

AGENDA

PLANNING COMMISSION

September 16, 2021

5:30 p.m.

VIA ZOOM

<https://zoom.us/j/95173124560?pwd=QVZXUHpQazlBZ1pNL1NUUWpaN3M4QT09>

Meeting ID: **951 7312 4560** Passcode: **864333**

Dial: 1-669-900-6833 or 1-253-215-8782

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. ELECTION OF OFFICERS
6. APPROVAL OF MINUTES – June 17, 2021
7. PUBLIC COMMENT
8. STAFF COMMENTS / PROJECT UPDATES
9. COMMISSIONER COMMENTS / QUESTIONS
10. LEGISLATIVE PUBLIC HEARING

CPA 50-21, City of The Dalles

Recommendation for approval for adding the City of The Dalles Middle Columbia-Hood (Miles Creek) Sub basin Total Maximum Daily Load (TMDL) Implementation Plan as a Volume II: Background Document to The Dalles Comprehensive Plan.

11. DISCUSSION ITEM

Draft Transitional Housing Code: Discussion of a draft Transitional Housing Code intended to permit housing shelters in certain locations in the City, subject to proposed standards.

CITY OF THE DALLES

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

12. ADJOURNMENT

This meeting conducted via Zoom.

Prepared by/
Paula Webb, Secretary
Community Development Department

MINUTES

PLANNING COMMISSION MEETING

June 17, 2021
5:30 p.m.

VIA ZOOM

PRESIDING: Brent Bybee, Chair

COMMISSIONERS PRESENT: Karly Aparicio, Cody Cornett, Linda Miller, Mark Poppoff

COMMISSIONERS ABSENT: Alan Easling and Philip Mascher

STAFF PRESENT: Director Alice Cannon, City Attorney Jonathan Kara, Senior Planner Dawn Marie Hert, Associate Planner Joshua Chandler, Secretary Paula Webb

CALL TO ORDER

Chair Bybee called the meeting to order at 5:32 p.m.

PLEDGE OF ALLEGIANCE

Chair Bybee led the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Miller and seconded by Cornett to approve the agenda as presented. The motion carried 5/0; Aparicio, Bybee, Cornett, Miller and Poppoff voting in favor, none opposed, Easling and Mascher absent.

APPROVAL OF MINUTES

It was moved by Cornett and seconded by Bybee to approve the minutes of May 20, 2021 as submitted. The motion carried 5/0; Aparicio, Bybee, Cornett, Miller and Poppoff voting in favor, none opposed, Easling and Mascher absent.

PUBLIC COMMENT

Eloise Trujillo, 5100 Woodworth Dr., Mt. Hood/Parkdale, Oregon, 97041

Ms. Trujillo's telephone connection was inaudible. After failed attempts to communicate, Chair Bybee directed Ms. Trujillo to contact Staff directly.

STAFF COMMENTS / PROJECT UPDATES

Director Cannon stated the following projects will be addressed in September, 2021:

- First Street Streetscape Project
- Industrial Code Amendments
- Legislative Session Update – The session remains open. Director Cannon will provide an update to City Council in July. The information will be presented to Planning Commission shortly thereafter.
- Transitional Housing – City Council requested land use regulations that would allow the use of transitional housing inside the City Limits within certain limitations.

COMMISSIONER COMMENTS / QUESTIONS

Commissioner Poppoff asked if the Commission would return to in-person meetings in July. Director Cannon replied Staff will return to work when the Governor lifts the mask restrictions. In-person meetings will likely return in September, after renovations to Council Chambers are completed.

Commissioner Miller stated City Council does not hold meetings in August and asked if the Planning Commission recessed in August. Director Cannon replied she would like to honor that tradition. She noted a meeting would be held if a deadline fell during that time. Commission consensus was in favor of an August recess.

Director Cannon stated the Housing Code Amendments were unanimously approved by City Council at the June 14, 2021 meeting. Cannon expressed her thanks for work completed by the Planning Commission.

Chair Bybee stated he would be transitioning to a new position in Crook County. He will step down from his position in July.

QUASI-JUDICIAL PUBLIC HEARING

Zoning Ordinance Amendment 103-21 and Comprehensive Plan Amendment 48-21, Umair Sheikh

Chair Bybee read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest or bias, which would prevent an impartial decision. Hearing none, Chair Bybee opened the public hearing at 5:58 p.m.

Senior Planner Hert provided the staff report.

Commissioner Poppoff stated this is next door to an existing residential area. He asked if with a zone change, a conditional use permit could be issued with a condition of approval requiring events to end by 11 p.m.

Senior Planner Hert replied for a zone change there are no provisions in the Code to regulate timing unless it is a conditional use permit. This application does not include a land use

application for a commercial use. The motel is a permitted outright use, and does not have restrictions or limitations associated with that use.

Director Cannon noted all areas of the City are covered by Article 5.08.020 Drinking and Unnecessary Noise, which states:

“No person shall create or assist in creating or permit the continuance of unreasonable noise in the City...

Using or operating an automatic or electric piano, musical instrument, radio, stereo, loudspeaker, or other sound-amplifying device so loudly that it disturbs any person(s) in its vicinity, or in a manner that makes it a public nuisance. The use or operation of any such device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.”

Umair Sheikh, 477 NW Phoenix Drive, Troutdale, Oregon 97060

Mr. Sheikh stated he is in favor of the application. He noted the subject property is adjacent to the motel. The view is breathtaking; many guests request holding a wedding there. Weddings, by their nature, typically end by 10 p.m. The Celilo Inn has a 4.5 rating with Tripadvisor. This will add value to our property, as well as surrounding businesses that cater to weddings. This will be an asset to the motel as well as the City of The Dalles.

Zar Sheikh, 15401 SE Mill Plain Blvd., Vancouver, Washington 98684

Mr. Sheikh is the owner of both the Celilo Inn and the Comfort Inn. Both properties are good citizens of the City of The Dalles. This will be a good investment providing opportunities to the community.

Terry Wilcox-Urbe, 3550 E. Second Street, The Dalles, Oregon 97058

Ms. Wilcox-Urbe stated the motel has a curfew, strictly enforced. She is excited about this opportunity.

Chair Bybee clarified this application is only for the zone change; the eventual use is not included in this application.

Chair Bybee closed the public hearing at 6:23 p.m.

It was moved by Cornett and seconded by Miller to recommend to the City Council the approval of Zoning Ordinance Map Amendment ZOA 103-21 and Comprehensive Plan Map Amendment CPA 48-21, adopting the proposed zoning map and comprehensive map amendments and adopting findings included in this staff report. The motion carried 5/0; Aparicio, Bybee, Cornett, Miller and Poppoff voting in favor, none opposed, Easling and Mascher absent.

ADJOURNMENT

Being no further business, the meeting adjourned at 6:25 p.m.

Submitted by/
Paula Webb, Secretary
Community Development Department

SIGNED:

Cody Cornett, Vice Chair

ATTEST:

Paula Webb, Secretary
Community Development Department

DRAFT



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT Comprehensive Plan Amendment 50-21

Procedure Type: Legislative

Public Hearing Date: September 16, 2021

Applicant: City of The Dalles

Request: The proposed Comprehensive Plan Amendment adds The Dalles Middle-Columbia-Hood (Miles Creek) Sub basin Total Maximum Daily Load Implementation Plan as a Volume II: Background Document to The Dalles Comprehensive Land Use Plan.

