

AGENDA**REGULAR CITY COUNCIL MEETING****July 26, 2021****5:30 p.m.****VIA ZOOM****<https://zoom.us/j/99546174732?pwd=aStDRmtEYlUyd1lhMDNGSC9BUDFPQT09>**

Meeting ID: 995 4617 4732

Passcode: 238211

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS

A. Presentation on E-Scooter Rental Pilot Program in The Dalles

6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Five minutes per person will be allowed. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

7. CITY MANAGER REPORT
8. CITY COUNCIL REPORTS
9. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be “pulled” from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the “Action Items” section.

A. Approval of the July 12, 2021 Regular City Council Meeting Minutes

B. Surplus of 6 Motorola XTS 1500 portable radios and six radio chargers to the

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles."

Wasco County Search and Rescue team

10. PUBLIC HEARINGS

A. Annexation of another property located in the 1400 Block of West 13th

i. Special Ordinance No. 21-589 Annexing a Certain Additional Property
Located in the Urban Growth Boundary of the City of The Dalles Pursuant
to ORS 222.125 (Consent Annexation: ANX #78-21- BAKER)

11. CONTRACT REVIEW BOARD ACTIONS

A. Authorization to Award Engineering Contract for the Sorosis Reservoir Roof
Repair Project

B. State Office Building Emergency Generator Purchase

12. DISCUSSION ITEMS

A. Transitional Housing Update

- i. Legislative
- ii. Code Amendments

13. ADJOURNMENT

This meeting conducted VIA Zoom

Prepared by/
Izetta Grossman, CMC
City Clerk

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles."



AGENDA STAFF REPORT

AGENDA LOCATION: Presentation Item #5A

MEETING DATE: July 26, 2021

TO: Honorable Mayor and City Council

FROM: Dave Anderson, Public Works Director

ISSUE: Proposal to conduct an E-scooter pilot program

BACKGROUND: City staff was contacted by representatives of Bird, a company that implements electric scooter, or E-scooter, rental programs in various cities requesting authorization to establish a pilot program for The Dalles. The issue was discussed at two Traffic Safety Commission meetings with the Commission ultimately indicating that they recommended that the proposal be raised to the City Manager/City Council levels for consideration. The City Council will receive a presentation at this meeting from Bird summarizing their request.

Bird is asking for the City's authorization to start up a pilot program in The Dalles. If the concept is approved by the Council, staff could work with Bird to develop a Pilot Operating Agreement or a Memorandum of Understanding to implement the pilot program. If the pilot program were deemed successful, a longer-term agreement could then be negotiated.

BUDGET IMPLICATIONS: There are currently no anticipated budget implications for the City related to the request.

COUNCIL ALTERNATIVES:

1. **Staff Recommendation:** None.



Hello, The Dalles

2021





What is Bird?

Bird is a last-mile, stand-up electric vehicle sharing company dedicated to bringing affordable, environmentally-friendly transportation solutions to communities everywhere.

Our mission is to get people out of cars and:



Solve the last-mile challenge by connecting more residents to transit options.



Reduce congestion and over-reliance on single occupancy car trips



Improve air quality and reduce Greenhouse Gas emissions



Improve the overall quality of life in cities

How it works

Using the Bird smartphone app, riders find the closest Bird scooter on a map, unlock it and complete the safety tutorial to start their ride. It costs \$1 to start, then a per minute fee.



1

**FIND BIRDS
ON THE MAP**

2

**SCAN QR TO
BEGIN RIDE**

3

**WATCH SAFETY
TUTORIAL**

4

**ENJOY THE
RIDE!**

Bird Scooter

BirdZero	
Braking	Drum Brake + Regenerative Brake
Lights	Front/Rear LEDs
Weight	44.66 lbs.



UNIQUE ID



SAFETY DECAL

Ride Safely

Helmet Required
License Required
No Riding on Sidewalks
No Double Riding
18+ Years Old

HELLO@BIRD.CO
1-866-205-2442



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Confidential and proprietary information

Transportation Benefits

- ✓ **No cost** micromobility solution for the city
- ✓ Provide a sustainable, open-aired transportation option
- ✓ Reduce congestion & carbon emissions
- ✓ Supplement bus and transit trips
- ✓ Alternative parking solution
- ✓ Provide increased access to businesses throughout the city
- ✓ Establish a multimodal transportation network



Our Approach

We partner closely with cities to design solutions that work for your community.

YOUR TEAM



Garrett Gronowski
Account Partner



Sajni Patel
Account Manager

Get to know each other:

Understand where Bird fits into the local transportation ecosystem.

Operating Plan:

Decision to move forward and local operational partner outreach started.

Ongoing:

Your dedicated Account Manager will provide ongoing support and serve as your main point of contact for all city requests.

Setting Expectations:

Align on how Bird can best serve your city based on city input and Bird data.

Launch Day:

Introduce a new transportation option to town.

Localized Operations

We work with a **local entrepreneur** from the community to manage the fleet on the ground, and in exchange they earn money on each ride.

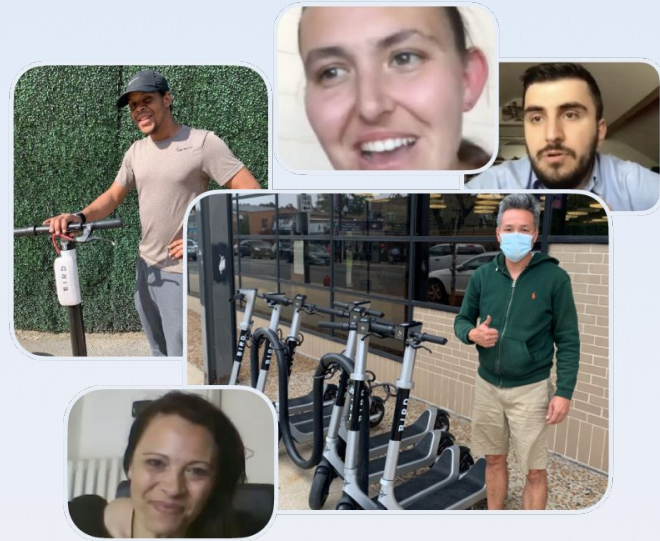
How cities benefit:

Local Touch:

- ✓ Deep community ties, local pride, and fast issue resolution
- ✓ Nuanced knowledge of where to deploy
- ✓ Economic Opportunity

Backed by the Industry Leader:

- ✓ World-class technology & compliance tools
- ✓ Operational know-how
- ✓ Industry's Safest Vehicles



“

I like being my own boss, the flexibility of setting my own schedule and being able to hire my nephew because he also needed a job. I also like being part of the growing micromobility industry. It's in line with my values regarding city transportation solutions.

- Mark, Azbri Productions, Nashville

”

The Local Impact



56%

of rides have connected to a local businesses



\$70K+

average take-home earnings from local entrepreneurs partnering with Bird.



16%

more jobs accessible

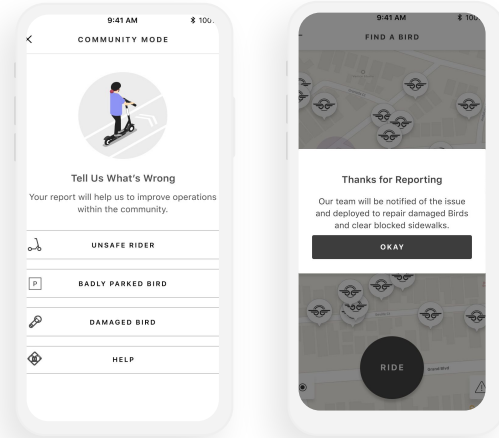


Customer Service

Our customer service phone number along with our e-mail address are clearly displayed on each of our scooters to report any concerns or to ask questions.



Our **Community Mode** enables both riders and non-riders to notify Bird of improperly parked scooters directly through the Bird app.





Community Access

In order to bring sustainable transportation to more people in the communities where we operate—we've rolled out Bird's Community Pricing program.

Our [Bird Access](#) program is an option for low-income riders that offers five (5) 30-minute rides per day for only \$5 a month for those who are enrolled or eligible for a government assistance program.

Our [Community Pricing](#) also offers 50% off rides to veterans, senior citizens and select community and non-profit groups.

Leading the way on

innovative solutions for cities

Warm Up Mode

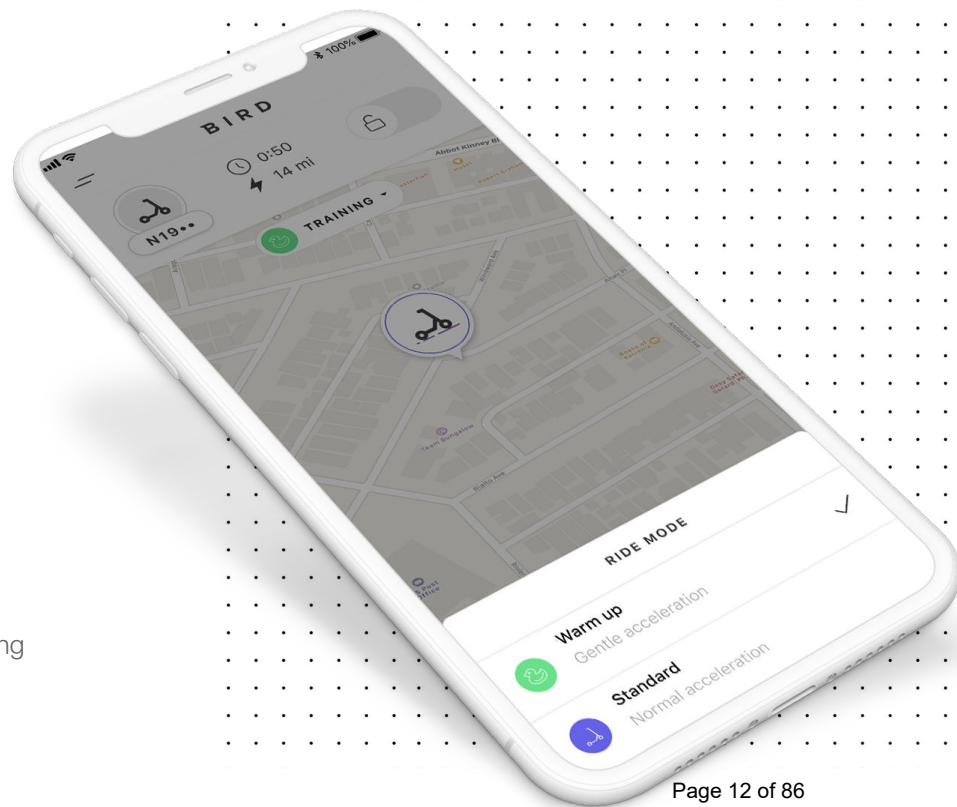
This feature offers a gentle acceleration profile that helps users learn to ride safely and confidently.

Quick Start

An industry-first feature that automatically detects when a Bird is within range and offers riders the opportunity to unlock it with the tap of a button.

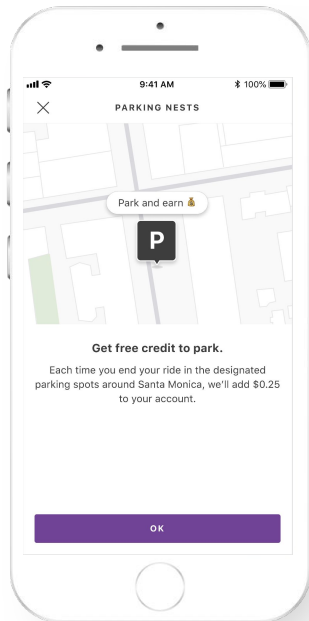
Parking Management

Bird offers a comprehensive suite of parking tools that bridges the gap between technology and infrastructure by both directing and incentivizing riders to park in city-designated areas.

