

**AGENDA**

**REGULAR CITY COUNCIL MEETING**

September 23, 2013

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. Senior Center Update Presented by Scott Mckay
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 September 9, 2013 Regular City Council Meeting Minutes

11. PUBLIC HEARINGS

A. Continuation of Public Hearing to Receive Testimony Regarding a Re-zone Request by Karl Rozentals [**Agenda Staff Report #13-063**]

12. ACTION ITEMS

A. Special Ordinance No. 13-558 Assessing Certain Lots and Tracts of Land Within the City of The Dalles a Proportionate Share of the Cost of West First Street, Terminal Way and Bargeway Road Reconstruction Project, Phase 2 [**Agenda Staff Report #13-065**]

B. Resolution No. 13-031 Setting Forth the City's Policy for Implementation of Fair Housing Act of 1988 Amendments and the City's Fair Housing Program [**Agenda Staff Report #13-066**]

13. ADJOURNMENT

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**This meeting conducted in a handicap accessible room.**

Prepared by/  
Julie Krueger, MMC  
City Clerk



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**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OR 97058

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

**AGENDA STAFF REPORT**  
**CITY OF THE DALLES**

<b>MEETING DATE</b>	<b>AGENDA LOCATION</b>	<b>AGENDA REPORT #</b>
September 23, 2013	Consent Agenda 10, A	N/A

**TO:** Honorable Mayor and City Council

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

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

**DATE:** September 11, 2013

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

A. **ITEM:** Approval of September 9, 2013 Regular City Council Meeting Minutes.

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** The minutes of the September 9, 2013 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 September 9, 2013 regular City Council meeting.

## MINUTES

REGULAR COUNCIL MEETING  
OF  
SEPTEMBER 9, 2013  
5:30 P.M.

THE DALLES CITY HALL  
313 COURT STREET  
THE DALLES, OREGON

**PRESIDING:** Mayor Steve Lawrence

**COUNCIL PRESENT:** Bill Dick, Carolyn Wood, Dan Spatz, Tim McGlothlin, Linda Miller

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Police Chief Jay Waterbury, Engineer Dale McCabe, Senior Planner Dawn Hert, Administrative Fellow Jon Chavers

### CALL TO ORDER

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

### APPROVAL OF AGENDA

An item to approve purchase of an emergency generator was added to the agenda. It was moved by Dick and seconded by Wood to approve the agenda as amended. The motion carried unanimously.

MINUTES (Continued)  
Regular Council Meeting  
September 9, 2013  
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### **PRESENTATIONS/PROCLAMATIONS**

Mayor Lawrence read a letter of thanks from the Oregon Forestry Department, for the outstanding support by the City during the Government Flats Complex fire. Lawrence especially thanked Public Works Dave Anderson for his professionalism and dedication to the City.

#### **Presentation by North Central Public Health District Requesting Lewis and Clark Festival Park Become Tobacco Free**

Mary Gale, representing North Central Public Health Department, made a presentation, requesting the City Council to consider adoption of a policy to make the Lewis and Clark Park a tobacco free area.

It was the consensus of the Council to direct staff to investigate the matter further.

### **AUDIENCE PARTICIPATION**

Rodger Nichols, 1617 Oregon Street, said he hoped the City would not implement a tobacco free policy without taking public input. He said it seemed unfair to create a policy based on emotions.

Trish Neal, representing the Ft. Dalles Museum Foundation, reported her progress in applying for a grant to complete construction of a roof on the Anderson House barn at the museum.

Councilor Wood asked if a letter of support from the City would be helpful with the grant submittal. It was the consensus of the Council that if a letter was requested, the City would provide one.

Ms. Neal introduced members of the Foundation Board who were in attendance and thanked the City for their support and 60 years of a partnership with Wasco County to manage the museum.

Councilor Wood asked that Museum Commission meeting minutes be provided to the Council for information.

### **CITY ATTORNEY REPORT**

City Attorney Parker said he would be attending the League of Oregon Cities Conference at the end of September and said he would be on vacation the last two weeks of September.

### **CITY COUNCIL REPORTS**

Councilor Wood reported that a hearing was scheduled by the Council of Governments to consider an increase in building permit fees. She said the Historic Landmarks Commission and QLife Agency did not hold meetings in August.

Councilor McGlothlin reported that he had attended the bicycle summit meeting on August 12 and topics of concern had been identified, including the need for a program to eradicate puncture vine; sweeping gravel from bike lanes; education and safety training; promoting events; and making a bike friendly community. McGlothlin said he attended the August Airport Board meeting, where the Board discussed improving internet access, runway projects, and the bids for construction of the business park. He said he attended the August Traffic Safety Commission meeting, noting the parking at the corner of 5<sup>th</sup> and Court Streets had been eliminated to correct a vision clearance issue, had a report on the Kelly Avenue safety work being done and discussed a concern about vehicles driving the wrong direction in one-way alleys. He noted the entrance and exits on West Sixth Street would be reconfigured as part of the Goodwill store construction.

Councilor Spatz said he had attended a meeting sponsored by Representative Huffman for workforce housing and noted the Legislature may soon make funding available for attainable housing programs.

Mayor Lawrence noted City Manager Young was in Washington, D.C., representing the City on the Community Outreach Team. He said the Council had received the Wasco County report regarding roads and after reviewing, would meet again with the County Commission.

### **CONSENT AGENDA**

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

Items approved by Consent Agenda were: 1) approval of July 22, 2013 regular City Council meeting minutes; 2) approval of August 19, 2013 special City Council meeting minutes; and 3) Resolution No. 13-030 accepting a deed of dedication from Goodwill Industries.

### **PUBLIC HEARINGS**

Public Hearing to Receive Testimony Regarding Remonstrances Against the West First Street, Terminal Way, Bargeway Road Reconstruction Project, Phase II Local Improvement District

Mayor Lawrence reviewed the procedure to be followed for the public hearing.

MINUTES (Continued)  
Regular Council Meeting  
September 9, 2013  
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The staff report was reviewed by Public Works Director Anderson.

#### Testimony

No testimony was provided.

#### Council Deliberation

It was moved by Dick and seconded by Wood to direct staff to prepare an ordinance for adoption at the September 23 Council meeting, assessing certain lots and tracts of land within the City of The Dalles, a proportionate share of the cost of West First Street, Terminal Way and Bargeway Road Reconstruction Project, Phase II, by title. The motion carried; Miller opposed.

