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Regular City Council Meeting
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CITY COUNCIL MEETING
COUNCIL CHAMBER, CITY HALL
OCTOBER 14, 2024
5:30 p.m.

VIA ZOOM/ IN PERSON

PRESIDING: Mayor Richard Mays

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

STAFF PRESENT: City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Amie Ell, Police Chief Tom Worthy, Finance Director Angie Wilson, Community Development Director Joshua Chandler

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, Runyon, Randall, Richardson, Mays present

PLEDGE OF ALLEGIANCE

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

Councilor Runyon invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Mays noted item 10A would be moved to be Action Item # 11A.

It was moved by Long and seconded by Richardson to approve the agenda as amended. The motion carried 5 to 0, Long, Richardson, McGlothlin, Randall, Runyon voting in favor; none opposed; none absent.

PRESENTATIONS PROCLAMATIONS

The Dalles Main Street, Cynthia Kortge

Cynthia Kortge and Kristen Talamantez presented updates for The Dalles Main Street.

Councilor Long asked how many board members they had and if this was prescribed by the national program.

Talamantez said they could have between 9 and 13 board members, with some leaving and more joining they currently had 11 members. This was a requirement for the national program.

Long asked what the ‘Capital Campaign’ was for.

Talamantez said it was a donor event to pay for operations.

Mayor Mays asked for a list of the new board members.

Talamantez said the current board included; Kristin Talamantez-President, Chris Zukin- Vice President (stepping out), Mary Stocks- Secretary (stepping out), Anthony Perira (stepping out), Lindsey Giamei (stepping out), Hannah Mapes, Jon Chavers, Jared Sawyer, and David Benko. New members included: Allison Turner, Julie Wadsworth, Natasha Skov, Jason Miller, and Caryl Brown.

Mayor Mays asked for clarification of the First Friday event saying he thought it was organized by a different organization.

Kortge said Downtown The Dalles had organized in the past and were deciding if they wanted to continue and discussing changes that might be made.

AUDIENCE PARTICIPATION

Lisa Farquharson, CEO of The Dalles Chamber of Commerce, addressed the Mayor, City Council, and staff with two updates. She first reminded everyone about the Wasco County Candidates Forum scheduled for the following evening, with doors set to open at 5:30 p.m. and the forum to begin at 6 p.m. The forum featured candidates for City, County, and State House and Senate positions, as well as discussions on several measures. The questions for candidates had been pre-established, not taken from the floor, and she encouraged attendees to take the

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opportunity to stay informed ahead of voting. This would take place at the Columbia senior Center.

Farquharson shared a statement from The Dalles Chamber and its Board of Directors, urging a "No" vote on Measure 118. She explained that this measure would tax gross sales rather than profits, impacting various sectors in the community, including manufacturing, agriculture, and small businesses. According to the Chamber, the measure would have raised costs on essentials like food, housing, and utilities, adding strain to an already tight economy.

Dave Meyer, a small cherry grower in The Dalles, addressed the council on behalf of the Columbia Gorge Fruit Growers, an association representing apple, pear, cherry, and grape growers in Hood River and Wasco Counties. He requested the City's support in opposing a proposed rule change by Oregon OSHA regarding agricultural labor housing. Meyer referenced a letter template prepared by the association's board chair, Leslie, which outlined their position on OSHA's Section 16L rule change, increasing the space requirement from 40 to 50 square feet per person in ag labor housing. Oregon OSHA began revising ag labor housing rules in 2018 and completed the process recently, with a public comment period open until November 3. Meyer expressed concern about the economic and social impacts for local growers and the broader community, as the rule change could displace workers making a seasonal journey from California to The Dalles to pick cherries. He explained workers were drawn by the economic opportunity, cooler climate, and quality of free agricultural labor housing, which growers maintained under state licensing and routine inspections. He noted the new rule could reduce bed capacity by 20 to 50%, forcing workers into alternative housing like vehicles, motels, or campsites, potentially straining local services such as police, medical, and sanitation. Meyer requested the City's support in advocating for a "grandfather" clause to exempt current, compliant housing from the new space requirements, applying changes only to future construction. He extended an invitation to councilors to tour the labor housing facilities, stating growers in the area were proud of their accommodations and management practices.

Runyon stated that over the years, he had toured many local orchards and noted that a significant percentage of agricultural labor housing was located in the area. He mentioned that approximately 45 to 47 percent of all such housing in the state existed here.

Meyer confirmed that the Mid-Columbia region housed the majority of agricultural labor housing in Oregon. He highlighted the issue of regulatory agencies often implementing broad rules that could adversely affect all growers based on observations in other areas, such as Southern Oregon or regions across the Cascades. He asserted that Oregon OSHA possessed the necessary rules and laws to address bad practices among a few operators.

Meyer compared the situation to the construction industry, where responsible builders monitor

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less compliant contractors. He emphasized that the growers did not oppose OSHA's authority but sought changes to this specific rule.

Runyon expressed concern about penalizing local growers for the actions of a few bad actors elsewhere in the state. He noted that many families had come to the area for decades to work in the orchards, and he emphasized pride in the quality of housing provided for them. He stated his intention to support a letter addressing the issue, recognizing that the council would make its own decisions. He asserted that the growers were not asking for drastic changes, merely for existing, well-maintained housing to be grandfathered in under the new rules. He considered this a fair approach.

