

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, January 7, 2010

City Hall Council Chambers

313 Court Streets

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

In the absence of both Chair Lavier, and Vice-Chair Ahlberg, Commissioner Zukin nominated Commissioner Bryant to run the meeting. It was seconded by Commissioner Poppoff and passed unanimously. Bryant called the meeting to order at 6:33pm.

BOARD

MEMBERS PRESENT: Mark Poppoff
Dean Wilcox
Chris Zukin
Benjamin Hoey
Ted Bryant

BOARD

MEMBERS ABSENT: Bruce Lavier
Ron Ahlberg

STAFF PRESENT:

City Attorney Gene Parker
Senior Planner Richard Gassman
Administrative Secretary Brenda Green

APPROVAL OF AGENDA:

It was moved by Wilcox and seconded by Zukin to approve the agenda as submitted. The motion carried unanimously; Lavier and Ahlberg absent.

APPROVAL OF MINUTES:

There was a general discussion pointing out that an approval of the minutes from October 1, 2009 would not be possible due to the fact that three of the Commissioners present were not at the October 1st meeting and would need to abstain. No vote was taken; approval of minutes was postponed until the next meeting.

PUBLIC COMMENT: none

LEGISLATIVE PUBLIC HEARING on proposed LUDO changes:

Senior Planner Gassman updated the Commission on the status of the LUDO changes to date. He next went over the proposed LUDO amendments that the Commissioner's had asked for changes to at the previous meeting. Gassman stated that they clarified the definition of 1 page on Amendment #5, and

changed the language on Amendment #s 29 and 31 to “wind energy conversion system” rather than just “wind device”. Regarding Amendment # 42, Gassman explained that City Attorney Parker had substantially rewritten the amendment to clarify the procedure of what happens when a sign is in the right of way. Parker added that the wording follows ordinances created by other city attorneys and by insurance company services. He stated that signs may be impounded without notice, but that a process needs to be provided that gives people a chance to challenge it and to get the signs back. Gassman closed by stating that staff feels the amendments are ready for the Commission to complete their deliberations.

Commissioner Zukin commented on Amendment #5 stating that he agreed with everything that was written but wondered about the treatment of emails. He acknowledged that not all Commissioners had email but felt it would be more efficient to forward as emails, the comments that came in as emails. Senior Planner Gassman agreed with the efficiency but also pointed out the public perception that the Commissioner’s should have the comments in front of them while making a decision. Consequently, until the Commission has immediate access to electronic files during a meeting, the overall opinion was that the least controversial way to receive comments would be paper.

Commissioner Zukin next pointed out that on Amendment #42, section 5, an impounded sign that has no name or contact information should be able to be destroyed after fifteen days. He asked if that was implied or if it would be clearer to state it directly. City Attorney Parker agreed that he could add that wording.

On Amendment #42, section 7, Commissioner Zukin asked about the impound fee, specifically wondering if a person who goes out and places three illegal signs would be charged with three violations. City Attorney Parker responded yes. Zukin wondered if it should be clarified more. Senior Planner Gassman felt that like any other ruling, if a person doesn’t like the interpretation, they can appeal. The general agreement was to leave it as is.

City Attorney Parker suggested additional wording for Amendment #42, section 5. “If a sign has not been reclaimed within the 15 day period established in this section, the sign can be disposed of by an authorized person.”

MOTION:

Commissioner Zukin moved to adopt the amendments to the Land Use and Development Ordinance as presented with the one addition in Amendment #42, section 5 as drafted by the City Attorney. The motion was seconded by Commissioner Wilcox, and carried unanimously; Lavier and Ahlberg absent.

RESOLUTION:

Commissioner Hoey moved to adopt Resolution PC 492-10 recommending the various amendments to the Land Use and Development Ordinance as modified by the City Attorney. It was seconded by Commissioner Poppoff and carried unanimously; Lavier and Ahlberg absent.

COMMISSIONER/STAFF COMMENTS:

Commissioner Wilcox asked for more information on the land division notice at Sorosis Park. City Attorney gave a quick history of the property changes and the need for the City to own the property where the reservoir is located.

Senior Planner Gassman mentioned that Commissioner Poppoff has several times asked to reconvene a group to look at tree issues. Gassman stated that staff had been discussing how to approach it and decided that the first question would be to find out what the Commission would like to have looked at, and then recommend to the City Council that a committee be formed. Gassman reminded the Commission that the issue had come up before, a lot of time had been spent on it and that it had eventually not been approved. Gassman asked for assurance that the Commission would like to see time spent on the issue again.