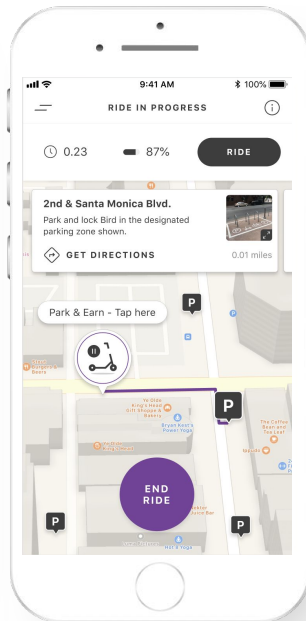
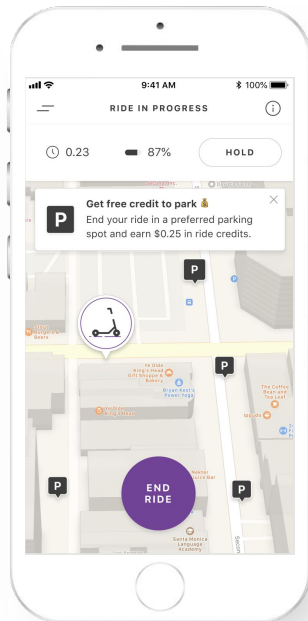


Recommended Parking Areas

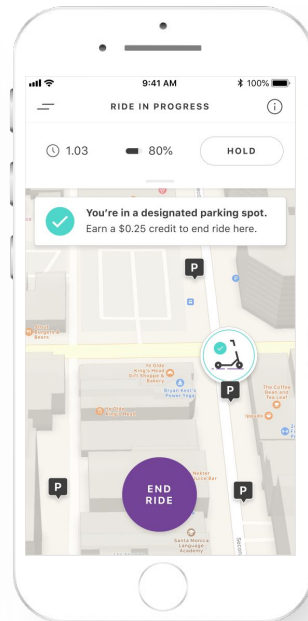
Always know where to park



Identify Locations



Direct Riders



Verify Parking

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Comparable cities:

PITTSBURG, KS



Pop. 20K

Launch date: November 2020

Goal: Create a connection between downtown and the local university campus.

GASTONIA, NC



Pop. 75K

Launch date: January 2021

Goal: Build a flexible transportation network to service the newly built baseball stadium and town center

BROOKHAVEN, GA



Pop. 54K

Launch date: February 2021

Goal: Provide access to local MARTA station, particularly for local university students and staff.

Thank you

Garrett Gronowski
Senior Manager
garrett@bird.co





AGENDA STAFF REPORT

AGENDA LOCATION: Item #9 A-B

MEETING DATE: July 28, 2021

TO: Honorable Mayor and City Council

FROM: Izetta Grossman, CMC, City Clerk

ISSUE: Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

- A. **ITEM:** Approval of the July 12, 2021 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the July 12, 2021 Regular City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the July 12, 2021 Regular City Council meeting minutes.

- B. **ITEM:** Surplus of 6 Motorola XTS 1500 portable radios and six radio chargers to the Wasco County Search and Rescue team.

BUDGET IMPLICATIONS: No budget implications.

SYNOPSIS: Wasco County Search and Rescue is currently operating with mismatched and unreliable radios while conducting training and search missions within Wasco County. The Dalles Police Department has had the above listed radios in storage for over 5 years with no anticipation of continued use as they are not programed to run on our police radio system since an upgrade was done about five years ago.

RECOMMENDATION: Council approve the above listed six portable radios to be surplus and given to the Wasco County Search and Rescue.

MINUTES

CITY COUNCIL MEETING

July 12, 2021

5:30 p.m.

VIA ZOOM

LIVESTREAM VIA City website

PRESIDING: Mayor Richard Mays

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

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Julie Krueger, Legal Counsel Jonathan Kara, City Clerk Izetta Grossman, Finance Director Angie Wilson, Community Development Director Alice Cannon, Public Works Director Dave Anderson, Human Resources Director Daniel Hunter, Senior Planner Dawn Hert

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 Grossman. All Councilors present.

PLEDGE OF ALLEGIANCE

Mayor Mays asked Councilor Long-Curtiss to lead the Pledge of Allegiance.

Councilor Long-Curtiss invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Richardson and seconded by Randall to approve the agenda as submitted. The motion carried 5 to 0; Randall, Richardson, Runyon, McGlothlin, Long-Curtiss voting in favor; none oppose.

AUDIENCE PARTICIPATION

Chuck Gomez, Granada Theatre reported on an event at Lewis and Clark Park on July 17. He said it was the first of Legends in The Dalles concert series. He said the event would open at Noon with food and drinks available for purchase; music beginning at 4pm.

He said there were two more events scheduled on August 4, and September 11.

CITY ATTORNEY REPORT

Legal Counsel Jonathan Kara said he was working with staff on a number of long-range projects. He said he had attended a board meeting at Northern Wasco County Public Utilities District; and met with the Executive Director of the Port of The Dalles.

CITY COUNCIL REPORTS

Councilor Runyon reported:

- Mid-Columbia Veterans Memorial Committee – tour of Veterans Museum at City Hall

Councilor Long-Curtiss reported:

- Special Council Meeting- Emergency Declaration
- Spoke with constituent regarding rumor that Google was negotiating the getting water from Chenoweth Aquifer. She asked that the community have an opportunity to weigh in before a decision was made.

Public Works Director Dave Anderson said there were negotiations underway, however, he had not heard Chenoweth Aquifer mentioned.

Mayor Mays said the Google agreement would be approved at a public meeting.

Long-Curtiss said people would like an opportunity to talk about water rights.

City Manager Krueger said she had not heard that mentioned at any of the meetings.

Councilor McGlothlin reported:

- Sites for homeless shelter/Mid-Columbia Community Action Council offices
- Airport Board – fuel sales through the roof

He said he was at Mama Janes' the other day and another patron told a story of a very nice police officer was very kind and helped them find the restaurant. He congratulated Officer Koji Nagamatsu for his kindness and representing the City well.

MINUTES
Regular City Council Meeting
July 12, 2021
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Mayor Mays announced that Julie and Kevin Ryan were the July Beautification Award recipients.

CONSENT AGENDA

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

Items approved on the consent agenda were: 1) The minutes of the June 28, 2021 Regular City Council Meeting; 2) The minutes of the June 30, 2021 Special City Council Meeting; 3) Resolution No. 21-017 Concurring with the Mayor's Appointment to the Beautification Committee.

PUBLIC HEARING

Special Ordinance No. 21-588 Granting Zoning Ordinance Amendment #103-21 And Comprehensive Plan Amendment #48-21 for Property Located on East Second Street, Further Described as 1N 13E 1AA, Tax Lot 100

Mayor Mays reviewed the process for a Public Hearing.

Mayor Mays asked for the staff report.

Senior Planner Dawn Hert reviewed the staff report.

Mayor Mays asked for Council questions.

Mayor Mays asked for testimony.

Umair Sheikh, PO Box 3178, Vancouver, Washington said his family owns the property and felt the outstanding view and easy access from I84 would make a perfect wedding venue. He said events at the proposed venue would bring additional dollars to The Dalles for hotel accommodations, caterers and florist as well as other businesses.

Mayor Mays closed the hearing.

Mayor Mays asked for Council discussion.

Richardson clarified that neighbors within 300 feet were notified of the zone change. He said he

would like to see that number expanded.

Mayor Mays asked staff to look into the possibility of expanding the notification area, and to report back to Council.

Runyon asked for clarification of the required two public hearings.

Senior Planner Hert said the first hearing was with the Planning Commission and the second hearing was before Council.

Runyon asked if the property was in the National Scenic Area. Hert said it was not.

Long-Curtiss said she was in favor of the zone change. She said the venue would bring additional business to The Dalles.

It was moved by McGlothlin and seconded by Runyon to adopt Special Ordinance No. 21-588 Granting Zoning Ordinance Amendment #103-21 and Comprehensive Plan Amendment #48-21 for Property Located on East Second Street, further described as 1N 13E 1AA, tax lot 100. The motion carried 5 to 0; Randall, Richardson, Runyon, McGlothlin, Long-Curtiss voting in favor; none oppose.

CONTRACT REVIEW BOARD

Authorization to Purchase a new Cat 315 Excavator

Public Works Director Dave Anderson reviewed the staff report.

It was moved by Randall and seconded by Long-Curtiss to authorize the purchase of a new Cat 315 excavator with an optional tilting bucket and rock ripper from Peterson Cat through a Sourcewell pricing agreement in an amount not to exceed \$229,946.99. The motion carried 5 to 0; Randall, Richardson, Runyon, McGlothlin, Long-Curtiss voting in favor; none oppose.

ACTION ITEMS

Special Ordinance No. 21-587 Annexing Certain Additional Properties Located in the Urban Growth Boundary of the City of The Dalles Pursuant to ORS 222.125 (Consent Annexations; ANX#74-21 Decker, ANX #75-21 Legacy Development Group, ANX #76-21 City of The Dalles, and ANX#77-21 Lloyd)

Community Development Director Dawn Hert reviewed the staff report.

MINUTES
Regular City Council Meeting
July 12, 2021
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It was moved by Randall and seconded by Long-Curtiss to adopt Special Ordinance No. 21-587 Annexing Certain Additional Properties Located in the Urban Growth Boundary of the City of The Dalles Pursuant to ORS 222.125 (Consent Annexations; ANX#74-21 Decker, ANX #75-21 Legacy Development Group, ANX #76-21 City of The Dalles, and ANX#77-21 Lloyd). The motion carried 5 to 0; Randall, Richardson, Runyon, McGlothlin, Long-Curtiss voting in favor; none oppose.

Approval of Transfer of Airport Management Contract

City Manager Julie Krueger reviewed the staff report.

Richardson asked if Renard was employed by TacAero.

Renard said he was currently, but would not be once the transaction was complete.

City Manager Julie Krueger thanked the Rasmussen's for their service to the Airport. She said she appreciated all the work they had done.

McGlothlin seconded the City Manager's comments.

It was moved by McGlothlin and seconded by Runyon to approve the transfer of ownership of Aviation Management Services to Jeff Renard. The motion carried 5 to 0; Randall, Richardson, Runyon, McGlothlin, Long-Curtiss voting in favor; none oppose.

ADJOURNMENT

Being no further business, the meeting adjourned at 6:37 p.m.

Submitted by/
Izetta Grossman, CMC
City Clerk

SIGNED:

Richard A. Mays, Mayor

ATTEST:

Izetta Grossman, CMC City Clerk



City of The Dalles City Council

MONDAY, JULY 12, 2021 | 5:30 PM

Zoning Map Amendment - ZOA #103-21 & Comprehensive Map Amendment - CPA #48-21

Applicant: Umair Sheikh

Address: Vacant Parcel adjacent to 3550 East 2nd Street

Assessor's Map and Tax Lot: 1N 13E 1 AA 100

Zoning District: Residential Medium Density

Proposal: *Consideration of Zoning Map change and a Comprehensive Plan Land Use Designation amendment from Residential Medium Density to General Commercial.*

Subject Property



Photos



Photos of Subject Property



Photos of Adjacent Motel Property



Photos of Surrounding Properties



The Dalles Municipal Code

Zone Change Review Criteria (Section 10.3.100.030)

A zone change shall be granted if the following criteria are met

- A. Conformance. The proposed zone change conforms to the Comprehensive Plan, including the Transportation System Plan, and all other provisions of this Title.*
- B. Suitability. The site is adequate in size and shape for uses normally allowed by the proposed zone.*
- C. Streets and Traffic. The site is, or will be, adequately served by streets for the type and volume of traffic generated by uses that may be permitted in the new zone, and the planned function, capacity, and performance standards as adopted in the Transportation System Plan. Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.*
- D. Adverse Effect. The proposed zone change shall have minimal adverse effect on existing and future surrounding development.*

The Dalles Municipal Code

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A zone change shall be granted if the following criteria are met:

- A. Conformance. The proposed zone change conforms to the Comprehensive Plan, including the Transportation System Plan, and all other provisions of this Title. **Criterion met.***
- B. Suitability. The site is adequate in size and shape for uses normally allowed by the proposed zone.*
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- B. Suitability. The site is adequate in size and shape for uses normally allowed by the proposed zone. **Criterion met.***
- C. Streets and Traffic. The site is, or will be, adequately served by streets for the type and volume generated by uses that may be permitted in the new zone, and the planned function capacity, and performance standards as adopted in the Transportation System Plan. Requirements of the State Transportation Planning Rule shall apply to those use actions that significantly affect the transportation system, as defined by OAR 660-012-0060. **Criterion met.***
- D. Adverse Effect. The proposed zone change shall have minima; adverse effect on existing and future surrounding development. **Criterion met.***

The Dalles Comprehensive Plan

- **Goal #1. Citizen Involvement.**

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

- **Goal #2. Land Use Planning.**

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

- **Goal #10. Housing.**

To provide for the housing needs of citizens of the state.

- **Goal #9. Economic Development.**

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The Dalles Comprehensive Plan

Goal #1. Citizen Involvement.

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

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

The Dalles Comprehensive Plan

Goal #2. Land Use Planning.

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

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

The Dalles Comprehensive Plan

Goal #10. Housing.