Meyer confirmed that when building labor housing, compliance with Oregon building codes and OSHA regulations was essential. He highlighted that the changes proposed in rule 16 L represented a significant shift, comparing it to moving the goalposts and raising the bar, making compliance practically impossible. He noted that many beds would be wasted in the process, leading to exorbitant costs for small operations like his. He estimated that rebuilding the lost beds would cost between \$1.2 million and \$1.4 million, assuming construction was even feasible, as many growers operated within the National Scenic Area, which imposed strict limitations. He emphasized that all local growers would face severe impacts from the new regulations.

Mayor Mays asked if OSHA were making the changes on their own or if there was outside pressure from another organization.

Meyer responded affirmatively, stating that Oregon OSHA faced pressure regarding all regulations, particularly the current rule change. He expressed uncertainty about how Oregon OSHA had maintained an exemption up to that point, noting that he was currently compliant with the 40-square-foot requirement but would no longer be under the new regulations. He explained that the 50-square-foot requirement was a federal mandate, which added to the pressure on Oregon OSHA to align state rules accordingly. He acknowledged the valuable work Oregon OSHA performed in the community but mentioned the presence of various agricultural and housing factions during discussions about the rules. He noted that numerous stakeholders participated in these discussions, advocating for different perspectives and requirements.

Runyon shared that he had spoken with an individual whose family worked in local orchards. The individual explained that they lived and worked outside, using the structures mainly for sleeping, and that people who don't do this kind of work might not understand their different lifestyle. He said there wasn't a need to expand housing significantly because they don't spend much time indoors.

Richardson asked about the time frame needed for a decision or the City's input on the letter.

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Meyer stated that the public comment period ends on November 3, and everyone has been scrambling since the rules were finalized about a month ago. He explained that he volunteered to speak to the City and keep them informed. Meyer also mentioned upcoming hearings and encouraged public testimony, both oral and written, to support their side, as they expect opposition.

McGlothlin committed to joining Councilor Runyon in writing a letter and expressed support for Meyer's actions.

Chuck Gomez, representing himself, his wife, and concerned citizens, expressed continued concerns regarding the Basalt Commons project. He noted the impact on local businesses, homeowners, the loss of the historic downtown feel, reduced gorge views, and the reduction in parking spaces for two- and three-bedroom units. Gomez questioned the need for additional storefronts and offices when similar spaces, like the Commodore, are underutilized. He urged the Council and City Manager to reconsider the project using Robert's Rules to amend previous decisions, emphasizing the need to listen to the community's concerns.

CITY MANAGER REPORT

City Manager Matthew Klebes reported;

- City staff applied for a Transportation Growth Management grant for a west side area planning project but did not receive the award. Wasco County received a grant to update their Transportation System Plan.
- The downtown Tree Project will replace the 40% of trees that died after initial planting. The contractor will provide larger trees, adjust watering schedules, and add mulch and fertilizer at no additional cost.
- Several important meetings and projects are upcoming, with busy City Council meetings expected in November, December, and January due to holidays.
- The FEMA floodplain update process has a December 1 deadline, causing concerns statewide. Staff is preparing for a rushed work session and Council meeting in November.
- Upcoming projects include:
 - Sixth Street widening,
 - 12th Street sidewalk extension,
 - 10th Street Safe Routes to School,
 - Wastewater treatment plant digester repairs,
 - Wastewater Master Plan contract award,
 - Forest management and water management plans.

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- A work session on October 23 will finalize the Water Master Plan, which will lead to water rate increases.
- Staff is working on a communications plan to keep the public informed on the Water Master Plan and water rates.
- Congressman Bentz visited the City to tour ongoing projects.
- The inaugural employee and volunteer appreciation barbecue was successful.
- Q-Life partnership has added a new member, Northern Wasco County PUD, and hired Dr. Liz Lance as Executive Director starting October 28.
- The final Housing Production Strategies work session with Council and the Planning Commission took place, with adoption coming soon.
- Attended the League of Oregon Cities conference.
- Had a radio appearance on KODL.
- City Council goal setting retreat would be taking place all day November 15th. It would be open to the public and was to be facilitated by Sara Singer Wilson.
- Successfully renewed the quiet zone for the train crossings at Madison and Union Streets, prohibiting horn use unless someone is directly in front of the trains, addressing a prior request from a councilor.

CITY COUNCIL REPORTS

Councilor Randall reported;

- Attended Joint Work Session with Planning Commission for Housing Production Strategy
- Interview with Sara Singer Wilson leading into goal setting.
- Attended a Qlife meeting where the new Executive Director was introduced.

Councilor McGlothlin reported;

- He had nothing to report

Councilor Runyon reported;

- Mid-Columbia Veteran's Memorial Committee meeting.
- The Stand Down event held at the Civic Auditorium had been well attended.

Councilor Richardson reported;

- The Plaza Ad Hoc Committee had been meeting bi-monthly and working on draft designs to present to the Council and public this winter.
- Recent meetings included discussions with the City Attorney on various legal issues and a session with the annual goal setting facilitator.
- He had been unable to attend the swearing-in of the new police officer due to scheduling conflicts but acknowledged progress in staffing the police department.

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- Attended the Youth Empowerment Shelter (YES) organization's fundraiser.
- The Food Bank hosted an Empty Bowls fundraiser on Friday, the second event of its kind, and encouraged attendance to support the cause.

