City of Maupin

PLANNING COMMISSION RECOMMENDATION

IN THE MATTER OF THE PROPOSED)
ZONING TEXT AMENDMENTS FOR) **Planning Commission Recommendation**
SHORT TERM VACATION RENTALS)

INITIAL FINDINGS-OF-FACT

1. The proposed zoning ordinance legislative text amendments are intended to clarify the Bed and Breakfast regulations and consider clarifying the ban on no-host/whole house vacation rentals.

2. A public hearing was held at the Planning Commission on May 17, 2017.

3. Notice of the proposed amendments was sent to DLCD 45 days prior to the hearing. The City Recorder caused notices to be submitted to all property owners in the City of Maupin and posted notices throughout the City prior to the public hearing held on May 17, 2017, in the Community Building at the Maupin City Park.

4. The City Planning Commission met in regular session on May 17, 2017. There being a quorum present and conducted a public hearing to consider the zoning text amendments. A Staff Report was presented and is hereby incorporated into the record.

5. Several letters of testimony were submitted for consideration prior to the hearing and several attendees to the meeting provided testimony. A majority of the testimony was in favor of banning no-host/whole house vacation rentals. A minority of the testimony was in favor of considering allowing vacation rentals. Several people provided testimony that was relatively neutral on the matter and in favor of looking at the issue more closely.

6. At the close of the public hearing, the Planning Commission, having a quorum, moved unanimously to recommend approval of the legislative text amendments and ban on no-host/whole house/homeshare vacation rentals.

7. The City Council must take final action on an amendment request - by adopting an ordinance that details the legislative revisions. City Council will hold a de novo Public Hearing on June 20, 2017. The City Recorder caused notices to be submitted to all property owners in the City of Maupin and posted notices throughout the City prior to the City Council public hearing.

SIGNED:

Dale Madden, Chair

ATTEST:

DeOra M Patton, City Recorder

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STAFF REPORT:

TO: City of Maupin - Planning Commission
FROM: Nick Kraemer, City Planner
DATE: 5/17/2017

VACATION RENTALS AND B&B ZONING TEXT AMENDMENTS REQUEST

The purpose of the proposed zoning ordinance text amendments is to clarify the Bed and Breakfast regulations, consider allowing hosted homeshare rentals, and consider banning no-host/whole house vacation rentals.

PROCESS: LEGISLATIVE REVISIONS

Section 7.2 Legislative Revisions details that an Legislative Revisions shall be initiated by a majority vote of City Council, majority vote of Planning Commission, or a request by the City Attorney or City Planner. The City Council sent direction to the Planning Commission to make amendments to B&B and vacation rental and the Planning Commission voted in favor of initiating the land use process for considering zoning text amendments for B&Bs and vacation rentals at their 3/14/2017 meeting.

As per Section 7.5 - a public hearing before the Planning Commission is mandatory and a Public Hearing before City Council is optional. The City Council must take final action on an amendment request - by adopting an ordinance that details the legislative revisions.

Public notice was published in the newspaper and posted more than 10 days from the date of the hearing. The Department of Land Conservation and Development (DLCD) was notified 35 days in advance of the first evidentiary hearing as required by Statute.

No comments received at this point.

BED AND BREAKFAST - PROPOSED AMENDMENT TEXT

As discussed above, the goal of the legislative revisions for Bed and Breakfast facilities is to clarify the development standards and land use processes required for B&Bs. The Planning Commission also discussed other potential issues to address in the B&B criteria - such as the requirement of an annual permit and time limits on approvals. Without a City Business Permit and/or any other annual lodging permits required by the City - it could be a complicated system to setup and I am recommending that we stick to relying on the criteria in the Zoning Ordinance. Likewise, the City would be relying on the standard code enforcement process to ensure that the criteria for B&B's is being followed and that each facility is in compliance in an ongoing basis.

Note: proposed text amendments are show as **bold and underline.**

From Definitions:

These proposed changes are to clarify definition of B&B

BED AND BREAKFAST. An establishment in a residential district that **conducts transient rental of rooms**, contains up to five (5) guest bedrooms, is owner or manager occupied, provides a morning meal, and limits the length of stay to fifteen ~~(15)~~ 30 days.

B&Bs allowed as Conditional Uses in Zoning Districts

These proposed changes will further clarify in which zones B&Bs are allowed.

