

# LA PINE CITY COUNCIL MEETING AGENDA

Wednesday, April 27, 2011

Public Meeting and Public Hearings

6:00 pm

51340 Highway 97, La Pine, Oregon 97739

South County Building Meeting Room

1. Call to Order
2. Roll Call
3. Added Agenda Items  
Any matters added to the Agenda at this time will be discussed during the "Other Matters" portion of this Agenda or such other time selected by the City Council.
4. Update on ODOT Hwy 97/Wickiup Junction Project
5. Public Hearing - Ordinance No. 2011-03  
An Ordinance accepting and adopting the Procedures, Land Division, Zoning, Sign, and Lighting Ordinances, and Mitigation Concept Format.
  - a. Open Public Hearing
  - b. Staff Report or Summary
  - c. Public Comments
  - d. Close Public Hearing
  - e. Council deliberations
6. Other Matters
7. Public Comments
8. Adjourn Work Session

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meetings. This notice does not limit the ability of the City Council to consider or discuss additional subjects. These meetings are subject to cancellation without notice. These meetings are open to the public and interested citizens are invited to attend. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Patti Morgan at (541) 536-1432

# LA PINE CITY COUNCIL MEETING MINUTES

Wednesday, April 27, 2011

Public Meeting and Public Hearing

6:00 pm

51340 Highway 97, La Pine, Oregon 97739

South County Building Meeting Room

1. Call to Order

Mayor Mulenex called the meeting to order at 6:02 am.

2. Roll Call

City Manager Rick Allen

Mayor Ken Mulenex

Councilor Stu Martinez

Councilor Dan Varcoe

Councilor Adele McAfee

Councilor Don Greiner

Admin Ass't Patricia Morgan

**Quorum established.**

3. Added Agenda Items

Any matters added to the Agenda at this time will be discussed during the "Other Matters" portion of this Agenda or such other time selected by the City Council.

None

4. Update on ODOT Hwy 97/Wickiup Junction Project

Amy Pfeiffer, Project Manager on the Wickiup Junction Project, gave the presentation. She emphasized that currently there are no funds available for the project. Ms. Pfeiffer said that the project is to eliminate the railroad crossing that currently crosses over Hwy 97 at Wickiup Junction. She said that Hwy 97 will move to the east of Wickiup Junction and cross over a railroad bridge. Ms. Pfeiffer said that all turns off of Burgess road will be to the right and part of the road will travel over the old Hwy 97 going south before turning onto Hwy 97 in its new location. She said they are working to get the project preparation completely done this year so if there are funds available construction work could start. Ms. Pfeiffer said at this time there are no particular plans for pedestrian crossing. She said Hwy 97 is one of ODOT's (Oregon Department of Transportation) highest priorities. Ms. Pfeiffer said a traffic study has been done for the project. Councilor McAfee asked to see the Executive Summary on the project and Ms. Pfeiffer said she would send it to her.

00:13:50

5. Public Hearing - Ordinance No. 2011-03

An Ordinance accepting and adopting the Procedures, Land Division, Zoning, Sign, and Lighting Ordinances, and Mitigation Concept Format.

a. Open Public Hearing

Mayor Mulenex opened the Public Hearing for Ordinance No. 2011-03.

b. Staff Report or Summary

Deborah McMahon, DMC Consulting Inc., read a brief statement that discussed the order of procedure for the Public Hearing Ordinance. She said this is a legislative public hearing and the City is required to obtain public input on policies such as land use plans and zoning.

Ms. McMahon also said the SDC mitigation is not truly an ordinance and will be prepared as a resolution and made available before the next Hearing.

City Manager Allen said there is no ex parte issue in a legislative process so Councilors do not have to reveal if they have discussed these zoning matters with the public.

Ms. McMahon stated that the draft ordinance describes all of the reasons the City is doing these ordinances. She said the reason they are doing these ordinances is because the City was incorporated and it needs to be able to control land use.

Ms. McMahon stated that the procedures ordinance sets out the guidelines, the process, the timing, and the notice requirements for how to handle the Hearings and process the applications. Deborah McMahon said that the land division ordinance requires certain steps be taken when a lot is subdivided. She said the zoning ordinance regulates every piece of land in the City limits by its zone and type. Ms. McMahon said that all the comments that the Council had at an earlier meeting had been incorporated into these ordinances.

