

**PORT ORFORD PLANNING COMMISSION  
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL  
HYBRID MEETING  
Tues, July 12, 2022  
3:30 PM**

**How to Participate:**

Planning July 12, 2022  
Tue, July 12, 2022 3:30 PM

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1. Call to Order
2. Additions to the Agenda
3. Approval of Minutes: June 07 Meeting (Pg. 3-6)
4. Announcements and Communications
  - A. Chairperson/Assistant City Planner
5. Comments from the Public (Agenda Items only)
6. Public Hearing
  - A. None
7. Planning Matters-
  - A. PUD (Pg. 7-10)
  - B. Changes to definitions draft (Pg.11-22)
  - C. ADU (Pg. 22-34)
  - D. Vacation Rentals Updates (pg.35-60)
8. Other Business
  - A. Announcements and Communications:
    - i. City Planner Comments
    - ii. Planning Commission Comments
9. Public Considerations
10. Adjourn

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CITY OF PORT ORFORD PLANNING COMMISSION  
 MINUTES OF MEETING  
 June 07, 2022, 3:30 p.m.  
 Regular Meeting, hybrid  
 555 W. 20<sup>th</sup> Street  
 Port Orford, Oregon

1. Call to Order.

The regular meeting of the City of Port Orford Planning Commission was called to order Tuesday, June 07, 2022, at 3:30 p.m. by Chair Nieraeth.

Those members present were: Chair Nieraeth, Vice Chair Berndt, Comm. Rossi, Comm. Jezuit, Comm. Rinehold, Comm. Thelen and Comm. Schofield.

City staff present were: CA Ginsburg, Planner Shoji.

Others present:

2. Additions to the Agenda: Comm. Thelen suggested appearance regulations on big-box stores. This will not be added to today's agenda but can be added to future agendas.

3. Approval of Minutes April 12, 2022: Comm. Berndt moved to approve Planning Commission Meeting Minutes of April 12, 2022 with Comm. Jezuit as second. ***Motion carried 7-0.***

Discussion: None.

Comm. Thelen	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>	Comm. Berndt	<u>Yes</u>
Comm. Rossi	<u>Yes</u>	Comm. Rinehold	<u>Yes</u>	Comm. Jezuit	<u>Yes</u>
Comm. Schofield	<u>Yes</u>				

4. Announcements and Communications:

A. Chair Nieraeth reminded commissioners of guidelines and duties of a commissioner. Questions regarding protocol can be addressed with CA Ginsburg. Chair Nieraeth proposed moving the July meeting to July 12 to not conflict with Independence Day holiday plans. Commissioners agree by consensus.

B. CA Ginsburg reiterated her availability for questions. CA Ginsburg explained how the use of attorney hours will be prioritized to control cost.

5. Comments from the public: None.

6. Public Hearing: None.

7. Planning Matters: Planner Shoji provided code draft and suggested revisions from June 7, 2022.

A. PUD – Planned Unit Development:

- Recreational Vehicles are defined in Chapter 8.20, which is not a planning code. Allowed as housing if hooked up to sewer and water.
- Residential zone 2R: Residential zones have 5000 square foot lot limitations. ADUs have been kept to that lot size in this draft. Language of manufactured dwelling is changed as it encompasses manufactured dwellings, mobile homes and RVs being used for dwellings in a park.
- Planned Unit Development currently has to be on a lot less than three acres. The size of lot can be amended. Planner Shoji does not feel there needs to be a limitation. Different dwelling types are outlined in the PUD.
- 4C: ADUs not added in 4C. 4C does not have a lot size limitation.
- Industrial Zone (5-I): Verbiage discussed.
- Marine Zones (7-MA): Space designated for picnicking or overnight camping to be amended to day-use picnicking or overnight camping.
- Battle Rock mixed use zone (10-MU). Verbiage discussed.
- Uses Permitted Outright: Verbiage discussed. Research and return.
- Conditional Uses Permitted: Verbiage discussed. Research and return.
- Supplementary Provisions: Verbiage updated to current building codes.

B. Changes to Definitions draft: Many changes to definitions have been done to comply with legislative housing codes.

C. ADU Questions for discussion:

- Additional Dwelling Units (ADU): Footprint size for ADUs discussed. Commissioners agree on 800 square feet limitation for ADUs.
- Containers used for ADUs are discussed.
- Commissioners discussed ADU hookups for sewer and water. Currently it is one hookup per dwelling. Larger pipes are needed for multiple dwellings.

D. Vacation Rentals Update: Documentation from Hood River referring to transient lodging tax provided to commissioners and discussed. Commissioners will research and return.

8. Other Business:

a. Announcements and Communications:

City Planner Comments: None.

Planning Commission Comments: Commissioner Thelen expressed appreciation to Planner Shoji for her thoroughness.

9. Public Considerations: Alan Johnson, local resident, updated on city's status on ADUs. He supports single sewage and water hookups for ADUs.



Adjourn: **Chair Nieraeth adjourned the June 7, 2022 meeting at 5:14 p.m.**

**Future meeting is July 12, 2021, at 3:30 p.m.**

Attest:

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Chair Nieraeth

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City Recorder, Jessica Ginsburg

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**STAFF REPORT ADDENDUM  
PROPOSED CODE AMENDMENTS**

**PLANNING COMMISSION MEETING JULY 12, 2022**

Proposed additional language is highlighted in gray:

**Chapter 16.16**

**PLANNED UNIT DEVELOPMENT**

**Sections:**

- 16.16.010      General Provisions.**
- 16.16.020      Tentative plan.**
- 16.16.030      Final Plat.**

**16.16.010      General Provisions**

- A. The purpose of this chapter is to provide the necessary linkage necessary for the subdivision plat to work hand in hand with Chapter 17.28, which addresses the site and the integration of zoning with the physical and cultural features of the property.**
- B. This chapter provides an option for affordable housing development within the Commercial (4-C) zone that does not currently exist within the City of Port Orford. An applicant proposing an affordable housing project within the (4-C) zone may utilize Planned Unit Development criteria as an option to configure an affordable housing project that does not comply with street and lot frontage standards set forth in Title 16 by providing criteria for modifications of such standards.**
- C. A Tentative Plan shall be approved in a consolidated application with Chapter 17.28 of the Port Orford Municipal code whereby the application for a PUD is approved through a Conditional Use Permit.**
- D. Approval of the tentative plan is binding upon the City for purposes of the preparation of the final plan. The Planning Commission may require only such changes as are necessary for compliance with the approval of the tentative plan.**
- E. Final Approval constitutes compliance with all the applicable requirements and conditions of the City and State of Oregon for approval of the PUD. Upon final approval, the approved PUD is identified on the zoning map.**

#### **1616.020 Criteria for affordable housing development in the (4C) zone**

##### **A. Modifications to frontage and street standards may be permitted as part of the Conditional Use Permit application subject to the following criteria:**

- a. Modification to street standards and frontage standards shall be presented by the applicant as part of the approval conditional use permit process with narrative providing the reasoning for the modifications including a description as to how the configurations proposed will contribute to livability and quality of life within the development.**
- b. Proposed modifications shall be included on the site plan for the development.**
- c. Modifications shall not compromise security, public safety, or quality of life for residents of the City of Port Orford.**
- d. Modifications shall be justified by the Planning Commission based upon criteria within this section.**

#### **16.16.030 Tentative plan**

- A. The tentative plat or map shall be to the largest practical scale to show the required details and shall be to a scale of one inch to twenty-five (25), fifty (50) or 100 (100) feet.**
- B. The Tentative plan map shall be similar to tentative plat maps included for subdivisions and partitions as contained in Section 16.08.020, with additional items for the PUD application as follows:**
  - a. Any replat, boundary adjustments or partitioning that is necessary for the PUD use.**
  - b. The boundary line of the entire tract to be included within the PUD.**
  - c. Location and dimensions of all proposed structures, and existing structures that will remain on the tract.**
  - d. The name of the PUD.**
  - e. The name and address of any architect, engineer, surveyor and/or landscape architect involved in preparing the application.**
  - f. Legal description, assessor's map numbers**
  - g. Contours with intervals of five feet or less.**
  - h. The names of adjacent subdivisions and partitions.**
  - i. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract.**
  - j. Proposed street patterns and sidewalks in the interior, with widths, grades, and names of all streets within the PUD.**
  - k. The widths and names of streets or public ways that are adjacent to the tract.**

- l. A chart with approved housing density equivalents except where such requirements do not exist in the zoning.
- m. Location and size of all parking areas, including the dimensions of parking spaces.
- n. Any existing wetlands or hazard areas including identified topographic or geologic overlay zones or other features within the PUD tract.
- o. Access approval for the PUD.
- p. Easements, together with their location and purpose.
- q. Metes and bounds description of the PUD lot, with distances to the nearest tenth of a foot and angles to the nearest thirty-second.
- r. Zoning as set forth in the zoning ordinance for the PUD lot.
- s. Location of all monuments found or set in the area.
- t. A plan providing for electrical and other necessary services to the lot, with letters from the appropriate utilities stating that they can serve the lot and the PUD use.
- u. Sidewalks, or trails that are part of the PUD infrastructure.
- v. Landscaping plan and any walls or fencing to be part of the PUD.
- w. Open space and designations of facilities and areas for common use.
- x. Drainage and erosion control plans.
- y. Vicinity map.
- z. Other information that may be required by the City.

#### **16.16.030 Final plat**

**The Final Plat shall comply with the approved tentative plan, subject to Chapter 16.20; the final plat shall also comply with any applicable provisions of ORS 94 Planned Communities, and ORS 100 Condominiums.**

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## STAFF REPORT

**To:** Krista Nieraeth, Chair; Port Orford Planning Commission Chair

**From:** Crystal Shoji, AICP; City Planner

**Date:** July 6, 2022

**Subject:** DRAFT Revisions – For Review by Planning Commission July 12, 2022

- ✓ Language that could be the basis for specifics within the code appear in **BOLD** font.
- ✓ Language that would be removed from our current code is shown with cross outs.
- ✓ Language that exists within our code that addresses housing options with no expectation for change is included with no bold or cross outs.

