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Regular City Council Meeting  
November 27, 2023  
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MINUTES

CITY COUNCIL MEETING  
COUNCIL CHAMBER, CITY HALL  
NOVEMBER 27, 2023  
5:30 p.m.

VIA ZOOM/ IN PERSON

**PRESIDING:** Mayor Richard Mays

**COUNCIL PRESENT:** Darcy Long, Tim McGlothlin, Rod Runyon, Scott Randall, Dan Richardson

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Amie Ell, Police Chief Tom Worthy, Finance Director Angie Wilson, Community Development Director Joshua Chandler, IT Director David Collins

**OTHER CITY REPRESENTATIVES:** Special Counsel Chris Crean

**CALL TO ORDER**

The meeting was called to order by Mayor Mays at 5:30 p.m.

**ROLL CALL OF COUNCIL**

Roll Call was conducted by City Clerk Ell. Long, McGlothlin, Runyon, Randall, Richardson present

**PLEDGE OF ALLEGIANCE**

Mayor Mays lead the Pledge of Allegiance.

**APPROVAL OF AGENDA**

It was moved by Randall and seconded by Long to approve the agenda as submitted. The motion

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carried 5 to 0, Randall, Long, Richardson, Runyon, McGlothlin voting in favor; none opposed; none absent.

**PRESENTATIONS PROCLAMATIONS**

David & Kirsten Benko presented on the National Neon Sign Museum and the Jantzen Beach Carousel. See attached presentation slides.

**AUDIENCE PARTICIPATION**

There was no audience participation

**CITY MANAGER REPORT**

City Manager Klebes reported;

- Attended Mid-Columbia Housing Stabilization summit
- City Council goal setting session
- Meeting with The Dalles Main Street
- Meeting with The Dalles Art Center
- Attended Public Works muster meetings
- Ride-Along with code enforcement officer

**CITY COUNCIL REPORTS**

Councilor Runyon reported;

- Wasco County Pioneer Association meeting to plan May event
- City Council goal setting session
- Welcomed State Attorney General Candidate to The Dalles

Councilor Richardson reported;

- City Council goal setting session
- Traffic safety commission meeting

Councilor Randall reported;

- City Council goal setting session
- Starlight parade

Councilor Long reported;

- City Council goal setting session

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McGlothlin reported;

- City Council goal setting session
- Airport Board meeting

Mayor Mays said he would save his report for the next meeting.

### **CONSENT AGENDA**

It was moved by Long and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried 5 to 0, Long, McGlothlin, Randall, Runyon, Richardson voting in favor; none opposed; none absent.

Items approved on the consent agenda were: 1) The minutes of the November 13, 2023 Regular City Council Meeting.

### **PUBLIC HEARING**

Appeal of Planning Commission Resolution No. P.C. 618A-23, denying Appeal #033-23 of the Community Development Director's decision dated February 27, 2023, denying Sign Permit No. 2589-23, J.R. Zukin Corp. d/b/a Meadow Outdoor Advertising requesting to replace an existing off-premises advertising sign (i.e., a billboard) located adjacent to a city street with a larger billboard.

Mayor Mays announced the purpose of the public hearing was to consider the matter of Appeal Application No. 35-23, an appeal of Planning Commission Resolution No. PC 618A-23 (a resolution denying Appeal Application No. 33-23) which appealed the Community Development Director's February 27, 2023, denial of Sign Permit No. 2589-23, submitted by J.R. Zukin Corp. d/b/a Meadow Outdoor Advertising and requesting to replace an existing off-premises advertising sign (i.e., a billboard) located adjacent to a city street with a larger billboard.

Mayor Mays announced the substantive criteria upon which the City Council would base its decision in this matter could be found in The Dalles Municipal Code – Title 10 (Land Use and Development) Section 10.3.020.070 (Public Hearings), Section 10.3.020.080 (Appeal Procedures), Chapter 10.6 (General Regulations) Article 6.070 (Measurements), Chapter 10.13 (Sign Regulations) Article 13.020 (General Provisions and Procedures), and Article 13.050.150 (Off-Premises Advertising Signs).

Mayor Mays explained the rules of the public hearing process. He asked if there were any questions. There were none.

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Mayor Mays asked council if any members of the Commission had any ex parte contacts, conflicts of interest, or bias, which would prevent them from rendering an impartial decision on the matter.

Runyon said he had not discussed the topic with anyone in the community.

Richardson said no.

Randall said no. He reported overhearing brief conversations about the topic but nothing that would impact his objectivity.

Long said no.

McGlothlin said he had been contacted by community members and had a long-standing relationship with the owner of Meadow Outdoor Advertising. He said he had been in contact with the Oregon Board of Ethics and the City Legal Department to determine if a conflict of interest existed. Both confirmed no, he did not have a conflict of interest. He said when approached by members of the community to discuss the topic his response was he was not at liberty to discuss the topic.

Mayor Mays asked if anyone in the audience wished to challenge the qualifications of any members of the Commission.

None did.

Mayor Mays said he wanted to begin by clarifying the definition of linear mile and a road mile. He said the staff's position was that a linear mile was 8 billboards within a circle that has a 1-mile radius from the subject. He said a road mile is 8 billboards within a 1-mile section of roadway.

Mayor Mays opened the public hearing at 6:02 p.m. and asked for the staff report.

Community Development Director Joshua Chandler presented the Staff Report. See attached slides.

Mayor Mays asked to clarify items from the appellant's four reasons why council should support the appeal request. He asked for clarification of if staff believed item number 1 to be true.

Chandler said, no staff did not believe the criterion was met.

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Mayor Mays said the appellant meant road mile and not lineal mile where it was written in item number 2. He asked if there was evidence of any of the use of road mile since 1974 and if any mentioned radial or linear miles.

Chandler said 3 of the 42 locations had permits mentioning the road mile. None of the others mentioned radial or linear miles.

Mayor Mays asked for confirmation that the sign being considered could not be considered nonconforming under The Dalles Municipal Code (TDMC).

Chandler said the sign could not be considered nonconforming and to determine the status of other signs he would need to know the year they were permitted.

Special Counsel Chris Crean said the sign could not be considered nonconforming because it was in an allowed zone.

Mayor Mays asked Chandler to clarify if road mile had been used by staff in the past 30 years.

Chandler said he had no record to show that road mile had been used except for 3 of 42 locations.

Mayor Mays asked if the other 39 had mention of radial or linear mile.

Chandler said they did not.

Mayor Mays asked for clarification for portions of the Historical Permit Review section of the agenda staff report on pages 11 and 12 of the agenda packet.

City Attorney Jonathan Kara clarified and gave additional information on this section.

Special Counsel Crean said the city does not have to continue issuing permits if it is determined by council the interpretation of the code was incorrect in the past.

Mayor Mays asked if the appellant's written argument that the road mile has been used from 1992 to present day should have been since 1974.

Kara said that 7% of applications since 1974 had mention of road mile.

Mayor Mays asked if the other 93% mentioned the linear mile.

Chandler said no and clarified these numbers were in reference to billboard locations.

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Mayor Mays asked for confirmation the appellant did not respond to the correspondence that included an offer of a collaborative alternative with community input as described on page 15 of the agenda packet.

Chandler said there was no response from the appellant.

Long asked if staff had reviewed past permits to determine how many other billboard locations would only have been permitted with the use of road mile instead of linear or radial mile.

Chandler said no staff had not done this.

Special Counsel Crean said there was not consistent adherence to the approval criteria over the years as seen by the number of billboards approved in places where they were not allowed by zoning, number of signs per mile, and how they interpreted the mile.

Long said as a councilor her concern was policy and what is best for the city not parsing things out legally.

Kara said during a quasi-judicial public hearing the council is not acting as legislators as would be typical, instead they were acting as judges.

Long asked if during the hearing they could not take into consideration the policy they would want.

Kara said the decision in front of the council was the approval or denial of the presented appeal application, not the policy implications of the decision. He said at a council meeting in the future a discussion could occur on the policy and it would be appropriate for the Mayor to talk with the City Manager to instruct staff to bring recommendations to the sign code to council to avoid complications in the future.

Special Counsel Crean said the court would defer to a local government's interpretation of its own existing code. He said councilors should make their decision on this issue based on the code as currently written. If they believe there should be a change to policy, direction should be given to staff to make recommendations for code amendments at a future date.

McGlothlin asked if staff had found any historical data addressing why a request to add road mile to the language was ignored in 1992.

Chandler said he could not speak to why it was ignored.

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Randall asked if the sign in question was nonconforming as is, how could it become nonconforming if enlarged.

Chandler said it would not become nonconforming. Kara added it would not meet the code standards because of its existence in a location that does not meet the 8 per mile criteria.

Randall asked how parallel streets were evaluated in the process. He asked if it was possible to have 16 signs on parallel streets if using the interpretation of road mile.

Chandler said yes.

Randall asked if the spacing and measurement standards addressing topography and horizontal measurements were in existence when the 1992 ordinance was passed.

Chandler said the code was created in 1998, but he would need to research to determine this for certain.

Richardson asked if staff have looked at council meeting minutes from 1992 to find notes on discussions of adding the road mile language.

Chandler said the research had been done but the minutes did not include detailed notes about the discussion.

Richardson asked if staff had seen a map referenced on page 513 of the agenda packet that was created by Meadows staff and Planning staff that laid out a common understanding of where signs would be allowed.

Chandler said yes, it was included in the agenda packet.

Richardson said this was evidence there was an effort to gain a common understanding at that time.

Richardson asked for clarification if the decision being made that night would determine the fate of one billboard or many.

Chandler said if the appeal is denied the sign stays where it is at and no other signs would be impacted from the decision.

Richardson asked for a time frame for when staff would bring recommendations for revisions or clarifications to sign codes to council.

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Chandler said he had hoped to do the work this fall, but the appeal had absorbed a lot of staff time.

Richardson asked if this decision would determine how staff would interpret applications until code revisions were made.

Chandler said yes.

Runyon asked if it was correct that the application had initially been approved.

Chandler said yes, a short time staffer no longer working in the department had incorrectly approved it thinking that it was for routine maintenance. Chandler said he had explained to the appellant what had happened.

Runyon asked if modifications to a sign to improve safety and maintenance would be subject to the same decision.

Chandler said yes, if there were structural changes being made.

Runyon said the use of the term radial was used in the staff report, but the decisions from the past 30 years were using distance measurements to the street. He had fairness issues as it had been done the same way for 30 years.

Chandler says the appellant tried to clarify this by having the Planning Commission add the road mile in 1992 and they had said no.

Long said they did not say no and they did not say yes.

Runyon said he found on 7 different pages notation about distance to the center line in the staff report and in his opinion this is not referencing a radial mile. He asked Chandler if he was saying this was not a policy change, but that it was the policy all along and this was the correct interpretation.

Chandler said correct.

Long said that if council was to determine what the interpretation should be based on what was intended by past council, they did not have the items in the agenda packet to do this. They would need minutes from meetings where this was discussed.

Special Counsel Crean said council should use past legislative history, the language of the code

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provision, and context to make their interpretation. He said the minutes are vague and not helpful. He said legislative history is also not helpful so the council should use the language and context to make their decision.

Mayor Mays said testimony letters had been received from both the Planning Commission Chair of 1992 and the Planning Director of 1992 testifying to the road mile criteria. He asked who would be better qualified than those two to determine the intent at that time.

Special Counsel Crean said it did not matter what the staff thinks the interpretation is. It can be considered evidence but is not legally relevant.

Mayor Mays asked if the Appellant wished to present information about its appeal.

Name: Chris Zukin                      Address: 5525 Cherry Heights Rd, The Dalles, Oregon

Zukin said he is the General Manager of Meadow Outdoor Advertising.

Zukin said the issue boiled down to one line in the sign code from 1974. He read from the code "The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on the same side of the street." He said the intent of that city council was to control the number of billboards one would see as they drove down the road, there would be no more than 8 billboards per linear mile, and when he said linear he meant road mile. The current planning department was interpreting linear mile to mean radial. The code was reviewed in 1981, 1992, 2002, and 2007 and the wording was not changed. He said he had looked at the minutes in 1992 and the minutes were very good up until the sign code discussion. He said the letter from Mr. Foster to Planning Commissioners clarified that the discussion was about not changing phrasing from per mile to per square mile. He said square mile is very similar to radial mile and this was clear evidence of the intent of the commission in 1992 to not change to square mile, which is similar to radial mile. He said that for over 50 years and 7 city planners the interpretation had been 8 billboards per road mile. The radial mile interpretation would make all billboards in town nonconforming, no new billboards could not be built, replaced, or rebuilt. This would be an economic loss. He asked council to interpret and instruct the planning department to interpret this line of the code as road mile.

Richardson asked Mr. Zukin why he did not put efforts into helping staff clarify and revise sign code.

Zukin said the order of changing the sign code internally first and then doing a sign code review was not appropriate. He said he thought staff also had an agenda regarding billboards that was not favorable.

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Richardson said staff do not make policy changes, they bring suggestions to council who makes those decisions. He said this was not a good way to do policy.

Zukin said the reason they were there was because they thought staff was making policy decision internally before the sign code review and it was not correct.

Mayor Mays asked why there was no response from the appellant to the June 22<sup>nd</sup> letter from the Planning Department.

Zukin said he could not recall why there was no response.

Mayor Mays asked for testimony from any proponents.

Name: Rob Van Cleeve      Address: 1325 Sterling Drive, The Dalles, Oregon

Van Cleeve testified in support of Meadow Outdoor Advertising. He said during his 14 years as councilor and mayor the standard Zukin described was the standard used. He introduced Dan Durow past Community Development Director for The City of The Dalles

Name: Dan Durow      Address: 1628 West 13<sup>th</sup> St, The Dalles, Oregon

Durow presented information and comment on his review of the agenda staff report. See attached.

Richardson said given the provided map with potential sign placements using the road mile the number of billboards could be about 170. He asked if this sounded right.

Durow said the number did not sound right to him. He had not analyzed that map. He said the intent of the sign code was to strike a balance between the needs of the traveling public to get information and the aesthetics of the city.

Randall asked for clarification on the meaning of lineal being a straight line in one direction and not an area.

Chandler confirmed that was correct.