Councilor Long reported;

- Attended a Community Outreach Team meeting, followed by a meeting with the City Manager and Planning Director Josh Chandler regarding the Basalt Commons, with Mary Hanlon from the project also in attendance.
- Participated in the Employee Appreciation Picnic at Lewis and Clark Park, which was well attended.
- Had a one-on-one meeting with the City Manager.
- Met with the City Attorney and signed documents for urban renewal.
- Participated in an Urban Renewal agenda meeting to set the next agenda and attended a City Joint Work Session with the Planning Commission.
- Attended a tour with Congressman Benz, which lasted more than half the day and was productive for network building with him and his staff.
- Joined the swearing-in ceremony for two new police officers.
- Celebrated the 10-year anniversary of the Youth Empowerment Shelter (YES), appreciated the support from law enforcement personnel from both the city and county who were present.
- Met with Dan Spatz to follow up on the Community Outreach Team.
- Noted that the Urban Renewal Agency meeting, originally scheduled for the following night, was rescheduled to the next Monday at 5:30 PM in the chambers to ensure attendance.

Mayor Mays reported;

- Was interviewed on KODL by Alain during the Coffee Break segment.
- Attended the Community Outreach Team meeting.
- Participated in the Employee Appreciation and Volunteer Appreciation luncheon.
- Presided over the dedication of the "History of Wasco County".
- Attended the swearing-in ceremony for new police officers Dante Avila and William Bryan-Askay.
- Served as a judge at the Apple Dish competition at the farmers market, which was a highlight of the two weeks.

CONSENT AGENDA

Randall asked from more information about the sign being surplus.

Klebes said staff sought to declare the sign as surplus to proceed with a bidding process for its

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display. In collaboration with the Public Works Department, a local bidding process was planned to solicit bids from the local zip code area. The successful bidder would also be responsible for the sign's removal. The local bid approach aimed to engage organizations or individuals with a stronger connection to the sign, given its significance to the community.

It was moved by Long and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried 5 to 0, Long, McGlothlin, Randall, Richardson, Runyon voting in favor; none opposed; none absent.

Items approved on the consent agenda were: 1) The minutes of the September 23, 2024 Regular City Council Meeting; 2) Surplus Parking Lot Sign

Runyon inquired whether the city could donate the old Sunset Motors sign to the neon sign museum if they expressed interest in it.

City Attorney, Jonathan Kara said the City's local contract review board rules allow for donation as an option. The rules permitted donations to any organization operating within or providing services to Oregon residents, specifically to those recognized as 501(c)(3) nonprofits under the Internal Revenue Code. He noted that if the neon sign museum meets this criterion, donating the sign was a viable option.

ACTION ITEMS

General Ordinance No. 24-1407, A General Ordinance Amending The Dalles Municipal Code Chapter 8.02 (Short-Term Rental License)

Joshua Chandler, Community Development Director reviewed the staff report.

Runyon raised a question regarding the regulations on bed and breakfast and vacation rental permits, noting that Section A stated the current rules applied until the expiration date of the associated permit, after which the new rules took effect. He observed that this specific provision about expiration dates was missing in Section B, which discussed existing short-term rental licenses, and suggested that it should be included to clarify that existing licenses remained valid until they expired before transitioning to the new rules.

Chandler responded to the question by explaining that the bed and breakfast and vacation rental permits were granted as five-year land use applications, starting from the approval date rather than on an annual basis. He noted that this resulted in rolling expiration dates for each permit, with only three bed and breakfasts remaining. He anticipated that all bed and breakfasts would be eliminated by spring of the following year.

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Chandler said previous council discussions considered phasing out existing short-term rentals while allowing current operators to continue under a grandfathering provision. He said if the intention was to require all short-term rentals to comply with new regulations upon expiration at the end of the year, it would represent a different approach than what had been discussed in prior conversations.

Chandler stated that he would look into the issue regarding the potential takings clause that could arise starting January 1. He noted that multiple short-term rentals clustered within a 300-foot vicinity could pose a problem, as one property could continue operating while others would be forced to shut down. He suggested that the city should analyze the impact on those properties if the council decided to move forward in that direction. He mentioned that other cities, such as Hood River and Cannon Beach, implemented a five-year and seven-year phase-out period, respectively, and he was open to exploring that option further if the council wished to pursue it.

Klebes emphasized that in provision B, the exemption discussed only applied to the vicinity requirement and the parking requirements, unless the properties were located in a residential zone. He clarified that this exemption did not pertain to all rules and changes under consideration, focusing specifically on those two components.

Mays stated that the term "takings" refers to the city paying compensation to individuals who are affected, clarifying the definition for everyone's understanding.

Klebes noted that the challenge with the vicinity dynamic is that the exemption in section B would not address the clustering effect observed on Scenic. He emphasized the importance of proactively addressing these concerns to prevent similar impacts in other areas. He mentioned that without the exemption, it would be necessary to determine which businesses could remain operational while others would be forced to close.

Runyon stated that if one of the clustered properties closed and reverted to a regular house, it would not be permitted to operate as a short-term rental in the future due to the proximity of other rentals.

Long inquired about the specific triggers for violations of Good Neighbor rules, particularly concerning clustered properties. She asked how many documented complaints were required for action to be taken and how fairness was ensured in enforcing rules against properties hosting parties or special events. She sought clarification on the process for potentially revoking a rental license in such cases.