#### Public Hearing to Receive Testimony Regarding a Rezone Request by Karl Rozentals

Mayor Lawrence reviewed the procedure to be followed for the hearing.

Senior Planner Hert said staff had learned today that the public hearing notice had not been published and requested the Council to continue the hearing to the September 23 meeting, to allow time for the publication.

It was moved by Wood and seconded by McGlothlin to continue the public hearing to the September 23 City Council meeting. The motion carried unanimously.

#### **ACTION ITEMS**

#### Resolution No. 13-029 Assessing Real Properties Located at 3316 West Tenth Street, 1815 Montana Street, 1904 East 14<sup>th</sup> Street, 2429 East 12<sup>th</sup> Street, and 733 Hostetler Street for the Cost of Abatement of Junk and Hazardous Vegetation

City Attorney Parker reviewed the staff report.

It was moved by Wood and seconded by Miller to adopt Resolution No. 13-029 assessing real properties located at 3316 West Tenth Street, 1815 Montana Street, 1904 East 14<sup>th</sup> Street, 2429 East 12<sup>th</sup> Street, and 733 Hostetler Street for the cost of abatement of junk and hazardous vegetation. The motion carried unanimously.

#### Request by Port of The Dalles for Marina Water Bill Adjustment

The staff report was reviewed by City Attorney Parker.

Mayor Lawrence asked if the 50% refund was also allowed for residential customers. Public Works Director Anderson said the 50% refund for leakage issues was often provided to residential customers.

Councilor Dick said he would abstain from voting because he provided legal representation to the Port.

It was moved by McGlothlin and seconded by Spatz to approve the Port's request for refund of the May 2013 water leak usage contingent on the Port completing installation of a new water system at the Marina within 120 days. The motion carried unanimously, Dick abstaining.

Emergency Purchase of Replacement Backup Generator for Wastewater Treatment Plant

Public Works Director Anderson reviewed the staff report. He said the generator had failed last week, and with new air quality regulations being put in place, the generator would need to be replaced by 2015. He recommended replacing now, rather than spending money to make repairs for a short term. Anderson noted funds were available within the Sewer Plant Construction/Debt Service Fund for capital projects.

Mayor Lawrence asked if this item was included in the recently adopted Capital Improvement Plan. Anderson said it would be part of the improvements, but was not specifically listed as it was not one of the major items.

It was moved by Spatz and seconded by Wood to authorize the purchase of a new emergency backup generator for the Wastewater Treatment Plant in an amount not to exceed \$105,000.00. The motion carried unanimously.

**ADJOURNMENT**

Being no further business, the meeting adjourned at 6:35 p.m.

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Submitted by/  
Julie Krueger, MMC  
City Clerk

SIGNED:

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Stephen E. Lawrence, Mayor

ATTEST:

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Julie Krueger, MMC, City Clerk



## **AGENDA STAFF REPORT**

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
September 23, 2013	Public Hearings 11, A	13-063

**TO:** Honorable Mayor and City Council

**FROM:** Richard Gassman, Planning Director

**THRU:** Nolan Young, City Manager

**DATE:** September 9, 2013

**ISSUE:** Continuation of Public Hearing for Comprehensive Plan Amendment 40-13 and Zoning Ordinance Amendment 84-13 for a Parcel Measuring Approximately .226 acres, Located at 1015 Walnut Street.

**RELATED CITY COUNCIL GOAL:** N/A

**PREVIOUS AGENDA REPORT NUMBERS:** N/A

**BACKGROUND:** This matter is to be heard by the Planning Commission on August 22, 2013. A copy of the application and a copy the staff report for the Planning Commission public hearing are attached, as well as the Resolution adopted by the Commission.

**SIGNIFICANT CHANGES:** The request would change one lot of approximately .226 acres from RM – Medium Density Residential District to NC – Neighborhood Center.

**PROCESS:** The Planning Commission heard this request on August 22, 2013. The Council will hold a public hearing on September 9, 2013 for consideration and decision. If approved, staff will prepare an ordinance for Council consideration at a later meeting.

**DISCUSSION:** The request is to rezone one lot from a residential zone to a commercial zone. No comments were received prior to the Planning Commission hearing, and no one opposed the request at the hearing. No comments have been received for the Council hearing, as of the preparation of this staff report.

This property was developed commercially and has been used commercially for a number of years. We can find no records for this property which show any history of the zoning. While there is no NC zoned property in this area west of Walnut Street, there is a large amount of NC zoned property across Walnut Street. Based on the information contained in the application, the long time commercial use of this property, and from on-site visits, staff recommends that the request be approved.

**RECOMMENDATION:** Staff recommends that the City Council follow the recommendation of the Planning Commission.

**SUGGESTED MOTIONS:**

If the Council decides to approve these requests, an appropriate motion would be: *Move to direct staff to prepare an ordinance approving Comprehensive Plan Amendment 40-13 and Zoning Ordinance Amendment 84-13, as approved by the Planning Commission based upon appropriate findings of fact and conclusions of law, to be presented for adoption at a future City Council meeting.*

If the Council decides not to approve these requests, an appropriate motion would be: Move to deny Comprehensive Plan Amendment 40-13 and Zoning Ordinance Amendment 84-13, and state the reasons for the denial.

COMPREHENSIVE PLAN AMENDMENT APPLICATION

CITY OF THE DALLES
Planning Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490
www.ci.the-dalles.or.us



Date Filed 7/11/13
File#
Date Deemed Complete 7/11/13
Hearing Date Aug 1, 2013
Approval Date
Permit Log #
Other Cross Reference#

APPLICANT

LEGAL OWNER (If Different than Applicant)

Name Karl Rozentals

Name

Address 2103 E 12th St
The Dalles OR 97058

Address

Telephone # 541-298-2213 541-993-4407 Telephone #

E-mail Address nardr@gorge.net

\*If applicant is not the legal owner, attach either [1] owner consent letter, or; [2] copy of earnest money agreement, or; [3] copy of lease agreement.

PROPERTY INFORMATION

Address 1015 Walnut

Map and Tax Lot 2N 13E 33CC 1100

Size of Development Site .226 acres

Zone District/Overlay RM - Residential Medium Density

Comprehensive Plan Designation Residential Medium Density

REQUEST

[ ] New Development [ ] Expansion/Alteration [x] Change of Use [ ] Amend Approved Plan

Brief Explanation: Re-establish commercial zoning to maintain compliance with order zoning ordinance and comprehensive plan designation.

