

AGENDA

REGULAR CITY COUNCIL MEETING

February 27, 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
 - A. Historic Landmarks Commission Annual Report
6. AUDIENCE PARTICIPATION
7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT
9. CITY COUNCIL REPORTS
10. CONSENT AGENDA

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.

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 February 13, 2012 Regular City Council Meeting Minutes
 - B. Approval of January 30, 2012 Goal Setting Minutes
 - C. Authorization for City Clerk to Endorse OLCC New Outlet Application for The Daily Special BBQ Restaurant
11. PUBLIC HEARINGS
- A. Public Hearing to Receive Testimony Regarding Annexation of Lee Street Island Properties [**Agenda Staff Report #12-017**]
 - 1. Special Ordinance No. 12-547 Annexing Certain Additional Properties and Public Right of Way Located in the Urban Growth Boundary of the City of The Dalles Pursuant to ORS 222.750 (Island Annexations - Round 8)
12. DISCUSSION ITEMS
- A. Discussion Regarding Proposed Burn Restrictions [**Agenda Staff Report #12-016**]
13. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC
City Clerk

_____



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490
Community Development Dept.

AGENDA STAFF REPORT

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
February 27, 2012	Presentations 5, A	

TO: Honorable Mayor and City Council

FROM: Dawn Marie Hert, Associate Planner &
Historic Landmarks Commission Coordinator,
Community Development Department

THRU: Nolan Young, City Manager

DATE: February 15, 2012

ISSUE: 2011 Annual Report of the Historic Landmarks Commission.

SYNOPSIS: The Dalles Historical Landmark Commission is pleased to present its annual report to City Council. The year 2011 was the City's eighteenth year as a Certified Local Government.

Attached is a copy of the Historic Landmarks Commission 2011 Annual Report to City Council.

BUDGET IMPLICATIONS: Yet to be determined. Many of the Historic Landmarks Commission goals will require budgeted monies. Staff will be making suggestions in the current fiscal year budget process. Grant monies that can be applied for to meet these goals generally require a 50% match. The goals that do not qualify for grants will require full funding from the City's budget.

RECOMMENDATION: This is for informational purposes only.

City of The Dalles Historic Landmarks Commission 2011 Annual Report To City Council

The following activities and accomplishments of The Dalles Historic Landmarks Commission are presented for the City Council's review as required annually by General Ordinance No. 94-1194.

2010-2011 Historic Preservation Funds The City of The Dalles received two separate grants from the State Historic Preservation Office (SHPO) for the 2010-11 fiscal years. The grants run for 18 months and overlap the City's fiscal years:

A grant in the amount of \$3,000 was received and used to help fund our Certified Local Government Program, which includes staff time and assistance to The Dalles Historic Landmarks Commission. The administration of this program is vital to the continued success of this Certified Local Government. Additionally, staff provides assistance to the general public by answering questions about our ordinances as well as providing assistance for people making application to the Historic Landmarks Commission.

A grant in the amount of \$4,350 was received to be used to fund two historic preservation and education projects:

- \$3,000 was used for the preparation of a Preservation and Maintenance Plan for Rock Fort, which is a National Register property. The project was completed August 15, 2011. I have attached a copy of the final report for your records.
- \$2,700 was used for a Community Workshop at Pioneer Cemetery on repairing historic cemetery headstones. The workshop was held on October 9, 2010 with eleven attendees. The workshop successfully reset and stabilized historic headstones throughout the cemetery.

2011 Commission Goals Due to limited funding, a majority of the short-term and long-term goals for the HLC were not met. Monies were only budgeted as match this past fiscal year for a few goals.

The short-term goals that were met or are in the process of being met are as follows:

- Encourage restoration of the Pioneer Cemetery.

This goal is in the process of being met with our Pioneer Cemetery Preservation Plan being implemented. With continued grant assistance from the OCHC and SHPO, we hope to continue with the projects at the cemetery. The Commission plans to keep the goal for the years to come for the continued maintenance and preservation of our historic Pioneer Cemetery. Budgeted monies and support from the City Council has continued to help with preservation and maintenance of this local landmark.

- Establish a Historic Resource Center/Site ie: Historic Links on City Webpage.

This goal is continually in the process of being met. Links have been provided on various websites and other agencies. Staff will continue working with other agencies that work with historic resources and information.

- Update Historic Ordinance.

The City's 1994 Historic Ordinance was reviewed and discussed with the SHPO. It was found that no revisions needed to be made at this time. The ordinance will be revisited every other year to ensure no further revisions are necessary.

- Actively support Historic The Dalles Days.

This goal has been and will continue to be added as a goal for the Historic Landmarks Commission. Combining of the Historic Days and Fort Dalles Rodeo seems to be a great fit for our community.

- Encourage the restoration of the Waldron Drug/Gitchell Building.

This goal is on target with the continued work on the First Street Underpass project. Staff has met with a few individuals that were looking at the building for a commercial use.

- Establish an Archaeology Testing Plan prior to First Street infill.

This goal is partially complete. All areas planned for infill have been tested except for the Recreation Parking lot and The Commodore II Parking lot.

- Encourage restoration and preservation of The Lewis and Clark Rock Fort.

This goal was moved from a long-term goal to a short-term goal in 2011. The goal is in the process of being completed. SHPO Grant monies provided assistance in the preparation of a preservation and maintenance plan. As stated earlier, the report was completed in August 2011 and will be used as a guide to the preservation of our National Landmark,

The long-term goals that were met or are in the process of being met are as follows:

- Encourage preservation and restoration of City Hall.

This long-term goal has continued over the years with plans to continue with work on the windows of the building in the coming year.

- Maintaining CLG status.

This long-term goal has continued to be met. Assistance for the CLG is made possible with the semi-annual matching grant from the SHPO for operating funds.

- Continue to supply information on Historic Open Houses and encourage Open House visits during Historic Fort Dalles Days.

This long-term goal has continued to be met. Changes to the Special Assessment program at the State level have eliminated the open house requirements. Owners of landmarks have been positive about continuing the open houses during Fort Dalles Days.

- Support and encourage the Fort Dalles Museum.

This long-term goal has continued over the years.

2012 Commission Goals. The Historic Landmarks Commission adopted their new goals for 2011 at the first meeting of the year. The following is the new 2012 Historic Landmarks Commission goals.

Short Term Goals

1. Encourage Historic Designs for Downtown to aid in historic background research and support Main Street programs.
2. Encourage continued restoration and preservation of the Pioneer Cemetery and establish an inventory link/listing on the City's website.
3. Provide educational assistance to help individual restorers by setting up a SHPO special assessment workshop.
4. Establish a Historic Resource Center/Site i.e.: historic links on the City website.
5. Research grant opportunities to expand City's historic resources such as designating other qualified areas as national historic districts; specifically the East Gateway, the Dalles Bluff, 4th Street, and E. 8th Street.
6. Update Historic Ordinance.
7. Assist in saving and completing the Lewis and Clark Memorial and pursue a local landmark status.
8. Actively support Historic Fort Dalles Days.
9. Support, encourage and advocate the preservation and continued use of The Dalles High School building.
10. Encourage restoration and use of the Waldron Drug/Gitchell Building.
11. Encourage the City pursuing ownership of the Lewis and Clark Rock Fort and its preservation through maintenance.