Currently, B&Bs are allowed as a Conditional Use in the following zones:

- **-Low Density Residential**
- **-Medium Density Residential**
- **-High Density Residential**

Not recommended to add as Conditional Use in these zones:

- **-I - Industrial**
- **-A - Agricultural**

Consider allowing them as Conditional Uses in other zones:

- **-Large Lot Residential** - consider allowing as CUP
- **-GC - General Commercial** - allowed under CUP as similar use now.
- **-RC - Recreational Commercial** - not clear - maybe allowed with SPR.

The following text would be added to the above zones B. Conditional Uses Sections to allow B&Bs: **# Bed and Breakfast facilities. Subject to supplemental provisions of Section 4.14**

From Zoning Ordinance:

These proposed changes are to clarify the development standards for B&Bs

SECTION 4.14 – BED AND BREAKFAST FACILITIES DEVELOPMENT STANDARDS. A bed and breakfast facility approved as a conditional use in ~~the residential zones of~~ the City shall have the following approval standards.

(A) **The facility shall not adversely affect the residential character of the neighborhood**. The structure shall retain the characteristics of a single-family dwelling **and guest rooms must located in the dwelling - not accessory structures.**

(B) The number of guest rooms shall be limit**ed** to five (5) and the number of guests shall be limited to ten (10).

(C) In addition to the required off-street parking for each residential use, one (1) off-street parking space for **each guest room in the** bed and breakfast shall be provided.

(D) Signs shall be limited to one non-illuminated sign, not exceeding one and one-half (1-1/2) square feet. No off-premises signs are permitted.

(E) Submission of an acceptable site plan that meets off-street parking requirements and provides landscaping appropriate to a residential neighborhood.

(F) The facility must be owner-occupied ~~and a host must live at the facility.~~ delete

(G) The facility must acquire and maintain all other permits required by the State and County for operating a Bed and Breakfast. These may include permits with the County Public Health Department for food safety and registration with the State to pay transient room tax.

(Add) City and

(H) Receptacles must be provided for the deposit of garbage and the facility must subscribe to regular solid waste collection service

WHOLE HOUSE/NO HOST VACATION RENTALS BAN AMENDMENT TEXT

Currently the City Zoning Ordinance has no direct reference to vacation rentals. The purpose of these amendments is to clearly state what uses are allowed and what uses are prohibited in the City in regards to vacation rentals.

The direction from City Council to Planning Commission was to consider an outright ban on whole house/no host vacation rentals. These text amendments are intended to follow that direction for an outright ban. There was discussion and public input provided at the March Planning Commission Meeting in opposition to an outright ban. If Planning Commission or Council decide they want to pursue some amendments to allow vacation rentals - then we would need to hold another hearing with some proposed text amendments that allow for whole house/ no host vacation rentals.

The following proposed amendments are intended to prohibit whole house/no host vacation rentals - but allow for hosted homeshare vacation rentals.

From Definitions:

The following text amendments are proposed to be added to **Article 1 - Introductory Provisions - Section 1.3 Definitions**

Hosted Homeshare means the transient rental of a portion of a dwelling while the homeowner is present and the dwelling is the primary residence of the homeowner.

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.

Primary Residence means the residence where the owner is registered to vote, used as the primary residence for tax purposes, or with other proof that the residence is primary.

Transient Rental means a dwelling unit or other building or any portion thereof that is available or advertised, or listed by an agent, for use, rent, or occupancy for a period of time that is less than 30 consecutive days, but not including, ~~bed and breakfast~~, hotel, or other types of lodging permitted to operate in accordance with this Ordinance.

Vacation Home Rental means the transient rental of an entire dwelling unit.

Recommendation of Approval to City Council

→ **Option 1 - Outright Ban on Vacation Rentals and Hosted Homeshare**

The following text amendments are proposed to be added to **Article 4 - Supplementary Provisions:**

Section 4.15 - Prohibition on Vacation Home Rentals

Vacation Home Rental (as defined in Section 1.3 Definitions) is a prohibited use in the City of Maupin.

Hosted Homeshare is (as defined in Section 1.3 Definitions) is a prohibited use in the City of Maupin.

Option 2 - Outright Ban on Vacation Rentals and allowance of Hosted Homeshare

The following text amendments could be considered to allow Hosted Homeshare as Conditional Use in several zones.

I would not normally recommend that a Conditional Use Permit or Site Plan Review process be required for hosted homeshares- as that would require significant resources to review the applications and potentially encourage hosted homeshare operators to operate illegally. However, the lack of a City Business License or other Short Term Rental Operating License issued by the City makes the Conditional Use Permit or Site Plan Review process necessary. The City could consider a separate license process that would be included in the General Ordinance.