## Justification of request Comprehensive Plan Amendment Application

1. Explain the justification for the proposed Comprehensive Plan Amendment.

Within the existing comprehensive plan of Wasco County page 29 states "In order to capitalize on long-range economic and employment shifts, The Dalles will need to add to its existing supply of land for commercial uses within the UGB". Within the existing Comprehensive Plan, "small gains are provided through the use of Neighborhood Centers to allow residential and neighborhood commercial uses to develop near focal intersections in town". As of two years ago, the building and property has moved from County status to City status.

I am not sure why the zoning does not currently have the property zoned commercially since the building on this property has been used as commercial property since construction in 1967-8.

2. Describe how the proposed amendment is compatible with or will further the goals established by the community for the subject area.

Neighborhood Center Overlay Zones are intended to create transportation efficiency, pedestrian oriented locations for small business and neighborhood based services in a residential section of the city. The existing property, since construction has essentially existed as a Neighborhood center since construction. My goal would be to formalize the zoning to reflect the uses in the past and to comply with the Comprehensive Plan.

3. Describe how the Comprehensive Plan Amendment will further the interest of public health, safety, and general welfare.

The location on the West side could provide services to individuals in the west area, reducing traffic or commutes for services that might be located on the East side, for example health services, or other services that citizens might need. This might reduce environmental hazards, and provide a service for citizens that may not have a vehicle. The general welfare of the community would be improved if the citizens were able to be employed, close to work.

4. Describe the effect the proposed amendment might have on the surrounding properties.

The property has had as many 34 employees during the time I used the building, so I would think the effects would be minimal, unless the business generated additional traffic during the day, however Walnut Street is a main thorough fare and the effect should be minimal.

**ZONE CHANGE APPLICATION**

CITY OF THE DALLES  
Community Development Department  
313 Court Street  
The Dalles, OR 97058  
(541) 296-5481, ext. 1125  
Fax (541) 298-5490  
www.ci.the-dalles.or.us

Date Filed 7/11/2013  
File# \_\_\_\_\_  
Date Deemed Complete 7/11/2013  
Hearing Date 8/22/2013  
Approval Date \_\_\_\_\_  
Permit Log # \_\_\_\_\_  
Other Cross Reference# \_\_\_\_\_



**APPLICANT**

Name Karl Roertals  
Address 2103 E 12th St  
The Dalles OR 97058  
Telephone # 541-298-2213, 541-993-4407  
E-mail Address kanor@gorge.net

**LEGAL OWNER (If Different than Applicant)**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone # \_\_\_\_\_

\*If applicant is not the legal owner, attach either [1] owner consent letter, or; [2] copy of earnest money agreement, or; [3] copy of lease agreement.

**PROPERTY INFORMATION**

Address 1015 Walnut  
Map and Tax Lot 2N13E33CC1100  
Size of Development Site .224 acres  
Zone District/Overlay RM  
Comprehensive Plan Designation Residential Medium Density

**REQUEST**

- New Development     Expansion/Alteration     Change of Use     Amend Approved Plan

Brief Explanation: Re-establish commercial zone to maintain compliance with zoning ordinance and comprehensive plan designations.

## Justification of Request for re-zoning

1. What are the special circumstances (size, shape, or topography of lot, location of surroundings) that do not apply to other properties in the same vicinity and zone?

The original lot is isolated from other lots with the front (East) facing Walnut Street, the (South) facing 9<sup>th</sup> Place, the (North) facing alley. Across the street are the County storage sheds, with a wood lot on the county lot, possibly selling wood? The lot at 1015 Walnut includes a one story building (3850 Sq. feet), with a paved parking lot on the South and East side the can accommodate 18 cars. On the west side lot there is a large garage, originally built by Ed Eddie, for his re-upholstery and auto restoration shop. Ed leased the shop to another person for the same purpose until he passed away some years ago.

2. What difficulties and unnecessary hardship will be created without a zone change to the property?

The difficulty would be that the building was built for commercial use originally, and used commercial since 1968. Without the zone change the property would be worthless.

3. Explain why the Zone Change will not be detrimental to public safety, health and welfare.

The zone change would not be detrimental since it would be utilized for its original intent and has been used commercial since its construction, for 45 years.

4. Explain why this zone change, if granted, would not be contrary to the intent of the zoning ordinance.

The building has been continuously used as a commercial building; in fact I checked in 1972, about the zoning and was told that it was spot zoned commercially. In 1978, when I added on to the building for commercial use, building, electrical, and plumbing permits were approved and issued as a commercial building. Therefore with the history of the property, a zoning change would not be contrary to zoning ordinance, it would correct the zoning for what the buildings intended use was originally.

## BRIEF NARRATIVE OF THE HISTORY OF THE PROPERTY

LOCATED AT 1015 WALNUT STREET

THE DALLES OREGON

In 1972, R&R Sy-Tec Inc. was expanding the business of providing detail records for Electric Utilities, which included the existing assets of transmission, substation, distribution, secondary, service, contacts (telephone and television) to be in compliance with the Federal Energy Regulation Commission. It came to my attention the property at 1015 Walnut was for sale. At that time it was owned by Alice and Carl Linebarger, the building was built by Carl in 1967 or 8 and was known as the "Golden Cue". The business had a restaurant in the front with eight pool tables in the main building. With 2000 sq. feet we added new lighting (40 new two by four lights) and expanded the electrical capacity for future needs, the work was done by Hire Electric. The counters were removed by Carl and I, with all pool tables sold. Apparently his rock crushing business was expanding and the profit from the "Golden Cue" was not as profitable as the rock crushing business.

When I purchased the Golden Cue I checked on the zoning and it was zoned as commercial. So R&R was off to the races with its business. In 1973, R&R was asked to do a pilot project for Pacific Power and light, on one district controlled by the Portland office, R&R won the contract in 1974 with a 10 yr. renewal clause for an additional 34 districts. As the business expanded with PP&L and other utilities in the mix, we were growing out of space.

PP&L was expanding the contract, so we decide expand on our existing location, and in 1977 we added an additional 1850 sq. feet to facilitate the 34 employees that we needed to complete the existing contract that we had. In 1978 I felt the world was changing so we needed to change and computerize as much as possible, so we bought a Data General computer and started to write code with the intent of automating all redundant repetitive activities our company was doing. Two years later we added a large IBM system, and the following year we added a large HP system. All of the systems were eventually located in the new side of the building since we had planned for expansion when we added on in 1977.