### 17.040.30 Definitions

#### Definitions of housing types:

**"Accessory dwelling unit (ADU)" means an interior, attached or detached residential structure with habitable space that provides shelter, cooking facilities, water and sanitary facilities that is accessory to a single-family dwelling. An ADU is not a motor vehicle or recreational vehicle. ADUs include, but may not be limited to the following examples:**

- 1) Cottages that are detached structures. These may be free-standing accessory structures or detached garage conversions.**
- 2) Apartments that are attached or are part of the primary dwelling such as apartments over a garage, additions to existing dwellings, attic spaces or other conversions.**

**"Apartment house." See "Dwelling, multi-family."**

**"Attached single-family dwellings." See "Rowhouse" or "Townhouse."**

**"Cottage Cluster residential" means a development technique wherein house sites housing sites or structures are grouped closer together with the remainder of the tract left in its a natural state or as landscaped open space. It does not necessarily have a mixture of housing types and uses, and is done in a unit, rather than planned phases. Structures can be in part of a single ownership, be in condominium ownership or other. Cottage Cluster Developments are processed through Chapter 17.28 Planned Unit Development.**

**"Condominium" means property development submitted under the provisions of ORS ~~are submitted under~~ ORS Chapter 100, processed in Port Orford through Chapter 16, and Section 17.28 Planned Unit Development.**

**"Dwelling, single-family" means a detached building or portion thereof, constructed on or off site containing ~~one dwelling unit~~ an independent living facility for one or more persons with provisions for living, sleeping, eating cooking and sanitation.**

**"Dwelling, multi-family" means a building containing three or more dwelling units on an individual lot, including, but not limited to multiplexes and apartments. ~~and condominiums.~~**

**"Dwelling, two-family" means a building designed for occupancy by two families, living separately, including duplex and semi-detached dwellings. ~~A two family dwelling may also be referenced as a duplex. containing two independent living facilities with permanent provisions for living, sleeping, eating cooking and sanitation.~~**

**~~"Family" means an individual or two or more persons related by blood, marriage, legal adoption or guardianship, living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons, who need not be related by blood, marriage, legal adoption or guardianship living together in a dwelling unit. "Household" or "Family" means an individual, or two or more persons living together in a dwelling unit in which shelter, cooking facilities, water and sanitation are available.~~**

**"Guest house" means a small, detached accessory building without cooking facilities that is designed for and used to house nonpaying transient visitors or guests or occupants of the primary dwelling on the lot.**

**"Manufactured dwelling" means a residential trailer, mobile home, or manufactured home.**

**"Manufactured dwelling park" means any place where four or more manufactured dwellings or prefabricated structures as defined in ORS 455.010 that are relocatable, and more than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership; the primary purpose is to rent or lease space to any person for a charge or fee paid for the rental or lease or use of facilities, or to offer space free in connection with securing the trade or patronage of such**



**person, provided that each manufactured dwelling is not located on a single platted lot.**

Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, intended for human occupancy, ~~that~~ **which** is being used for residential purposes, and **that** was constructed in accordance with Federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

"Mobile home" means a vehicle or structure constructed with wheels for movement on public highways, that has sleeping, cooking and plumbing facilities; is intended for human occupancy and permanent residential purposes and ~~that met the Oregon Mobile Home Law in effect at the time of construction. that was~~ **constructed between January 1, 1962, and June 15, 1976; and met the construction requirements of Oregon mobile home law in effect at the time of construction.** The removal of the wheels does not alter this definition. A mobile home shall only be sited within an established mobile home park.

"Mobile home park" means a place where four or more mobile homes **recreational vehicles, or a combination thereof,** are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such persons. **Mobile home park does not include lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the City of Port Orford.**

"Planned Community" means any subdivision under ORS **Chapter 92** ~~92.010 to 92.190~~ that results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property and which is created under ORS **Chapter 94.** ~~94.550 to 94.783.~~

"Planned unit development" means a single development in which a combination of uses compatible with the comprehensive plan and with neighboring properties is permitted subject to the procedural requirements of this title. ~~Some~~ **An** example ~~s are~~ **is** a planned housing project with **single-family, duplex,** and multiple-family homes, ~~apartment houses, and a shopping center; or a recreation facilities complex including the principle uses, parking, sanitary facilities and concessions or other similar uses.~~ **or other services to support the residential uses.**

"Prefabricated structure" means a building or subassembly which has been in

whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site; but does not include a manufactured structure.

*“Recreational vehicle park” means a place where two or more recreational vehicles, ~~camping vehicles or trailers~~ are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose, the renting of space and related facilities for charge or fee, or the provision of space for free in connection with securing the patronage of a person. “Recreational vehicle park” does not mean an area designated only for picnicking or overnight camping; or a manufactured dwelling park or mobile home park.*

#### **17.12.010 Residential zone (1-R).**

A. Purpose of Classification. The 1-R zone is designed to be applied to residential areas where dwellings are appropriate.

B. Uses Permitted Outright. In a 1-R zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling or duplex;
2. Manufactured home, in ~~accordance~~ **compliance** with Section [17.16.040](#);
3. Private stable where building site is one acre or more;
4. Farming where building site is one acre or more, but not including commercial livestock production;
5. Home occupation;
6. Childcare facility;
7. Residential care home;
8. Residential care facility;
9. **Accessory dwelling unit (ADU) in compliance with Chapter 17.16.**

C. Conditional Uses Permitted. In a 1-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter [17.32](#):

1. Church or school;
2. Grange hall or community building;
3. Public use facility or public utility, including, but not limited to, fire stations;
4. Recreational vehicle temporarily used to relieve a hardship for a period not to exceed 12 months;
5. Utility facility, including substation or pumping station or private generator;
6. Commercial communications transmitter or receiver antenna;

7. Planned unit development ~~on a lot not less than three acres in compliance with Chapters 16.16 and 17.28.~~

E. Lot Size. Except as provided in Sections [17.20.030](#) and [17.20.040](#) in a ~~2-R~~ **1-R** zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water. If the lot is not served by public water system, the lot area shall conform to the State requirements established for on-site water supply.
2. When both a public water and sewage system are available:
  - a. For uses other than a mobile home park, the minimum lot area shall be 5,000 square feet; or
  - b. The minimum lot width shall be 50 feet.

#### **17.12.020 Residential zone (2-R).**

A. Purpose of Classification. The 2-R zone is designed to be applied to residential areas where higher density housing is appropriate.

B. Uses Permitted Outright. In a 2-R zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling or duplex;
2. Manufactured home, in ~~accordance-~~ **compliance** with Section [17.16.040](#);
3. ~~Multiple~~ **Multi-family** dwelling;
4. Private stable where building site is one acre or more;
5. Farming where building site is one acre or more, but not including commercial livestock production;
6. Home occupation;
7. Childcare facility;
8. Residential care home;
9. Residential care facility.
10. **Accessory dwelling unit (ADU) in compliance with Chapter 17.16.**

C. Conditional Uses Permitted. In a 2-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter [17.32](#):

1. **Manufactured dwelling** ~~Park Mobile home park in compliance with Section 17.32.050;~~

2. Church or school;
3. Grange hall or community building;
4. Public use facility or public utility, including, but not limited to, fire stations;
5. Recreational vehicle temporarily used to relieve a hardship for a period not to exceed 12 months;
6. Utility facility, including substation or pumping station or private generator;
7. Commercial communications transmitter or receiver antenna;
8. Planned unit development on a lot not less than three acres in compliance with Chapters 16.16 and 17.28;
9. Hospital, sanitarium, retirement home, medical or dental clinic.

#### 17.12.030 Commercial zone (4-C).

A. Purpose of Classification. The 4-C zone is designed to apply to areas where more complete commercial facilities are necessary for community convenience.

B. Uses Permitted Outright. In a 4-C zone, the following uses and their accessory uses are permitted outright, provided that such use of operation does not create a nuisance because of odor, noise, dust, smoke, or gas:

1. Single-family dwellings or duplex;
2. **Manufactured home, in compliance with Section 17.16.040;**
- ~~2.~~ ~~3.~~ ~~Multiple Multi-family dwellings;~~
- ~~3.~~ 4. Hotel or motel;
- ~~4.~~ 5. Club or lodge hall;
- ~~5.~~ 6. Hospital, sanitarium, retirement home, medical or dental clinic;
6. 7. Retail or service establishment;
7. 8. Automobile service station;
8. 9. Machinery, farm equipment, marine or automotive sales, service, storage or repair;
9. 10. Building material storage yard;
- ~~10.~~ 11. Plumbing, electrical or paint contractors storage, repair or sales shop;
- ~~11.~~ 12. Tire retreading or vulcanizing shop;
- ~~12.~~ 13. Wholesale, trucking and storage establishment;
- ~~13.~~ 14. Machine shop or cabinet shop;



14. 15. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities except those specifically listed in Section 17.12.040(C);

15. 16. Park playground, fire station, library or museum;

16. 17. Childcare facility;

17. 18. Residential ~~ear~~ care home;

18. 19. Residential care facility.

C. Conditional Uses Permitted. In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32:

1. ~~Mobile home park and/or recreational vehicle park; Manufactured dwelling Park Mobile home park~~ in **compliance with Section 17.32.050;**

2. Planned unit development ~~on a lot of at least three acres in area in~~ **compliance with Chapters 16.16 and 17.28.**

3. Utility facility, including substation or pumping station or private generator;

4. Communications transmitter, receiver, antenna or tower;

5. Wind generator;

6. Prefabricated structure.

#### **17.12.040 Industrial zone (5-I).**

A. Purpose of Classification. The industrial zone is generally intended to provide for limited or light industrial uses. Conditional uses in this zone are designed for heavier industrial uses.

B. Uses Permitted Outright. In a 5-I zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwellings or duplex;

2. ~~Multiple~~ **Multi**-family dwellings;

3. Hotel or motel;

4. Club or lodge hall;

5. Hospital, sanitarium, retirement home, medical or dental clinic;

6. Retail or service establishment;

7. Automobile service station;

8. ~~Trailer or camping vehicle park;~~ **Recreational vehicle park in compliance with the criteria of Oregon Building Codes.**

9. Machinery, farm equipment, marine or automotive sales, service, storage or repair;
10. Building material storage yard;
11. Plumbing, electrical or paint contractor's storage, repair or sales shop;
12. Tire retreading or vulcanizing shop;
13. Wholesale trucking and storage establishment;
14. Machine shop or cabinet shop;
15. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabrication activities except those specifically listed in subsection C of this section;
16. Utility facility, including substation or pumping station or private generator;
17. Communications transmitter, receiver, antenna or tower;
18. Childcare facility;
19. Residential care home;
20. Residential care facility.

C. Conditional Uses Permitted. In a 5-I zone, the following and their accessory uses are permitted when authorized in accordance with Chapter [17.32](#):

1. Manufacturing plant, including lumber and plywood mills;
2. Rendering plant or slaughterhouse;
3. Pulp or paper mill;
4. Cement or asphalt plant;
5. Airport or heliport;
6. Church or school;
7. Park, playground, fire station, library or museum;
8. Planned unit development ~~on a lot of at least three acres in area in~~ compliance with Chapters 16.16 and 17.28.

#### **17.12.060 Marine activity zone (7-MA).**

A. Purpose of Classification. The marine activity zone is to provide areas suitable for uses which depend upon or are benefitted by a waterfront location, and to reserve such areas for these uses.

B. Uses Permitted Outright. In a 7-MA zone, the following uses and their accessory uses are permitted outright:

1. Boat launching or moorage facilities, marina, boat charter service;
2. Piers, docks, bulkheads, jetties and backfills;
3. Seafood processing, storage and sales;
4. Boat and marine equipment sales, service, storage, rental or repair;
5. Fishing supply storage, manufacturing and sales;
6. Retail sales of water sporting goods or similar commodities;
7. Dredging and fill maintenance;
8. Offices which are related to marine activity;
9. Experimental laboratory for research or marine coastal production or resource;
10. Aquaculture and accessory facilities;
11. Open recreation area ~~and park~~ or recreational facility;
12. **Day use and picnicking.**

C. Conditional Uses Permitted. In a 7-MA zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter [17.32](#):

1. Eating and drinking establishments;
2. Motel or hotel;
3. Gift, novelty, or specialty shops, including the manufacture of such goods;
4. Government structure and use of land;
5. Storage of marine-oriented materials;
6. Public utility or public communication facilities;
7. Small boat manufacturer.