Therefore - I am recommending that Hosted Homeshares could be allowed as Conditional Uses in the following zones:

-Low Density Residential
-Medium Density Residential
-High Density Residential
-Large Lot Residential
-GC - General Commercial - allowed under CUP as similar use now.
-RC - Recreational Commercial - not clear - maybe allowed with SPR.

Not recommended to add as Conditional Use in these zones:

-I - Industrial
-A - Agricultural

SECTION 4.16 – HOSTED HOMESHARE DEVELOPMENT STANDARDS. A hosted homeshare approved as a conditional use in-the City shall have the following approval standards.

(A) The facility shall not adversely affect the residential character of the neighborhood. The structure shall retain the characteristics of a single-family dwelling and guest rooms must located in the dwelling - not accessory structures.

(B) The number of guest rooms shall be limited to three (3) and the number of guests shall be limited to six (6).

(C) In addition to the required off-street parking for each residential use, one (1) off-street parking space for each guest room in the hosted homeshare shall be provided.

(D) Signs shall be limited to one non-illuminated sign, not exceeding one and one-half (1-1/2) square feet. No off-premises signs are permitted.

(E) Submission of an acceptable site plan that meets off-street parking requirements and provides landscaping appropriate to a residential neighborhood.

(F) The facility must be the primary residence of the host, owner-occupied and a host must live at the facility. The contact information for a local contact (within 5 miles of City Limits) must be provided - in addition to the owner - that can be contacted concerning use of the property or any complaints related to the hosted homeshare.

(G) The facility must acquire and maintain all other permits required by the City and State and register to pay transient room tax.

(H) Receptacles must be provided for the deposit of garbage and the facility must subscribe to regular solid waste collection service

FINDINGS

Section 7.8 Legislative Amendments: ***It is suggested in order to provide a sound format for the hearing process, that the quasi-judicial procedure be followed.***

Section 7.9 Quasi-Judicial Hearing Requirements

1. ***The burden of all land use proceedings is upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing.***

Finding #1: The City of Maupin submitted the necessary information to process the proposed text amendments. **Criteria met.**

2. ***The requested text amendment is in conformance with the Comprehensive Plan and also the goals and policies of the plan.***

Finding #2: The proposed amendments are in conformance with the City of Maupin Comprehensive Plan – specifically the Goal 9 – Economics – wherein Policy #2 states that the home occupations shall be encouraged in the Town and Policy #7 states that commercial development shall be concentrated so as to maintain or improve the stability of existing commercial areas. The allowance of B&Bs (and hosted homeshares) encourages what is essentially a home occupation. The prohibition of whole house/no host vacation rentals - especially in the residential zones - discourages the spreading out of what is essentially a commercial use all over the City and forces the vacation rental use into zones that allow for commercial uses. **Criteria met.**

3. ***The showing of public need for the amendments and whether that public need is best served by making the amendments under consideration.***

Finding #3:

The proposed text amendments are in the interest public need:
-The Bed and Breakfast amendments further clarify the development standards for B&Bs - which will further protect from any offsite impacts to neighborhoods. The B&B amendments also clarify the zones in which B&Bs are allowed.

-The prohibition on whole house/no host rentals is also in the public interest. The PC and CC both view whole house/ no host rentals as having a negative impact on residential areas - as they are essentially a commercial use. Further, the potential for offsite impacts such as late night noise, on-street parking, and generally not knowing your neighbors is a negative impact. Lastly, the CC and PC feel that whole house/ no host rentals are limiting the number of houses available for full-time residents in Maupin. Therefore, the City feels it is in the interest of the public to prohibit this use.

-Hosted Homeshare (depends on direction of Council)
Criteria met.

