

# 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 10<sup>th</sup> 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

For LUDO Amendments draft presented to the Planning Commission for hearing on 12-2-10, here are some of the proposed LUDO Amendments placed in context in the existing LUDO provisions. The Section numbers correspond to the sections in the draft proposed General Ordinance. **Bold** type indicates proposed new language. ~~Strikethroughs~~ indicate language proposed to be deleted.

Section 1. 1.120. Fees. Current fees shall remain in effect. Any new fees required by this Ordinance and any fee changes shall be adopted by resolution of the City Council. **The City Council, upon written request, may waive all or part of any filing fee required by this Ordinance.**

Section 4. 3.020.030 Ministerial Actions. B. Decision Types. Ministerial actions include, but are not limited to, the following:

1. Land uses permitted outright in any zone district, except those land uses which require in depth review, including, but not limited to Site Plan Review.
2. Neighborhood Compatibility Review (Section 3.040) of land use permitted outright in the appropriate zone districts, except those land uses which require in depth review, including but not limit to Site Plan Review.
3. Sign permits (Chapter 13).
4. Review of environmental and hazard maps.
5. Lot Line Adjustments (Section 9.030.070).
6. Minor amendment to subdivisions and partitions.
7. Final subdivision approval (Section 9.040.060).
8. Final partition approval (Section 9.030.050).
9. Physical Constraints permit (Chapter 8).
10. **Proposed Change of Use (Section 6.150.020).**
11. **LUDO Review of Building Permit Application.**

Section 5. 3.020.030 Ministerial Actions. E. **Interpretation. If a ministerial decision involves an interpretation where the code is ambiguous or unclear, see section 1.090 of this Ordinance for appeals. It is the appellant's burden of proof to show the code language is ambiguous or unclear.**

Section 9. 5.030.020 Permitted Uses

A. Primary Uses Permitted Outright.

2. Residential Building Types:

- a) ~~Mobile Home.~~
- b) ~~Mobile Home (Zero Lot Line).~~
- c) Single Family Detached.
- d) Single Family Detached (Zero Lot Line).
- e) Duplex and Single Family Attached (Zero Lot Line, 2 Units)
- f) Small Lot Single Family Detached Dwellings, and Attached Town Houses (Zero Lot Line, 3-5 Unit Clusters)

g) Multi-Family Dwelling.

Section 10. 5.050.030 Permitted Uses.

A. Primary Uses Permitted Outright.

19. Residential uses as follows: a) All dwellings, as defined by this ordinance, above **or under** permitted commercial uses.

Section 18. 7.060 MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS

Use Type	Auto Parking		Bicycle Parking
	Minimum	Maximum	
<del>Elderly Housing</del> <b>Senior Housing</b>	1 space/8 beds	None	1/first 20 units, 1/40 units thereafter
<b>Dwelling units designated as Independent Living Units shall have one parking space per dwelling.</b>	<b>1 space/unit</b>	<b>None</b>	<b>1/first 20 units, 1/40 units thereafter</b>

Section 21. 9.020.030 Residential Rear Lot Development.

F. Lot Area. The minimum lot area shall meet the minimum requirement of the applicable zone district. ~~The access easement, Land required for future right of way or proposed for a future public street or private access drive or access way shall~~ not count toward the minimum lot area.


Section 23. 9.030.050 Final Partition Plat Review.

C. Final Plat Approval. Prior to final approval, the City shall be assured that:

1. The applicant has installed, agreed to install **for nonresidential development**, or has gained approval to form an improvement district for installation of required improvements in accordance with the provisions of Chapter 10: Improvement Required with Development.

**City of The Dalles  
Planning Commission Staff Report**

**Amendments to the  
Land Use and Development Ordinance**

Prepared by: Dick Gassman, Senior Planner 

For: City of The Dalles Planning Commission

Procedure Type: Legislative Hearing

Meeting Date: December 2, 2010

Request: Amendments to the Land Use and Development Ordinance

Properties: All properties within the City of The Dalles land use jurisdiction

Applicant: City of The Dalles  
Community Development Department  
313 Court Street  
The Dalles, OR 97058

**BACKGROUND INFORMATION**

The Land Use and Development Ordinance (LUDO) contains over 450 pages of language on procedural and substantive requirements for land division, property development, and zoning. The last major rewrite of the LUDO was in 1998. There were significant amendments that were approved in 2005 and additional amendments in 2007, 2008, and early in 2010. The current list of proposed amendments attached to this staff report is part of a group of suggested changes received since the last group of amendments.