#### **17.12.080 Shoreland overlay zone (9-SO).**

A. Purpose of Classification. The purpose of the 9-SO zone is to protect shoreland resources identified in the comprehensive plan and to apply development standards to all uses within the shoreland boundary as applicable.

B. Uses Permitted Outright. In the 9-SO zone, the following uses are permitted outright. If they are conditional uses in the underlying zone, they shall be subject to the conditions referenced in Chapter [17.32](#).

1. Uses allowed in the underlying zone;
2. Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;
3. Water-dependent commercial and recreational developments;

4. Aquaculture;
5. Single-family ~~residences on existing lots or parcels~~ **dwelling**.
6. Dredged material disposal (DMD), mitigation or restoration on sites designated in the comprehensive plan.

#### **17.12.090 Battle Rock mixed use zone (10-MU).**

A. Purpose of Classification. The intent of the Battle Rock mixed use (10-MU) zone is to maintain small coastal town ambiance and small town neighborhood character by enhancing the economic value by identifying its unique features with planning that can systematically organize the development that will occur in the future, to encourage pedestrian friendly tourist commercial uses, and provide opportunities for residents and visitors to enjoy the built and natural environment.

B. Uses Permitted Outright. In the 10-MU zone, the following uses and their accessory uses are permitted outright subject to the conditions within this chapter:

1. Single-family dwelling or duplex;
2. Manufactured home, in accordance with Section [17.16.040](#);
3. ~~Multiple~~ **Multi-family** dwellings;
4. Home occupations;
5. Hotel, motel or other lodging;
6. Restaurants;
7. Club or lodge hall;
8. Emergency care facilities, medical or dental clinic;
9. Retail use, professional office or service use, including galleries;
10. Light manufacturing;
11. Park playground, fire station, library or museum;
12. Childcare facility;
13. Residential care home or residential care facility;
14. Any permitted use where building footprint exceeds 6,000 square feet, shall be subject to site plan review to comply with the provisions set forth in Chapter [17.33](#), Site Plan Review;
15. Any permitted use where building length exceeds 125 feet shall be subject to site plan review to comply with the provisions set forth in Chapter [17.33](#), Site Plan Review;
16. **Day use and picnicking;**
17. **Overnight camping.**



C. Conditional Uses Permitted. In a 10-MU zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32, and subject to the conditions within this 10-MU zone chapter:

1. Manufactured **Dwelling** home park, subject to Section 17.32.050(A) and (E); **17.32.050 Additional standards governing conditional uses.**
2. Planned unit development, ~~planned community, and cluster residential with multiple structures subject to~~ **in compliance with** Chapters 16.16 and **Section 17.28** on a lot of at least three acres in area, and subject to Section 17.32.050(A);
3. Utility facility, including substation or pumping station or private generator, subject to Section 17.32.050(A) and (D);
4. Wireless telecommunications facility, subject to building height restriction of zone, and subject to Section 17.32.050(A) and (D);
5. Wind generator, subject to Section 17.32.050(A) and (D);
6. Unified development on a lot of at least one-half acre, or 21,780 square feet, subject to Section 17.32.050(A);
7. Any permitted use with prefabricated structure, subject to Section 17.32.050(A) and (I).

E. Design Standards for All New Development. All new structures and substantial improvements in a 10-MU zone shall conform to the following design standards:

8. Manufactured ~~Home~~ **Dwelling** Park. When manufactured homes within the manufactured ~~home dwelling~~ park are oriented with their back or side yards facing a public right-of-way, the Planning Commission may require installation of fencing and planting of a 10-foot-wide landscape buffer between the right-of-way and the manufactured home park for the privacy and security of residents and the aesthetics of the streetscape.

## Chapter 17.16 Supplementary Provisions

### 17.16.040 Manufactured home placement on individual lots.

*A manufactured home placed on an individual lot shall ~~comply with the following provisions.~~ ~~C. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the external thermal envelope certification requirement. Additional certification shall not be required.~~*

~~A.—The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.~~

~~B.—The manufactured home shall have the hitch, wheels and axles removed and be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is not more than 12 inches above grade.~~

~~C.—The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings.~~

#### **17.16.090 Additional Dwelling Unit (ADU)**

**The purpose of this clause is to increase housing options within the City of Port Orford. All the following criteria shall apply.**

**A single ADU with a kitchen is a permitted accessory use to an existing single-family-dwellings on an individual lot within 1-R and 2-R in residential zones subject to all the following:**

- a. **An ADU is permitted to serve as a long-term rental; An ADU is not permitted to be used for a short-term rental in increments of 30-days or less.**
- b. **No ADU shall be permitted on a lot that is less than 5,000 square feet.**
- c. **An ADU shall not be advertised or otherwise promoted as a vacation rental.**
- d. **An ADU is not permitted on an individual lot where more than one dwelling unit already exists through a permitted duplex, a grandfathered dwelling use, a violation other.**
- e. **An ADU is permitted to have a maximum footprint of 750 square feet including enclosed habitable space.**
- f. **A guest house that exists on an individual lot may be modified to include a kitchen when there is compliance with all the criteria of Section 17.16.090.**
- g. **An ADU shall comply with all the setbacks of the zone.**
- h. **An ADU shall have one dedicated parking space in addition to the parking space(s) provided for the single-family dwelling or duplex.**

- i. **Any on-street parking of residents and visitors of the ADU shall not block mailboxes for where there is street delivery of mail**
- j. **An ADU shall obtain separate hookups for sewer and water. from those of the single-family use on the property.**
- k. **An ADU shall comply with all building codes applicable for habitation as a single-family dwelling.**

#### **17.32.050 Additional standards governing conditional uses.**

In addition to the standards of the zone in which the conditional use is located and the other standards in this title, conditional uses must meet the following standards:

##### **A. Conditional Uses, Generally.**

- 1. **Setbacks.** In a residential zone, yards shall be at least two-thirds the height of the principal structure. In any zone additional yard requirements may be imposed.
- 2. **Limitation on Access to Property and on Openings to Buildings.** The City may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within 50 feet of residential property in a residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.
- 3. **The City may require assurances to guarantee development in accordance with the standards established and conditions imposed in granting a conditional use.**

##### **B. Church, Hospital, Nursing Home, Convalescent Home, Retirement Home, Multi-family dwelling unit(s), not including condominiums.**

- 1. ~~A church, hospital, nursing home, convalescent home or retirement home may be authorized as a conditional use after consideration of the following factors:~~ **Such uses may be authorized by the Planning Commission as a conditional use after presentation of a site plan addressing all of the following factors and findings that the Planning Commission has determined that the use complies with City requirements and will serve the needs of the intended use.**
  - a. ~~Sufficient area provided for the building, required yards, and off street parking (related structures and uses such as a manse, parochial school or parish house are considered separate principal uses with additional lot area required);~~  
**A map of existing features on the property and identified adjacent uses. This map should include but not be limited to topography, wetlands, natural**

**hazards, adjacent streets with widths and location of underground and overhead utilities.**

- b. ~~Location of the site relative to the service area of the church, hospital or home;~~  
**Proposed ingress and egress.**
- c. ~~Probable growth needs.~~ **Proposed underground and overhead utilities including water and sewer lines and lighting.**
- d. ~~Site location relative to land uses in the vicinity;~~ **and All proposed structures.**
- e. ~~Adequacy of access from principal streets together with the probable effect on traffic volumes of abutting and nearby streets.~~ **Proposed parking spaces with identification of ADA spacing, areas for loading and unloading, and travel lanes with widths and improvements.**
- f. **Proposed sidewalks.**
- g. **Proposed landscaping.**
- h. **Setbacks.**
- i. **Proposed shelters or structures for mechanical equipment and refuse.**

~~2. A church, hospital, nursing home, convalescent home, or retirement home may be built to exceed the height limitations of the zone in which it is located to a maximum height as determined by the State Fire Marshal if the total floor area of the building does not exceed one and one-half times the area of the site and if yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.~~

#### **E. ~~Mobile Home Park.~~ Manufactured Dwelling Park**

~~A mobile home~~ **manufactured dwelling** park may be permitted as a conditional use provided it meets the requirements of the zoning, Chapter 446 of Oregon Revised Statutes, and the Rules Governing the Construction and Sanitary Operation of Travelers' Accommodations and Trail Parks adopted by the Oregon State Board of Health. **and all the following standards:**

~~2. In addition, the following minimum standards shall apply:~~

1. **Oregon State Building Codes has authority for plan review and construction of manufactured dwelling parks and recreational vehicle parks.**
2. **Improvements in manufactured dwelling parks shall include paved streets, roads and parking areas with fire hydrants and roadways designed to accommodate the movement of public fire vehicles to provide protection to the entire park.**

3. ~~Parking Space Requirement.~~ A parking space shall be provided for each ~~mobilehome~~ **manufactured home** space on the site. In addition, guest parking spaces shall also be provided ~~in every mobilehome park~~ within two hundred (200) feet of ~~the mobilehome spaces~~ **each manufactured home space** and ~~served at a ratio of one guest parking space for each two mobilehome manufactured dwelling spaces.~~ Parking spaces shall have durable and dustless surfaces adequately maintained to **city standards** for all-weather use, ~~and shall be properly drained.~~ **with approved drainage.**
4. **Manufactured dwelling parks shall not be used for transient occupancy stays of less than thirty (30) days).**
5. **Maps showing topography, wetlands, hazards, and other site conditions shall be included on a map and included as an element of any application to the City.**
6. **A site plan drawn to scale shall be provided. The site plan shall show adjacent properties, streets, and street widths, proposed spacing, existing vegetation to be maintained, proposed landscaping including selected plant species, walkways, parking, storage, permanent structures, office space and other information required by this section.**
7. **Utility easements including those for city services, electricity, and other public facilities shall be shown on the site map. Provisions for television and telephone shall be provided. Sewer and water and hookup locations shall be included.**
8. **The perimeter of the property shall have setbacks that comply with the zone; and where the zone has no setback requirements, the setbacks for the use shall be as follows:**
  - a. **The front yard shall be a 'minimum of ten feet.**
  - b. **The side yard shall be a minimum of 10 feet.**
  - c. **The rear yard shall be a minimum of 10 feet.**
9. **Setback areas shall be landscaped with vegetation that is expected to grow to six feet in height at maturity, and thrive within the local climate, without a necessity for ongoing watering. Approved six-foot fencing may be substituted for landscaping on some sides of the property subject to Planning Commission approval. Vegetation, landscaping, and fencing shall be maintained.**
10. **The manufactured dwelling park shall have engineered plans approved for storm and surface water management and erosion prevention and sediment control in compliance with Chapters 17.17 and 17.18.**
11. **Depending upon the size of the manufactured dwelling park, the Planning Commission may require a playground, open space, or other common facilities.**

12. A manufactured dwelling park shall show evidence of City sewer and water or State approved community water and sewer systems.
13. Any locations for accessory buildings to be permitted in the manufactured dwelling park shall be approved as an element of the site plan for the manufactured dwelling proposed for approval by the Planning Commission.
14. Manufactured dwellings in a manufactured dwelling park shall include a water closet, lavatory and bathtub or shower, and a kitchen area containing a sink.
15. In a manufactured dwelling park in which individual lots are separately owned, the same person shall own the manufactured dwelling to be situated thereon, and the owner of the lot shall agree that if the manufactured home is removed from its foundation, the owner shall within 30 days either replace the manufactured home with another approved home, or remove the foundation, manufactured home accessory structures and other structures on the property and disconnect sewer, water and other utilities. The agreement shall further provide that the city may make the removal and disconnection and place a lien against the property for the cost of the work.

