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Regular City Council Meeting
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MINUTES

CITY COUNCIL MEETING
COUNCIL CHAMBER, CITY HALL
SEPTEMBER 11, 2023
5:30 p.m.

VIA ZOOM/ IN PERSON

PRESIDING: Mayor Richard Mays

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

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Amie Ell, Public Works Director Dave Anderson, Police Chief Tom Worthy, Finance Director Angie Wilson, Community Development Director Joshua Chandler, Human Resources Director Daniel Hunter, Retiring City Clerk Izetta Grossman

CALL TO ORDER

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

ROLL CALL OF COUNCIL

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

PLEDGE OF ALLEGIANCE

Mayor Mays asked Councilor McGlothlin to lead the Pledge of Allegiance.
Councilor McGlothlin 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

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motion carried 4 to 0; Richardson, Randall, Long, McGlothlin voting in favor; none opposed; Runyon absent

AUDIENCE PARTICIPATION

Linda Miller (see attached letter) addressed location of public loo; and homelessness issues in general

Russ Brown thanked Transportation Manager David Mills for improvements in street maintenance; He asked the City to close down the St. Vincent Facility at Pentland St.

Runyon joined meeting via Zoom at 5:55 p.m.

The following people addressed council about issues related to the Pentland street St. Vincent de Paul services, including; drug use and dealing, defecation & urination, trash, trespassing, fires, needles, fighting, harassment, intimidations, vandalism, obscene activities, and fear for personal safety. In general, the neighborhood residents were supportive of work being done by Mid Columbia Community Action Council (MCCAC)

Dan Meter

Rian Beach (see attached letter)

Robert Wells

Kelsey Alshiemer

Sean Phillips

Megan Wells-Clark

Tim Urness

Lisa Farquharson

Valerie Kendrick

Breanna Wimber

Tara Woolsey

Warren Sawyer read his letter regarding downtown parking concerns (see attached letter)

Jason Baker asked council to find ways to help those experiencing homelessness get healthy and improving access to services.

Arthur Isaacson read from his letter addressing the impacts of pyrotechnic hazing on residents living near the dam (see attached letter)

Mayor Mays referenced the Martin vs. Boise case and explained that shelter beds must be

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available. He said that MCCAC has taken on creating of shelters with the pallet shelter and the Annex. He noted these locations have rules such as no fighting and no drugs. He said that homelessness is not a crime and you cannot force shelter or treatment. He stated that the City had been meeting with St. Vincent de Paul since 2022.

Klebes listed items the City has been working on including; adjustments to police department staffing, overnight parking permits, private security camera registration, trespass tools, support of the Navigation Center and the Annex, Public bathrooms at the transit center, shopping cart discussions, MCCAC and CFL street outreach support, warming & cooling shelters, and code violation notifications at St. Vincent de Paul's.

CITY MANAGER REPORT

City Manager Matthew Klebes introduced new City staff; Assistant Planner Frank Glover, RARE Volunteer Anne Moorehead, Safety Officer Jacob VanVelsor, Water Treatment Certified Operator Sarah Fuge, Police Officer Richard Brown, and Police Officer Kellen Mathisen.

Then gave updates;

- FFA grant for over \$3 million received for airport
- Awards: GFOA (Finance Department), and OHA Sanitary Survey
- New animal control vehicle in service
- City council goal setting facilitation by Sarah Singer Wilson in November
- Executive forum leadership training in October
- Overnight parking permits education and signage
- Meetings with Center for Living and MCCAC to discuss a street outreach team

CITY COUNCIL REPORTS

Councilor Richardson reported:

- Meetings with staff & residents

Councilor Long reported:

- Community Outreach Team trip to Washington D.C. September 16th-21st
- Sister Cities meeting – students will visit The Dalles in October

Councilor McGlothlin reported:

- Meeting with Cliff Bentz and Walden
- Former City Attorney Gene Parker's retirement party
- Meetings with constituents regarding homeless

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Mayor Mays reported:

- Annual Community Night Out
- Oregon Mayors Association conference
- Meeting with Ellison of Department of Environmental Quality DEQ
- Met with new Columbia Gorge Community College President Dr. Lawson
- Representative Helfrich's Townhall meeting

Councilor Runyon reported:

- Currently visiting Gold Star Families
- Recognition of the Anniversary of 9/11
- Meetings with store managers regarding shopping carts

CONSENT AGENDA

Mayor Mays asked if Mr. Hall was present and wanted to speak regarding Item F, the abatement of his property located at 1406 East 14th Street.

Mr. Hall was in attendance.

Mayor Mays suggested council remove Item F from the consent agenda and hear from Mr. Hall after a motion to approve the rest of the consent agenda.

Councilor McGlothlin asked if any other property owners were present and wanted to speak regarding abatements.

Hearing none, it was moved by Richardson and seconded by McGlothlin to approve the Consent Agenda minus item F. The motion carried 5 to 0; Richardson, McGlothlin, Long, Randall, Runyon voting in favor; none opposed.

Items approved on the consent agenda were; Approval of the July 24, 2023 Regular City Council Meeting Minutes; Resolution No. 23-026 Assessing the Real Property Located at 823 East 7th Street the cost of Nuisance Abatement; Resolution No. 23-027 Assessing the Real Property 519 East 12th Street for the cost of Nuisance Abatement; Resolution No. 23-028 Assessing the Real Property Located at 757 Pleasant Court West the costs of Nuisance Abatement; Resolution No. 23-029 Assessing the Real Property Located at 3223 West 7th Street the costs of Nuisance Abatement; Resolution No. 23-032 Assessing the Real Property Located at 809 East 7th Street the costs of Nuisance Abatement; Resolution No. 23-031 Concurring with the Mayor's Appointment of Jayme Reineccius to the Traffic Safety Commission; and Allyson Schock to the City Budget Committee

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Resolution No. 23-030 Assessing the Real Property Located at 1406 East 14th Street the costs of Nuisance Abatement

Council heard Mr. Hall's testimony on the abatement of 1406 E 14th Street. He stated that he was working on cleaning it up, felt harassed by codes enforcement, and was experiencing personal hardships.

Mayor Mays asked Codes Enforcement Officer Lesich to review the case notes.