To provide for the housing needs of citizens of the state.

Policy 6. *Encourage energy conservation by increasing residential densities in mixed use centers, along major linear streets that may one day serve as future transit corridors, and near commercial and employment centers.*

Policy 8. *Flexibility in implementing ordinances is needed to accommodate infill and to foster a variety of development scenarios and housing options.*

Policy 12. *High density residential areas shall be located near commercial and employment areas, along major streets, and where streets and other public facilities have adequate capacity.*

Implementing Measures. Mixed Use Residential Measures. *Mixed-Use (Commercial and Residential) developments can take many forms, including retail space on the ground floor with office space above, rental apartments above ground floor retail space, and structures combining offices and hotels or hotels and private residential units.*

The Dalles Comprehensive Plan

Goal #9. Economic Development.

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Industrial and Commercial Land Use Needs. *In order to capitalize on long-range economic and employment shifts, The Dalles will need to add to its existing supply of land for commercial uses within the UGB. Similar conversions of Port industrial lands along the riverfront can produce a mixed use area to accommodate a slightly different market, including freeway commercial and recreational users. Smaller gains are provided through the use of Neighborhood Centers to allow residential and neighborhood commercial uses to develop near focal intersections in town. Finally, The Dalles has voiced a desire to accommodate reasonable home business opportunities that can provide an affordable start-up location for emerging businesses.*

Economic Opportunities Analysis. *In 2006, the City of The Dalles contracted with Winterbrook Planning and ECONorthwest, a land use economics consulting firm, to prepare an updated Economic Opportunities Analysis (EOA) consistent with the requirements of statewide planning Goal 9 and the Goal 9 administrative rule (OAR 660-009 as revised in December 2005).*

The 2011 EOA identified potential growth industries for The Dalles as follows:

Retail and Services. The State's forecast for nonfarm employment forecast for 2004 to 2014 projects that more than half of employment growth in Region 9, which includes Wasco County, will be in Retail and Services. As a regional center for retail and services, The Dalles may attract the following industries:

The Dalles' setting within the Columbia River Gorge, access to a variety of outdoor recreation, and the growing presence of viniculture make The Dalles attractive to tourists. Industries that serve tourists, such as food services and accommodations, are likely to grow if tourism increases.

Policy #10. *Encourage tourism-related services as an element in the diversification of the community's economy.*

Policy #14. *Encourage the start-up and growth of small to medium sized businesses providing family wage jobs. Develop reasonable standards to allow home business start-ups.*

Oregon Statewide Planning Goals

The Proposed Zoning Map Amendment and Comprehensive Map Amendment is:

- In conformity with all applicable State statutes.
 - ORS 197.610, Local Government Notice of Amendment or New Regulation;
 - ORS 197.250, Compliance with Goals Required, and
 - ORS 197.763, Conduct of Local Quasi-Judicial Land Use Hearings
- Applicable Municipal Code standards, were developed in compliance with the applicable State statutes and implement their requirements.
 - Notice of the proposed amendment has been provided to DLCD as required by ORS 197.610.
 - Notice and availability of the staff report and the conduct of the Planning Commission's hearing will be consistent with ORS 197.763.
- In conformity with the Statewide planning goals whenever they are determined to be applicable.
 - Goal #1 - Citizen Involvement
 - Goal #2- Land Use Planning
 - Goal #10 – Housing
 - Goal #12- Transportation

Staff Recommendation

Move to approve Special Ordinance No. 21-588 , An Ordinance Granting Zoning Ordinance Amendment #103-21 and Comprehensive Plan Amendment #48-21 for Property located on East Second Street, further described as 1N 13E 1AA, tax lot 100.



AGENDA STAFF REPORT

AGENDA LOCATION: Public Hearing #10 A

MEETING DATE: July 26, 2021

TO: Honorable Mayor and City Council

FROM: Dawn Marie Hert, Senior Planner
Community Development Department

ISSUE: Public Hearing to consider annexation (ANX #78-21) of property located in the 1400 Block of West 13th Street and approval of Special Ordinance No 21-389 annexing the property in the Urban Growth Boundary of the City pursuant to ORS 222.125.

BACKGROUND This Public Hearing considers a request to annex property and receive public testimony. The affected property and adjacent right-of-way proposed to be annexed are depicted on the map attached to and made part of proposed Special Ordinance No. 21-389 as Exhibit “A”. The parcel is zoned residential and the property owner applied to annex as part of a request to build a single-family home on the property.

NOTICE

The City sent a letter to each affected property owner on July 9, 2021, notifying them of this Public Hearing. Notice of the Hearing was published in the local newspaper, Gorge News, on July 14, 2021, as required by Oregon law and Sections 10.14.010.030 and 10.30.020.060 of The Dalles Municipal Code.

PROCESS

The annexation application is being processed under the provisions of The Dalles Municipal Code, Title 10 – Land Use and Development, Article 14, Annexations. Per Section 10.14.010.030, all applications for annexation shall be processed as legislative actions. Under the provisions for legislative actions in Section 10.3.020.060, annexation requests shall be heard by the City Council.

CRITERIA

Per **The Dalles Municipal Code, Title 10 – land Use and Development, Section 10.14.010.040**, annexations shall be subject to the following criteria:

- A. *The territory is contiguous to the city limits and qualifies as a consent annexation pursuant to ORS 222.125 or as an island annexation pursuant to ORS 222.750.*

FINDING #1: All property included in this annexation is contiguous to the City limits and are consent annexations.

- B. *The territory is within the urban growth area.*

FINDING #2: The property is located within the Urban Growth Boundary.

- C. *The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area.*

FINDING #3: The property is zoned residential and is currently vacant with plans to site and construct a new single-family home in the near future.

- D. *The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing city limits.*

FINDING #4: The Public Works Director confirms this area can be served without negatively impacting other areas within the City.

- E. *The annexation conforms to the Comprehensive Plan.*

FINDING #5: Goal #14, Urbanization, of the City's Comprehensive Plan is "[t]o provide for an orderly and efficient transition from rural to urban land use." Sub-goal #2 of Goal #14 is "[t]o coordinate with Wasco County in order to manage the Urban Growth Boundary and the conversion of land within the boundary for urban uses." The City has complied with Sub-goal #2 of Goal #14 by entering into an intergovernmental agreement with Wasco County for joint management of the Urban Growth Area, which includes the land area within the urban growth boundary and outside the city limits of the City of The Dalles. The proposed annexation is consistent with the provisions of Section 8 of the intergovernmental agreement with Wasco County for annexation of properties within the Urban Growth Area. The proposed annexation has been conducted in accordance with the relevant provisions to annexation set forth under Oregon law, including the provisions of ORS 222.125.

Policy #5 listed in Goal #14 of the City's Comprehensive Plan provides as follows:

5. *Encourage the orderly annexation of land within the Urban Growth Boundary to the City of The Dalles.*

- A. *Adequate public utilities shall be planned or provided for per local and State statutes, to service an area where annexation is considered. This included, but is not limited to, storm sewers, sanitary sewers and water service.*
- B. *Public facilities such as roads, street lights, parks and fire hydrants may be required for development of the area in question and shall be subject to review prior to annexation.*
- C. *Upon annexation an official plat of the parcel(s) in question shall be filed*

if such document does not exist. Any plat shall be subject to review by the Planning Director, City Planning Commission and the City Council as set forth in the Subdivision Ordinance.

FINDING #6: Sub-goal #3 of Goal #14 of the Comprehensive Plan is “[t]o provide for the orderly and efficient provision of public facilities and services.” The proposed annexation complies with Sub-goal #3 of Goal #14 because it encourages the orderly annexation of land within the Urban Growth Boundary of the City of The Dalles. The property to be included in the annexation has been planned for extension of public facilities and utilities. Extension of the city limit boundaries to include the property will allow the City to maintain the facilities and utilities in proper working order to provide services to the future residences located on this property.

Inclusion of this property within the city limits will provide an opportunity for the City to plan and design its public utilities and facilities, including streets, storm systems, water and sanitary sewer systems to ensure the City can provide the necessary public services to its citizens in an orderly and efficient manner. The proposed annexation is reasonable and consistent with the provisions of the City’s Comprehensive Plan and the intergovernmental agreement with Wasco County for the joint management of property within the Urban Growth Area for the reasons set forth above. Annexation will allow the City to continue providing necessary services for the residents of the property. Inclusion of this property within the city limits will also transfer responsibility for law enforcement activities related to these property to the City. This will create a more uniform and efficient system of law enforcement, eliminating confusion over which law-enforcement agency is responsible for providing services to the property

PROPERTY TO BE ANNEXED

Exhibit “A” to proposed Special Ordinance No. 21-389 shows a map of the proposed annexation property. The property is located in the 1400 Block of West 13th Street, further depicted in Assessor’s Map No. 1N 13E 4BB as Tax Lot 6201. In addition, the adjacent right-of-way will also be annexed in this process.

BUDGET IMPLICATIONS

Completion of the proposed annexation will result in additional property taxes paid to the City for annexed private property. The annexation is planned to be completed in time for the City to begin receiving its share of property taxes from the designated parcels by November 2022. The City will begin receiving additional revenue from its franchise utilities applicable to the newly annexed property and will begin collecting franchise fees from this property upon annexation.

COUNCIL ALTERNATIVES

1. **Staff Recommendation:** *Move to approve the proposed consent annexation for the property located in the 1400 block of West 13th, as detailed in application ANX#78-21, and adopt Special Ordinance 21-389.*
2. Move to deny approval of application ANX#78-21.

ATTACHMENTS

Attachment #1 – Special Ordinance No. 21-389 with

Exhibit A – Map of proposed annexation

Exhibit B – Proposed Findings for Special Ordinance No. 21-389

Exhibit C – Legal description of property to be annexed

Attachment #2 – Baker Annexation Application



Annexation Initiated Application

CITY OF THE DALLES
Community Development Department
 313 Court Street
 The Dalles, OR 97058
 (541) 296-5481, ext. 1125
 Fax (541) 298-5490

Date Filed 6/1/2021
 File# ANX 78-21
 Date Deemed Complete _____
 Hearing Date CC 7/26/21
 Approval Date _____
 Permit Log # _____
 Other Cross Reference# _____

APPLICANT

Name Cheryl L Baker

Address PO Box 276
Condon, OR 97823

Telephone # 541-701-7875
 Email Address: cbaker97823@gmail.com

LEGAL OWNER (if different from applicant)