Chandler stated that multiple documented violations were necessary for enforcement actions regarding Good Neighbor rules. He acknowledged some concerns but noted that noise

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complaints related to short-term rentals had been minimal, based on police department feedback. He encouraged residents to provide video evidence of any issues and reminded them that existing noise ordinances could be enforced by contacting the police department for noise complaints. Long emphasized the need to clarify the process for reporting violations to residents, noting that some individuals might hesitate to call the police for minor issues while wanting to be good neighbors. She suggested that the City should help residents understand the required documentation and make them feel comfortable taking the necessary steps to address concerns.

Kara clarified the grounds for revoking an existing short-term rental (STR) license, referencing section 8.0, 2.130 of the redlined document. He noted that while multiple violations were necessary for a 12-month revocation, any violation of the municipal code concerning the property's operation could warrant revocation. The city's code enforcement was complaint-driven, meaning that if complaints were filed and sufficient evidence was submitted, the city could revoke an STR license based on even one documented egregious violation. He provided examples of evidence required for enforcement, such as video documentation of noise complaints, which could be submitted to the codes enforcement office or the Community Development Director for action.

Long emphasized the need for clear and stern language in application materials to ensure that applicants understand the seriousness of compliance requirements, stating that she did not want anyone to misunderstand the rules as suggestions rather than mandatory obligations.

Richardson expressed agreement with Councilors Long and Runyon regarding the buffer zone for STRs. He suggested considering an increase in the proposed buffer from 300 to 500 feet, indicating that this adjustment would cover a couple of blocks rather than just one. He acknowledged that a 1,000-foot buffer would be excessive.

Chandler stated his willingness to accommodate the council's preference for the STR buffer, whether it be 500 or 1,000 feet. However, he cautioned that extending the buffer might necessitate a fee increase to cover the additional notification costs. He noted that, based on previous calculations, a 300-foot notification area involved 41 properties, while a 1,000-foot area would encompass 237 properties. He suggested staff would need to strategize on how to manage these additional notifications, potentially resulting in an increase in the overall fee for a STR license. He emphasized that the program should be self-sustaining and cover the costs of the additional notifications.

Runyon and McGlothlin said they preferred 500-feet as well.

Long asked if they were referring to the buffer distance or the notification distance.

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Klebes suggested the two should be the same for consistency.

Chandler agreed and noted the distance had been changed from 100 feet to 300 feet for the proposed changes.

Mays emphasized the need for clarity regarding the grandfathering issue, as it had been referenced multiple times in correspondence. He clarified that existing STRs would still be required to comply with the new regulations, including the buffer zone and notification requirements. If a new STR application were submitted, it would have to adhere to the new regulations, regardless of whether the buffer zone was set at 300, 500, or 1,000 feet from existing STRs.

Mays questioned how the requirement for a new licensee to be located more than 300 feet away from an existing STR could constitute a taking. He sought clarification on the implications of this regulation, highlighting that it seemed unlikely that such a distance requirement would meet the criteria for a taking. He asked if existing STRs would have to comply with screening rules and the good neighbor policy.

Chandlers said they would have to comply with both.

Mays inquired whether staff had considered implementing measures to ensure neighbors could expect more timely responses to their complaints, particularly regarding noise issues.

Chandler acknowledged his willingness to respond to complaints regarding STRs, noting that many concerns had been raised at the city council level rather than directed to his office. He clarified that the Code Enforcement Division operates within the police department and is responsible for addressing these issues. Although he does not receive many direct complaints about noise, he is prepared to address them if they arise. He emphasized that formal complaints would be necessary to take further action.

Mayor Mays expressed that the issue was not necessarily the response itself but the timeliness of that response. He noted that if complaints were filed on weekends, the problem often resolved by the time staff could address it on the following Monday.

Runyon interjected, acknowledging that the situation applied to all residents. He pointed out that with approximately 6,500 households in The Dalles, every resident faced similar limitations regarding noisy neighbors. He mentioned that he did not have a special number to call for complaints and had to rely on the police or handle the situation himself, especially during nighttime disturbances. He expressed skepticism about establishing a special response team, noting that the city already had codes during the day and police available 24/7.

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Chandler noted that the community already had noise ordinances in place. He explained that if a loud party occurred at 11 o'clock at night or later, it would be addressed through a call to the police station. He added that compiling a list of ongoing complaints could impact the ability of the short-term rental to renew its license, but immediate issues would be managed through existing channels.

Klebes noted on page 54 of the red line in subsection E, the update required the contact for the short-term rental to be available for communication by a city representative within one hour, a change from the previous 24-hour requirement.

Mayor Mays asked about the extent to which non-owner-occupied short-term rentals contributed to issues. He suggested that these rentals created at least 90% of the problems and suggested that there be a higher annual license fee charged for them.

Kara expressed skepticism about charging non-owner-occupied STRs a higher fee, referencing the staff report and an email from the police chief indicating that no complaints had been submitted to the police department regarding STRs in the past two years. He noted that all complaints had been directed to the City Council instead. Kara mentioned that the red line did not include changes to the section addressing complaints and indicated uncertainty about how to update it. He cautioned against charging non-owner-occupied STRs higher fees, citing the Panabaker versus City of Hood River case, which alleged that the city treated out-of-state operators unfairly, potentially violating federal laws. Kara emphasized that he preferred not to penalize these operators, especially given the lack of complaints in recent years, and indicated that charging higher fees was a non-starter for him.