This group of amendments was presented to a work session of the Planning Commission on September 16, 2010. Comments from that session have been reviewed and incorporated in the amendments.

This application is a legislative action under the provisions of Section 3.110.020 and 3.020.060(A) (2). The role of the Planning Commission is to review the proposed

amendments, amend as needed, and forward a recommendation to the City Council. The final decision on the proposed amendments will be made by the City Council.

## **NOTIFICATION**

Notice of this public hearing was published in The Dalles Chronicle on November 7, 2010.

## **COMMENTS**

As of the date of the preparation of this staff report, no comments were received.

## **REVIEW**

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

#### **1. PROCEDURE**

##### **a. Section 3.010.040 Applications:**

**FINDING A-1:** This application is initiated by the Director pursuant to the provisions of Section 3.010.040 F. Criterion met.

##### **b. Section 3.020.060 Legislative Actions:**

###### **Subsection A. Decision types. 2. Ordinance Amendments:**

**FINDING A-2:** This application is for a group of Ordinance Amendments per Section 3.110. Criterion met.

**Subsection B. Public Hearings.** The Commission shall hold at least one legislative public hearing to review applications for legislative actions and, by duly adopted resolution, make a recommendation to the Council to approve, approve with conditions, or deny the request.

**FINDING A-3:** The public hearing has been set for December 2, 2010. Criterion met.

##### **d. Section 3.020.060 Legislative Actions:**

**Subsection C. Notice of Hearing.** At least 10 days before the legislative hearings, notice of the hearing shall be published in a newspaper of general circulation.

**FINDING A-3:** A notice of hearing containing the information required was published in The Dalles Chronicle on November 3, 2010. Criterion met.

##### **e. Notice of Hearing as required by ORS 227.186.**

ORS 227.186 requires that all property owners whose property is rezoned must be provided notice at least 20 days but no more than 40 days prior to the date of the first hearing. For purposes of this provision, rezone includes any change that limits or prohibits uses previously allowed in a zone.

**FINDING A-4:** Staff has determined that the proposed amendment to Section 5.030.020 A, contained in Section 9 of the draft ordinance, comes within the definition of rezone as contained in the statute. Notices to owners of property zoned RMH were mailed more than 20 days prior to the hearing. Criterion met.

**f. Section 3.020.070(A) (3) Staff Report.**

A staff report shall be presented 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-5:** The staff report has identified the criteria and standards as they relate to this application and has summarized the basic findings of fact. The staff report does include a recommendation for approval. Criterion met.

**2. REVIEW**

**a. Section 3.110.030 Review Criteria**

Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules.

**FINDING A-6:** The City of The Dalles has broad discretion to adopt zoning textual changes. Each of the proposed amendments is consistent with the Comprehensive Plan, State Laws, and Administrative Rules. Criterion met.

**B. COMPREHENSIVE PLAN**

**1. Goal #1. Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

**Policy 3. The land-use planning process and policy framework shall include opportunity for citizen input as a part of the basis for all decisions and actions related to the use of land.**

**FINDING B-1:** This proposal is consistent with goals and policies of the Comprehensive Plan. A notice of public hearing has been published and the public has an opportunity to provide testimony on the proposed changes to the Commission. The Commission can make alterations in the proposed amendments based on testimony at this hearing. There will be another public hearing before the City Council and that body will also have the opportunity to consider testimony from citizens and make changes. Criterion met.

**2. Goal #2. Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

**Policy 6. Implement this Plan through appropriate ordinances and action. Implementing measures shall be developed to allow administrative review and approval authority.**

**FINDING B-2:** These amendments update the existing zoning ordinance, following the directive of the Comprehensive Plan. Criterion met.

## **DISCUSSION**

At the September 16, 2010 work session, the Commission discussed the proposed amendments. The proposed amendments have been modified to take into consideration the Commissioners comments.

In addition to the changes discussed at the October 15 session, the proposed amendments have been supplemented with new items. The most significant one occurs in Sections 33 and 33A. These are alternative amendments. The Commission will be asked to pick one of the alternatives for forwarding on to the Council.

Here are some of the more significant proposed changes.