#### **Chapter 17.28 Planned Unit Developments**

##### **17.28.010 ~~Standards and requirements.~~ General Provisions.**

###### **Purpose and Intent**

~~The following shall be observed when a planned unit development in a zone in which it is permitted. (Ord. 278 § 5.010, 1977)~~ The PUD conditional use permit process provides an opportunity for the property owner to preserve unusual physical features that are part of the site by providing for equivalent use of the remainder of the property to comply with the intent of the zoning.

Historical, topographical, or other distinctive features of the property may be protected or enhanced through the PUD. A PUD is suitable for condominium development, subdivision development and other development that includes common ownerships by the occupants. This could include, but is not limited to features such as facilities, open space or other, and may include varying housing types. The intent is to develop land and housing in a manner that creates an attractive, healthful, efficient, and stable environment.

##### **17.28.020 Procedures.**

###### **Application**

~~The following procedures shall be observed is required when a planned unit development proposal is to be submitted for consideration.~~

Procedures and documents to be included for submitting the application are provided within this section:

- A. ~~An applicant shall submit 15 copies of a preliminary development plan to the Planning Commission for study at least seven days prior to the commission meeting at which it is to be considered. The preliminary plan shall include the following information:~~ **A preapplication conference shall be scheduled with the City prior to the filing of any application for a PUD. The applicant is required to address the intent of the PUD and provide draft documents described in this Section. Engineers, planners, architects, or other professionals who will be preparing the application should be included in the preapplication meeting. The City may invite state agency personnel or other stakeholders having an interest in the application.**

- B. **The following documents are to be included in the application:**

~~The preliminary plan shall include the following information:~~

- ~~1. Proposed land uses, building locations and housing unit densities;~~
- ~~2. Proposed circulation pattern indicating the status of street ownership;~~
- ~~3. Proposed open space uses;~~
- ~~4. Proposed grading and drainage pattern;~~
- ~~5. Proposed method of water supply and sewage disposal;~~
- ~~6. Economic and supporting data to justify any proposed commercial and industrial elements in the area not so zoned;~~
- ~~7. Relation of the proposed development to the surrounding area and to the comprehensive plan.~~

~~B. Prior to discussion of the plan and a planning Commission meeting, copies shall be given to the City Engineer and county sanitarian for study and comment.~~

- 1. Existing site maps showing physical features of the site and narrative that addresses the PUD.**
- 2. Proposed land uses, building locations and housing units with density, calculations that comply with the zoning; or explanation of a vision to meet a housing need, with reasons and findings as to any purpose for the development and a proposal to dispense with such density calculations.**
- 3. Description of unusual physical or cultural feature(s) of the property which can be conserved and thus provide the applicant with equivalent use of the property as a result of the PUD process;**
- 4. Proposed circulation pattern indicating the proposed street ownership;**

5. Proposed open space and common areas including appropriate access with pathways or sidewalks;
6. Site maps with topography, culture, or history with and notations of special conditions or objectives that exist to warrant departure from standard zoning requirements;
7. Proposed method of water supply and sewage disposal;
8. Setbacks around the perimeter of the property that comply with the zoning;
9. Proposed landscaping plan that shows landscaping and any fencing; proposed within the perimeter of the site in compliance with the zoning;
10. Economic and supporting data to justify any proposed nonresidential elements;
11. Lighting to comply with Chapter 15.17 Outdoor Lighting Code;
12. Analysis of the proposed development in relationship to the neighborhood and the streets.
13. Declaration of Covenants, Conditions, Restrictions and Easements (CC&Rs), articles and bylaws of the homeowner's association (HOA) as applicable.

~~B. Prior to discussion of the plan and a Planning Commission meeting, copies shall be given to the City Engineer and county sanitarian for study and comment.~~

- C. The applicant shall submit a consolidated plan that includes all that is required under Municipal Code Chapter 16.16 including submission of a tentative plan in compliance with Section 16.08.020.
- D. The applicant shall include analysis of the PUD in relation to adjacent streets and properties to assure that there are not negative aspects due to lack of capacity.
- E. The applicant shall provide a timeframe for completion of the project along with explanations or charting of activities to be completed.
- F. The City will schedule and provide notice of a Planning Commission's public hearing.
- G. Following any approval of the tentative plat, the applicant shall comply with Chapter 16.20 Final Plats.
- ~~C. In reviewing the preliminary plan, the commission must determine that:~~
  - ~~1. Special physical conditions or objectives or development exist to warrant a departure from standard regulation requirements.~~



2. — Resulting development will not be inconsistent with the comprehensive plan objectives or zoning provisions of the area.

3. — The area around the development can be planned to be in substantial harmony with the proposed plan.

4. — The plan can be completed within a reasonable period of time.

5. — Any proposed commercial or industrial development can be justified economically.

6. — The streets are adequate to support the anticipated traffic and the development will not overload the streets outside and adjacent to the planned unit development.

7. — Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

D. — If the Planning Commission finds that the foregoing provisions are satisfied, the proposal shall be processed in accordance with the procedure used for establishing a subdivision. If the Planning Commission finds to the contrary, they may recommend the application be denied or returned to the applicant for revision.

E. — In addition to the requirements of this section, the Planning Commission shall follow the procedure for considering an amendment as required in Chapter 17.32.

F. — Permits for the construction in a planned unit development shall be issued only on the basis of the approved plan. Any changes in the approved plan shall be submitted to the commission for processing as an amendment to this title.

— G. — An approved planned unit development shall be identified on the zoning map.  
 — (Ord. 278 § 5.020, 1977

#### **17.28.050 Criteria for Approval of a PUD**

#### **17.28.050 Criteria for Approval of a PUD**

- A. Compliance with the Port Orford Comprehensive Plan Goals and Policies.
- B. Compliance with the Provisions of Chapter 17.28.
- C. Compliance with Title 16, Chapter 16.16 of the Port Orford Municipal Code, except where the Planning Commission permits deviation and provides findings to allow for a needed housing type that is not addressed within Chapter 16.16.
- D. Compliance with Chapter 16.08.020 Tentative plans and plats – Contents, and Chapter 16.20 Final Plats.
- E. Compliance with Municipal Code Chapter 15.17 Outdoor Lighting Code.
- F. Streets are adequate to support the anticipated traffic.
- G. Demonstrated ability to complete the plan within the proposed stated timeframe.
- H. Compliance with Municipal Code, Chapter 17.17 Erosion Prevention and Sediment Control, Chapter 17.18 Storm and Surface Water Management Standards, and other requirements of the code that apply.

- I. Compliance with the provisions of any applicable overlay zones.
- J. Proposed utilities are adequate for the development.
- K. Compliance with ORS 94 Real Property Development and other Oregon laws which regulate specific uses to be included in the PUD.
- L. The proposed Declaration of Covenants, Conditions, Restrictions and Easements (CC&Rs), articles and bylaws of the homeowner's association (HOA) as provided need to comply with applicable Oregon laws including but not limited to ORS 94 Planned Communities, and ORS 100 Condominiums.

## **Chapter 16.16**

### **PLANNED UNIT DEVELOPMENTS**

#### **Sections:**

#### **16.16.010 General provisions.**

#### **16.16.020 Tentative plans –**

#### **Contents.**

#### **16.16.030 Action by the planning director and planning commission.**

#### **16.16.010 General provisions.**

A. A planned unit development is a development for multiple use of all or a portion of the land and facilities. Examples are a condominium; subdivision-type development, where there are common areas such as parks, recreational areas and facilities, etc., for the use of the owners or occupants rather than the general public; trailer or mobile home parks, or private mausoleum or cemetery.

B. The intent of a planned unit development is to develop land for residential, business, commercial, industrial or other uses in a manner which creates an attractive, healthful, efficient and stable environment.

C. No multiple unit structure or structures shall be constructed on one site containing over

three acres unless it is an approved planned unit development.

D. Before any plan or plat of a planned unit development may be made and recorded, the person proposing the same or his authorized agent or representative, shall make an application

in writing to the planning commission for approval thereof. Each application shall be accompanied by seven copies of a tentative plan including plats and maps showing the general design.

E. The application shall be filed with the city clerk.

F. Approval of the tentative plan shall not constitute final acceptance, however, approval of such tentative plan shall be binding upon the planning commission for the purposes of the preparation of the final plan and the planning commission may require only such changes as are necessary for compliance with its approval of the tentative plan.

G. Detailed specifications of buildings are not required, however the applicant must furnish

proof that the same comply with applicable building, health, fire and safety codes.

H. Before final approval the applicant must furnish proof of compliance with all applicable

laws pertaining to condominiums and joint ownership and use.

I. Because of varying types and complexities of planned unit developments, the specifications required herein are minimum requirements, and greater detail may be required by the planning director or planning commission.

(Ord. 258 § 7(A), 1974)

#### 16.16.020 Tentative plans—Contents

A. The tentative plat or map shall be to the largest practical scale so as to show clearly all

details and shall be to a scale of one inch to twenty-five (25), fifty (50) or one hundred (100) feet.

B. The tentative plat or map shall in general follow the requirements for tentative plans and

plats of subdivisions as contained in Section 16.08.020, and, in addition, shall contain the following:

1. Location and dimensions of all proposed first dispose of this. If such disposition is favorable to the applicant, the planning commission shall then proceed with the consideration of the planned unit development in accordance with Section 16.08.040, subsections

D and E. (Ord. 258 § 7(7), 1974)

and existing structures together with the name

and address of any architect, engineer or designer designing the same;

#### 16.04.070

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2. Housing or use densities;

3. Location and size of all parking areas;

4. Landscaping, walls and fences. (Ord. 258 §

7(B), 1974)

#### 16.16.030 Action by the planning director and planning commission.

In general the actions taken by the planning director and the planning commission shall be

the same as stated in Section 16.08.040, pertaining to subdivisions and major partitions.

In the event of a zone change or a conditional use permit is required, the planning commission shall

## Chapter 16.16

### PLANNED UNIT DEVELOPMENT

#### Sections:

- |           |                     |
|-----------|---------------------|
| 16.16.010 | General Provisions. |
| 16.16.020 | Tentative plan.     |
| 16.16.030 | Final Plat.         |

#### 16.16.010 General Provisions

- A. Purpose of this chapter is to provide the necessary linkage necessary for the subdivision plat to work hand in hand with Chapter 17.28, which addresses the site and the integration of zoning with the physical and cultural features of the property.

