



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY January 10, 2024

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, Tony DeBone and Phil Chang. Also present were County Administrator Nick Lelack; Assistant Legal 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 webpage www.deschutes.org/meetings.

CALL TO ORDER: Chair Adair called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Les Anderson said short-term rentals degrade the quality of life in a community and make housing unaffordable for those who live here. Noting that some people who own one or more short-term rentals do not live in the area, he said this situation can render an area a de facto resort which he and his wife have emphatically rejected as a housing option. He resented portraying this issue as a simple neighbor versus neighbor dispute when in fact it is a county-wide problem.
- James Lewis, general manager of the Sunriver HOA, said he would like to be involved in the public process if the Board proceeds with establishing county-wide regulations regarding short-term rentals.

In response to Commissioner Chang, Lewis said Sunriver manages and mitigates the impacts of short-term rentals through utility accounts and other means.

- Ashley Schreiber reiterated her opposition to the establishment of a shelter on Wilson Avenue for male justice-involved persons, saying this would put children at risk. Adding that the location is too close to schools and a park, she referred to the numerous signatures received in opposition to this proposal and asked that at the least, it be changed to a women's-only shelter.
- Karla Law, a resident of Oregon City, communicated her experience with Free on the Outside, which operates various transitional facilities for felons and parolees. Law said after one such facility was established in Oregon City, families with children began to move away after discerning there were no rules as far as how the house was managed. She described various problems including illegal parking and raised the possibility that human trafficking was occurring.
- Gail Webber spoke regarding short-term rentals (STRs) and asked that the Board consider requiring that persons who apply to have an STR confirm that they have received the necessary permission from their HOA, if and when applicable.

CONSENT AGENDA: Before the Board was Consideration of the Consent Agenda.

1. Approval of County Administrator signature of revised County Policy No. GA-9, Consumer Identity Theft Protection
2. Approval of Chair Signature of Document No. 2023-1094, a Notice of Intent to Award a contract for the Mike Maier Roof Replacement Project
3. Consideration of Board Signature on letters of appointment, reappointment and thanks for various committees and special road districts
4. Approval of minutes of the December 12, 2023 Mid Year Budget Update meeting
5. Approval of minutes of the BOCC December 20, 2023 meeting

At Commissioner Chang's request, the appointment of Cameron Fischer to the Behavioral Health Advisory Board was removed for separate consideration.

DEBONE: Move approval of the Consent Agenda as amended to remove the appointment of Cameron Fischer to the Behavioral Health Advisory Board for separate consideration

CHANG: Second

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

- 3.a. Consideration of letter reappointing Cameron Fischer to the Behavioral Health Advisory Board for a term through December 31, 2026

Commissioner Chang voluntarily recused himself from acting on this appointment due to his personal relationship with the appointee.

DEBONE: Move to reappoint Cameron Fischer to the Behavioral Health Advisory Board for a term through December 31, 2026

ADAIR: Second

VOTE: CHANG: (abstained)

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried 2 - 1 - 0

ACTION ITEMS:

6. Oregon Health Authority BHRN grant amendment #177290-1

Holly Harris, Behavioral Health Director, explained that the amendment to this grant extends the term of the current agreement to June 30, 2025 and also allocates an additional \$2,227,076 in Behavioral Health Resource Network (BHRN) funding for peer support, mentoring, and recovery services for adults, youth, and the adult intensive and unhoused populations.

Noting that Deschutes County Health Services (DCHS) is one of several BHRN recipients in the county, Commissioner Adair asked if all recipients are required to report how many clients are being served with this funding. Harris explained that because the State contracted with each BHRN entity separately, the number of clients served is reported by each entity—those figures are then compiled and publicly shared via a dashboard maintained by the State. Adding that the population served is high acuity, Harris said Health Services most recently reported the use of BHRN funds to serve nearly 1,000 unique clients since December.

The Board spoke to the value of using these funds to collaborate with the other partner organizations to develop and further recovery efforts, and asked that Health Services present an update on the use of BHRN funding every six months.

CHANG: Move approval of Chair signature of Document No. 2023-1083, amending an Oregon Health Authority BHRN grant agreement

DEBONE: Second

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

7. Short Term Rentals Business License Program Consideration

Jen Patterson, Strategic Initiatives Manager, said at the Board's direction, staff has developed possible components of a business licensing program for short-term rentals for the Board's consideration. Also provided for the Board's information is a chart comparing how five Oregon counties—Tillamook, Clackamas, Hood River, Lincoln and Curry—process and regulate short-term rentals.

County Administrator Nick Lelack said a key question is whether to proceed with a public meeting on this issue as previously suggested by the Board, and if so, with a less defined or more defined licensing proposal.

Commissioner Chang referred to the large amount of public interest on this subject and said by shedding light on the experience of others, a public process could help define how to best approach short-term rentals. He added that, as offered, Sunriver could advise how to address impacts and manage these uses.

