 days. The proposed ordinance also simplifies the process for notifying the owner of the sign or the sign owner's representative, of the impoundment of an illegally placed sign. The provisions for payment of an impoundment fee have been removed. The notice of impoundment is required to be provided upon removal of the sign, or as soon thereafter as is reasonable. The notice will provide that if the sign is not claimed within 7 days, it will be considered to be abandoned, and may be disposed of by the City.. The proposed ordinance also relieves the City of the responsibility to notify the owner of the sign or the sign owner's representative of the impoundment, if the owner's name, address, and telephone number are not clearly indicated on the sign.
2. A person who allegedly violates the provision of the proposed ordinance will be cited into Municipal Court. Persons who wish to contest the removal of the sign will have the option to plead not guilty and to request a trial before the Court. In prosecuting a violation of the ordinance, the City would have the ability to rely upon an evidentiary presumption that an address or telephone number listed on the unlawfully placed sign, shall be that of the individual responsible for placement of the sign. The Municipal Court will be authorized to determine whether or not the removal of the sign was improper, and in the event the Court determines the removal was improper, to provide for restitution to the owner of the sign. The proposed ordinance provides for penalties ranging from \$10 to \$50 for the first offense, and from \$25 to \$100 for the second and all subsequent offenses.

One of the issues which arose during the City Council's review of the existing enforcement provisions, was the need to provide for an alternative method for the advertisement of yard and garage sales, if a determination were made that such signs could not be placed in the public right-of-way or on City-owned real property. Section 13.030.010(I) allows for the placement of garage

sale signs on private property, with the provision that such signs are restricted to one per calendar month; the size of the sign cannot exceed three feet in area; and the signs cannot be posted for more than 72 hours. To provide an additional option for advertising yard and garage sales, City staff has arranged for the placement of two community signs, to be placed at St. Vincent De Paul and the Mid-Columbia Senior Center. A sample of the proposed sign is enclosed with this staff report.

The City will pay for the costs of making and installing the signs. Each sign will be 4 feet by 6 feet in size. The main sign itself will consist of an aluminum/plastic composite which will have acrylic strips to create a space for the yard sale information to fit in along with a clear acrylic face. Each space that is shown in the columns in the sign will measure 4.5 inches by 22 inches. Representatives of St. Vincent de Paul and the Senior Center will be responsible for assisting residents who desire to place information concerning their yard and garage sales on the signs, and for keeping the information on the signs current by removing the information from the signboards when the sale has ended. St. Vincent de Paul representatives have indicated they do not intend to charge a fee for their services in maintaining the information on the signboards, and the Senior Center has indicated they may charge a nominal fee (which is estimated not to exceed \$5 per sale) for their services. The information on the community signboards will be provided on a "first come, first served" basis.

Pursuant to Section 3.020.060(C), notice of the proposed legislative hearing will be published in The Dalles Chronicle on March 16, 2012. As of the date of preparation of this staff report, no comments have been received. For the Council's information, a copy of the staff report presented to the Planning Commission, proposed General Ordinance No. 12-1319, and a copy of proposed Planning Commission Resolution No. PC 519-12 is enclosed. A copy of the draft minutes from the Planning Commission's meeting on March 15, 2012 will be provided to the City Council as soon as a copy of those minutes is available.

The purpose of the hearing is to allow for public testimony concerning the proposed amendment to the City's Land Use and Development Ordinance, and to review the Planning Commission's recommendation to the Council that the proposed amendment be approved. Following the close of the public hearing, the Council would have the following options:

1. If the Council desires to approve the amendment, adopt a motion directing staff to proceed with adoption of the proposed ordinance, which motion is set forth in the Staff recommendation below.
2. If the Council needs additional time to deliberate on the decision as to whether to approve the proposed amendment, move to continue the deliberations until the April 9, 2012 Council meeting.
3. If the Council desires to amend the ordinance, direct staff to prepare an amended ordinance which would be considered for adoption at the April 23, 2012 Council meeting.
4. Provide other direction to staff as to how to proceed with this issue.

BUDGET IMPLICATIONS: If the Council approves the proposed amendment, City staff is recommending that the City pay for the costs of purchasing the two community signs which would be used to display information concerning yard sales. The estimated cost for each sign is \$605, which results in a total estimated cost of \$1,210. The Public Works Department will be responsible for installing the signs.