Deborah McMahon said that in a discussion with Carlson's Signs they would like additional clarification for non conforming signs that would allow copy and face changes on all existing signs without a sign permit. She said this is typical for a code and nothing unusual and would not be a problem to put into the ordinance. Ms. McMahon said that Carlson's Signs also suggested that halo illuminated background letters should be allowed. She said as staff they agree with this being allowed and it is usually seen for subdivision signs. Ms. McMahon said that Carlson's Signs recommended that signage along the highway with one sign per 300 feet of a tax lot is way too wide because there are lots that are not that large. She said the City wants to make sure that all the businesses have appropriate signage. Ms. McMahon said on monument signs Carlson's Signs believes instead of 8 feet they should be 12 feet in height due to the snow level.

Ms. McMahon stated that she also received a letter from Michael Jensen who has reviewed the sign ordinance but was unable to attend tonight's meeting. He said he would like to see it more readable and have charts and graphics for better descriptions.

Ms. McMahon stated that these ordinances and codes would take effect when the City takes over the enforcement of them. She said the County does not want to have to learn new codes and do enforcement in La Pine. Ms. McMahon said she thinks it will take about a year of preparation for the

City to take over the enforcement of these ordinances. City Manager Allen said the City could probably not take over the planning program before January 1, 2012 and probably more like July 1, 2012.

47:58

Councilor McAfee stated that some cities will do the enforcement of codes and planning activities for other cities under a contract. Mayor Mullenex stated that a year seems like a long time for the zoning ordinances to go into effect. Deborah McMahon said that nuisance issues could be adopted separately. City Manager Allen suggested having the ordinances in effect sometime between January 1, 2012 and July 1, 2012.

Deborah McMahon discussed the outdoor lighting code which just had some typos that were corrected. She said that the SDC Mitigation Concept will come back as a resolution. Ms. McMahon stated that they took out the language that referred to an ordinance and essentially this mitigation concept is data that can be used for the development of La Pine's systems development charge (SDC).

Ms. McMahon recommended a continued Hearing to make any other changes or revision.

c. Public Comments

John Thomas, Planning Commissioner, suggested starting something in the form of a code or nuisance type enforcement prior to a complete change over from the County. He said a lot of citizens say they do not see tangible things being done by the City. Mr. Thomas recommended trying to make the planning department happen sooner than later.

Vicky Jackson, area resident, stated that if the City had gotten a full time City Manager, after six months of City Manager Allen's initial contract, a lot of these things would be up and running. She also said she does not understand why these ordinances will not be in effect for a year.

Mayor Mullenex replied because of the need to ramp up to actually make it an effective working planning department (code enforcement, etc.,) it would take a year.

Vicky Jackson stated that the City is putting the cart before the horse and also the City is only providing one service, road work and snow removal, to the residents.

Pat Stone, area resident, said she received permission at the Chamber to put up a temporary banner for the Relay for Life event. She said she is concerned that she may not be able to use the same banner next year when the ordinances will be in effect. Deborah McMahon stated she would contact Ms. Stone after checking with the County codes regarding banners to address her concern.

Robin Mirrasoul, area resident and business owner, stated that it was difficult to read the ordinances and maybe some kind of summary or examples could be done so the average person could understand it. City Manager Allen said staff could put in some pictures and examples so the ordinance would be easier to understand. Mayor Mullenex stated that he was in agreement to make it easier for everybody to understand the ordinances.

Deborah McMahon stated that they did put in the sign codes that there would be a quick reference chart added to the sign code after the discussion at this Hearing.

Renee Kapp, area resident, stated she has a sign company and would like to have been consulted but was pleased that Carlson's Signs was consulted. She said she found the sign ordinance was very difficult to read. Ms. Kapp said she will be writing a column in The Eagle on signage and will be consulting with Deborah McMahon on it.

d. Close Public Hearing

Mayor Mulenex closed the Hearing.

e. Council deliberations

In response to a question from Councilor McAfee, Ms. McMahon said that each ordinance will have a table of contents. Deborah McMahon recommended continuing the Hearing on the sign ordinance.

Councilor McAfee said the Hearing should be continued for all the ordinances. The Council had consensus to have all the ordinances continued to another Hearing. Councilor Varcoe said he would like the charts and examples available to the public prior to the next Hearing.

It was decided to hold the continued Hearing on May 18<sup>th</sup> at 6 pm so the public could view the ordinances with the graphics and examples included in them beforehand.

Councilor Varcoe stated that seven days for a temporary sign/banner for charitable (non profit) events is not long enough to be effective. There was also a discussion that the code requires the sign to be in good condition. Mayor Mulenex said he favored thirty days for the temporary signs/banners. Councilor Martinez favored ten days. Councilor Greiner suggested 14 days.