Sally Carpenter, resident of The Dalles Carpenter expressed appreciation for the discussion and acknowledged her neighbors' concerns regarding STR issues. She thanked Council Member Long for recognizing residents' attempts to address problems without solely relying on police calls for every minor incident. She emphasized that while many complaints may seem small, their cumulative effect was significant enough to warrant bringing these matters to the City Council. She found it insulting that City Attorney Kara deemed their concerns as inappropriate, asserting that residents should be empowered to communicate issues to their elected officials. She criticized the assumption that everyone has a cell phone to document complaints, highlighting that some residents may not afford one. Additionally, she noted that relying on sworn police officers for every minor complaint would burden the city with unnecessary costs. She affirmed that her complaints were formal enough for a public meeting and expressed gratitude for the respect shown to her and her neighbors. She indicated that she had submitted her thoughts in writing and was open to questions from the council (see attached).

Mays defended Mr. Kara, stating that he suggested residents could easily document violations with a cell phone if they had one. He expressed appreciation for hearing from residents and noted

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that all elected officials valued their input. However, he believed that residents would get better and quicker results by contacting the police department instead of the City Council.

Carpenter stated that many residents had attempted a neighbor-to-neighbor approach by directly contacting short-term renters about issues like noise and animals left in cars. However, they received poor or no results from these efforts. As a result, she indicated that they would call the police in the future.

Richardson expressed his hope that Ms. Carpenter recognized that the council had taken the increasing evidence and complaints from neighbors seriously. He noted the implementation of a moratorium on new STRs and emphasized the need for a comprehensive approach to the situation. He encouraged neighbors to call the police for serious disturbances while expressing optimism that passing the ordinance would help address cumulative issues.

Kara emphasized that the code represented the council's policy and mentioned that the proposed red line did not change the section regarding complaints about STR operations, which remained unchanged. He noted that the code required complaints to be submitted in writing to the Code Enforcement Division, which had not been done by some residents. He clarified that it was not his intent to insult Ms. Carpenter and referenced a municipal court judge's statement about using cell phones as evidence in noise complaints, indicating that this was intended to support enforcement against non-compliant STR operators.

Long proposed changes to section 8.0 2.110 regarding complaints, suggesting multiple easily documented methods for reporting issues. She recommended that neighbors first contact the owner-operators and then email Code Enforcement to document their action, emphasizing that accountability lies with the operators, not just the guests. If it's unsafe to approach them or for more serious issues, she suggested calling the police department's non-emergency number, which could trigger the one-hour response requirement. Long stressed that if the police make the call, there will be a clear record of when it occurred. For urgent matters, residents should call 911, allowing the police to assess the situation. She highlighted the need for a system that prioritizes residents' ease of reporting and holds owner-operators accountable, potentially leading them to improve their practices.

Chandler sought clarification regarding whether a neighbor's conversation with an operator would be considered the first complaint in the process.

Long stated that if a problem was resolved through neighborly communication, it did not affect the owner's license. However, documentation of the incident was essential. If issues persisted, the owner-operators had to take responsibility, and the City needed to apply pressure to ensure compliance.

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Carol Earl of 420 West Scenic Drive said she had written a letter to Council expressing her concerns and described the situation as frustrating. She noted that she did not know how to contact the owner-operators, lacking their names and numbers. However, she was aware that one person owned the majority of the rentals, transforming the residential district into a business district. She emphasized that the codes needed to be enforced, arguing that if someone wanted to establish a Best Western in a residential area like Scenic Drive, it would not be permitted. She expressed her frustration over the lack of oversight in her neighborhood, noting that there were no local owners monitoring the situation. She mentioned issues such as parties and traffic jams caused by the short-term rentals. She argued that if those homes were used for residential purposes, they would contribute to the tax rolls. While she appreciated some of the proposed changes in the new letter, she remained concerned about the density of short-term rentals exceeding the allowable percentage for the community.

Long asked if having a single phone number, such as the non-emergency number or another designated contact, would simplify the reporting process.

Earl noted that at least one neighbor had contacted the owner directly instead of calling the police. She expressed that most people likely hesitated to involve law enforcement unless absolutely necessary.

Yvonne Wakefield expressed concerns regarding the conversion of residential areas into business spaces. As a resident and business owner at 3753 Klindt Drive, she said eight nearby townhouses were being operated as Airbnbs and short-term rentals. Although the HOA had permitted one short-term rental, she mentioned a constant flow of guests and uncertainty about the licensing of these operators. Wakefield referenced Pat Mattson's letter, which outlined similar concerns, and highlighted the cluster of rentals in her area, questioning whether the City Council was aware of their operation status.

Jan Oldenburg, from 2151 Radio Way, thanked the Council and noted the complexities of short-term rentals, highlighting both legal and emotional aspects. She expressed appreciation for the Council's understanding and emphasized the need for enforcement of existing rules, citing delays due to the code enforcer's limited availability. Oldenburg urged the Council to specify requirements for non-resident short-term rental operators, suggesting that rules be documented and acknowledged by both owners and renters. She called for a detailed approach to the new ordinance to prevent future revisions, echoing Councilman Runyon's emphasis on doing it right the first time.