Since our conversion to automated system we averaged 15 to 20 employees, until I retired and sold my software in 2008. In 2009 I converted the bath room to handicapped, replaced the carpets with tile and commercial flooring, painted the interior and exterior and rented the building to Renew Consulting, a company that provided rehabilitation to the State of Oregon. With the economic turn down and budget cuts from the state they opted to scale down in The Dalles and now the building is vacant.

In closing I was not aware nor was I notified of the change in zoning, since the building was built as a commercial entity and I have owned the building since 1972, I assumed the designation of the building to still be commercial. I would like to confirm the original designation and continuous use as commercial site to provide the community employment, taxes, and use in line with its original objective, a good building with ample parking, that is not eye sore as is the county property across the street.

**City of The Dalles**

**Staff Report to the Planning Commission**

**Comprehensive Plan Amendment No. 40-13  
Zone Change Amendment No. 84-13**

**Karl Rozentals**

Prepared by: Richard Gassman, Director 

Procedure Type: Quasi-Judicial

Hearing Date: August 22, 2013

Assessor's Map: 2N 13E 33CC tax lot 1100

Address: 1015 Walnut Street

Comprehensive Plan  
Designation: "RM" Medium Density Residential

Zoning District: "RM" Medium Density Residential

City Limits: Inside

Request: To change the Comprehensive Plan Map and Zoning Ordinance Map from RM – Medium Density Residential to NC- Neighborhood Center Overlay District.

**BACKGROUND INFORMATION**

This is a single tax lot located on the west side of Walnut Street. All lots on the west side of Walnut in this area are zoned RM. Across Walnut Street the properties are zoned NC Overlay. This property is developed with a commercial building that has been on site and used commercially for a number of years, estimated at 1967 or 1968 by the applicant. The City has no information on when the building was constructed. It has been used commercially since construction.

## NOTIFICATION

Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes were mailed a notice on July 31, 2013, as required by Sections 3.100.020 B. 1. and 3.020.050 D. An additional notice was published in The Dalles Chronicle on August 11, 2013. The Department of Land Conservation and Development was also notified because this request involves a Post-Acknowledgement Plan Amendment.

## COMMENTS

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

## REVIEW

### A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

#### Section 3.010.040 Applications

##### **B. Completeness.**

**FINDING A-1:** The applications were found to be complete on July 11, 2013. The 120-day State mandated decision deadline is November 8, 2013. The hearing is within the required time line. Criterion met.

#### Section 3.020.050 Quasi-Judicial Actions

- A. *Decision types. 9. Zone Changes. 10. Comprehensive Plan Changes as part of the general authority of the Commission.*

**FINDING A-2:** This application is for a Zone Change per section 3.100 of the Land Use and Development Ordinance (LUDO) and a Comprehensive Plan Map change per Goal #2, Land Use Planning, of the Comprehensive Plan. The hearings are combined because the issues are essentially the same for both requests. Criterion met.

- B. *Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action, which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.*

**FINDING A-3:** The staff report will detail criteria and standards relevant to a decision, all facts will be stated, and explanations given. This will be detailed through a series of findings directly related to relevant sections and subsections of the ordinance as they relate to this request. Criterion met.

- C. *Public Hearings. The quasi-judicial process requires a public hearing within 45 days from the date the application is deemed complete. The application was deemed complete on July 11, 2013. The 45 day period ends on August 25, 2013.*

**FINDING A-4:** The first public hearing is scheduled for August 22, 2013. Criterion met.

D. *Notice of Hearing.* Notice of hearing is required to be sent at least 10 days prior to the hearing.

**FINDING A-5.** Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on July 31, 2013. A notice was published in the local paper on August 11, 2013. The required 45-day notice was sent to DLCD on July 17, 2013. Criterion met.

### **Section 3.100.030 Review Criteria**

A Zone Change shall be granted if the following criteria are met:

A. *Conformance.* The proposed Zone Change conforms to the Comprehensive Plan and all other provisions of this Ordinance.

**FINDING A-6:** The request is to change the zoning map and the comprehensive plan map which will make the zone change conform to the comprehensive plan map. Criterion met, if approved.

B. *Suitability.* The site is adequate in size and shape for uses normally allowed by the proposed zone.

**FINDING A-7:** The property is approximately 2.26 acres. This is adequate in size and shape for commercial purposes. In addition, the land is already developed with a commercial use which has been operating on site for a number of years. Criterion met.

C. *Streets and Traffic.* The site is, or will be, adequately served by streets for the type and volume of traffic generated by uses that may be permitted in the new zone.

**FINDING A-8:** The property is served by Walnut Street to the east and 9<sup>th</sup> Place to the south. These streets provide adequate access for a site of this size. Criterion met.

D. *Adverse Effect.* The proposed Zone Change shall have minimal adverse effect on existing and future surrounding development.

**FINDING A-9:** The uses allowed in the NC zone should not have an adverse effect on any of the surrounding properties. The properties across Walnut to the east are already zoned NC. The remainder of the surrounding properties are zoned RM, but this property has been in use commercially since its construction more than 40 years ago. Criterion met.

## B. COMPREHENSIVE PLAN

The Comprehensive Plan was adopted in 1994.

*Goal 2 allows that a property owner may initiate changes to the Comprehensive Plan.*

**FINDING B-1:** This application has been approved by the property owner. Criterion met.

*Property owner initiated changes are processed using the quasi-judicial process.*

**FINDING B-2:** The quasi-judicial process is being used for this request. Criterion met.

*Goal 2, policy 5 includes the following review criteria for Comprehensive Plan amendments:*

- a. Compliance with the statewide land use goals and related administrative rules.*
- b. Conformance with the Comprehensive Plan goals, policies and implementation measures.*
- c. The change will not adversely affect the health, safety and welfare of the community.*
- d. Adequate public facilities, services and transportation networks are in place, or are planned to be provided with the proposed change.*
- e. Plan changes will be consistent with the vision.*

**FINDING B-3:** There is nothing in the requested change that violates any of these policies. Criterion met.

## DISCUSSION

It is unknown how this property came to be located on land that is zoned residential. There are several possible explanations, but nothing to support any of them. In any event, as it now exists, the property is nonconforming and would be subject to Section 3.090 of the LUDO. These provisions restrict what would be allowed in the building.