- B. The Tentative Plan shall be approved in a consolidated application with Chapter 17.28 of the Port Orford Municipal code whereby the application for a PUD is approved through a Conditional Use Permit.**
- C. Approval of the tentative plan is binding upon the City for purposes of the preparation of the final plan. The Planning Commission may require only such changes as are necessary for compliance with the approval of the tentative plan.**
- D. Final Approval constitutes compliance with all of the applicable requirements and conditions of the City and State of Oregon for approval of the PUD. Upon final approval, the approved PUD is identified on the zoning map.**

#### **16.16.020 Tentative plan**

- A. The tentative plat or map shall be to the largest practical scale to show the required details and shall be to a scale of one inch to twenty-five (25), fifty (50) or 100 (100) feet.**
- B. The Tentative plan map shall be similar to tentative plat maps included for subdivisions and partitions as contained in Section 16.08.020, with additional items for the PUD application as follows:**
  - a. Any replat, boundary adjustments or partitioning that is necessary for the PUD use.**
  - b. The boundary line of the entire tract to be included within the PUD.**
  - c. Location and dimensions of all proposed structures, and existing structures that will remain on the tract.**
  - d. The name of the PUD.**
  - e. The name and address of any architect, engineer, surveyor and/or landscape architect involved in preparing the application.**
  - f. Legal description, assessor's map numbers**
  - g. Contours with intervals of five feet or less.**
  - h. The names of adjacent subdivisions and partitions.**
  - i. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract.**
  - j. Proposed street patterns and sidewalks in the interior, with widths, grades, and names of all streets within the PUD.**
  - k. The widths and names of streets or public ways that are adjacent to the tract.**
  - l. A chart with approved housing density equivalents.**
  - m. Location and size of all parking areas, including the dimensions of parking spaces.**
  - n. Any existing wetlands or hazard areas including identified topographic or geologic overlay zones or other features within the PUD tract.**
  - o. Access approval for the PUD.**

- p. Easements, together with their location and purpose.
- q. Metes and bounds description of the PUD lot, with distances to the nearest tenth of a foot and angles to the nearest thirty-second.
- r. Zoning as set forth in the zoning ordinance for the PUD lot.
- s. Location of all monuments found or set in the area.
- t. A plan providing for electrical and telephone service to the lot, with letters from the appropriate utilities stating that they can serve the lot and the PUD use.
- u. Sidewalks, or trails that are part of the PUD infrastructure.
- v. Landscaping plan and any walls or fencing to be part of the PUD.
- w. Open space and designations of facilities and areas for common use.
- x. Drainage and erosion control plans.
- y. Vicinity map.
- z. Other information that may be required by the City.

#### **16.16.030 Final plat**

**The Final Plat shall comply with the approved tentative plan, subject to Chapter 16.20; the final plat shall also comply with any applicable provisions of ORS 94 Planned Communities, and ORS 100 Condominiums.**

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## Chapter 5.10

### SHORT-TERM RENTAL OPERATING LICENSE

Sections:

<b>5.10.010</b>	<b>Title.</b>
<b>5.10.020</b>	<b>Purpose and scope.</b>
<b>5.10.030</b>	<b>Definitions.</b>
<b>5.10.040</b>	<b>Annual short – Term rental operating license required.</b>
<b>5.10.050</b>	<b>Application and fee.</b>
<b>5.10.060</b>	<b>Term of annual license and transferability.</b>
<b>5.10.070</b>	<b>Operating license and license renewal.</b>
<b>5.10.080</b>	<b>Criteria for approval of an operating license and operating license renewal.</b>
<b>5.10.090</b>	<b>Additional operational requirements.</b>
<b>5.10.100</b>	<b>Violations.</b>
<b>5.10.110</b>	<b>Penalties.</b>
<b>5.10.120</b>	<b>Appeals of short-term rental operating license determinations.</b>
<b>5.10.130</b>	<b>Discontinuance of short-term rental occupancy.</b>
<b>5.10.140</b>	<b>Remedies not exclusive.</b>

Legislative History: Ord. 2028 (2016)

#### **5.10.010 Title.**

The provisions of this chapter are intended to authorize and regulate the short-term rental of residential dwelling units on all property within the City of Hood River. To that purpose, there is added to the Hood River Municipal Code Chapter [5.10](#) entitled "Short – Term Rental Operating License," and those sections and subsections set forth below.

#### **5.10.020 Purpose and scope.**

A. This ordinance provides reasonable and necessary regulations for the licensing of short-term rental of residential dwelling units in order to:

1. Ensure the safety, welfare and convenience of renters, owners and neighboring property owners throughout Hood River.
2. Balance the legitimate livability concerns with the rights of property owners to use their property as they choose.



3. Recognize the need to limit short-term rental options within the neighborhoods to ensure compatibility, while recognizing the benefits of short-term rentals in providing recreation and employment opportunities, as well as transitional housing and business or hospital related short stays.
  4. Help maintain the City's needed housing supply for residential use.
  5. Protect the character of the City's neighborhoods by limiting the number and concentration of full-time short-term rentals in residential zones. In the adoption of these regulations, the City finds that the transient rental of dwelling units has the potential to be incompatible with surrounding residential uses. Therefore, special regulation of dwellings listed for transient occupancy is necessary to ensure that these uses will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.
- B. A short-term rental license is a permission to operate a short-term rental in accordance with this chapter. An operating license may be terminated or revoked if the standards of this chapter are not met or the dwelling is sold or otherwise transferred as defined in this chapter. This chapter provides an administrative framework for licensing the annual operation of a short-term rental.
- C. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.
- D. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this Code.

### **5.10.030 Definitions.**

- A. Applicant(s) means an owner(s) of a dwelling unit who applies to the City for a short-term rental operating license.
- B. Authorized agent is a property management company or other entity or person who has been designated by the applicant or licensee, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.
- C. City Manager means the City Manager or his or her designee.
- D. Hosted homeshare means the transient rental of a portion of a dwelling while the homeowner is present. For the purposes of this Title, "present" means the homeowner is staying in the dwelling overnight.
- E. Licensee means the owner(s) of a dwelling unit who holds a short-term rental operating license.
- F. Non-transient rental means to rent a dwelling unit or room(s) for compensation on a month-to-month basis, or for a longer period.
- G. Owner(s) means the natural person(s) or legal entity that owns and holds legal or equitable title to the property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited



partnership, limited liability partnership or similar entity, all persons who own an interest in that business entity may be considered an owner.

H. Short-term rental means a Hosted Homeshare or Vacation Home Rental.

I. Short-term rental operating license means the regulatory license required by HRMC [5.10.030](#) and described in this chapter. It will be referenced as an "operating license."

J. Transfer means the addition or substitution of owners not included on the original license application, whether or not there is consideration. If multiple owners exist on a license, individual owners may be removed from the license without constituting a transfer.

K. Transient rental means to rent a dwelling unit or room(s) for compensation on less than a month-to-month basis.

L. Vacation home rental means the transient rental of an entire dwelling unit.

M. Daytime means between the hours of 7:00 am to 10:00 pm

N. Overnight means between the hours of 10:00 pm to 7:00 am the following day

#### **5.10.040 Annual short – Term rental operating license required.**

No owner of property within the Hood River City limits may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a short-term rental operating license. Advertise or offer includes through any media, whether written, electronic, web-based, digital, mobile or otherwise.

#### **5.10.050 Application and fee.**

A. *Application Required.* Applications for an operating license shall be on forms provided by the City, demonstrating the application meets the standards required by this chapter. The applicant or authorized agent shall certify the following information to be true and correct:

1. *Owner/Applicant Information.* Applicant's name, permanent residence address, telephone number, and the short-term rental address and telephone number.
2. *Proof of Residential Use* (for conforming short-term rentals within the R-1, R-2 or R-3 zones only). The residential use of a dwelling unit shall be established through its continued use as the primary residence of the property owner. The applicant shall provide at least two of the following items as evidence that the dwelling is the primary residence of the owner:
  - A copy of the voter registration.
  - A copy of an Oregon Driver's License or Identification Card.

- A copy of federal income tax return from last tax year (page 1 only financial data should be redacted).
  - 3. *Representative Information.* The applicant shall provide the name, telephone number, address and email of a local representative (which can be a person or company) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in HRMC [5.10.080](#). For the purposes of this requirement, local means the representative's address is within a 30 minute travel time of the subject property.
  - 4. *Parking.* Statement that required parking spaces are available, with a dated photo(s) submitted of interior and exterior parking spaces. A site plan including a parking diagram of these parking spaces shall also be submitted.
  - 5. *Occupancy.* Occupancy limits and number of bedrooms.
  - 6. *Good Neighbor Guidelines.* Acknowledgment of receipt and review of a copy of the City's good neighbor guidelines. In addition, evidence that the City's good neighbor guidelines has been effectively relayed to short-term rental tenants, by incorporating it into the rental contract, including it in the rental booklet, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.
  - 7. *Listing Number.* If they advertise, the listing numbers or website addresses of where the short-term rental advertises (such as the VRBO/Airbnb/rental website number, account number, URL, etc.).
  - 8. A completed checklist for fire safety as required by HRMC [5.10.080\(C\)\(2\)](#).
  - 9. Proof of garbage service as required by HRMC [5.10.080\(C\)\(3\)](#).
  - 10. Such other information as the City Manager or designee deems reasonably necessary to administer this chapter.
- B. *Incomplete Application.* If a license application does not include all required materials, the application will be considered incomplete and the City will notify the applicant, in writing, explaining the information required. If the applicant provides the missing required information within 30 calendar days of the date of the notice, the application will be reviewed. If the applicant does not provide the required information, the application will be deemed withdrawn and the City may refund all or a portion of the application fee.
- C. *License Fee.* The fee for application for a short-term rental operating license or license renewal shall be as established by resolution of the City Council.

### **5.10.060 Term of annual license and transferability.**

- A. *Term.* A short-term rental operating license shall be renewable annually on or before January 15th, the license may be renewed annually for up to four years by the licensee or authorized agent provided all applicable standards of this chapter are met. If an authorized agent changes during the operating license period, the licensee shall timely notify the City in writing of the change.



B. *Transferability.* The operating license shall be issued in the name of the licensee(s) and is not transferable.

### 5.10.070 Operating license and license renewal.

A. *License Must Be Obtained.*

1. An operating license shall be obtained and renewed as required in this section. The permission to operate a short-term rental in the City of Hood River shall be revoked for failure to obtain or renew a license to operate as provided in this chapter.

2. The maximum number of nights per year which a short-term rental may be operated shall be in accordance with HRMC [17.04.115](#) and as specified below. The license shall specify whether the short-term rental will be operated as a hosted homeshare or a vacation home rental; however, the number of nights allowed is the maximum number for all short-term rental use of the subject property. The maximum number of nights shall be indicated on the license and shall not be exceeded.

