



**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125  
Planning Department

**AGENDA**  
**CITY OF THE DALLES PLANNING COMMISSION**  
CITY HALL COUNCIL CHAMBERS  
313 COURT SREET  
THE DALLES, OREGON 97058  
*CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM*  
**THURSDAY, DECEMBER 4, 2014**  
**6:00 PM**

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES – November 20, 2014
- V. PUBLIC COMMENT (Items not on the Agenda)
- VI. **LEGISLATIVE HEARING (continued):**  
**Application Number: ZOA 87-14; City of The Dalles; Request:** Amendments to the Land Use and Development Ordinance regarding sign codes.
- VII. STAFF COMMENTS
- VIII. COMMISSIONER COMMENTS/QUESTIONS
- IX. FUTURE MEETING – December 18, 2014
- X. ADJOURNMENT

**CITY OF THE DALLES PLANNING COMMISSION MINUTES**

**Thursday, November 20, 2014**

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

*Conducted in a handicap accessible room*

6:00 PM

**CALL TO ORDER:**

Chair Lavier called the meeting to order at 6:00 PM.

**BOARD MEMBERS PRESENT:**

Bruce Lavier, Mark Poppoff, Chris Zukin, John Nelson, Jeff Stiles

**BOARD MEMBERS ABSENT:**

Dennis Whitehouse; Sherry DuFault

**STAFF MEMBERS PRESENT:**

Planning Director Richard Gassman, City Attorney Gene Parker, City Engineer Dale McCabe, Administrative Secretary Carole Trautman

**APPROVAL OF AGENDA:**

Chair Lavier called for a modification to the agenda, the addition of a Legislative Public Hearing for PC #ZOA 87-14, applicant City of the Dalles, regarding sign code amendments. The agenda item was to be inserted after agenda item number 5, Public Comment. It was moved by Zukin and seconded by Stiles to approve the agenda as modified. The motion carried; Whitehouse and DuFault absent.

**APPROVAL OF MINUTES:**

It was moved by Zukin and seconded by Nelson to approve the November 6, 2014 minutes as submitted. The motion carried unanimously; Whitehouse and DuFault absent.

**PUBLIC COMMENT:**

None

**LEGISLATIVE HEARING:**

**Application Number: ZOA 87-14; City of The Dalles; **Request:** Amendments to the Land Use and Development Ordinance regarding sign codes.**

Chair Lavier opened the hearing at 6:01 PM. Director Gassman advised that the public hearing should be opened because staff had posted a legal notice in the newspaper for this date. By opening and continuing the hearing, there would be no necessity to post an additional legal notice.

It was moved by Nelson and seconded by Zukin to continue the hearing. The motion carried unanimously; Whitehouse and DuFault absent.

Chair Lavier continued the hearing to Thursday, December 4, 2014.

**LEGISLATIVE HEARING (continued):** – Residential Infill Policies

Director Gassman stated that he outlined the Planning Commission's proposed recommendations for City Council regarding residential infill policies in his staff report. The City Council hearing was scheduled for Monday, January 26, 2015.

Jerry Johnson, 3102 East 13<sup>th</sup> Street, The Dalles, Oregon, asked what the street improvement requirements would be for residential infill of a duplex. Director Gassman stated duplexes would be considered the same as a single family home.

City Attorney Parker proposed two language changes to the recommendations as follows:

1) Item 3, page 2 – Mr. Parker was aware of a California lawsuit filed by a disabled person against a city where the court ruled that the ADA Act required local governments to provide on street public parking, even if no local regulations were in place. He recommended a language modification as follows: "The City to adopt a policy that allows adjacent property owners to decide whether to install on-street parking *consistent with the City's duties to provide accessible on-street parking.*"

2) Item 8, page 3 – Regarding waivers of remonstrance, Mr. Parker suggested adding language that would clarify that the removal of all waivers was for residential properties only. He said there were some commercial properties with waivers, and his understanding was that, for the purpose of residential infill policy, this recommendation was for residential properties only. Suggested language: "All existing waivers of remonstrance and DIAs *on residential properties* be canceled. Strike out the last phrase: "*including those existing on network streets.*"