Staff supports this request as a long time existing commercial use on a lot that is across the street from a large NC Overlay zoned area.

## RECOMMENDATION

The Planning Commission's role is to forward a recommendation on the request to the City Council. The Commission may recommend approval or denial. The City Council will hold another public hearing and make a final decision.

Staff recommends approval of this application requesting a rezone from RM to NC for the lot located at 1015 Walnut Street, also known as 2N 13E 33 CC lot 1100.

## RESOLUTION NO. P.C. 533-13

Recommending approval of Comprehensive Plan Amendment #40-13 and Zone Change Ordinance #84-13, proposing a change to the Comprehensive Plan Map and Zoning Ordinance Map from RM – Medium Density Residential to NC-Neighborhood Center Overlay District.

**WHEREAS**, on August 22, 2013 the Planning Commission of the City of The Dalles conducted a public hearing to consider a request for approval of Comprehensive Plan Amendment #40-13 and Zone Change Ordinance #84-13; and

**WHEREAS**, the Planning Commission has considered the public testimony, and reviewed the proposed legislative amendment, and has considered the information in the staff report, including proposed findings of fact and conclusions of law; and

**WHEREAS**, based upon the information in the staff report, including the proposed findings of fact and conclusions of law, which are hereby incorporated herein by this reference, and the public testimony presented during the public hearing, the Planning Commission voted to recommend that the City Council approve Comprehensive Plan Amendment #40-13 and Zone Change Amendment #84-13.

### **NOW, THEREFORE, THE PLANNING COMMISSION RESOLVES AS FOLLOWS:**

**Section 1.** The Planning Commission recommends that the City Council of the City of The Dalles approve Comprehensive Plan Amendment #40-13 and Zone Change Amendment #84-13.

**Section 2.** 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 22<sup>nd</sup> DAY OF AUGUST, 2013.

  
\_\_\_\_\_  
Bruce Lavier, Chairman  
Planning Commission

  
Chris Zukin, Acting Chair

I, Richard Gassman, Planning Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 22<sup>nd</sup> of August, 2013.

AYES: Zukin, Poppoff, Whitehouse, Zingg, Stiles

NAYS: None

ABSENT: Lavier, Raschio

ABSTAIN: None

ATTEST: Richard Gassman  
Richard Gassman, Planning Director  
City of The Dalles



**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OR 97058

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

**AGENDA STAFF REPORT**  
**CITY OF THE DALLES**

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
September 23, 2013	Action Items 12, A	13-065

**TO:** Honorable Mayor and City Council

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

**THROUGH:** Nolan Young, City Manager

**DATE:** September 11, 2013

**ISSUE:** Special Ordinance No. 13-558 Assessing Certain Lots and Tracts of Land Within the City of The Dalles a Proportionate Share of the Cost of West First Street, Terminal Way and Bargeway Road Reconstruction Project, Phase 2.

**BACKGROUND:** The public hearing for remonstrances against the proposed assessments was held by the City Council on September 9, 2013. One remonstrance was received prior to the hearing. No testimony was provided and the City Council voted to proceed with adoption of the assessment ordinance.

**BUDGET IMPLICATIONS:** Revenue collected from the assessments will be credited to the Special Assessment Fund.

**ALTERNATIVES:**

- A. Staff Recommendation: *Move to adopt Special Ordinance No. 13-558 Assessing Certain Lots and Tracts of Land Within the City of The Dalles a Proportionate Share of the Cost of West First Street, Terminal Way and Bargeway Road Reconstruction Project, Phase 2.***

- B. Decline to adopt the Ordinance. This option would result in the City being unable to collect the assessments.
- C. Make amendments to assessments contained in the Ordinance, based on remonstrances received.

**SPECIAL ORDINANCE NO. 13-558**

**AN ORDINANCE ASSESSING CERTAIN LOTS AND TRACTS OF LAND WITHIN THE CITY OF THE DALLES, A PROPORTIONATE SHARE OF THE COST OF WEST FIRST STREET, TERMINAL WAY AND BARGEWAY ROAD RECONSTRUCTION PROJECT, PHASE 2**

**WHEREAS**, the City Council has heretofore announced its intent to improve, called for remonstrances, held a hearing, formed an improvement district, declared its intent to improve, received a report of the engineer, given notice of the proposed assessments and held a hearing on the proposed assessments related to the West First Street, Terminal Way and Bargeway Road reconstruction project, phase 2, all as provided by law; and

**WHEREAS**, the proposed improvements have been completed at a cost of \$1,261,093.06 of which \$944,518.89 is to be divided and assessed among the properties, lots and tracts of land within the district according to the method of assessment proposed in the approved report of the City Engineer; **NOW, THEREFORE**,

**THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:**

Section 1. Assessment. The cost of the West First Street, Terminal Way and Bargeway Road Reconstruction project assessable to properties, lots and tracts of land benefitted within the improvement district is assessed upon each property, lot or tract in its proportionate share of the total assessable project cost as set out in the assessment roll which follows:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
MK Properties, LLC c/o KJ Morgan LLC 1402 12 <sup>th</sup> Street Hood River, OR 97031	2N 13E 33A #601	\$ 34,932.31
Edward & Jessica DevLaeminck PO Box 966 The Dalles, OR 97058	2N 13E 33A #600	\$ 7,913.76

Veta Bingman PO Box 654 The Dalles, OR 97058	2N 13E 33A #700	\$ 7,913.76
Port of The Dalles c/o Mid-Columbia Producers Inc. PO Box 344 Moro, OR 97039	2N 13E 33D #100 2N 13E 33A #900 L 1	\$170,490.23
Mid-Columbia Producers Inc. PO Box 344 Moro, OR 97039	2N 13E 33D #103	\$103,316.11
BT Property LLC Prop Tax Dept PO Box 28606 Atlanta, GA 30358-0606	2N 13E 33DB #100	\$102,920.80
James & Karen Broehl 318 West 12 <sup>th</sup> Street The Dalles OR 97058	2N 13E 33DB #200	\$ 40,664.05
Heritage Operating LP c/o Tom Armbruster PO Box 6789 Helena ,MT 59604	2N 13E 33DB #300	\$ 27,705.02
RIS Rents LLC 806 SW Westwood Dr Portland, OR 97239	2N 13E 33DB #700	\$ 93,449.29
Arthur V Braun c/o Waste Connections #2044 10001 Woodloch Forest Dr Ste #400 The Woodlands TX 77380	2N 13E 33DB #600	\$ 95,296.12
Hank Brace 801 W Second Street The Dalles, OR 97058	2N 13E 33DB #500	\$ 28,296.37
H & N Building c/o Hewitt Hillis 1505 W First Street The Dalles, OR 97058	2N 13E 33DB #400	\$ 0

CMS 210 Webber LLC c/o DS 210 Webber LLC 6605 University Avenue Middleton, WI 53562	2N 13E 33DB #1200	\$ 56,074.90
Pepsi Cola Bottling The Dalles c/o Elaine Walch PO Box 1547 The Dalles, OR 97058	2N 13E 33DB #1100	\$175,546.17

The legal descriptions for the above-listed properties are set forth in Exhibit "A".