Properties: All properties within the City of The Dalles Urban Growth Boundary

Prepared by: Dawn Marie Hert, Senior Planner

BACKGROUND INFORMATION:

In 2009 the Oregon Department of Environmental Quality (DEQ) completed a comprehensive study of streams in the region around The Dalles, called the Middle Columbia-Hood (Miles Creeks) Sub basin. The study can be found on DEQ's website under Total Maximum Daily Load (TMDL) for the Middle Columbia-Hood sub basin, Miles Creeks. As a result of that study, the City of The Dalles was identified as a "Designated Management Agency" (DMA), with responsibilities for water quality management in portions of the Miles Creeks drainage area, including the creation of an Implementation Plan.

DEQ is required under the federal Clean Water Act and OAR to develop TMDLs for water bodies that fail to meet state water quality standards. A number of streams in the Miles Creek Sub basin failed to meet state water quality standards for temperature. Salmonids and other fish and aquatic species are sensitive to high water temperatures. The TMDL includes a Water Quality Management Plan (WQMP) with a goal of ensuring that all water bodies in the basin attain and maintain water quality standards for temperature. The WQMP has a variety of management strategies including establishing and protecting riparian area vegetation.

The Dalles does not currently have an adopted TMDL Implementation Plan. Upon approval of the Middle Columbia-Hood (Miles Creeks) Sub basin TMDL, the City developed and received DEQ approval of an Implementation Plan to achieve load allocations as established by the TMDL. The Plan incorporates existing management strategies, as well as includes an assessment of ways in which City operations could be modified to better meet TMDL load allocations. Management strategies include education about riparian protection, evaluation of roads located along perennial streams for impediments to load allocation attainment, restoration of river shading and/or channel condition on City owned properties, and consideration of riparian protection ordinances and low impact development (LID) building practices.

The Miles Creeks sub basin includes roughly 587 square miles and is one of three areas that the Middle Columbia-Hood Sub basin consists of. The Miles Creeks area consists of several watersheds that originate from Mount Hood and drain into the Columbia River. The watersheds within the jurisdiction of the City of The Dalles include Chenoweth Creek, Mill Creek, and Threemile Creek within the UGB of the City of The Dalles.

Oregon Administrative Rule (OAR) 340-042-0080(4) requires that:

Persons, including DMAs other than the Oregon Department of Forestry or the Oregon Department of Agriculture, identified in a WQMP as responsible for developing and revising sector-specific or source-specific implementation plans must:

(a) Prepare an implementation plan and submit the plan to the Department for review and approval according to the schedule specified in the WQMP. The implementation plan must:

(A) Identify the management strategies the DMA or other responsible person will use to achieve load allocations and reduce pollutant loading;

(B) Provide a timeline for implementing management strategies and a schedule for completing measurable milestones;

(C) Provide for performance monitoring with a plan for periodic review and revision of the implementation plan;

(D) To the extent required by ORS 197.180 and OAR chapter 340, division 18, provide evidence of compliance with applicable statewide land use requirements; and

(E) Provide any other analyses or information specified in the WQMP.

(b) Implement and revise the plan as needed.

(5) For sources subject to permit requirements in ORS 468B.050, waste load allocations and other management strategies will be incorporated into permit requirements.

The main goal of the City of The Dalles TMDL Implementation Plan is to reduce all stream pollutants to comply with the requirements of the Clean Water Act. At this time, temperature was the only pollutant source identified that was exceeding the maximum levels, and therefore this plan's primary focus will be to reduce temperature. However, the following management strategies will not only be beneficial to reducing temperature, but they will also help to reduce stream erosion and sediment within the streams, and will help keep bacteria and oxygen at appropriate levels.

Staff is recommending that the Planning Commission recommend, to City Council, the following addition to The Dalles Comprehensive Plan (the existing is shown below in **bold text**, the amended addition is shown in underlined text) as follows:

Comprehensive Land Use Plan Organization

Supporting Documents

Volume II: Background Documents

K. The Dalles Total Maximum Daily Load Implementation Plan, 2021

COMMENTS:

As of the date of the staff report, no formal comments have been received by the Community Development Department.

A. CITY OF THE DALLES MUNICIPAL CODE – TITLE 10- LAND USE AND DEVELOPMENT

Article 10.3.010.040 Applications:

FINDING #1: This application is initiated by the Director pursuant to the provisions of Section 10.3.010.040 F. The application was deemed complete on August 12, 2021. Criterion met.

Article 10.3.020 Review Procedures, Article 10.3.020.060 Legislative Actions:

Section A. Decision types. 4. Amendments to the Comprehensive Plan:

FINDING #2: This application is for an amendment to the Comprehensive Plan. Criterion met.

Section B. Public Hearings. The Commission shall hold at least one legislative public hearing to review applications for legislative actions and, by duly adopted resolution, make a recommendation to the Council to approve, approve with conditions, or deny the request.

FINDING #3: The public hearing has been set for the September 16, 2021 Planning Commission meeting. Criterion met.

Article 10.3.020.060 Legislative Actions:

Section C. Notice of Hearing. At least 10 days before the legislative hearings, notice of the hearing shall be published in a newspaper of general circulation.

FINDING #4: A notice of hearing containing the information required was published in Columbia Gorge News on September 1, 2021. Criterion met.

Notice of Amendments as required by the State of Oregon, Department of Land Conservation and Development.

The Department of Land Conservation and Development requires a 35 day advance notice of any proposed amendments.

FINDING #5: The required notice was sent on August 12, 2021, which is 35 days prior to the first hearing on the amendment to the Comprehensive Plan. Criterion met.

Section 10.3.020.070(A) (3) Staff Report.

A staff report shall be presented which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.

FINDING #6: The staff report has identified the criteria and standards as they relate to this application and has summarized the basic findings of fact. The staff report does include a recommendation for approval. Criterion met.

Section 10.3.110.030 Review Criteria

Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules.

FINDING #7: The proposed amendment is consistent with the Comprehensive Plan, State Laws, and Administrative Rules. A letter dated July 8, 2021, confirms review and acceptance of the plan by Smitha Mehta, TMDL Coordinator, and Oregon Department of Environmental Quality. Criterion met.

B. COMPREHENSIVE PLAN

1. Explain the justification for the proposed Comprehensive Plan Amendment.

FINDING #8: Local Comprehensive Plans must be consistent with the Statewide Planning Goals. Goal #6 of the 19 Statewide Land Use Planning Goals is in regards to Air, Water, and Land Resources and instructs jurisdictions to consider protecting resources pollution and pollutants when composing a Comprehensive Plan.

At a federal level, Goal #6 corresponds to both the Clean Water Act and the Clean Air Act. Statewide, Goal #6 covers many areas regulated by the Oregon Department of Environmental Quality (DEQ). By submitting the TMDL Implementation Plan to DEQ and receiving approval, The Dalles has complied with state and federal law. Therefore, this criterion is satisfied.