4. ***A plan or land use regulation amendment significantly affects a transportation facility if it: (1) Changes the functional classification of an existing or planned transportation facility (2) Changes standards implementing a functional classification system (3) Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification system or a transportation facility (4) Would reduce the level of service of the facility below the acceptable level identified in the Transportation System Plan***

Finding #6: The proposed amendments do not have significant effects on transportation facilities in Maupin. The amount of traffic generated by B&Bs and Hosted Homeshares is minimal - and the City expects fewer than 20 dwelling units dedicated to these uses. In addition, B&Bs are already an allowed use in several zones therefore the text amendments don't significantly increase the potential number of trips on the Maupin roads. Lastly, the requirements for off-street parking for short term rentals decreases the impacts of lots of cars parking on-street in residential areas. **Criteria met.**

STATE TRANSPORTATION PLANNING RULE
OAR 660-12-0060

(1) Applicant must identify potential traffic impacts from land use action. **Finding #7:** The proposed amendments will not significantly affect existing or planned for transportation facilities in the City of Maupin. **Criteria met.**

Staff Recommendations

Based on the information available to this office, unless there is some issue of which we are not aware, the recommendation is for approval of the proposed amendments. The Proposed Findings based on the criteria outlined in the Zoning Ordinance has been prepared for use by the Planning Commission if it wishes to do so. If approved by the Planning Commission, the recommendation shall be sent to the City Council for review and adoption via ordinance.

Respectfully submitted,

/s/ Nick Kraemer

Nick Kraemer, Contract Planner

MAY 8, 2017

TO: MAUPIN PLANNING COMMISSION

RE: VACATION RENTALS.

PLEASE DON'T ALLOW VACATION RENTALS.

IT DRIVES UP HOUSE VALUES.

A. MAUPIN ALREADY HAS A REAL PROBLEM WITH AFFORDABLE HOUSING.

B. IT ONLY BENEFITS THE WEALTHY.

C. ASK HOOD RIVER, SEASIDE, AND CANON BEACH HOW IT HAS EFFECTED THEIR COMMUNITIES PROPERTY VALUES.

THERE ARE MUCH BETTER WAYS TO ATTRACT GUESTS WITH DISPOSABLE INCOME TO OUR COMMUNITY — WHICH WE NEED & WANT — WE SHOULD CONCENTRATE ON THOSE METHODS.

JOE RINGO

Kathy Peck
1439 Fish Camp Road
Maupin, Oregon

Mayor Ewing and City Councils Members,

I am writing in support of banning vacation rentals/no host homes within a residential zoned area. This issue came up several years ago in RiverCrest Village.

We built a house in a residential area for it to become a home. And with that home there is an emotional investment as well as a financial investment in the community.

We live here full time; others in our neighborhood are part time. Whether they are full time or part-time there is the consistency of the same people coming and going, building their homes and caring for their property. They have a commitment.

You get to know the people who live around you.
You may get to know them quite well and spend time together, or you may be acquaintances…a wave, a smile in passing; or perhaps a stop and talk while on a walk.
But you get to know them and this provides a level of comfort, security and safety within your neighborhood and your own home.

A vacation rental/ no host house means a transient population. It means different people will be coming and going. Many will be respectful of their surroundings and others will not. They will be an unknown with each new arrival. This behavior is expected in the business of providing lodging and services to people who come to enjoy Maupin. There personnel on site to deal with problems or concerns that may arise.

I love Maupin. I encourage people to come, enjoy the area and spend their money. I have no problem with vacation rentals/no host housing as a business, but I agree they should not be located in an area zoned residential.

Thank you for your time,
Kathy Peck

May 16, 2017

Dear Planning Commission members,

In regards to vacation rentals within Maupin city limits, I have considered the pros and cons of allowing them. I am a permanent, long-time resident having lived here since 1971and having served on City Council. Though never having used a vacation rental nor had a bad experience living near one, I have regarded the feasibility of including or excluding them in our ordinances.

Considerations for banning vacation rentals may include excess noise, parking limitations, safety concerns, or pets. No one wants to be awakened during the middle of the night because of loud music or rowdy partying. It would be frustrating to return home and find you have no where to park your car. Summer months can be very dry and a stray cigarette can be a danger to all of us. No one wants a strange dog running loose through your yard. These problems can be very trying to one's patience.

To consider allowing vacation rentals would be to gain more city revenue through licensing and registration fees, which could be yearly; a business tax; a safety inspection fee; or a deposit for noise abatement. There would be increased business revenue as visitors will

frequent Maupin stores and experience local activities. This may lead to more frequent or new visitors to the area.

Many of the problems that may arise from a vacation rental, such as public nuisance or property maintenance are covered for all residences with ordinances already in place. There are many examples of vacation rental licensing forms online that also include all of the above mentioned potential problems. There will always be some bad apples. There needs to be an understanding with property owners that rules will be enforced, that compliance must be maintained, and having a vacation rental comes with many responsibilities. A property manager must be available for communications with any enforcement officer, if a problem arises.

Vacation rentals may be a way to gain some much needed revenue for the city. With care and consideration, I urge you to look at all the possibilities.