1. New language regarding recommended outreach meeting prior to public hearings. See Section 6 of the draft ordinance.
2. Limiting placement of mobile homes (constructed prior to 1976) to MHP. See Section 9 of the draft ordinance. This is the proposed amendment that required the outreach mail out.
3. New language allowing residential housing at the Marina. See Section 13 of the draft ordinance.
4. New language providing for a lay down yard. See Section 17, and Section 2 for the definition.
5. New language amending existing provision for geologic hazard areas. See Section 20.
6. New language requiring private streets to be designated. See Section 24.
7. New language allowing for Tourist Oriented Destination Signs in the right of way. See Section 27 and Section 3 for definition.
8. Changes in the menu board allowance. See Section 31.

I have prepared a draft ordinance so the Commissioners can read the actual proposed language. Prior to the hearing the Commissioners will be sent the more complex amendments in context. On the draft ordinance the bold print indicates new language, the strikethrough indicates text to be removed. All of the proposed amendments are subject to revision or elimination.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend to the Council the approval of the amendments as shown on the attached draft ordinance, with any additional changes from the Commission, including a choice of Section 33 or 33A.

## GENERAL ORDINANCE NO. 11-xxxx

AN ORDINANCE APPROVING ZONING ORDINANCE AMENDMENT NO. 11-xxxx.

WHEREAS, the City of The Dalles adopted a Land Use and Development Ordinance known as General Ordinance No. 98-1222 on May 11, 1998; and

WHEREAS, the City Planning Commission conducted a work session on September 16, 2010 and held a public hearing on December 2, 2010 to take public testimony on General Ordinance Amendment No. 11-xxxx, and following the close of the public hearing on December 2, 2010, the Planning Commission moved to recommend the City Council adopt proposed amendments to the City's Land Use and Development Ordinance; and

WHEREAS, on xxx, 2011 the City Council conducted a public hearing to consider General Ordinance Amendment No. 11-xxxx, and

WHEREAS, on xxx, 2011, the City Council adopted a motion approving the proposed amendment,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. Amend Section 1.120 by adding the following language: **The City Council, upon written request, may waive all or part of any filing fee required by this ordinance.**

Section 2. Amend Section 2.030 Meaning of Specific Words and Terms by adding a new definition: **Laydown Yard: A temporary storage area for equipment and useable materials to be used for maintenance or construction.**

Section 3. Amend Section 2.030 Meaning of Specific Words and Terms by adding a new definition: **Tourist Oriented Destination: A business that is a cultural, historical, recreational, educational, or entertaining activity, or unique commercial activity whose major portion of income or visitors is derived from motorists not residing in the county.**

Section 4. Amend Section 3.020.030 B. Decision Types by adding the following new paragraphs: **10. Proposed Change of Use (Section 6.150.020); 11. LUDO Review of Building Permit application.**

Section 5. Amend Section 3.020.030 by adding a new paragraph E.: **Interpretation. If a ministerial decision involves an interpretation where the code is ambiguous or unclear, see section 1.090 of this code for appeals. It is the appellant's burden of proof to show the code language is ambiguous or unclear.**

Section 6. Amend Section 3.020.050 C by adding a new paragraph 7 as follows: **Prior to the public hearing the applicant is recommended to conduct an outreach meeting with nearby residents and others who may be affected by the development.**

Section 7. Amend Section 3.050.040 B by deleting the words “~~applicable policies of the Comprehensive Plan~~” in line 4.

Section 8. Amend Section 5.030 and in all other sections of the LUDO wherever is found the words “~~RMH Residential Mobile Home~~” by deleting those words and adding “**RM-Residential Medium Density**”.

Section 9. Amend Section 5.030.020 A. 2. By deleting a) ~~Mobile Home~~ and b) ~~Mobile Home (Zero Lot Line.)~~ and renumbering.

Section 10. Amend Section 5.050.030 A 19 a by adding after the word “above” the words “**or under**”.

Section 11. Amend Section 5.060.020 A 20 by adding after the word ‘above’ the words “**or under**”.

Section 12. Amend Section 5.080.020 A 6 by adding after the word “above” the words “**or under**”.