**TOTAL FINAL ASSESSMENT** **\$944,518.89**

Section 2. Docket Entry. Upon passage of this Ordinance and its approval by the Mayor, the City Clerk is instructed and directed to enter in the Docket of City Liens the following matters in relation to the assessments:

- a. The foregoing legal description of the property assessed.
- b. The name of the owner or owners or a statement that the owner is unknown.
- c. The sum assessed upon each lot or tract of land.
- d. The date of the docket entry.

Section 3. Notices/Collection of Assessments. The City Clerk is hereby directed to give notice of the foregoing assessment by publication in the manner provided for by Section 9 of General Ordinance No. 91-1127 which notice shall be substantially in the form of Exhibit B attached hereto and by this reference made a part hereof. At the time of publication the City Clerk shall also cause a notice of collection of assessment to be mailed to the owner of each lot or tract of land at the owners last known address. The mailed notice shall conform to the requirements of Section 9 of General Ordinance No. 91-1127. The Clerk shall thereafter diligently proceed to collect the assessed amounts in the manner provided for by law.

Section 4. Effective Date. This ordinance shall be effective 30 days after adoption, October 23, 2013.

**PASSED AND ADOPTED THIS 23rd DAY OF SEPTEMBER, 2013**

Voting Yes, Councilors: \_\_\_\_\_  
Voting No, Councilors: \_\_\_\_\_  
Absent, Councilors: \_\_\_\_\_  
Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 23RD DAY OF SEPTEMBER, 2013**

SIGNED: \_\_\_\_\_  
Stephen E. Lawrence, Mayor

ATTEST: \_\_\_\_\_  
Julie Krueger, MMC, City Clerk

**EXHIBIT "A"**  
**SPECIAL ORDINANCE NO. 13-558**

**2N 13E 33A Tax Lot 601**

Parcel 1 of Partition Plat Number 2007-37 recorded August 9, 2007 under Microfilm No. 2007004155, Records of Wasco County, State of Oregon, being a portion of Section 33, Township 2 North, Range 13 East of the Willamette Meridian, County of Wasco, State of Oregon.

**2N 13E 33A Tax Lot 600**

Parcel 2 of Partition Plat Number 2007-37 recorded August 9, 2007 under Microfilm No. 2007004155, Records of Wasco County, State of Oregon, being a portion of Section 33, Township 2 North, Range 13 East of the Willamette Meridian, County of Wasco, State of Oregon.

**2N 13E 33A Tax Lot 700**

Lot 7B of the Partition Plat No. 93-0038, recorded November 10, 1993, as Microfilm No. 935225 of Lot 7, Block 2, THE DALLES INDUSTRIAL CENTER, Subdivision No. 1, in the County of Wasco, and State of Oregon.

**2N 13E 33D Tax Lot 100**

Township 2 North, Range 13 East of the Willamette Meridian, Section 33, THE DALLES INDUSTRIAL CENTER, Subdivision No. 1, Lot 8, Block 2.

**2N 13E 33A Tax Lot 900 L1**

Township 2 North, Range 13 East of the Willamette Meridian, Section 33, THE DALLES INDUSTRIAL CENTER, Subdivision No. 1, a portion of Lot 8, and all of Lot 9, Block 2.

**2N 13E 33D Tax Lot 103**

Lot 10, Block 2, THE DALLES INDUSTRIAL CENTER, Subdivision No. 1, in the City of The Dalles, County of Wasco, and State of Oregon.

**2N 13E 33DB Tax Lot 100**

Lots 1 and 2 of Block 1 of THE DALLES INDUSTRIAL CENTER, Subdivision No. 1, in the City of The Dalles, County of Wasco, and State of Oregon, also described as:

A tract of land in Section 33, Township 2 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, more particularly described as follows:

Beginning at a three inch diameter aluminum cap in concrete, said point being the Northeasterly corner of Webber Road and West 1<sup>st</sup> Street; said point further being North 2,280.57 feet and West 2,372.38 feet from the Southeast corner of said Section 33; thence North 47 degrees 52'48" East along the Westerly right-of-way of said Webber Road 395.22 feet; thence along the arc of a 65 foot radius curve right 99.07 feet (the long chord of which bears South 88 degrees 27'22" East 89.76 feet) ; thence along the Southerly right-of-way of Bargeway Road South 44 degrees 47'32" East 204.33 feet; thence South 45 degrees 14'24" West 394.54 feet; thence South 08 degrees 12'59" West 98.13 feet to the Northerly right-of-way of West 1<sup>st</sup> Street; thence North 42 degrees 07'24" West along the said Northerly right-of-way of West 1<sup>st</sup> Street 346.88 feet to the point of beginning.

**2N 13E 33DB Tax Lot 200**

Lot 3 , Block 1, THE DALLES INDUSTRIAL CENTER, Subdivision No. 1, in the City of The Dalles, County of Wasco, and State of Oregon.

**2N 13E 33DB Tax Lot 300**

Parcel 3, Partition Plat Number 91-1103 filed August 2, 1991, located in Section 33, Township 2 North, Range 13 East of the Willamette Meridian, in the City of The Dalles, County of Wasco, and State of Oregon.

**2N 13E 33DB Tax Lot 700**

A tract of land in Section 33, Township 2 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, more particularly described as follows:

Commencing at a point on the Northerly right-of-way of First Street (Bargeway Road), said point being 292 feet North and 43 feet East of the Southeast corner of Government Lot 9 of said Section 33; thence North 44 degrees 54'00" East 427.33 feet to the Northeast corner of that property described in Wasco County Microfilm Records No. 77-3598; thence continuing North 44 degrees 54' 00" East 58. 63 feet; thence North 45 degrees 06' 00" West 460.00 feet to the true point of beginning of this description; thence continuing North 45 degrees 06' 00" West 379.90 feet; thence South 44 degrees 54' 00" West 229.32 feet; thence South 45 degrees 06' 00" 379.90 feet; thence North 44 degrees 54' 00" East 229.32 feet to the point of beginning.

