

Any item or issue not on the agenda you have a question, comment or statement about please bring up under Items from the General Public.

BOARD OF COMMISSIONERS SPECIAL MEETING AGENDA
6:00pm, CBAB, 601 State Street, 1st Floor Conf. Room, Hood River, Oregon

MINUTES

Chair Rivers called the special meeting to order. Present: Commissioner Perkins, Commissioner Benton, Commissioner Meyer, Commissioner Joplin, County Counsel Carey and Administrator Hecksel.

CONFLICTS OR POTENTIAL CONFLICTS OF INTEREST –

None

ADDITIONS OR DELETIONS FROM THE AGENDA –

None

UNSCHEDULED ITEMS FROM THE GENERAL PUBLIC (limit 5 minutes per person per subject)

None

REPORTS

Commissioner Joplin reported that she toured the state penitentiary in Salem today. It was very interesting.

PUBLIC HEARINGS –

Short Term Rental Regulations

ACTION: Accepted the proposed legislative amendments contained in Exhibit A and incorporate changes identified by the Board on 09/12/16. The proposed text amendments to the Hood River County Zoning Ordinance will be adopted October 17th in conjunction with the proposed text amendments to regulate marijuana businesses. This hearing is technically continued to October 17th, 2016 at 6:00pm at which time no more public testimony will be accepted on short term rentals.

Chair Rivers stated that he will take public testimony tonight but only from anyone who has not already provide written or oral testimony to the Commission on this subject.

Chair Rivers opened the hearing and asked for a staff report.

John Robert, Community Development Director - the goal tonight is to dicuss final tweaks and changes to the proposed legislation and to take public testimony.

John relooked at the EcoNorthwest report and gleaned some information about the number of homes identified as a short term rental (STR), where they are located as far as zoning, value etc. The reported shows 3 ways STR owners need to be compliant – land use permit issued, paying TRT and reporting for personal property tax. None of the identified STR's are compliant in all three areas. The report showed 70 known STR's with 42% of those being on resource zoned land. 34% is on EFU of that 29% is high value farm (HVF), meaning 1 out of 10 rentals are on HVF. Not sure how the Commission wants to use that information but perhaps it shows that farmers are using STR's to supplement their income. There are 5 STR's on the F1zone. 18% are on RR2.5, and 15% are on UR1. Average acreage size is 6.5 acres, median acres is 2.5. A quarter were on 5 acres or larger-which could give the notion of a working farm. Only 6 were above 20 acres or 8.7%. 9 were on 10 acres and over and 8 were shown located on acres ranging from 5-10. Ownership: mailing addressed were used to and 40% are out of the county addresses with 16% being out of state. Average year built was 1969, median year built is 1979. Average sq footage is 2400, with the median sq footage being 2300. Bedrooms – median was 3. The Commission asked for an estimated total RMV – the average RMV is \$465K, with the median being \$435K. John thanked Mike Schrankel, GIS Coordinator for helping gather some of this information.

Benton asked if UR1 is in the UGB. John replied affirmatively. Benton asked how those would be regulated; he thought they would be regulated by the City. Meyer asked if UR1 was in Odell. John said no that is just UR zone.

Other matters may be discussed as deemed appropriate by the Board.

John pointed to Exhibit A – as he was going through the comments from the last hearing he was made aware of some clerical errors that he will take care of.

Page 3 – talking about the cap. The goal is to not have the majority of your housing stock in STR's. Page 4 – changes to language regarding notification to adjacent property owners, adjacent property owners consent to STR application. John apologized if his editor's notes came on too strong. On the surface requiring the adjacent property owners consent on the STR application feels it is good in practice but a nightmare to enforce and feels that it will create some situations that we would recommend against – feels it provides a power to the neighbor that could be taken advantage of. Feels that if it is left in, you are essentially prohibiting STR's on EFU lands.

Perkins asked if the neighboring properties would be notified in the CUP process. John concurred – the Type II application is the CUP process.

John noted a Commission asked about proof of insurance at the last meeting and that provision has been added as a requirement.

Page 6 – Resource Lands – Section A – the blue highlight is what staff heard the Commission saying at the last two hearings. Home Occupations and what is allowed and what is not was brought up at the last hearing. There are several options listed for the Commission to consider. Option 1 speaks to residency; staff can work with that language. State law was considered when drafting this option, but it was fine tuned to meet the counties needs. We feel this is clearer and more limiting than allowed by statutes. We cannot be less lenient than that statute.