Long Term Goals

1. Encourage preservation and restoration of City Hall.
2. Maintain Certified Local Government status.
3. Support Civic Building restoration.
4. Continue to encourage Open House visits during Historic Fort Dalles Days.
5. Continue to assist with historic plaque costs and availability.
6. Support and encourage the Fort Dalles Museum and Historic Vehicle Storage Display Building.
7. Update Historic Inventories and encourage new nominations to local and national registry districts.

Administration and Public Assistance. Both administration and public assistance remained as vital program activity during 2011. There were 9 Historic Landmarks Commission meetings held in the year 2011. Ten applications were reviewed, including the façade restoration for the Canton Wok, installation of Wi-Fi on a number of historic downtown buildings, and an awning and rear deck on the historic Chinese Building. There were also several requests for minor alterations to historic structures that were reviewed at the staff level. Minor alterations include the addition and placement of signs, repainting historic structures and emergency type repairs.



AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
February 27, 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: February 15, 2012

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

A. ITEM: Approval of February 13, 2012 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the February 13, 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 February 13, 2012 regular City Council meeting.

B. ITEM: Approval of January 30, 2012 Goal Setting Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the January 30, 2012 goal setting meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the January 30, 2012 goal setting meeting.

C. **ITEM:** Authorization for City Clerk to Endorse OLCC New Outlet Application for The Daily Special BBQ Restaurant

BUDGET IMPLICATIONS: A \$100.00 fee will be collected and credited to the General Fund.

SYNOPSIS: The Daily Special BBQ Restaurant has applied for an OLCC license. The Police Department has investigated the application and recommends it be approved.

RECOMMENDATION: That City Council authorize the City Clerk to endorse the OLCC New Outlet application for The Daily Special BBQ Restaurant.

MINUTES

REGULAR COUNCIL MEETING
OF
FEBRUARY 13, 2012
5:30 P.M.
THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Jim Wilcox

COUNCIL PRESENT: Bill Dick, Carolyn Wood, Dan Spatz, Brian Ahier, Tim McGlothlin

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Police Chief Jay Waterbury, Community Development Director Dan Durow, Finance Director Kate Mast

CALL TO ORDER

Mayor Wilcox called the meeting to order at 5:30 p.m.

ROLL CALL

Roll call was conducted by City Clerk Krueger; all Councilors present.

PLEDGE OF ALLEGIANCE

Mayor Wilcox invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Wilcox asked to add a presentation from the National Guard to the agenda.

It was moved by Ahier and seconded by Wood to approve the agenda as amended. The motion carried unanimously.

PRESENTATIONS/PROCLAMATIONS

Presentation from National Guard

Mayor Wilcox presented the City with a City of The Dalles flag which had been flown by the National Guard and was autographed by the soldiers. He thanked Sergeant Ryan Young for presenting him with the flag and thanked all the soldiers for their service to our community and nation.

Report from North Wasco County School District #21

School Librarian Jim Tindall provided an update on the recent Oregon Battle of the Books program. He said the competition had included 44 teams of students who were asked questions about a variety of books they had read. He said over 100 students from the City of The Dalles had participated in the program and said following the tournament, winning teams would proceed to a regional competition, then on to the State competition. He said it was a great way to bring students and parents together to talk about literature.

Update from Wasco County Veteran's Advisory Committee

Steve Lawrence, Chair of the Wasco County Veteran's Committee, provided a report to the City Council highlighting the success of the Veteran's Service Office. He thanked the City for providing the use of the Transportation Center building to house the offices, saying with the additional space, they were able to expand their programs, which was a great service to the local veterans. Lawrence provided statistics, noting the office served approximately 2,848 veterans and family members. He said there were 25 volunteers, providing an average of 248 hours per month and noted the average monthly appointments and walk-in customers totaled 249.

Lawrence noted an increasing work load due to increasing death claims of Vietnam veterans and new veterans now returning from Afghanistan. He emphasized the importance of serving the veterans and said a lot of revenue was brought into the County by assisting the veterans in receiving their compensation and pensions.

Lawrence requested the City renew the lease with Wasco County for the Veteran's Service Office for an additional 15 years to provide for stability for the office and local veterans. He said if there were discussions regarding the building, he hoped the veteran's group would be included.

Al Vaughn, Vietnam Veteran, said he had not been able to get assistance until this office opened and he greatly appreciated everything that had been done to help him. He asked the City to keep the facility operating and thanked all veterans for their service to the country.

Ruth Otto said she was the widow and daughter of veterans. She said she had moved to The Dalles to assist her parents when her husband passed away and said she would not have survived without the assistance of the Veteran's Service Office. Mrs. Otto said she had since become a volunteer due to the positive experience she had.

Mr. Lawrence said he was not opposed to continuing Greyhound bus service from the location because it actually helped the Veteran's Service Office to locate homeless veterans and to help others with transportation issues. He noted the County would be interviewing this week to fill the Veteran's Service Officer position.

AUDIENCE PARTICIPATION

Rod Runyon, representing the Patriot Guard, reported that the group had stood guard at the burial of former Mayor Jack Howe as he was laid to rest today. He said the memorial service would be conducted in two weeks, but thought the City Council should know that today was the day he was laid to rest.

Marilyn Clifford, PO Box 269, The Dalles, addressed the Council regarding yard sale signs, saying she had volunteered to pick up the signs last year but it had not been welcomed. She said it was frustrating to have signs picked up by Codes Enforcement prior to sales and said she hoped the City would install bulletin boards for people to post their signs.

City Attorney Parker said the sign ordinance amendments would be discussed by the Planning Commission at their March 15th meeting and the Council would consider the proposal at their March 26th meeting.

John Nelson, 524 West Third Place, The Dalles, asked if the Council had taken any action to address the concern regarding coal trains in the Columbia River Gorge. He said he had attended a meeting in Bingen to gather additional information.

Councilor Ahier said he had been contacted with an offer to provide information to the City Council. Councilor Spatz said he was still interested in getting more information about the issue.

CITY MANAGER REPORT

City Manager Young addressed a concern expressed regarding dust in the downtown area. He said the gravel needed to be put down during ice events, which caused dust later. He said this needed to be done for the safety of the citizens, but the City picked it up as soon as possible. Young said the City was investigating the possibility of upgrading the sweeper truck in the next fiscal year.

Young noted the School District had decided to reconsider their decision regarding the East 19th Street extension and would be discussing it further at their next meeting.

CITY ATTORNEY REPORT

City Attorney Parker said he was working with staff and the County to update the City's election ordinance. He said with the new census information, it was necessary to revise the City Council district boundaries.

Parker reported he would be attending a government law seminar on February 24th.

CITY COUNCIL REPORTS

Councilor McGlothlin reported on the recent Traffic Safety Commission meeting, noting discussion regarding the Third Place design; Brewery Grade crosswalk; and a traffic change at Second and Hostetler Streets to allow for a free right turn. He said there had been no congestion problems associated with the new Fred Meyer fuel station and said there had been a discussion regarding a problem with dips on Second Street at the concrete intersections.