2. Describe how the proposed amendment is compatible with or will further the goals established by the Community for the subject area. The goals are listed in the Comprehensive Plan.

FINDING #9: The proposed amendment is compatible with Goal #6 as follows:

GOAL #6: Air, Water and Land Resource Quality

To maintain and improve the quality of the air, water, and land resources of the state.

The goal includes references to meeting state and regional plans to protect water quality:

- Goal #6 Background states “Government, business and private citizens are all responsible for maintaining a livable environment and for improving air and water quality and noise levels where pollution and deterioration exist. Federal, state and local laws and agencies have worked in the public interest to halt environmental deterioration. Continued vigilance is necessary to ensure that natural systems and resources are not threatened or unduly burdened by urban and rural development, and to maintain and balance a high quality human and

natural environment. It is desirable to blend the human environment and the natural setting together in a way that reduces adverse effects. Our objectives should be: to minimize pollution and maintain established environmental quality standards; to resolve grievances whenever air, water and noise problems occur; and to ensure a healthful human environment in balance with a high quality natural environment.”

- Policy #1 requires that the City “Support and participate in the implementation of state and regional plans and programs to reduce pollution levels.”
- Policy #5 states that the City “Ensure that all State and Federal regulations for air, water and noise quality are met.”

The process that led to the preparation of the TMDL Implementation Plan, and subsequent approval by the Oregon DEQ, is demonstration of a concerted effort to meet the water quality needs of the citizens of the state and visitors, and is consistent with Goal #6. The proposed amendment does not affect any other goals in the Comprehensive Plan or create any inconsistency within the Comprehensive Plan. Therefore, this criterion is satisfied.

3. Describe how the proposed Comprehensive Plan Amendment will further the interests of public health, safety, and general welfare.

FINDING #10: The TMDL Implementation Plans contains specific goals that address public health, safety, and general welfare, by providing strategies to aid in reducing temperatures of Mill Creek, Chenoweth Creek and Three Mile Creek. These strategies will assist the City in lowering the stream pollutants and be in compliance with the Clean Water Act.

The proposed amendment enables adoption of the TMDL, as a background document to the Comprehensive Plan. The inclusion of the Plan and its supporting goal and policy direction in the Comprehensive Plan framework will further public health, safety, and welfare interests consistent with the above criterion.

4. Describe the effect the proposed amendment would have on surrounding properties.

FINDING #11: The proposed amendment will provide a guiding document with strategies to ensure compliance with the Clean Water Act. Approval of the TMDL Implementation as a background document is not site-specific but has specific changes identified that may affect properties located in the Stream Corridor District. Recommended changes to the Municipal Code, Title 10-Land Use and Development included in the TMDL Implementation plan will require a separate application process, Ballot Measure 56 mail-out and public hearings. Any specific effects will be detailed through those land use processes. Therefore, this criterion is satisfied.

C. DISCUSSION

The proposed amendment is subject to revision or deletion. The Commission will forward a recommendation on the amendment to the City Council. The final decision on the proposed amendment will be made by the City Council.

STAFF RECOMMENDATION:

Staff recommends the following:

Motion:

1. *Move to recommend that the City Council accept the Middle Columbia-Hood (Miles Creeks) Sub basin Total Maximum Daily Load (TMDL) Implementation Plan as a Background Document to Volume II of City's Comprehensive Plan as item "K".*

ATTACHMENT "A": City Of The Dalles Middle Columbia-Hood (Miles Creeks) Sub basin Total Maximum Daily Load (TMDL) Implementation Plan – UPDATED on June 29, 2021

**City Of The Dalles
Middle Columbia-Hood (Miles Creeks) Sub basin
Total Maximum Daily Load (TMDL)
Implementation Plan – UPDATED on June 29, 2021**

A. INTRODUCTION

In 2009 the Oregon Department of Environmental Quality (DEQ) completed a comprehensive study of streams in the region around The Dalles, called the Middle Columbia-Hood (Miles Creeks) Sub basin. The study can be found on DEQ's website under TMDL for the Middle Columbia-Hood sub basin, Miles Creeks. As a result of that study, the City of The Dalles was identified as a "Designated Management Agency" (DMA), with responsibilities for water quality management in portions of the Miles Creeks drainage area, including the creation of an Implementation Plan.

DEQ is required under the federal Clean Water Act and OAR to develop TMDLs for water bodies that fail to meet state water quality standards. A number of streams in the Miles Creek Sub basin failed to meet state water quality standards for temperature. Salmonids and other fish and aquatic species are sensitive to high water temperatures. The TMDL includes a WQMP with a goal of ensuring that all water bodies in the basin attain and maintain water quality standards for temperature. The WQMP has a variety of management strategies including establishing and protecting riparian area vegetation.

The Dalles does not currently have a TMDL Implementation Plan. Upon approval of the Middle Columbia-Hood (Miles Creeks) Sub basin TMDL it is DEQ's expectation that the City will develop and submit an Implementation Plan to achieve load allocations as established by the TMDL. The Plan will incorporate existing management strategies, as well as include an assessment of ways in which City operations could be modified to better meet TMDL load allocations. Management strategies has the ability to include education about riparian protection, evaluation of roads located along perennial streams for impediments to load allocation attainment, restoration of river shading and/or channel condition on City owned properties, and consideration of riparian protection ordinances and low impact development (LID) building practices.

B. PLAN AREA

The Miles Creeks sub basin includes roughly 587 square miles and is one of three areas that the Middle Columbia-Hood Sub basin consists of. The Miles Creeks area consists of several watersheds that originate from Mount Hood and drain into the Columbia River. The watersheds within the jurisdiction of the City of The Dalles include Chenoweth Creek, Mill Creek, and Threemile Creek within the UGB of the City of The Dalles. Figure 1 below depicts the stream locations and the location of The Dalles.