Commissioner Poppoff described his main concerns with the trees that are in the right-of-ways and the lack of enforcement that is being done both for trees that are removed and not replaced as well as for hazard trees. Poppoff suggested ideas of an inventory being completed, creating a tree planting program, and a procedure for taking care of the trees.

There was a general discussion about the current ordinance and procedures. Senior Planner Gassman shared that the ordinance is very brief and was created approximately thirty years ago as the result of a citizen's work group. City Attorney Parker expressed the frustration that was felt after the last attempt.

Commissioner Poppoff expressed his opinion that the process was given up on too easily. He felt that regarding even the current ordinance there needed to be better follow through. He suggested following the State laws that are set regarding hazard trees.

Commissioner Hoey added his support for a Citizen's Advisory Committee to look at the tree policy. He expressed his concerns by citing an example of a tree across the street from his house that got cut down without any notice. Hoey stated that he would also be willing to support the effort as a volunteer to help with inventorying, raising awareness, or whatever else needed to be done.

Acting Chair Bryant referenced a heritage tree in Mt. View, California that could not be cut down without a hearing. Commissioner Poppoff shared his history with that specific area and stated that he felt they had a very good tree maintenance program in that community. He then described some of their policies and programs.

Senior Planner Gassman stated that what he was hearing from the Commission was an interest in reviewing the Cities' regulations regarding trees in the right of way and on City owned property, as well as a second category to look at Heritage trees to see if the City would like to regulate those as well.

Commissioner Zukin shared that he had a strong opinion regarding street trees because he felt that many cities had applied a strict tree ordinance that required trees every six feet or so, which ended up obliterating the downtown areas to the point where you could not see the on site signage. He pointed out that although downtown The Dalles had not become that bad, there are some locations where trees have completely blocked signs. Consequently he felt that a street tree ordinance would need to allow those trees to be removed, trimmed or modified. Commissioner Poppoff responded by giving the specifications that the trees are currently required to be trimmed up to.

Commissioner Hoey suggested starting an ordinance by utilizing the regulations that will be set out for the Streetscape project on Third Street as a starting point, and to work out a way that the community could have both trees and signs.

Commissioner Wilcox shared his opinion that taking on regulating trees is more than what the Commission should be taking on. He wondered what would be changed and where the regulations would stop.

Senior Planner Gassman summarized that what he was hearing was that a majority of the Commission would be interested in at least recommending to the Council to form a committee to look into the options.

Commissioner Poppoff moved to request that the City Council form a Citizen's Advisory Committee to look at trees in the public Right of Way, and City owned property. The motion was seconded by Hoey, there was no discussion. The motion carried unanimously; Lavier and Ahlberg absent.

Senior Planner Gassman asked if the Commission would like to have the issue of Heritage trees discussed by the Advisory Committee as well. There was a discussion about what a heritage tree could possibly be defined as; and the possibility that they could be found on both public and private land.

Commissioner Hoey asked for clarification of how the advisory committee would be put together. Senior Planner Gassman described the process including the Planning Commission's recommendation to City Council, City Council's role of directing staff to form the committee, and the actual process of forming the committee which would include inviting citizen's to participate, as well as perhaps a member of the Planning Commission, the City Council and a person with a professional background such as an arborist.

Acting Chair Bryant felt that the decision to discuss heritage trees should be left up to the committee after it was formed.

Commissioner Poppoff shared his opinion that regulating heritage trees would be asking too much, especially on private property.

Senior Planner Gassman stated that he would take the motion made by the Planning Commission to City Manager Young, and that for now would leave the idea of heritage trees off.

City Attorney Parker shared that there will be a proposed resolution before the City Council at their next meeting to have them reaffirm their decision approving the site plan for the Walmart application. He then explained what the next steps would be.

Acting Chair Bryant brought up the retaining wall that was constructed on E 19th Street by Jarrett Rose. Senior Planner Gassman informed the Commission that Jim Schwinof, Development Inspector had been out to the property and everything was being constructed with the proper permits.

Acting Chair Bryant asked if there had been any more information regarding the lack of parking spaces near the apartment complex on Vey Way that was brought up by the Traffic Safety Commission at the last meeting. Senior Planner Gassman replied that it had not been looked into yet, but that it would be happening soon.

NEXT MEETING: The next scheduled meeting is January 21, 2010.

ADJOURNMENT: The Planning Commission meeting was adjourned at 7:18 p.m.

Submitted by
Brenda Green, Administrative Secretary


Bruce Lavier, Planning Commission Chair