Councilor Spatz said the Mid Columbia Economic Development District Strengthening Economies Program was going well and having good participation. He said the challenges and strengths had been identified and the next meeting would be for the development of strategies and solutions.

Councilor Ahier said he appreciated Mr. Nelson's report regarding the train coal cars and said it may be a good topic for a future Town Hall meeting.

Mayor Wilcox said he also wanted to talk about his Pride in The Dalles program and suggested both items be included as agenda items for the next Town Hall meeting.

Approval of City Council Goals

Councilor Spatz asked that the words “and other partners” be added to Goal 3, I, G, after the word Commerce. He said there were several organizations in the community working on business issues and the goal should be in support of all of them.

It was moved by Wood and seconded by Dick to approve the 2012-13 City Council Goals as amended. The motion carried unanimously.

CONSENT AGENDA

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

The item approved by Consent Agenda was approval of the January 23, 2012 regular city Council meeting minutes.

PUBLIC HEARINGS

Public Hearing to Receive Testimony Regarding Proposed Supplemental Budget

Mayor Wilcox reviewed the procedures to be followed for the public hearing.

Finance Director Mast reviewed the staff report.

Testimony

No testimony was offered and the public hearing was closed.

Resolution No. 12-002 Adopting a Supplemental Budget for the 2011-12 Fiscal Year, Making Appropriations and Authorizing Expenditures From and Within the General Fund; Special Grants Fund; Water Utility Fund; and Water Capital Reserve Fund

It was moved by McGlothlin and seconded by Wood to adopt Resolution No. 12-002 adopting a supplemental budget for the 2011-12 fiscal year, making appropriations and authorizing expenditures from and within the General Fund; Special Grants Fund; Water Utility Fund; and Water Capital Reserve Fund. The motion carried unanimously.

Public Hearing to Receive Testimony Regarding Housing Resource Center Project

Mayor Wilcox reviewed the procedures to be followed for the public hearing.

Community Development Director Durow introduced Dave Peters from Mid Columbia Housing Agency who reviewed the staff report.

Mayor Wilcox said it would be beneficial if the Agency could place some focus on housing rehabilitation for homes of moderate income families, in addition to low income families. He said the housing stock in The Dalles needed to be upgraded to help attract business to the community.

Councilor Ahier asked if the first time home buyers classes had been offered in Spanish. Mr. Peters said one of the classes was offered in Spanish. Peters said there had not been very many participants in the classes during the past year.

Testimony

Marilyn Clifford, PO Box 269, The Dalles, said she thought people would do more remodel and repair jobs if the Assessor didn't raise their taxes for every project. She said it would be helpful if a certain dollar amount was set that people could make repairs without being taxed.

Hearing no further testimony, the public hearing was closed.

ACTION ITEMS

General Ordinance No. 12-1317 Regulating the Conduct of Business of Secondhand Dealers and Certain Sales of Used Property; Requiring Records; Requiring a License for Secondhand Dealers; Providing Penalties; and Repealing General Ordinance No. 83-1048

City Attorney Parker reviewed the staff report. He highlighted significant changes from the current ordinance, including a definition which exempted merchants whose transactions were less than 50% used merchandise; a definition of transactions that included a dollar amount for property purchased from a single customer; a requirement on the application concerning prior criminal convictions; discretion for the City Attorney to deny or revoke a license if certain circumstances exist; a requirement to submit daily transaction reports to the City; establishing a seven day holding period; and allowing sales to minors of 16 years or older.

Parker said the Secondhand Dealers had worked very well with staff to develop an ordinance that was workable. He said there were a few differences, but there was general agreement. He said

two issues would be worked on administratively: staff's ability to provide a drop box for the reports and a decision regarding the release of stolen merchandise sheets (hot sheets).

Secondhand Dealers Mark Thomas, 1015 East 11th Street, Mel Mendez, 314 East Second Street, and Eric Stovall, 2610 West Second Street, addressed their concerns regarding the proposed ordinance. Mr. Thomas said he disagreed with the proposal for an exemption if a merchant sells less than 50% used items, saying it was an unfair percentage.

Councilor Ahier said he didn't see the need for an exemption because it was more important to prevent crime than to exempt businesses from the ordinance.

City Attorney Parker said the rationale was that some businesses dealt mostly in new goods so there was less potential to receive stolen merchandise.

Councilor Dick asked if there were any statistics or data to support the theory. Police Chief Waterbury said he did not have any data to support it.

Councilor Spatz said the 50% level was too high and it should be reduced.

Mr. Stovall expressed concern that there was a lack of information from the Police Department to the dealers and said he would like to receive hot sheets from the Police Department to help the dealers not be victims of purchasing stolen goods. He said it should be a requirement and be included in the Ordinance language.

Police Chief Waterbury said the meetings with the Secondhand Dealers had been valuable in developing the ordinance. He said staff and the dealers were not in complete agreement and he had concerns about providing hot sheets to all dealers, but understood their desire to have the information.

Mr. Mendez said it would be a large burden to have to provide daily reports to the City and to take photographs of every item. Mr. Thomas said he disagreed with the requirement to photograph everything and to keep copies of the photos.

Parker said the reason for photographs was for prosecution purposes.

It was the consensus of the City Council to direct staff to continue working with the dealers and to revisit the issues of providing dealers with a hot sheet, the 50% exemption and taking and storing photographs.

Request by Jeff and Summer Smith Regarding Street Assessment Payment (taken out of order)

City Manager Young reviewed the staff report, explaining that Wasco County has approved a street vacation, but the City still considered the portion of 12th Street as being included in the Street Master Plan and that it could be extended in the future. He recommended the City Council deny the request for a refund of the previously paid street improvement assessment.

Steve Stroud, 3000 East 12th Street, spoke in support of refunding the assessment to the Smiths, saying the County had vacated the street and it was a private drive.

City Manager Young said he did not think the street would be built, but the owners would benefit from improvements to Richmond Street in the future.

Councilor Ahier said if 12th Street would not be developed, he would support refunding the assessment.

Mayor Wilcox asked what their expenses would be in the future if Richmond Street was improved. He said it would like be more expensive to construct improvements in the future.

Councilor Dick said the City's Land Use Development Ordinance (LUDO) should be amended to address the overall issue, saying smaller lots should not be created if the streets were substandard. He said if that portion of 12th Street was not going to be constructed, he would support refunding the assessment paid by the Smiths.

City Manager Young proposed reviewing the street portion of the assessment and refunding that portion, but noted they had received the benefit of other improvements.

Councilor Dick said the City and County should work together to address street issues within the Urban Growth Boundary.

It was moved by Ahier and seconded by McGlothlin to grant the refund in the amount of \$7,854. The motion carried unanimously.

Resolution No. 12-003 Authorizing Transfers of Funds Between Categories of Various Funds, Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2012

Finance Director Mast reviewed the staff report.

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It was moved by Wood and seconded by Spatz to adopt Resolution No. 12-003 authorizing transfers of funds between categories of various funds, making appropriations and authorizing expenditures for the fiscal year ending June 30, 2012. The motion carried unanimously.

Authorization to Receive Additional ARRA Loan Funds to Help Pay for Needed Cast Iron Pipe Replacement for the Terminal Reservoir Construction Project

Public Works Director Anderson reviewed the staff report.