Lesich reviewed the case notes. (attached)

It was moved by Richardson and seconded by McGlothlin to approve Resolution No. 23-030 Assessing the Real Property Located at 1406 East 14th Street the costs of Nuisance Abatement. The motion carried 5 to 0; Richardson, McGlothlin, Long, Randall, Runyon voting in favor; none opposed.

PUBLIC HEARING

Public Hearing to Receive Testimony Regarding Formation of Reimbursement District for East 9th Street Sanitary Sewer Main

Mayor Mays opened the Public Hearing at 7:24 p.m.

He called for the staff report.

Director of Public Works Dave Anderson reviewed the staff report. He noted that the staff report omitted General Ordinance No. 06-1275 authorizing reimbursement districts.

Mayor Mays asked if anyone wanted to speak in favor or in opposition of the Sewer Main Reimbursement District for East 9th Street.

Wasco County Assessor Jill Amery said that she was not in favor or in opposition of Resolution No. 23-033. She requested the City review General Ordinance 06-1275, specifically Section 2.12. Amery asked why Wasco County was not excluded along with the City and State of Oregon.

Mayor Mays closed the Public Hearing at 7:42 p.m.

It was moved by Long and seconded by Richardson to adopt Resolution No. 23-033 Authorizing the Formation of a Reimbursement District for the East 9th Street Sewer Main Improvements and Setting an Effective Date. The motion carried 5 to 0; Long, Richardson, Runyon, Randall,

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McGlothlin, voting in favor; none opposed.

Public Hearing to Receive Testimony Regarding Formation of Reimbursement District for Water Main Installed on East 9th Street

Mayor Mays opened the Public Hearing at 7:48 p.m.

The Mayor called for the staff report.

Director of Public Works Dave Anderson reviewed the staff report. He noted that the staff report omitted General Ordinance No. 06-1275 authorizing reimbursement districts.

Mayor Mays asked for Testimony for and opposed to Resolution No. 23-022.

Hearing none, he closed the Public Hearing at 7:50 p.m.

It was moved by Long and seconded by McGlothlin to adopt Resolution No. 23-022 Authorizing the Formation of a Reimbursement District for the East 9th Street Water Main Improvements and Setting an Effective Date. The motion carried 5 to 0; Long, McGlothlin, Randall, Runyon, Richardson voting in favor; none opposed.

Klebes said General Ordinance 06-1275 would be flagged for staff review.

Anderson said he agreed this would be good to do noting that currently Ordinance No. 06-1275 does not allow for reimbursement for storm water or transportation systems

General Ordinance No. 23-1400 An Ordinance Amending The Dalles Municipal Code Title 10 (Land Use and Development), Including Ensuring Consistent Terminology, Adapting to Modern Technology, Maintaining Clear and Objective Housing Standards, Updating Review Procedures, and Consistency with State Law

Mayor Mays opened the Public Hearing at 7:53 p.m.

The Mayor called for the staff report.

Senior Planner Kaitlyn Cook reviewed the staff report.

Mayor Mays asked for Testimony for and opposed to General Ordinance No. 23-1400.

Hearing none, he closed the Public Hearing at 8:03 p.m.

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It was moved by McGlothlin and seconded by Randall to adopt General Ordinance No. 23-1400 An Ordinance Amending The Dalles Municipal Code Title 10 (Land Use and Development), Including Ensuring Consistent Terminology, Adapting to Modern Technology, Maintaining Clear and Objective Housing Standards, Updating Review Procedures, and Consistency with State Law by Title Only. The motion carried 5 to 0; McGlothlin, Randall, Runyon, Long, Richardson voting in favor; none opposed.

EXECUTIVE SESSION

In accordance with ORS 192.660(2)(e) to consult deliberations with persons you have designated to negotiate real property transactions; and

In accordance with ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Mayor Mays recessed Open Session at 8:07 p.m.

Mayor Mays reconvened Open Session at 9:52 p.m.

Decision, if any


Richardson noted that in order to remedy the ongoing quality of life impacts and public disorder he would second the motion.

It was moved by McGlothlin and seconded by Richardson to authorize the City Attorney to file a public nuisance action against St. Vincent de Paul's of The Dalles in Wasco County Circuit Court. The motion carried 4 to 0; McGlothlin, Richardson, Randall, Runyon voting in favor; none opposed; Long absent

ADJOURNMENT

Being no further business, the meeting adjourned at 9:54 p.m.

Submitted by/
Amie Ell
City Clerk


SIGNED: _____
Richard A. Mays, Mayor

ATTEST:

Amie Ell, City Clerk

9/7/2023

To: Mayor Rich Mays, City Manager Matthew Klebes, and The Dalles City Council

From: Old St. Peter's Landmark Board of Directors

Honorable Mayor Mays, Manager Klebes, and City Councilors,

It has come to our attention that the City is considering installing a public bathroom in the parking lot at 3rd and Lincoln Streets, directly across the street from one of the most iconic buildings in all of Wasco County--Old St. Peter's Landmark. Our board of directors unanimously opposes this location for another public restroom.

The public restrooms in downtown The Dalles (Lewis & Clark Festival Park, City Park, and one in the Veterans Services Building)—have all been closed at one time or another due to vandalism. And now we want to place yet another public restroom downtown, across from this magnificent, tourist-attracting venue?

It is a fact that many guests from the cruise ships have refused to disembark from the hop-in, hop-out buses near our wonderful Original Wasco County Courthouse because of the mass of houseless persons on Pentland Street. We believe a new bathroom at 3rd and Lincoln will create the same problem for Old St. Peter's Landmark. This magnificent building is open, free-of-charge, for guests. Docents are not paid—we are all volunteers and we keep the building open specifically for our community and its guests to enjoy.

Old St. Peter's Landmark has been a beloved venue for 1,021 weddings since 1970. It will be difficult to convince a wedding party that comes to tour the building to just ignore the folks sleeping near the bathroom across the street.

In addition, there are several private residences that are adjacent to the alley in that block and they would be negatively affected by the installation of this bathroom just steps from their back doors.

Some ideas that have been floated:

- Is it possible to site the restroom on the NW part of the multimillion dollar Annex building, where it can be regularly cleaned and supervised; it is also closer to the downtown area?
- Site the restroom near the entrance to Festival Park, where it is easily accessible to guests from the cruise ships and downtown shoppers.
- Someone suggested moving the Veterans Services offices to the former PayLess building (now owned by Wasco County?) and then converting the current building into a nice, centrally-located bathroom complex downtown. Is this doable?
- Site the bathroom on the east end of the parking lot at 3rd & Laughlin (again, the old PayLess building.) It is close to downtown with only a parking lot across the street to the east.