Zukin commented on Item 5. Regarding option #1 where the City is responsible for improvement, he stated that people needed to keep in mind that the City did not have a big pot of money to spend on streets. The money would come from the people through tax revenue. On option #2, he thought the preferred order of proposed timeline options should be changed. In his opinion, Zukin thought the option to install improvements at the time of construction should be the last option. That option created islands, and the landowner could spend money on improvements that potentially could be destroyed or wasted if the improvements don't match up with other improvements later on, he said. He felt the DIA worked, because it was always best when both parties involved (landowner and the City) shared the cost. Then both parties would seek the best way to install the improvements. He said he would position the installation at the time of construction option as last, and position the DIA as the second option, with a cap and a sunset clause. Chair Lavier said that, at the last meeting, the DIA was the preferred last option, because it was considered no different than the DDA, which didn't work. Zukin pointed out that the DIA was different, because there would be a cap and a sunset clause. Lavier said he realized that, but the general consensus of the citizens was that the documents were the same in nature.

Loyal Quackenbush, 1005 Richmond, The Dalles, Oregon, stated that a proposed range of figures for the DIA sunset clause timeline and a dollar cap amount might benefit City Council. Discussion followed, and a time range for a sunset clause of 10 to 15 years was suggested. A cap of 2%-5% of the assessed or market value of the property, or 50%-60% of the estimated cost of street improvement

installation was suggested. Taner Elliott had estimated \$40 per linear foot for improvements, and City Engineering estimated \$60 per linear foot for concrete, and almost \$4.00 per square foot for asphalt.

Steve Stroud, 3004 East 12<sup>th</sup> Street, The Dalles, Oregon, asked if there were additional costs for water and sewer, especially on the east side of town. Lavier and Zukin said water and sewer were totally different calculations.

Jerry Johnson, 3102 East 13<sup>th</sup> Street, The Dalles, Oregon, stated he liked the idea of the City helping with the installation of utility line extensions in areas such as East 13<sup>th</sup> and Lambert Streets. If the City would help in installing utilities up to developments, it would cause growth for the City rather than new development going in with wells and septic tanks.

Chair Lavier called for a determination on the order of preference to recommend to City Council on the timeline for the installation of street improvements. Stiles agreed with switching the order around so that the option of installing improvements at the time of construction would be the last preferred option. Nelson stated option #1 would fall on taxpayers. The advantage of that would be that over time, a plan would be developed where there could be orderly construction. Stiles responded by stating that the reason for option #1 where the City would put the money forward on improvements was that it would be a change in mindset where the City would invest in the future and growth of the City and that, down the road, by having additional properties come on line, it would help pay for those improvements over time. Zukin suggested switching the order of options #2 and #4. He said the reason he would place the DIA option ahead of the “pay the cap” option would be that the DIA, with a sunset clause, would bring the possibility that the landowner might not need to pay anything if the sunset clause expired.

It was moved by Zukin and seconded by Nelson to recommend to City Council, on item #5 of the staff report, that the public improvement requirements can be satisfied by any of the following, with the Planning Commission’s preferences in order of listing: 1) City pay for the installation; 2) sign a delayed improvement agreement; 3) pay the “cap” amount; and 4) install at the time of construction.

#### Discussion

Stiles said he would like to see a statement of explanation, as he stated earlier on option #1, where the City would install improvements. Chair Lavier said he was concerned about stating a rationale for every point, because the document would be long. He said hopefully City Council would read past minutes. Director Gassman said the Planning Commissioners could also attend the public hearings to offer explanations, if so desired.

Chair Lavier called for the vote, the motion carried unanimously. Whitehouse and DuFault were absent.

Regarding staff report Item 9, Director Gassman suggested omitting the first sentence of the recommendation. Regarding the suggestion of a cap, Gassman advised the Commission to consider a percentage of the cost, or a range of the cost. In doing so, it would tie the City in as a partner in the expense that would work toward getting the cost down as low as possible. It would almost, by definition, figure in a percent of the value. There would be an overall method that would be the simplest to apply.

Zukin said he liked that idea, and he suggested advancing the idea of the City considering some cap based on the value of the property. Chair Lavier referred the Commissioners to the last sentence in

Item 9 that stated if the City Council considered the DIA as an option, Council could send it back to the Planning Commission to work out the details of a cap and a sunset clause. Nelson stated he liked the language in Item 9 as stated in the staff report. Lavier said he preferred the language as is, and he recommended dropping the first sentence in Item 9. He called for a motion.