It was moved by Spatz and seconded by Dick to authorize acceptance of up to \$589,478 in additional ARRA loan funds to pay for replacement of existing cast iron pipe and complete the Terminal Reservoir Construction Project. The motion carried unanimously.

ADJOURNMENT

Being no further business, the meeting adjourned at 8:10 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED: _____

James L. Wilcox, Mayor

ATTEST: _____

Julie Krueger, MMC, City Clerk

COUNCIL GOAL SETTING
OF
JANUARY 30, 2012
12:00 P.M.
CITY HALL COUNCIL CHAMBER

PRESIDING: Mayor Jim Wilcox

COUNCIL PRESENT: Brian Ahier, Bill Dick, Dan Spatz, Carolyn Wood, Tim McGlothlin

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Finance Director Kate Mast, Police Chief Jay Waterbury, Librarian Sheila Dooley

CALL TO ORDER

The meeting was called to order at 12:10 p.m.

GOALS AND OBJECTIVES DISCUSSION

The City Council reviewed the goals and objectives, removing those completed, modifying and re-prioritizing the objectives, and adding new ones. The new list of goals is attached to the minutes.

FISCAL YEAR 2010-11 PRE-BUDGET DISCUSSION

City Manager Young briefly reviewed the capital improvement plans, noting these were preliminary. He distributed copies of the City Council contractual services budget and asked if the City Council wished to make any changes to that proposal. Young noted one addition to the list, the Main Street Manager funding.

MINUTES (Continued)
Council Goal Setting
January 30, 2012
Page 2

There was consensus to accept the proposed contractual services budget as proposed.

ADJOURNMENT

Being no further business the meeting adjourned at 3:38 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
February 27, 2012	Public Hearings 11, A	12-017

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney
Dick Gassman, Senior Planner

THRU: Nolan K. Young, City Manager *ny*

DATE February 14, 2012

ISSUE: Public Hearing to receive testimony regarding island annexation for properties on Lee Street, and adoption of Special Ordinance No. 12-547 annexing certain additional properties and public right-of-way located in the Urban Growth Boundary pursuant to ORS 222.750 (Island Annexations - Round 9).

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: #06-99, December 2006 for annexation phase 1; #07-012, February 2007, for annexation phase 2; #07-048, May 2007 for annexation phase 3; #07-107, November 13, 2007, for annexation phase 4; #08-003, January 14, 2008 for annexation phase 5; #08-022, March 10, 2008, for annexation phase 6; No. #09-002, January 12, 2009, for annexation phase 7; No. #10-022, January 11, 2010, for annexation phase 8.

BACKGROUND: The City Council has adopted a policy to proceed with the annexation of properties located within the Urban Growth Boundary, where the territory to be annexed is surrounded by the corporate boundaries of the City, under the provisions of ORS 222.750, which method of annexation is commonly referred to as an "island annexation".

The properties proposed for annexation include one island annexation, which includes 19 lots located adjacent to Lee Street, and one individual island annexation, which property does not

have an actual address. For island annexations, the consent of the property owners is not required. The territory in a proposed island annexation must be completely surrounded by the corporate boundaries of the City and no more than 25% of the perimeter can consist of right of way.

NOTICE: A letter was sent to each of the affected property owners on February 10, 2012 notifying them of this hearing. Notice of the hearing was published in The Dalles Chronicle as required by Oregon law and LUDO Section 14.010.030 and LUDO Section 3.020.060. A copy of the published notice is enclosed with this staff report.

PROCESS: This annexation application is being processed under the provisions of LUDO Chapter 14, adopted by the City on June 11, 2007. Per LUDO Section 14.010.030, all applications for annexation shall be processed as legislative actions. Under the provisions for legislative actions in LUDO Section 3.020.060, annexation requests shall be heard by the City Council.

CRITERIA: Per LUDO Section 14.010.040, annexations shall be subject to the following criteria:

- A. The territory is contiguous to the City limits and qualifies as a consent annexation pursuant to ORS 222.125 or as an island annexation pursuant to ORS 222.750, or is a public right-of-way.
- B. The territory is within the Urban Growth Boundary (UGB).
- C. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area.
- D. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing city limits.
- E. The annexation conforms to the Comprehensive Plan.

Special Ordinance No. 12-547 includes Exhibit "B" which includes a detailed set of findings to establish that the proposed annexation complies with the applicable criteria set forth in Section 14.010.040.

PROPERTIES TO BE ANNEXED:

Maps showing the properties in the larger island annexation area, and the property included in the individual island annexation area is attached as Maps 1, 2, and 3 to the ordinance.

EFFECTIVE DATE OF ANNEXATION: Seventeen of the properties adjacent to Lee Street, located in the larger island annexation, which are zoned "CG" Commercial General, the portion

of Lee Street from West 7th north to its terminus, and the parcel of property identified as Island Annexation #2, which is vacant, will be annexed upon the effective date of the proposed annexations. The Wasco County Road Master has indicated Wasco County would not object to the proposed annexation of Lee Street. Two properties located in the larger island annexation for the Lee Street properties are zoned residential and are being used as residential property. They will be annexed three years from the proclamation by the City Council of Island Annexation #1. If any of the residential property subject to the delayed annexation is sold during the three year period, the property becomes part of the City immediately upon the transfer of ownership.

BUDGET IMPLICATIONS: Completion of the annexations will result in additional property taxes being paid to the City on private property. If the annexations are completed by March 31, 2012, the City will begin receiving its share of property taxes from the designated parcels in November, 2012. The City will begin receiving additional revenue from the utilities that have franchises that will apply to the newly annexed properties and who will begin collecting franchise fees from these properties once they are annexed. Those properties within an island annexation where part of the perimeter is only public right-of-way and that are zoned residential and being used as residential property will not be annexed for three years from the date of the proclamation of the annexation. The franchise fee revenue would begin being collected as of the end of the three year delay, and the tax revenue would begin being collected in November, 2015; subject to the provision that if a residential property was sold at any time during the three year delayed period, the time for collection of the franchise fee revenue and the tax revenue would be moved up to be in the appropriate month of the year when the property would become part of the City.

There will be some reduction in the amount of revenue collected from customers of the City water and sanitary sewer systems who will see their rates reduced once they are charged the rate for in-city customers. There will be an increased workload for City staff from additional utility accounts and additional areas to provide law enforcement services.

