

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, December 2, 2010

City Hall Council Chambers

313 Court Streets

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting to order at 6:34 pm.

BOARD

MEMBERS PRESENT: Bruce Lavier, Mark Poppoff, Chris Zukin, Ted Bryant, John Nelson

BOARD

MEMBERS ABSENT: Ron Ahlberg, Benjamin Hoey

STAFF PRESENT:

City Attorney Gene Parker, Community Development Department Director Dan Durow, Senior Planner Richard Gassman, Associate Planner Dawn Hert, Administrative Secretary Brenda Green

APPROVAL OF AGENDA:

It was moved by Bryant and seconded by Poppoff to approve the agenda as submitted. The motion carried unanimously; Ahlberg and Hoey absent.

APPROVAL OF MINUTES:

City Attorney Parker pointed out that on page two of the minutes the word proposing should read proposed. Parker asked if on page three Mr. Gilham had actually said that he had "conceded" 5 acres? Nelson pointed out that it may just be a language difference. It was moved by Bryant and seconded by Zukin to approve the minutes of November 4, 2010 with the modification to the word proposing but to leave the word conceded as is. The motion carried unanimously; Ahlberg and Hoey absent.

PUBLIC COMMENT:

Mildred Keller, 826 Richland Court West, The Dalles asked who decides what properties the City buys, such as The Granada and asked if citizens have a chance to vote. City Attorney Parker explained that for the Granada, the Urban Renewal Agency is the agency that makes the decision to purchase the property. He then explained the process and steps that they go through and informed her of which steps accept public comment and how to submit those comments.

QUASI-JUDICIAL PUBLIC HEARING: VAR 114-10; Skroch.

Senior Planner Gassman explained that the Skroch's variance had originally been scheduled for the current meeting but staff decided to postpone it due to the time needed to discuss the proposed LUDO changes.

Bryant made a motion to continue the hearing for VAR 114-10 Skroch to December 16, 2010. It was

seconded by Nelson and carried unanimously; Ahlberg and Hoey absent.

LEGISLATIVE PUBLIC HEARING: Proposed LUDO changes.

Senior Planner Gassman reported that no official comments were received on the proposed LUDO changes. He reported that staff did receive a significant number of questions and comments in regards to Section 5.030.020; the placement of Mobile Homes on individual lots. Gassman read the definitions of a Mobile Home and explained the general questions that were received. He reported that after citizens were informed of the meaning of the proposed changes they did not voice any concerns and that many stated their support of the proposed change.

Commissioner Bryant asked for more information in regards to A frame signs. Senior Planner Gassman explained where A frame signs are currently allowed and discussed why staff was recommending allowing them outside of the Central Business commercial (CBC) zone. He pointed out that they would need to be on private property, not on the public right of way.

City Attorney Parker opened a discussion about garage sale signs. He went over some of the history of attempting to define where and when garage sale signs are allowed, the attempts to enforce those policies, the stand that the courts have taken, and City Council's concerns that too much staff time was being used. Parker went over the proposed amendment to Section 13.070.040(C) recommended by staff as well as the alternative language that had been recommended by Mayor Wilcox.

City Attorney Parker expressed his concern with using the amendment proposed by Mayor Wilcox due to the recommendation by the courts to have a more detailed and fairly involved process when signs are being impounded. He said the staff is recommending two separate processes; impoundment and citation whereas the Mayor's language would place impoundment and citation in the same process. Parker expressed his concern that if the multiple step process was taken out there would be more of a potential for challenges.

Commissioner Zukin felt that allowing 24 hours to remove a sign was extremely lenient considering that people do not even have the right to place signs in the public right of way (ROW). Zukin expressed his opinion that a sign decision such as this and others that are on the agenda to be discussed should be decided on by a sign committee that takes the time to do the necessary research. He pointed out that most sign codes do not allow signs to be placed in the city ROW, period. Zukin expressed his agreement with the Mayor's wording, and expressed his concern that the staff's wording made it sound like it was alright to place signs in the ROW. He pointed out that if garage sale signs are allowed in the ROW even for a limited amount of time then all signs should be allowed in the ROW for a limited amount of time. Zukin felt the better choice would be to provide one area where signs could be displayed.

Commissioner Zukin expressed his opinion that it would be better to not specifically identify yard sale signs but to simply say "no signs in the ROW". Zukin explained that allowing yard sale signs but not others would be unconstitutional. He pointed out that the Supreme Court says that if you have to read the sign to know what type of a sign it is, that's a free speech infringement. Zukin added that with only having language stating that a sign has to be taken down 24 hours after the event but no restriction on how far ahead of time it could be put up, then that is allowing a person to put up a sign however far in advance they want to.

Commissioner Bryant added that it also would allow signs without a specific event date to be left up indefinitely.

Commissioner Poppoff stated that he agreed with Zukin that signs should be kept off the right of way altogether.

Director Durow shared that City Council had stated their desire to allow people to have yard sales and to advertise yard sales but to get rid of the mess that is left behind. Durow went over alternate suggestions discussed by City Council and staff and the reasons they had been shot down. He stated that the same issue of yard sale signs had been gone over multiple times and that the concerns kept going back to enforcement and staff time.

Chair Lavier summarized the Planning Commission's opinion that signs should not be allowed in the public right of way, period. Commissioners Poppoff, Zukin, Bryant and Nelson each verbally expressed their agreement.

City Attorney Parker stated that he would delete the language specifically pointing out garage sales and would delete the language allowing signs to be placed in the ROW unless it is a preapproved sign such as tourist oriented destination signs.

Senior Planner Gassman brought up the next discussion idea of political signs. Gassman read the current language regarding political signs from Section 13.030.010 S.