Name _____

Address _____

Telephone # _____
 Email Address _____

PROPERTY INFORMATION

Address Not yet assigned 1400 Block of West 13th Street

Map and Tax Lot 18225 1N 13E Sec 4BB TL 6201

Zone District/Overlay R-L

Inside Urban Growth Boundary: Yes X No _____

Contiguous to current City Limits: Yes X No _____

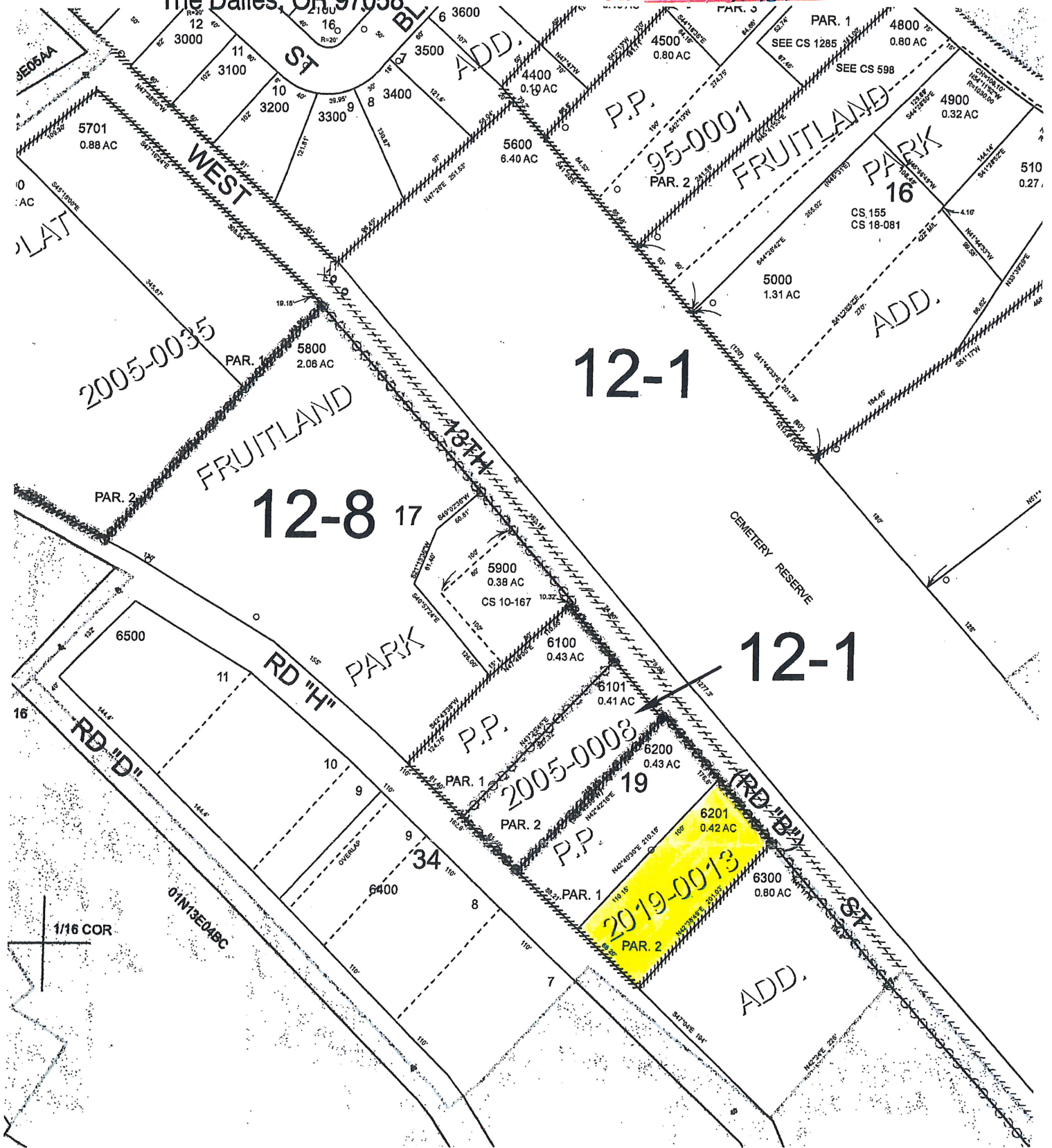
GENERAL INFORMATION

Describe current use of the property Vacant Land - I want to build a home

Request for Annexation

WASCO TITLE INC.
212 E 4th Street
The Dalles, OR 97058

This map is made for the purpose
of assisting in land premises and the
Company assumes no liability for
variations, if any, in directions and
location ascertained by actual survey.
WASCO TITLE, INC.
Order# 14-52931



WASCO TITLE, INC. 14-52931

After recording return to: (Name, Address, Zip)

Cheryl L. Baker

7514 NE Alameda Street, Portland, OR 97213

Until requested otherwise, send all tax statements to:
Same As Above

GRANTOR:

Taunie K. Maske and William G. Maske

933 East 18th Street, The Dalles, OR 97058

GRANTEE:

Cheryl L. Baker

7514 NE Alameda Street, Portland, OR 97213

ORDER NO: 14-52931

TAX ACCOUNT NO. 18225

Wasco County Official Records

2021-002335

DEED-D

Stn=3 SEAN

05/25/2021 10:16:01 AM

\$10.00 \$11.00 \$10.00 \$60.00 \$19.00

\$110.00

I, Lisa Gambee, County Clerk for Wasco County,
Oregon, certify that the instrument identified herein
was recorded in the Clerk records.

Space Above Reserved for Recorder's Use

STATUTORY WARRANTY DEED

(Individual Grantor)

Taunie K. Maske and William G. Maske, as tenants by the entirety, Grantor, conveys and warrants to Cheryl L. Baker, Grantee, the following described real property free of encumbrances, except as specifically set forth herein, situated in Wasco County, State of Oregon, to wit:

Parcel 2 of Partition Plat Number 2019-0013, recorded October 25, 2019 under Microfilm No. 2019-003621, Records of Wasco County, State of Oregon, a portion of Tract 19, FRUITLAND PARK ADDITION, in the City of The Dalles, County of Wasco and State of Oregon.

Subject to and excepting: Covenants, Conditions, Restrictions and Easements of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true and actual consideration for this conveyance is \$79,000.00. (Here, comply with the requirements of ORS 93.030.)

Dated this 25th day of May, 2021

Taunie K Maske

Taunie K. Maske

William G. Maske

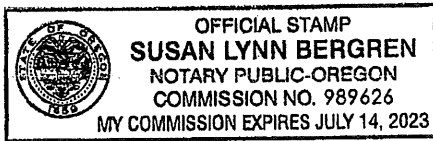
William G. Maske

State of Oregon

ss.

County of Wasco

The foregoing instrument was acknowledged before me this 25th day of May, 2021 by Taunie K. Maske and William G. Maske.



Before me:

Susan Bergren

Notary Public for Oregon

My commission expires:

7-14-2023

SPECIAL ORDINANCE NO. 21-589

**AN ORDINANCE ANNEXING A CERTAIN
ADDITIONAL PROPERTY LOCATED IN THE URBAN
GROWTH BOUNDARY OF THE CITY OF THE
DALLES PURSUANT TO ORS 222.125 (CONSENT
ANNEXATION: ANX#78-21-BAKER)**

WHEREAS, on July 26, 2021, the City Council conducted a public hearing pursuant to ORS 222.120 to consider annexation of a parcel of property where the City has received consent of the property owner proposing to be annexed, which property is depicted on the map attached to and made part of this Special Ordinance as Exhibit “A”;

WHEREAS, the City Council has reviewed the written consent to annexation application submitted by the property owner and any electors residing in the territories proposing to be annexed, and the Council finds the consent to annexation application is valid under the provisions of ORS 222.125; and

WHEREAS, the City Council has reviewed the proposed findings submitted in support of the proposed consent annexations attached to and made part of this Special Ordinance as Exhibit “B”, and the Council has approved and adopted the proposed findings.

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

Section 1. Property to be annexed. Based upon the findings set forth in Exhibit “B”, the City Council finds the property shown in Exhibit “A” is contiguous to the City limits, and, where applicable, the electors and landowners residing on the contiguous properties to be annexed consented in writing prior to the public hearing conducted on July 26, 2021, consistent with ORS 222.120 and 222.125. The subject property shown in Exhibit "A" is hereby proclaimed to be annexed to the City of The Dalles in accordance with ORS 222.120 and 222.125. The legal description for the subject property is attached to and made part of this Special Ordinance as Exhibit “C”.

Section 2. Submittals. The City Clerk shall submit, within the proper time frames, all necessary copies of this Special Ordinance and any supporting documents required by the various state statutes to the appropriate state and county officials and departments.

Section 3. Effective Date of Annexation. The effective date of this annexation shall be complete from the date of filing the annexation records with the Secretary of State, as set forth in ORS 222.180.

Section 4. Effective Date of Ordinance. The effective date of this Special Ordinance shall be 30 days from its adoption, subject to any referendum being filed.

PASSED AND ADOPTED THIS 26TH DAY OF JULY, 2021.

Voting Yes, Councilor: _____

Voting No, Councilor: _____

Absent, Councilor: _____

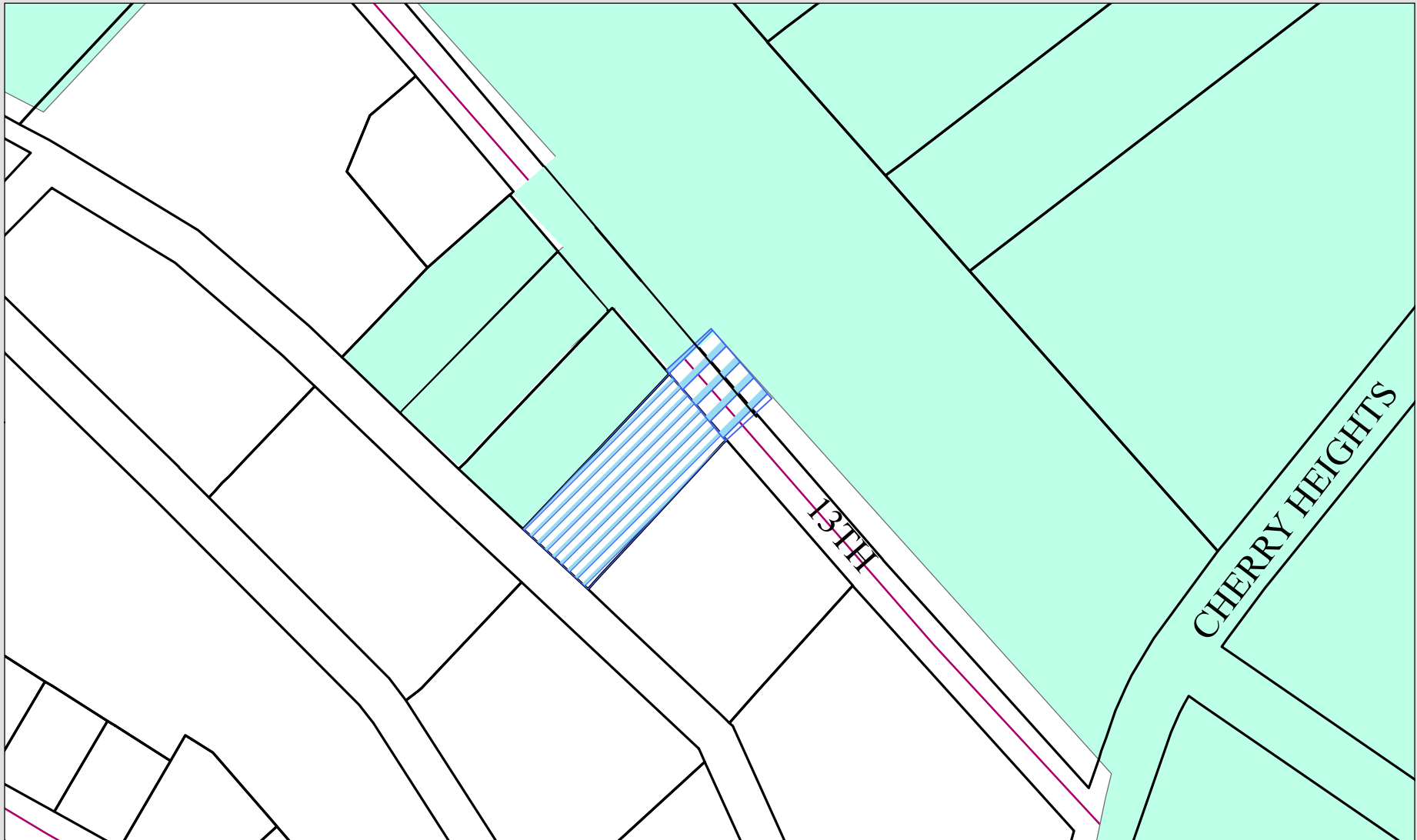
Abstaining, Councilor: _____

AND APPROVED BY THE MAYOR THIS 26TH DAY OF JULY, 2021.





Richard A. Mays, Mayor

Attest:

Izetta Grossman, CMC City Clerk



Legend

-  Proposed Annex Area
-  Taxlots
-  City Limits
-  Roads

ANX#78-21, Cheryl Baker
Consent Annexation
Map 1N 13E 4BB Tax lot 6201

0 25 50 100 150 200
Feet



Community Development Dept.
Legislative Public Hearing
July 26, 2021

EXHIBIT "B"

PROPOSED FINDINGS FOR SPECIAL ORDINANCE NO. 21-389

Section 10.14.010.040 of the City's Municipal Code, Title 10 - Land Use and Development Ordinance provides that annexations shall be subject to the following criteria:

- A. The territory is contiguous to the City limits and qualifies as a consent annexation pursuant to ORS 222.125 or as an island annexation pursuant to ORS 222.750.
- B. The territory is within the Urban Growth Area.
- C. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area.
- D. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing City limits.
- E. The annexation conforms to the Comprehensive Plan.

For the property listed in Exhibit "A" attached to and made part of Special Ordinance No. 21-389, the Council finds and concludes the property is contiguous to the City limits, and the territory proposed to be annexed qualifies as a consent annexation, pursuant to ORS 222.125. The City Council concludes the criteria in Section 10.14.010.040(A) have been satisfied.

Testimony was also presented during the hearing the property listed in Exhibit "A" is located within the City's Urban Growth Area. The City Council finds the criteria set forth in Section 10.14.010.040(B) have been satisfied.