ALTERNATIVES:

- A. Staff Recommendation. *Move to direct staff to prepare a final version of General Ordinance No. 12-1319, which includes a detailed statement setting forth the appropriate findings of fact and conclusions of law, which ordinance would be presented to the City Council on April 23, 2012 for review and adoption.*
- B. Move to continue the deliberations on the proposed ordinance to April 9, 2012.
- C. Advise the City staff as to any specific amendments the Council desires to make to the proposed ordinance, and move to direct staff to present a revised version of the ordinance to the Council at the April 23, 2012 meeting.
- D. Provide other direction to City staff as to how to proceed concerning this issue.

**CITY OF THE DALLES
STAFF REPORT**

ZONING ORDINANCE AMENDMENT #80-12

SIGNS IN PUBLIC RIGHT-OF-WAY OR ON CITY-OWNED REAL PROPERTY

Prepared by: Gene E. Parker, City Attorney

Procedure Type: Legislative

Hearing Date: March 15, 2012

Request: Planning Commission review and recommendation to City Council to adopt General Ordinance No. 12-1319, amending Section 13.070.040(C) of General Ordinance No. 98-1222 concerning enforcement of provisions prohibiting placement of signs in the public right-of-way or on City-owned real property.

BACKGROUND INFORMATION:

On March 15, 2010, the City Council adopted General Ordinance No. 10-1303, which included provisions concerning the removal of signs improperly placed in the public right-of-way or on City-owned real property. These provisions were adopted in part to address a problem caused by the placement of yard and garage sale signs in the public right-of-way. Under the provisions, the City was required to store any sign which was confiscated, and notify the owner of the sign of their right to redeem the sign upon payment of an impoundment fee (which fee increased with each alleged violation up to a maximum of \$100), or to request a hearing to challenge the impoundment.

On July 26, 2010, the City Council conducted a discussion to review the effectiveness of the enforcement provisions in the City's Land Use and Development Ordinance (LUDO). The consensus of the Council was that the existing provisions were too complicated. One of the suggestions that was mentioned during this Council discussion was that the City should consider the establishment of a central location where yard and garage sale signs could be placed. The City Council directed the City staff to focus their enforcement efforts upon picking up yard and garage sale signs that remained in the public right-of-way on Mondays. The Council also indicated their desire for City staff to review the existing provisions in Section 13.070.040(C) and determine if the provisions could be revised to simplify the enforcement process as it relates to signs improperly placed in the public right-of-way.

Enclosed with this staff report is a copy of proposed General Ordinance No. 12-1319. Under the Oregon constitution, sign regulations cannot be based upon the content of the sign. To avoid the potential for any constitutional challenge, the proposed ordinance contains provisions which

apply to any sign placed in the public right-of-way or on City-owned real property, which is not otherwise authorized by other provisions in the City's LUDO. The following is a summary of the major changes in the enforcement process under the proposed ordinance:

1. The proposed ordinance removes the provision requiring the City to store confiscated signs for a period of up to 30 days. The proposed ordinance also simplifies the process for notifying the owner of the sign or the sign owner's representative, of the impoundment of an illegally placed sign. The provisions for payment of an impoundment fee have been removed. The notice of impoundment is required to be provided upon removal of the sign, or as soon thereafter as is reasonable. The notice will provide that if the sign is not claimed within 7 days, it will be considered to be abandoned, and may be disposed of by the City. The proposed ordinance also relieves the City of the responsibility to notify the owner of the sign or the sign owner's representative of the impoundment, if the owner's name, address, and telephone number are not clearly indicated on the sign.
2. A person who allegedly violates the provision of the proposed ordinance will be cited into Municipal Court. Persons who wish to contest the removal of the sign will have the option to plead not guilty and to request a trial before the Court. In prosecuting a violation of the ordinance, the City would have the ability to rely upon an evidentiary presumption that an address or telephone number listed on the unlawfully placed sign, shall be that of the individual responsible for placement of the sign. The Municipal Court will be authorized to determine whether or not the removal of the sign was improper, and in the event the Court determines the removal was improper, to provide for restitution to the owner of the sign. The proposed ordinance provides for penalties ranging from \$10 to \$50 for the first offense, and from \$25 to \$100 for the second and all subsequent offenses.

One of the issues which arose during the City Council's review of the existing enforcement provisions, was the need to provide for an alternative method for the advertisement of yard and garage sales, if a determination were made that such signs could not be placed in the public right-of-way or on City-owned real property. Section 13.030.010(I) allows for the placement of garage sale signs on private property, with the provision that such signs are restricted to one per calendar month; the size of the sign cannot exceed three feet in area; and the signs cannot be posted for more than 72 hours. To provide an additional option for advertising yard and garage sales, City staff has arranged for the placement of two community signs, to be placed at St. Vincent De Paul and the Mid-Columbia Senior Center. A sample of the proposed sign is enclosed with this staff report.