ALTERNATIVES:

Staff Recommendation. *Move to adopt Special Ordinance No. 12-547 by title.*

SPECIAL ORDINANCE NO. 12-547

AN ORDINANCE ANNEXING CERTAIN ADDITIONAL PROPERTIES AND PUBLIC RIGHT-OF-WAY LOCATED IN THE URBAN GROWTH BOUNDARY OF THE CITY OF THE DALLES PURSUANT TO ORS 222.750 (ISLAND ANNEXATIONS - ROUND 8)

WHEREAS, the City Council has adopted a policy to proceed with the annexation of properties located within the Urban Growth Boundary, where the territory to be annexed is surrounded by the corporate boundaries of the City, under the provisions of ORS 222.750, which is commonly referred to as an “island annexation”; and

WHEREAS, on February 27, 2012, the City Council conducted a public hearing pursuant to ORS 222.750(2) to consider annexation of several parcels of properties which are surrounded by the corporate boundaries of the City, and the annexation of a certain portion of public right-of-way described as N.W. Lee Street, a local access road which is currently maintained under the jurisdiction of Wasco County, which properties and public right-of-way are listed in the schedule of properties attached as Exhibit “A”; and

WHEREAS, the City Council has been advised that the Wasco County Board of Commissioners recently entered an order removing “County Road” status for all current County Roads located within the Urban Growth Boundary; and

WHEREAS, the classification of N.W. Lee Street as a local access road limits the County’s authority to maintain this right-of-way pursuant to ORS 368.031; and

WHEREAS, the City Council has been advised that Wasco County does not oppose the proposed annexation of the portion of N.W. Lee Street described in Exhibit “A” by the City; and

WHEREAS, the City Council has reviewed the proposed findings submitted in support of the proposed island annexations set forth in Exhibit “B”, and the Council has approved and adopted the proposed findings, which findings are incorporated into this ordinance by reference;

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

Section 1. Properties to be annexed. Based upon the findings set forth above, including the findings set forth in Exhibit “B”, the City Council finds that the territories to be annexed and the public right-of-way listed in Exhibit “A” are surrounded by the corporate boundaries of the City, in accordance with the provisions of ORS 222.750. The subject properties and public right-

of-way listed in Exhibit “A” are hereby proclaimed to be annexed to the City of The Dalles in accordance with ORS 222.120 and 222.750. The legal description for each of the subject properties is set forth in Exhibit “C”, which is attached hereto and incorporated herein by this reference.

Section 2. Submittals. The City Clerk shall submit, within the proper time frames, all necessary copies of this Ordinance and any supporting documents required by the various state statutes to the appropriate state and county officials and departments.

Section 3. Effective Date of Annexation for Properties Not in Residential Use. For purposes of this ordinance, the annexation shall be effective as of the date of filing the annexation records with the Secretary of State, as provided for in ORS 222.180, for the following properties:

Island Annexation - Properties not in residential use when the City initiated annexation proceedings, including vacant properties:

Island Annexation#1 - Multiple Parcels

<u>TAX LOT</u>	<u>SITE ADDRESS</u>
2N 13E 29 DA 200	733 Lee Street
2N 13E 29 DA 300	729 Lee Street
2N 13E 29 DA 1000	730 Lee Street
2N 13E 29 DA 1100	734 Lee Street
2N 13E 29 DA 1200	731 Chenowith Loop Road
2N 13E 29 DA 1300	735 Chenowith Loop Road
2N 13E 29 DB 100	739 Lee Street
2N 13E 29 DB 200	745 Lee Street
2N 13E 29 DB 500	756 Lee Street
2N 13E 29 DB 600	3711 West 7 th Street
2N 13E 29 DB 700	752 Lee Street
2N 13E 29 DB 800	746 Lee Street
2N 13E 29 DB 900	740 Lee Street
2N 13E 29 DB 1000	741 Chenowith Loop Road
2N 13E 29 DB 1100	747 Chenowith Loop Road
2N 13E 29 DB 1200	753 Chenowith Loop Road
2N 13E 29 DB 1300	757 Chenowith Loop Road

Right-of-way to be annexed as part of Island Annexation #1

1. N.W. Lee Street from West 7th north to its terminus

Island Annexation #2 - Individual Parcel

<u>Tax Lot</u>	<u>Site Address</u>
2N 13E 32 AB 3400	Vacant - no site address

Section 4. Effective Date of Annexation for Properties Zoned for and in Residential Use. For purposes of this ordinance, the annexation shall take effect as of February 27, 2015, which is three years from the date the Council proclaimed the properties to be annexed, for the following properties:

<u>Tax Lot</u>	<u>Site Address</u>
2N 23E 29 DB 300	751 Lee Street
2N 13E 29 DB 400	755 Lee Street.

Section 5. Effective Date of Ordinance. The effective date of this ordinance shall be 30 days from the adoption of this ordinance, subject to any referendum being filed.

PASSED AND ADOPTED THIS 27th DAY OF FEBRUARY, 2012.

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

AND APPROVED BY THE MAYOR THIS 27th DAY OF FEBRUARY, 2012.

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC City Clerk

EXHIBIT "A"

TAX LOT

CURRENT OWNER

Island Annexation #1 - Multiple Parcels

2N 13E 29 DA 200	STEPHEN L. GAST & PATRICIA COMBS
2N 13E 29 DA 300	MARIA G. MEDINA
2N 13E 29 DA 1000	AARON R. & DONNA M. SUTTON
2N 13E 29 DA 1100	FLORENCE AKIYAMA
2N 13E 29 DA 1200	FREDERICK R. & LEANN M. ELLETT
2N 13E 29 DA 1300	CLIFFORD R. & ANGELA K. SMITH
2N 13E 29 DB 100	DENNIS R. HESTER
2N 13E 29 DB 200	LARRY W. & JOVIA S. BRUCE
2N 13E 29 DB 300	DANIEL A. SMITH
2N 13E 29 DB 400	GREGORY R. & CATHY V. BARNHART
2N 13E 29 DB 500	ARTURO DOMINGUEZ & NOEMI ALDANA
2N 13E 29 DB 600	JOHN & CARMEN E. MARQUEZ
2N 13E 29 DB 700	ROBERT E. HELGESON
2N 13E 29 DB 800	VEDA M. CARLSON
2N 13E 29 DB 900	MARY JO TAYLOR
2N 13E 29 DB 1000	JOSH G. & GINA M. KINDER
2N 13E 29 DB 1100	DAVID J. MALL
2N 13E 29 DB 1200	JOSE & TERESA ORNELAS
2N 13E 29 DB 1300	LEONARD E. WILLIAMS

Island Annexation #2 - Individual Parcel

2N 13E 32 AC 3400	PEDRO GARZA
-------------------	-------------

Right of way to be annexed as part of Island Annexation#1

1. N.W. Lee Street from West 7th north to its terminus

EXHIBIT “B”

PROPOSED FINDINGS FOR ISLAND ANNEXATIONS

Section 14.010.040 of the City’s Land Use and Development Ordinance provides that annexations shall be subject to the following criteria:

- A. The territory is contiguous to the City limits and qualifies as a consent annexation pursuant to ORS 222.125 or as an island annexation pursuant to ORS 222.750.
- B. The territory is within the Urban Growth Area.
- C. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area.
- D. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing City limits.
- E. The annexation conforms to the Comprehensive Plan.

Copies of maps submitted with Special Ordinance No. 12-547 show that the properties listed in Exhibit “A” for the Island Annexations #1 and #2, are surrounded by the corporate boundaries of the City, with less than 25% of the perimeter constituting public right-of-way adjacent to the City limits. Testimony was presented during the hearing that the Wasco County Board of Commissioners recently entered an order removing “County Road” status for all current County Roads located within the Urban Growth Boundary.. N.W. Lee Street is currently classified as a local access road, and the County’s authority to maintain this public right-of-way is limited pursuant to ORS 368.031. The City Council was advised that the County did not oppose the proposed annexation of the portion of N.W. Lee Street described in Exhibit “A” by the City. The City Council concludes that the criteria in Section 14.010.040(A) has been satisfied.