Sincerely,

Jennifer Mitchke

Jennifer Mitchke

Subject: FW: Public hearing on vacation rentals

From: Maupin City Hall (cityhall@cityofmaupin.org)

To: deoramaupin@yahoo.com;

Date: Monday, May 15, 2017 1:19 PM

-----Original Message-----
From: Rick Skogrand [mailto:rskogrand@gmail.com]
Sent: Monday, May 15, 2017 11:47 AM
To: cityhall@cityofmaupin.org
Subject: Public hearing on vacation rentals

Dear Planning Commission:

We have had a house in Maupin for over 12 years and I've been coming to Maupin for over 20 years to fish and relax. I'm in favor of individuals renting their residence as a vacation rental either privately or using such resources as VRBO. This would include whole house rental or with the owner present. I'm opposed to the city of Maupin making it illegal.

Rick Skogrand
510 Lincoln Avenue
503-475-9507
rskogrand@gmail.com

Sent from my iPad=

Lynne & Tim Murphy
807 Riverside Street
Maupin, OR 97037

Dear Planning Commissioners:

We are writing to express our opinion concerning any prohibitive changes that might be made to the City Zoning Ordinances concerning Vacation Rentals and Bed & Breakfast regulations. Maupin is a city that derives a good deal of its success from tourism. With minimal regulations and an inexpensive city issued rental permit, there is only an upside in allowing short term room or whole house rentals.

Neither seasonal room rentals in a home where the owners are present nor whole house rentals would financially impact the current lodging providers. There are about 50 hotel rooms available for rent in Maupin. Only the River Run Lodge can accommodate a larger group in a family-style setting. Whole house rentals would promote more families and larger commonly connected groups to experience what the city has to offer.

While there might be a perception that noise from larger groups may disturb permanent residents or that parking might not be sufficient for larger groups and/or on street parking may impact traffic and be dangerous on some smaller streets, this can be addressed in advance when the rental permit is issued. The city can specify in advance the maximum occupancy and permitted number of vehicles may be allowed. A possible solution for bed & breakfast style rentals where the owners are present and the renters increase the dwelling occupancy, the city could increase the water & sewer charges for the months the permit is issued for to compensate for the extra burden on the city owned facilities. The remedy for noisy renters is the same for noisy property owners.

The only way to drive tourism in Maupin, grow our city and to financially support the local business owners is to make Maupin a place for families. To enjoy an extended stay, families need a "home-base" rather than a hotel room.

For the benefit of the city's residents, we hope that the city planning commission will not adversely restrict short term vacation rentals. Just a few rental weekends a year might help long term residents keep their homes longer by possibly earning enough to pay all or part of their property taxes. Should a resident eventually wish to sell their property, these short term rentals might have provided enough exposure that there is a family that wishes to buy their property, and may be able to afford it knowing they can also offer short term rentals.

Sincerely,

Lynne & Tim Murphy

Subject: FW: ATT DeOra Patton, re Vacation Rentals

From: Maupin City (maupincity@centurytel.net)

To: deoramaupin@yahoo.com;

Date: Friday, May 12, 2017 3:21 PM

From: Mark Allen [mailto:mark@visualtranslations.com]
Sent: Friday, May 12, 2017 3:10 PM
To: maupincity@centurytel.net
Subject: ATT DeOra Patton, re Vacation Rentals

I own the house at 612 Deschutes, which has been extensively renovated after sitting empty and neglected for many years on the main entry to town. I have recently rented my home to others for periods ranging from several days to months to help fund ongoing renovations. These individuals were either working in the Maupin area for an extended period or interested in recreational lodging alternatives to hotels.

I have a cordial relationship with my neighbors and have invited questions and concerns regarding the home; they have raised no issues or complaints. If bad neighbor nuisance laws are violated, they should be enforced fairly and as appropriate. Trying to pass new laws in anticipation of potential trouble seems unnecessary.

The renters spend significant money in the community at various establishments. They encourage maintenance and renovation activity that also generates local income. Renters learn about our area, living and shopping as locals, and may come back to settle in Maupin, further contributing to needed economic growth.

I do NOT support discouraging economic activity in Maupin through new restrictions on vacation rentals. We love Maupin and want to share it! I suggest the city should be a participant by taxing vacation rental income, using that money to further improve the city as required, and monitoring activity.

Sincerely,

Mark Allen

Mark Allen

VISUALtranslations

BUSINESS COMMUNICATION