The property proposed to be annexed will be served by City utilities. The City has previously annexed portions of property, making the affected property contiguous to the City limits. The City has been planning for the additional resources required to extend utilities and maintain the roads necessary to provide urban services for the annexed properties. The City Council finds and concludes annexation of the property listed in Exhibit "A" is consistent with the rational and logical extension of utilities and roads to the surrounding area, and the City is capable of providing and maintaining its full range of urban services to the properties listed in Exhibit "A" without negatively impacting the City's ability to adequately serve all areas within the existing City limits. The City Council finds and concludes the criteria set forth in Section 10.14.010.040(C) and (D) have been satisfied.

Goal #14, Urbanization, of the City's Comprehensive Plan is "[t]o provide for an orderly and efficient transition from rural to urban use". Goal #14 includes certain sub-goals. Sub-goal #2 of Goal #14 is "[t]o coordinate with Wasco County in order to manage the urban growth

boundary and the conversion of land within the boundary for urban uses." The City has complied with Sub-goal #2 of Goal #14 by entering into an intergovernmental agreement with Wasco County for the joint management of the Urban Growth Area, which includes the land area within the Urban Growth Boundary and outside the city limits of the City of The Dalles. Section 8 of the intergovernmental agreement provides as follows:

8. Annexation

- A. Annexation of areas within the Urban Growth Boundary shall be in accordance with relevant annexation procedures contained in Oregon Revised Statutes, City Ordinances, or approved annexation plan.
- B. Annexation by the City will occur only after development is completed.

The proposed annexation is consistent with the provisions of Section 8 of the intergovernmental agreement with Wasco County for annexation of properties within the Urban Growth Area. The proposed annexation has been conducted in accordance with the relevant provisions for annexation set forth in the Oregon Revised Statutes, including ORS 222.120 and 222.750, and the annexation is occurring for properties where development has been completed.

Policies 6, 7, and 8 for Goal #14 of the City's Comprehensive Plan provides as follows:

- 6. Encourage the orderly annexation of land within the Urban Growth Boundary to the City of The Dalles.
- 7. Adequate public facilities shall be planned or provided for, per local and State statutes, to service an area when annexation is considered. This includes, but is not limited to, storm sewers, sanitary sewer and water service.
- 8. Public facilities such as roads, water, sewer, and storm sewer will be required for development of the area in question and shall be subject to review prior to annexation and shall comply with The Dalles Transportation Systems Plan (TSP), Water Master Plan, Sewer Master Plan, and Storm Water Master Plan.

The proposed annexation complies with the urbanization goal set forth in Goal #14 by encouraging the orderly annexation of land within the Urban Growth Boundary of the City of The Dalles, and also provides for the orderly and efficient provision of public facilities and services. The property to be included in the annexation has been planned for the extension of public facilities and utilities, to ensure the property will have sufficient services, including but not limited to water and sanitary sewer service, storm sewers, streets, parks, and fire hydrants. Extension of the city limit boundaries to include the property will allow the City to maintain the facilities and utilities in proper working order to provide services to the residents of this property and also provide a basis for the City to continue an orderly process of continuing to annex other properties within the Urban Growth Boundary, as the City

continues to experience economic growth and development. Inclusion of the property within the City limits will provide an opportunity for the City to plan and design its public utilities and facilities, including streets, storm system, and water and sanitary sewer system, to ensure the City can provide necessary public services to its citizens in an orderly and efficient manner, and consistent with the City's Transportation Systems Plan, Water Master Plan, Sewer Master Plan, and Storm Water Master Plan.

The annexation of the subject property is reasonable because it is consistent with the provisions of the City's Comprehensive Plan and the intergovernmental agreement with Wasco County for the joint management of property within the Urban Growth Area, for the reasons set forth above. Annexation of this property will allow the City to maintain the public utilities and facilities serving the property and to make any necessary improvements to allow the City to continue providing necessary services for the residents of the properties. Inclusion of the property within the City limits will transfer responsibility for law enforcement activities related to the property to the City. This will create a more uniform and efficient system of law enforcement, eliminating confusion over which law enforcement agency is responsible for providing services to the property. For all of these reasons, the City Council concludes the proposed annexation complies with the "reasonableness" requirement for annexations under state law.

The City Council finds and concludes the criteria set forth in Section 10.14.010.040(E) have been satisfied.

EXHIBIT “C”

1400 Block of West 13th Street

1N 13E 4BB 6201

LEGAL DESCRIPTION
for
Annexation Area
(Tax Lot 01N-13E-04BB 6201)

Parcel 2 of Partition Plat Number 2019-0013, recorded October 25, 2019 under Microfilm No. 2019-003621, Records of Wasco County, State of Oregon, a portion of Tract 19, FRUITLAND PARK ADDITION, in the City of The Dalles, County of Wasco and State of Oregon.

Subject to and excepting: Covenants, Conditions, Restrictions and Easements of record.

Contains 0.42 acre, more or less.



AGENDA STAFF REPORT

AGENDA LOCATION: Contract Review Board Item #11A

MEETING DATE: July 26, 2021

TO: Honorable Mayor and City Council

FROM: Dale McCabe, PE, City Engineer

ISSUE: Recommendation for award of Engineering Services Contract for the Sorosis Reservoir Roof Repairs Design, Contract No. 21-009

BACKGROUND: In June of 2017, the City issued the Sorosis and Columbia View Water Storage Tank Repairs Contract. During the interior painting portion of that contract for Sorosis Reservoir (completed in the spring of 2020), it was discovered that there were deficiencies to many of the interior structural roof members due to corrosion and metal loss.

Sorosis Reservoir was originally constructed in 1954. Since that time, Sorosis Reservoir had only had its interior system recoated once, which occurred in 1964. Until the completion of Vista Reservoir, Sorosis Reservoir was not able to be taken off line and out of service for proper maintenance and repairs. Proper maintenance for the repainting of a steel tank should be scheduled to occur every 20 years. Because of the inability to perform the required routine maintenance on the interior of the tank, the corrosion and metal loss to the roof support system was the result.

As part of the Sorosis and Columbia View Water Storage Tank Repairs Contract, and a Request for Proposal (RFP) process for Soliciting Engineering Services for that project, the City entered into a professional service agreement with CH2MHill, now Jacobs Engineering, to assist with that project. During the interior painting process of the Sorosis Reservoir when the corrosion and metal loss issues were discovered, we consulted with Jacobs Engineering numerous times throughout the process to develop the best solutions for addressing and repairing the deficiencies. It was originally anticipated that we would be able to take care of the repairs by adding a change order on to the original contract. But because of time constraints and needing to get the Sorosis Reservoir back on line for the quickly approaching warm weather season, it was decided that we would need to address the Sorosis Reservoir roof repairs under a separate

contract.

Because of Jacob's familiarity and involvement with the previous project, we are looking to continue to retain the Engineering Services portion of the Sorosis Reservoir Roof Repair Design contract with Jacobs and enter in to a new professional services agreement with them for that work. The City has requested that Jacobs prepare the design drawings, detail drawings, and develop the project specifications to allow the City to move forward with issuing a competitive bid construction project for those repairs. Jacobs will also provide some special inspection assistance at certain milestones of the repair project.

BUDGET IMPLICATIONS: The estimated costs for the required Engineering Services for this project is \$70,562. Within Fund 53, the Water Reserve Fund, line 053-5300-000.75-10, there is a total of \$300,000 allocated in the 2021/22 fiscal year for this project.

COUNCIL ALTERNATIVES:

1. **Staff Recommendation:** *Move to authorize the City Manager to enter into contract with Jacobs Engineering, in an amount not to exceed \$70,562 for the Sorosis Reservoir Roof Repairs Design Contract.*
2. Request that staff provide additional information in response to questions raised by City Council.
3. Deny authorization to proceed with the contract.



AGENDA STAFF REPORT

AGENDA LOCATION: Contract Review Board Item #11 B

MEETING DATE: July 26, 2021

TO: Honorable Mayor and City Council

FROM: Julie Krueger, City Manager

ISSUE: Authorization for purchase and installation of emergency generator at the State Office Building.

BACKGROUND: This project is a carry-over project from last fiscal year. The State Office Building is owned by the City and leased to the State of Oregon. There is no means to provide emergency power in support of tenant operations. The request is to purchase and install, including electrical work, parts and labor, concrete pad and fencing for a 125 kw Cummins Generator. The City will use the Sourcewell Pricing Agreement to purchase this equipment.

BUDGET IMPLICATIONS: The adopted FY2021-22 budget includes \$125,000 in line 021-2200-000.73-30 of the State Office Building Fund allocated for the purchase of a new Emergency Generator. The total cost of the proposed purchase of the Emergency Generator would be \$131,106.25. Although the cost amount would be \$6,106.25 higher than originally budgeted, we have adequate funds available for this purchase in this line item. State Office Building Revenue is received by rent income which comes in throughout the year. If needed, we may need to do a supplemental budget to bring additional revenue in from the Capital Project Fund to pay for Emergency Generator, in which we can pay the Capital Project Fund back after lease revenue income is received.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to authorize the purchase of a Cummins 125kw emergency generator through Sourcewell pricing agreement in an amount not to exceed \$131,106.25.*
2. City Council could decline to authorize the purchase and it could be re-budgeted in the next fiscal year.



AGENDA STAFF REPORT

AGENDA LOCATION: Discussion Item #12 Ai

MEETING DATE: June 26, 2021

TO: Honorable Mayor and City Council

FROM: Jonathan Kara, City Attorney

ISSUE: Legislative Update - Homelessness

BACKGROUND: The following identifies the legislation passed during the 2021 Legislative Session addressing homelessness and provides details regarding the key provisions for each measure:

HB 2006 – Emergency Shelters/Transitional Housing Accommodations/Low-barrier Emergency Shelters and Navigation Centers

Emergency Shelters

- Defines “emergency shelter” as a building or cluster of buildings providing shelter on a temporary basis for individuals and families who lack permanent housing.
- Provides a building or cluster of buildings used as an emergency shelter under an approval granted under this law:
 - may resume its use as an emergency shelter after an interruption or abandonment of use for two years or less, notwithstanding other state law.
 - may not be used for any purpose other than as an emergency shelter except upon application for a permit demonstrating the construction of the building and its use could be approved under current local land use laws and regulations.
- Provides an approval of an emergency shelter under this law is void unless the shelter is operating within two years following the approval.
- Requires the City to approve an application for the development or use of land for an emergency shelter, if the emergency shelter:
 - includes sleeping and restroom facilities for clients;

- will comply with applicable building codes;
- is located inside an urban growth boundary or in an area zoned for rural residential use;
- will not result in the development of a new building sited within an area designated under a statewide planning goal relating to natural disasters and hazards (flood plains or mapped environmental health hazards) unless the development complies with regulations directly related to the hazard;
- has adequate transportation access to commercial and medical services; and
- will not pose any unreasonable risk to public health or safety.
- Requires an emergency shelter, as defined by the measure, to be operated by:
 - the City;
 - an organization with at least two years of experience operating an emergency shelter (such as Mid-Columbia Community Action Council) using best practices that is:
 - a local housing authority;
 - a religious corporation; or
 - a public benefit corporation whose charitable purpose includes the support of homeless individuals and has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2018; or
 - a nonprofit corporation partnering with any other entity identified as an approved operator by the measure.
- Provides an emergency shelter approved under the provisions of the measure:
 - may provide the following on-site for its clients and at no cost to the clients:
 - showering or bathing;
 - storage for personal property;
 - laundry facilities;
 - service of food prepared on-site or off-site;
 - recreation areas for children and pets;
 - case management services for housing, financial, vocational, educational or physical or behavioral health care services; or
 - any other services incidental to shelter.
 - may include youth shelters, winter or warming shelters, day shelters and family violence shelter homes.
- Provides an emergency shelter approved based on the provisions of this measure are authorized to provide additional services to individuals transitioning from unsheltered homeless status and allows the organization providing services to charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.
- Clarifies the approval of an emergency shelter as defined by the measure is not a land use decision and is subject to review only under ORS 34.010 to 34.100.
- Provides the emergency shelter approval requirement/process is repealed on July 1, 2022, for applications not completed and submitted before the date of

the repeal.

Enhanced Transitional Housing Accommodations Definition

- Amends the definition of “transitional housing accommodations” to include areas in parking lots or facilities for individuals or families to reside overnight in a motor vehicle, without regard to whether the motor vehicle was designed for use as temporary living quarters.
- Provides any political subdivision may:
 - allow any public or private entity to allow overnight camping by homeless individuals living in vehicles on the property of the entity.
 - may impose reasonable conditions upon offering camping space, including establishing a maximum number of vehicles allowed.
- Requires entities approved by a political subdivision to provide camping spaces must also provide access to sanitary facilities, including toilet, handwashing, and trash disposal facilities.
- Authorizes the Oregon Housing and Community Services Department to use resources from the Emergency Housing Account for development of technical assistance and training resources for organizations developing and operating emergency shelters and transitional housing accommodations based on the measure.