Testimony was also presented during the hearing that the properties listed in Exhibit “A” were located within the City’s Urban Growth Area. The City Council finds the criteria set forth in Section 14.010.040(B) has been satisfied.

Almost all of the properties listed in Exhibit “A” are fully developed and are served by existing utilities. Streets and other utilities are in place which will allow the City to provide a full range of urban services to the properties listed in Exhibit “A”. The City has been planning for the additional resources to extend utilities and maintain the roads that will be required to provide urban services for the properties that will be annexed to the City. The City Council finds and concludes that annexation of the properties listed in Exhibit “A” is consistent with the rational and logical extension

of utilities and roads to the surrounding area, and that the City is capable of providing and maintaining its full range of urban services to the properties listed in Exhibit "A", without negatively impacting the City's ability to adequately serve all areas within the existing City limits. The City Council finds and concludes the criteria set forth in Section 14.010.040(C) and (D) have been satisfied.

Goal #14, Urbanization, of the City's Comprehensive Plan, includes certain sub-goals. Sub-goal #2 of Goal #14 is "To coordinate with Wasco County in order to manage the urban growth boundary and the conversion of land within the boundary for urban uses." The City has complied with Sub-goal #2 of Goal #14 by entering into an intergovernmental agreement with Wasco County for the joint management of the Urban Growth Area, which includes the land area within the Urban Growth Boundary and outside the city limits of the City of The Dalles. Section 8 of the intergovernmental agreement provides as follows:

8. Annexation
 - A. Annexation of areas within the Urban Growth Boundary shall be in accordance with relevant annexation procedures contained in Oregon Revised Statutes, City Ordinances, or approved annexation plan.
 - B. Annexation by the City will occur only after development is completed.

Sub-goal #3 of Goal 14 is stated as follows: "To provide for the orderly and efficient provision of public facilities and services". Policies 6, 7, and 8 for Goal #14 of the City's Comprehensive Plan provides as follows:

6. Encourage the orderly annexation of land within the Urban Growth Boundary to the City of The Dalles.
7. Adequate public facilities shall be planned or provided for, per local and State statutes, to service an area when annexation is considered. This includes, but is not limited to, storm sewers, sanitary sewer and water service.
8. Public facilities such as roads, water, sewer, and storm sewer will be required for development of the area in question and shall be subject to review prior to annexation and shall comply with The Dalles Transportation Systems Plan (TSP), Water Master Plan, Sewer Master Plan, and Storm Water Master Plan.

The proposed annexation complies with the urbanization goal set forth in Goal #14, in that it encourages the orderly annexation of land within the Urban Growth Boundary of the City of The Dalles, and also provides for the orderly and efficient provision of public facilities and services. The properties to be included in the annexation have been developed, or have been planned for the

extension of public facilities and utilities, to ensure the properties will have sufficient services, including but not limited to water and sanitary sewer service, storm sewers, streets, parks, and fire hydrants. Extension of the city limit boundaries to include the properties will allow the City to maintain the facilities and utilities in proper working order to provide services to the residents of these properties, and also provide a basis for the City to continue an orderly process of continuing to annex other properties within the Urban Growth Boundary, as the City continues to experience economic growth and development. Inclusion of the properties within the City limits will provide an opportunity for the City to plan and design its public utilities and facilities, including streets, storm system, and water and sanitary sewer system, to ensure the City can provide necessary public services to its citizens in an orderly and efficient manner, consistent with the City's Transportation Systems Plan, Water Master Plan, Sewer Master Plan, and Storm Water Master Plan..

The proposed annexation is consistent with the provisions of Section 8 of the intergovernmental agreement with Wasco County for annexation of properties within the Urban Growth Area. The proposed annexation has been conducted in accordance with the relevant provisions for annexation set forth in the Oregon Revised Statutes, including ORS 222.120 and 222.750, and the annexation is occurring for properties where development has been completed.

The annexation of the subject properties is reasonable, because it is consistent with the provisions of the City's Comprehensive Plan and the intergovernmental agreement with Wasco County for the joint management of property with the Urban Growth Area, for the reasons set forth above. Annexation of these properties will allow the City to maintain the public utilities and facilities serving these properties, and to make any necessary improvements to allow the City to continue providing necessary services for the residents of the properties. Inclusion of these properties within the City limits will transfer responsibility for law enforcement activities related to these properties to the City. This will create a more uniform and efficient system of law enforcement, eliminating confusion over which law enforcement agency is responsible for providing services to the properties. For all of these reasons, the City Council concludes the proposed annexation complies with the "reasonableness" requirement for annexations under state law.

The City Council finds and concludes that the criteria set forth in Section 14.010.040(E) has been satisfied.

feet from the Southwest corner of said Lot 9; running thence East along the South line of said Lot 9, a distance of 69.6 feet; thence North 120 feet; thence West 69.6 feet; thence South 120 feet to the point of beginning

7. 2N 13E 29 DB Tax Lot 100 739 Lee Street Map No. 2

Lot D, Block 1, a subdivision of Lots 6 and 7, and the North 88.5 feet of Lots 8 and 9, Block "B", CHENOWITH HOME TRACTS, in the County of Wasco and State of Oregon

8. 2N 13E 29 DB Tax Lot 200 745 Lee Street Map No. 2

Lot C, Block 1, a subdivision of Lots 6 and 7, and the North 88.5 feet of Lots 8 and 9, Block "B", CHENOWITH HOME TRACTS, in the County of Wasco and State of Oregon

9. 2N 13E 29 DB Tax Lot 300 751 Lee Street Map No. 2

Lot B, Block 1, a subdivision of Lots 6 and 7, and the North 88.5 feet of Lots 8 and 9, Block "B", CHENOWITH HOME TRACTS, in the County of Wasco and State of Oregon

10. 2N 13E 29 DB Tax Lot 400 755 Lee Street Map No. 2

Lot A, Block 1, a subdivision of Lots 6 and 7, and the North 88.5 feet of Lots 8 and 9, Block "B", CHENOWITH HOME TRACTS, in the County of Wasco and State of Oregon

11. 2N 13E 29 DB Tax Lot 500 756 Lee Street Map No. 2

The North 77.5 feet of Lot A, Block 2, a subdivision of Lots 6 and 7, and the North 88.5 feet of Lots 8 and 9, Block "B", CHENOWITH HOME TRACTS, in the County of Wasco and State of Oregon

12. 2N 13E 29 DB Tax Lot 600 3711 West 7th Street Map No. 2

The South 46 feet of the following described property; Lot A, Block 2, a subdivision of

Lots 6 and 7, and the North 88.5 feet of Lots 8 and 9, Block "B", CHENOWITH HOME TRACTS, in the County of Wasco and State of Oregon

13. 2N 13E 29 DB Tax Lot 700 752 Lee Street Map No. 2

Lot B, Block 2, a subdivision of Lots 6 and 7, and the North 88.5 feet of Lots 8 and 9, Block "B", CHENOWITH HOME TRACTS, in the County of Wasco and State of Oregon

