

MINUTES

PLANNING COMMISSION MEETING

October 19, 2023

5:30 p.m.

City Hall Council Chambers
313 Court Street, The Dalles, Oregon 97058
Via Zoom / Livestream via City Website

- PRESIDING:** Cody Cornett, Chair
- COMMISSIONERS PRESENT:** Addie Case, Philip Mascher, Maria Peña, Mark Poppoff (arrived at 5:38 p.m.), Nik Portela
- COMMISSIONERS ABSENT:** John Grant
- STAFF PRESENT:** Director Joshua Chandler, Special Counsel Chris Crean, City Attorney Jonathan Kara, Secretary Paula Webb

CALL TO ORDER

The meeting was called to order by Chair Cornett at 5:31 p.m.

PLEDGE OF ALLEGIANCE

Chair Cornett led the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Portela and seconded by Case to approve the agenda as submitted. The motion carried 6/0; Case, Cornett, Mascher, Peña, Poppoff and Portela voting in favor, none opposed, Grant absent.

APPROVAL OF MINUTES

It was moved by Peña and seconded by Portela to approve the minutes of October 5, 2023 as submitted. The motion carried 6/0; Case, Cornett, Mascher, Peña, Poppoff and Portela voting in favor, none opposed, Grant absent.

PUBLIC COMMENT

None.

QUASI-JUDICIAL PUBLIC HEARING

APL 033-23, J.R. Zukin Corp. d/b/a Meadow Outdoor Advertising, 747 W. 2nd Street, 1N 13E 4 AA tax lot 200

Request: Appeal of the ministerial denial on February 27, 2023 of Sign Permit 2589-23, Meadow Outdoor Advertising, to replace an existing 8'x 16' billboard with a new, larger 8'x 24' billboard in a similar location.

Chair Cornett noted this public hearing was continued from September 7, 2023.

At the September 7, 2023 Planning Commission meeting, the Appellant's Counsel, Dunn Carney LLP, representing the Appellant, J.R. Zukin Corp. dba Meadow Outdoor Advertising, requested the opportunity to present additional evidence, arguments, or testimony regarding Appeal Application 033-23. Pursuant to ORS 197.797, the Planning Commission granted Appellant's request by leaving the record open until October 5, 2023, and scheduling its final deliberations on October 19, 2023. The public hearing component of the Appeal closed at the September 7, 2023 meeting. The following deliberation will cover public testimony and information in the September 7, 2023 agenda packet, as well as written testimony included in the October 19, 2023 agenda packet.

Chair Cornett invited deliberations.

Commissioner Mascher stated he remained stuck on the definition of distance versus a radius. He did not feel there was a compelling argument for a radius.

Commissioner Poppoff joined the meeting at 5:38 p.m.

Chair Cornett provided a lengthy description of a radius versus a linear measurement. He summarized, saying, "The Appellant's interpretation will allow a lot of signs, a sea of signs, in that area. I don't see how that could possibly be the intent of the Code when it was written."

Commissioner Mascher replied, the number of signs per mile would not change, but the intent of the law is for the experience of driving down a road. We do not want too many signs down one road. Chair Cornett agreed.

Commissioner Mascher asked why it would not make sense to apply the law with a linear measurement, if the experience we are after is not too many outdoor signs per road mile.

Chair Cornett replied a linear measurement used in a small area congested with multiple streets and intersections would result in an abundance of signs.

Commissioner Mascher asked about the change in precedence from past billboard approvals.

Chair Cornett replied there were 42 applications in the packet, each with a cover sheet. The cover sheet on each one contained a check box for "any notes that refer to eight per mile." Among all the applications submitted for these signs, only three approved applications refer to eight per mile. There is no recorded consistency in that eight per mile, or how that eight per mile was applied. There is no historical evidence that the Code was applied consistently. Considering the Appellant's desired interpretation and how they think the Code was interpreted in the past, it means that a sign could be almost anywhere.