Please remove the parking lot at 3rd and Lincoln streets from consideration for this bathroom. In a recent year we were hosts to 2,526 guests from 39 states, 9 countries, and 292 different cities around the world. Let's keep Old St. Peter's Landmark as a premier place for visitors to enjoy the magnificent architecture, Povey stained glass, Carrara marble and Kilgen pipe organ.

This much-loved, 125-year-old building means a lot to the people of this community.

Sincerely,


Linda Miller, President

Old St. Peter's Landmark Board of Directors

Mayor Mays and members of the Council,

My name is Rian Beach and I live at 418 W 2nd Pl in The Dalles with my wife and five-year-old child. Our home is located directly behind the Chamber of Commerce next to Mill Creek, one block away from St. Vincent's Community Meals. I have resided in this location for over four years.

Three years ago, I testified in front of this body and I shared my family's experience in this neighborhood. I shared daily occurrences of theft, trespassing, fires, littering, fights, yelling, disorderly conduct, harassment, public urination and defecation, illegal parking, destruction of public and private property, and blocking of the sidewalks.

Today, three years later, the same exact issues remain – except they have grown worse. Adding to our list of daily experiences is open air narcotics dealing and use, public sex acts, abandoned vehicles, menacing, overdoses, and much more. The city ordinance forbidding people from obstructing pedestrian traffic on sidewalks has been ignored for years. The lack of action by the City and St. Vincent's has turned our sidewalks, Mill Creek, and parts of Thompson Park into a literal garbage dump, public health crisis, and fire hazard from 2nd Street to the 6th Street Bridge.

The leadership of St. Vincent's has never had any regard for the neighborhood's wellbeing. Their position is that we chose to move to the neighborhood and knew what we were getting into. As a gift to the neighborhood, St. Vincent's recently built a fence surrounding their entire property. The fence serves only to protect St. Vincent and their property from their own clientele and the fence serves as a stark example of the fact that St. Vincent's does not care about its neighbors or the broader community and that they have never engaged their neighbors in any meaningful way.

I was happy to hear that after many years of inaction, the City finally took the first step to holding St. Vincent's accountable through a nuisance action. However, after being given time to remediate the violation, St. Vincent's did not present an acceptable solution to remedy the nuisance. After being given additional time to create a revised plan, they didn't even bother to respond. If that is true, the City now knows how the neighborhood has felt for many years.

We cannot allow St. Vincent's to avoid accountability yet again. There are simple, proven solutions the organization could implement to improve the situation. They could provide outdoor restrooms and garbage cans, install bright lighting to increase safety and reduce camping, install security cameras and hire security guards to patrol the property and sign a good neighbor agreement to do the same on nearby sidewalks. At the bare minimum, they could acknowledge the serious, hazardous, and extremely dangerous impacts of their operations, apologize, and pledge to work together with the City, The Dalles Police Department, the Chamber, and surrounding neighbors. I'm not holding my breath. That's why the city must FORCE them to take concrete action, relocate, or close permanently.

I am thankful for law enforcement and I understand that their hands are often tied on these matters for a variety of reasons. But St. Vincent's hands aren't tied. They can and **MUST** do something about this problem.

I am extremely sympathetic to human beings who lack shelter. I know the root causes and resulting impacts are complicated and messy. One person or organization cannot fix the overarching problem alone, but there are proven solutions and strategies within our own community. We don't have to look far to find a successful model.

Kenny LaPoint and Mid-Columbia Community Action operate with community safety and respect in mind. Their facilities have security, strictly enforce rules, and repeatedly engage with neighbors and stakeholders to have tough conversations. Their leaders and staff are qualified and trained to work with the houseless population. St. Vincent's does none of this. They put up a wall, stick their heads in the sand, enable their customers, insult their neighbors, and put their community in serious danger.

My question today is: will the City finally hold St. Vincent's accountable? The apathy the City has shown so far, and what appears to be their protection of St. Vincent's, leaves my confidence low. Any other organization, private or public, operating like St Vincent's would have been shut down years ago. I beg of you to please take serious, concrete steps to hold St. Vincent's to the same standards we are all held to as property owners in The Dalles.

Cameron Larsen Letter

Rian asked us to write yet another letter to the City Council about the Third World conditions of Pentland St between 2nd and 3rd, caused by the chronic disregard for the area in which the SVDP operates. For three weeks I was not going to. Watching yet another man defecating outside my window, I thought what the hell. They can at least hear that the southeast corner of the Original Courthouse lot is an open sewer, not that anything will change. It is the same museum, the least visited by the cruise ships' hop on-hop off buses, because nobody walks by 2nd Place and Pentland unless they're looking to score. And it has been that way for at least four years and gets worse every year.

Later that morning I walked my dogs across the footbridge of Mill Creek, the same one kids of the swim team use, and stepped over a syringe, a lighter, a spoon, foil, and big puddles of vomit. I then read that the City Council had been arguing about a public toilet for over two years, maybe these addicts could learn to hold it just a little bit longer.

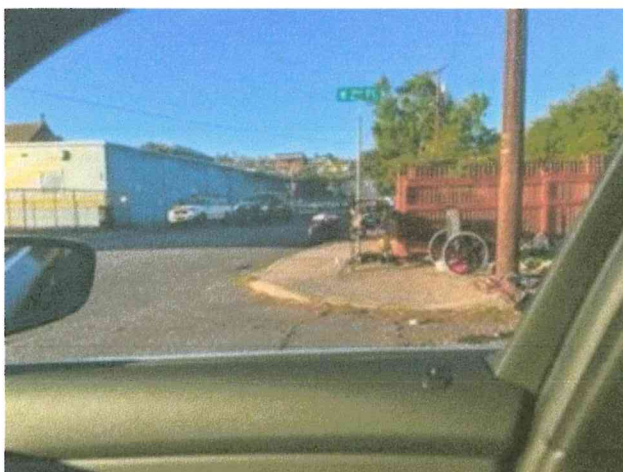
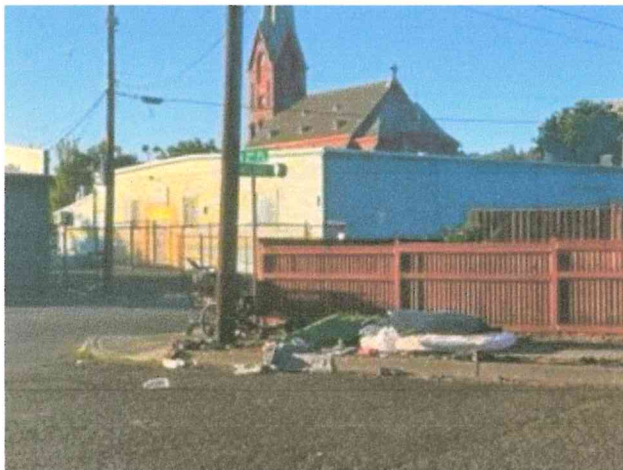
That night I was pretty much held hostage and threatened by a machete wielding man in the little dog park around the Chamber of Commerce, as he stood in front of the east gate. I told him I was calling the cops and he said I never see them around here. And he was right they didn't come, they never do, check the logs, they don't. Because the thing I have learned living in The Dalles is you are going to have to learn that apathy runs the town, and anybody testing that apathy is the enemy.