Kara began to ask Durow clarifying questions about reconciling his interpretations of Section 10.6.070.030(A)(1) & (2) of TDMC regarding measuring distances in straight lines and measuring the shortest distance. Kara began to discuss the singular or plural use of the word street(s), how this is applied in the code and its impact on interpretation.

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At this point Long asked the Mayor to speak. She said she felt the city attorney was cross-examining a witness and this portion of the public hearing was supposed to be testimony in favor of the appellant.

Mayor Mays asked if in the 22 years Durow was the planning department director from 1990 to 2012 any member of city council, the planning commission, a competitor of Meadow Outdoor, or a citizen had told him he incorrectly interpreted this code.

Durow said he could not recall that happening.

Name: John Lehman                      Address: 92464 Biggs-Rufus Highway, Rufus, Oregon

Lehman said he had worked with Meadow Outdoor Advertising for 32 years as a regional lease manager and as operations manager. His duties were finding, permitting, retaining, and rebuilding new and existing billboard locations. He worked with city staff through the permitting process and how a line map was created and used. He explained the process and said in the 32 years of his experience, linear road mile was always used in determining there were not more than 8 billboards in a section of a proposed new sign location.

McGlothlin asked Lehman if there was a state standard for determining distance.

Lehman said the state used road mile markers.

Name: Stephen Lawrence              Address: 2017 View Court, The Dalles, Oregon

Lawrence read his statement to council. See attached

Name: Scott Hege                      Address: 6580 Martin Rd, The Dalles, Oregon

Hege spoke in support of the appellant. See attached.

Name: Jim Wilcox                      Address: 416 West 7<sup>th</sup> St, The Dalles, Oregon

Wilcox said he had served 6 years on council, 2 and a half as mayor. He said a staff report with that many pages made him wonder what they were hiding. He said the more words you get the more you can't read. He said that the measurement had nothing to do with radiuses it is a line following the street. He said GPS can be wrong, 49 years with at least 5 planning directors had interpreted the code the same way before the newest director, policy change must go through council and they need to keep this control. He asked council to consider why so much staff time and paper was spent on putting together something that was about one sentence.

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Mayor Mays said he vehemently took exception to the implication that staff stacked a 600-page packet to hide evidence and mislead council. He said in his experience being a city manager for 28 years, cities were much more likely to be in trouble when not enough information was presented. He said the information was necessary in the case it went to court.

Name: Charlie Foote                      Address: 919 E 18<sup>th</sup> Street, The Dalles, Oregon

Foote testified in favor of the appellant describing how the billboard company has benefitted his and other businesses in the community.

Runyon asked if this was a direct response to the comment from the community development director that there was not economic impact.

Foote said that he was speaking from personal experience of how billboards had impacted his business economically.

Chandler said the department does not use economic impact when reviewing sign permits.

Mayor Mays asked Ty Wyman to answer legal questions regarding a memorandum he submitted to The Dalles Planning Commission on September 5, 2023 labeled as exhibit 10 in the agenda packet. He asked if his position was that past practice over 30 or 50 years is appropriate criteria.

Wyman said yes and testimony from 2 people who had been applying the code language for 30 years was evidence of this.

Mayor Mays asked to hear if Wyman thought economic impact was an appropriate criterion for making this decision.

Wyman said drew relevance to the economics of billboards from state law which requires council read each provision of land use code in the context of its comprehensive plan, some of which address the economy of the city. He said there was no need to go past the sentence that had been read multiple times during the hearing. He said this sentence had been read by a professional linguist who said it referred to a linear mile.

Special Counsel Crean said broad aspirational statements about supporting economic development do not provide specific context for any particular code provision.

Mayor Mays read from the memorandum on page 96 of the agenda packet “ A third contextual clue to the intended meaning of a land use regulation is the manner in which the City has previously applied it. Here, I understand that there is no disagreement that the City has for

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decades applied TDMC 10.13.050.150(C)(2) to limit billboards to 8 per lineal mile; staff simply considers that interpretation to have been wrong.” He asked Chandler if that summarized his position.

Chandler said no, they were not claiming previous staff interpretation had been wrong, but that there wasn’t enough evidence to prove that is how it had been interpreted in the past.

Mayor Mays asked if Wyman was stating that fairness should be a criterion of this land use decision.

Wyman said this statement was in reference to case law that limits collateral attack on a previous decision.

Special Counsel Crean said staff was not attacking or recanting an existing sign permit this was a denial for an application for a new sign.

Mayor Mays asked for clarification on whether or not council could use fairness as a criterion for making this determination.

Special Counsel Crean said the decision should be based on determining the correct interpretation of code provision. With either decision the council should provide direction to engage the community in revision of the sign code.

It was moved by Runyon and seconded by Randall to extend the time limit for the council meeting. The motion passed 5 to 0; Runyon, Randall, Long, McGlothlin, Richardson in favor; none opposed; none absent.

Mayor Mays asked for testimony from anyone else who wished to speak or ask questions.

Name:	Carolyn Wood	Address:	1709 Liberty Way, The Dalles, Oregon
	Dan Meader		911 East 7 <sup>th</sup> St, The Dalles, Oregon
	Helen Elsmore		110 East 9 <sup>th</sup> St, The Dalles, Oregon
	Ethan Ray		1804 Cherry Heights, The Dalles, Oregon
	Patti Blagg		814 East 10 <sup>th</sup> St, The Dalles, Oregon

All spoke in support of the appellant Meadow Outdoor Advertising.

Mayor Mays asked for testimony from any opponents. None spoke.

Mayor Mays asked if anyone would like to speak who was neither a proponent or opponent.

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None spoke.

Mayor Mays asked council if they had enough information to decide.

Council confirmed they had enough information.

Mayor Mays closed the public hearing at 8:29 p.m.

Council proceeded with deliberations.

Runyon said there can be issues with using GPS for radial measurements, policy change needs to be separate on another day, the planning commission vote was 4 in favor 2 opposed and he was in support of the appeal.

McGlothlin said a letter from an absent commission member John Grant stated the vote would have been 4 in favor 3 opposed if he had been in attendance. McGlothlin said the choice to use road mile as a criterion for marijuana retailers set a precedence.

Long said it appeared interpretation had been correct in the past and she supported the appeal.

Richardson said there were dozens of letters submitted and it should be made clear the decision being made was not determining the fate of all billboards. He said staff had been very professional and part of their job is to bring fresh perspective and look carefully at procedures and ordinance. He said there had been a consistent process of interpreting the code, but policy needs clarification. He would like to give staff direction to bring back sign code revision suggestions within a 6-month period.

Randall said he highly valued accuracy and precision and supports the appeal.

Klebes said when code is ambiguous or there are grey areas it is the responsibility of staff to interpret. He said revising code to bring greater clarity and efficiency would be prudent. He said a sign code review process could occur if that is determined as a priority from council.

Mayor Mays looked forward to collaboration in the future to revise the sign code.

It was moved by Long and seconded by Runyon to adopt Resolution No. PC 618B-23, a resolution granting APL 35-23, reversing the Planning Commission's denial of APL 33-23, and reversing the Community Development Director's denial of Sign Permit No. 2589-23 based upon all evidence submitted and entered into the hearing record.

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Council identified the specific criteria supporting its decision reversing the Planning Commission's denial being that the appellant meets the density, distance, and area requirements.

Mayor Mays called for a roll call vote.

City Clerk, Amie Ell conducted the roll call vote.

The motion carried 5 to 0, Long, Runyon, Randall, Richardson, McGlothlin voting in favor; none opposed; none absent.

### **ACTION ITEMS**

#### Special Ordinance 23-599 A Special Ordinance Accepting Real Property on East 3rd Street for Public Parking

City Manager, Matthew Klebes reviewed the staff report.

Runyon said the land this parking lot will sit on could be used or sold in the future for another use and did not want structures built on the property.

Klebes said the city might consider requiring overnight parking permits in this lot. These permits would be free for residents of the downtown area and during the day no permit would be required.

McGlothlin said it was important the historic sign on the property be preserved.

Mayor Mays asked if any council member wanted the Ordinance read in full. None did. He asked the City Clerk to read the Ordinance title.

Ell read the Ordinance title.

It was moved by McGlothlin and seconded by Richardson to adopt Special Ordinance No. 23-599, a Special Ordinance accepting the dedication of real property on East 3rd Street between Jefferson and Madison Street, by title only, and authorize the City Manager to execute the Development Agreement with the Columbia Gateway Urban Renewal Agency contingent upon Agency Board approval. The motion carried 5 to 0, McGlothlin, Richardson, Runyon, Randall, Long voting in favor; none opposed; none absent.

#### Resolution No. 23-039 Suspending the Processing and Issuance of Short-Term Rental Licenses Under The Dalles Municipal Code Chapter 8.02

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Joshua Chandler reviewed the staff report.

Runyon asked if anyone in the community affected by this resolution had been involved in its creation.

Chandler said no as it would be hard to determine who might be applying for a short-term rental license in the future.

McGlothlin said to make sure there is input from both side of the argument and emphasized transparency.

Richardson thanked staff for acting on council direction to create this moratorium.

It was moved by Richardson and seconded by Randall to adopt Resolution No. 23-039 Suspending the Processing and Issuance of Short-Term Rental Licenses Under The Dalles Municipal Code Chapter 8.02. The motion carried 5 to 0, Richardson, Randall, Runyon, McGlothlin, Long voting in favor; none opposed; none absent.

**ADJOURNMENT**

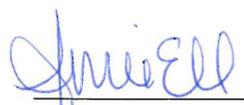
Being no further business, the meeting adjourned at 9:24 p.m.

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Submitted by/  
Amie Ell, City Clerk



SIGNED: \_\_\_\_\_  
Richard A. Mays, Mayor



ATTEST: \_\_\_\_\_  
Amie Ell, City Clerk



# City of The Dalles City Council

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MONDAY, NOVEMBER 27 , 2023 | 5:30 PM

# Appeal No. 035-23

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**Appellant:** J. R. Zukin Corp. d/b/a Meadow Outdoor Advertising

**Address:** 747 W. 2<sup>nd</sup> Street

**Assessor's Map and Tax Lot:** 1N 13E 4 AA 200

**Zoning District:** General Commercial "CG"

**Issue:**

Appeal of Planning Commission Resolution No. P.C. 618A-23, denying Appeal #033-23 of the Community Development Director's denial of Sign Permit No. 2589-23, to replace an existing off-premises advertising sign (i.e., a billboard) located adjacent to a city street with a larger billboard.

# Comments Received

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As of today, 36 comments received in support of the appeal request

# Project Timeline

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## Sign Permit No. 2589-23:

- Denied: February 27, 2023

## Appeal No. 033-23

- Planning Commission: September 7 & October 19, 2023
- Appeal Denied: October 19, 2023

## Appeal No. 035-23

- *City Council:* November 27, 2023

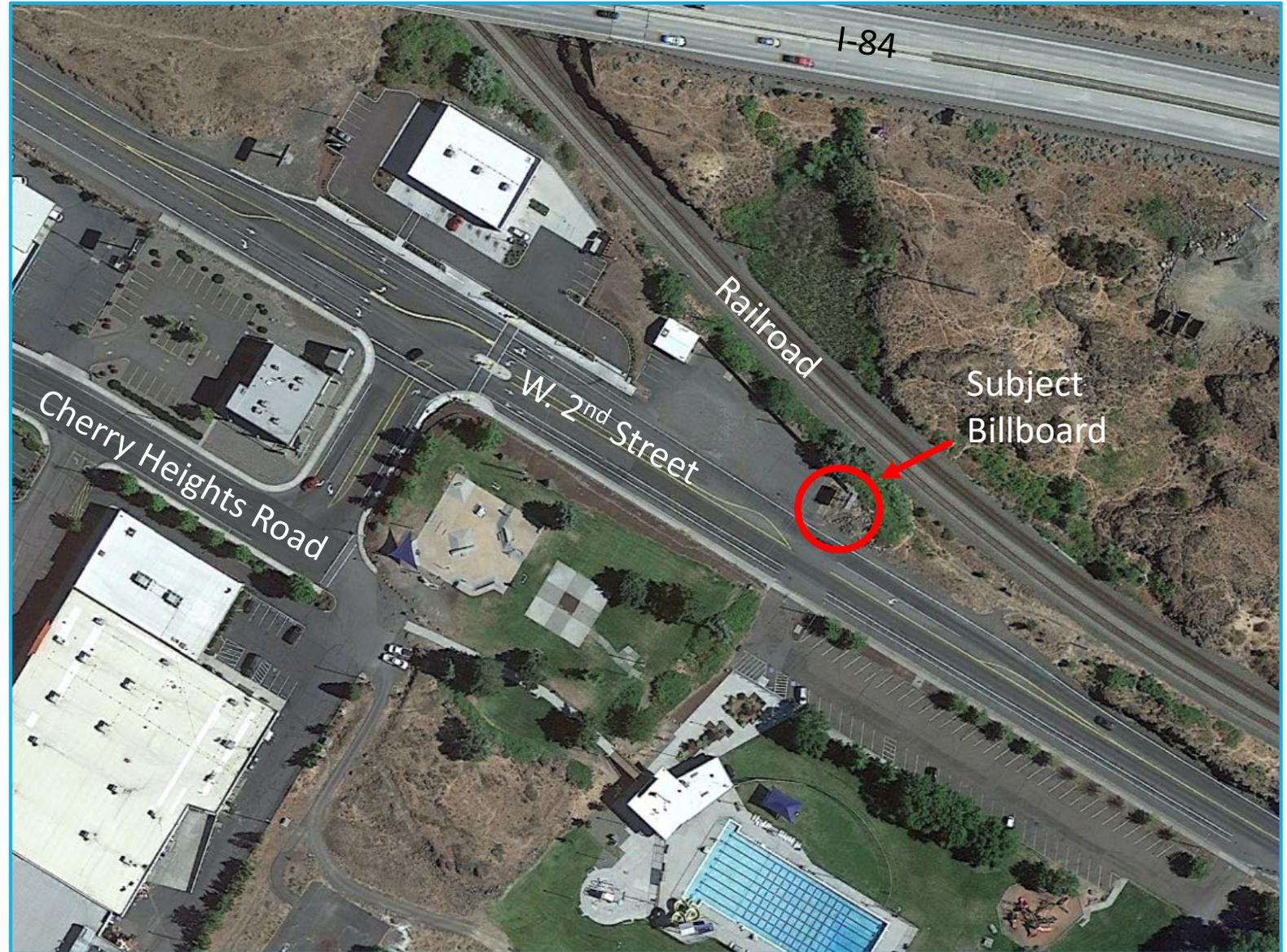
## 120-Day Timeline:

**December 2, 2023**

# Subject Property

747 W. 2<sup>nd</sup> Street

1N 13E 4 AA 200



Existing Billboard

Face = 8' x 16'

Height = 24'

Proposed Billboard

Face = 8' x 24'

Height = 24'



# Permit Requirement

10.13.020.030

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*A sign permit shall not be required for routine maintenance, such as repainting and repair of existing signs. Exceptions are also made for exempt signs listed in Section 10.13.030.010. However, a permit is required for a change of business name or any structural alteration to an existing sign.*

Request: *Enlarge an existing sign*

- **New sign permit is required**

# Interpretation at Issue

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TDMC 10.13.050.150 (C)(2)

*City Streets. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 300 feet apart when measured at right angles to the street centerline to which the sign is oriented.*

# Interpretation at Issue

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TDMC 10.13.050.150 (C)(2)

*City Streets. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 300 feet apart when measured at right angles to the street centerline to which the sign is oriented.*

- **Staff's interpretation:** Linear/Radial Mile
- **Appellant's interpretation:** Road/Street Mile

# Terminology

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- Staff and Appellant maintain consistent positions on interpretation
- However, inconsistent terminology has been used throughout the review process
- **Staff's interpretation:** Linear/Radial Mile
  - “as the crow flies”
  - a linear mile measurement in all directions from the center of a circle = ***radial mile***.
- **Appellant's interpretation:** Road/Street Mile
  - “as the road curves”

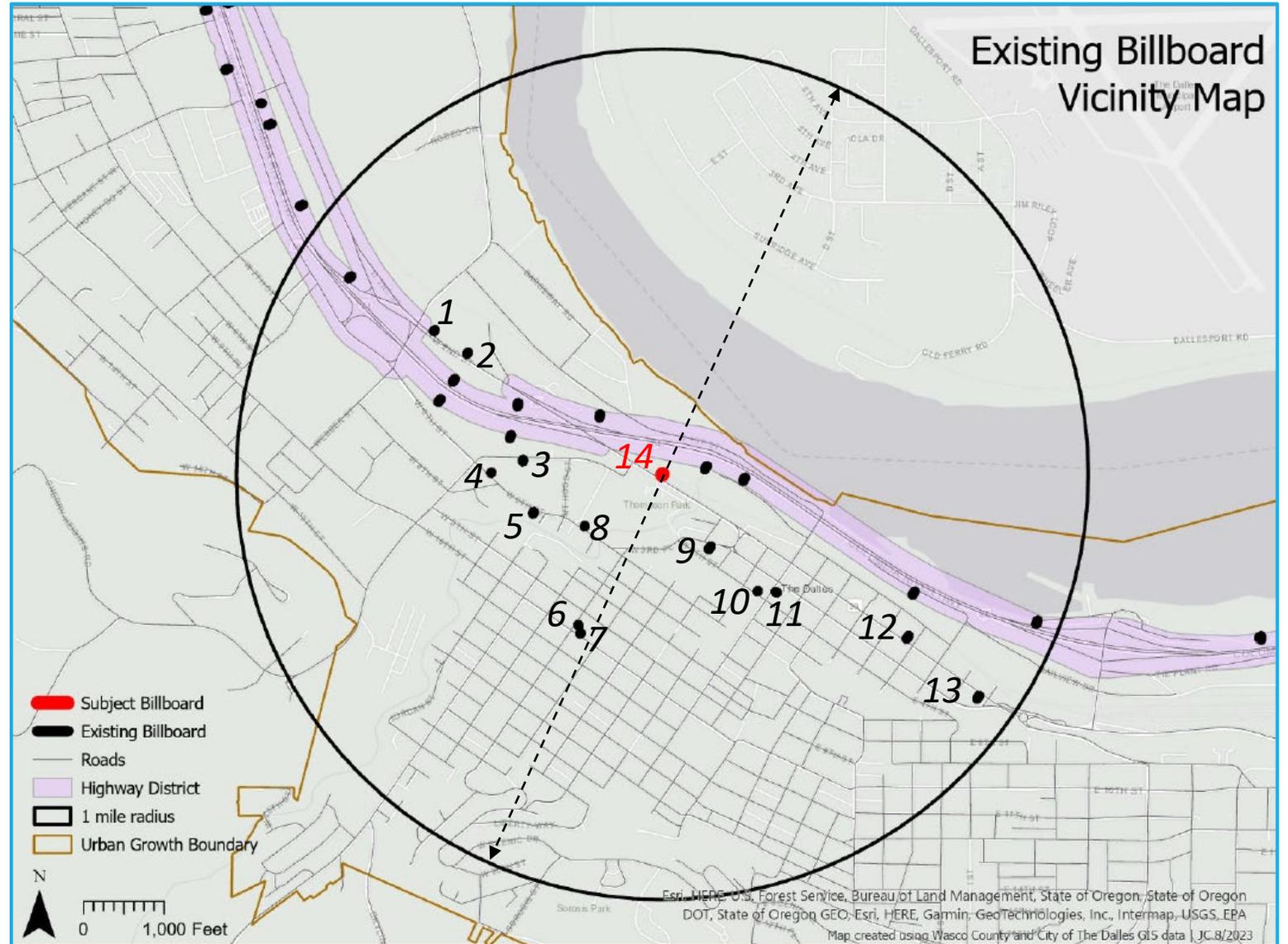
***Linear mile ≠ Road mile***

# Basis for Denial

“Linear/Radial Mile”  
Interpretation

# of billboards within one-  
mile of subject billboard:

- 24 billboards (total)
- 14 *non-Highway* billboards



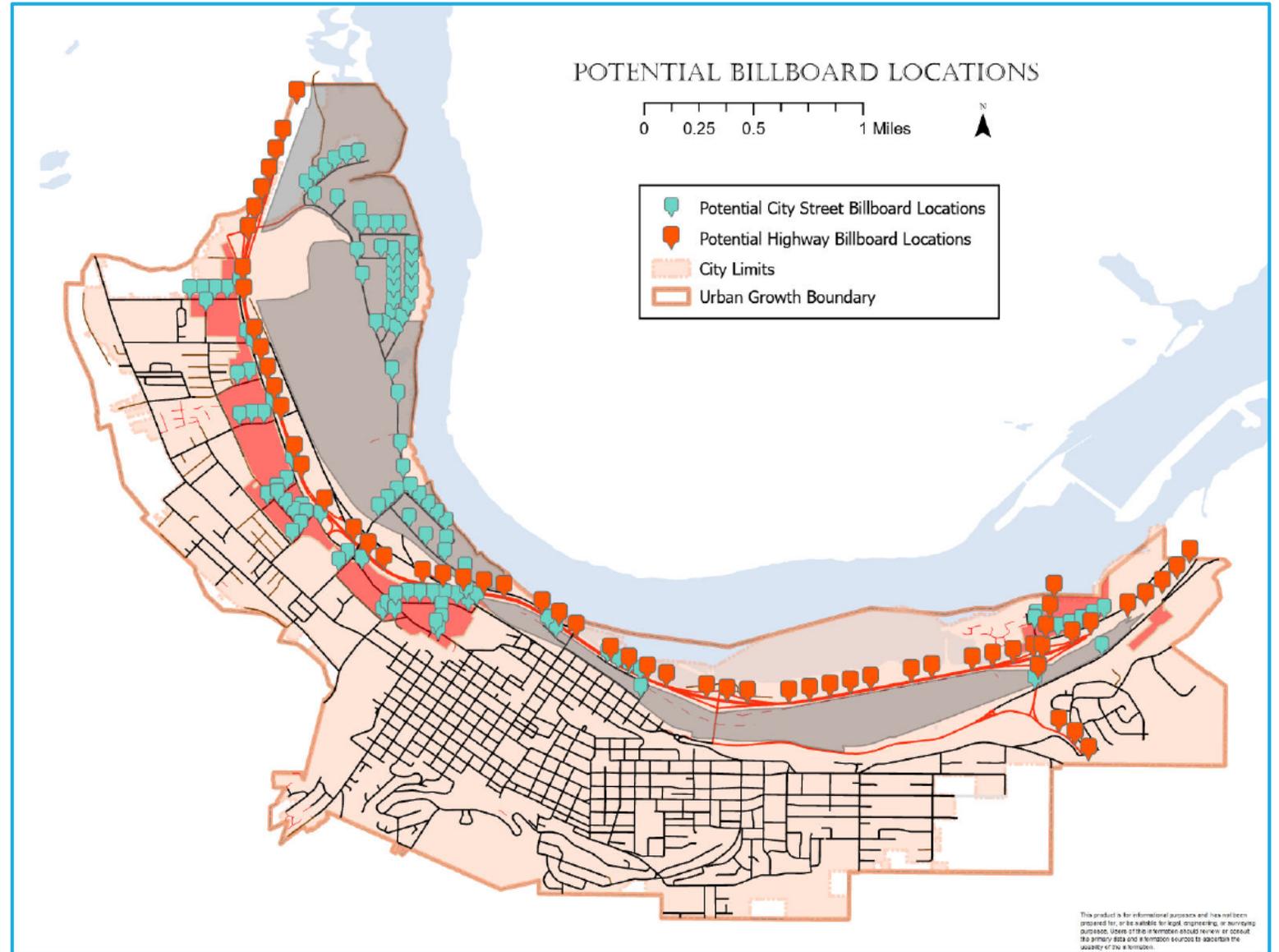
Attachment 5, pages 66/597

# “Road Mile” Interpretation

Staff generated map to demonstrate:

No more than 8 signs per “road mile” on all roadways in UGB

Only signs in CG and I zones permitted; billboards are not permitted in all other zones



Attachment 6, pages 67/597

# Filing Appeal

---

- Staff corresponded with Appellant multiple times (10/22 – 6/23) regarding interpretation
- Appellant notified staff of intent to appeal – June 2023
- Staff determined multiple procedural inconsistencies within TDMC 10.13 and 10.3
- Staff decided to err on side most beneficial to Appellant; allow Appeal to move forward

# Appeal *Alternative*

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- Rather than appeal, Staff offered Appellant a collaborative alternative (Attachment 9, page 72-73 of CC packet)
  1. Move forward with Appeal
  2. Collaborate with Staff on amending inconsistencies with Chapter 10.13
- Appellant provided no response; submitted Notice of Appeal
- Notice of Appeal submitted 18+ weeks after SP 2589-23 denial

# Appeal No. 035-23

---

Appellant's four reasons the City Council should grant the appeal request:

- 3. The lineal mile measurement benefits the City's economy, thus fulfilling policies set forth in the comprehensive plan*
- 2. Since 1974, the City has, as a matter of course, approved placement of billboards based on a lineal mile measurement*
- 1. Nothing in the text of TDMC 10.13.050.150(C)(2) limits the number of billboards to 8 per radial mile*
- 4. Changing the interpretation of TDMC 10.13.050.150(C)(2) to a radial mile measurement will render existing billboards nonconforming, thus consigning them to eventual demolition*

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# Sign Ordinance History

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## January 1974 – September 1992

- *The maximum number of advertising signs shall not exceed 8 per mile with no more than five on one side of the street and no closer than 500 feet apart when measured along the street centerline and measured at right angles thereto.*

## September 1992 – Present

- A. *The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 500 feet apart when measured **at right angles to the street or highway centerline to which the sign is oriented.***
- B. *“City Streets”.... (“300 feet apart”)*

# Sign Ordinance History

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- Appellant was a vocal contributor during multiple sign code work sessions in 1991 and 1992
- In 1992, Appellant requested the addition of “road mile” into Sign Ordinance (Attachment 2, page 45-46 of CC packet)
- Upon adoption, “road mile” was **NOT** added into Sign Ordinance
- Existing language has remained unchanged since 1992

# Historical Permit Review

---

- Appellant argues:

*“Since 1974, the City has, as a matter of course, approved placement of billboards based on a lineal mile measurement”*

- Staff confirmed:

**Only 3 of 42 billboard locations city-wide mention “8 per mile”**  
(includes all billboard permit records available)

# Sign Ordinance History

## *Zoning*

---

### January 1974 – May 1984

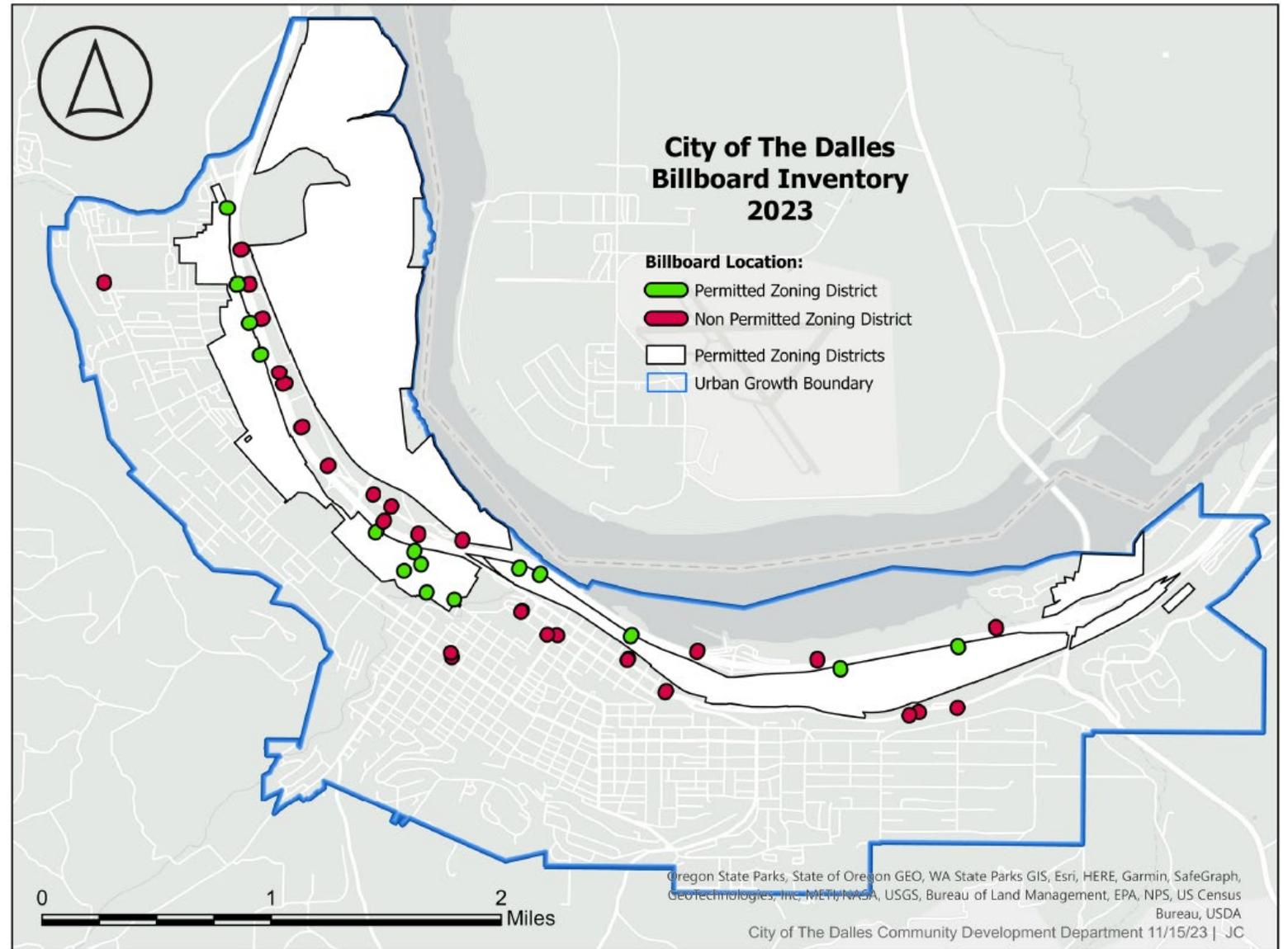
- *Advertising signs shall be located in commercial or industrial zones, as designed by the City Zoning Ordinance.*

