

**Revised**  
**LA PINE CITY COUNCIL SPECIAL MEETING AGENDA**  
Wednesday, May 18, 2011  
6:00 pm  
Special Meeting and Public Hearing  
51340 Highway 97, La Pine, Oregon 97739  
South County Building Meeting Room

1. Call to Order
2. Roll Call
3. Pledge of Allegiance.
4. 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.
5. Continuation of Public Hearing – Ordinance 2011-03  
An Ordinance accepting and adopting the Procedures, Land Division, Zoning, Signs and Lighting Ordinances and Mitigation Concept format.  
  
Resolution No. 2011-08 - A Resolution Approving the Principle the General Methodology Described in SCD Mitigation Concept Document
  - 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

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

**Revised**  
**LA PINE CITY COUNCIL SPECIAL MEETING MINUTES**

Wednesday, May 18, 2011

6:00 pm

Special Meeting and Public Hearing  
51340 Highway 97, La Pine, Oregon 97739  
South County Building Meeting Room

1. Call to Order

The meeting was called to order at 6:05 by Mayor Mulenex.

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. Pledge of Allegiance.

Doug Ward led the Pledge of Allegiance.

4. 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.

4a) Proclamation for Captain James Palmer of the La Pine Rural Fire District.

Mayor Mulenex read the Proclamation requesting that the United States and State of Oregon flags in La Pine be flown at half staff on Saturday, June 21<sup>st</sup> in honor of Captain Palmer who was recently killed in a traffic accident.

**A motion was made by Councilor Varcoe and seconded by Councilor McAfee to approve the Proclamation in honor of Captain James Palmer of the La Pine Rural Fire District.**

| <i>Vote as follows:</i>       | <i>AYE</i> | <i>NAY</i> |
|-------------------------------|------------|------------|
| <i>Mayor Ken Mulenex</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 Mulenex stated that the Friends of La Pine clean-up day on Saturday had been partially postponed on all the southern streets that will be involved in the memorial service. He said there will be another time when those streets will be cleaned up by the Friends of La Pine.

00:04:56

5. Continuation of Public Hearing – Ordinance 2011-03  
An Ordinance accepting and adopting the Procedures, Land Division, Zoning, Signs and  
Lighting Ordinances and Mitigation Concept format.

Resolution No. 2011-08 - A Resolution Approving the Principle the General Methodology  
Described in SCD Mitigation Concept Document

a. Open Public Hearing

Mayor Mulenex opened the Public Hearing.

b. Staff Report or Summary

Deborah McMahon stated that changes from the last meeting had been done on all the documents. She said that there is now pagination on all documents, typos have been removed and a legislative format had been inserted as well as a table of contents. She also said there were now quickie charts, particularly in the sign ordinance, to make it more understandable.

Ms. McMahon stated that the ordinances had been reviewed by the City Attorney for any legal requirements for each of the codes. She said that Exhibit A describes why the City meets all the state and local planning requirements. She said the map is Exhibit E and will be attached to the ordinance itself.

Ms. McMahon stated that in the sign code there are many graphics showing which type of sign is being reviewed. She said more types of signs will now be exempt from the requirements. Ms. McMahon said that they had cleaned up the chart in the lighting code. She said there is now an additional exemption to the sign code ordinance. Ms. McMahon stated that if a member of the public was to ask the Planning Commission for relief there would need to be extra flexibility when it comes to interpreting the sign code. Ms. McMahon said that notice will be given to the property owners within 100 feet of where the exception sign would be placed.

c. Public Comments

Mayor Mulenex opened the Public Comments.

Bob Cox, area resident, stated he would like to see his Edward Jones sign on the front of the building facing Highway 97 but was not permitted to by the County. Deborah McMahon stated that until the codes are under the full jurisdiction of the City, the signage would be subject to Deschutes County sign requirements.

Robin Mirrasoul, area resident and local business owner, stated that she does not want to see the City have such strict requirements that it interferes with good communication from businesses to the public. She said the current proposed code allows for only one banner per event. Ms. Mirrasoul said

the requirements for a 16 square foot sign would make many of the current Church signs out of compliance. She asked for Deborah McMahon to come to a Chamber Breakfast and educate the business owners so they will be in compliance with the sign ordinance. Ms. McMahon said that in regard to the Church sign code there are a certain number of years before those signs would be out of compliance. She also said that a lot of the restrictions in the City sign codes are similar to the codes of the County that have just not been enforced in La Pine. McMahon said that the exemption process is the best way to deal with a sign or banner issue. She said she would be happy to attend a Chamber Breakfast in the future.

Rene Kapp, owner of Always Signs, said signs should be fair to all the businesses. She said when a street is raised due to snow, the height of a monument sign would not be high enough and that would be the time to ask for an exemption. Ms. Kapp said she was also concerned about the gap period between the County jurisdiction to the City jurisdiction. She said, in her opinion, that the Church's do not have too big of signs. Ms. McMahon stated that there are various types of signs for the Churches. She said she thinks the Churches would be a good group to poll during the transition period and if necessary do an exemption.

Vicky Jackson, area resident, stated if many of the signs are out of compliance the code should be written more flexible so many of the business owners would not have to change their signs.

00:33:11

City Manager Rick Allen stated that if you want La Pine to look more like Sisters sign ordinances need to happen. He said that there will be approximately a five year period to fully implement the ordinance and perhaps some changes in the code could occur during that time period.

Mayor Mullenex stated that with the exceptions language the sign code was more than appropriate. He said the willingness of staff to come to the Chamber breakfast is credible and something that needs to occur.