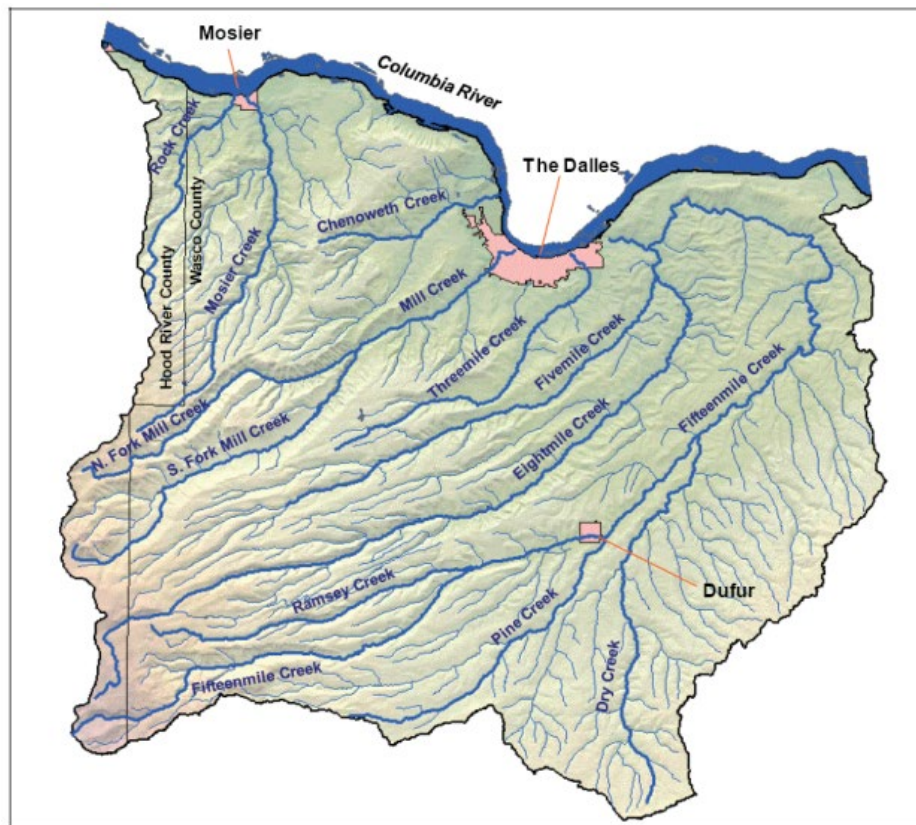


Figure 1

C. ADMINISTRATIVE RULE

Oregon Administrative Rule (OAR)340-042-0080(4) requires that:

Persons, including DMAs other than the Oregon Department of Forestry or the Oregon Department of Agriculture, identified in a WQMP as responsible for developing and revising sector-specific or source-specific implementation plans must:

(a) Prepare an implementation plan and submit the plan to the Department for review and approval according to the schedule specified in the WQMP. The implementation plan must:

(A) Identify the management strategies the DMA or other responsible person will use to achieve load allocations and reduce pollutant loading;

(B) Provide a timeline for implementing management strategies and a schedule for completing measurable milestones;

(C) Provide for performance monitoring with a plan for periodic review and revision of the implementation plan;

(D) To the extent required by ORS 197.180 and OAR chapter 340, division 18, provide evidence of compliance with applicable statewide land use requirements; and

(E) Provide any other analyses or information specified in the WQMP.

(b) Implement and revise the plan as needed.

(5) For sources subject to permit requirements in ORS 468B.050, waste load allocations and other management strategies will be incorporated into permit requirements.

D. DEFINITIONS

The following applicable definitions are from DEQ's administrative rules for TMDLs (Oregon Administrative Rule (OAR) Chapter 340, Division 042) and will also be implemented into Article 5.130 Stream Corridor District of Title 10 Land Use and Development of The Dalles Municipal Code:

(1) **"Designated Management Agency (DMA)"** means a federal, state or local governmental agency that has legal authority over a sector or source contributing pollutants, and is identified as such by the Department of Environmental Quality in a TMDL.

(2) **"Management Strategies"** means measures to control the addition of pollutants to waters of the state and includes application of pollutant control practices, technologies, processes, siting criteria, operating methods, best management practices or other alternatives.

(3) **"Performance Monitoring"** means monitoring implementation of management strategies, including sector-specific and source-specific implementation plans, and resulting water quality changes.

(4) **"Pollutant"** has the meaning provided in the **Federal Water Pollution Control Act Section 502 (33 USC Section 1362)**.

(5) **"Total Maximum Daily Load (TMDL)"** means a written quantitative plan and analysis for attaining and maintaining water quality standards and includes the elements described in OAR 340-042-0040. These elements include a calculation of the maximum amount of a pollutant that a water body can receive and still meet state water quality standards, allocations of portions of that amount to the pollutant sources or sectors, and a Water Quality Management Plan to achieve water quality standards.

(6) **"Water Quality Management Plan (WQMP)"** means the element of a TMDL describing strategies to achieve allocations identified in the TMDL to attain water quality standards. The elements of a WQMP are described in OAR 340-042-0040(4)(l).

The following applicable definitions are from the Land Conservation and Development Department's administrative rules OAR 660-023-0090(1).

(7) **"Fish habitat"** means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.

(8) **"Riparian area"** is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

(9) **"Riparian corridor"** is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

(10) **"Riparian corridor boundary"** is an imaginary line that is a certain distance upland from the top bank, for example, as specified in section (5) of this rule.

(11) "**Stream**" is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

(12) "**Structure**" is a building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.

(13) "**Top of bank**" shall have the same meaning as "**bank full stage**" which is defined in OAR 141-085-0510 (5) as "the two-year recurrence interval flood elevation.

(14) "**Water area**" is the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.

E. GOALS

The main goal of the City of The Dalles TMDL Implementation Plan is to reduce all stream pollutants to comply with the requirements of the Clean Water Act. At this time, temperature was the only pollutant source identified that was exceeding the maximum levels, and therefore this plan's primary focus will be to reduce temperature. However, the following management strategies will not only be beneficial to reducing temperature, but they will also help to reduce stream erosion and sediment within the streams, and will help keep bacteria and oxygen at appropriate levels.

1. The goal of the TMDL Implementation Plan is to comply with the Clean Water Act by improving stream temperatures by protecting and restoring riparian vegetation. Goals will be accomplished by:
 - a. Reducing the temperatures of Mill Creek, Chenoweth Creek, and Threemile Creek. This goal will be met by using the following management strategies:
 - i. Update the Municipal Code;
 - ii. Strengthen existing public outreach and education;
 - iii. Create shade through the revegetation of native plant and tree species within the stream corridor (SC) overlay zone;

F. IDENTIFICATION OF RESPONSIBLE PARTICIPANTS

The City of The Dalles' Community Development Department, along with the Public Works Department, will be the responsible parties for the TDML Implementation Plan. The Community Development Director will be the principal point of contact for implementing the management measures in the Plan. At the discretion of the Director, other City staff may be assigned tasks for various aspects of Plan implementation.

F. MANAGEMENT STRATEGIES

1. Reducing the temperatures of Mill Creek, Chenoweth Creek, and Threemile Creek.
 - a. Update the Municipal Code.
 - i. Increase stream setbacks and buffers for new development.

The Municipal Code, which the Community Development Department (CDD) implements and regulates, references a Stream Corridor (SC) Overlay. This Overlay zone complies with the safe harbor provisions of OAR 660-023-0090(8). This Overlay includes Chenoweth Creek, Mill Creek and

Threemile Creek and was created with the intentions of reducing stream temperature, preventing stream habitat degradation, and to protect/restore fish-bearing stream corridors. The SC Overlay applies additionally to areas within The Dalles Urban Growth Boundary (UGB) and includes the corridor extending upland 50 feet from the tops-of-bank of the three identified fish-bearing streams. All new development needs to be located outside of the Stream Corridor Overlay; maintain a 50 foot setback from the streams.