The City will pay for the costs of making and installing the signs. Each sign will be 4 feet by 6 feet in size. The main sign itself will consist of an aluminum/plastic composite which will have acrylic strips to create a space for the yard sale information to fit in along with a clear acrylic face. Each space that is shown in the columns in the sign will measure 4.5 inches by 22 inches. Representatives of St. Vincent de Paul and the Senior Center will be responsible for assisting residents who desire to place information concerning their yard and garage sales on the signs,

and for keeping the information on the signs current by removing the information from the signboards when the sale has ended. St. Vincent de Paul representatives have indicated they do not intend to charge a fee for their services in maintaining the information on the signboards, and the Senior Center has indicated they may charge a nominal fee (which is estimated not to exceed \$5 per sale) for their services. The information on the community signboards will be provided on a "first come, first served" basis.

NOTIFICATION:

Pursuant to Section 3.020.060(C), notice of the proposed legislative hearing was published in The Dalles Chronicle on March 4, 2012.

COMMENTS:

As of the date of preparation of this staff report, no comments have been received.

RECOMMENDATION:

Staff's recommendation is that the Planning Commission adopt a motion P.C. Resolution No. 519-12, recommending that the City Council approve proposed General Ordinance No. 12-1319, amending Section 13.070.040(C) of General Ordinance No. 98-1222 concerning enforcement of provisions prohibiting placement of signs in the public right-of-way or on City-owned real property.

APPLICABLE CRITERIA

A. LAND USE AND DEVELOPMENT ORDINANCE #98-1222

Section 3.110.020 Review Procedure

- A. Applications. Applications for Ordinance Amendments shall be made in accordance with the provisions of *Section 3.010: Application Procedures*.
- B. Review. Text amendments shall be processed as legislative actions in accordance with *Subsection 3.020.060; Legislative Actions*, with the following addition:
 - 1. The Historical Landmarks Commission shall review requests for text amendments concerning historic resources, and make a recommendation to the Planning Commission either supporting or opposing the request. This recommendation shall be made a part of the Planning Commission's review of the proposed text amendment.

Section 3.010.040. Applications

- B. Completeness. An application shall be considered complete when it contains the information required by this Ordinance, addresses the appropriate criteria for

review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per *Section 1.120: Fees* of this Ordinance. Complete applications shall be signed and dated by the Director.

FINDING OF FACT #1: The application was found to be complete on March 1, 2012. The 120 day State mandated decision deadline is June 28, 2012. The hearing is within the required time line. Pursuant to Section 3.010.040(C), the City Manager may waive application fees for City projects on City-owned property or in the public right-of-way without resolution or other approval of the City Council.

CONCLUSION OF LAW: The criteria in Section 3.010.040 have been satisfied.

Section 3.020.060 Legislative Actions

- A. Decision Types. Legislative actions include, but are not limited to, the following:
2. Ordinance Amendments (*Section 3.110*).
- B. Public Hearings.
1. The Commission shall hold at least one legislative public hearing to review applications for legislative actions and, by duly adopted resolution, make a recommendation to the Council to approve, approve with conditions, or deny the request.
 3. Legislative hearings shall be conducted per the procedures of *Section 3.020.070: Public Hearings*.
- C. Notice of Hearing. At least 10 days before the legislative hearings of the Historic Landmarks Commission, the Planning Commission, or the Council, notice of the hearing shall be published in a newspaper of general circulation. Such notice shall:
1. Explain the application and the proposed amendment(s), change(s), or use(s) which could be authorized.
 2. List the applicable Ordinance standards and/or criteria, Comprehensive Plan Policies, Oregon Planning Goals and Guidelines, Oregon Administrative Rules, and Oregon Revised Statutes that apply to the particular application.
 3. Set forth the geographical reference to the subject area.
 4. State that in order to preserve any potential appeal rights to LUBA, persons must participate either orally or in writing in the legislative action proceeding in question.

5. Include the name and telephone number of the Director to contact for additional information.

Section 3.020.070 Public Hearings.

- B. Legislative Hearing Procedure. The Historic Landmarks Commission, Planning Commission, and Council each have the authority to hold legislative hearings. All legislative hearings will be held in accordance with the Oregon public meetings law as described in ORS 192.610-192.710, "Public Meetings".
 1. Conflict of Interest. At the start of each public hearing on legislative actions, the presiding officer shall ask if any member of the hearings body wishes to make any disclosure, or abstain from participating or voting on the matter being heard because of possible financial gain resulting from the legislative action.