Jerry Armitron, Scenic Area resident raised concerns regarding the definition of capacity in relation to parking spaces and rooms. He suggested that the ordinance should clarify that terms like "room" are defined according to the International Building Code to prevent closets or similar

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spaces from being classified as rooms, which could lead to increased occupancy. He emphasized the importance of ensuring clarity in the ordinance to avoid confusion.

Victor Johnson, 313 West 4th Street, expressed appreciation for the time and thought the Council, Mayor, and City Manager invested in the discussions. He acknowledged the valuable service owner-operators provided to the community and emphasized that he does not hold a NIMBY stance. Johnson highlighted the importance of considering the residential nature of certain areas within the central business zone, particularly near historic homes on the 300 block of West Fourth and the 500 block of West Third. He suggested implementing a radius (e.g., 100 yards) in the downtown area to prevent clusters of short-term rentals, ensuring the preservation of residential neighborhoods and historic properties.

Paul Peters, a resident at 300 West Scenic Drive, noted that many of the previous comments addressed his concerns. He expressed confusion regarding the occupancy definition, stating it specifies two persons per bed. Peters questioned whether this occupancy limit referred only to registered guests or included additional visitors, such as friends or family, which could significantly increase the number of people present in the rental.

Chandler clarified the occupancy definition was intended for sleeping purposes. He explained that imposing restrictions on special events at the properties would ideally reduce the number of attendees. However, he acknowledged that there might be some gray area in the language used.

Peters expressed that restrictions on special events should apply to everyone, not just transient lodging owners. He noted that events held by property owners, such as private parties, seemed to be considered exempt because they were not paid events.

Peters said that while the concept of a Good Neighbor Policy sounded good, one of the biggest issues was that many short-term rental occupants were not true neighbors. He expressed concern that if a problem arose, it would be challenging to approach these temporary guests and discuss issues like noise. He felt that simply providing them with a list of Good Neighbor rules and regulations might not be effective, given their short stays of 24 to 48 hours.

Rodger Nichols, 1617 Oregon Street, sought clarification regarding the mention of not allowing special events in non-residential zones. He inquired about the number of special events taking place and how many people were involved in these events, specifically referencing the central business district.

Chandler noted that there were only a few properties in the central business commercial district that allowed special events. He used the Victor Trevitt House, an Airbnb, as an example,

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indicating that it could potentially host events at that location. He confirmed this was also an owner-occupied property.

Patrick Matson, 313 West 20th, expressed frustration with the noise from certain neighbors and acknowledged that, although he would report such disturbances, he preferred not to involve law enforcement. He shared his mixed experiences with code enforcement, noting that they were overworked and often faced backlash from the community. He requested an extension of the current regulations for six months to allow for more community involvement in addressing the complexities of short-term rentals. He emphasized the need for limits on the duration of short-term rental operations, arguing that an indefinite allowance was unfair to the community. Matson concluded by reiterating his concern for balancing commercial interests with community needs.

Richardson clarified that the city's approach was not due to a lack of courage but rather a consideration of potential legal implications. He emphasized the importance of being cautious about property rights to avoid possible lawsuits, suggesting that the city needed to be prudent in its decision-making process.

Mayor Mays clarified that the concern surrounding the grandfather clause was not just about the potential for lawsuits but primarily about the likelihood of losing in court.

Kara clarified that if the city wanted to implement grandfathering for vicinity or parking requirements for currently licensed short-term rentals, there was a viable path to do so. He noted that the city of Hood River faced litigation seven years after adopting their ordinance, but the nature of the case was not directly tied to phasing out certain short-term rentals. He suggested a seven-year amortization period similar to Hood River's approach as a way to avoid takings claims and effectively defend against lawsuits. He emphasized that the city should not suddenly impose strict requirements on existing short-term rentals, such as requiring eight parking spaces, but that gradual implementation over seven years could be feasible.

Richardson inquired about the concept of amortization for existing STRs and whether this approach to ensuring compliance with regulations regarding concentration and behavior would need to be included in the current ordinance or if it could be explored separately.

Kara stated that the consideration of amortization for existing STRs did not need to be bundled with the current ordinance, which merely updated regulations. It could be presented as a separate item to amend Title 8.02. However, with the new council rules, any substantive changes to proposed ordinances required a second reading. Therefore, if the council intended to modify the proposed ordinance based on the discussion from that meeting, it had to be returned for a second meeting. The best administrative approach would have been to tackle the issue separately in the future as research and staff capacity allowed.

Richardson summarized three proposed changes: establishing a 500-foot buffer instead of a 300-

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foot buffer, adding a definition of "room" to align with the international codes, and potentially including a buffer in the non-residential zones.

Clair Graper said she advocated for extending the timeline for gathering community input, suggesting a goal of 1% of citizens commenting before proceeding. She highlighted the tight parking situation in The Dalles, particularly in residential neighborhoods like hers near Colonel Wright, and deemed the minimum distance for STRs too low given the existing density. She raised concerns about STRs being permitted in business areas for events, proposing additional licensing fees and inspections for fire and occupancy safety. She also suggested local management requirements for STRs and emphasized the need to streamline the complaint process, noting a significant amount of community frustration.