Low-barrier emergency shelters:

- Defines “low-barrier emergency shelter” as an emergency shelter following established best practices to deliver shelter services that minimize barriers and increase access to individuals and families experiencing homelessness.
- Requires the Oregon Housing and Community Services Department to award grants and provide technical assistance to organizations to fund:
 - the construction, purchase, or lease of facilities to be used as low-barrier emergency shelters;
 - the operation, use, or staffing of low-barrier emergency shelters, including the costs to provide clients with access to the shelters;
 - the development or use of amenities or facilities providing no-cost services to individuals and families who are homeless, including restroom and hygiene facilities, laundry facilities, dining facilities, storage for personal property, meeting, or gathering spaces, and facilities providing case management services; or
 - rapid rehousing services and supports for individuals and families.
- Requires the Oregon Housing and Community Services Department to:
 - ensure funds are distributed among different region of the state;
 - prioritize funding areas of highest need as identified in the August 2019 Oregon Statewide Shelter Study; and
 - ensure grants are awarded through a competitive process emphasizing collaborative proposals, or to one or more community action agencies.

Navigation Centers

- Defines “navigation center” as a low-barrier emergency shelter open seven

- days per week and connects individuals and families with health services, permanent housing, and public benefits.
- Authorizes the Oregon Department of Administrative Services to award grants to local governments to:
 - plan the location, development, or operations of a navigation center;
 - construct, purchase, or lease a building for use as a navigation center;
 - operate a navigation center that has been constructed, purchased, or leased; or
 - contract for the performance of activities related to a navigation center.
- Requires local governments receiving a grant to return all moneys granted if the navigation center subject to the grant is not operating on or before July 1, 2022.
- The following grants were awarded to specified nonprofit organizations and local governments through HB 5042 to establish and/or operate navigation centers to assist individuals and families with access to health services, permanent housing, and public benefits. The grants were awarded as follows:
 - \$1,500,000 to the City of McMinnville for a navigation center;
 - \$1,500,000 to the City of Roseburg for a navigation center;
 - \$2,000,000 to Bybee Lakes Hope Center for a navigation center;
 - 2,500,000 to the City of Bend for a navigation center;
 - \$2,500,000 to the City of Medford for a navigation center;
 - \$5,000,000 to the City of Salem for a navigation center; and
 - \$5,000,000 to Lane County for a navigation center within the City of Eugene.

HB 3115 – Homelessness: Codification of *Martin v. Boise*

HB 3115 seeks to codify the 2019 Ninth Circuit Court of Appeals decision in *Martin v. Boise* relating to local laws regulating the acts of sitting, lying, sleeping, or keeping warm and dry in outdoor public spaces with regards to persons experiencing homelessness. The measure includes the following key provisions:

- Defines “keeping warm and dry” to mean using measures necessary for an individual to survive outdoors given the environmental conditions but does not include using any measure that involves fire or flame.
- Defines “public property” to mean the term as it is defined in ORS 131.705.
- provides “city or county law” does not include policies developed pursuant to ORS 203.077 or 203.079 (i.e., the City Police Department’s Policy on Established Campsites on Public Property).
- Provides any city or county law regulating the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property open to the public must be objectively reasonable as to time, place, and manner with regards to persons experiencing homelessness.
- Creates an affirmative defense to a charge of violating a city or county law regulating the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property open to the public that the law is not objectively reasonable.

- Authorizes a person experiencing homelessness to bring suit for injunctive or declaratory relief to challenge the objective reasonableness of such City or County laws and requires the action be brought in the circuit court of the county enacting the law or of the county in which the city enacting the law is located.
- Requires “reasonableness” to be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on personsexperiencing homelessness.
- Allows the court, in its discretion, to award reasonable attorney fees to a prevailingplaintiff if the plaintiff:
 - was not seeking to vindicate an interest unique to the plaintiff; and
 - at least 90 days before the action was filed, provided written notice to the governing body of the city or county enacting the law being challenged of an intent to bring the action and the notice provided the governing body with actual notice of the bases the plaintiff intends to challenge the law.
- Clarifies the measure does not create a private right of action for monetary damages.
- Provides the requirements of the measure become operative on July 1, 2023.

HB 3124 – Removal of Homeless from Established Camping Sites – Notice and Personal Property Requirements

- Defines “personal property” as any item that can reasonably be identified asbelonging to an individual and having apparent value or utility.
- Requires law enforcement officials, at least 72 hours before removing homeless individuals from an established camping site, to post a written notice in English andSpanish at all entrances to the camping site to the extent that the entrances can reasonably be identified. (**NOTE:** the City Police Department’s Policy here is to provide 5 days’ notice instead of the 72 hour minimum imposed by state law).
- Requires law enforcement officials, when a 72-hour notice is posted, to inform thelocal agency delivering social services to homeless individuals as to where the notice has been posted.
- Requires all personal property at the camping site remaining unclaimed afterremoval to be given to a:
 - law enforcement official;
 - local agency that delivers social services to homeless individuals;
 - outreach worker;
 - local agency official or a person authorized to issue a citation for unlawfulcamping under state law, administrative rule, or city or county ordinance, whether the 72-notice is required or not.
- Requires unclaimed personal property to be stored:
 - for property removed from camping sites in counties other than MultnomahCounty, in a facility located in the same community as the camping site from which it was removed.
 - Items that have no apparent value or utility or are in an insanitary

condition may be immediately discarded upon removal of the homeless individuals from the camping site.

- Weapons, controlled substances other than prescription medication and items appearing to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.
- Requires the written notice, at a minimum, to include:
 - where unclaimed personal property will be stored;
 - a phone number individuals may call to find out where the property will be stored; or
 - if a permanent storage location has not yet been determined, the address and phone number of an agency having the information when available.
- Requires unclaimed property to be stored in an orderly fashion, keeping items belonging to an individual together to the extent ownership can reasonably be determined.
- Requires personal property to be stored for a minimum of 30 days during which time it shall be reasonably available to any individual claiming ownership.
- Provides personal property unclaimed after 30 days may be disposed of or donated to a 501(c)(3) corporation.
- Provides the 72-hour notice requirement does not apply:
 - when there are grounds for law enforcement officials to believe illegal activities other than camping are occurring at an established camping site.
 - in the event of an exceptional emergency at an established camping site, including, but not limited to, possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety.
- Allows a notice to be posted at least 24 hours before removing individuals from a camping site if a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service.
- Prohibits a person authorized to issue a citation for unlawful camping (under state law, administrative rule, or city or county ordinance) from issuing a citation within 200 feet of a notice required by the measure and within two hours before or after the notice was posted.
- Provides any law or policy of a city or county more specific or offering greater protections to homeless individuals subject to removal from an established camping site preempts contrary provisions of this measure.
- Effective on the date the Governor signed the measure into law on June 23, 2021.

HB 3261 – Project Turnkey: Zoning for Hotel/Motel Conversion to Emergency Shelter/Affordable Housing

- Requires the City to unconditionally allow the conversion of the lawful use of a property, notwithstanding any statewide land use planning goals or land use regulations:
 - from use as a hotel or motel, to use as an emergency shelter.
 - from use as a hotel or motel, or a hotel or motel that was converted

- to an emergency shelter, to use as affordable housing.
- Provides the conversion requirement only applies to areas:
 - within an urban growth boundary;
 - not designated by the local government as specifically for heavy industrial uses;
 - with adequate transportation access to commercial and medical services; and
 - not within an area designated for a statewide land use planning goal relating to natural disasters or hazards, including flood plains or mapped environmental health hazards, unless the converted use complies with regulations directly related to the disasters or hazards.
- Authorizes the City to require a converted use to comply with:
 - applicable building codes;
 - occupancy limits; or
 - for affordable housing uses, reasonable standards relating to siting or design if the standards do not, individually or cumulatively, prohibit the conversion through unreasonable costs or delay.
- Provides conversions identified by the measure do not constitute land use decisions as defined in ORS 197.015.
- Provides a local government is not required to consider whether the conversion significantly affects an existing or planned transportation facility for the purposes of implementing a statewide land use planning goal relating to transportation.
- Defines the following terms for purposes of the measure:
 - “Affordable housing” means housing in which all units are affordable to households with incomes equal to or less than 60 percent of the area median income as defined in ORS 458.610 and whose affordability is enforceable by an affordable housing covenant, as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.
 - “Conversion” includes an alteration to a building changing the number of units but does not expand the building footprint.
 - “Emergency shelter” means a building providing shelter on a temporary basis for individuals and families who lack permanent housing.
 - “Lawful use” includes a nonconforming use as described in ORS 215.130 (6) or any other local land use regulation allowing for the continuation of a use lawful when first enacted.
- Applies to conversions or applications for conversions on or after January 1, 2021.
- Effective on the date the Governor signed the measure into law on May 6, 2021.

NOTE: In 2020, the Oregon Legislature allocated a total of \$65 million of CARES Act funding through the Oregon Joint Legislative Emergency Board for Project Turnkey for the purpose of acquiring motels/hotels for use as non-congregate shelter for people experiencing homelessness or at-risk of homelessness. The two funds included:

- \$30 million designated for shelter opportunities in counties or tribal communities impacted by the 2020 wildfires and has been fully allocated,

resulting in the funding of seven projects for a total of 388 units in six counties (appropriated on 10/23/2020).

- \$35 million designated for shelter opportunities in the remaining areas of the state. Of this amount, \$31.2 million has been allocated to date (appropriated on 11/9/2020).

BUDGET IMPLICATIONS: None.

COUNCIL ALTERNATIVES:

Since this is a discussion item, the Council would not be taking any formal action at this time. Staff wanted to inform the Council on these dynamic issues impacting the City in an effort to seek direction on implementing sensible local policies and rules to protect the public health, safety, and welfare while ensuring consistency with state law.



AGENDA STAFF REPORT

AGENDA LOCATION: Discussion Item# 12 Aii

MEETING DATE: July 26, 2021

TO: Honorable Mayor and City Council

FROM: Alice Cannon, Community Development Director

ISSUE: Transitional Housing Code Amendments Update

BACKGROUND: At the City Council Goal-Setting Session on January 29, 2021, the City Council requested that staff prepare Municipal Code Amendments to allow transitional housing shelter uses within the City, subject to standards.