Also to be known as Lot 4, Block 1, when the Plat of THE DALLES INDUSTRIAL CENTER SUBDIVISION NO. 1 is filed.

Contains 2.00 acres, more or less.

**2N 13E 33DB Tax Lot 600**

Lot 5 , Block 1, THE DALLES INDUSTRIAL CENTER, Subdivision No. I, in the City of The Dalles, County of Wasco, and State of Oregon.

**2N 13E 33DB Tax Lot 500**

Parcel 2, Partition Plat Number 91-1103, according to the Plat thereof, recorded August 2, 1991, in Wasco County, being a portion of Lot 2, in Section 33, Township 2 North, Range 13 East of the Willamette Meridian, Wasco County, State of Oregon.

**2N 13E 33DB Tax Lot 400**

Parcel 1, Partition Plat Number 91-1103, filed August 2, 1991, Wasco County Records, and being situated in the Southeast quarter of Section 33, Township 2 North, Range 13 East of the Willamette Meridian, in the County of Wasco, and State of Oregon.

**2N 13E 33DB Tax Lot 1200**

A tract of land in Government Lot 2, Section 33, Township 2 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, more particularly described as follows:

Commencing at a point on the Northerly right-of-way line of the Union Pacific Railroad and on the Southerly line of that tract of land described in Wasco County Deed Records, Book 151, Page 51, said point further being South 834.3 feet and East 308.6 feet from the Northwest corner of said Government Lot 2; thence North 63 degrees 17' 00" West along said Union Pacific Railroad right-of-way 76.45 feet to the true point of beginning of this description; thence continuing North 63 degrees 17' 00" West along said Northerly right-of-way of the Union Pacific Railroad 266.20 feet to the Southwesterly right-of-way of the relocated Webber Road; thence North 47 degrees 36' 00" East along the Southwesterly right-of-way of said Webber Road 356.50 feet to the Southerly right-of-way of Bargeway Road; thence South 42 degrees 22" 00" East along the Southerly right-of-way of Bargeway Road 200.22 feet to the centerline of the vacated Old Webber Road; thence South 75 degrees 52' 00" West along said centerline 63.44 feet; thence South 26 degrees 43' 00" West 220.23 feet to the point of beginning.

**2N 13E 33DB Tax Lot 1100**

Commencing at a point on the Northerly right-of-way line of the Union Pacific Railroad, said point being South 834.3 feet and East 308.6 feet from the Northwest corner of Government Lot 2; thence North 63 degrees 17' West along said railroad right-of-way 76.45 feet; thence North 26 degrees 43' East 220.23 feet; thence North 75 degrees 52' East 63.44 feet; thence South 42 degrees 22' East 151 feet, more or less; thence South 6 degrees 51' East 252.7 feet, more or less, to said Northerly railroad right-of-way line; thence North 63 degrees 17' West 260 feet to the point of beginning.

Also that portion of vacated Terminal Avenue.

Also a tract of land in Government Lot 2, Section 33, Township 2 North, Range 13 East, Willamette Meridian, Wasco County, being more particularly described as follows:

Beginning at a point at the intersection with the centerline of the vacated Terminal Avenue, and

the Northerly right-of-way of the Union Pacific Railroad, said point being 951.7 feet South and 540.9 feet East of the Northwest corner of said Government Lot 2, said point further being 50.0 feet North when measured at right angles from the centerline of the Union Pacific Railroad right-of-way; thence North 06 degrees 51' 00" West along the said centerline of the vacated Terminal Avenue 239.93 feet to the Southwesterly right-of-way of West First Street, said point being 30.0 feet South when measured at right angles from the centerline of said West First Street; thence South 42 degrees 21' 48" East along the said Southwesterly right-of-way of West First Street 576.27 feet; thence parallel with the centerline of said vacated Terminal Avenue South 06 degrees 51' 00" East 49.14 feet, more or less, to the intersection with the Northeasterly right-of-way of the said Union Pacific Railroad, said point being 50.0 feet when measured at right angles from said centerline; thence Northwesterly along the said Union Pacific Railroad right-of-way 440 feet, more or less, to the point of beginning.

Said parcel measures a total of 2.93 acres, more or less.

**Exhibit B for Special Ordinance No. 13-558**

**NOTICE OF COLLECTION OF ASSESSMENT**

Notice is hereby given that the City Council for the City of The Dalles has assessed the cost of the assessments for the West First Street, Terminal Way and Bargeway Road Reconstruction Project, Phase 2, in the City of The Dalles, Oregon, on each lot, parcel and part thereof benefitted in the improvement district, with the proportionate share of that part of the cost. The assessment was entered in the Docket of City Liens on September 30, 2013, as follows:

<u>Name and Address</u>	<u>Description</u>	<u>Final Assessment</u>
MK Properties, LLC c/o KJ Morgan LLC 1402 12 <sup>th</sup> Street Hood River, OR 97031	2N 13E 33A #601	\$ 34,932.31
Edward & Jessica DevLaeminck PO Box 966 The Dalles, OR 97058	2N 13E 33A #600	\$ 7,913.76
Veta Bingman PO Box 654 The Dalles, OR 97058	2N 13E 33A #700	\$ 7,913.76
Port of The Dalles c/o Mid Columbia Producers Inc. PO Box 344 Moro, OR 97039	2N 13E 33D #100 2N 13E 33A #900 L 1	\$170,490.23
Mid Columbia Producers Inc. PO Box 344 Moro, OR 97039	2N 13E 33D #103	\$103,316.11
BT Property LLC Prop Tax Dept PO Box 28606 Atlanta, GA 30358-0606	2N 13E 33DB #100	\$102,920.80
James & Karen Broehl 318 West 12 <sup>th</sup> Street The Dalles OR 97058	2N 13E 33DB #200	\$ 40,664.05
Heritage Operating LP c/o Tom Armbruster PO Box 6789 Helena ,MT 59604	2N 13E 33DB #300	\$ 27,705.02
RIS Rents LLC 806 SW Westwood Dr Portland, OR 97239	2N 13E 33DB #700	\$ 93,449.29