While the Municipal Code normally relies on this 50-foot setback for new development, there are two ways it can be reduced. One is through a “Stream Corridor Setback Modification” and the other is through a “Hardship Adjustment”. The CDD is proposing to update these two exceptions in the Municipal Code by reducing the potential setbacks allowed:

- Amend Section 10.5.130.030(B), which currently allows for the 50-foot stream setback to be reduced by 50%, when a riparian restoration plan is submitted. **A maximum reduction of 20% to the 50-foot setback requirement will be proposed for City Council consideration.**
- Amend Section 10.5.130.030(C) that allows for a Hardship Adjustment of 67% to the 50-foot stream setback. **A maximum Hardship Adjustment of 40% to the 50-foot setback requirement will be proposed for City Council consideration.**
- Amend Section 10.5.130.030(C)(2), which allows 3,000 square feet of impervious surface area within the 50-foot stream setback if it is still considered impossible to build after considering the effect of a Hardship Adjustment. **A maximum of 500 square feet of impervious surface area within the 50-foot setback, after consideration of a Hardship Adjustment, will be proposed for City Council consideration.**

In addition to the above proposed Municipal Code amendments, **the existing Stream Corridor Overlay will be reviewed and updated as deemed necessary on a 5-year basis**, to account for the natural movements of the three water bodies over time. This will require meeting with a land surveyor or engineer to establish the location of the water bodies and providing the data of these stream descriptions to the Wasco County GIS staff to implement these stream location changes.

b. Education and Outreach.

- i. Increasing awareness. The City aims to educate the general public, and more specifically, adjacent landowners to the creeks. Knowing about the TMDL Implementation Plan and how our streams are over the maximum temperature threshold, would be our starting point. Increasing awareness would involve educating the community about storm drains; where they are located and why it’s important to be cautious about what goes down them. This would be accomplished through flyers, brochures, as well as having a presence at community events or festivals. This will additionally require the City to identify partners, such as The Dalles Watershed Council, etc.
- ii. Seek and apply for grants and funding.
 - 1. In February 2020, the Army Corps of Engineers worked with a local Middle School class to create a curriculum that focused on watersheds. This group of students became aware of the impacts of waste going into storm drains, which are then dumped into the local water bodies. One outcome was that this class used stencils at some existing storm drain locations to create awareness to the community. The City will look for ongoing grants and funding to keep courses such as this in place.

2. Funding for purchasing trees and vegetation to plant to create more shade to lower temperature.
3. Create additional programs, such as working with science classes to create bio swales, or working with The Dalles Art Center and the local high school to create additional art work over storm drains.

Outreach messages will be intended to reach everyone in the plan area who may be directly or indirectly involved in the land use activities in riparian areas. Target audiences will include local residents, riparian landowners, realtors, developers, construction contractors, heavy equipment operators. The City will implement the outreach program by developing specific outreach messages for target audiences, developing appropriate outreach products containing those messages and delivering the outreach products to the target audiences. Outreach will also include additional information about encouraging the use of pervious surfaces over impervious surfaces, reducing any runoff that might end up in storm drains, and the voluntary planting of native species in the Stream Corridor Overlay. This will also include efforts to work with different groups and organizations to seek funding or grants for restoration and revegetation purposes of native trees, shrubs and grasses within the Stream Corridor Overlay.

- c. Create shading by revegetating areas within the SC Overlays.
 - i. Encourage voluntary riparian area restoration.
 - ii. Reach out to different partners and entities to get native plants or tree species donated.
 - iii. Continue to seek funding for materials and restoration programs.

I. TIMELINES

Upon approval by DEQ, the TMDL Implementation Plan will be presented to the Planning Commission and City Council for consideration to be added as an ancillary document in The Dalles Comprehensive Plan in the fourth quarter of 2021. It is anticipated that the necessary Municipal Code and Comprehensive Plan amendments will require a Ballot Measure 56 public notice to affected landowners, as required by State law. A tentative hearing schedule for the Implementation Plan and Code amendments would be held in the first quarter of 2022.

Once approved, the City will solidify partners; such as the Boy Scouts, the Army Corps of Engineers, The Dalles Watershed Council, North Wasco County Parks and Recreation, Wasco County, The Dalles Art Center, the local school district, and private landowners. Several of these groups have education programs in place and are already providing outreach booths at public festivals and events. A list of interested partners would be established by the end of July 2022.

The City will continue to look for grants to be able to help fund some of these existing efforts, as well creating new projects such as working with the Boy Scouts to plant native plants or trees to provide for more shade near Chenoweth, Mill Creek, and Threemile Creek, or to create additional handouts, brochures, and outreach. Examples of this could be to establish an “adopt a catch basin” program that would include stencil art through a design competition in the local schools. A top priority would include going to door-to-door to private homeowners abutting the creeks and streams to inform them of actions that they can do to help reduce pollutants.

The Water Quality Management Plan requires the City to complete an annual update. In the table below, this will be one year out from the date of adoption at City Council. In addition, The City will evaluate the TMDL Implementation Plan five years after its adoption by the City Council. The evaluation will examine the effectiveness of the plan in meeting its goals. If the evaluation indicates the plan is not adequate to meet its goals, the City will propose modifications to the plan or undertake other efforts to achieve its goals.

TIMELINE	
Goal: Lower stream pollutants, specifically temperature, to comply with the Clean Water Act.	
Objective: Reduce the temperatures of Mill Creek, Chenoweth Creek, and Threemile Creek.	
Management Strategy:	Completion Date:
Strategy #1: Update the Comprehensive Plan and Municipal Code.	March 2022
<ul style="list-style-type: none"> - Planning Commission to review and City Council to adopt the TMDL Implementation Plan. - DEQ approval of updated TMDL Implementation Plan. Submit the final draft of the TMDL Implementation Plan to DEQ. - Compare the existing SC Overlay to the location of the streams. Update the existing SC Overlay by working with the Wasco County GIS Department, if needed. - Mail Measure 56 Notice to private landowners within the SC Overlay to let them know of potential changes to the Municipal Code That has the potential to impact their properties; increasing the Potential barrier if applicable (45-days). - Create a handout/brochure , work with partners to Educate the community and to distribute materials to the general public and to private landowners within the SC overlay - Adopt the TMDL Implementation Plan at City Council and include Into the Comprehensive Plan and Municipal Code. 	<p>Fall 2021</p> <p>January 2022</p> <p>February 2022</p> <p>February 2022</p> <p>March 2022</p>
Strategy #2: Education and Outreach.	March 2023
<ul style="list-style-type: none"> - Continue to apply for new grants/funding opportunities. - Identify partners and existing programs - Create brochures and flyers/social media pages and websites ; Work with partners to get these handouts To the general public for education purposes. - Work with local schools, specifically the art and science programs, on 2021 curriculum that focuses on watersheds. - Attend The Dalles Watershed Council meetings. - Create a list of all upcoming events and festivals where a booth can be set up for educational purposes - Assess activities participated in since April to evaluate effectiveness of education programs, public participation/outreach, handouts, etc. 	<p>Ongoing</p> <p>July 2022</p> <p>October 2022</p> <p>Sept/Oct 2022</p> <p>Monthly</p> <p>August 2022</p> <p>March 2023</p>
Strategy #3: Create additional shading within the SC Overlay.	March 2024
<ul style="list-style-type: none"> - Continue to apply for new grants/funding opportunities. - Identify partners and strengthen existing education programs. - Work with partners to plant native trees and grasses within the SC Overlay: Arbor Day 2024 - Encourage private landowners within the SC overlay to limit their amount of impervious surfaces and to encourage the planting of native plants for shading purposes. 	<p>Ongoing</p> <p>November 2023</p> <p>April 2024</p> <p>Ongoing</p>



J. PERFORMANCE MONITORING

The City of The Dalles will conduct performance monitoring to use in evaluating TMDL Implementation Plan progress. Performance monitoring will include reports on the numbers, types and locations of projects, BMPs and educational activities completed; BMP efficacy evaluation; in-stream monitoring to track progress towards achieving water quality numeric criteria; Monitoring riparian vegetation communities and shade to assess progress towards achieving NTP targets established in the temperature TMDL.