Long expressed her frustration with the perception that the Council was not addressing the community's concerns effectively, noting that they had been working on the issue for a year and had received feedback from various stakeholders. She acknowledged the challenges of managing public perception and highlighted the Council's commitment to transparency in its processes. She sought to understand whether the community desired a complete ban on short-term rentals or if they could support measures aimed at improving neighborly relations and minimizing disturbances.

Mayor Mays emphasized the complexity of addressing short-term rentals in The Dalles, indicating that eliminating them entirely could lead to significant legal repercussions for the city. He highlighted the necessity of considering a seven-year amortization period, as it presented a feasible approach to transitioning existing short-term rentals while balancing community livability concerns. Mays expressed a commitment to finding solutions that would improve neighborhood dynamics, acknowledging that the issue required careful legal consideration regarding grandfathering existing rentals.

Kara said the City had the authority to ban all STRs. It would likely take the form of a seven-year amortization to ensure existing licenses and licensees were not deprived of their property interests. He noted that while seven years seemed to be a comfortable buffer, it could potentially be closer to five, pending further research. He confirmed that if the City Council decided against allowing any STRs, that decision was feasible but would require time to implement.

Mayor Mays indicated that the more immediate issue was the moratorium, which was set to expire around the time of the next City Council meeting. He expressed uncertainty about needing a six-month extension but emphasized the necessity of extending it.

Richardson recognized the benefit of extending the moratorium rather than proceeding with an ordinance that addressed many concerns. He suggested implementing the new rules before the

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start of the year to ensure prompt activation. He said that while it might be challenging to tackle everything at once, they could make progress with the current ordinance and continue to refine it as needed.

Klebes noted that if the concern involved the potential operation of another short-term rental in the scenic drive residential area, adopting an ordinance with a 300- or 500-foot vicinity component would significantly address those concerns. He suggested that one reason to extend the moratorium was to prevent additional rentals from starting before the ordinance could be established.

Carpenter responded to Long's question regarding the need for restrictions or outright prohibition on short-term rentals. In her letter to the council dated October 10, she indicated that, in her low-density residential zone, short-term rentals were not explicitly permitted according to her reading of the municipal code. She said the City had allowed them to operate by misinterpreting the language as applicable to bed and breakfasts or vacation rentals. She said the existing language was outdated and proposed that short-term rentals should not be allowed in low-density residential areas, although she acknowledged that some currently existed. She agreed that restrictions needed to be implemented. She felt the ordinance was insufficient and did not go far enough. She noted her reading of the current Municipal Code indicated that short-term rentals were not explicitly allowed.

Chandler provided clarification regarding the permitted uses in the low, medium, and high zones. He mentioned that bed and breakfast establishments and vacation rentals were listed as accessory uses, but this line needed to be removed from the code since these types of rentals were eliminated in 2020 with the adoption of the short-term rental ordinance. He referenced Title 10, which pertains to land use, and explained that Title 8 relates to business. Title 8 included regulations for short-term rentals, transient merchant licenses, and food carts, which were considered licenses rather than uses. He noted that the decision in 2020 to remove bed and breakfast and vacation rentals from land use was part of a broader trend among municipalities across the state to differentiate these operations from traditional land use codes.

Long said in 2020, the council aimed to be proactive in addressing the proliferation of short-term rentals across the state, which had led to negative outcomes. The council invited all bed and breakfast operators and individuals currently managing short-term rentals to provide testimony, and they listened to that input. She said despite their best efforts, unintended consequences had arisen, impacting the community. She expressed a desire to rectify the situation without completely eliminating short-term rentals. However, she sought clarity on whether that perspective still represented the community's consensus, as any shift in opinion would affect their approach.

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Richardson emphasized the need to create rules that served the entire community. He viewed the current situation as a valuable lesson in the importance of acting quickly and thoughtfully. However, he expressed his belief that the council should not pursue a complete ban on all short-term rentals. Instead, he suggested taking substantial steps that could ultimately lead to revoking licenses from problematic operators, and he supported such actions.

Runyon reiterated his earlier suggestion of a six-month and one-year review of any decisions made. He highlighted the importance of addressing neighborhoods with clusters of homes operated as STRs by parties not residing there. He acknowledged the need for public relations efforts to inform local real estate agents about the regulations concerning the use of these properties, ensuring that potential buyers were aware of the rules to prevent further unintended clustering of STRs. He appreciated the council's collaborative approach and emphasized their commitment to examining all perspectives before making decisions. He recognized the difficulty of satisfying everyone but stressed their dedication to effective governance. He noted the importance of providing direction to the planning department, indicating a potential path forward within the next month.

Randall said the current proposal effectively addressed concerns but identified the exemption clause for cluster houses as a major weakness. He recommended removing this clause over a five to seven-year period, believing it would significantly alleviate citizen concerns.

Klebes suggested a summarization of the evening's discussion to achieve council consensus for staff to proceed. He proposed a three-phase approach:

- Phase One: Achieve council consensus on changes to the proposed ordinance, which would include a 500-foot buffer, a 500-foot notification area, consideration of a buffer for non-residential STRs, clarifying room definitions, and streamlining reporting procedures for violations. He noted that these revisions could potentially be brought back to council before the moratorium expires, likely at the second meeting in November.
- Phase Two: After passing the ordinance, continue exploring an amortization period for existing STRs, such as seven years, with further diligence needed on the process.
- Phase Three: Revisit the situation with an update on the progress of the first two phases approximately 12 months after the ordinance passes.

