



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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PLANNING DEPARTMENT

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, February 5, 2015

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, Dennis Whitehouse, Sherry DuFault

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

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

APPROVAL OF AGENDA:

It was moved by DuFault and seconded by Whitehouse to approve the agenda as submitted. The motion carried unanimously.

APPROVAL OF MINUTES:

It was moved by Zukin and seconded by Nelson to approve the December 4, 2014 minutes as submitted. The motion carried unanimously.

PUBLIC COMMENT:

None

LEGISLATIVE HEARING (continued):

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

Director Gassman reported that he reviewed a selection of sample cities' digital sign code regulations and found several options. Gassman suggested the Commission consider two different sets of regulations, one for commercial areas and one for residential, specifically in Community Facility and Neighborhood Center overlay areas where schools and churches are often located. Gassman also recommended the Commission consider the conditional use permit process for schools. That way the

Commission could craft and regulate the approval for night regulations, the different levels of brightness from commercial areas, and size.

Zukin said the digital sign industry was up and coming, especially as prices drop and become more affordable. He didn't see The Dalles banning digital signs, and the controversy in legislation was whether or not digital signs were overly distracting. Zukin said he did not feel strongly about recommending digital signs with static images.

Chair Lavier asked if the size of digital signs should be regulated. Zukin said sign sizes were regulated now, and the City follows state regulations for digital sign sizes. Gassman pointed out that the Sign Committee discussed that the size of sign would be self-regulated by cost.

Poppoff said he felt digital signs in residential areas should be banned. Stiles said some area churches were already utilizing digital signs, and others were heading that direction.

After further discussion, it was the general consensus of the Commission to separate the digital sign code into two districts, commercial/industrial and residential.

Downtown District

Director Gassman asked for the Commissioners' thoughts on digital sign regulations in the Downtown Historic District. Poppoff said the Historic Landmarks Commission (HLC) should decide whether or not they want digital signs. Gassman said the sign size regulations were the same as commercial district sign codes. The HLC had standards for materials and colors, but signs were administered on the staff level for the most part. He said the Sign Committee recommended that CBC signs be reviewed by staff, and if not approved, customers could appeal to HLC. Gassman indicated that was a stronger position than what had been required in the past. City Attorney Parker advised that the HLC guidelines did not include provisions for digital signs, therefore HLC would need to adopt some regulations.

After further discussion, it was the general consensus of the Commission that the Historic Landmarks Commission should approve digital signs, because this type of sign should not detract from the historic nature of the buildings.

Commercial and Industrial Districts

Gassman said these areas were where the City would most likely have a number of digital signs. He recommended digital signs in these districts be included like any other sign for size, location and number of signs. There were no current regulations for brightness except for lights illuminating off of a parking lot. Chair Lavier suggested that digital sign illumination standards should be similar to parking lot light standards. Gassman said another option could be to follow the the property line brightness standards and make them inclusive of all signs. Current regulations stated that a maximum illumination for outdoor lighting should not exceed an average of .3 foot candle for non-cut off lights, and 1.0 foot candle for cut off lights. Gassman suggested another option to have a cut off time of day where lighting would be reduced to .3 during non-daylight hours. Zukin said he would want to know what the current illumination measurements were on existing lighted signs before he would make a recommendation on digital signs or all signs. His concern was that current conforming signs would suddenly become nonconforming.

Whitehouse suggested that digital sign applications could go through a conditional use permit (CUP) process to gather information on illumination rather than the Commission guessing on illumination

requirements. Gassman said Planning could gather some light meter information. He did not recommend the CUP process because of the predicted increase in digital signage in future years. Lavier said the sign lighting all needed to be treated in the same fashion, not one regulation for one type of sign, and other regulations for another type of sign. Gassman said the reasoning behind the light regulations was to be non-invasive to adjacent property owners. In that sense, it would apply to any light source. In summary, Gassman said staff would measure some lighted signs and some currently existing digital signs for light measurements.

Discussion followed on whether or not to regulate digital sign motion. DuFault felt regulation was almost unenforceable. Poppoff thought no movement should be allowed on digital or mechanical signs. Zukin said the state did not allow mechanical movement on highways, but not all areas. Stiles said he thought digital movement was also self-regulating.