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Commissioner Case asked if this would apply to updates on existing billboards. Chair Cornett said yes, unless the Code was changed. This is either yes or no; you either agree with the Appellant's interpretation fully, or if not, default to Staff's recommendation.

Commissioner Case said the sign was already there. The Appellant is replacing and making the sign larger. It was approved to be there.

Chair Cornett replied the sign is "existing non-conforming" and not the topic of the Appeal. None of this is about removing billboards; they can exist as existing non-conforming signs. As soon as it changes, a new permit is required. Cornett added if a specific number of signs were removed, the remaining signs may be in compliance. Again, that is not what we are deliberating.

Special Counsel Chris Crean responded to the question, "Why is this being treated as a new sign, rather than replacing a non-conforming sign?" Non-conforming standards do not allow the replacement of a non-conforming structure with a brand new structure. This is an application for a brand new sign at the location of the older sign. The sign is larger than the original sign, which is why it is being reviewed as an application for a new sign.

Commissioner Poppoff stated we probably need to replace the sign code, but that will not affect this particular application.

Commissioner Case requested clarification of the terminology. Chair Cornett replied denial of Appeal 033-23 means you are not in agreement with the Appellant's interpretation of the Code, and you are siding with the City's interpretation. Approval of the Appeal means you agree with the Appellant's interpretation of the Code, and you are not in agreement with the City's interpretation.

Commissioner Mascher asked if there was opportunity at this meeting for the Appellant to make their case. Chair Cornett replied the Appellant submitted their testimony at the September 7, 2023 meeting. At that meeting, the Appellant's counsel requested additional time to submit written testimony. All the information submitted is included in the agenda packet.

It was moved by Cornett and seconded by Portela to deny Appeal Application 033-23, J.R. Zukin Corp. dba Meadow Outdoor Advertising. The motion carried 3/2; Cornett, Poppoff and Portela voting in favor, Case and Mascher opposed, Peña abstained, Grant absent.

Special Counsel Crean stated a quorum was required for the vote to pass; four votes in agreement are required.

Commissioner Peña stated she would change her vote to deny the Appeal.

It was moved by Cornett and seconded by Portela to deny Appeal Application 033-23, J.R. Zukin Corp. d/b/a Meadow Outdoor Advertising. The motion carried 4/2; Cornett, Peña, Poppoff and Portela voting in favor, Case and Mascher opposed, Grant absent.

RESOLUTION

Resolution PC 618A-23: Denial of APL 033-23, J.R. Zukin Corp. d/b/a Meadow Outdoor Advertising

It was moved by Portela and seconded by Cornett to adopt Resolution PC 618A-23, denial of APL 033-23, J.R. Zukin Corp. d/b/a Meadow Outdoor Advertising. The motion carried 4/0; Cornett, Peña, Poppoff and Portela voting in favor, Case and Mascher opposed, Grant absent.

STAFF COMMENTS / PROJECT UPDATES

Director Chandler noted two future legislative hearings. The November 2, 2023 legislative hearing will adopt the Housing Needs Analysis. The following meeting, November 16, 2023, will address changes to the RV Park Code. The big change will be requiring a communal restroom facility; the allowance for an individual to pipe sewer to each space will be removed. Facilities connected to each individual space are considered by the State as housing. The amended Code will remove current restrictions, and view the use as commercial rather than residential. The new changes will have no impact on existing RV Parks.

Commissioner Mascher stated it would make development of RV Parks in the Commercial District less expensive and easier.

COMMISSIONER COMMENTS / QUESTIONS

Chair Cornett thanked the Commission for their diligent thought and participation in the meeting.

ADJOURNMENT

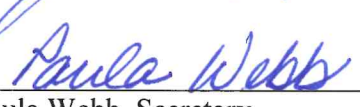
Chair Cornett adjourned the meeting at 6:03 p.m.

Submitted by/
Paula Webb, Secretary
Community Development Department

SIGNED:


Cody Cornett, Chair

ATTEST:


Paula Webb, Secretary
Community Development Department