PM1: Completed tasks, tasks in progress with description of status, and tasks not started.

PM2: Number of land use actions near or within the SC Overlay.

PM3: Number of enforcement actions conducted under the riparian regulations.

PM4: Number of people receiving outreach products, number of events attended.

PM5: Number of native species planted within the SC Overlay.

PM6: Work with partners to complete in-stream monitoring to track progress towards achieving water quality numeric criteria

PM7: Work with partners to monitor the riparian vegetation communities and shade within the SC overlay to assess progress towards achieving NTP targets established in the temperature TMDL.

Strategy #1: Update the Comprehensive Plan and Municipal Code

PM1: Completed tasks, tasks in progress with description of status, and tasks not started.

PM2: Number of land use actions within the riparian setback area.

PM3: Number of enforcement actions conducted under the riparian regulations.

Strategy #2: Education and Outreach

PM1: Completed tasks, tasks in progress with description of status, and tasks not started.

PM4: Number of people receiving outreach products, number of events attended.

Strategy #3: Create additional shading

PM1: Completed tasks, tasks in progress with description of status, and tasks not started.

PM4: Number of people receiving outreach products, number of events attended.

PM5: Number of native species planted within the SC Overlay.

PM6: Work with partners to complete in-stream monitoring to track progress towards achieving water quality numeric criteria

PM7: Work with partners to monitor the riparian vegetation communities and shade within the SC overlay to assess progress towards achieving NTP targets established in the temperature TMDL.

K. DATA COLLECTION PROCEDURES

Performance measurement data will be collected by the City staff and reviewed annually. Data for enforcement actions will be collected by City staff. Data for the outreach program (PM4) will be collected by the City's staff through tallies of people receiving outreach information, through direct mail, and at public presentations.

Currently, the Oregon Department of Fish and Wildlife and The Dalles Watershed Council collect water temperature samples from Mill Creek, Threemile Creek, and Chenoweth Creek. Water temperature data will be gathered from these partners. The City will monitor the height of riparian vegetation within the SC Overlay per PM7 above twice a year.

L. PERIODIC REVIEW & REVISIONS

From p. 70 of the Miles Creeks Temperature TMDL (2009)

“DMAs are expected to prepare an annual report and undertake an evaluation of the effectiveness of their plans every five years to gauge progress toward attaining water quality standards. If it is determined that an Implementation Plan is not sufficient to achieve the load allocation, the DMA will be required to revise the plan accordingly. All of these actions, taken together, will target attainment of water quality standards.”

The City will submit Annual Reports by March 30th of each year. March 30th is the date recognized by the DEQ for an annual update. Every 5 years the annual report will include a review of implementation progress in the last five years. If progress is insufficient, DEQ will require the DMA to have a DEQ-approved revised Implementation Plan within 90 days and continue the 5 year cycle of implementing and reporting. Data collection dates will follow City Council adoption date.

M. COMPLIANCE

The foundation of statewide program for land use planning in Oregon is a set of 19 Statewide Land Use Planning Goals. The goals express the state's policies on land use and related topics, like citizen involvement, housing, and natural resources. Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect.

Local comprehensive plans must be consistent with the Statewide Planning Goals. Goal 6 of these 19 Statewide Land Use Planning Goals is in regards to Air, Water, and Land Resources and instructs jurisdictions to consider protecting resources pollution and pollutants when composing a comprehensive plan.

At a federal level, Goal 6 corresponds to both the Clean Water Act and the Clean Air Act. Statewide, Goal 6 covers many areas regulated by the Oregon Department of Environmental Quality (DEQ). By submitting a TMDL Implementation Plan to DEQ and receiving approval, The Dalles will comply with state and federal law.

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MEMORANDUM

To: City of The Dalles Planning Commission

Meeting Date: September 16, 2021

Re: Draft Transitional Housing Code: Discussion of a draft Transitional Housing Code Amendment intended to permit housing shelters in certain locations in the City, subject to proposed standards.

Prepared by: Alice Cannon, Community Development Director

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 discussed a draft Code Amendment for City Council review and feedback. This discussion item introduces the code amendment to the Planning Commission for similar 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.

COMMISSION ALTERNATIVES:

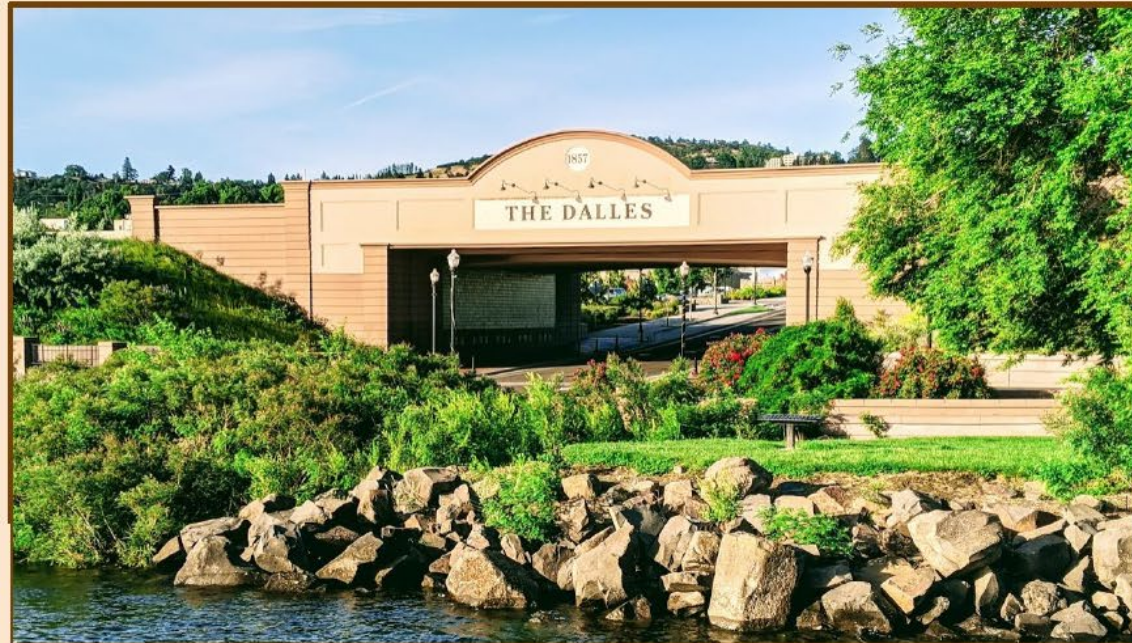
N/A. This is a discussion item. Staff welcomes Planning Commission review and feedback.