It was the general consensus of the Commission that no regulations would be placed on the movement of digital signs. Chair Lavier said digital signs could be easily modified. It was also the general consensus of the Commission to lift regulations off of moving signs.

Gassman asked the Commission if they wanted to regulate brightness in the daytime. City Attorney Parker reported on a case involving the City of Medford that went through a two-year process on digital sign code, and they ended up dropping daytime light regulations due to the volume of opposition. It was the general consensus of the Commission not to regulate digital sign daytime brightness. Zukin explained state digital sign standards and suggested the Commission not try to reinvent the wheel with the codes. He said digital signs have internal regulators that dim.

Residential Districts

Whithouse said he was in favor of the conditional use permit process, Zukin concurred. Poppoff said he wanted digital signs banned in the residential district. Discussion followed on using the conditional use permit process for community facilities. Gassman proposed neighborhood center facilities could apply for a conditional use permit. Currently, illuminated signs were not allowed in neighborhood centers, Gassman said. After further discussion, it was the general consensus of the Commission to recommend that community facilities could apply for a conditional use permit for a digital sign. If a permit application was not submitted, then a digital sign would not be allowed.

It was moved by Zukin and seconded by DuFault to continue the hearing to March 5, 2015. The motion carried unanimously.

LEGISLATIVE HEARING (continued):

Application Number: ZOA 90-14; City of The Dalles; Request: Amendments to the Land Use and Development Ordinance regarding medical marijuana dispensaries

City Attorney Parker highlighted his staff report and outlined staff recommendations. He stated that these LUDO changes were for medical marijuana dispensaries only. Recreational marijuana sales were more restrictive. Parker advised against banning dispensaries, because other cities were being sued for such actions.

Chair Lavier requested the development of an additional map that would display the proposed allowed areas within the City for medical marijuana dispensaries, including the 1,000 ft. buffer zones from the list of certain facilities. He said he was in favor of the staff recommendation, but he wanted to see the allowed locations.

Poppoff suggested limiting medical marijuana dispensing to pharmacies because the restrictions were already established. Whitehouse stated that medical marijuana was already available in pharmacies. Stiles advised there were medical marijuana vending machines that had specific identification requirements. Parker reported that the state was considering combined establishments for the sale of medical and recreational marijuana.

Discussion followed on considering restrictions on dispensary hours of operation. Parker said he didn't research that in depth, but he had noticed several variations of sample operating hours from other cities. He said he would look into that and provide the information at a later date.

Don Lewis, 3021 West 7th Street, The Dalles, Oregon asked if the Arby's building would be considered an allowed location. Director Gassman said the building was in an allowed zone, and he thought it was probably outside the 1,000 foot restricted area.

It was the general consensus of the Commission to agree with the staff recommendation, including recommended hours of operation from 10 AM to 6 PM. Parker said he would research case histories regarding weekend hours of operation.

It was moved by Zukin and seconded by Poppoff to continue the hearing to March 5, 2015. The motion carried unanimously.

STAFF COMMENTS:

Director Gassman gave a brief summary on the residential infill City Council hearing on January 26. The Council adopted several provisions recommended by the Commission. The key issue was that the City would take over the responsibility for street improvements except for sidewalks. The Council approved that at the time of new development, if a parcel had an existing curb, the property owner would be responsible for the installation of a sidewalk. If there was no curb, the property owner would sign a Delayed Development Agreement, with a 10 year limitation, that would obligate the property owner to install a sidewalk if and when the City established the elevation at the curb. All existing Waivers of Remonstrance will be eliminated. On non-network streets, no street improvements would be required, except for right-of-way.

COMMISSIONER COMMENTS:

Commissioner Whitehouse gave a status report on the school district's progress on the student drop-off design project at Dry Hollow School. Klein and Associates was working on the design, and their original design cost estimate equaled one million dollars. They would try to come up with a different design solution.

NEXT MEETING:

March 5, 2015

ADJOURNMENT:

Chair Lavier adjourned the meeting at 7:45 PM.

Respectfully submitted by Administrative Secretary Carole Trautman



Bruce Lavier, Chairman