



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Peter Gutowsky, AICP, Director
Angela, Havnear, Administrative Manager

DATE: April 21, 2025

SUBJECT: Deschutes County Property / East of Redmond / Code Enforcement Violation

I. OPTIONS

The Community Development Department (CDD) is respectfully asking the Board of County Commissioners (Board) to provide direction as it pertains to code enforcement violations on county-owned property near the Negus Transfer Station, east of Redmond. A Notice of Violation and proposed civil penalty was issued on March 27, 2025. Three options are listed below for consideration:

1. Initiate Policy No. GA-23 and remove all unpermitted homeless encampments, utilizing a voluntary compliance agreement that encompasses all violations stated in the Notice of Violation.
2. Hold code enforcement violations contained within case # 247-24-000300-CE in abeyance; or
3. Proceed with code enforcement and a hearing on May 6 at 1:30 p.m. in the Deschutes Services Center, Barnes and Sawyer rooms.

II. BACKGROUND

CDD confirmed a code enforcement complaint at 1002 NE 17th Street, taxlot 1513000000103, on September 19, 2024. This property is being utilized for unpermitted homeless encampments in the Exclusive Farm Use (EFU) zone. There are documented violations with respect to public health and safety regulations that reveal extremely dangerous conditions. The lack of approved sanitary disposal systems and unapproved structures for human habitation warrant immediate attention.

- Overnight camping or parking for those that are experiencing homelessness are not permitted uses in the EFU zone.
- Many of the campsites contain site built structures that do not meet state building code requirements for lateral and gravitational loading that our region's wind and snow loads apply to structures. Deschutes County Code (DCC) 15.04.010. Some have multiple solid fuel burning appliances and fire pits. Fires are being used for comfort, heat, as a way to address garbage accumulation and as a means to eliminate human waste. Wood stoves and their associated vents do not meet code requirements for clearance to combustibles. M1306. They pose a fire hazard through their use and future unknown

hazards due to pyrolysis. The continued allowance of these campsites does not provide equal protection under the law for the individuals inhabiting them and it places first responders at greater risk. Oregon Residential Special Code R101.4; Oregon Revised Statute 455.020.

- The homeless population living at this location in makeshift campsites are violating DCC 13.08.010 and Oregon Administrative Rule (OAR) 340-071-0130(2) by creating human waste, sanitation and hygiene concerns. Some may be using buckets for toilets and rudimentary privies or simply discharging sewage or septage onto the ground surface. These represent significant potential health hazards. OAR 340-071-0130(3) Prohibited discharges of wastewater. A person may not discharge untreated or partially treated wastewater or septic tank effluent directly or indirectly onto the ground surface or into public waters. Such discharge constitutes a public health hazard and is prohibited. The inadequate handling of human waste exposes the immediate population to pathogenic bacteria, viruses and parasites. The lack of basic sanitation further promotes the likelihood of spreading disease. Poor sanitary conditions in these primitive camping areas also include solid waste, garbage and tires. Rats, mice, ground squirrels and birds are likely present and provide another opportunity for diseases to spread. These animals can get into human waste and spread pathogens as well.
- The solid waste accumulation on the subject property violates DCC 13.36.010.