



BOARD OF COMMISSIONERS

1300 NW Wall Street, Bend, Oregon
(541) 388-6570

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

1:00 PM

MONDAY September 18, 2023

Allen Room
Live Streamed Video

Present were Commissioners Anthony DeBone, Patti Adair and Phil Chang. Also present were County Administrator Nick Lelack; Deputy County Administrator Whitney Hale; Assistant County Counsel Kim Riley; and BOCC Executive Assistant Brenda Fritsvold.

This meeting was audio and video recorded and can be accessed at the Deschutes County Meeting Portal website www.deschutes.org/meetings.

CALL TO ORDER: Chair DeBone called the meeting to order at 1:00 p.m.

CITIZEN INPUT:

- Les Adams said he lives near an absentee combative landlord who operates a short-term rental in violation of many regulations. Saying that many short-term rentals are excessively noisy and pose life and safety threats including illegal and dangerous fires, even during burn bans, he further objected that the self-serving trend of converting houses to short-term rentals makes these properties unavailable to those who live here.

AGENDA ITEMS:

1. Proclamation: National Suicide Prevention Awareness Month

Jessica Jacks, Prevention and Health Promotion Program Manager, introduced Caroline Suiter, Mental Health Promotion Strategist, who shared information on the

County's suicide prevention program, resources available to the public, and ongoing activities to support suicide prevention efforts in the schools.

Bethany Kuschel, Suicide Prevention Project Coordinator, reported events taking place in recognition of National Suicide Prevention Awareness Month.

The Board read a proclamation declaring September to be National Suicide Prevention Awareness Month.

ADAIR: Move to adopt a proclamation declaring September to be National Suicide Prevention Awareness Month

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

2. Department Performance Measures Updates for Q3

Jen Patterson, Strategic Initiatives Manager, said for this quarterly update, three departments were selected to share information on progress made relative to two of the County's goals and objectives: a resilient county, and housing stability and supply.

Kristie Bollinger, Property Manager, referred to the goal of collaborating with partner organizations to provide an adequate supply of short-term and permanent housing and services to address housing insecurity. Bollinger reviewed the performance measure to support and assist Oasis Village and like projects, saying that staff is working to finalize a ground lease with the City of Redmond for 12 acres, part of which is expected to be used for an RV park.

Commissioner Adair asked how many spots are available and in use at the safe parking site in Redmond.

Chris Doty, Road Director, provided an update on the Road Department's performance measures relating to road upkeep and maintenance, saying that the County's overall system-wide pavement condition index is 84 out of 100, and 98.2% of the roads maintained by the County are rated "good" or better.

Geoff Hinds, Fair & Expo Director, said the Fair has attracted events which have generated well over \$48 million in annual economic impact, thereby meeting its objective of enhancing partnerships that grow and sustain business, tourism, and recreation.

With respect to a second performance measure to provide a safe, modern event venue that attracts visitors from across the nation, Hinds reported recent investments in the Fair & Expo facility including the completion of an HVAC project, LED lighting upgrades, and interior and restroom renovations, in addition to the commencement of a wireless network installation project in partnership with IT.

In response to Commissioner Chang, Hinds said the status of the Fair & Expo's master plan will be discussed at the BOCC's joint meeting with the Fair Board in October.

3. Discussion of Short-Term Rentals - Policy Research and Summary Report

Kyle Collins, Associate Planner, presented a report on short-term rental (STR) policies and programs which was developed following interviews with various agencies and stakeholders. Collins noted that the report does not contain recommendations for a specific program, but rather offers information and options for the Board to consider as it evaluates possible land use or regulatory policies for short-term rentals. The report identifies primary issue areas as follows: licensing and land use; location and density standards; tracking and enforcement; funding and long-term management; housing supply and affordability impacts; and legal challenges.

Commissioner Adair noted the report states that 236 registered STRs in Deschutes County have a previous or ongoing code violation or complaint. She asked how many of these are previous and how many are ongoing. Collins responded that these numbers fluctuate on a daily basis.

In response to Commissioner Chang, Collins confirmed that nearly ten percent of all dwelling units in the unincorporated county are registered as short-term rentals. Collins added that 75% of these are located within master planned destination resorts and historic resorts.

Continuing, Collins emphasized the need to ensure that wastewater systems do not fail from overuse. With regard to licensing, he said the Oregon Department of Land Conservation and Development advised Klamath County to license short-term rentals via a business license instead of a land use permit.

Discussion ensued regarding complaints from neighbors or nearby residents. Peter Gutowsky, Community Development Director, said in lieu of directly filing a formal Code enforcement complaint to CDD, a constituent could submit a complaint to the Board and ask that one of the Commissioners elevate it to CDD on the constituent's behalf.

Commissioner Chang commented that nuisance behaviors can be transitory in nature and often occur on the weekend. He said if complaints are made, the County should have the ability to contact the property owner or manager. Collins said some jurisdictions require that a property manager be available 24/7 for the purpose of addressing any complaints.

In response to Commissioner Chang regarding whether the County can cap the total number of STRs allowed, Collins said Hood River County does this. Collins added that in accordance with recent legal case decisions, Deschutes County is not renewing and will not renew registrations of STRs sited in designated resource zones (e.g., Exclusive Farm Use and Forest Use zones).

Commissioner Chang supported taking action to address the impacts which STRs have on neighboring properties and the County's housing supply. He advised exploring a business licensing program for STRs which would require a 24/7 property manager whose contact information is provided to neighbors, and further suggested charging each property owner \$500 to license a short-term rental and allocating a portion of this fee for law enforcement patrol services.