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Hank Brace 801 W Second Street The Dalles, OR 97058	2N 13E 33DB #500	\$ 28,296.37
H & N Building c/o Hewitt Hillis 1505 W First Street The Dalles, OR 97058	2N 13E 33DB #400	\$ 0
CMS 210 Webber LLC c/o DS 210 Webber LLC 6605 University Avenue Middleton, WI 53562	2N 13E 33DB #1200	\$ 56,074.90
Pepsi Cola Bottling The Dalles c/o Elaine Walch PO Box 1547 The Dalles, OR 97058	2N 13E 33DB #1100	\$175,546.17
<b>TOTAL FINAL ASSESSMENT</b>		<b>\$944,518.89</b>

Notice is further given that if within twenty days from the date of first publication of this notice which is September 30, 2013, the sum assessed on any lot, parcel or part, as set forth in this notice, is not paid to the City Clerk, the City may thereafter proceed to foreclose the assessment lien on said property according to law.

Notice is further given pursuant to Oregon law and City ordinances, that the owner of any property so assessed in the sum of \$25 or more, may at any time within twenty days after notice is first published, file with the City Clerk a written application to pay the assessment in installments. The installments may be paid over a period of not less than ten years. An owner has an option to file a written election to have the assessment payable over a period of less than ten years. The application may be obtained from the City Clerk on request. However, the amount remaining unpaid on the assessment may not be bonded for payment in installments if the amount remaining unpaid, together with the unpaid balance of any previous assessments for improvements against the same property equals or exceeds double the assessed valuation of the property as shown by the last tax roll of Wasco County, Oregon.

CITY OF THE DALLES  
Julie Krueger, MMC  
City Clerk



## CITY OF THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122  
FAX (541) 296-6906

# AGENDA STAFF REPORT

## CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
September 23, 2013	Action Items 12, B	13-066

**TO:** Honorable Mayor and City Council

**FROM:** Gene E. Parker, City Attorney

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

**DATE:** September 11, 2013

**ISSUE:** Resolution No. 13-031, setting forth the City's policy for implementation of the Fair Housing Amendments Act of 1988.

**RELATED CITY COUNCIL GOAL:** None.

**PREVIOUS AGENDA REPORT NUMBERS:** #13-019.

**BACKGROUND:** On August 2, 1993, the City Council adopted Resolution No. 93-056 setting forth the City's policy for implementation of the Fair Housing Amendments Act of 1988 and to establish a Fair Housing Program. The adoption of this resolution was part of the process of the City applying for funding assistance under the Community Development Block Grant Program for assistance in addressing the City's housing issues.

The City recently received a Community Development Block Grant for implementation of the Mid-Columbia Home Repair Program for Wasco, Hood River, and Sherman Counties. The state of Oregon is prepared to begin the process of approving draw down requests for this grant program. In order to process requests for the draw down payments, the state has advised the City that the City needs to adopt an updated Fair Housing Resolution. Enclosed with this staff

report is a proposed updated Fair Housing Resolution for the Council's review and approval. The updated resolution is based upon language recommended by the state of Oregon.

**BUDGET IMPLICATIONS:** None.

**ALTERNATIVES:**

Staff Recommendation. *Move to adopt Resolution No. 13-031.*

**RESOLUTION NO. 13-031**

**A RESOLUTION SETTING FORTH THE CITY'S POLICY FOR IMPLEMENTATION OF THE FAIR HOUSING AMENDMENTS ACT OF 1988**

**WHEREAS**, on August 2, 1993 the City Council adopted Resolution No. 93-056 setting forth the City's policy for implementation of the Fair Housing Amendments Act of 1988 and to establish a Fair Housing Program; and

**WHEREAS**, the City was the recent recipient of a Community Development Block Grant for the implementation of the Mid-Columbia Regional Home Repair Program for Wasco, Hood River, and Sherman Counties; and

**WHEREAS**, in order to process requests for draw down payment under the grant, the City is required to adopt a new resolution reaffirming its policy for support of the Fair Housing Amendments Act of 1988 and the City's Fair Housing Program; and

**WHEREAS**, The City of The Dalles reaffirms that discrimination in the sale, rental, lease, advertising of sale, rental or lease, financing of housing or land to be used for construction of housing, or in the provision of brokerage or rental services because of race, color, religion, sex, disability (physical or mental), familial status (children), or national origin is prohibited by Title VIII of the Federal Fair Housing Amendments Act of 1988; and

**WHEREAS**, It is the policy of The City of The Dalles to support the Fair Housing Amendments Act of 1988 and to implement a Fair Housing Program to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, disability (physical and mental), familial status (including (1) children, and (2) actual or perceived sexual orientation, Gender identity or marital status or its members), or national origin.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

Section 1. Within the resources available to the City through city, county, state, federal and community volunteer sources, the City will assist all persons who feel they have been discriminated against because of race, color, religion, sex, disability (physical and mental), familial status (children)

or national origin in the process of filing a complaint with the Oregon Civil Rights Division or the U.S. Department of Housing and Urban Development, Seattle Regional Office Compliance Division, that they may seek equity under federal and state laws.

Section 2. The City shall publicize this Resolution and through this publicity shall cause real estate brokers and sellers, private home sellers, rental owners, rental property managers, real estate and rental advertisers, lenders, builders, developers, home buyers and home or apartment renters to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances.

Section 3. The Fair Housing Program, for the purpose of informing those affected of their respective responsibilities and rights concerning Fair Housing law and complaint procedures, will at a minimum include, but not be limited to: 1) the printing, publicizing and distribution of this Resolution; 2) the distribution of posters, flyers, pamphlets and other applicable Fair Housing information provided by local, state and federal sources, through local media of community contacts; and 3) the publicizing of locations where assistance will be provided to those seeking to file a discrimination complaint.

Section 4. This Resolution shall take effect on September 23, 2013.

**PASSED AND ADOPTED THIS 23<sup>RD</sup> DAY OF SEPTEMBER, 2013**

Voting Yes, Councilors: \_\_\_\_\_  
Voting No, Councilors: \_\_\_\_\_  
Absent, Councilors: \_\_\_\_\_  
Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 23<sup>RD</sup> DAY OF SEPTEMBER, 2013**

\_\_\_\_\_  
Stephen E. Lawrence, Mayor

ATTEST:

\_\_\_\_\_  
Julie Krueger, MMC, City Clerk