John spoke with DLCD today about the language and where we are at in the process and they are good with us using option 1 if that is what is decided. They understand how things get applied. We are not shielded by state law and that is why we can go back and directly apply but we feel option 1 meets the intent of the law.

Benton asked for clarification – if you owned a property and applied for a STR would you be able to use a short term rental company to advertise?

Counsel Carey stated there is nothing that prohibits you from using an outside source for advertising, you are talking about operating the business and if the owners decide they need outside assistance for logistics he doesn't believe there is anything that precludes that. Perkins asked how far that extends. Carey said you cannot use a property management company for the bookings, payments etc. Carey stated as the owner you have to do the scheduling, booking etc., but using someone to advertise your home for availability he believes is allowed. Perkins asked would that preclude using Air BNB because they will schedule the rental and take the payment. Benton said he sees the local management companies being cut out by the language.

John pointed out that B&B language in the code is very similar to what is being recommended for the STR's. John located the B&B approval requirements in the code, read those and noted it is less restrictive than the language being proposed for STR's.

Meyer asked about requiring a permitted STR to use a registry number when advertising and pointed out that requirement was struck in this draft. John stated it can be added back if that is what the commission wants.

Discussion about residency requirement and how that will be monitored and enforced.

Chair Rivers asked if there is anyone that has not previously provided testimony on this subject wanted to speak. Jennifer Euwer asked if she could ask a question as a Planning Commissioner. Chair Rivers allowed.

Jennifer asked what happens when a property changes hands – does the new owner have to reapply and if there is a waiting list because of a cap does that person go to the bottom of the list or are they handled differently because the property had been previously approved.

Perkins stated he feels they would go to the bottom of the list. The application and permit is non-transferrable. Euwer stated that is not clear in the regulations.

Unidentified speaker in the audience asked about regulations applied to houses in the UGB. John stated the county administers land use in the UGB however the standards used are the cities and that is what would be applied.

Hearing no other comments, Chair Rivers closed the public hearing and asked for the Commissioner deliberations.

Meyer said that since it was a clarification and not a deliberation in the hearing he wants to talk about the registry number for each permitted STR. He feels this should be required it will assist staff in research and easily identifying permitted STR's.

Other matters may be discussed as deemed appropriate by the Board.

Chair Rivers stated he is on record as opposing STR's on resource land and he still feels that way for many reasons. Noted that just today his wife saw two people with loads of pears in their arms coming out of their orchard, they were stealing. She was able to get their license number and it came back to a company in Tualatin. It is just not a good fit; it is a crack that will be the demise of agriculture as we know it and sees it filled with holes.

Perkins stated he sees the same things, but these are happening now and without some sort of regulations it will continue and not be regulated. Chair Rivers stated with the regulations in place it will require inspections but it doesn't change his mind. Perkins is interested in following his concerns. We need to get a handle on the enforcement end of this issue. Asked if he is willing to take funds from another department and put it towards enforcement. If we do not have a process that allows for revenue it must be taken from the general fund. Feels we all struggle with the same thing. None of this means anything unless you enforce the regulations.

Meyer said when enforcement is just complaint driven it kind of worked but about 8 years ago folks stopped complaining and we put a civil code in place and were moving in that direction.

Meyer said he would like to consider accepting John's recommendation on item C, page 5 to remove the adjacent owner sign off requirement, feels it is functionally erroneous. Perkins said whatever we do needs to be implemented. You get an application in and adjacent owners object to the application, what does that do to the staff, what do you do with the application, how does that play into the decision making of staff. John said it can go one of three ways: you recognize it is a frivolous objection and you go on and if the adjacent owner appeals then you have that. Benton agrees with Meyer but would say that Joplin offered an option at the last hearing that would cap the number of STR's in resource zones. Meyer stated he could go for that even though he opposed it in the last meeting. Joplin said it could be added to Section A. Her suggestion was to cap STR's at 100 of which no more than 25 could be on resource lands. Noted there are currently 29 on resource lands.

Discussion about option 1 and DLCD comments about STR's not disrupting resource zoned lands and that EFU zones were not used for commercial purposes. John stated you could add to the language STR's would not interfere with other uses allowed and permitted in the area. The Commissioners felt that would be good to add.