Section 13. Amend 5.080.020 A by adding a new paragraph 13 and renumbering: **13. Recreational housing at the Marina, subject to limitations on length of stay as set by the Port of The Dalles.**

Section 14. Amend Section 5.090.020 by adding a new provision and renumbering: **A. 1. Auto body shops, auto painting, and machine shops.**

Section 15. Amend Section 6.070 by adding a new section as follows: **6.070.120 Lighting. Lighting sources shall be shielded, and arranged so as not to produce glare in any public right-of-way, or otherwise constitute a nuisance on adjacent property. For purposes of this section, illumination at the property line greater than (1.0?) foot candles shall be considered a nuisance.**

Section 16. Amend Section 6.150.020 Changes In Use to read as follows: **Unless this Ordinance provides for an exemption for any specific requirement**, the following shall apply to all proposed changes in use of structures, land, or other development:

A. Use Determination. **The owner or developer shall complete and submit a Proposed Change of Use Application.** The approving authority shall determine intensity, similarity, or difference of a proposed use based on the following criteria:

1. Use type.
2. Size and/or type of products or services.
3. Parking and loading needs.

4. Off-site impacts and nuisance conditions.
5. **Traffic generation**

Section 17. Amend Section 6.160.010 by adding a new paragraph E. as follows: **E. Laydown Yard: A laydown yard is allowed in the I-Industrial and CLI- Commercial/Light Industrial zones, subject to the following conditions:**

1. A proposed laydown yards shall be associated with a specific project with an approved building permit issued for grading, construction, remodel or demolition.
2. In addition to City approval, all other required approvals must be obtained prior to establishing yard.
3. Laydown yards shall be supervised by a contractor who will be responsible for enforcing compliance of these standards. The contractor shall be responsible for compliance of the laydown yard for all applicable codes.
4. Laydown yards shall be removed prior to a final inspection of the last building in a non-residential project and for the last structure in a residential project or final approval for the project.
5. The contractor shall be required to provide curb cuts for all egress or ingress areas onto a paved street. To prevent mud or dirt from transferring from trucks, vehicles and equipment onto the paved street the contractor shall install pavement or other surface treatment approved by the City Engineer at all egress and ingress points from the yard for a minimum of 50 feet to the street access.
6. A project site with physical constraints may utilize an alternative off site property for a laydown yard subject to a change of use application approval. The contractor shall be required to return the alternative off site property to its original condition, to the approval of the Director, prior to final inspection or issuance of a certificate of occupancy for the associated project. Site reclamation may include site clean-up and revegetation with temporary irrigation. Bonding may also be required to verify revegetation within three years.
7. The developer shall designate to the Director a project contact person responsible and authorized to correct problems regarding the project on a 24 hour, 7 days a week basis. The developer shall designate the project contact person to the Director prior to using the yard.
8. Laydown yards shall be subject to Transportation SDC fees.

Section 18. Amend Section 7.060 by deleting the category designation of ~~Elderly Housing~~ and changing the designation to “**Senior Housing**”. And add new language under the new category of Senior Housing as follows: **Dwelling units designated as Independent Living Units shall have one parking space per dwelling.**

Section 19. Amend Section 7.060 by adding under the category of Residential the following language: **In multifamily units, a unit shall be defined as up to two bedrooms. Every two bedrooms per apartment, in addition to the original two, shall count as another dwelling unit for purposes of determining the required number of parking spaces.**

Section 20. Amend Section 8.040 to read as follows:

#### **8.040.010 Purpose**

This Section describes the permit requirements for lands proposed to be developed within the areas designated zones 1 to 6 on the maps and in the 2010 Geologic Hazards Study prepared by Mark Yinger, R.G., Hydrogeologist. Land within zones 1 and 4, land within zones 2, 3, or 5 that exceed a slope of 30%, or land in zone 3 which is located in areas of groundwater discharge, have been determined to be within a geographic area that has characteristics which make the ground potentially unstable. Any cut, fill, or construction on these sites may add to this potential instability. The requirements of this section are intended to reduce as much as possible the adverse effects of development for the owner and for other properties which may be affected by a ground movement.

#### **8.040.020 Applicability**

The requirements of this Section shall apply to all new development including, but not limited to streets, driveways, parking areas, sidewalks, retaining walls, drainage structures, buildings and other structures, and to additions and modifications to existing development which increase the footprint. Detached buildings of 200 square feet or less are exempt from the requirements of this Section.

#### **8.040.030 Permit Requirements**

A Physical Constraints Permit shall be required for new development and additions as described about in Section 8.040.020 for all proposed development activities located within hazard areas in zones 1 through 6, per the requirements of Section 8.020: Review Procedures. The following shall also be required as part of the Physical Constraints Permit:

A. **Geologic Impact Statement.** A site-specific geologic impact statement prepared by a qualified geotechnical engineer or an engineering geologist. If the size of a proposed development is increased, or the location of a proposed development is changed, a new impact statement is required.