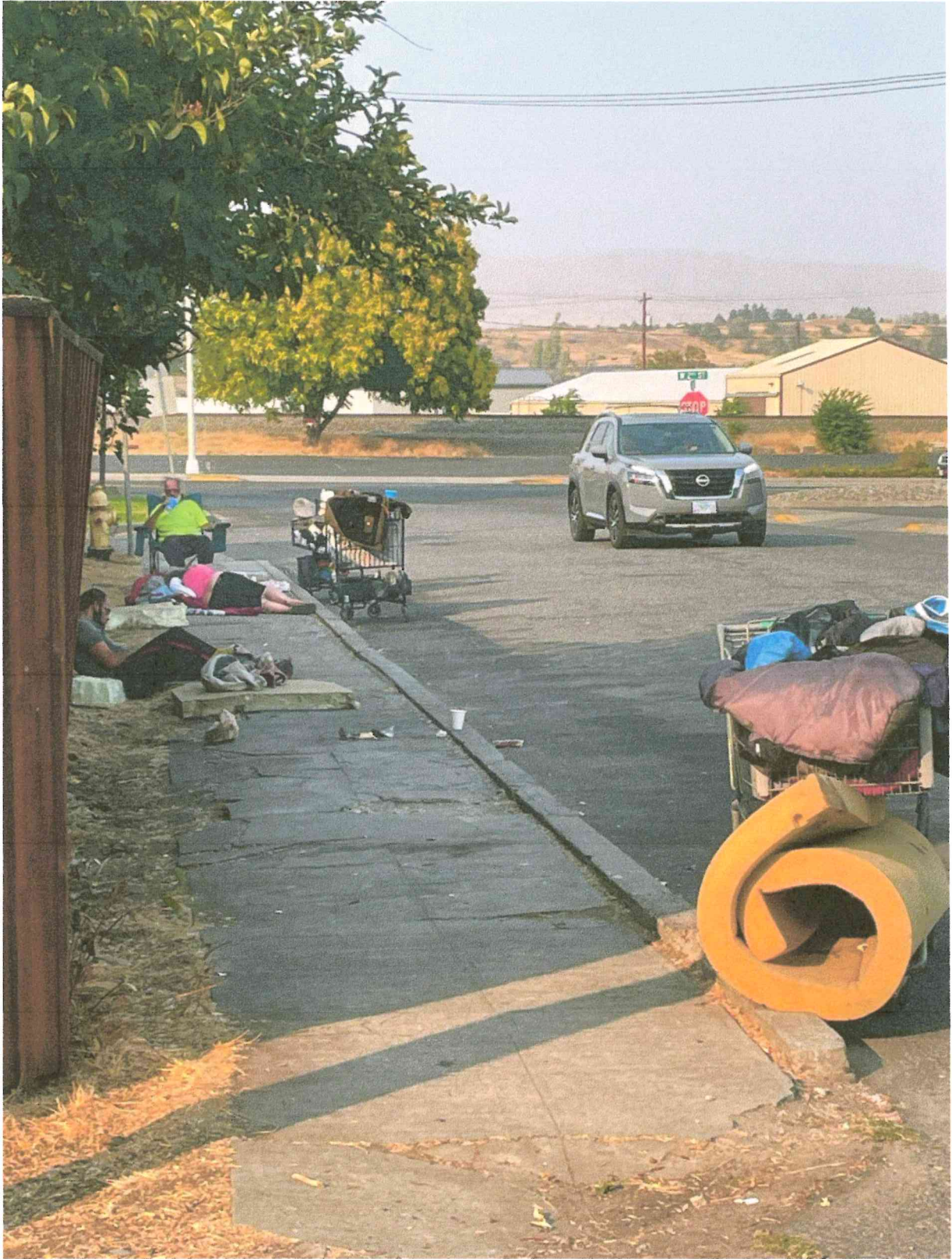
I could go into the time someone spent an entire day inside our house, or the multiple broken windows in our neighborhood, or the time someone swung a fire extinguisher at me, or another stranger in a neighbor's house, or the nightly drug deals I witness. The fires and permanent camps in Mill Creek. For the piles and piles and piles of human feces that I have to pull my dogs out of every single morning. But what would be the point of that?

I have read the 9th Circuit Court ruling and the interpretation there of by the two judges that wrote it. And you are deliberately hiding behind something that isn't there. You do have actions you can take, you just don't. The city filed complaint against the SVDP (like really! 7 years later.) has resulted in no change. But who really thought it would? Definitely not me. SVDP doesn't admit there is a problem, but that is a nice fence they have to keep their clientele out. They keep the clientele out on the streets in the neighborhood. But as Dave Lutgens at SVDP told me, you chose to live there.

Cameron Larsen

PS- Two mornings in a row I have seen Search & Rescue from Wasco County Sheriffs desperately looking for people(s) in the Mill Creek basin I assume they were 'crashing' as they say on the street, if saving lives matters maybe quasi permanent encampments should be eliminated.