FINDING OF FACT #2: A copy of the notice of the hearing published in The Dalles Chronicle on March 4, 2012 is included with this staff report and incorporated herein by this reference. A review of the notice indicates all of the criteria in Section 3.020.060(C) have been addressed. The hearing will be conducted as a public meeting in accordance with Oregon law. Any planning commissioner with a conflict of interest resulting from possible financial gain caused by the proposed legislative action will be required to disclose that conflict of interest prior to the commencement of the public hearing, and not participate in the hearing.

CONCLUSION OF LAW: The criteria in Sections 3.020.060 and 3.020.070 have been satisfied.

Section 3.110.030 Review Criteria

Proposed text amendments shall be consistent with the Comprehensive Plan, and State Law and Administrative Rules.

FINDING OF FACT #3: The applicable review criteria for this legislative application in the LUDO have been cited previously in this staff report. There are no provisions of the City's Comprehensive Plan which are applicable to this application, and there are no provisions of Oregon State Law, or any provisions in the State Administrative Rules which are applicable to this legislative action.

CONCLUSION OF LAW: The criteria in Section 3.110.030 have been satisfied.

GENERAL ORDINANCE NO. 12-1319

AN ORDINANCE AMENDING SECTION 13.070.040(C) OF
GENERAL ORDINANCE NO. 98-1222 CONCERNING
ENFORCEMENT OF PROVISIONS PROHIBITING PLACEMENT
OF SIGNS IN THE PUBLIC RIGHT-OF-WAY OR ON
CITY-OWNED REAL PROPERTY

WHEREAS, on March 15, 2012, the City Planning Commission held a public hearing on an application by the City for a text amendment to Section 13.070.040(C) of the City's Land Use and Development Ordinance, concerning enforcement of provisions prohibiting placement of signs in the public right-of-way or on City-owned real property; and

WHEREAS, following the close of the public hearing, the Planning Commission voted to adopt PC Resolution No. 519-12, recommending that the proposed text amendment be forwarded to the City Council for review and approval; and

WHEREAS, on March 26, 2012, the City Council conducted a public hearing concerning the Planning Commission's recommendation that the proposed text amendment to Section 13.070.040(C) be approved; and

WHEREAS, on March 15, 2010, the City Council adopted General Ordinance No. 10-1303, which included provisions concerning the removal of signs improperly placed in the public right-of-way or on City-owned real property; and

WHEREAS, testimony was presented during the City Council hearing that despite the adoption of the provisions in General Ordinance No. 10-1303, the City has documented that signs were continuing to be improperly placed in the public right-of-way or on public property; and

WHEREAS, the City Council has determined it is in the best interests of the safety and welfare of the community if the provisions of Section 13.070.040(C) are amended to provide for a more efficient and equitable method of enforcement to address the issue of illegally placed signs in the public right-of-way or on City-owned real property; and

WHEREAS, as part of the revised enforcement procedures, the City Council has authorized the purchase of two community signboards to provide an alternative method for persons conducting yard or garage sales, to display information concerning the date, time and place of the sale, in lieu of displaying this information in signs improperly placed in the public right-of-way or on City-owned real property; and

WHEREAS, following the close of the public hearing before the City Council, the City Council voted to accept the Planning Commission's recommendation set forth in Resolution No. PC 519-12, and directed staff to prepare an ordinance including a statement setting forth the criteria required under Section 3.020.060(D);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:

Section 1. The statement setting forth the criteria, standards, policies, and laws considered relevant to the decision, the basic facts relied upon in rendering the decision, and the ultimate facts which explain and justify the reason for the decision based upon the criteria, standards, policies, laws, and basic facts, which is set forth in Exhibit "A", is hereby approved and incorporated herein by this reference.

Section 2. Section 13.070.040(C) of General Ordinance No. 98-1222 shall be amended to read as follows:

C. Removal of signs in public right-of-way or on City-owned real property. Any sign installed on or placed in the public right-of-way or on City-owned real property, except in conformance with the requirements of Chapter 13, may be removed immediately without prior notice to the owner of the sign.

1. For purposes of administering the provisions of Section 13(C), the City Manager shall appoint appropriate staff persons.

2. Upon removal of the sign, as soon as thereafter as reasonable, the City shall notify the owner of the sign or the sign owner's representative, that the sign has been removed, and that if the sign is not claimed within seven (7) days, the sign will be deemed to have been abandoned, and it may be disposed of by the City. The City shall have no responsibility to notify the owner of the sign if the owner's name, address, and telephone number are not clearly indicated on the sign.

3. For purposes of enforcing Section 13(C), there is a presumption that an address or telephone number listed on a sign unlawfully placed in the public right-of-way or on City-owned real property, shall be that of the individual responsible for posting the sign.