### May 1984 – Present

- *Advertising signs shall be located only in General Commercial and Industrial Zones, as designated by this Title.*
- **Since 1998: 13 billboards received City zoning approval in non-permitted zoning districts**

# City of The Dalles Billboard Inventory

- 42 Total Billboards
- 14 – permitted zoning district
- 28 – non-permitted zoning district
  - *13 approved since 1998*



# Appeal No. 035-23

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Appellant's four reasons the City Council should grant the appeal request:

- 3. The lineal mile measurement benefits the City's economy, thus fulfilling policies set forth in the comprehensive plan*
- 2. Since 1974, the City has, as a matter of course, approved placement of billboards based on a lineal mile measurement*
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# Review Criteria

---

- Criterion met
- Criterion met with conditions
  - *Finding #12 - 10.13.050.150 (B)*
- **Criterion not met**
  - *Finding #13-B - 10.13.050.150 (C)(2)*
- **Criterion not applicable**
  - *Finding #15 - 10.13.070.010*

# Appeal No. 035-23

---

Appellant's four reasons the City Council should grant the appeal request:

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# Finding #13-B

*10.13.050.150 (C)(2)*

---

*City Streets. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 300 feet apart when measured at right angles to the street centerline to which the sign is oriented.*

# Finding #13-B

*10.13.050.150 (C)(2)*

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*City Streets. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 300 feet apart when measured at right angles to the street centerline to which the sign is oriented.*

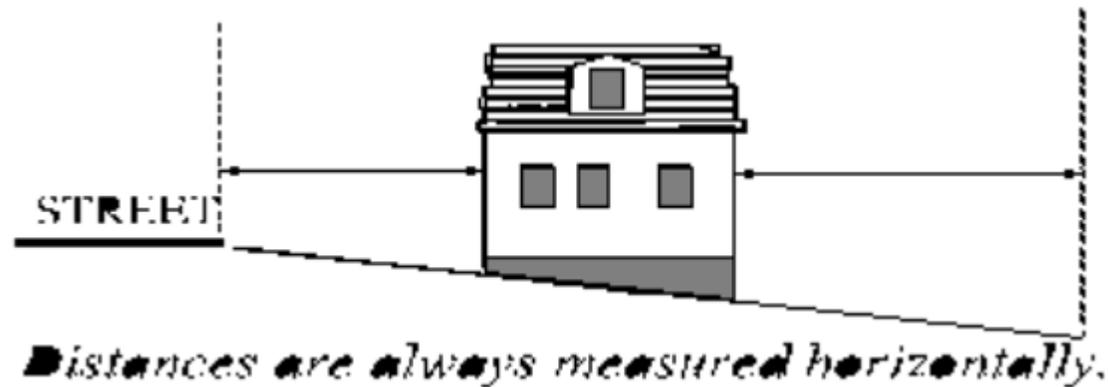
Three requirements for sign placement:

- 1. shall not exceed 8 per mile**
- 2. no more than 5 on one side of the street*
- 3. no closer than 300 feet apart when measured at right angles to the street centerline to which the sign is oriented*

# Measuring Distance (10.6.070.030 (A)(1))

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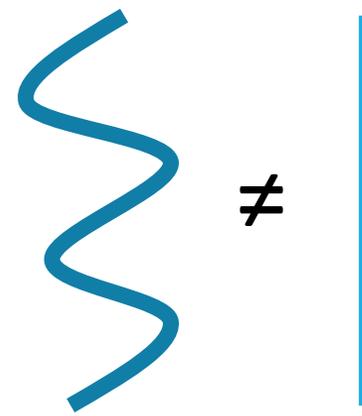
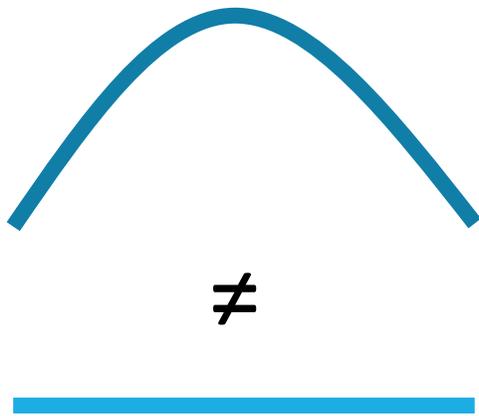
*Distances are measured horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land.*



# Measuring Distance (10.6.070.030 (A)(1))

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# Topography

---

- Not specifically defined in TDMC
- Three common definitions provided below:
  - *The arrangement of the natural and **artificial** physical features of an area.*
  - *The art or practice of graphic delineation in detail usually on maps or charts of natural and **man-made** features of a place or region especially in a way to show their relative positions and elevations.*
  - *Topography is a field of geoscience and planetary science and is concerned with local detail in general, including not only relief, but also natural, **artificial**, and cultural features such as **roads**, land boundaries, and buildings.*
- Include “man-made” and “artificial features” (e.g. roads)
- **Roads/streets are not factors in determining distance, thus “Road mile” interpretation is incorrect**

# Appeal No. 035-23

---

Appellant's four reasons the City Council should grant the appeal request:

- 3. The lineal mile measurement benefits the City's economy, thus fulfilling policies set forth in the comprehensive plan*
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# Finding #15

*10.13.070.010*

---

*Signs and advertising structures which do not conform to the provisions of this Chapter but which lawfully existed and were maintained on the effective date of Ordinance 92-1153 shall remain lawful except as provided in this Article.*

# Finding #15

10.13.070.010

---

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# Finding #15

10.13.070.010

---

*Signs and advertising structures which do not conform to the provisions of this Chapter but which lawfully existed and were maintained on the effective date of Ordinance 92-1153 shall remain lawful except as provided in this Article.*

## Subject Billboard

- Constructed in 2003 (11 years after Ord. 92-1153)
- Per TDMC: NOT, and can never be, a nonconforming sign

# Council Alternatives

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- 1. Staff recommendation:** *Move to adopt Resolution No. 23-041A, a resolution denying APL 35-23 (affirming the Planning Commissions' denial of APL 33-23 and affirming the Community Development Director's denial of Sign Permit No. 2589-23), based upon all evidence submitted and entered into the hearing record, including the findings of fact and conclusions of law set forth in the Agenda Staff Report.*



# City of The Dalles City Council

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MONDAY, NOVEMBER 27 , 2023 | 5:30 PM

Stephen E. Lawrence, 2017 View Court, TD 97058

**Statutory construction begins with looking at the plain language of the statute to determine its original intent. To determine a statute's original intent, courts first look to the words of the statute and apply their usual and ordinary meanings.**

**Second, while I don't see any ambiguity, where there can be perceived to be more than one interpretation of code, statutory or even contract language, the language is always construed against the party who drafted it, that being the city.**

This matter before the council is a classic example of just that. Do not be overwhelmed by the legalistic, excessive analysis provided by the planning director and legal council. Those are attempts to persuade by minuscule interpretation of other parts of the code and an attempt to get away from the above easy analysis. The planning department is not responding to a ministerial directive, it is attempting to change policy, which it cannot.

Further, do not let the mountains of legal writing and legal arguing place you in a position where you say to yourself, I am not a lawyer and therefore, must rely on our city attorney's argument.

You do not. This is a **de novo** hearing, meaning you have the right to determine for yourselves what the evidence shows and what is most just and fair, considering history, plain language and impact.

This is not a metropolis. It is a small town and the size alone gives you direction. The Meadows billboards have been here for years and the company has conducted its business in a professional manner, complimenting the area and been an important economic generator. They have the right to depend upon years and years of interpretation and application of sign codes by the planning department and thus, the city. As Mayor from 2013-2019, I am not aware of any confusion about the application of this code.

Finally, to return to the language in question, “8 per mile with no more than 5 on one side of the street” can only be understood by reference to the terms used. “one side of the street” absolutely modifies “8 per mile. The word “with”, by definition means, “possessing (something) as a feature or accompaniment.” The 8 per mile thus contains the component of no more than 5 on one side of the street and thus, by its very inclusion, applies in a linear way along a street.

Please, reverse the planning commission’s erroneous decision.

Thank you, Stephen E. Lawrence, Mayor, 2013-19

Community Development Department  
ATTN: City Council  
313 Court Street  
The Dalles, Oregon 97058

From: Daniel C Durow, 1628 W. 13<sup>th</sup> Street, The Dalles, Oregon, 97058

RE: Appeal of Planning Commission Resolution No. P.C. 618A-23

Dear Mayor and City Council.

Recently, I was contacted by the applicant for the appeal of this sign permit denial. I was asked to review the staff report and other pertinent information and comment on what I found.

I was the Community Development Director for the City of The Dalles from 1990 through 2012. In that capacity, I directed and participated in at least one major revision and several other lessor revisions to the sign code over the years. I also participated in administrative decisions and the preparation of staff reports in which the sign code was interpreted and applied.

Because of this unique position, my comments that follow are not necessarily made on behalf of the applicant or the City. I am making these comments to help the City Council understand the intent and customary interpretation of the code as I, and my staff, interpreted it throughout that time. As it appears, these past decisions and interpretations are an important element in making the current findings on this appeal.

The key issue revolves around the Code Section 10.13.050 (C)(2), which reads in part:

*“The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 300 feet apart when measured at right angles to the street centerline to which the sign is oriented.”*

First: The staff report for appeal No. P.C. 618A-23, interprets this section to mean a one-mile radius distance from the proposed sign location. This interpretation is not consistent with the intent on how the ordinance was written, interpreted, or applied during my tenure. In fact, I could not determine how a radius measurement might be devised from this language. The language was clearly intended to be interpreted as linear measurements not an area measurement. The last portion of that sentence is clear that the intent is to be linear measurements on the street: *“...with no more than 5 on one side of the street and no closer than 300 feet apart when measured at right angles to the street centerline to which the sign is oriented.”*

Second: I have reviewed the exhibits provided by staff and tried to understand how this ‘area’ interpretation could be applied and still make sense, but it just doesn’t. The one-mile radius encompasses an area of 3.14 square miles: over two thousand acres. It includes an area ranging from the airport property on the Washington side of the river on the north, to a portion of the Community College property on the south, then west to the intersection of 10<sup>th</sup> and Chenoweth

Loop Road, and then east to include the marina. There are many more than eight signs within this expansive area, all of which become non-conforming under this interpretation. Creating many non-conforming signs was not the intent of the language noted above, nor have these signs ever been understood to be non-conforming.

Third: The intent of the broader language of the sign code was to create a policy to reach a balance between the needs of the traveling public and businesses to advertise, and the negative esthetics and ineffectiveness of having too many signs. This balance was not based on some scientific formula but on the needs and desires of the community. This balance can and does change over time. But this is a policy decision determined through public hearings with adoption by the City Council, not by what appears to be an inconsistent, unusual, and unsupported interpretation of a section of the code.

Fourth: The staff report notes on page 8, first paragraph, that distance measurements are made according to Section 10.6.070.030(A)(1) which reads:

*“Distances are measured horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage, storage area, parking area, or other object. These distances are not measured by following the topography of the land.”* (Please see the attached illustration)

This language was specifically intended to measure setbacks and other structural dimensions on a parcel of land that had a non-zero slope. When the distance to a structure is measured on a sloped line, greater or lesser than 0 (zero) degrees, the resulting horizontal setback or other structural dimensions would end up being a lesser distance than what the code intended. This language was added to make it clear how setbacks and other structural dimensions would be measured on a property that had a non-zero slope.

Thank you for the opportunity to pass along this information which should be helpful in your deliberations.