Collins noted that one question is whether STRs constitute a residential use or a strictly business use. He said the Board will want to consider avoiding quasi-land use decisions or de facto land use decisions in the way of site requirements.

Commissioner Adair referred to an email which described Hood River County's requirement that a short-term rental must be the operator's primary residence. She asked to know how many STRs were registered in September of 2022 for the purpose of comparing that number with how many are currently registered, noting that 84 registered STRs are located within resource zoned lands outside of destination resorts and therefore will not be re-registered.

Following further discussion, County Administrator Nick Lelack summarized that as the Board is not interested to pursue a regulatory approach to STRs, staff will return with information on permitting these via a business license, including how much that might cost. The license may require a 24/7 property manager with the provision of name and contact information to neighbors.

4. Preparation for Public Hearing: Mountain View Petition to Incorporate

Nicole Mardell, Senior Planner, reminded the Board that the petition received to incorporate a new city of Mountain View represents a quasi-judicial matter. Mardell said two additional public comments have been received as has the petitioner's

response to the staff report. She reviewed the time limits previously determined by the Board for each party at the public hearing that will take place on Wednesday.

Responding to Commissioner Chang, Stephanie Marshall, Assistant Legal Counsel, said because the cost of an election is not one of the three criteria on which the Board is required to base its decision regarding the incorporation petition, that information could only be supplied and received as a means of satisfying curiosity.

5. Request to Hear Appeal of Hearings Officer’s Decision in File Nos. 247-23-000409-A, 247-22-000883-CU, 884-SP, 885-LL, 886-LL

Audrey Stewart, Associate Planner, presented a request from Central Oregon Land Watch (COLW) to hear an appeal of the Hearings Officer’s decision in File Nos. 247-23-000409-A, 247-22-000883-CU, 884-SP, 885-LL, 886-LL. Stewart explained that although COLW filed a timely appeal last Thursday, this matter requires that the County take final action by or before the 150th day following the receipt of a complete land use application, which in this case was last Friday. Given that there is no time left for the Board to hear the appeal, Stewart presented a draft Board Order denying review.

Stephanie Marshall, Assistant Legal Counsel, said because no time remains to hear the appeal, the appeal is effectively denied and the Hearings Officer’s decision stands as the County’s final decision on this matter. Adding that the applicant did not agree to extend the 150-day timeframe and the appellant now wishes to file a writ of mandamus, Marshall said formalizing the Board’s denial to hear the appeal via a Board Order will memorialize this action for the record.

Commissioner DeBone asked that the draft order be revised to specifically state that the 150-day timeframe expired on September 15, 2023.

CHANG: As the 150-day period to take action has passed and thus there is no feasible way for the Board to hear this matter, move to approve Board Order No. 2023-039 denying review of the Hearings Officer’s decision in File Nos. 247-23-000409-A, 247-22-000883-CU, 884-SP, 885-LL, 886-LL

ADAIR: Second

VOTE: ADAIR: Yes
CHANG: Yes
DEBONE: Chair votes yes. Motion Carried

6. Discussion of Home Rule

Dave Doyle, County Counsel, provided an overview of the Home Rule process by which the Board or a sufficient number of electors (via petition) could initiate changes to the County's Charter and thereby modify one or more aspects of its governance. Doyle said another way of increasing the number of Commissioner positions would be for the Board to refer a measure to the voters. Alternatively, members of the public could attempt to secure the required number of signatures needed to place a matter on a ballot via initiative.

Commissioner Chang asked if a ballot measure could propose that the current three-member Board of County Commissioners be changed to five members, with four being elected from separate districts and one being elected at-large from all districts. Doyle was not aware of anything that would preclude such a proposal.

Commissioner Adair noted that the populations of most other Oregon counties that have five commissioners are double the population of Deschutes County.

Commissioner Chang said Hood River County has five commissioners, yet is one-fifth the size of Deschutes County. He supported expanding the Board to five commissioners as he believed it would result in better representation among other benefits.

Commissioner DeBone was not interested to proceed with expanding the number of commissioners at this time. He was honored to serve all of the citizens of Deschutes County and noted that he conducts outreach and engages with people every week. Noting that the Board's seats were very recently changed from partisan to non-partisan, he did not want to see more change at this time and said expanding the number of commissioners might make sense once the City of Redmond gains more population and the County grows past 250,000 total residents.

Chair DeBone noted no Board action will be taken on this proposal at this time.

OTHER ITEMS:

- Commissioner DeBone attended the Central Oregon Health Council meeting last Thursday on behalf of Commissioner Adair, abstaining from the one vote that was taken.
- Commissioner Adair reported contact from PacificSource regarding possible changes to the Medicare Advantage program, in which 26,000 seniors across Deschutes County are enrolled.
- Commissioner DeBone attended a CREA-sponsored tour last Friday of renewable energy facilities in Prineville.

- Commissioner Adair attended the Governor’s lunch at the Pendleton Round-Up on Saturday and reported record crowds at this televised event.


EXECUTIVE SESSION:

At 3:25 pm, the Board recessed into Executive Session under ORS 192.660 (2) (h) Litigation. At 3:40 pm, the Board exited Executive Session to direct staff to proceed as discussed.

ADJOURN:

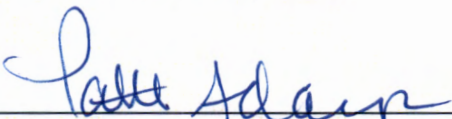
Being no further items to come before the Board, the meeting was adjourned at 3:40 p.m.

DATED this 11th Day of October 2023 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR

ATTEST:



PATTI ADAIR, VICE CHAIR



RECORDING SECRETARY



PHIL CHANG, COMMISSIONER