14. 2N 13E 29 DB Tax Lot 800 746 Lee Street Map No. 2

Lot C, Block 2, a subdivision of Lots 6 and 7, and the North 88.5 feet of Lots 8 and 9, Block "B", CHENOWITH HOME TRACTS, in the County of Wasco and State of Oregon

15. 2N 13E 29 DB Tax Lot 900 740 Lee Street Map No. 2

Lot D, Block 2, a subdivision of Lots 6 and 7, and the North 88.5 feet of Lots 8 and 9, Block "B", CHENOWITH HOME TRACTS, in the County of Wasco and State of Oregon

16. 2N 13E 29 DB Tax Lot 1000 741 Chenowith Loop Road Map No. 2

Beginning at the Southwest corner of Lot 9, Block B of CHENOWITH HOME TRACTS, in Wasco County, Oregon, according to the recorded Plat thereof; running thence East along the South line of said Lot 9, a distance of 69.6 feet; thence North 120 feet; thence West 69.6 feet to the West line of said Lot 9; thence South along said West line 120 feet to the point of beginning

17. 2N 13E 29 DB Tax Lot 1100 747 Chenowith Loop Road Map No. 2

Beginning at the Southeast corner of Lot 8, Block B of CHENOWITH HOME TRACTS, in Wasco County, Oregon, according to the recorded Plat thereof; running thence West along the South line of said Lot 8, a distance of 69.6 feet; thence North 120 feet; thence East 69.6 feet to the East line of said Lot 8; thence South along said East line 120 feet to the point of beginning

18. 2N 13E 29 DB Tax Lot 1200 753 Chenowith Loop Road Map No. 2

Beginning on the South line of Lot 8, Block B of CHENOWITH HOME TRACTS, in Wasco County, Oregon, according to the recorded Plat thereof; and at a point 69.5 feet from the Southwest corner of said Lot 8; running thence East along the South line of said Lot 8, a distance of 69.6 feet; thence North 120 feet; thence West 69.6 feet; thence South 120 feet to the point of beginning

19. 2N 13E 29 DB Tax Lot 1300 757 Chenowith Loop Road Map No. 2

Beginning at the Southwest corner of Lot 8, Block B of CHENOWITH HOME TRACTS, in Wasco County, Oregon, according to the recorded Plat thereof; running thence East along the South line of said Lot 8, a distance of 69.5 feet; thence North 120 feet; thence West 69.6 feet to the West line of said Lot 8; thence South along said West line 120 feet to the point of beginning

20. 2N 13E 32 AB Tax Lot 3400 No site address Map No. 3

The Northerly 10 feet of even width of Lot B, MILES ADDITION, in the County of Wasco and State of Oregon, together with that portion of vacated Home Court West which inured thereto by reason of the vacation thereof

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



N.E. 1/4 S.E. 1/4 SEC. 29 T.2N. R.13E. W.M.
WASCO COUNTY

02N13E29DA



CANCELLED:
1600A1

1/4 COR

1/16 COR

Revised: RAA
6/22/2011

02N13E29DA

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



N.W. 1/4 S.E. 1/4 SEC. 29 T.2N. R.13E. W.M.
WASCO COUNTY

02N13E29DB
THE DALLES

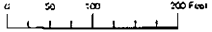
CANCELLED



Revised: RAA
6/23/2011

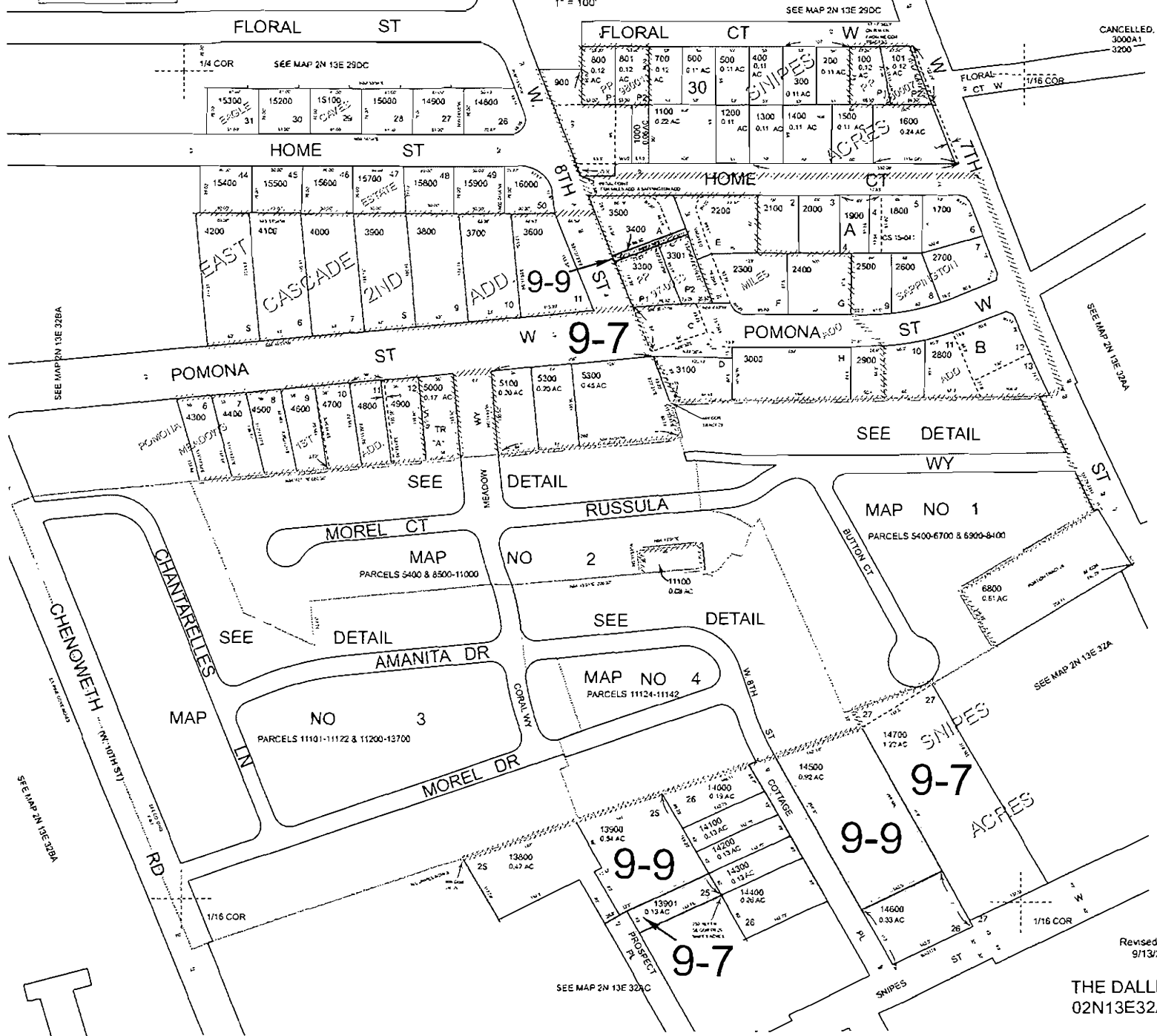
THE DALLES
02N13E29DB

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



N.W. 1/4 N.E. 1/4 SEC. 32 T.2N. R.13E. W.M.
WASCO COUNTY
1" = 100'

02N13E32AB
THE DALLES



CANCELLED.
3000A1
3200

SEE MAP 2N 13E 32AA

SEE MAP 2N 13E 32A

SEE MAP 2N 13E 32BA



Revised: SH
9/13/2011

THE DALLES
02N13E32AB



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 #
February 27, 2012	Discussion Items 12, A	12-016

TO: Honorable Mayor and City Council

FROM: Julie Krueger, MMC, City Clerk *JK*

THROUGH: Nolan K. Young, City Manager

DATE: February 8, 2012

ISSUE: Discussion Regarding Proposed Burn Restrictions.