B. **Certification of Plans.** A statement prepared by a qualified geotechnical engineer or an engineering geologist certifying that the development plans and specifications comply with the limitations imposed by the geologic impact statement, and that the proposed construction will not adversely affect the site and adjacent properties.

#### **8.040.040. As-Built Certification.**

Within 30 days after the completion of the project, and before final acceptance of public improvements by the City Engineer, the applicant shall submit to the Director a statement prepared by a qualified geotechnical engineer or an engineering geologist certifying that the construction was completed in accordance with the plans and specifications as they relate to mitigation of the geologic impacts to the site and adjacent properties.

Section 21. Amend the second sentence of Section 9.020.030 F to read: “~~The access easement, Land required for future right of way or proposed for a future public street, or private access drive or access way~~ shall not count toward the minimum lot area”.

Section 22. Amend Section 9.030.040 to read as follows: **C. Period of Approval. Approval of a partition application shall be valid for a period of 1 year from the effective approval date. Upon written request filed with the Director prior to the expiration date, approvals may be extended annually four times, if the relevant provisions of this ordinance have not changed. If extended, any fees or charges, including the pay into the fund option, will be assessed at the rate in existence at the time they are paid, not the rate in existence at the time of the original approval. If no final partition plat is submitted within 1 year, or within any timely extension, the partition application shall become void and a new application required.**

Section 23. Amend Section 9.030.050 C. 1. by adding after the words “agreed to install” in line one the words “**for nonresidential development**”.

Section 24. Amend Section 10.060 I Private Streets by adding a new paragraph 5 as follows: **5. In addition to the name of the street, all private street signs shall also contain the words “Private Street” in letters of the same size as the name of the street.**

Section 25. Amend Section 13.030.020 C. to read as follows: **Commercial and Promotional signs may be used only on private property and subject to the following:**

1. A permit is required for all temporary signs.
2. Temporary signs may be erected for a period not to exceed 30 days.
3. Temporary signs are limited to 32 square feet in area.
4. Temporary signs are limited to one per street frontage.

Section 26. Amend Section 13.030.010 by adding a new category A and renumbering: **A. ATM Sign. Unless otherwise allowed additional signage, each ATM shall be allowed one sign not to exceed four square feet.**

Section 27. Amend Section ~~13.030.010~~ Exempt Signs by adding a new paragraph as follows: **V. Tourist Oriented Destination (TOD) Signs. It is the purpose of this section to allow signs for TODs not readily visible from public roads under the following set of criteria:**

1. Signs generally will be allowed at intersections only.
2. Businesses must have permanent restroom facilities, a business telephone, drinking water, and adequate on-site parking.
3. If the business is not open during normal business hours, the sign must indicate the hours it is open.
4. Except as provided for in #3, only the business name, a directional arrow, and the distance to the site is allowed on the sign.
5. If the business is seasonal the sign may be covered during the off season.
6. The number of signs is limited to the minimum necessary to adequately direct visitors.
7. An application with fee is required.

**8. The Business will be responsible for costs of installation, maintenance, and sign replacement, plus an annual fee.**

**9. If businesses need multi-jurisdictional approvals for adequate signage, City approval is contingent on all approvals being granted.**

**10. The sign may be up to 3 feet by 3 feet in size and the design will be similar to that allowed by Wasco County for similar purposes.**

Section 28. Amend Section 13.030.010 E by adding a new paragraph and renumbering: **Construction Signs of 32 square feet for nonresidential construction, and 16 square feet for residential construction, during construction from the time a building permit is issued to completion.**

Section 29. Amend Section 13.030.010 L by adding a new sentence at the end as follows: **Up to one quarter of the maximum of 8 square feet may be a logo or company name.**

Section 30. Amend Section 13.030.010 S to read as follows: **Political campaign signs shall be erected only on private property, and be limited to 16 square feet in size. Signs shall comply with the vision clearance provisions in Section 6.100. Signs may be erected during the campaign for a period of 60 days prior to the election in which candidates or issues are to be voted upon. Signs shall be removed not later than the fifth day following the election.**

Section 31. Amend Section 13.050.100 to read: **“Signs in addition to principal and secondary signs for a restaurant with a drive through window are allowed; no more than two (2) menu boards not to exceed ~~32~~ a total of 64 square feet each, with a maximum height of 8 feet”.**