Short-term rentals in C-1 and C-2 zones:	365 nights /year
Conforming short-term rentals in R-1, R-2 and R-3 zones:	90 nights /year
Existing non-conforming short-term rentals in R-1, R-2 and R-3 zones:	See HRMC 5.10.070.A.3

3. *Existing Nonconforming Short-term Rentals within the R-1, R-2 and R-3 zones.* For the purposes of this section, an existing non-conforming short-term rental is one which meets all of the standards and criteria in HRMC 17.04.115.D. The extent of the non-conformity shall be limited to the maximum number of nights of transient rental which previously occurred in any one calendar year, 2013 through October 13th, 2016. The applicant has the burden of proving by a preponderance of credible evidence all of the elements of a nonconforming hosted homeshare or vacation home rental.

B. *Application and Renewal Application Process.*

1. *Existing Short-term Rentals.* Existing short-term rentals may continue to operate until such time as the City has approved or denied the application. If approved, the license may be renewed annually thereafter in accordance with subsection C, below. If denied, operation of the short-term rental must cease within 30 days. Failure to submit an application as required by this section shall result in the loss of all non-conforming use status.

2. *New Short-term Rentals.* A license shall be obtained before beginning operations. A completed operating license application and fee may be submitted and issued at any time. The license may be renewed annually thereafter in accordance with subsection C, below.

C. *Renewal Standards.*

1. Operating licenses may be renewed by the licensee annually for up to four years after the year of issuance.
  2. The City will review an application for operating license renewal and issue a renewal provided all the standards in this chapter continue to be met. If not met, the City will not renew the operating license and the property shall not be used as a short-term rental.
- D. A decision on an operating license application or renewal may be appealed as provided in HRMC [5.10.120](#).

### **5.10.080 Criteria for approval of an operating license and operating license renewal.**

- A. The applicant has the burden of proof to demonstrate compliance with each applicable criterion for approval or renewal of the operating license. The approval criteria also operate as continuing code compliance obligations of the owner. Staff may verify evidence submitted and the applicant shall cooperate fully in any investigation.
- B. To receive approval, an applicant must demonstrate that all approval criteria listed below has been satisfied:
1. *Zoning.* The property is in compliance with requirements of HRMC Title [17](#) (Zoning).
  2. *Contact Information.* The applicant or authorized agent has provided information sufficient to verify a qualified person will be available to be contacted about use of the short-term rental during and after business hours. The licensee or representative shall be available to be contacted by telephone to ensure a response to the short-term rental address at all hours (24 hours a day, seven days a week) while the dwelling unit is occupied for rent. Response must be within 30 minutes. The designated representative may be changed from time to time throughout the term of the license. To do so, the license information shall be revised with the City at least 14 days prior to the date the change takes effect, except when the failure to do so is beyond the licensee's control. In an emergency or absence, contact forwarding information to a qualified person may be provided for the licensee or representative. In the case of Hosted Homeshares, the contact person shall be the permanent resident who will be hosting the transient accommodations.
  3. *Notice to Neighbors.* For Vacation Home Rentals, the licensee or authorized agent shall either: (a) provide an annual mailing or otherwise distribute by hand, a flier to neighbors within a 250-foot radius of the short-term rental property address containing the operating license number and owner or representative contact information, or (b) post a small placard or sign as specified by the City on the property in proximity to the adjacent street advising neighbors and tenants of the same information where it can be seen from the public right-of-way.

The purpose of this notice is so that adjacent property owners and residents can contact a responsible person to report and request resolution of problems associated with the operation of the short-term rental. If the permanent contact information changes during the license period, the new information must be mailed or distributed again, or changed on the placard or sign.

- C. *Health and Safety.*



1. *Responsibility.* It is the licensee's responsibility to assure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
  2. *Fire and Emergency Safety.* A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each annual operating license application and renewal. The licensee shall be responsible for completing the fire safety checklist and ensuring continued compliance. Verification by the City shall be required prior to issuance of a license and may be required for each renewal at the City Manager's discretion.
  3. *Solid Waste Collection – minimum service requirements.* During all months that the dwelling is available for transient accommodation, Vacation Home Rentals shall have weekly solid waste collection service with assisted pick-up provided by the solid waste provider, if available. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway, rolls it out for service, and then places it back in its original location.
- D. *Mandatory Postings.* The short-term rental license issued by the City (or a copy thereof) shall be displayed in a prominent location within the interior of the dwelling adjacent to the front door. The license will contain the following information:
1. A number or other identifying mark unique to the short-term rental operating license which indicates the license is issued by the City of Hood River, with the date of expiration;
  2. The name of the licensee or representative and a telephone number where the licensee or representative may be contacted;
  3. The number of approved parking spaces;
  4. The maximum occupancy permitted for the short-term rental;
  5. Any required information and conditions specific to the operating license;
  6. Day of week of trash pickup;
  7. The property address; and
  8. The City of Hood River official logo.
- E. The licensee shall be in compliance with the Hotel Tax Code pursuant to HRMC Chapter [5.09](#), and subject to the Tax Administrator's authority under that chapter.
- F. *Parking.*
1. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall

be submitted to show the garage is available for parking. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.

2. A parking diagram of the approved parking spaces shall be provided to tenants and be available in a prominent location within the short-term rental dwelling.

### **5.10.090 Additional operational requirements.**

A. *Advertising and License Number.* The licensee or authorized agent shall put the annual operating license number on all advertisements for the specific property, if legally possible.

B. *Complaints.*

1. *Response to Complaints.* The licensee or representative shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances.
2. *Record of Response.* The licensee or representative shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. If kept, this record can then be made available for City inspection upon request to investigate a complaint.

C. *Inspection.* Upon application for an operating license all short-term rentals shall be subject to inspection by the City for compliance with this section.

1. The City Manager may conduct a site visit upon an application for a short-term rental to confirm the number of bedrooms (as defined by the International Building Code) stated on the application and the number, location and availability of on-site parking spaces. The site visit will be coordinated with the applicant and be conducted during the City's normal business hours, and with reasonable notice.
2. The City Manager may visit and inspect the site of a short-term rental to ensure compliance with all applicable regulations, during the City's normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations shall be processed in accordance with HRMC Title [1](#).

D. *Specific Prohibitions.* The following activities are prohibited on the premises of a Short-term Rental during periods of transient rental:

1. *Events.* Examples of events include, but are not limited to, company retreats, weddings, rehearsal dinners, etc.
2. Unattended barking dogs.
3. Activities that exceed noise limitations set by HRMC Title [8.09](#).

E. The maximum overnight occupancy for the dwelling shall be limited to two persons per bedroom (as defined by the International Building Code) and two additional persons (e.g., a two-bedroom dwelling is permitted a maximum overnight occupancy of six persons). The maximum daytime occupancy shall be limited to the overnight



occupancy plus six additional persons (e.g., a two-bedroom dwelling is permitted a maximum daytime occupancy of twelve).

F. *Administrative Rules.* The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this chapter for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this chapter. A copy of such administrative rules and regulations shall be on file in the Office of the City Recorder and be posted on the City website.

### **5.10.100 Violations.**

In addition to complaints related to nuisance and noise and other violations of the HRMC, the following conduct also constitutes a violation of this chapter and is a civil infraction:

- A. The discovery of material misstatements or providing of false information in the application or renewal process.
- B. Representing a dwelling as available for occupancy or rent as a short-term rental where the owner does not hold a valid operating license issued under this chapter, or making a short-term rental available for use, occupancy or rent without first obtaining a valid operating license.
- C. Advertising or renting a short-term rental in a manner that does not comply with the standards of this chapter.
- D. Failure to comply with the substantive standards of HRMC [5.10.080](#) and HRMC [5.10.090](#).

### **5.10.110 Penalties.**

- A. In addition to the fines and revocation procedures described below, any person or owner who uses, or allows the use of, or advertises, property in violation of this chapter is subject to the enforcement authority of HRMC Title [1](#).
- B. Each twenty-four hour period in which a dwelling is used, or advertised, in violation of this chapter or any other chapter of the HRMC shall be considered an occurrence for calculation of the following fines:
  - 1. The first occurrence of one or more violation(s) will incur a warning or other fine amount otherwise specified in HRMC, whichever is greater.
  - 2. A second occurrence of one or more violation(s) within a 12-month period is subject to a \$250 fine or other fine amount otherwise specified in HRMC, whichever is greater.
  - 3. A third occurrence and all subsequent occurrences of violation(s) within a 12-month period is subject to a \$500 fine or other fine amount otherwise specified in HRMC, whichever is greater.
- C. *Revocation.* The following actions are grounds for immediate revocation of an operating license:



1. Failure to renew an operating license as set forth in HRMC [5.10.070](#) while continuing to operate a short-term rental.
2. The occurrence of three or more violations within a 12-month period resulting in fines pursuant to 5.10.110.B3.
3. The discovery of material misstatements or providing of false information in the application or renewal process is grounds for immediate revocation of the operating license.
4. Such other violations of this chapter of sufficient severity in the reasonable judgment of the City Manager, so as to provide reasonable grounds for immediate revocation of the operating license.

D. *Notice of Decision/Appeal/Stay.* If the operating license is revoked as provided in this section, the City Manager shall send written notice of revocation to the licensee stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The licensee may appeal the City Manager's decision to revoke the operating license under the procedures set forth in HRMC [5.10.120](#). Upon receipt of an appeal, the City Manager shall stay the revocation decision until the appeal has been finally determined by the Hearing Officer.

### **5.10.120 Appeals of short-term rental operating license determinations.**

- A. *Filing Requirements – Notice.* The licensee or authorized agent may appeal a short-term rental operating license decision to deny or revoke an operating license under HRMC [5.10.100](#).
- B. *Authority to Decide Appeal.* The Hearings Officer shall be responsible for determining an appeal of a decision approving or denying an application or renewal application for an operating license, or revoking or suspending an operating license, in any zone.
- C. *Time for Filing.* An appellant is required to file a written notice of appeal including the basis for the appeal within 14 calendar days of the license determination being appealed. This requirement is jurisdictional and late filings shall not be allowed.
- D. *Fee for Appeal.* The City Council may establish by resolution a fee for filing an appeal, which shall be jurisdictional.
- E. *Procedures.* The City Manager may establish administrative procedures to implement the appeal procedures provided in this section, including any required forms. The Council may adopt procedures for hearings not in conflict with this section, including but not limited to time limits on oral testimony and limitations on written argument.
- F. *Hearing.* Within 35 days of receiving the notice of appeal, the City Manager shall schedule a hearing on the appeal before the Hearings Officer. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant. The Hearings Officer may direct the City Attorney to draft findings of fact and interpretations of code or law to be considered at a later meeting.

G. *Standard of Review and Decision.* The Hearings Officer shall determine whether the City's decision was based on a preponderance of the evidence. A decision of the Hearings Officer shall be based on the evidence received, in writing and signed by the chair, no later than 30 days after the close of the hearing. The Hearings Officer may determine not to suspend or revoke the license, or to revoke or suspend the license. If the Hearings Officer upholds the decision to revoke the operating license, the Hearings Officer shall order the licensee to discontinue use as a short-term rental. If the Hearings Officer reverses the decision to revoke the operating license, the operating license shall be continued.