Perkins wants to talk more about how this is going to phase in - are we giving a year or 6 months to get into compliance. John stated that if the regulations are adopted and DLCD recognizes them, the earliest the rules would be in affect is Nov 30 and we could have letters out to existing known STRs by December. Some applications will be farmed out. Feels we should see their application by June 2017 and processed by December 2017. Benton feels there are two lines - we need to say here is the date when you will be fined for not being permitted. Meyer said if someone makes application they can continue to operate while their app is being permitted.

John went through the changes he heard from the Commission:

- Require permit number
- Clarification changes to intro provisions
- Keep STR as CUP Type II in resource zones
- Cap 100 with up to 25 of those being on resource zone
- Eliminate adjacent property owner sign off
- Option 1 on Resource lands - add language: no interference with other uses in zone property located

Benton asked about the line in the sand date for the applications. John said that is not something you want to put in the code. But as the process gets flushed out the date will be known.

John said these changes will be brought back at the Oct 17th meeting for final adoption.

Commissioner Benton made a motion to accept the proposed legislative amendments contained in Exhibit A and to incorporate changes identified by the Board on 09/12/16. The proposed text amendments to the Hood River County Zoning Ordinance will be adopted October 17th in conjunction with the proposed text amendments to regulate marijuana businesses. This hearing is technically continued to October 17th, 2016 at 6:00pm at which time no more public testimony will be accepted on short term rentals. Commissioner Joplin seconded the motion.

Vote on the motion was as follows:

- Commissioner Perkins - yea
- Commissioner Benton - yea

Other matters may be discussed as deemed appropriate by the Board.

Commissioner Meyer – yea
Commissioner Joplin – yea
Chair Rivers – yea

Motion carried.

ADJOURNMENT – Chair River adjourned the meeting at 7:30pm

CALENDAR OF UPCOMING PUBLIC MEETINGS/EVENTS (note all dates and time subject to change with or without notice as required)

Aug 29	6:00	Board of Commissioners Special Meeting, CBAB, 601 State Street, Conf Room 1 st Floor
Sept 5		LABOR DAY, COUNTY OFFICES CLOSED
Sept 5	1:00pm	Tri-County Mental Health Board, Mid Col. Center for Living-TD (1 st Mon. ea. mo.-generally)
Sept 7	2:00pm	HRC Water Planning Group, 601 State St, 1 st floor conf. room (1 st Wed. ea.mo. – generally)
Sept 14	5:30pm	County Planning Commission Meeting, CBAB, 601 State St Conf Rm. 1 st Fl, (2 nd & 4 th Wed. ea. mo generally)
Sept 19	4:00 & 6:00pm	Board of Commissioners work session & business meeting, CBAB, 601 State Street, Conf Room 1 st Floor (3 rd Mon. ea. mo)
Sept 20	7:00pm	Library District Board meeting, Library, 502 State St., Conf. Room (3 rd Tues ea. mo. - subject to change)
Sept 21	3:00pm	Department Head Meeting – Courthouse, 309 State Street, 1 st Floor Conf Room
Sept 27	2:00pm	Safety Committee Meeting, Courthouse, 309 State Street, 1 st Floor (4 th Tues. ea. mo.)
Sept 28	5:30pm	County Planning Commission Meeting, CBAB, 601 State St Conf Rm. 1 st Fl, (2 nd & 4 th Wed. ea. mo generally)
Oct 3	1:00pm	Tri-County Mental Health Board, Mid Col. Center for Living-TD (1 st Mon. ea. mo.-generally)
Oct 5	2:00pm	HRC Water Planning Group, 601 State St, 1 st floor conf. room (1 st Wed. ea.mo. – generally)
Oct 12	5:30pm	County Planning Commission Meeting, CBAB, 601 State St Conf Rm. 1 st Fl, (2 nd & 4 th Wed. ea. mo generally)
Oct 17	4:00 & 6:00pm	Board of Commissioners work session & business meeting, CBAB, 601 State Street, Conf Room 1 st Floor (3 rd Mon. ea. mo)
Oct 18	7:00pm	Library District Board meeting, Library, 502 State St., Conf. Room (3 rd Tues ea. mo. - subject to change)
Oct 19	3:00pm	Department Head Meeting – CBAB, 601 State Street, 1 st Floor Conf Room