Section 32. Amend Section 13.050 by adding a new section as follows: **13.050.170 Sandwich Boards and A Frames**

**1. No more than one “sandwich board” or “A Frame” of a maximum of 5 feet above grand level shall be allowed for each premise.**

**2. Signs shall be located only on private property.**

**3. This sign allowance is for areas zoned commercial and outside the Central Business Commercial zone. See Section 13.050.160 for Sidewalk Signboards allowed in the Central Business Commercial zone.**

**4. The permit fee for sandwich boards and A Frames shall be the same as for Sidewalk Signboards.**

Section 33. Amend Section 13.070.040(C) by adding a new subsection 8, which shall read as follows:

**8. As an alternative to the impoundment process described in subsection (C)(1) through (7), the following enforcement procedure may be used to address violations involving yard and garage sale signs which remain in place upon the public right-of-way or on City property after being improperly placed, and the yard or garage sale sign has ended.**

a. All yard or garage sale signs placed within or upon the public right-of-way or upon City-owned real property must be removed within 24 hours of the termination of the garage or yard sale. Any staff person authorized to enforce this ordinance has the authority to remove and yard or garage sale sign which has not been removed within the designated 24 hour period. For prosecution purposes, either the sign or a photograph of the sign shall be retained for evidentiary purposes.

As an alternative to the language in Section 33 above, the Mayor is suggesting the Council consider the following:

**Section 33 A.** Amend Section 13.070.040(C) to read as follows:

C. Any sign installed on or placed in the public right-of-way or on City owned real property, except in conformance with the requirements of Chapter 13, shall be subject to the following provisions:

1. All yard or garage sale signs placed within or upon the public right-of-way or upon City-owned real property must be removed within 24 hours of the termination of the garage or yard sale. Any staff person authorized to enforce this ordinance has the authority to remove a yard or garage sale sign which has not been removed within the designated 24 hour period. For prosecution purposes, either the sign or a photograph of the sign shall be retained for evidentiary purposes.

2. For purposes of enforcing subsection (C) of this ordinance, there is a presumption that an address or telephone number listed on a garage or yard sale sign shall be that of the individual responsible for posting the sign. In addition, signs directing the public by way of arrows or other directional symbols or phrases to a particular residence are presumed to have been erected by the owner or occupant of the residence.

3. Any person who is deemed responsible for posting a yard or garage sign, who does not comply with the provisions of subsection (C)(8)(a), shall have committed a violation of this ordinance, and can be cited to appear in the Municipal Court. Upon being convicted for a violation of subsection (C)(8)(a), the responsible person shall be fined not less than \$10 nor more than \$50 for the first offense, and for the second and all subsequent offenses, not less than \$25 nor more than \$100.

Section 34. Amend Section 14.010.030 by adding a new paragraph C as follows: **Notice of Hearing. At least 10 days before a scheduled annexation hearing, notice of the hearing shall be mailed to the owner as shown on the most recent property tax assessment roll.**

**RESOLUTION NO. P.C. 501-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF THE DALLES RECOMMENDING ADOPTION  
OF VARIOUS AMENDMENTS TO THE LAND USE AND  
DEVELOPMENT ORDINANCE**

**WHEREAS**, The City of The Dalles reviews the City's Land Use & Development Ordinance (LUDO) annually for needed amendments; and

**WHEREAS**, The City staff have proposed a series of amendments to the City's LUDO; and

**WHEREAS**, The Planning Commission held a work session on September 16, 2010 to review the proposed amendments, and held a public hearing on December 2, 2010 to receive public testimony on the proposed amendments; and

**WHEREAS**, The Planning Commission has considered the public testimony and reviewed the proposed legislative amendments, and based upon information in the staff report and testimony presented during the hearing, the Planning Commission voted to recommend the Attached amendments be forwarded to the City Council for their review and adoption;

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

**Section 1.** The Planning Commission recommends that the attached amendments to the LUDO be approved and forwarded to the City Council for its review and adoption.

PASSED AND ADOPTED THIS 2<sup>nd</sup> DAY OF DECEMBER 2010

\_\_\_\_\_  
Bruce Lavier, Chairman

I, Daniel C. Durow, Community Development 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 2<sup>nd</sup> of December 2010.

Ayes:  
Nays:  
Absent:  
Abstain:

Attest: \_\_\_\_\_  
Daniel C. Durow, Director