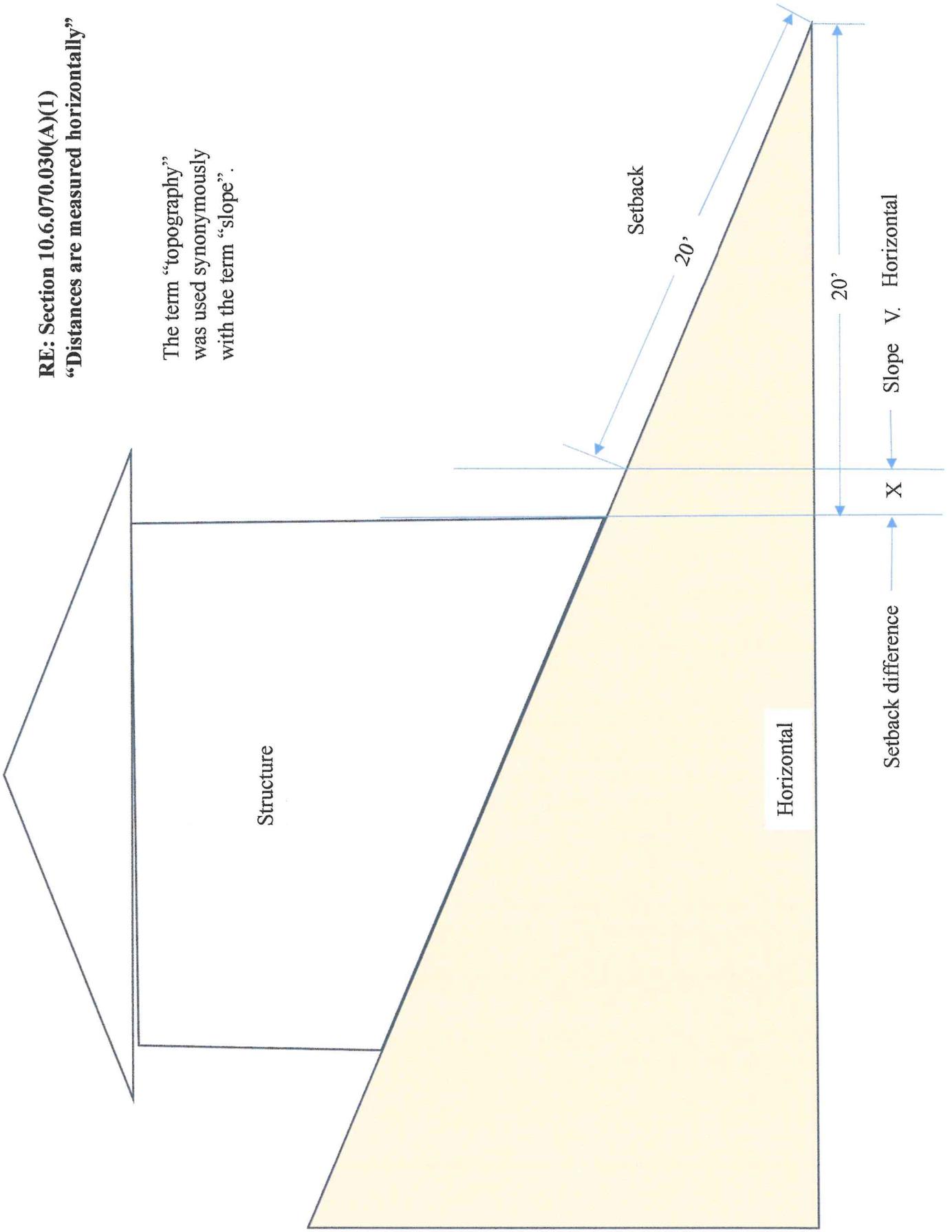
Sincerely,



Daniel C. Durow

**RE: Section 10.6.070.030(A)(1)  
"Distances are measured horizontally"**

The term "topography" was used synonymously with the term "slope".



## **Scott Hege - Meadow Outdoor Appeal Comments...**

*Introduction and Thank you for considering this important issue*

*First, I have to tell you that this issue has been very troubling me for quite a while wondering why we as a community are really challenging the business operation of our more philanthropic and giving business to the community. It would be hard to find a corporation that has been more willing to support and contribute to this community than Meadow Outdoor and its leader Chris Zukin.*

*I'm not suggesting that anyone gets a 'pass' because they are nice or do good things for our community, but there is no one asking for a 'pass' here, they are looking to continue operating as they have for decades all with the support of the City and their staff.*

*This issue appears to be one of interpretation. As humans, there are lots of things we need to figure out and interpret...often on a daily basis. In this case, this interpretation leads to a fairly significant change in policy. As leaders of the community, you need to be careful to not let an interpretation of staff lead to a policy change for the entire city. Perhaps there is interest in a policy change, but that does not lie in the hands of staff, it is squarely in your hands.*

*As someone who has worked most of their career in working to expand and attract business to this city and this county, Meadow Outdoor is an exceptional example of a 'good corporate citizen'. We need more like them, not less. Their growth and success is beneficial to our community.*

*I'll leave you all with some questions: "What has changed? Why has the interpretation changed now? Is this business somehow now creating something negative in the City of The Dalles? It's not clear to me what that might be. If that is not the case, then your decision should be to support this appeal and allow one of the great businesses in our community to continue doing great things.*

*Thank you*



11/27/23

Dear Members of The Dalles City Council:

I am writing in response to the current issue regarding The Dalles Sign Code.

As a community organization, YouthThink has always dealt with the challenge of connecting with our community members. We have lost the daily newspaper and people have still not recovered from being isolated indoors. Getting timely information out is a constant struggle.

Over the last several years, YouthThink has secured billboard location space for English and Spanish billboards that inform our community of upcoming events or important community norms. We greatly value this information sharing method.

Please consider the potential unintended consequences that this change in interpretation could cause

- Loss of a vibrant, supportive business in our community
- Loss of a key communication method
- Loss of a unique way to portray pride in our community with local signage

We urge the City Council to uphold the "linear measurement" interpretation of the code. Meadow Outdoor Advertising is an important contributor to our community as is using the effective means of communication that billboards provide.

Thank you for your consideration and taking time to address this important matter.

Sincerely,

Debby Jones  
Director - YouthThink  
[debbyj@co.wasco.or.us](mailto:debbyj@co.wasco.or.us)  
541-506-2673



**GARY  
DENNEY**

FLOOR COVERING and  
CARPET WAREHOUSE, inc.



**CarpetsPlus®**  
**COLORTILE**  
AMERICA'S FLOOR STORE 

816 West 6th Street  
The Dalles, OR 97058  
garydenneyfloorcovering.com

**541-298-4252**  
**Fax 541-296-1070**

11/20/23

To: The Dalles City Council

RE: Meadow Outdoor Advertising Planning Commission Appeal

Honorable Mayor and City Councilors,

This letter is in support of Meadow Outdoor Advertising's Planning Commission appeal concerning the interpretation of the current sign code that deviates from the established interpretation.

After 45 years of doing business in The Dalles, we appreciate Meadow Outdoor Advertising.

I included a photo of our first billboard. As a new business just opening our doors in 1978, this billboard got us noticed.

This form of media advertising is important to businesses in our town.

The Zukin's and Meadow Outdoor Advertising are a very important part of our community.

We ask that you Please vote in favor of their appeal regarding the sign code interpretation.

Sincerely,

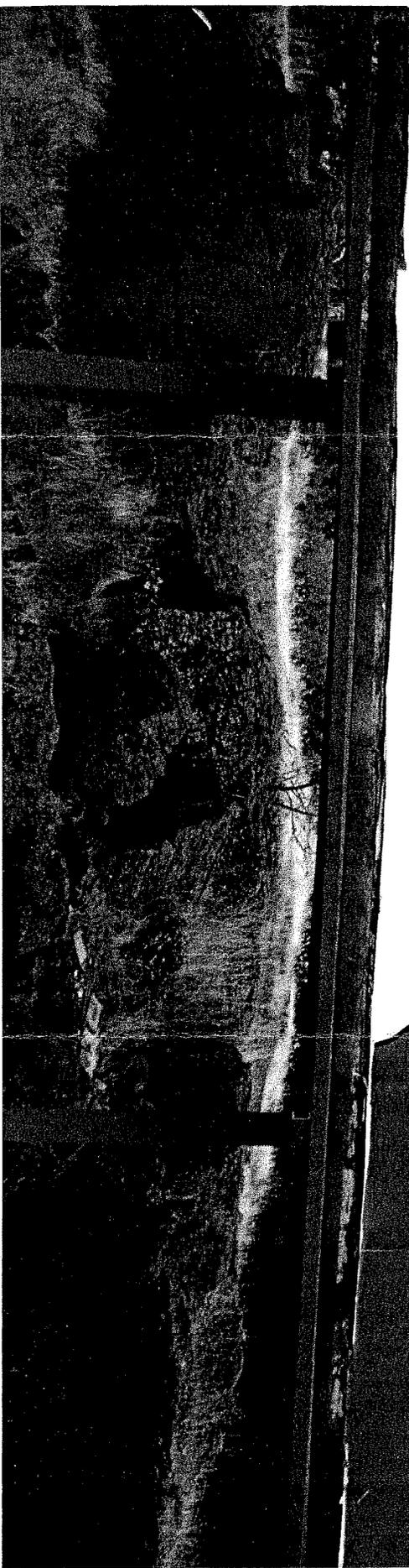
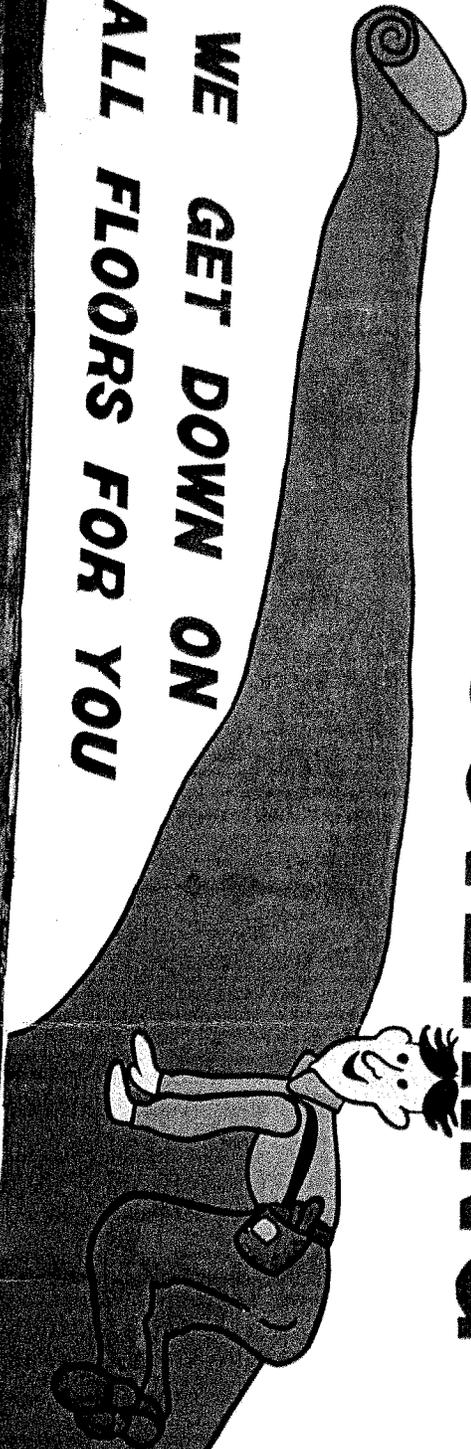
*Wendy and Gary Denney*

Gary Denney Floor Covering

Marcus, Gary and Wendy Denney

# GARY DENNEY FLOOR COVERING

**WE GET DOWN ON  
ALL FLOORS FOR YOU**



To: The Dalles City Council

RE: Meadow Outdoor Advertising Planning Commission Appeal

Honorable Mayor and City Councilors,

This letter is in support of Meadow Outdoor Advertising's Planning Commission appeal concerning the interpretation of the current sign code that deviates from the established interpretation. The deviation represents a policy change, not an interpretation of the code.

Meadow Outdoor has been a good corporate citizen of The Dalles for over 40 years and has complied with the current code in all cases. Your vote to support this appeal will keep this business strong and viable to the community for years to come.

Please vote in favor of their appeal regarding the sign code interpretation.

Sincerely,  
Handwritten signature of Nancy Mitchell in cursive script.



To: The Dalles City Council

RE: Meadow Outdoor Advertising Planning Commission Appeal

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Please vote in favor of their appeal regarding the sign code interpretation.

Sincerely,

A handwritten signature in blue ink that reads "Orlene Dudley". The signature is written in a cursive style with a large initial "O".



November 22, 2023

The Dalles City Council – c/o City Clerk  
313 Court Street  
The Dalles, OR 97058

Re: Meadow Outdoor Advertising Planning Commission Appeal

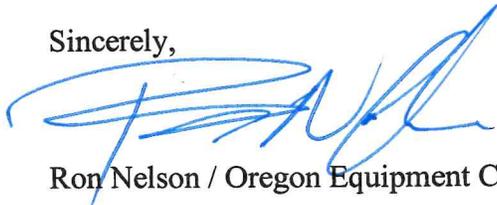
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Please vote in favor of their appeal regarding the sign code interpretation.

Sincerely,



Ron Nelson / Oregon Equipment Co. Inc.



November 22, 2023

The Dalles City Council  
c/o City Clerk  
313 Court Street  
The Dalles, OR 97058

**Re: Meadow Outdoor Advertising Planning Commission Appeal**

Honorable Mayor and City Councilors:

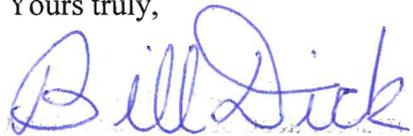
I am a former City Council member having served for approximately nine years before being replaced by my good friend, Russ Brown. I understand that The Dalles City Sign Ordinance is under discussion next Monday evening at council meeting. The ordinance regarding the maximum number of advertising signs (billboards) per mile was intended to have a linear interpretation of "mile" and not a radial interpretation of "mile". That was the interpretation placed on the regulatory code during my time on council. It makes sense and, in light of the enforcement of that ordinance over these many years as has been interpreted, if now interpreted in a significantly different way, this would unfairly impact those who have relied upon the law to this point.

This letter is in support of Meadow Outdoor Advertising's Planning Commission appeal concerning the interpretation of the current sign code that deviates from the established interpretation. The deviation represents a policy change, not an interpretation of the code.

Meadow Outdoor has been a good corporate citizen of The Dalles for over 40 years and has complied with the current code in all cases. Your vote to support this appeal will keep this business strong and viable to the community for years to come.

Please vote in favor of their appeal regarding the sign code interpretation.

Yours truly,



Bill Dick  
2520 E. 14<sup>th</sup> Street  
The Dalles, OR 97058

BD:kjn



November 22, 2023

The Dalles City Council – c/o City Clerk  
313 Court Street  
The Dalles, OR 97058

Re: Meadow Outdoor Advertising Planning Commission Appeal

Honorable Mayor and City Councilors,

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Please vote in favor of their appeal regarding the sign code interpretation.