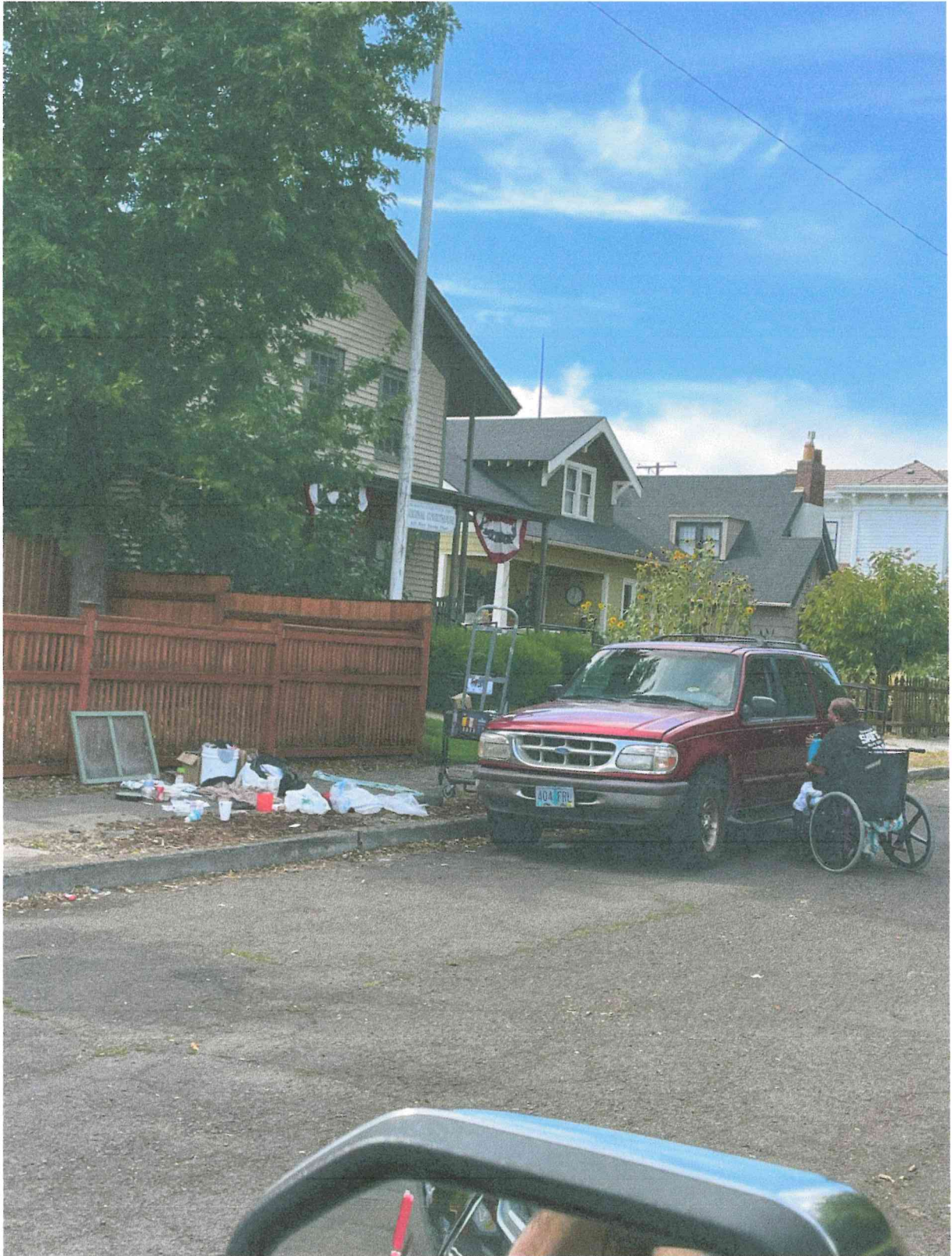












My name is Warren Sawyer, my wife and I own Sawyer Properties located at 500 E. 3rd St in The Dalles. I'm here tonight to express concerns regarding three municipal codes as they relate to off-street parking requirements for the proposed Basalt Commons development of the former Griffith Motors building.

1. From information I've seen the minimum required off-street parking for the development of 108 apartments and 9,800 sq ft of retail space according to the municipal code 10.7.060.10 would be around 147 spaces depending on the type of retail occupancy. It's my understanding that the proposed development does not have anywhere close to that many dedicated off-street parking spaces as the code requires. Apparently, the Community Development/Planning staff has waived the parking requirement without any voting by the Planning Commission or City Council and without any public input.
2. Over a year ago I expressed opposition to not providing adequate parking as the code requires and we received this email from Joshua Chandler regarding the concerns. "Regarding parking, it is worth noting that all properties located within the CBC-2 zone, which includes the subject property, are exempt from minimum/maximum off-street parking requirements." Actually, municipal code 10.7.020.040 states that the parking requirements "may be waived" not that they are exempt. That means it's a decision to waive or not waive and should be dependent on the parking needs of the development and the effect on on-street parking in a case-by-case basis. I believe the interpretation and application of the code for this development is not following the intent of the code by City Council. Question, would you allow for a 6 story 150 room motel/hotel in the middle of Second Street and be required to allow the development as exempt from having any off-street parking requirements because this code says it "may be waived"? I believe the answer is, of course not, you would require parking. Well, this is the same situation only on Third Street and to the east in CBC-2 zone.
3. Municipal Code 6.08.020 Prohibited Parking. Most of the downtown area is in a Prohibited Parking District for on-street parking for anyone except customer parking, this includes most of the area surrounding the development. None of these parking spaces are to be used by residents, business owners, or employees. This is going to create a huge issue to police those parking spaces in order to have them available for customers and will push residents and employees of the development to either violate the parking code or park in front of residents and other businesses just outside the zone possibly for days.

It's my understanding that the development is proposing shared or rented parking lots to satisfy some of the parking needs, but that is not permanent and should not be considered as satisfying the minimum parking requirements for the development. I am requesting that the minimum parking requirements for the development not be waived by city staff but instead placed before the Council and Commissions as appropriate to vote on along with proper public input.

Thank you,

Warren Sawyer

Collateral damage to humans, pets, and other wildlife in the ecosystem caused by pyrotechnic hazing in Lake Bonneville below The Dalles dam by the Army Corps of Engineers, the USDA, and their subcontractors.