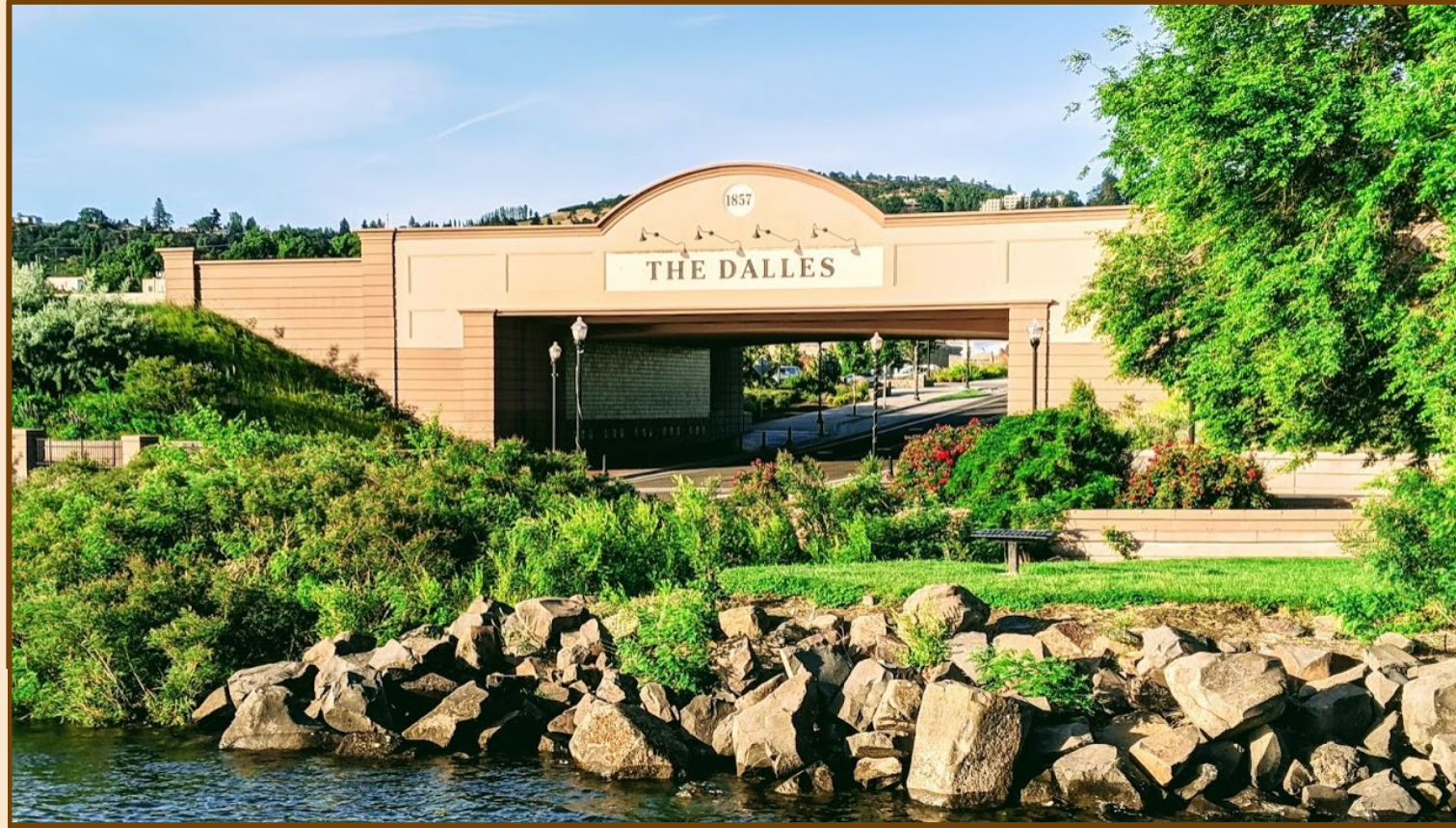
Staff has prepared a draft Code Amendment and is bringing the draft to City Council for review and feedback prior to public hearings in the fall 2021. Attachment A is a PowerPoint summary of the draft code amendments. Proposed “next steps” for the project are also included in the PowerPoint. Attachment B is the proposed code text for the Council’s review and comment.

BUDGET IMPLICATIONS: The proposed Transitional Housing Code Amendment will result in no direct City budget impact.

COUNCIL ALTERNATIVES:

This is a discussion item. Staff welcomes Council questions and feedback on the attached DRAFT Transitional Housing Code.

ATTACHMENT A



Transitional Housing Code Update

The Dalles City Council

July 26, 2021



Established and Seasonal Shelters: What are they? *

Homeless. An individual, group, or population lacking a fixed, regular, and/or adequate nighttime residence in accordance with and as classified under OAR Chapter 813 Division 240 State Homeless Assistance Program.

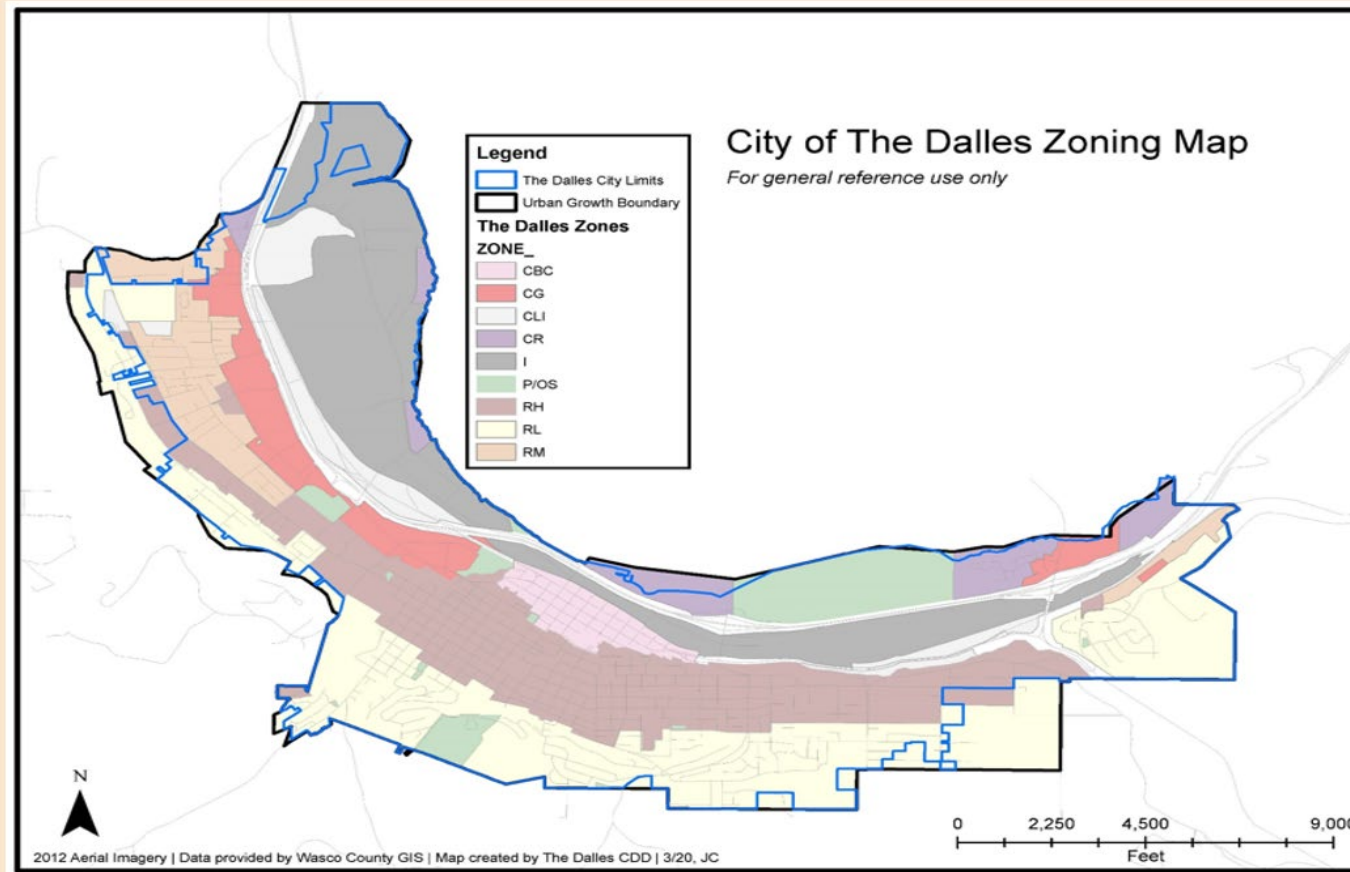
Shelter, Established. A building or group of buildings permanently used or intended for providing homeless shelter and incidental services.

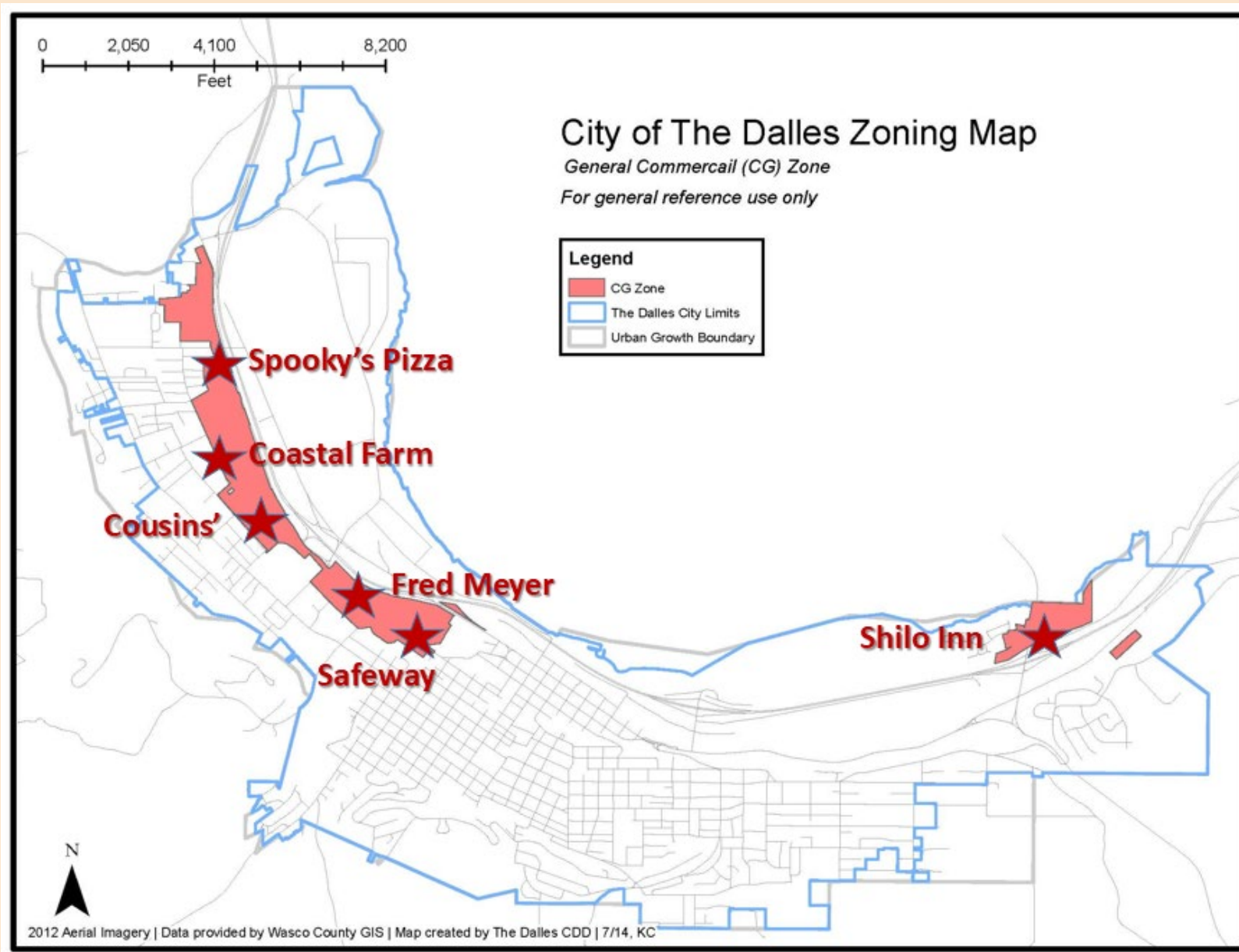
Shelter, Seasonal. A building or group of buildings temporarily used or intended for providing homeless transitional or emergency shelter and incidental services for a maximum of six (6) months.