Chair Lavier asked if the ordinance was being enforced. City Attorney Parker stated no. He explained that there were concerns about the legality of restricting a sign size due to free speech and the issue of determining a size restriction which is viewed as reasonable and not arbitrary. He further explained that if they were going to restrict the size there had to be a clear reason of why that size was chosen.

Director Durow pointed out that political signs will most likely not be billboard size because then they would need to obtain a structural permit.

City Attorney Parker shared that other agencies have gone to just limiting the time frame that political signs are allowed to be up.

There was a general discussion about common signs and their sizes, at what point a structural permit is required, and visual clearance issues.

Chair Lavier stated that as long as a political sign meets visual clearance requirements, and is structurally sound they should be allowed. He felt that it was best to not restrict the size of the sign.

There was general agreement expressed by the Commissioners. Several pointed out that they personally didn't like the big political signs but felt that they needed to be allowed. They also expressed general agreement that that there should be a time limit enforced and that they should only be allowed on private property.

Commissioner Poppoff pointed out several grammatical corrections to multiple places within the proposed ordinances. In Section 3 he pointed out that not all visitors come to The Dalles via cars and

that he would like to see the word “visitors” used instead of “motorists”. The Commissioners showed their agreement.

In Section 15 Commissioner Poppoff stated that he would like to see the illumination amount to be lowered to one half a candle foot. Staff and Commissioners had a discussion about the meaning and the true amount of light one candle foot produces.

Commissioner Zukin questioned how the code enforcement officer would measure the standard and enforce the ordinance. It was brought up that similar issues had been raised when trying to enforce decibel level violations. Zukin stated that before making a recommendation he would like to see more data. The general consensus of the Commissioners was to not include the amendment in this round of LUDO changes but to have more research done for both what the level should be set at and how it would be enforced, and then bring it back at a later time.

In regards to “lay down yards” in Section 17, the Commissioners asked for a clearer definition of what a lay down yard was. Senior Planner Gassman described the difference between a construction site for a residential house versus an offsite storage location associated with a specific project. The Commissioners asked for the word “temporary off-site” to be added into the definition.

Commissioner Zukin asked how they can be charged for transportation SDCs and will those fees be prorated. Senior Planner Gassman explained that they would be charged the same transportation SDC that anyone else would be charged. He explained that the fees are calculated on the most intensive use and pointed out that a property owner gets a credit for the most intensive use back twenty years. He then added that once a property owner has paid, the credit goes with the property so it adds that value to the property.

Commissioner Zukin expressed his opinion that this method of imposing transportation SDC’s seemed rather harsh. Director Durow acknowledged that feeling but also pointed out the size of the vehicles that go in and out of a lay down yard and the effects they have on the roads. Different scenarios were discussed and staff explained how the credits would work and how the value of the property would be affected.

Commissioner Poppoff brought up a wording change suggestion in Section 19 in regards to one parking space per every two units. Staff and Commissioners discussed different wording options and their meanings and decided to change the wording to read; one parking space for every two bedrooms but no less than one parking space per unit.

Commissioner Zukin directed attention to Sections 26 and 31 regarding ATM and menu board signs and questioned if the sizes were chosen randomly or if they were based on industry standards. Senior Planner Gassman responded that they were chosen randomly when the sign code was written. Zukin again expressed his opinion that a size should not be chosen randomly but that there should be a study done to identify what the industry standards are. Gassman acknowledged that the sign code needs to be completely gone over but also pointed out how large of a project it would be. Zukin expressed his concern with picking an arbitrary size as well as his concern with a code that does not have flexibility. Gassman pointed out that the flexibility comes from the ability for an applicant to ask for a variance.

Motion:

Commissioner Bryant moved to recommend to the City Council PC 501-10 regarding proposed LUDO amendments with the following changes:

- Section 2; add the word offsite
- Section 3; change the word motorists to visitors
- Section 15; delete section
- Section 17; add offsite to the laydown yard definition
- Section 19; changed wording to read “one parking space for every two bedrooms but no less than one parking space per unit”
- Section 30; delete the words “and be limited to 16 square feet in size”
- Section 33 vs. 33A; recommend adopting 33A with changes to the wording so that all signs placed within or upon the public ROW are referenced.

Commissioner Nelson seconded the motion and it carried with Lavier, Poppoff, Bryant and Nelson voting in favor, Zukin opposed, Ahlberg and Hoey absent.

COMMISSIONER/STAFF COMMENTS

Senior Planner Gassman discussed the zoning subcommittees that were being arranged and the difficulties that had been met. Gassman asked for a volunteer to move to the Industrial subcommittee. Nelson volunteered.

Director Durow reported that Commissioner Hoey had moved out of The Dalles. He stated that Mayor Wilcox had asked him to remain on the Commission until the end of the year at which time a replacement would be announced. Durow stated that applications for the open position were currently being accepted.


Commissioner Bryant asked about the status of the Dirt Hugger operation. Senior Planner Gassman reported that they were in operation and that their operation was going as planned. Gassman shared that he had gone out to the site to check on the report of the wood pile. He was told that the pile had been placed in the wrong area by a company that had dropped debris off and the Dirt Hugger was currently working on getting it moved.

Senior Planner Gassman reported that Code Enforcement Officer Dennee found that the fence that had been reported on 10th and Trevitt was built too tall. Dennee is working with the property owners to have it modified.

NEXT MEETING: The next scheduled meeting is December 16, 2010.

ADJOURNMENT: The Planning Commission meeting was adjourned at 8:30 p.m.

Submitted by
Brenda Green, Administrative Secretary



Bruce Lavier, Planning Commission Chair