Sincerely,



Julie Rotter

Concerned Citizen



November 22, 2023

The Dalles City Council – c/o City Clerk  
313 Court Street  
The Dalles, OR 97058

Re: Meadow Outdoor Advertising Planning Commission Appeal

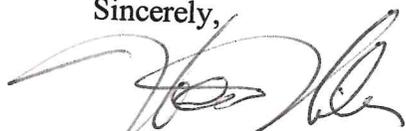
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Please vote in favor of their appeal regarding the sign code interpretation.

Sincerely,



Hewitt Hillis / Oregon Equipment Co. Inc.



Wasco County Utilities Coordinating Council  
PO Box 1700  
The Dalles, OR 97058

To: The Dalles City Council

Re: Meadow Outdoor Advertising – Planning Commission Appeal

Honorable Mayor and City Councilors,

This letter is in support of Meadow Outdoor Advertising's Planning Commission appeal concerning the interpretation of the current sign code that deviates from the established interpretation. This deviation seems to represent a significant policy change, not a simple clarification of the code.

Meadow Outdoor has been an outstanding business partner and a good corporate citizen of The Dalles for over forty years. They have been vital in helping our organization promote the safety of utility operators and the general public who work around underground facilities.

Your vote to support this appeal will keep this important business strong and viable to this community for years to come.

Please vote in favor of the Meadow Outdoor Advertising's appeal regarding the sign code interpretation.

Sincerely,

Jacob Gilbertson

Jacob Gilbertson (Nov 21, 2023 14:45 PST)

Nov 21, 2023

Jacob Gilbertson, President on behalf of  
Wasco County Utilities Coordinating Council



To: The Dalles City Council

RE: Meadow Outdoor Advertising Planning Commission Appeal

Honorable Mayor and City Councilors,

This letter is in support of Meadow Outdoor Advertising's Planning Commission appeal concerning the interpretation of the current sign code that deviates from the established interpretation. The deviation represents a policy change, not an interpretation of the code.

Meadow Outdoor has been a good corporate citizen of The Dalles for over 40 years and has complied with the current code in all cases. Your vote to support this appeal will keep this business strong and viable to the community for years to come.

Please vote in favor of their appeal regarding the sign code interpretation.

Sincerely,

*Bill and Vicki Matthew*  
*The Dalles*



**From:** [Evans, Amanda](#)  
**To:** [cityinfo](#)  
**Subject:** Meadow Outdoor Advertising Planning Commission Appeal  
**Date:** Monday, November 27, 2023 10:58:26 AM

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Dear Mayor Mays, & Councilors McGlothlin, Long, Randall, Richardson & Runyon,

I am writing today asking that you vote in favor of the appeal from Meadow Outdoor Advertising regarding the sign code interpretation. I would hate to see the valuable advertising space offered by Meadow Outdoor Advertising rendered unusable.

In my role as a nonprofit organization in The Dalles, we have benefitted from the generosity of Meadow Outdoor Advertising with free billboards supporting our fundraising events. Our fundraising events benefit our community through scholarships, patient assistance programs, health initiatives, and equipment/technology upgrades for our local medical system. We also depend on billboards for important messaging through paid advertising.

As a community member in The Dalles, I look to billboards as a knowledge source - specifically when looking for local businesses for hire. I personally think of this as an economic issue. Businesses need to advertise, and a billboard is a great way to do it. I love to see our local businesses showcased - landscapers, painters, restaurants, and so on. It is one of the things that highlights The Dalles hometown feel, and I would hate to see it go away.

I understand the intention to not have billboards stacked on each other creating a "picket fence" effect, but I fail to see the problem with the current status of billboards in our area. I am sure this is a difficult decision for you, and I appreciate your attention to the matter. Again, I urge you to vote in favor of the appeal from Meadow Outdoor Advertising regarding the sign code interpretation.

Thank you for your consideration,

**Amanda Evans** | Executive Director | Mid-Columbia Health Foundation  
1700 E 19<sup>th</sup> Street, The Dalles, OR 97058 | 541-993-3629

[ADVENTISTHEALTH:INTERNAL]





November 22, 2023

The Dalles City Council- c/o city clerk

313 Court Street

The Dalles, Or 97058

RE: Meado Outdoor and City Council

Honorable Mayor and City Councilors,

This letter is in support of Meado Outdoor Advertising's Planning Commission appeal concerning the interpretation of the current sign code that deviates from the established interpretation. The deviation represents a policy change, not an interpretation of the code.

Meadow Outdoor has been a great corporate citizen of The Dalles for over 40 years. Mr. Zukin and his team, at Meadow Outdoor, live and work in this community. They have lent their support to so many organizations that provide vital services to The Dalles and surrounding communities. Meadow Outdoors has and continues to comply with the current code in all cases. Your vote to support this appeal will keep this business strong and viable to the community for years to come.

Please vote in favor of their appeal regarding the sing code interpretation.

Sincerely,

*Beatriz Lynch*

Beatriz Lynch500500, Executive Director

SafeSpace Children's Advocacy Center of the Gorge

[blynch@safaspacecac.org](mailto:blynch@safaspacecac.org)



## Amie Ell

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**From:** Richard Mays  
**Sent:** Saturday, November 25, 2023 10:28 AM  
**To:** Amie Ell  
**Subject:** Fw: Billboard changes

---

**From:** Juris Sarins <jurissarins@att.net>  
**Sent:** Saturday, November 25, 2023 9:04 AM  
**To:** Richard Mays; Timothy McGlothlin; Darcy Long; Scott Randall; Dan Richardson; Rod Runyon  
**Subject:** Billboard changes

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Dear Mayor and Council members:

I am the treasurer for Gorge Artists Inc., a non profit organization that sponsors an annual open studios tour of local artists.

This is coupled with outreach to students in the gorge.

Meadow outdoor has been an active sponsor in this endeavor for the at least the past 10 years.

The have donated promotional space for this tour, drawing attention to an event that allows visitors to learn about the behind the scenes creative aspects of the various arts.

The proposed change in the interpretation of the billboard regulations would preclude any billboard promotion for this tour, which in the past has drawn hundreds of visitors from Seattle, Portland, the Tri-cities, etc.

Considering how important art has been in the resurgence of the city, I would urge you to constrain your Planning director's

re-interpretation of existing regulations, which have worked so well for the past 49 years.

Respectfully yours,

Juris Sarins  
Treasurer, Gorge Artists Inc.

773 882 7678



November 22, 2023

Honorable Mayor and City Council members.

I am writing in support of the appeal of Planning Commission Resolution No. P.C. 618A-23. As a prior City Councilor I am wondering why it ever had to come to this point.

The staff report you received is, in my opinion, flawed. The staff report also goes to great lengths to provide you a lot of verbiage to prove the point of why it can not approve the application.

Here are some examples from Code of why the application should be approved.

10.2.010 Meaning of Words Generally All words and terms used in this Title have their commonly accepted, dictionary meaning unless they are specifically defined in this Title, **or the context in which they are used clearly indicates to the contrary.** I believe Miles as used in context with the sign ordinance clearly shows how that word was defined.

Measurements? Planning explains how measurements are defined but does not tell you that nowhere in that portion of code is a definition of Mile. And if we are to agree with planning that measurement of mile is "as the crow" flies then that would conflict with 10.2.010 in relation to the sign ordinance. Planning also fails to point out that 10.6.0070.030 defines measurements in vehicle travel areas as being the center of the vehicle travel area. Conflicts with planning interpretation of linear mile.

10.13.050.150. In FINDING #13-B planning states that there are three (3) separate requirements. The actual wording is "The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 300 feet apart when measured at right angles to the street centerline to which the sign is oriented." You may notice that is all one sentence. One sentence that defines 3 parts of one requirement. The three do not stand separately but rather are dependent on each other. This then conflicts with what planning proposes in that 10.13.050(C)(2) that speaks to using a radial mile.

What galls me most however is planning stating "In the event the City may have previously interpreted the "8 per mile" standard to mean a road mile rather than a linear mile, the City is not obligated to continue to rely on that interpretation once it determines it is not correct. If the City determines previous permits were issued in error, it can correct those errors and now apply the Code as written, without prejudice to Appellant. Put another way, there is no requirement City actions be consistent with past decisions: Oregon law requires only that a decision must be correct when made – to require consistency for that sake alone would run the risk of perpetuating error." This statement is in conflict with 10.2.010. This statement to put it simply—doesn't that phrase bother you? 597 pages of staff report boiled down to staff saying "since there is all this technical crap you're not going to understand let me put this to you simply—is staff attempting to set policy. Attempting to add a definition that is not clearly defined in code. Attempting to change what has been used to provide context to the use of the word "mile" as it applies to the sign ordinance for many long years. What it simply isn't is staff willing to find ways to find ways to make things work.

One area of agreement would be "that a decision must be correct when made". I would ask that you make the correct decision and rule in favor of the appeal.

Bob McFadden  
5485 Chenoweth Creek Road  
The Dalles, OR 97058



## Amie Ell

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**From:** Karl Vercouteren <kjverc@gmail.com>  
**Sent:** Sunday, November 26, 2023 12:20 AM  
**To:** cityinfo  
**Subject:** Re: the Sign Code

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To the Mayor and City Council:

The Sign Code and its application since 1974 have served our city well. Visitors and local residents are directed to restaurants, businesses, and community events via billboards that are situated so as to conform with the clear meaning of the Sign Code.

I've been to places where "picket fence" rows of billboards are allowed, and am happy that the Sign Code and companies that sponsor and erect signs have the present limitations. We don't have too many signs in our town. And the limitation along each street gives a reasonable space between the signs.

The proposed new interpretation would all but eliminate all of the signs and appears to target Meadow Outdoor Advertising specifically. Meadow has been a good citizen and has played by the rules. Why shouldn't Meadow be allowed to show its wares in the city in which it is headquartered?

Please support Meadow's appeal regarding the interpretation of the Sign Code.

Sincerely,

Karl Vercouteren  
1624 Montana Street  
The Dalles, OR 97058



Gene E. Parker  
2445 East 15<sup>th</sup> Street  
The Dalles, OR 97058  
[dixiegene@gorge.net](mailto:dixiegene@gorge.net)  
(541) 980-5138

November 22, 2023

Mayor and City Council  
313 Court Street  
The Dalles, OR 97058

Re: Agenda Item #10A for November 27, 2023 Council meeting  
Appeal of Planning Commission Resolution No. P.C. 618A-23

Dear Mayor Mays and City Councilors:

I am writing this letter to encourage the City Council to make a decision following the hearing in the above referenced matter, to grant the appeal, and adopt a motion to direct the staff to prepare a resolution granting the appeal, reversing the Planning Commission's decision, and approving the application to replace an existing off-premises advertising sign located adjacent to a city street with a larger billboard.

In a memorandum dated September 7, 2023, City Attorney Jonathan Kara wrote that the issue before the Planning Commission "appears to be whether the City's off-premises sign regulations call for a lineal or radial measurement of the distance between billboards (to determine how *8 per mile* should be considered)". Mr. Kara's memorandum noted the applicable test for determining the meaning of a land use regulation, as set forth in the case of *Estroff v. City of Dundee*, 79 Or LUBA 189 (2019), requires the City to consider the text and context of the land use regulation. If the code text reveals the meaning, the inquiry ends there. If the text of the code is ambiguous, then the City must look to the context of how the regulation was adopted and has been applied. Mr. Kara noted that the perceived ambiguity in Section 10.13.050.150(C)(2) of the Land Use and Development Ordinance (LUDO), referred to as the "Spacing Rule", and Section 10.6.070.030 of the LUDO referred to as the "Measurement Rule", required the measurement of a mile for purposes of Section 10.13.050.150(C)(2) be calculated as a linear or a radial measurement. Mr. Kara asserted the City understood the context surrounding the Spacing Rule to demand a radial measurement.

There are difficulties reconciling Mr. Kara's analysis and the position taken by Community Development Director Josh Chandler, with the methodology outlined in the *Estroff v. City of Dundee* case. Mr. Chandler's staff report notes there are three requirements for the siting of a new or replacement billboard under Section 10.13.050(C)(2). The first is that signs may not exceed eight (8) per mile. City staff's interpretation is that the phrase "per mile" is to be measured *linearly* (i.e., "as the crow flies). Mr. Chandler's staff report then notes that Section 10.6.070.030(A)(1) of the LUDO provides that "Distances are measured horizontally". Mr. Chandler asserts the City Planning Department uses the City's Geographic Information System (GIS) to facilitate the precise measurements of billboard locations and their proximity to one

Gene E. Parker  
2445 East 15<sup>th</sup> Street  
The Dalles, OR 97058  
[dixiegene@gorge.net](mailto:dixiegene@gorge.net)  
(541) 980-5138

another. His staff reports states that “For the purposes of determining billboard proximity (as required by TDMC 10.13.050.150(C)(2), each proposed billboard location is considered the center point of a radial buffer determined horizontally in all directions equidistant from the center point (i.e. a circle)”.

The analysis set forth by Mr. Chandler and Mr. Kara is inconsistent with the text and context of Sections 10.13.050.150(C)(2) and 10.6.070.030(A)(1) of the LUDO. There is no language in either of these provisions indicating that the “8 per mile” requirement in Section 10.13.050.150(C)(2) should be interpreted using a standard of “as the crow flies”. Crows obviously can fly in different directions. Mr. Chandler apparently asserts that the term “horizontal” for purposes of Section 10.6.070.030(A)(1) should be interpreted to mean that the distance between billboards should be determined during a radial basis of measurement. The term “horizontal” is not defined in the LUDO. Section 10.2.010 **Meaning of Words Generally** provides as follows:

“All words and terms used in this Title have their commonly accepted, dictionary meaning unless they are specifically defined in this Title, or the context in which they are used clearly indicates to the contrary”.

The Oxford American Dictionary defines the word “horizontal” to mean “parallel to the plane of the horizon; at right angles to the vertical”. There is nothing in the context of Section 10.6.070.030(A)(1) to indicate that this commonly accepted definition of the term horizontal should not be applied in this matter. The method of using a “radial buffer determined horizontally in all directions equidistant from the center point” is clearly inconsistent with the common and accepted definition of the word “horizontal”. Mr. Chandler is effectively interpreting the provisions of the City’s use of the term “horizontal” to include words that are specifically not included in the City’s LUDO.