H. *Finality.* The Hearings Officer's decision shall be final on the date of mailing the decision to the appellant. The Hearings Officer's decision is the final decision of the City and is appealable only by writ of review to Circuit Court.

### **5.10.130 Discontinuance of short-term rental occupancy.**

A. *After Revocation.* After a short-term rental operating license has been revoked, the dwelling unit may not be used or occupied as a short-term rental unless a subsequent license is granted, and the licensee whose license has been revoked shall not be eligible to reapply for a short-term rental license for short-term rental occupancy of the same property for a period of two years.

B. *After Expiration.* If a short-term rental operating license expires, the dwelling unit may not be used or occupied as a short-term rental until such time as a subsequent license has been granted for that property.

### **5.10.140 Remedies not exclusive.**

The remedies provided in this chapter are in addition to, and not in lieu of, all other legal remedies, criminal and civil, which may be pursued by the City to address any violation of this code, the Development Code, or other public nuisance.

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**The Hood River Municipal Code is current through Ordinance 2067, passed March 28, 2022.**

Disclaimer: The City Recorder's Office has the official version of the Hood River Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

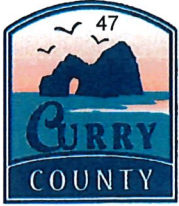
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CURRY COUNTY COMMUNITY DEVELOPMENT  
94235 MOORE STREET, SUITE 113  
GOLD BEACH, OREGON 97444

Becky Crockett  
Post Planning Director

Phone (541) 247-3228  
FAX (541) 247-4579

**MEMO**

**TO: Board of Commissioners**

**DATE: November 16, 2021**

**FROM: Becky Crockett  
Post Planning Director**

**RE: Vacation Rentals**

**Workshop Discussion: Should the County Regulate Vacation Rentals?**

**The Opportunity Exists to Protect the Long-term Viability of Vacation Rentals and Reduce the Growing Number of Neighbor Complaints in Curry County.**

**Background:** Short Term Rentals (STRs) or Vacation Rentals have become a significant factor in Curry County. They continue to be a positive influence in promoting tourism and bringing added dollars to both the individuals who own the vacation rentals and the businesses that serve the vacationers. Curry County is not a "day-trip" destination. Having a wide variety of short-term housing available is paramount to attracting tourists. However, some have become conduits for nuisance violations and neighbor complaints. They are also believed to erode the availability of long-term rentals and displace needed work force housing.

It is estimated that there are up to 400 short-term rentals (STRs) currently operating in the unincorporated areas of the county. The only regulatory requirement is that they have a county business license and pay the 7% Transient Lodging Tax (TLT). Approximately 100 STR owners have a county business license and during the summer months approximately 300 pay the county TLT tax.

The county continues to experience the effects of the increasing amount and influence of STRs. Daily, we address general questions, structural changes to homes, long-term rentals and Accessory Dwelling Units (ADUs) transitioning into STRs, violations, nuisances, building code violations, zoning violations and enforcement actions. While they are economically valuable to the county, they are also an increasing conduit for neighbor complaints.

It is important for the county to protect the long-term viability and investments made in the numerous, well managed vacation rentals. It is also important to put in place standards to address those units that are marginally managed and have been a conduit for nuisance violations.

**Impact of Vacation Rentals (Short Term Rentals):** The literature as well as the growing experience with STRs in the coastal towns of Oregon including Curry County provide an expansive wealth of information regarding the impacts of this type of activity. It seems that for every positive attribute one can argue that there is a negative attribute. Below is a short list of some of the pros and cons shared with Curry County staff of STRs for consideration in the discussion:

### PROS

- Revenue for homeowners
- Innovative and exciting venues for vacationers (houseboats, forest lodges, etc.)
- Needed supplemental income for homeowners including retirees
- Less liability for homeowners over long-term renters
- Less property damage over long-term renters
- Easier to manage and rent with international and national vacation rental services
- Homeowner Insurance rates lower for STRs than long-term renters
- Oregon Rental laws discourage housing long-term renters
- Attracts more tourists to Curry County
- Increases revenue for area businesses
- Results in better maintenance of structures/landscaping

### CONS

- Multiple safety and building code violations in vacation rental structures
- Facilitates crisis for work force housing
- Noise complaints
- Trespass onto adjacent properties
- Parking
- Parties!!!
- Lack of contact person responsible for problems
- Vacationers lost at night knocking on neighbor's door
- Barking dogs
- Unknown people in the neighborhood
- Vacant property squatters
- Road access limitations
- Vandalism and theft of neighboring properties

**Protection for Vacation Rentals:** The Board of Commissioner's decision to proceed with the discussion on STRs was largely influenced by the decision on November 2, 2021 by the voters in Lincoln County to phase out STRs in residential zones over the next five (5) years. Ballot Measure 21-203 in Lincoln County to get rid of STRs passed 58% to 42%. A large reason for the success of 21-203 was the fact that the citizens repeatedly asked the Lincoln County BOC to do better enforcement on STRs and that just never happened. Lincoln County regulated STRs by issuing a license for them. The Curry County BOC, as well as County Code Enforcement and Planning have received numerous letters and phone calls of nuisance complaints about STRs.

Considering the success of Measure 21-203, county staff requested a legal opinion on the following question: "If Curry County regulates vacation rentals under the land use code, can they be subject to a vote to have them shut down in the future"? County Counsel's legal opinion indicates that if we regulate vacation rentals (STRs) by requiring them to have an administrative conditional use permit (land use permit) then they will be "safe" from being shut down by a voter referendum. This should be good news to those people who own/operate vacation rentals in Curry County. However, it does mean that they will need to go through the land use permitting process to gain this protection.

**County-wide Moratorium on Short-term Rentals (STRs):** Determining the feasibility and impact of a moratorium on short term rentals in the county would require an accurate assessment of the number of STRs in the context of the amount of housing with specific information on the availability of housing. It has been suggested that STRs negatively affect the availability of long-term rentals and work force housing. There may be some impact but sorting out the issue of “availability” of long-term rentals needs to factor in other considerations including what is a “qualified” long term renter? Unfortunately, there are several people who desire affordable, long-term rentals in the county but have effectively disqualified themselves through drug use, destruction of prior rentals, animals, spotty employment history, lack of rent payments, etc. Placing a moratorium on STRs may result in some additional housing availability but other factors may be of greater importance in attempting to alleviate the affordable housing shortage in Curry County. A moratorium on STRs without an assessment of the potential benefit of such an action would appear to be premature.

**Regulation of Short-Term Rentals (Vacation Rentals):** There are several important things to consider if it is determined that Curry County should regulate STRs within the land use code. Close coordination between Planning, Building and Code Enforcement will be required to have an effective program. Considerations should include:

- Fire, life Safety Risk review of STR structures
- Land Use Process – neighbor opportunity for input
- Land Use Law – legal lots, zoning and permitted structure
- Parking
- Compatibility Standards – quiet hours, signage, contacts, emergency, etc.
- Utility connections and capacity (i.e., sewage disposal)
- Garbage disposal
- Nuisance abatement
- Access
- Clear address for vacationers and Emergency Response
- Earthquake/Tsunami Evacuation Notice
- Complaint resolution
- Enforcement/Penalties for non-compliance
- Fees
- Other

Based on research and review of multiple STR regulatory ordinances in place across the country, the following ordinance concepts are presented for discussion:

**Curry County Zoning Ordinance (CCZO):** The STR Ordinance could be incorporated into the Conditional Use section of the CCZO. This provides a standard administrative process for review, public notification, opportunity for appeals to the Planning Commission and a format to define required compatibility standards. A standard land use application can be used with information that allows staff to verify legal lot, zoning, and structure status. This application process also requires the applicant to disclose utility information including required signatures from fire districts, electric provider, sewerage agencies and to identify the STR water source. The CCZO Conditional Use process also allows staff to add conditions to an application where there are special concerns of compatibility that are unique to an applicant’s proposed STR.

**Fire, Life Safety Risk:** The County Building Inspector would check the structure proposed for a STR. The primary purpose of the “check” would be for Fire, Life and Safety Risk. There would **NOT** be a review of structures and subsequent building code requirements unrelated to Fire, Life and Safety Risk. However, the “check” by the Building Official may likely include onsite review of other requirements set forth in the Administrative Conditional Use permit such as the number of required parking spaces, signage, etc. This onsite review of other land use related standards by the Building Official would negate the need for more than one staff person having to visit the STR. A sample checklist from Tillamook County is attached.

**Enforcement:** Unpermitted STRs and permitted STRs that are in violation of any requirements are subject to citation and fines through County Code Enforcement. Code Enforcement citations start at \$440., and non-payment usually results in a court appearance. Multiple complaints and/or violations would likely result in revocation of the STR land use permit.

**Fees:** An Administrative Conditional Use permit is currently \$2,000. A required renewal request is suggested every three (3) years with a fee of \$500. The Fire, Life Safety check fee would likely be \$200., and \$108. for each additional Building Inspector check for a non-compliance fix and required re-checks.

**Staff Recommendation:** As your Planning Director for the past three (3) years I have never requested that the Board adopt more regulations of any type. If there was a way to eliminate many of the land use regulations we are bound to in Oregon, your Post Planning Director would be driving that process. However, we are at a crossroads on the issue of STRs. We have experienced a significant increase in the complaints about STRs over the past year. We also receive a phone call or email almost every single day in the Planning and Building Department requesting the new development of a STR or the transition of an existing structure (house, shed, barn, yurt, boat) for the purpose of an STR. We have engaged in multiple enforcement actions on illegal structures including “impromptu” STRs that very typically have serious Fire, Life Safety issues. For the county to continue to acknowledge the serious upswing in the number of STRs, the number of complaints and the serious issues faced during enforcement and not take some action puts the county in a position of risk and potential liability. This position, coupled with the risk of a citizen driven referendum to eliminate STRs unfortunately leads to a recommendation from staff to regulate STRs in Curry County through the land use process. This recommendation recognizes the desire to protect the investment and long-term viability of the numerous STRs that continue to be well managed from a referendum to eliminate or phase them out. Further, it acknowledges that some STRs that have a history of significant neighborhood impacts, are within illegal structures, or have Fire, Life Safety compliance deficiencies likely will not be able to continue. It is expected that STRs in this latter category will become compliant or fail to attempt to apply for a land use permit. Some of these will likely revert to long term rentals or be sold.