ATTACHMENTS:

Attachment A: PowerPoint Summary of Draft Code Amendments

Attachment B: Proposed Text Amendment

ATTACHMENT "A"



Transitional Housing Code Update

Planning Commission

September 16, 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.

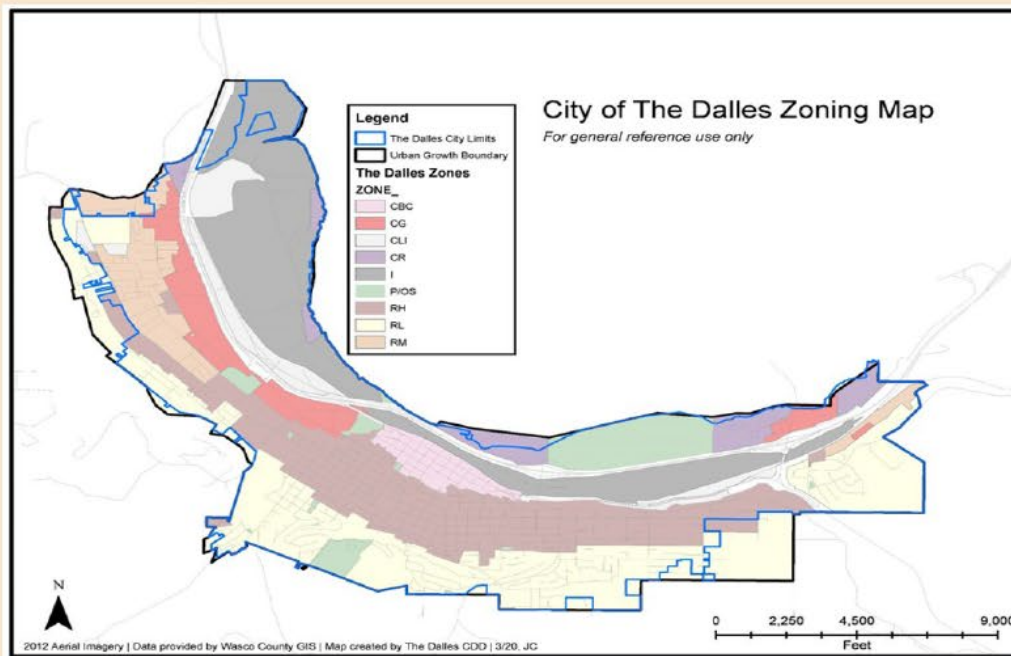
Shelter, Established. A building or group of buildings permanently used or intended for providing homeless shelter and incidental services.

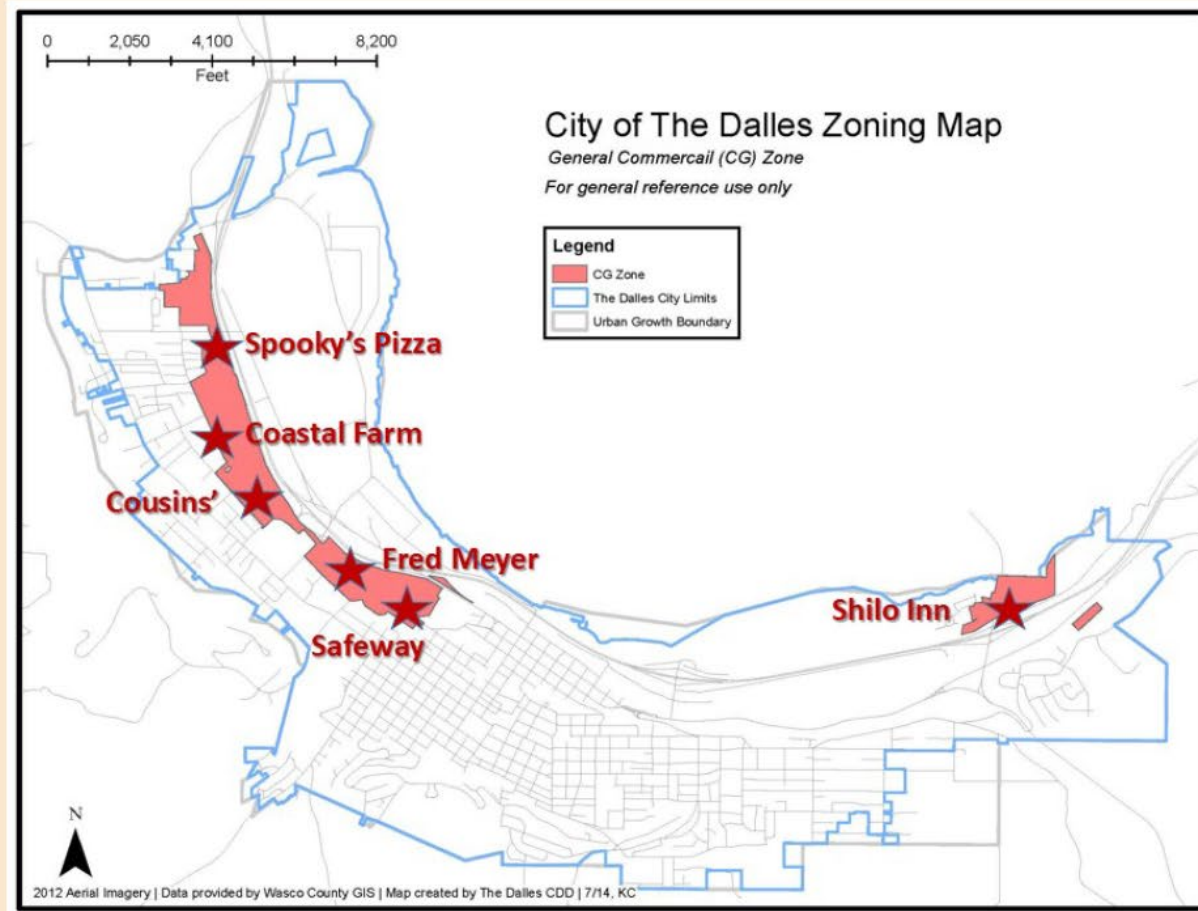
Shelter, Seasonal. A building or group of buildings temporarily used or intended for providing homeless transitional or emergency shelter and incidental services for a maximum of six (6) months.