It was moved by Stiles and seconded by Poppoff to drop the first sentence of Item 9 in the staff report, and the remaining language should stand as is.

Chair Lavier called for the vote. Lavier, Poppoff, Nelson and Stiles voted in favor, Zukin opposed.

Chair Lavier called for a recommendation of the residential infill staff report to City Council as amended. It was moved by Zukin and seconded by Stiles for the City of The Dalles Planning Commission to make recommendations as written and/or amended in the Residential Infill staff report dated November 20, 2014 to City Council. The motion carried unanimously; Whitehouse and DuFault absent.

Chair Lavier thanked the audience for their participation throughout the process. Director Gassman indicated the City Council public hearing was scheduled for January 26, 2015.

Chair Lavier closed the public hearing at 7:01 PM.

**STAFF COMMENTS:**

City Attorney Parker reported that, upon the passage of recreational marijuana legislation, he was drafting language for medical marijuana dispensaries first, and at some point the proposed language would come before the Planning Commission. Parker stated Commissioner Zukin had suggested adding medical marijuana to adult businesses, but Parker thought, after reviewing what some other cities adopted, that more language was required. He reported that the City currently had a moratorium on medical marijuana until May 2015. Once language was adopted by City Council, the moratorium may be lifted, he reported.

Parker said the next issue would be the recreational marijuana use. Some cities adopted the same regulations for both medical and recreational use, but Parker thought it was best to separate the two. He said, at this point the legislature was proposing new language based on the new ballot measure that passed, so he will monitor its progress. A Planning Commission work session may be scheduled for late December 2014 or January 2015.

**COMMISSIONER COMMENTS:**

None

**NEXT MEETING:**

December 4, 2014

**ADJOURNMENT:**

Chair Lavier adjourned the meeting at 7:07 PM.

Respectfully submitted by Administrative Secretary Carole Trautman

**City of The Dalles  
Staff Report**

**Sign Code**

**Public Hearing**

Prepared by: Richard Gassman, Planning Director   
Procedure Type: Legislative  
Hearing Date: December 4, 2014  
Issue: To consider proposals to change the City's Sign Code.

**BACKGROUND INFORMATION**

Over a year ago the City Council formed an Advisory Committee to review the City's Sign Code, located in Chapter 13 of the Land Use and Development Ordinance (LUDO). The Advisory Committee met approximately 20 times. They reviewed and discussed a wide variety of ideas. After due deliberation, the Committee has proposed a series of amendments as contained in this staff report.

**PROCEDURE**

This is a legislative type hearing. The Planning Commission's role is to hold a public hearing, review the proposals and make a recommendation to the City Council. The Council will also hold a public hearing, and any recommendations adopted by the Council would be formalized in an ordinance and become part of the LUDO.

**NOTIFICATION**

These proposed code changes require a 35 day notice to the Department of Land Conservation and Development. That notice was sent on October 7, 2014, more than 35 days before this hearing. A notice was also published in The Dalles Chronicle on November 9, 2014. This hearing was originally set for November 20, 2014. Due to other business on that date, this hearing was opened on the 20<sup>th</sup> and continued to this date.

## COMMENTS

As of the date of the preparation of this report, no comments have been received from the public for this hearing.

## RECOMMENDATIONS

Below is a list of recommendations from the advisory committee. The proposed changes are listed in order by LUDO code number. At the end of the public hearing, the Commission may approve, delete, or modify these recommendations as they deem appropriate. The *italics* signify existing code language, ~~lined out~~ signifies a proposed deletion, and **bold** signifies proposed new language.

The Sign Code Advisory Committee recommends that the Planning Commission recommend to the City Council the following changes to the LUDO.

### A. Definitions: 13.010.030

1. 13.010.030. Delete the word “arterial” from the definition of shopping center. *Shopping Center means a building or group of buildings planned and developed as a center on land with two or more retail business occupancies existing or planned. A “shopping center” shall not include a business which fronts on an ~~arterial or~~ collector street and which has a marked segregated parking or use area separate from the shopping center parking.*
2. 13.010.030. Add a definition for mural to read as follows: “**Mural means any depiction, other than a business logo, not using words. A depiction which is a combination of scenes and words can be divided so that the sign area is limited to the area around the words. Mural also means those murals and words showing historic scenes.**”
3. 13.010.030. Add a definition for “ghost sign”: “**Ghost sign is any sign, at least 50 years old, on a wall or other portion of a building which advertises a business, service, or product no longer found at that location**”.
4. 13.010.030. Add a definition for window sign to read “**A sign located on the outside of a window, but affixed to the window and within the boundaries of the window frame**”.
5. 13.010.030. Add a definition for framed sign to read “**A sign placed within a rigid border which prevents the sign from moving. A framed sign may be allowed within the total sign allowance, if possible. If not, then it is treated as a temporary sign and is allowed for up to 90 days.**”