Overview:

A bureaucrat set the standard of 96% survival of baby salmon between the dam and Lewis and Clark islands. Primary predators locally are seagulls and pikeminnows. A bounty was placed on pikeminnows. Seagulls were killed until complaints in this jurisdiction. (Exceptions to reduce seagull populations protected by the migratory bird act can and have been made, but not here.) Pyrotechnic hazing began because it appeared to be easy and cheap. However, birds are smart and learn. It is not now as effective. There are multiple other methods that are effective. The use of falcons/hawks is one such method. Putting oil on eggs at nesting sites is another method. There are others.

Pyrotechnic hazing can be as high as 150 decibels. This is over twice that of a jet engine! One time exposure can result in hearing loss to infants. This noise comes on suddenly and unexpectedly, sometimes sounding like a war zone. This noise is very traumatic to those with PTSD or those who have anxiety issues. For all people and dogs it stimulates the fight or flight response causing both physical and mental changes. It can impact the immune system, heart health, and mental health.

This year they have also decided to start hazing the white pelicans although they have negligible impact on commercial fish. They are primarily feeding on the shad. Today as I write this, July 26, 2023, they went all the way down to the beach at Riverfront Park. (Pyrotechnic hazing is why no eagles have built a nest in pole frame erected for them. Three bald eagles stay at that park until the hazing begins.) I have been told that the bird count historically stopped at the buoy about ½ way between the dam and Lewis island. Now they are hazing down to the park. What's next, the Discovery Center? Mission creep.

Personal Note. I cannot use my beach or my patios while they are hazing 7 days a week for many months of prime outdoor weather. I cannot walk my dogs outside in the neighborhood. Their hazing scares away other birds which, according to the State of Oregon, is a protected activity for those who own land bordering water. I cannot enjoy fishing. My son is a Vet diagnosed with PTSD with a heightened fight/flight reflex. It greatly impairs his ability to visit me. My wife has considered selling our house at a loss because of the anxiety it causes her.

Hearsay. Two women who live in the condo association nearest the dam told me that a member with PTSD committed suicide a number of years ago. (Prior to my moving to The Dalles.)

The impacted number of citizens and visitors to The Dalles is increasing dramatically. The Lone Pine Subdivision has sold all of its lots. Sales of homes by developers has already been negatively impacted as some potential buyers turned away when they heard the hazing. (I was not so lucky when I purchased my lot- no disclosure required.) An apartment complex is also planned to be built. That's a lot of impacted people. About 18.5% of the US population over the

age of 18 are estimated to have a mental health condition. (Www.adata.org)

Legal Issues:

Declaration of Independence: "... We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving just rights from the consent of the governed. ..."

The local populations' "Pursuit of Happiness" has been infringed without their consent. You are the local government that can change this.

Title 36 regulations published in the Federal Register amend May 5, 2000.
Chapter 111, Part 327, Section 327.26

Gives States and local laws legal authority over federal waters in their jurisdiction.

Oregon's Aquatic Resource Management publication. On pages 2 and 3 states:

"Every user must exercise care and not unnecessarily interfere with other users or landowners."

Also, on page 1, fishing and photographing wildlife are listed activities. My wife and I are avid wildlife photographers, one of the primary reasons we spent \$250,000 on our property was for the white pelicans we saw when we visited The Dalles. I also have a fishing license. We partly own an island with two neighbors that the pelicans frequent and are now harassed.

The use of our beach and island for fishing and photographing wildlife is being impeded.

ADA Title II Subparts 35.101, 35.108(b)(1)(ii) and Subpart B(a) define mental health including anxiety and PTSD as being covered. This includes recreational areas such as lakes and parks. Subpart B 35.130(3)(I) is the regulation being violated. The Feds might argue that (7)(I) gives them wiggle room. It does not as there are multiple other proven alternatives available which are not unreasonable.

The NIOSH REL (recommended exposure limit) is 15 minute for 100db(A) reduced by ½ time for every 3db(A) increase. At 150 db(A) that's about 1/12th of a second in a day. In 1974 the EPA reduced the amount for the general public even more. It specified the annoyance level at 55 db(A) for outdoor activities. The NIOSH limit is for hearing loss, the EPA standard is to protect 96% of the general population from hearing loss as well as to protect "public health and welfare" (defined as personal comfort and well-being and absence of mental anguish and annoyance).

Arthur Isaacson
125 Southshore Lane
The Dalles, Oregon 97058



Understanding Noise Exposure Limits: Occupational vs. General Environmental Noise

February 8, 2016 by Chuck Kardous, MS, PE; Christa L. Themann, MA, CCC-A; Thais C. Morata, Ph.D. and W. Gregory Lotz, Ph.D.

Noise-induced hearing loss (NIHL) is 100% preventable; however, once acquired, it is permanent and irreversible [NIOSH 1998]. Understanding and minimizing the risks associated with noise exposures are the keys to preventing noise-related hearing loss.

NIOSH has a long history of leadership in conducting research, advancing control measures, and recommending noise-exposure limits to prevent job-related hearing loss. Sometimes, observers ask whether our recommended limits for occupational exposure can be applied to exposures in the general environment from sources such as street noise, consumer appliances, and recreational pastimes.

The answer, as we'll explain below, is not exactly.

What is the NIOSH Recommended Exposure Limit?

NIOSH establishes recommended exposure limits (RELs) to protect workers against the health effects of exposure to hazardous substances and agents encountered in the workplace. These NIOSH limits are based on the best available science and practices. In 1998, NIOSH established the REL for occupational noise exposures to be 85 decibels, A-weighted (dB[A]) as an 8-hour time-weighted average. Exposures at or above this level are considered hazardous. The REL is based on exposures at work 5 days per week and assumes that the individual spends the other 16 hours in the day, as well as weekends, in quieter conditions. Importantly, the NIOSH REL is not a recommendation for noise exposures outside of the workplace in the general environment.

NIOSH also specifies a maximum allowable daily noise dose, expressed in percentages. For example, a person continuously exposed to 85 dB(A) over an 8-hour work shift will reach 100% of their daily noise dose. This dose limit uses a 3-dB time-intensity tradeoff commonly referred to as the exchange rate or equal-energy rule: for every 3-dB increase in noise level, the allowable exposure time is reduced by half. For example, if the exposure level increases to 88 dB(A), workers should only be exposed for four hours. Alternatively, for every 3-dB decrease in noise level, the allowable exposure time is doubled, as shown in the table below.