**CC: Curry County Planning Commission**



**SHORT TERM RENTAL INSPECTION CHECKLIST**  
Provisions found accordingly in Tillamook County Ordinance #84

STVR # \_\_\_\_\_

Property Address: \_\_\_\_\_ Permit Application #: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Inspection Contact: \_\_\_\_\_

Local Contact: \_\_\_\_\_ Phone Number: \_\_\_\_\_

# OF ACTUAL UNITS: \_\_\_\_\_ Management: \_\_\_\_\_

- |   |  |
|---|--|
| 1. Authorized parking per approved application                                | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2. Covered garbage container  | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3. Visible house numbers  | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 4. Required contact information signage                                       | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 5. Accessible fire extinguisher in visible location                           | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 6. Electrical switch and outlet face plates                                   | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 7. Electrical panel circuits permanently labeled                              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 8. Ground fault circuit interrupter protected receptacles                     | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 9. Required smoke detectors/carbon monoxide detectors                         | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 10. Properly installed wood stoves, fireplaces, and fuel burning heat sources | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 11. Required handrails – Required guardrails                                  | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 12. Sleeping area emergency escape and rescue openings                        | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 13. Hot tub barrier   | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 14. Tsunami evacuation Poster   | <input type="checkbox"/> YES <input type="checkbox"/> NO |

**INSPECTION APPROVED ☐ APPEARS TO MEET THE REQUIREMENTS OF ORDINANCE #84**

\*\*\*\*\*

**INSPECTION DENIED ☐ REINSPECTION REQUIRED WITHING:**

**10 DAYS ☐ (MINOR REPAIRS)**

**30 DAYS ☐ (MAJOR REPAIRS)**

**(APPLICATION SUBJECT TO CANCELLATION IF NOT COMPLETED WITHIN THE REQUIRED TIMEFRAME)**

**\*\*REINSPECTION FEE REQUIRED ☐**

**\*\*REINSPECTION FEE WAIVED ☐**

**DATE OF INITIAL INSPECTION \_\_\_\_\_ INSPECTOR SIGNATURE \_\_\_\_\_**

**INSPECTOR COMMENTS:**

OWNER / RENTAL MGMT SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

**INSPECTION MUST BE COMPLETED WITHIN 30 DAYS OF APPLICATION DATE – ALL FAILED INSPECTIONS WILL REQUIRE SPECIAL REINSPECTION FEE PAID PRIOR TO SCHEDULING UNLESS REINSPECTION FEE IS WAIVED BY INSPECTOR\*\***

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# ATTACHMENT N

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

The following text adds *Curry County Zoning Ordinance* ARTICLE IV - Section 4.300.

Added text is in bold;

### Section 4.300 Short-Term Rentals (STRs)

#### Section 4.310 Purpose

The purpose of this section is to regulate short term rentals to enhance public safety and livability within the unincorporated areas of Curry County. This section addresses public safety issues, compatibility with surrounding areas through compliance utilizing clear and objective standards and enforcement of violations of these standards.

#### Section 4.320 Definitions

1. **Short term rental (STR)** – a lawfully established dwelling unit, or portion of a dwelling unit, that is rented to any person or entity for lodging or residential purposes, for a period of up to thirty (30) consecutive nights. It can include an accessory dwelling unit or a guest house or cottage. It **does not include** outbuildings: such as agricultural buildings, storage units, cargo containers, farm worker housing, or an accessory farm dwelling. Further, it does not include or allow a recreational vehicle, travel trailer, tent, parked vehicle, or other temporary shelter to be used as a short-term rental or occupied in conjunction with a short-term rental.
2. **Revocable permit** – a permit that can be cancelled for failure to comply.
3. **Contact person** – the owner, or if designated on the application for a land use permit, the agent of the owner, authorized to act for the owner.

#### Section 4.330 Standards

All short-term rentals shall comply at all times with the following standards. Failure to comply with these standards may result in revocation of the land use authorization for a short-term rental.

1. **Contact Person.** The name and active phone number of the contact person responsible for the short-term rental shall be identified in the short-term rental application and permit. It shall be posted on site of the short-term rental so that it is visible from the outside front entrance of the short-term rental. The name and phone number of a property management business or

other non-identifying person cannot be used in place of a contact person and that person's phone number.

2. **Dwelling Unit.** The short-term rental must be operated within a legally established, permanent dwelling unit. Each legal dwelling unit on a parcel that is rented separately at any time shall require a short-term rental land use permit.
3. **Appearance and Identification.** The exterior of the short-term rental building shall retain a residential appearance with house numbers maintained on the front of the building and clearly visible from the street or road.
4. **Occupancy Limits.** The maximum overnight occupancy for each short-term rental shall be calculated on the basis of two (2) persons per bedroom, plus two (2) additional overnight occupants. Temporary bed areas (rollouts, couches, etc.) shall not be considered "bedrooms" but could accommodate the two additional occupants. In no case shall occupancy exceed fifteen persons. Maximum overnight occupancy shall be posted in the short-term rental, any advertising, and within the rental agreement.
5. **Parking.** The short-term rental shall have one (1) onsite parking space per each bedroom unit and one (1) additional onsite parking space that meets the minimum parking space standards of a rectangle not less than 18 feet long and 9 feet wide. Street or driveway parking is prohibited. The driveway is the drive path used for ingress and egress. Garage (inside) parking cannot be included to meet the required parking standard. All required parking spaces shall be provided on the parcel where the short-term rental is operated. If the short-term rental cannot meet the parking requirement based on the number of bedrooms, a reduced overnight occupancy can be required. In no case shall the short-term rental owner/operator advertise for, or rent to, more persons than are authorized under the reduced overnight occupancy total. In no event shall vehicles block access for emergency vehicles to the short-term rental or to a neighbor's property. Violation of this section of the ordinance subjects the offending vehicle(s) to immediate tow pursuant to ORS 98.853.
6. **Access.** Road access shall meet the minimum county road standards that were applicable when the STR structure was originally built. Roads and driveways shall have an unobstructed horizontal clearance of not less than sixteen (16) feet and an unobstructed vertical clearance of not less than twelve (12) feet to meet fire safety standards.
7. **Garbage.** All garbage and recyclables shall be legally removed at least once per week during any week, or portion thereof, in which the short-term rental

is occupied. All outdoor receptacles shall be covered and secured from wind in a fly tight container. Containers shall not block access to the property or dwelling unit.

8. **Fire, Life and Safety Compliance.** The short-term rental shall comply at all times with State and local building codes for construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety. These shall include:
- a) At least one (1) functioning fire extinguisher shall be accessibly and conspicuously located within the dwelling unit.
  - b) All plug-ins and light switches shall have face plates.
  - c) The electrical panel shall have circuits labeled.
  - d) Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks and within six (6) feet of a water source.
  - e) Smoke detectors shall be placed and maintained in each sleeping area, outside each sleeping area in its immediate vicinity and in each additional story and basement without a sleeping area.
  - f) A combination carbon monoxide/smoke detector device shall be placed and maintained on each floor of a short-term rental and within fifteen (15) feet of each sleeping area.
  - g) All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
  - h) All interior and exterior stairways with four (4) or more steps and that are attached to the structure, must be equipped with a hand railing.
  - i) All interior and exterior guardrails, such as deck railings, must be able to withstand a two-hundred-pound (200#) impact force.
  - j) **Emergency Escape and Rescue Openings:**
    - (1) Every sleeping area shall have at least one (1) operable emergency escape and rescue opening. If no such emergency

escape or rescue opening exists, then an alternative may be accepted by the Building Official pursuant to the currently adopted Oregon Residential Specialty Code. Every sleeping area in a short-term rental that does not comply shall not be used as a sleeping area and shall be equipped with a door that remains locked at all times when the dwelling unit is being used as a short-term rental. Such a noncompliant sleeping area shall not be included in the maximum occupancy calculation for the short-term rental. The contact person shall notify every renter, in writing, that the noncompliant sleeping area may not be used for sleeping.

- (2) At any time after a land use permit has been granted for a short-term rental, the owner may bring a non-compliant sleeping area into compliance upon a re-inspection.
- k) Exterior hot tubs and pools shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub or pool is not available for permissive use.
- l) Primary occupant egress shall meet all applicable codes from parking facility to egress door.

Compliance with the Fire, Life and Safety standards shall require review and approval by the County Building Official or designee.

- 9. **Noise.** The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time. Renters and short-term rental owners who violate this standard may be issued a citation (violation) and subject to fines in accordance with Article 6 of the Curry County Code.
- 10. **Transient Lodging Tax (TLT) and County Business License.** Both the TLT and County Business License registrations shall be current, and all fees paid in full. Proof registration for TLT and a copy of the current paid Business License shall be submitted to the Planning Department within ninety (90) Days of the short-term rental land use permit being approved.
- 11. **Liability Insurance.** The short-term rental shall have liability insurance coverage commensurate with the provisions of the land use approvals.
- 12. **Sewage Management.** If the property is not connected to a public sewer the onsite wastewater treatment system must be able to handle the capacity of the number of bedrooms of the home and the total number of occupants. The owner must either provide an existing system evaluation report for the on-site wastewater systems completed by a DEQ qualified evaluator or

Short term rentals are subject to review, consideration of neighborhood impacts and complaint resolution. Failure to acknowledge and actively comply with the standards set forth in this ordinance could result in the following actions and ultimately revocation of a land use permit for a short-term vacation rental.

1. **Complaints.**

- a) The complaining party shall, unless the situation justifies an immediate call to law enforcement, first attempt to communicate with the contact person designated on the permit and visibly posted on the front entrance of the short-term rental.
- b) The contact person shall notify a renter by phone, text message, email or in person within one (1) hour of delivery of any complaint concerning the conduct of a renter and make reasonable efforts to remedy the situation. Record verification shall be maintained documenting the complaint, notification to the renter and resolution of the complaint.
- c) If the contact person fails to respond or take timely action to remedy the complaint, then the complaining party shall report such failure to County Code Enforcement for follow-up.
- d) The County Code Enforcement Officer shall determine if the unresolved complaint warrants further action including the issuance of a citation (violation).

2. **Compliance.**

- a) Owners of short-term rentals shall obey all applicable federal, state and county laws.
- b) Owners of short-term rentals shall comply with all applicable sections of this ordinance. Failure to comply may result in the issuance of a citation (violation) by the County Code Enforcement Officer.

3. **Revocation of Land Use Permit.** The Planning Director may revoke the land use permit for a short-term rental if three or more separate citations (violations) are issued based on non-compliance of this ordinance to the same short-term rental within one (1) year. The Planning Director may also revoke the land use permit for the short-term rental immediately, in writing on the basis of incorrect or misleading information presented to the County. A new land use permit may be applied for after a period of one (1) year.



4. **Emergency Revocation.** When a Building Code or ordinance violation exists at a short-term rental that presents an immediate serious fire, life or safety risk, the County Building Official, Code Enforcement Officer or Planning Director may immediately halt the use of the short-term rental. Reinstatement or use of the short-term rental may be reinstated upon a re-inspection and verification that the safety risk has been corrected.
5. **Additional Remedies.** The provisions of this section are in addition to and not in lieu of any other enforcement and penalties contained in other county ordinance or federal or state law.

**Short Term Rental (STR)  
Proposed Fee Schedule**

STR Conditional Use Permit (2-year)	\$2,000.00
<ul style="list-style-type: none"><li>• Business License (2-year)</li><li>• Fire, Life, Safety Building Check</li><li>• Code Enforcement</li></ul>	
STR Conditional Use Renewal (Every 2-years)	
500.00	
STR Major Modification (add structural footprint or bedroom)	350.00
STR Minor Modification (change ownership, contacts, etc.)	100.00
STR Additional Fire, Life, Safety Checks on non-compliance	125.00

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