**B. Exempt Signs 13.030.010**

1. 13.030.010. Add a new provision to exempt **“one 20 square foot name sign in the CFO zone.”**
2. 13.030.010. Add a new provision to exempt **“window signs”**.
3. 13.030.010. I. Change heading to **“garage/yard sale signs”**. *Garage/Yard Sale Signs*.
4. 13.030.010 L. Rewrite this section to read:  
*Murals which are mounted or painted upon an existing building or structure and which do not advertise a product or service for sale.* **“Historic murals and murals not containing words or logos”**.
5. 13.030.010 T. Rewrite this section to read as follows: *A temporary “For Sale” sign not exceeding 6 square feet in area with a maximum height of 4 feet, may be erected upon private residential property, provided that it advertises the sale, lease, or rental of the property upon which it is erected. One additional “For Sale” or “Open House” sign limited to the same size.* **“On commercial property, one “For Sale” sign not exceeding 32 square feet may be erected upon the property for sale.”**
6. 13.030.010 V. Delete the last two sentences of this section and add language as follows: *Such signs shall not exceed 42 square feet in area. The sign shall be reduced in size by 6 square feet for each lot less than 7 lots in the subdivision.* **“Allow 32 square foot maximum for subdivision signs.”**
7. 13.030.010 X. 6: add **“similar to ODOT regulations”** for number of signs.
8. Add a new section: **13.030.010 Y. Ghost signs.**

**C. Temporary Signs 13.030.020**

1. 13.030.020. Add a new provision as follows: **“D. One temporary sign per street frontage is allowed in addition to the regular sign allowance, up to 90 days in duration. A no fee permit is required.”**
2. 13.030.020 Add a new provision as follows: **“E. Balloons and other inflatable devices, except during community events, are allowed only for a period of 7 days, and are allowed in addition to any other temporary sign.”**

**D. Prohibited Signs 13.030.030**

1. 13.030.030 A. Delete provisions regarding *“indecent” or “obscene”* signs.

2. 13.030.030 C. Add language as follows: **“or signs that resemble traffic signs.”**
3. 13.030.030 E. Delete *“tree or rock”*.
4. 13.030.030 Add a new provision as follows: **“Digital signs that have any change of the sign display in less than 15 seconds, or have more than three lines of text at any time; or exceed the brightness allowed under regulations of the State of Oregon.”**

**E. Others**

1. 13.040.020 NC zone. Add a new provision **“C. No sign shall be internally lit.”**
2. 13.040.040 CFO District. Add a new provision as follows: **“One maximum 48 square foot sign, either flush mount or freestanding in the CFO zone. Freestanding sign is limited to 8 feet in height.”**
3. 13.040.080. Highway District. Change the distance from *“land within 100 feet of ROW”* to **“any parcel within 100 feet of ROW.”**
4. 13.040.100. Add a new section 13.040.100 as follows: **“Historic Districts. Notwithstanding other provisions of this code, signs in historic districts must meet the historic district guidelines for signs, or seek approval from the Historical Landmarks Commission.”**
5. 13.050.030. Add a new provision as follows: **“Each property is allowed one freestanding sign per street frontage, up to a maximum of 100 square feet, in the CBC, CG, and CR Zones, separate from other allowances.”**
6. 13.050.040 A 7. Amend maximum from *Twenty five percent* to **“Fifty percent.”**
7. 13.050.040 A. Add new provision 9. As follows: **“Except for residential zones, each business is allowed a minimum of 20 square feet.”**
8. 13.050.040 B 2. Amend this section to read as follows: **“Flush signs may be erected on any exterior wall up to the maximum square footage allowed. Each separate flush sign shall require a permit.”**
9. 13.050.080. Home Occupation Signs. Add the word **“Non-illuminated”** at the beginning of the sentence.