Councilor Varcoe said that he also had issues with signage only being allowed for events that take place inside the City which would leave the rodeo event unable to advertise in the City limits. Deborah McMahon said she would change this part of the ordinance so the rodeo and other community events could be advertised in the city limits.

Mayor Mulenex stated he could understand about having a time limit of two weeks but that the discussion should be continued at the next Hearing on May 18th.

In response to a question from Councilor McAfee, Robin Mirrasoul stated that people come in to her business to make their banners at 45 days or 60 days ahead of time and that 30 days would be a tight timeframe for most of them.

Councilor McAfee stated that as long as there is a restriction requiring the signs/banners to be taken down when the event is over that would resolve some of the problems.

It was decided that Deborah McMahon will put in a 14 day time limit for now until further discussion at the continued Hearing.

Councilor Varcoe mentioned exemptions on signs for tourism promotion be added to the sign ordinance.

**A motion was made by Councilor McAfee and seconded by Councilor Greiner to leave the Hearing open.**

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Mayor Ken Mullenex</i>	<i>X</i>	
<i>Councilor Stu Martinez</i>	<i>X</i>	
<i>Councilor Dan Varcoe</i>	<i>X</i>	
<i>Councilor Adele McAfee</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	

**Motion passed unanimously.**

01:43:09

6. Other Matters

City Manager Allen stated that Biogreen is hampered by not getting the contract on power sales agreement. He said the LUBA (Land Use Board of Appeals) appeal has been suspended by both parties. City Manager Allen said the Trip 97 partnership will cost the City of La Pine \$2,500 and he met with Redmond and Bend City Managers about this matter. (Trip 97 is to move traffic quicker from Madras to La Pine.) He also said that the Midstate Franchise has been approved by their Board of Directors and will come to the City at the May 11<sup>th</sup> Council meeting for approval. He said it will become effective on July 1<sup>st</sup>.

City Manager Allen said Cagle Road was an experiment to remove the trees and brush from it. He said first they graded it and then there were some spots that needed gravel so that was also done. City Manager Allen said that the roads are slowly getting smaller due to the growing trees and brush alongside the roads and that makes it difficult to grade. He said any work the City did would stay several feet from the buffer of the property lines. City Manager Allen said they are taking photos of each house and they will send a letter to each person in Cagle with a photo of their house. City Manager Allen said there will also be a community meeting held. He also said that ODOT will be paving downtown La Pine from the 23<sup>rd</sup> to the 27<sup>th</sup> of May. City Manager Allen said the budget is coming together but they may need to do a supplemental budget because of the remodeling of City Hall. He also said that the City will be receiving approximately \$58,000 from Cascade Gas for their underpayment of franchise fees.

01:51:45

7. Public Comments

Vicky Jackson, area resident, asked if there could be pictures of the different signs in the sign ordinance. In response to a question from Vicky Jackson, Mayor Mullenex said that letters and e-mails from the public are allowed up until the Hearing is closed on the ordinances.

John Thomas asked if the City newsletter could be used for educational purposes such as explaining where people's property lines are, etc. He said he encouraged all the Councilors to read again the Comprehensive Plan prior to the next Hearing date because that will help them make decisions.

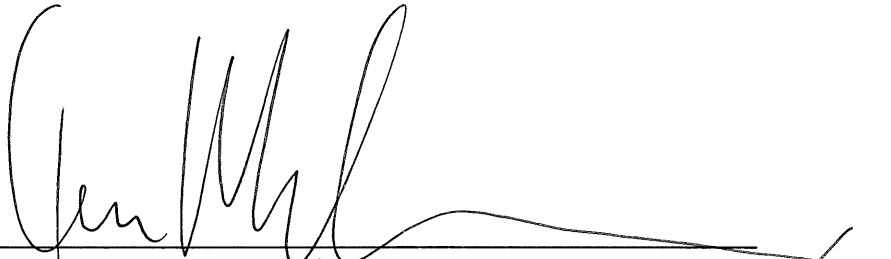
8. Adjourn Work Session

A motion was made by Councilor Varcoe and seconded by Councilor Greiner to adjourn the meeting.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Mayor Ken Mullenex</i>	<i>X</i>	
<i>Councilor Stu Martinez</i>	<i>X</i>	
<i>Councilor Dan Varcoe</i>	<i>X</i>	
<i>Councilor Adele McAfee</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	

**Motion passed unanimously.**

Mayor Mullenex adjourned the meeting at 7:57 pm.



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Mayor Ken Mullenex

Attest:



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City Manager/Recorder Rick Allen