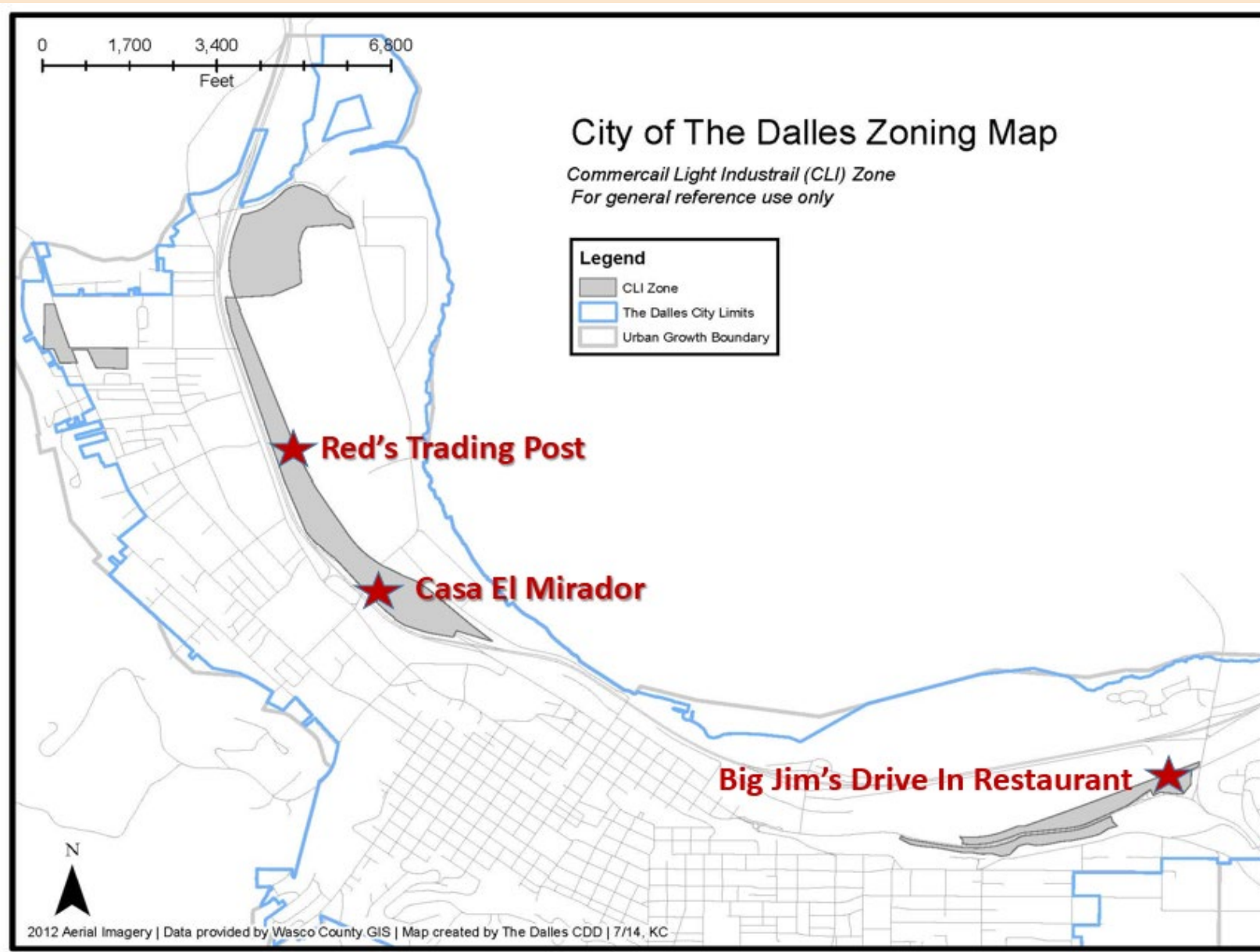
*Definitions are taken from Oregon Revised Statutes

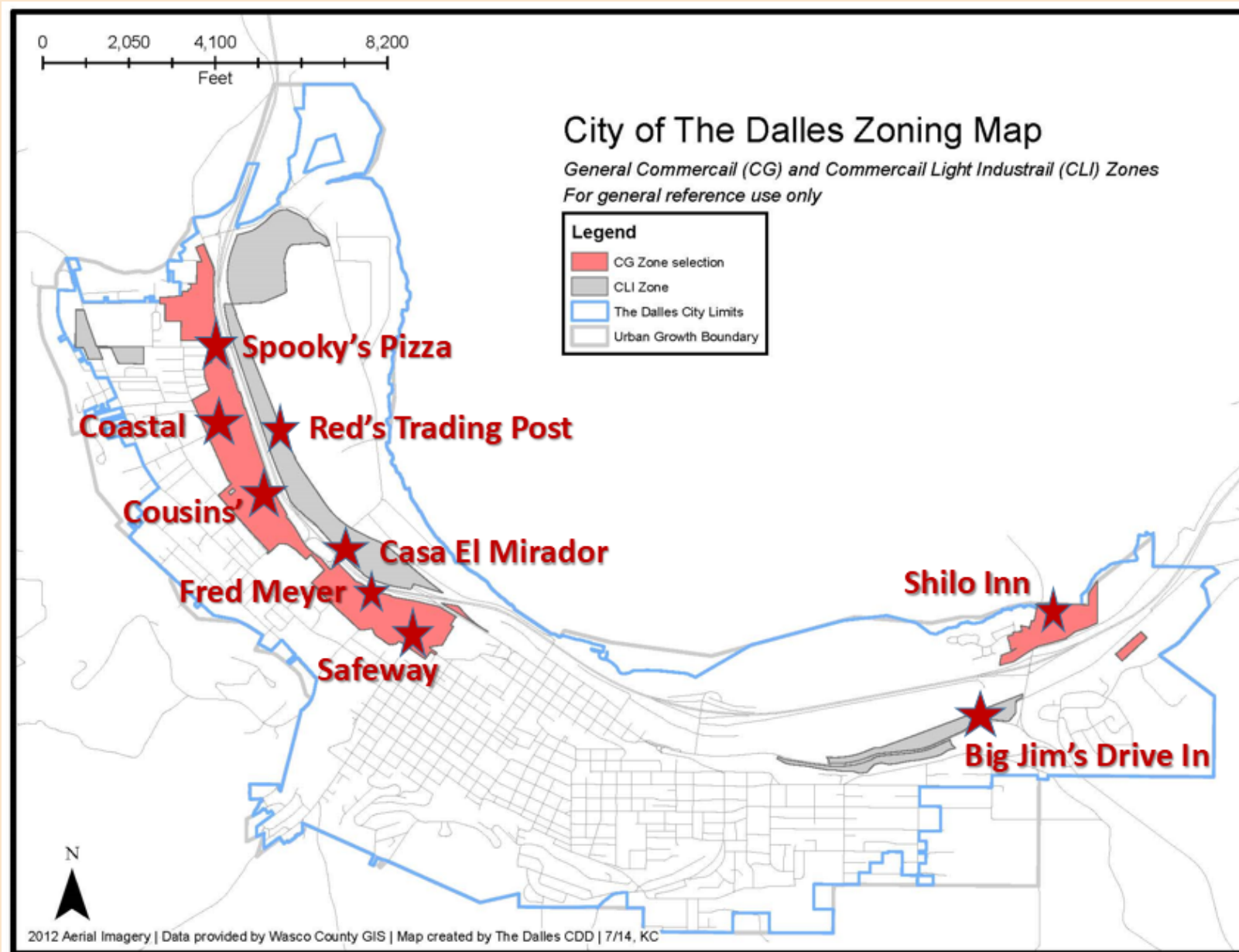


Established and Seasonal Shelters: Where should they be allowed?









Established and Seasonal Shelters:

What standards should apply to all shelters?

- Be operated by one or more of the following:*
 - **A local government** as defined in ORS 174.116;
 - **An organization with at least two years' experience operating a seasonal shelter or reasonable equivalent and is:**
 - a **local housing authority** as defined in ORS 456.375;
 - a **religious corporation** as defined in ORS 65.001; or
 - a **public benefit corporation**, as defined in ORS 65.001, whose charitable purpose includes the support of homeless prevention...and has been in operation for at least three years.
 - **A nonprofit corporation** partnering with any other entity described in this subsection.

*Language taken from Oregon Revised Statutes



Established and Seasonal Shelters:

What standards should apply to all shelters? *

- Provide sleeping and restroom facilities;
- Comply with State Building Code standards;
- Setbacks should be the same as those in the zone;
- Fenced or landscaped screening must be provided;
- Must maintain a written operational plan, including description of scope and services provided; bed capacity, hours of operation and 24-hour contact information.



Established and Seasonal Shelters:

What standards should apply to all shelters? *

- **Access**

- Access shall be from an arterial or collector street;
- In order to facilitate ease of entry and exit, the Planning Director may authorize a wider driveway entrance than is otherwise provided for in this Title; and
- Site access connections to public streets shall meet the City's Access Management standards.



Established and Seasonal Shelters:

What extra standards should apply to established/permanent shelters?*

- **Surfacing.** All areas use for vehicular and required pedestrian walkways shall be paved with asphalt, concrete or similar material and be designed to provide for the control of runoff or surface water.
- **Parking Requirement.** There shall be a minimum of 1 parking space per every 10 beds and a maximum of 1 parking spaces per shelter unit. Parking areas shall meet all of the requirements of Section 10.7.030: General Design Standards for Surface Parking Lots.



Established and Seasonal Shelters:

What extra standards should apply to established/permanent shelters?*

- **Landscaping.** All areas not occupied by buildings, walkways, parking, streets, and shelters shall be landscaped per the provisions of Section 10.6.010: Landscaping.
- **Shelter Maintenance and Storage.** Each shelter shall at all times keep a neat appearance. All storage shall be contained in a building or enclosed shed. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the shelter, or to any of the guests.



Next Steps

- **Stakeholder Review and Comment on DRAFT Code:** Sept. 2021
- **Planning Commission Discussion Item:** Sept. 16, 2021
- **Send required Notices to State and Property Owners:** Sept. 2021
- **Planning Commission Hearing:** October 21, 2021
- **City Council Hearing:** November 22, 2021



ATTACHMENT B

CITY OF THE DALLES TRANSITIONAL/SHELTER HOUSING CODE AMENDMENT DRAFT July 14, 2021

Title 10	LAND USE AND DEVELOPMENT
Chapter 10.2	DEFINITIONS
10.2.030	Meaning of Specific Words and Terms

Homeless. An individual, group, or population lacking a fixed, regular, and/or adequate nighttime residence in accordance with and as classified under OAR Chapter 813 Division 240 State Homeless Assistance Program.

Shelter, Established. A building or group of buildings permanently used or intended for providing homeless shelter and incidental services.

Shelter, Seasonal. A building or group of buildings temporarily used or intended for providing homeless transitional or emergency shelter and incidental services for a maximum of six (6) months.

Title 10	LAND USE AND DEVELOPMENT
Chapter 10.5	ZONE DISTRICT REGULATIONS
Article 5.060	CG GENERAL COMMERCIAL DISTRICT; and
Article 5.070	CLI COMMERCIAL/LIGHT INDUSTRIAL DISTRICT

Permitted Uses

- A. **Primary Uses Permitted Outright.** The following primary uses shall be subject to the provisions of Article 3.030: Site Plan Review, and all other applicable requirements of this Title and other City ordinances:

1. Shelters, transitional housing.

- a. **Established and seasonal shelters.** Established and Seasonal shelters shall:

- i. Provide sleeping and restroom facilities for clients;
- ii. Comply with State Building Code standards; and
- iii. Be operated by one or more of the following:
 1. A local government as defined in ORS 174.116;

2. An organization with at least two years' experience operating a seasonal shelter or reasonable equivalent and is:
 - a. A local housing authority as defined in ORS 456.375;
 - b. A religious corporation as defined in ORS 65.001; or
 - c. A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless prevention and has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code for at least three years prior to submitting its application for a seasonal shelter.; or
3. A nonprofit corporation partnering with any other entity described in this subsection.
- iv. The shelter shall maintain a written operational plan include the following information:
 1. Description of purpose and scope of services of the shelter;
 2. Bed capacity for guests;
 3. Hours of operations, if applicable;
 4. Twenty-four-hour contact information; and
- v. Setbacks. Setbacks shall be the same as the setbacks required by the zone district.
- vi. Access.
 1. Access shall be from an arterial or collector street, or shall be from a street with sufficient width and ease of access to allow any vehicle to enter and exit without causing undue traffic problems. If the access is not from an arterial or collector street, each access shall be evaluated on a case-by-case basis to determine if access is adequate for the type of vehicles anticipated to enter into, and exit from, the site. The evaluation will include on-street parking allowances and the condition of the street.
 2. In order to facilitate ease of entry and exit, the Planning Director may authorize a wider driveway entrance than is otherwise provided for in this Title.
 3. Site access connections to public streets shall meet the requirements of Section 10.6.050: Access Management.
- vii. Screening. Except for the access roadway into the shelter, the shelter shall be screened per Section 10.6.010.050.

b. Established Shelters, Additional requirements.

- i. Surfacing. All areas use for vehicular and required pedestrian walkways shall be paved with asphalt, concrete or similar material and be designed to provide for the control of runoff or surface water.
- ii. Parking Requirement. There shall be a minimum of 1 parking space per every 10 beds and a maximum of 1 parking spaces per shelter unit. Parking areas shall meet all of the requirements of Section 10.7.030: General Design Standards for Surface Parking Lots.
- iii. Landscaping. All areas not occupied by buildings, walkways, parking, streets, and shelters shall be landscaped per the provisions of Section 10.6.010: Landscaping. A landscape plan is required prior to the City signing a building permit application. The landscaping plan may include internal shade trees.
- iv. Shelter Maintenance and Storage. Each shelter shall at all times keep a neat appearance. All storage shall be contained in a building or enclosed shed. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the shelter, k or to any of the guests.

B. Accessory Uses Permitted Outright

- 4. Services incidental to established and seasonal shelter**, including but not limited to the provision of utilities, showering or bathing facilities, laundry services, bedding, security, transportation, sustenance, low-impact recreation areas, case management and social welfare services, storage sheds or lockers, and minor repairs undertaken specifically to make suitable space available for shelter.