Average Sound Exposure Levels Needed to Reach the

Maximum Allowable Daily Dose of 100%

Time to reach 100% noise dose	Exposure level per NIOSH REL
8 hours	85 dB(A)
4 hours	88 dB(A)
2 hours	91 dB(A)
60 minutes	94 dB(A)
30 minutes	97 dB(A)
15 minutes	100 dB(A)

When to Apply the NIOSH REL

The NIOSH REL is an *occupational* exposure limit, and was set to protect workers from developing hearing loss –substantial enough to make it difficult to hear or understand speech – over the course of a forty-year working career. Risk of hearing loss from noise exposure is a complex issue. Some single, brief intense exposures (such as a gunshot going off near your ear) can cause immediate hearing loss; however, these cases are rare. Most noise-induced hearing loss is a result of accumulated damage from repeated exposures to hazardous noise. In addition, the risk of noise damage depends on several factors: how loud the noise is, how long you listen to it, how much rest your ears get between exposures, and your individual susceptibility to noise.

Occupational noise exposure limits are established to simplify the complex question of risk and protect as many workers as possible from the effects of noise. The NIOSH REL is not designed to protect all workers from all hearing damage. When setting this limit, NIOSH acknowledged that approximately 8% of workers could still develop hearing loss. In order to protect the most sensitive 8% of the population, NIOSH recommends that hearing protection be worn whenever noise levels exceed 85 dB(A) regardless of duration.

The Relationship between Occupational and General Environmental Noise Exposures

Noise can be found everywhere – restaurants, music and sporting venues, movie theaters, hospitals, and schools. Can the same occupational noise exposure guidelines that apply to workers also apply for assessment of risk to the general public? The NIOSH REL is not meant to be used to protect against general environmental or recreational noise; it does not account for noisy activities or hobbies outside the workplace (such as hunting, power tool use, listening to music with ear buds, playing music, or attending sporting events, movies and concerts) which may increase the overall risk for hearing loss.

What noise recommendations exist for the general public? A 1974 U.S. Environmental Protection Agency report [EPA 1974] recommended a 70 dB(A) over 24-hour (75 dB(A) over 8-hour) average exposure limit for environmental noise (note that the 1974 report was explicit to state that it should not be constituted as a standard, specification, or regulation). The EPA document also specified two other limits for speech interference and annoyance (55 dBA for outdoors activities and 45 dBA for indoor activities)*. The EPA limits were chosen to protect 96% of the general population from developing hearing loss as well as to protect “public health and welfare” (defined as personal comfort and well-being and absence of mental anguish and annoyance).

Both the NIOSH and EPA limits are based on the same scientific evidence and the equal-energy rule (i.e., 3-dB time-intensity tradeoff). However, the NIOSH REL and the EPA limit are designed to protect against different problems – the EPA limits are set to prevent noise that is annoying as well as hearing loss, whereas the NIOSH limit is set solely to protect against hearing loss. The limit values (85 vs. 70) also differ because the EPA limit is averaged over 24 hours with no rest period while the NIOSH limit is averaged for just 8 hours and includes a rest period between exposures. In addition, the EPA limit includes a 1.6 dB(A)** allowance to protect against exposures for 365 days a year while the NIOSH REL is calculated to protect against work place exposures for 250 working days a year. Finally, the EPA limit does not consider cost or feasibility of implementation as the Occupational Safety and Health Administration (OSHA), in accepting a NIOSH REL as the basis for a mandatory standard, is required to do under the [Occupational Safety and Health Act of 1970](#).

Noise Level versus Time-Weighted Average Noise Exposure

It is important to differentiate between noise *level* and time-weighted average noise *exposure*. While noise *levels* describe the intensity of sounds at a given *point in time*, the NIOSH and EPA exposure limits are set as *time-weighted average exposures* over *periods of time*. While few people are able to measure their *average noise exposures outside of work*, sound *levels* can be measured with a sound level meter or a [smartphone sound measurement app](#). Suppose you are at a restaurant, a concert hall,

or a sporting event and you are able to measure the sound levels... how do you know whether your hearing is at risk? The sound level at a given point in time can be higher than the exposure limit without creating risk, provided it is balanced out by enough time at lower levels during the day. Even without knowing your time-weighted average, if the readout shows a level of 85 dB(A) or higher, NIOSH recommends that you take precautions to protect your hearing by reducing the noise when possible, limiting your exposure time, and/or using appropriate hearing protection.

Hopefully, the many considerations involved in setting and using noise exposure limits are clearer now. In a nutshell, while the NIOSH REL only applies to the workplace, protecting your hearing whenever sounds reach 85 dB(A) or more is a good health practice no matter where your ears are!

Chuck Kardous, MS, PE, is a research engineer with the NIOSH Division of Applied Research and Technology.

Christa L. Themann, MA, CCC-A, is an audiologist with the NIOSH Division of Applied Research and Technology.

Thais C. Morata, Ph.D., is a research audiologist with the NIOSH Division of Applied Research and Technology and the Coordinator of the NORA Manufacturing Sector Council.

W. Gregory Lotz, Ph.D., Captain, USPHS; is the Division Director of the Division of Applied Research and Technology (DART) and the manager of the NORA Manufacturing Sector Council.

For more information on about protecting your hearing and noise at work, including free materials, videos and tools, please visit the [Noise and Hearing Loss Prevention Topic Page](#) or send us your comments or questions in the comments section below.

* Text added to include additional EPA limits per reader comments.

** Typo corrected changing 1.4 to 1.6 dB (A).

References

EPA [1974]. Information on levels of environmental noise requisite to protect public health and welfare with adequate margin of safety. EPA/ONAC 550/9-74-004. <http://nepis.epa.gov/Exe/ZyPDF.cgi/2000L3LN.PDF?Dockey=2000L3LN.PDF>

NIOSH [1998]. Criteria for a recommended standard: occupational noise exposure. DHHS (NIOSH) Publication Number 98-126. <https://www.cdc.gov/niosh/docs/98-126/>

February 8, 2016 by Chuck Kardous, MS, PE; Christa L. Themann, MA, CCC-A; Thais C. Morata, Ph.D. and W. Gregory Lotz, Ph.D. [Hearing Loss](#)

50 comments on “Understanding Noise Exposure Limits: Occupational vs. General Environmental Noise”

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This blog post points out an important difference between a recommended occupational noise exposure level and what constitutes a safe noise exposure level for the general public. Noise levels appropriate for truck drivers, miners, or construction workers are too loud for children's tender ears, which have to last them a lifetime, and their parents and grandparents. As society has gotten louder- with noise levels of 80-100 dB being reported in restaurants, bars, clubs, gym, movie theaters (100-125 dB in action movies), and sports events (world record stadium noise level 142.2 dB set i 2014 at Kansas City's Arrowhead Stadium, exceeding the OSHA maximum noise exposure level of 140 dB), with elimination of the nighttime quiet period in many American cities, we are all at risk of hearing loss. Daniel Fink MD

[Reply](#)

Dr. Fink, Thank you for your comments and commitment to hearing loss prevention in the general environment.