Mayor Mays said he agreed with the proposed approach. He suggested the Council consider extending the buffer zone from 500 feet to somewhere between 500 and 1,000 feet, expressing concern that 500 feet might not be sufficient based on the map provided by.

McGlothlin expressed his efforts to calm tensions and foster communication among neighbors.

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He agreed with Councilor Long that banning all short-term rentals (STRs) may not be legal or desirable. He reflected on the original lack of restrictions that led to the current challenges and supported the proposed changes, including a 500-foot buffer and notification, a definition of a room, and streamlining reporting processes for violations. He also acknowledged the marked improvement in the community over the past year, viewing the proposed steps as positive progress.

Mayor Mays acknowledged the consensus of the Council to proceed with the outlined plan by Klebes without the need for a formal motion.

He requested a 10-minute break, indicating the meeting would reconvene at 8:40 PM, before transitioning to the next item on the agenda regarding budget transfers.

Resolution No. 24-022 A Resolution Authorizing Transfers of Budgeted Amounts Between Categories of Various Funds of the City of The Dalles Adopted Budget, Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2025

Angie Wilson, Finance Director review the staff report.

It was moved by Randall and seconded by Long to adopt Resolution No. 24-022 Authorizing Transfers of Budgeted Amounts between Categories of Various Funds of the City of The Dalles Budget, Making Appropriations and Authorizing Expenditures for Fiscal Year Ending June 30, 2025. The motion carried 5 to 0, Randall, Long, McGlothlin, Richardson, Runyon voting in favor; none opposed; none absent.

Adopting Special Ordinance No. 24-604, A Special Ordinance Granting a Non-Exclusive Telecommunications Franchise to Zayo Group, LLC

City Attorney, Jonathan Kara reviewed the staff report.

It was moved by Richardson and seconded by Runyon to adopt Special Ordinance No. 24-604, as presented, by title only. The motion carried 5 to 0, Richardson, Runyon, Long, McGlothlin, Randall voting in favor; none opposed; none absent.

Adopting Resolution No. 24-023, A Resolution Establishing the City's Official Compensation Package Policy for elected officials

Mayor Mays announced his participation in the discussion would be inappropriate because he had an actual conflict of interest. He stated that the reason he had an actual conflict of interest

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was because he stood to financially benefit from the resolution if it is passed, and as a result, he would be abstaining from the vote and he would not be participating in the discussion.

McGlothlin announced his participation in the discussion would be inappropriate because he had an actual conflict of interest. He stated that the reason he had an actual conflict of interest was because he stood to financially benefit from the resolution if it is passed, and as a result, he would be abstaining from the vote and he would not be participating in the discussion.

Randall announced his participation in the discussion would be inappropriate because he had an actual conflict of interest. He stated that the reason he had an actual conflict of interest was because he stood to financially benefit from the resolution if it is passed, and as a result, he would be abstaining from the vote and he would not be participating in the discussion.

Richardson declared a potential conflict of interest regarding the proposed resolution and policy, stating that his participation in the official action could affect his financial interests if he were to be reelected to the council in the upcoming election.

Runyon declared a potential conflict of interest regarding the proposed resolution and policy, stating that his participation in the official action could affect his financial interests if he were to be reelected to the council in the upcoming election.

Long announced that she had no conflict of interest and nominated herself to serve as the presiding officer for the remainder of the meeting.

It was moved by Long and seconded by Runyon to appoint Councilor Long to be the presiding officer for the rest of the evening. The motion carried 3 to 0, Long, Runyon, Richardson voting in favor; none opposed; Randall, McGlothlin absent.

City Manager, Matthew Klebes reviewed the staff report.

Rodger Nichols, media representative, asked how the two Councilors who had declared a conflict of interest could vote.

Councilor Kara clarified that while two councilors had declared potential conflicts of interest under Oregon government ethics law, such conflicts do not require abstention from voting. He explained that public officials facing potential conflicts should disclose the nature of the conflict. In contrast, those with actual conflicts of interest must abstain from voting and leave the dais. He noted that the affected councilors had left the room and Zoom meeting to avoid any appearance of influence.

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Councilor Richardson noted that the council had previously voted on the compensation package policy in April without any public feedback. He emphasized that the amount involved is modest and well-deserved, asserting that it does not significantly impact the city's budget. He described the proposed resolution as a technical fix aimed at ensuring transparency and adherence to proper procedures.

Councilor Long acknowledged the various expenses that often go unnoticed, particularly the frequency of meetings. She highlighted the need for diversity in participation and pointed out that costs like childcare can be burdensome for some individuals. Long clarified that the proposed funds would serve as a stipend, not a salary.

It was moved by Long and seconded by Runyon to adopt Resolution No. 24-023, as presented. A roll call vote was taken by the City Clerk. The motion carried 3 to 0, Long, Runyon, Richardson voting in favor; none opposed; Randall, McGlothlin absent.

ADJOURNMENT

Being no further business, the meeting adjourned at 9:08 p.m.

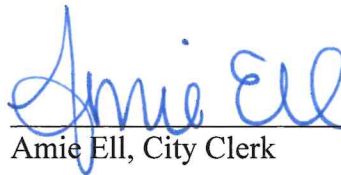
Submitted by/
Amie Ell, City Clerk

SIGNED:



Richard A. Mays, Mayor

ATTEST:



Amie Ell, City Clerk