Councilor McAfee said she was not really in favor of passing an ordinance that might change in the future. Deborah McMahon stated that during the gap period the public's interest will be higher and they will take more involvement in the process. Also, due to the comprehensive plan and zoning grant these ordinances need to be adopted at this time. Deborah McMahon said they have put into the code that only the letters in the awning are measured not the entire awning.

City Manager Allen stated that for the City to form a subcommittee of the Planning Commission would not be appropriate. He said it would work better if the Chamber of Commerce got involved with the various business owners that would be affected by these ordinances.

51:03

Councilor Varcoe stated that the City should reach out to the community and make sure they get involved. He said the ordinance seemed really restrictive. Deborah McMahon said that Carlson Signs felt it was a business friendly ordinance. She said they reduced the amount of text as well as other issues that were conducive to business. Ms. McMahon said the code was lengthy so people would have more descriptions.

Deborah McMahon stated that they could add an appeals ordinance for the sign code. However, James Lewis said that the Procedures Ordinance includes appeals and outlines them for all the other ordinances and resolution.

John Thomas, Planning Commission Chair, said the Planning Commission's desire was to be more lenient than the Deschutes County codes. He said they kept referencing back to the Comprehensive Plan and how it addressed cleaning up the clutter in La Pine.

Robin Mirrasoul stated that the business community has not had a lot of involvement with the zoning ordinances. She said she would not want there to be so many restrictions that everything becomes an exemption.

Renee Kapp stated that there is a charge for a variance, but when someone goes for an exemption it is free. James Lewis stated that the exemption process allows a person to get an exemption and also have public input. He said a variance is more stringent.

Mayor Mullenex closed the Public Hearing.

d. Close Public Hearing

Mayor Mullenex opened the Council deliberations

e. Council deliberations

Councilor Greiner stated that appeals could be made to the Planning Commission and then make recommendations to the Council if necessary. He said he favored passing the ordinance and then if people have an issue with the ordinance they could go before the Planning Commission and if recommended, passed on to the City Council for consideration. Councilor Martinez stated that the City needs to work in conjunction with the businesses when implementing these ordinances. Mayor Mullenex said that the City needs to move forward and there is a deadline for the end of June 2011. He said the gap time is a very realistic idea. Mayor Mullenex said he would like to see an education approach from the Chamber letting everyone know what the ordinance means and come before the Planning Commission if needed.

Deborah McMahon stated that they had received no comments on the zoning ordinance since the last Hearing. She said some things will require a variance, some things an exemption and some things just considered acceptable. Ms. McMahon said if a variance involves staff time there would normally be a charge to the applicant.

Deborah McMahon said that the zoning ordinance would be implemented once the City and County approve the City to take over that responsibility. James Lewis stated that they have to show how the zoning codes make the Comprehensive Plan comply with statewide planning goals.

00:01:27

In response to a comment from Councilor Varcoe, Deborah McMahon stated that the old zoning map did not have a lot of flexibility; the new map gives more mixed use and also flexibility for open space

as well as reserving lands to the east. She said for now they will be zoned one way but in the future they could easily become industrial lands or what is called employment lands.

Deborah McMahon stated that the Land Division Ordinance was reviewed by legal counsel and one full section was removed, the financial partition section, due to too much exposure with foreclosure laws.

Deborah McMahon stated that regarding the lighting ordinance, part of the chart was missing some data so it was put back in to make it more clear. She said she also clarified which zones the lighting code were applied. In response to a question from Councilor Varcoe regarding temporary lighting for Christmas tree sales, for example, Ms. McMahon said that it would be allowed.

**A motion was made by Councilor McAfee and seconded by Councilor Varcoe to adopt Ordinance No. 2011-03.**

| <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.**

Resolution No. 2011-08 - A Resolution Approving the Principle the General Methodology Described in SCD Mitigation Concept Document

In response to a question from Councilor Varcoe, Ms. McMahon said when the City does its TSP (Traffic Safety Plan) the traffic engineer will probably also do a SDC (System Development Charges) so the SDC would require another resolution. She said the City can charge by individual units or territory or by sub units of that territory. James Lewis stated there would be various charges for various types of commercial units.

**A motion was made by Councilor McAfee and seconded by Councilor Varcoe to adopt Resolution No. 2011-08.**

| <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.**

6. Other Matters

None

7. Public Comments

Gloria Fleming stated she was very pleased that the City Charter had passed. John Thomas thanked the Council for passing the zoning ordinances and resolution.

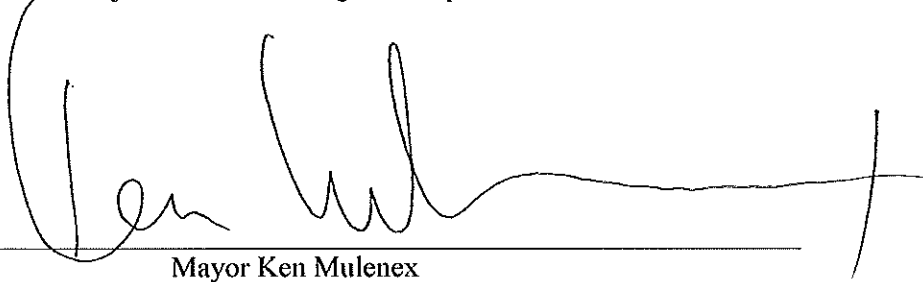
8. Adjourn

**A motion was made by Councilor Varcoe and seconded by Councilor Martinez 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.**

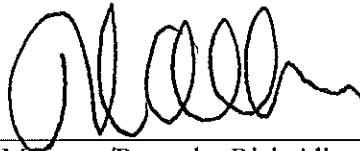
Mayor Mullenex adjourned the meeting at 8:03 pm.



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Mayor Ken Mullenex

Attest:



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City Manager/Recorder Rick Allen