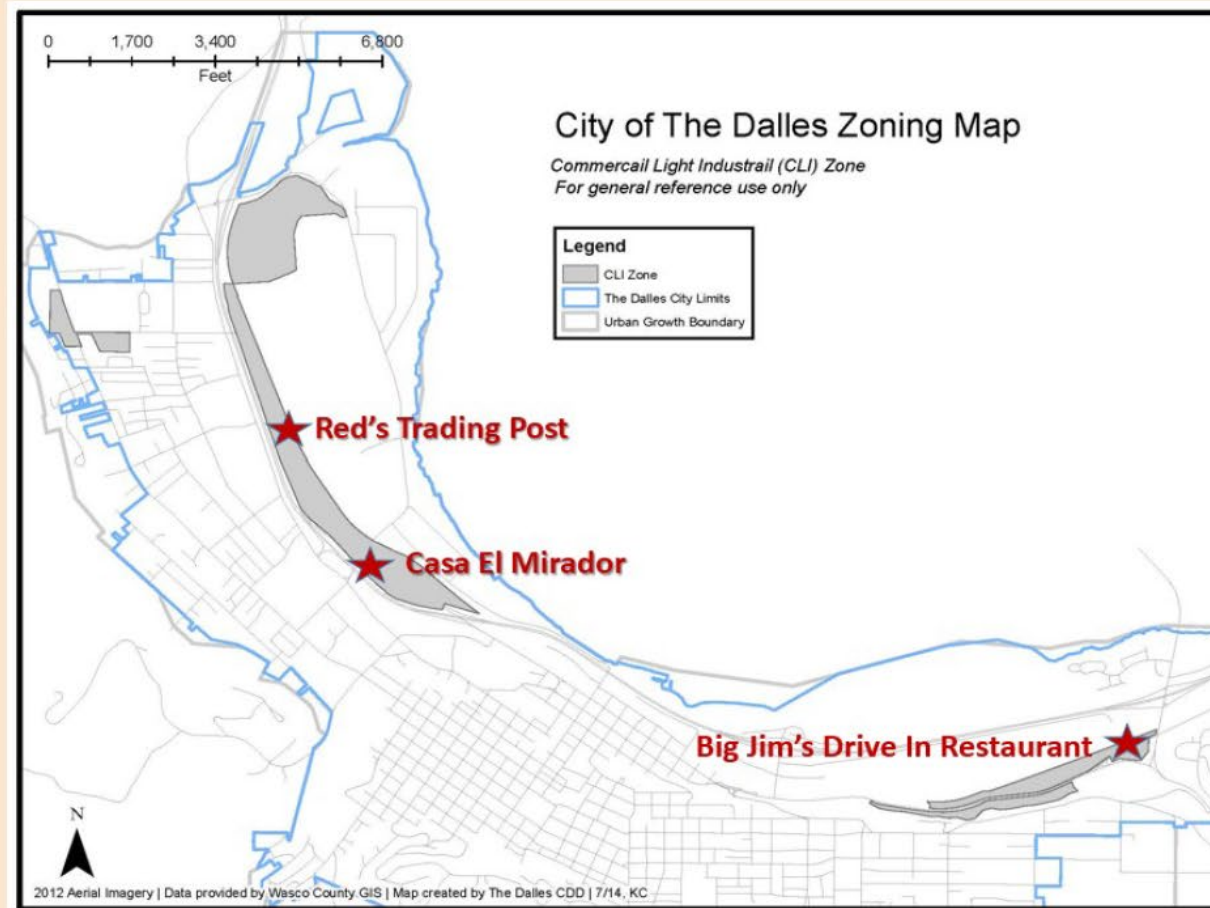


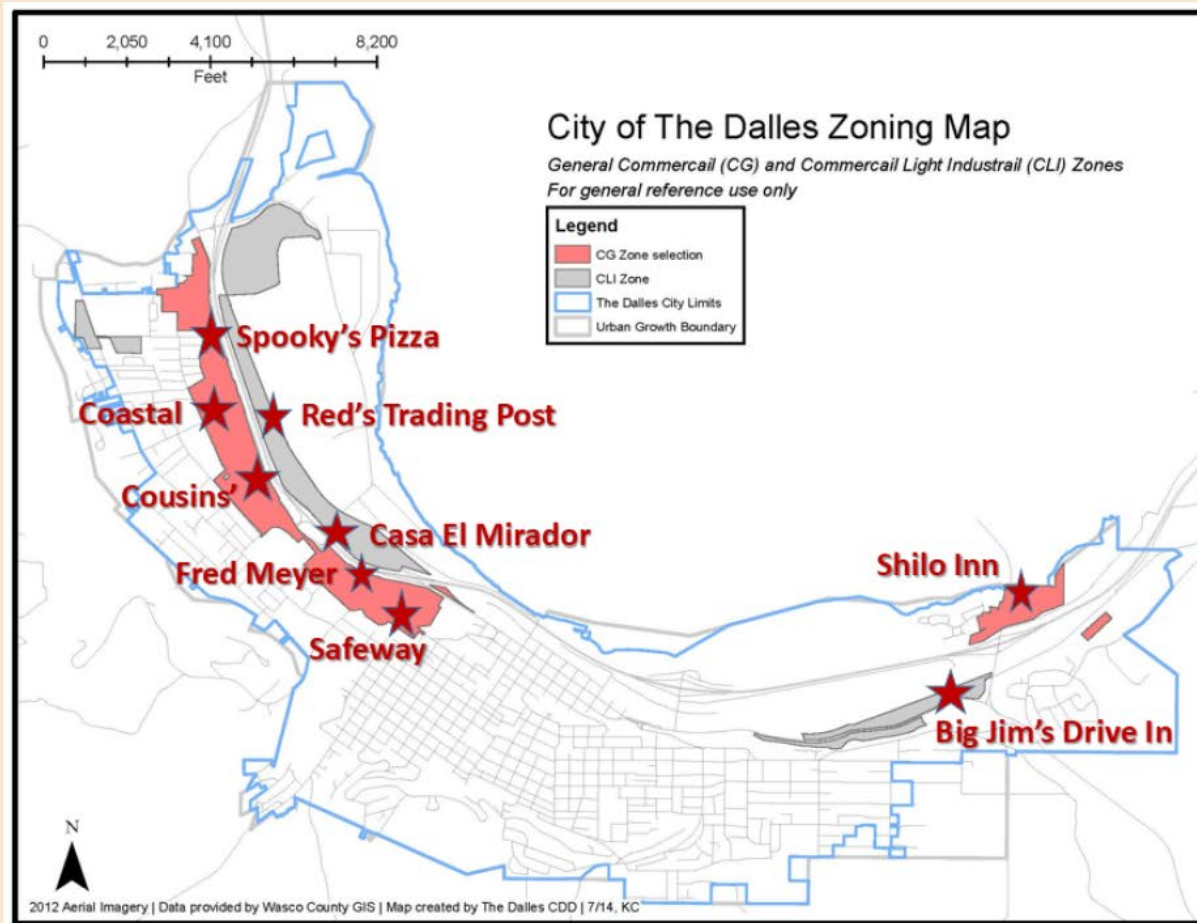
*Definitions are taken from Oregon Revised Statutes

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' low-income housing programs 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 or modified 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 staffing with 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.
- Bicycle parking for residents and guests must be provided.



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.



Efforts This Summer and Next Steps

- **Stakeholder Review and Comment on DRAFT Code:** Aug & Sept 2021
-- Mayor's Houseless Task Force on August 17
- **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 September 16, 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:
- Provide sleeping and restroom facilities for clients;
 - Comply with State Building Code standards; and
 - Be operated by one or more of the following:
 - A local government as defined in ORS 174.116;

2. An organization with at least two years' experience operating low-income housing programs 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 staffing and 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.

- viii. Bicycle parking for residents shall be installed to be consistent with Section 10.7.040 and Bicycle Parking Design Standards and 10.7.060.010 Minimum and Maximum Off-Street Parking Requirements

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.