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. The City Council directed staff to provide information from The Dalles Disposal regarding services that could be provided to reduce burning. The Committee recommendations are attached for reference.

The Dalles Disposal has the ability to provide a service that would include weekly trash pick up and bi-weekly pick up of recycle and yard debris/food. Each customer would be provided with three separate collection carts. Recycle and yard debris carts would be picked up on alternating weeks.

Currently, there are 3,204 trash and 328 yard debris subscriptions in the city limits. Based on current service levels, the estimated cost for the new program would be approximately \$22 to \$29 per month, depending on service desired. That price could be slightly reduced by customers

using a smaller trash cart to keep the monthly cost about the same as current service for the large cart. If the City Council implements mandatory service, the price would also be slightly lower per residence. Every subscriber for garbage service would have all three bins. It would not be a program where customers could choose from a menu of options.

To help address a phase out period for burn barrels, The Dalles Disposal is willing to provide a community program for disposal of the empty burn barrels. They are also investigating the possibility of providing a free collection site for document shredding for residential customers.

The City Council will need to determine the date for implementation of a burn barrel ban. Staff recommends it coincide with the burn permit season as established by Mid Columbia Fire and Rescue. Their permits are issued in the Fall and are valid through Spring of the following year. In addition to establishing a date to implement the ban, dates for open burn seasons will need to be established. Staff supports the Committee recommendation to have two seasons: October 15 through November 30 and April 1 through May 31.

Staff will continue to work with partners, including The Dalles Disposal, Dirt Hugger, Mid Columbia Fire and Rescue, Tri-County Hazardous Waste and Recycling Program, and DEQ to provide community education and will schedule a meeting with Wasco County to determine the boundary for the burn restrictions, whether city limits or urban growth boundary.

The Burn Policy Committee believes it would be beneficial to review how things are going after a year of the recommendations being in place. They have agreed to stand available to the City Council to reconvene and to continue working on policies if so directed by the City Council.

Attached is a proposed burn restriction ordinance. We are proposing to follow up this Council discussion item with a public hearing, followed by adoption of the ordinance.

BUDGET IMPLICATIONS: None at this time. Many recommendations can be accomplished through partnerships.

COUNCIL ALTERNATIVES:

1. Staff Recommendation: *Direct staff to schedule a public hearing and adoption of a burn restriction ordinance for the City of The Dalles.*
2. Direct staff to develop alternatives to the proposal.
3. Decline to proceed with a burn restriction ordinance.

RECOMMENDATIONS FROM OPEN BURN POLICY COMMITTEE

1. Ban burn barrels.
 - A. Education. Develop educational material that will inform citizens about the negative health conditions created by burning trash in burn barrels and about the alternatives to burn barrels including recycling, composting and hazardous waste disposal programs. Distribute this information as broadly as possible to include messages on City water bills, Tri-County Hazardous Waste Program literature and direct mail pieces, radio and newspaper PSA's, etc. Consider expanding the Community Clean Up Day event to include education elements and information regarding alternatives to burning.
 - B. Alternatives to Burn Barrels. Develop a phase out period of up to one year for burn barrels and develop a program to allow residents to trade their burn barrel for a compost device and/or shredder (for those who normally burn confidential papers) or a certificate for a month of garbage service in trade for the barrel. The Committee recommends seeking partnerships to fund this program. Provide drop off sites for shredding in public locations such as City Hall, Senior Center, and Tri-County Hazardous Waste and Recycling. Do not institute burn barrel ban until alternatives have been identified and supplied/funded.
 - C. Upgrades to Garbage Service. Direct The Dalles Disposal to prepare information regarding alternative programs including, but not limited to, universal (mandatory) garbage service; service that would include garbage, recycle and yard debris pick up for one set fee; options for various can sizes; options for bi-weekly pick up; offer a free yard debris drop off day once per week; provide paper shredder at the transfer station for free use by public.
 - D. Burn Ban Boundary. Dialogue with Wasco County regarding extending the City burn ban to the Urban Growth Boundary to avoid confusion, provide more consistent enforcement and to protect the health of the community more equally.
 - E. Removal of Burn Barrels. Solve issue of disposing of/ collecting old burn barrels. Inform citizens that there is no charge for dropping off old burn barrels at The Dalles Disposal for recycling. Involve service organizations to help residents dispose of old burn barrels.
 - F. Partnerships. Work with Mid-Columbia Fire and Rescue to implement any changes in burn barrel policy. Work and partner with other agencies and entities

to help provide education, implement alternatives to burning, and possibly fund programs.

2. Restrict Open Burning to Two Seasons of October 15 through November 30 and April 1 through May 31.
 - A. Education. Develop education materials that will inform citizens about the fire dangers and negative health conditions, especially during air inversion days, created by open burning. Distribute information regarding the concerns and alternatives, such as recycling, composting, and hazardous waste disposal programs, through Tri-County Hazardous Waste Program, direct mail, City water bill, radio and newspaper. Work with Mid-Columbia Fire and Rescue to provide education on burning alternatives when burn permits are issued.
 - B. Alternatives to Burning. Work to expand the number of free yard debris days with The Dalles Disposal. Explore possible residential drop off at Dirt Hugger. Direct The Dalles Disposal to prepare information regarding alternative programs, as outlined in recommendation #1,C.
 - C. Open Burn Boundary. Dialogue with Wasco County regarding extending the restricted open burn policy to the Urban Growth Boundary to avoid confusion, provide more consistent enforcement and to protect the health of the community more equally.
 - D. Partnerships. Work with Mid-Columbia Fire and Rescue to implement changes in open burning policy. Work with DEQ to establish a daily air quality report during open burn seasons. Work with agencies and media to develop a communication policy regarding air quality during burn seasons.
 - E. Review. Review implemented policies after one burn season to determine effectiveness of education and alternative programs to burning.

GENERAL ORDINANCE NO. 12-XXXX

**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 31 and October 15 through November 30.

Section 4. Permit Required. Permits for open burning shall be required. A separate permit must be obtained for each season 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.

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

Section 5. 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.

OR: We could tie it to court violation fee structure or set out the fees in a separate resolution.

Section 6. Effective Date. This ordinance shall be in effect 30 days after adoption by the City Council.

PASSED AND ADOPTED THIS xx DAY OF xxxxxxxx, 2012

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

AND APPROVED BY THE MAYOR THIS xx DAY OF xxxxxx, 2012

SIGNED: _____
James L. Wilcox, Mayor

ATTEST: _____
Julie Krueger, MMC, City Clerk