Based upon an application of the radial method of measurement, City staff apparently determined there were more than eight signs per mile within the one mile radius of the existing billboard sign. Based upon this determination, City staff concluded there was no need to conduct a further analysis concerning the second and third requirements for siting a new or replacement billboard, which are that no more than five billboards can be located on one side of the street, and the billboards must be no closer than 300 feet from one another, with the point of measurement for this distance being measured at right angles from the street centerline where the sign is located. There was no discussion in either Mr. Chandler’s staff report for the Council hearing, or Mr. Kara’s memorandum of September 7<sup>th</sup>, as to how the proposed radial basis of measuring the distance between billboards which can include more than one street, could be reconciled with the existing language in the LUDO that refers to “one side of the street”, and “the distance being measured as right angles from street centerline where the sign is located.”

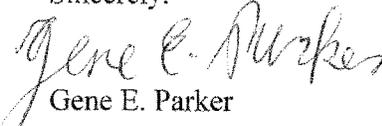
Gene E. Parker  
2445 East 15<sup>th</sup> Street  
The Dalles, OR 97058  
[dixiegene@gorge.net](mailto:dixiegene@gorge.net)  
(541) 980-5138

During my tenure as City Attorney, it is my recollection that the provisions of Section 10.13.050.150(C)(2) were interpreted as set forth by Mr. Daniel Durow in his testimony before the Planning Commission, which was that a linear method using a horizontal approach was how this section should be applied. It is my understanding the City staff has recently taken the position that this methodology was incorrect. I believe the record establishes that the Appellant, JR Zukin Corporation, dba Meadow Outdoor Advertising, relied upon the City staff's interpretation of many years in good faith.

Mr. Chandler's staff report mentioned his department had reached out to the Appellant with a proposal for a collaborative alternative to possibly create amendments to the LUDO which could assist in clarifying the ambiguous provisions in the City's LUDO. Mr. Chandler noted the Appellant apparently failed to respond to the staff's proposal and determined to proceed with an appeal.

It would appear to me that amending the City's LUDO to clarify the language concerning the methodology to be used for purposes of applying the measurement standards in Section 10.13.050.150(C)(2) would be appropriate. Given the good faith reliance by the Appellant upon the position taken by former City staff members that a linear and horizontal methodology for distance measurement should be used, and the inability to reconcile the radial methodology proposed by current City staff with the express language in the City's LUDO, I believe it is appropriate for the City Council to vote to uphold the appeal, and also ask the City Manager to have City staff proceed with working on amendments to the LUDO to clarify the measurement provisions in Section 10.13.050.150(C)(2).

Sincerely,

  
Gene E. Parker



## Amie Ell

---

**From:** john grant <johnagrnt4@hotmail.com>  
**Sent:** Sunday, November 26, 2023 12:50 PM  
**To:** Amie Ell; Abigail Jara  
**Subject:** Regarding Appeal of Planning Commission Resolution No. P.C. 618A-23

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Dear City Council,

I currently serve on the Planning Committee for The Dalles. I unfortunately was unable to attend the meeting in which the denial of Sign Permit No. 2589-23, J.R. Zukin Corp. d/b/a Meadow Outdoor Advertising was brought forth, due to a fundraiser I had planned months in advance. I was sad to hear the news of the Committee's decision. I watched the meeting after the fact. I did not believe that the rest of the board had clarity on this matter. The decision looked like a pass on of responsibility. I believe the verbiage in The Dalles City code when referring to billboards, is not clear enough to give a denial for this application. In the matter of our City government, if the code is not clear, is too open for interpretation we should not deny an application. This is an existing structure, with a company that has been doing business in The Dalles and the Columbia Gorge for decades. I believe the planning committee has made a mistake on this decision, I hope the city council will correct this. I believe if we continue to deny we will be open to lawsuits and distrust within our community.

Thank you,

John Grant  
912 Federal St  
The Dalles, OR



To: The Dalles City Council

RE: Meadow Outdoor Advertising Planning Commission Appeal

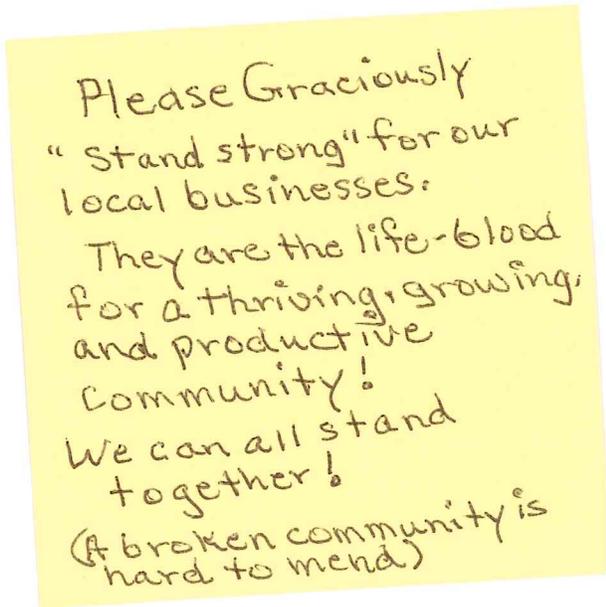
Honorable Mayor and City Councilors,

This letter is in support of Meadow Outdoor Advertising's Planning Commission appeal concerning the interpretation of the current sign code that deviates from the established interpretation. The deviation represents a policy change, not an interpretation of the code.

Meadow Outdoor has been a good corporate citizen of The Dalles for over 40 years and has complied with the current code in all cases. Your vote to support this appeal will keep this business strong and viable to the community for years to come.

Please vote in favor of their appeal regarding the sign code interpretation.

Sincerely,



Please Graciously  
"stand strong" for our  
local businesses.  
They are the life-blood  
for a thriving, growing,  
and productive  
community!  
We can all stand  
together!  
(A broken community is  
hard to mend)



November 17, 2023

The Dalles City Council – c/o City Clerk  
313 Court Street  
The Dalles, OR 97058

City Council,

I am writing this letter in regards to the recent change in The Dalles Planning Department's recent change in billboard policy. This proposed change implemented by Mr. Josh Chandler appears to be a solution in search of a problem. I do not personally know Mr. Zukin nor have I had business dealings with him in the past. I am, however, aware of his extensive support of community causes throughout the last forty years. He and his company have been model citizens in The Dalles. Billboards in The Dalles have never been an issue throughout the years. To change the policy now seems very short-sighted and unfair. I urge you to vote in favor of Meadow's appeal of this sign code interpretation.

Sincerely,



Kenneth Onstott, CPA  
cc: Mr. Chris Zukin



November 20, 2023

The Dalles City Council—c/o City Clerk  
313 Court Street  
The Dalles, OR 97058

Re: Meadow Outdoor Advertising Planning Commission Appeal

Honorable Mayor and City Councilors,

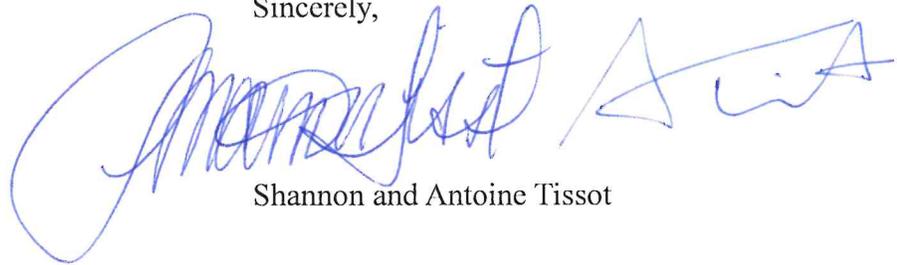
This letter is in support of Meadow Advertising’s Planning Commission appeal concerning the interpretation of the current sign code that deviates from the established interpretation. The current Dalles City Sign Code states “the maximum number of advertising signs (billboards) shall not exceed 8 per mile with no more than 5 on the same side of the street.” This language has been in The Dalles City Sign Code since 1974 and has been reviewed and approved in 1981, 1992, 2007 and 2014. Since 1974 the city planning department personnel interpreted this wording to mean no more than 8 billboards per **linear** mile. Per Dan Durow, Senior Planner and Community Development Director from 1990 to 2012, “the language was clearly intended to be interpreted as linear measurement.”

The current Planning Director, Josh Chandler, is arbitrarily imposing a radial mile measurement on advertising signs which represents a *policy change, not an interpretation of the code*. Policy changes can only be determined and changed by the City Council, who are elected officials, not newly hired City staff. For over 40 years Meadow has complied with the current code; arguably the signs are a pre-existing use of the land.

Since 1981, Meadow Outdoor Advertising has donated hundreds of **free** billboards to various projects, non-profits, and community events. Meadow Outdoor has been a good corporate

community member of The Dalles for over 40 years and has complied with the current code in all cases. This arbitrary policy change of The Dalles Sign Code will cause great financial loss, jeopardizing the livelihood of a company that has operated in The Dalles since 1981. We respectfully request that you vote in favor of Meadow's appeal regarding the side code interpretation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shannon and Antoine Tissot". The signature is stylized and cursive, with a large initial "S" and "A".

Shannon and Antoine Tissot



November 20, 2023

The Dalles City Council  
c/o City Clerk  
313 Court Street  
The Dalles, Oregon 97058

Dear City Council Members,

Please accept this letter as the show of our support for **Meadow Outdoor Advertising**.

The Mid-Columbia Community Concert Association (MCCCA) is located here in The Dalles and has been a mainstay in this community since the 1930s. We are an all-volunteer organization of individuals who believe that our community is only as strong and healthy as the people who live and conduct business here. Working together is how we maintain the highest quality of life here in the gorge. Meadow Outdoor Advertising sets a great example by this measure. The people associated are actively involved, generous in their donations and are overall good neighbors. They have earned our support.

MCCCA is family-friendly and community-driven which is why we especially appreciate that Meadow Outdoor Advertising is family-run and has existed in The Dalles for the past 43 years. Not only have they helped our organization to meet our goals year after year, they have shown great leadership, both personally and professionally. We are happy to acknowledge them as a valued steward in our community and they are definitely deserving of our collective respect.

MCCCA asks that you please consider this matter seriously and find the very best and most logical solution for all parties involved.

Thank you.

Sincerely,

Ronnie Smith  
President  
Mid-Columbia Concert Association  
PO Box 286, The Dalles, OR 97058



This letter is a call to action. A summons to the City Council honoring its members' promise to follow its goals, a promise to honor its Charter, a promise to follow directives set in the Charter and goals, and most of all, its responsibilities to honor the will of its community. City Council members do not own the community. They are elected to serve it. That perspective is clearly defined in the online Welcome page of the Mayor's City address. These are all items of findings and facts.

Below will be a short statement of history regarding this appeal of the Planning Commission's decision to change policy on a 'plus' 50 year old prepared, adopted and in-practice billboard sign code. Sign Code 92-1153. Fifty years, just fine. I propose a guess that no member of the City Council could identify, without the aid of their packet maps provided by the Planning Director, where these subject signs exist currently. Be honest. You likely did not know about them before the Planning Director elected to "change the policy" governing the permission of those locations. Likely **Fact #1.**

This is a good spot to remind the Council of one of its promises. These are words directly from your City Mission Statement.

The City Council is charged with the appointment of the City Manager, City Attorney and Municipal Judge. They adopt the annual budget and perform all other actions necessary to guide the government, while **representing concerns of the citizens of The Dalles.**

During the first appeal to the Planning Commission on this "**new policy change**", it was overwhelmingly **clear that the citizens** did not agree with the Planning Commission's position to forward that "change in policy". Opps. Maybe the Mission Statement is wrong? Make a note of that in your decision. We may need to change the wording governing our Mission Statement. **Point #1.**

#### 2023 CITY OF THE DALLES COUNCIL GOALS

Listed:

**Planning Commission (4 Year Term) •The Commission consists of seven members who are not officials or employees of the City. The Planning Commission meets on a monthly basis to review The Dalles Municipal Code revisions, review active development applications, and conduct business.**

Nowhere does this set of goals describe "policy setting". However, a 180 degree change to this 50 year old sign code, of which twice failed in the past to be rewritten and consequently was returned to its original intent. One of those Planning Commission decisions to return this sign code back to its original intent was completed as recently as 1992. Yes, 31 years ago! I was the Chairperson of that Planning Commission back then. I am like Dan Durow's earlier testimony, totally familiar with the Planning Commission's intent to keep the language exactly as it was. Obviously, we are witnessing a "**policy change**" by the Director and Planning Commission with this most recent effort. Call it interpretation, call it new rules, call it whatever you may. It is clearly a "**policy change**". As defined above, the City does not include that as one of the Planning Commission's goals. The Commission

Members are not officials nor employees. They are not empowered to make “**policy changes**”. But they did. **Point #2.**

The Planning Commission heard overwhelming testimony against the new move to create this “new policy” with testimony coming from a previous City Planning Director. Advising them against it. A previous Director speaking also for its validity in its original language. The Planning members have also received calls in opposition of this “new policy” move. Be reminded the members of the planning commission are not officials nor employees given the power to produce a 180 degree “policy change”. One point of testimony needs clarification in order to capture the slanted position being presented by the current Planning Director. I read that the Planning Director stated that in the earlier public hearing of 1992, that Planning Commission failed to accept the “linear” language proposed during that hearing. However, in that same hearing documentation, they also failed to accept the “radial” language discussed. Hmmm. I wonder why that portion was conveniently left out of his argument? He gave the impression they were not in agreement with the “linear” version. The truth was, they did not want to change any of the language set originally. Against these obvious wrongs, they have passed the measure to change the policy of this code. Therefore, this measure has moved to an appeal before the City Council.