CASE NOTES: CHESTER HALL CASE #00251

PREPARED BY: NIKKI LESICH, CODES ENFORCEMENT OFFICER – POLICE DEPT.

SEPTEMBER 11, 2023

10/12/20 call in junk and vegetation

Letter sent 10/14/20

Reinspection 10/28/20

CEO requested site inspection prior to reinspection date in letter

Case #00251

Property owner information:

Chester Hall

1406 East 14th Street

The Dalles, OR 97058

Nov 5, 2020

Failed reinspection

CEO to post for abatement

NL

Nikki Lesich Nov 9, 2020

11/09/20 CEO posted property for abatement

Nikki Lesich Nov 25, 2020

11/13/20

Chester Hall contacted CEO

Contact number: 541-965-3540

11/25/20 property inspection set for 1:00

Matt did not show at 1:00; CEO waited until 1:15 **NO SHOW**

Received call that he would be at site at 1:45; CEO waited until 2:05

NO SHOW

Left message for Matt to reschedule for Tuesday/Wednesday of next week

Matt contact number: 541-980-5321

Nikki Lesich Dec 14, 2020

12/14/20 CE left message for contact name: Matt

to call CE to set up property inspection time/date NO RESPONSE

Nikki Lesich Jan 11, 2021(edited)

RP Steve Staats stevefstaats@gmail.com

Eric Macnab questioned CE on Staats complaints 01/11/2021; CE gave case notes and updated on this property as the owner has 4th stage cancer and will not be able to comply at this time during treatments and illness. CE decided to wait until Spring for further enforcement. The property currently does not have any public safety or fire threat on the property that would prompt an immediate abatement. Case will remain open until CE addresses in Spring for compliance. CE will work with property owner with special circumstances as an abatement would cause the cost to be a lien on the property.

NOTE: RP is not a neighboring property; Steve Staats lives at 1300 East 16th; 2 blocks from 1406 East 14th street.

Nikki Lesich Jul 12, 2021

07/07/21

Letter sent 07/12/2021

Inspection 07/26/2021

Case #00251

Property owner information:

Chester Hill

1406 East 14th Street

TD

Nikki Lesich Sep 10, 2021

09/10/2021

letter sent regarding failed reinspection of property as follows:

Property posted for abatement 08/13/2021; certified letter not claimed and returned by PO

Regular mailed letter not returned and assumed received.

September 10, 2021

Chester Hill

1406 East 14th Street

The Dalles, OR 97058

RE: Case #00251 * FAILED PROPERTY INSPECTION

Mr. Hill:

After posting for abatement, an inspection found that your property is not in full compliance. There remains a great deal of junk; including a junk vehicle, on the property as well as tall, dry vegetation that continues to be a fire threat.

All in violation of **The Dalles Municipal Code:**

-

Title 5 OFFENCES; Chapter 5.04 NUISANCES; Article III, Nuisances Affecting Public Peace; No one shall keep junk outdoors on a street, lot, or premises; junk includes waste or discarded material.

Title 5 OFFENSES; Chapter 5.24 Noxious Vegetation; 5.24.030

You will need to contact my office by Friday, September 17, 2021, to set up a property inspection time to review the code violations that remain to be addressed. If you do not respond to this letter, the property will be abated at the cost of the owner as well as a \$500 code violation fine.

If you have any questions, contact me by phone or email.

Regards,

Nikki Lesich, CEP
Codes Enforcement Officer
Police Department

cc: Community Development Department

Nikki Lesich Apr 12

Fair job of compliance on vegetation

CE to follow in future; abandoned vehicles remain; junk appliance

Nikki Lesich Jun 23

06/21/2023 Chet called; CE left message 06/22/2023 11:19 & 4:51

541-965-3540

Nikki Lesich Jun 25

letter sent 06/12/2023

inspection 06/23/2023

Posted for abatement 06/30/2023

Request for administrative warrant 07/27/2023 from Judge Corey

Warrant valid 07/27/2023 – August 10, 2023

Bids sent to contractors 07/27/2023 w/CE meeting with contractors to inspect before bidding; CE left a copy of the warrant posted to the resident door.

Bid awarded 07/31/2023 to F.L.I. Landscaping

08/03/2023 contractors on site and began abatement; no answer at door when CE and officers knocked CE received call 2 hours into the abatement that owner came out of house and demanded they leave the property. Finishing abatement scheduled for next day, August 4, 2023

CE and 2 officers assisting in presenting warrant to property owner. Contractors completed the basics of garbage and vegetation removal; junk vehicles and metal were left on the property.

CE received a call from a concerned citizen that she witnessed Mr. Hall at a social gathering discussing his madness of specifically the CE on his property with contractors and PD officers and that he wanted to "Kill Nikki Lesich" CE reported to supervisor, Eric Macnab, and asked that he return the RP's call to

clarify all that was said and to filter what CE needed to know in the case. Sgt. Macnab informed CE to not pursue any further enforcement on the property and not drive on this block. All enforcement in the future would be done by Macnab, if needed. CE also informed Chief Worthy of this situation.

CE was informed that Mr. Hall was going to attend the City Council meeting of 09/11/2023 in regards to the abatement and the cost of the abatement. CE is to provide CE case notes and pictures for council prior to the meeting as an FYI.

Nikki Lesich 5 days ago

pics before abatement provided to city council for 09/11/2023 city council meeting where Hall has asked to speak on to council on the abatement costs/process

07/31/2023 1406 East 14th Street

BEFORE



07/31/2023 1406 East 14th Street PROPERTY ABATEMENT Chester Hall



VEGETATION FIRE HAZARD / JUNK

JUNK / JUNK VEHICLE



JUNK / VEGETATION FIRE HAZARD

JUNK / JUNK VEHICLE / JUNK APPLIANCE / VEGETATION FIRE HAZARD