Responding to Commissioner Adair, Michelle Assia, Management Analyst, said 3,287 STRs have been registered in Deschutes County. Of these, 2,440 are located within destination resorts.

Commissioner DeBone said while many STRs were established post-COVID, flattening TRT revenues indicate that their numbers are likely at their height.

Commissioner Chang said while the overall booking of STRs may be slowing, their use in desirable locations continues to impact neighboring properties.

Commissioner Adair asked about the possible legal implications of establishing a licensing program. Dave Doyle, County Counsel, spoke to the potential exposure surrounding life safety issues and said both he and Community Development Director Peter Gutowsky believe that there is less liability exposure when simply registering STRs for the purpose of collecting Transient Revenue Tax (TRT) funds. Doyle explained that due to the likelihood that some registered STRs would not meet Code requirements with respect to fire egresses or working smoke alarms and carbon monoxide detectors, it would be better to have a comprehensive program to assure that innocent third parties are protected upon the issuance of a certificate from the County. Doyle acknowledged that addressing these issues

would require on-site inspections, for which the County would have to assess a fee.

Commissioner Chang said the County should also restrict persons who rent STRs from having outdoor recreational fires in the peak of wildfire season.

Commissioner DeBone noted that the Sheriff's Office responds to noise complaints after 10 pm, fire protection is provided and groundwater protection is already overseen by the County.

Commissioners Adair and Chang supported proceeding with a public process to consider adopting a licensing program for STRs.

Responding to Patterson, Assistant Legal Counsel Kim Riley confirmed that this would involve a public hearing before the Board as a licensing program would be codified by ordinance.

Following further discussion, it was the consensus of a majority of the Board to direct staff to convene a workgroup of stakeholders to consider the various factors that might go into a STR licensing program, and to develop a draft proposal for the Board to review in advance of a public hearing.

8. Review Draft Leadership Bend Presentation

Deputy County Administrator Whitney Hale and Strategic Initiatives Manager Jen Patterson presented a draft presentation from the Board for the Leadership Bend session on January 16th. The Board made edits and assigned the presentation of certain topics to each Commissioner.

OTHER ITEMS:

- Deputy County Administrator Whitney Hale reviewed the agenda for the North County Campus grand opening on Friday, saying that media and community partners have been invited and tours will be offered after the formal presentation.
- County Administrator Nick Lelack asked if more than one Commissioner will attend next Tuesday's community meeting on the subject of hunting on federal land.

Commissioner DeBone said he had committed to coordinating a public meeting on this subject in response to concerns despite the issues occurring on federal lands which are outside the County's jurisdiction. The meeting will be held in Sunriver; representatives from the Forest Service, DCSO, and Oregon State Police will be in attendance.

Commissioner Chang indicated he too will attend this meeting.

- County Counsel Dave Doyle referenced comments received on the Transportation Systems Plan update after the record had closed, and asked if the Board wished to re-open the record to allow the consideration of these comments when the Board deliberates on this matter.

Tarik Rawlings, Senior Transportation Planner, submitted a draft Board Order which would re-open the record to January 31st, with Board deliberations scheduled for February 7th.

CHANG: Move approval of Order No. 2024-003, temporarily re-opening the record for File Nos. 247-23-000507-PA, 508-TA related to the Deschutes County Transportation System Plan (TSP) Update

DEBONE: Second

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

- Commissioner Chang announced he will attend the National Association of Counties legislative conference in Washington DC in February; while there, he will meet with members of the County's Congressional delegation.
- The Board agreed to not meet on Monday, February 5th as numerous AOC meetings have been scheduled for that day.
- Commissioner DeBone reported on the Sunriver/La Pine economic development meeting on January 9th and said the Deschutes County Historical Society's annual lunch will be on February 24th.
- Commissioner Adair reported on three meetings last Thursday on safe parking, said the program in Redmond is having outstanding success, and described plans to give a presentation in March to share information on safe parking programs with churches in Bend which are not yet participating.
- Commissioner Adair announced a Fair Board meeting and said the Board's annual dinner will be next Monday.
- Commissioner Adair inquired about the status of a letter to Larry Barker. Deputy County Administrator Whitney Hale said this had been sent by Deputy County Administrator Erik Kropp.

A break was announced at 10:54 am. The meeting reconvened at 10:58 am.

EXECUTIVE SESSION:

At 10:58 am the Board went into Executive Session under ORS 192.660 (2) (e) Real Property Negotiations.

The Board exited Executive Session at 11:15 am to direct staff to proceed as directed.

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 11:15 am.

DATED this 24th day of January 2024 for the Deschutes County Board of Commissioners.


PATTI ADAIR, CHAIR

ATTEST:


RECORDING SECRETARY


ANTHONY DEBONE, VICE CHAIR


PHIL CHANG, COMMISSIONER