Additionally, in the preface of the City Mayor’s address online about the City of The Dalles Council, in the section titled Goals... The Council is dedicated to creating an environment that encourages and helps facilitate housing needs, maintains infrastructure and **invites economic development**. **Point #3.**

How, pray tell, does this newly created “policy change” encourage and invite economic development? It does not meet the Mayor’s titled goal. Meadow Outdoor is a corporate entity, “based in The Dalles” with business associations spread throughout several states and counties in the greater Northwest. Not only are they a wonderful, clean and respected corporation based in The Dalles, they are proven to be a huge community contributor through many benevolent contributions. Over their years located here, well over a hundred thousand dollars has been given to great causes that enhance the quality of life in The Dalles. They could be considered one of The Dalles best business leaders in that category of measure. This is the kind of clean business model the City of The Dalles desires to attract in its economic development efforts. This new code “policy change” will deeply undermine the ability of Meadow Outdoor to sustain its normally accepted revenue possibilities in The Dalles. I am confused why a body of city government would entertain a monetary stabbing of this type, with an unnecessary “policy change” that would ensure great monetary losses for this respectable commercial business. Be reminded, a healthy commercial atmosphere is vital to assist in building a great community. “Inviting economic development”, rather than tearing it apart, is exactly why that role is the third important item listed in the Mayor’s goals. The original sign code has produced no evidence of complaints for community obstructions nor adverse citizen disfavor. None are on record. At least, I could not find one. So where are the findings of fact to generate a reversal of policy? The existing code already provides a long standing respect (50+ Years) to the original intent of this code. And I cannot find anywhere any evidence that Meadow Outdoor has violated the intent of this 50-year old code, ever. Meadow Outdoor is definitely the kind of business we would dedicate funds to solicit to locate here. They have proven to become the kind of desirable business models that help financially to bolster community enhancements and support. Randomly flipping long standing code policies and causing huge economic harm to an exemplary local business,

unnecessarily, is like stabbing one of your better commercial models in the back? Who actually believes this is a good idea? Stick to your missions and goals, please. I am embarrassed as a community leader at how far this wrongful mission has gone. Again, I repeat this as **Point #3**.

But there is more. Due to the City Charter of how the Council manages any Appeal here is the stated language of how the Council must treat appeals of the Planning Commission.

**Appeal from Planning Commission Decision (one hour and 15 minutes per hearing: 10 minutes for staff report and questions, 15 minutes for appellant presentation, 15 minutes for proponent testimony, 15 minutes for opponent testimony, 5 minutes for appellant rebuttal and 15 minutes for questions and decision).**

A very limited amount of time for the appellant to offer their position. Let's compare. It's my understanding that the Planning Department has hired an outside lawyer to help prepare, orchestrate and represent the Department on this issue of "policy change". My questions begin. Do we not have a City Lawyer? Already compensated to perform those duties? And furthermore, Is a commissioned outside lawyer ethically supposed to orchestrate this process as a 'makeshift' advisory member? Or is this outside the district lawyer hired to provide legal advice to any questions the staff may find worthy of checking out? I am confused about whether this relationship exists as advisory or legal interpretations? Is the hiring of this outside lawyer a process of legality that shows little confidence in the City Lawyer's ability to handle the questionable appearance of this "policy change" procedure? What gives here? What is the motivation to hire a legal outside facilitator? On this one subject matter? Are the members of city council aware of these procedures and preliminary actions from the Planning Commission? Does the 15 minute presentation described in the appellate process above offer an equal balance to the high handed level of outside legal efforts used to drive this "policy change"? Furthermore, does this city council adhere to the idea to support this monetary, wasteful spending of the hard earned patrons tax dollars in this fashion? These are solid and responsible questions this city council needs to address. These are not officials nor employees engaging together to waste the citizens tax dollars in this fashion. This whole process is exactly the kind of non-transparent procedures and heavy handed arrogance the voting public is clearly disturbed to discover. I personally want to know your answers to these questions in the appeal hearing so they can become public record. This process is an over-reach in my opinion. But that's just my opinion. I want it on record so the public can witness these actions and as a result, form their own opinions. Failure to do so, I may suggest, violates your goals and missions. **Point #4**.

At hand, this is the issue. The city's code has for more than 50 years limited billboards to "8 per mile with no more than 5 on one side of the street . . ." Since 1974, The City has interpreted this to apply along each street (as the wording says). That is the clear language of the existing code. Everybody can read that and understand what it means. However, this new planning director has decided to change that language through a wordsmithing exercise and as a result, "change the policy" of the intent this sign code has always been understood to read. As a result, the wild interpretation must insert the word RADIUS in order to support his new thoughts. RADIUS was never in that language. But if you approve this approach, the language of that 50 year old code has to change and include that word, RADIUS, in order to stand official. This is a 180 degree "policy change". **Point #5**.

As submitted by Meadow Outdoor, this new interpretation is very restrictive. In fact, it will render ALL of their billboards in The Dalles nonconforming, which, in turn, will severely limit or even prohibit their ability to operate, maintain, upgrade, and retain their billboard inventory. Totally contrary to the Mission Statement of the City and the Goals of the City as stated by the Mayors mission and Goals address. This is obviously an arbitrary overturning of a longstanding precedent by a new city staffer which ultimately ignores the Goals and Missions of the City of The Dalles. Any argument otherwise, becomes purely an opinion without findings and fact. **Point #6.**

I spent 10 years in the past as an involved and working member, as well as Chairman of The Dalles City Planning Commission. Having had the pleasure of working with Jack Lesch, Scott Keillor and Dan Durow as directors. Excellent Directors, I might add. Just recently, and for the first time in almost thirty years since my term ended with this commission, it has come to my attention that the days of intelligent, compassionate and supportive community leadership from this important community commission is over. Today, the failing leadership within our planning department has hit a new low. I'm sure they are good people. But this last decision was a deep cut. An irresponsible cut. For the citizens of this community (everyone here), the patrons who face the daily mountain in their struggle to successfully operate small endeavors of commerce (such as Meadow Outdoor), as well as the wide collection of City employees as members of this important community who will be tainted by the insensitive splash of the irresponsible policy making that is occurring here (all of you behind the microphones). This City Council and the associate links to the employees of The City of The Dalles will be facing that unnecessary splash of over-reach from this planning department. That is what is before you today. This is clearly an overreach of "policy change".

This decision before you is not just an 8 signs per mile issue. Like the Planning Director would like you to believe. In those earlier examinations of this code there was no ambiguity that existed. It is clear what the intent and the law of that language was and has been practiced, as well as supported for 50 years. Currently, the only true fact of finding on this issue of "policy change" is that the current leaders of this planning and community development department do not like the old code. This harsh and abrupt change to this sign code is loaded with opinion that is not supported by the facts of findings. It needs to be responsibly overturned by this City Council.

Respectfully submitted,

Terry Turner

## Amie Ell

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**From:** Richard Mays  
**Sent:** Saturday, November 25, 2023 10:29 AM  
**To:** Amie Ell  
**Subject:** Fw: City Council Mtg Nov 27th- Sign Code Appeal

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**From:** Shawn & Tonya Brumley <rockinb4ranch@gmail.com>  
**Sent:** Tuesday, November 21, 2023 3:49 PM  
**To:** Amie Ell  
**Cc:** Timothy McGlothlin; Richard Mays; Darcy Long; Scott Randall; Dan Richardson; Rod Runyon; Chris Zukin  
**Subject:** City Council Mtg Nov 27th- Sign Code Appeal

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**To:** The Dalles City Council  
**Re:** Meadow Outdoor Advertising Planning Commission Appeal

Honorable Mayor and City Councilors,

This letter is in support of Meadow Outdoor Advertising's Planning Commission appeal concerning the interpretation of the current sign code. Meadow Outdoor has been a long-time supporter of non-profit organizations around the region offering in-kind and deeply discounted advertising space for nonprofits to advertise events, outcomes, and safety messages. United Way of the Columbia Gorge, Jerri Walker De-Priest Endowment Dinner & Auction, Get Ready- The Dalles, and Alpha are just a few of the most recent organizations I have been involved in that have received support from Meadow Outdoor Advertising over the last decade. These events are successful in part due to the advertising provided.

Our region would experience a *great loss* if the planning commission were to move forward with the new "interpretation" of the sign code. Please support the community and Meadow Outdoor Advertising by voting to support this appeal.

Sincerely,  
Tonya Brumley  
Volunteer  
541-993-8889



Jim Broehl  
318 West 12<sup>th</sup> Street  
The Dalles, Or 97058

To the members of The Dalles City Council

RE: Meadow Outdoor Advertising Planning Commission Appeal

Honorable Mayor and Members of The Dalles City Council,

I am writing this letter in support of Meadow Outdoor Advertising's appeal of the Planning Commission's decision to allow the planning director to change a long standing policy.

No matter who is impacted, this decision is simply wrong. But for this to happen to one of the best corporate citizens in our community is egregious.

I attended the first hearing which dealt with this issue along with a room full of long-time residents and several former City of The Dalles council members and retired city staff. I was appalled at the presentation of the issue by city staff. At one point a staff member said (I'm paraphrasing to my interpretation) I don't care how the old people who wrote the regulations interpreted them, I'm going to read them and interpret them my way while ignoring any input from those who drafted and/or interpreted them in the past.

I also thought the city staff was not being totally honest in presenting what they interpreted as failures of prior planning decisions. One example that was presented is that the signs located near Tenth and Trevitt should not have been allowed as they are in a residential area. The signs they mentioned are in the parking lot of one of the commercial buildings referred to by some as the Ninth Street Shopping Center. This is clearly not a residential area per city staff's presentation.

As a former Councilor, I understand the responsibility that the citizens have placed with you. I also understand the reliance that the Council places on city staff. What are less obvious are the consequences that the decisions made by the city staff has on the community. The day to day decisions made in city hall have a great effect on the opportunities, be it business or personal, of the individuals in the community. I am concerned that the brazen comment from city staff, as to ignoring prior interpretations of city ordinances, will make it frustrating to work within the rules of the city if we, the citizens, are subject to new interpretations at the whim of city staff.

In closing, I think that the decision by the Planning Commission was incorrect. The decision may have been tainted by city staff not presenting the issue as a policy change, but rather presenting the issue as 30 years of poor decisions made by prior staff and planning commissions. I would ask you to please vote in favor of Meadow Outdoor Advertising in their appeal of the Planning Commission's sign code interpretation.

Sincerely,



Jim Broehl



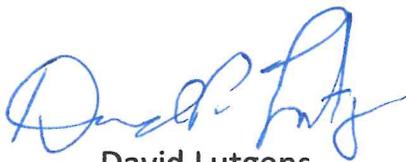
David P. Lutgens  
707 E 20<sup>th</sup> Street  
The Dalles, Oregon 97058

November 21, 2023

To The Dalles City Council:

This is in support of Meadow Outdoor and their position regarding the changes proposed by The Planning Department. I learned longtime ago, that if it isn't broken, don't fix it. Chris and his company have lived in and been a part of our community for a very long time. They have invested in building a company that provides good jobs and needed services for the business community. The change the planning department has proposed will have an adverse impact on his business and will not afford any positives for the community. If he is not allowed to improve, update and do maintenance on his product, what do you suppose will happen to the existing business.

The proposed interpretation does nothing except damage a great organization that has supported our community, and all the other organizations in town. I hope that the planning department would be overridden by a Council that should care for all the businesses in the city.



David Lutgens



## Amie Ell

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**From:** Shawn & Tonya Brumley <rockinb4ranch@gmail.com>  
**Sent:** Tuesday, November 21, 2023 3:50 PM  
**To:** Amie Ell  
**Cc:** Timothy McGlothlin; Richard Mays; Darcy Long; Scott Randall; Dan Richardson; Rod Runyon; Chris Zukin  
**Subject:** City Council Mtg Nov 27th- Sign Code Appeal

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Sincerely,  
Tonya Brumley  
Volunteer  
541-993-8889



## Amie Ell

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**From:** shannon morgan <shannonjene@gmail.com>  
**Sent:** Tuesday, November 21, 2023 9:36 AM  
**To:** Amie Ell  
**Subject:** November 27 City Council meeting

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To The Dalles City Council

Recently, I became aware of the The Dalles City planning commission's decision regarding existing billboards in The Dalles and how this pertains to Meadow Outdoor.

There is a zoning interpretation which has been in place for many decades regarding these billboards. Now, this has been challenged and reinterpreted to mean something confusingly new. This recent proposal means all Meadow Outdoor's boards will potentially be non-conforming

The new proposal seems unnecessary and would be punitive to Meadow Outdoor.

Like most people, I want our little town to be as picturesque as possible but advertising is necessary for our local economy.

This community-positive business has been here since 1981. They have always helped our community, being very active in The Dalles' nonprofits and fundraisers

I am a former board member of both The Dalles Art Center and Home at Last and I could always count on Meadow Outdoor for very generous donations of the design and board space for our many fundraisers. They are integral to our community.

We need good, positive businesses in The Dalles who support our community.

Let's not run a great business out of town.

Thank you,

Shannon McCloud Morgan  
1800 Lincoln Way  
The Dalles  
541 993 4669



To: The Dalles City Council

RE: Meadow Outdoor Advertising Planning Commission Appeal

Honorable Mayor and City Councilors,

This letter is in support of Meadow Outdoor Advertising's Planning Commission appeal concerning the interpretation of the current sign code that deviates from the established interpretation. The deviation represents a policy change, not an interpretation of the code.

Meadow Outdoor has been a good corporate citizen of The Dalles for over 40 years and has complied with the current code in all cases. Your vote to support this appeal will keep this business strong and viable to the community for years to come.

Please vote in favor of their appeal regarding the sign code interpretation.

Sincerely,



Michael L. Kilkenny

1927 Garrison St.

The Dalles, OR 97058



To: The Dalles City Council

RE: Meadow Outdoor Advertising Planning Commission Appeal

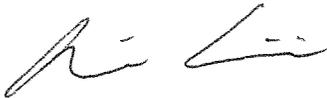
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Sincerely,

A handwritten signature in black ink, appearing to be "R. L.", written in a cursive style.



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Sincerely,

A handwritten signature in black ink, appearing to read "Michael Lef". The signature is written in a cursive style with a large, sweeping initial "M" and a long, trailing flourish.



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Sincerely,

Halley Jewell  
Flagstone DSM



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Sincerely,

A handwritten signature in cursive script, appearing to read "Glenn M. Tucke".



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Sincerely,

A handwritten signature in black ink that reads "J. C. Bohm". The signature is written in a cursive style with a large, stylized initial "J" and "B".



To: The Dalles City Council

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Sincerely,

A handwritten signature in black ink, appearing to read "James M. Dobbins". The signature is written in a cursive style with a large, looping initial "J".