4. Any person who is deemed responsible for posting a sign, who does not comply with the provisions of Chapter 13 of this ordinance, shall have committed a violation of this ordinance, and can be cited to appear in the Municipal Court. Any person cited to appear in Municipal Court who desires to contest the removal of the sign shall have the right to enter a plea of not guilty and request a trial before the Court. The Municipal Court shall have the authority to determine whether or not the removal of the sign was proper, and in the event the Municipal Court determines removal of the sign was improper, to provide that restitution be made to the owner of the sign. Upon being convicted for a

violation of subsection (C)(8)(a), the person responsible for unlawfully placing the sign shall be fined not less than \$10 nor more than \$50 for the first offense, and for the second and all subsequent offenses, not less than \$25 nor more than \$100.

PASSED AND ADOPTED THIS 23RD DAY OF APRIL, 2012

Voting Yes, Councilor: _____

Voting No, Councilor: _____

Absent, Councilor: _____

Abstaining, Councilor: _____

AND APPROVED BY THE MAYOR THIS 23RD DAY OF APRIL, 2012.

James L. Wilcox, Mayor

Attest:

Julie Krueger, MMC, City Clerk

YARD SALE LISTINGS

...SONIJSITRPOK E112M 01 MOH



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 296-5490
Community Development Dept.

February 27, 2012

NOTICE OF PUBLIC LEGISLATIVE HEARING

Notice is hereby given that on March 15, 2012, at 6:00 P.M. in the City Council Chambers, City Hall, 313 Court Street, The Dalles, Oregon, 97058, the Planning Commission of the City of The Dalles will be conducting a public hearing to review General Ordinance No. 12-1319, an ordinance proposing to amend Section 13.070.040(C) of General Ordinance No. 98-1222, the City's Land Use & Development Ordinance (LUDO), concerning the enforcement of provisions prohibiting placement of signs in the public right-of-way or on city-owned real property. The Planning Commission is required to adopt a resolution making a recommendation to the City Council, to approve, approve with conditions, or deny the application for the proposed legislative action.

The review criteria for the legislative hearing is set forth in Section 3.110.030, which provides that an ordinance proposing to amend the City's LUDO, which is referred to as a "text amendment", shall be consistent with the City's Comprehensive Plan, and State Laws and Administrative Rules. The proposed amendment applies to properties within the City of The Dalles planning jurisdiction. In order to preserve any potential appeal rights to the Oregon Land Use Board of Appeals, persons must participate either orally or in writing in this legislative action. Comments may be provided in writing prior to the date of the hearing to the Community Development Department at the above address.

A staff report will be available for inspection at least seven days prior to the hearing at the Community Development Department of the City of The Dalles located at the above address. For additional information call 541 296-5481, extension 1151. A copy of the material may be purchased at standard charges for copies.

****PLEASE PUBLISH ONCE. SUNDAY, MARCH 4, 2012**

THANK YOU, CAROLE TRAUTMAN, SECRETARY

#183853

RESOLUTION NO. P.C. 519-12

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING
CITY COUNCIL APPROVAL OF PROPOSED GENERAL ORDINANCE
NO. 12-1319 CONCERNING ENFORCEMENT OF PROVISIONS
PROHIBITING PLACEMENT OF SIGNS IN THE PUBLIC RIGHT-OF-WAY
OR ON CITY-OWNED REAL PROPERTY

WHEREAS, an application was submitted for Zoning Ordinance Amendment #80-12 proposing an amendment to Section 13.070.040(C) of the City's Land Use and Development Ordinance concerning enforcement of provisions prohibiting placement of signs in the public right-of-way or on City-owned real property; and

WHEREAS, the City Planning Commission conducted a public hearing on March 15, 2012 to take public testimony on the proposed Zoning Ordinance Amendment #80-12; and

WHEREAS, the Planning Commission has considered the public testimony and reviewed the proposed legislative amendment set forth in Zoning Ordinance Amendment #80-12, and based upon the proposed findings of fact and conclusions of law in the staff report and testimony presented during the hearing, the Planning Commission voted to recommend the legislative amendment included in proposed General Ordinance No. 12-1319 be forwarded to the City Council for their review and adoption;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission recommends that the proposed General Ordinance No. 12-1319 be approved and forwarded to the City Council for its review and adoption.

Section 2. This Resolution shall be effective upon its passage and approval. The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution to the Applicant.

APPROVED AND ADOPTED THIS 15TH DAY OF MARCH, 2012

Bruce Lavier, Chairman
Planning Commission

I, Daniel Durow, Community Development Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Planning Commission, held on the 15th day of March, 2012.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST: _____
Daniel Durow, Community Development Director
City of The Dalles