



## MEETING AGENDA

Planning Commission

Tuesday, February 13, 2024

Held in person at the Maupin Civic Center (507 Grant Ave.) and on Zoom:

<https://us02web.zoom.us/j/88696740794?pwd=NWtZQkhka05WZmREQzZSZ09ES2FHUT09> or

dial 1-253-215-8782 (Meeting ID: 886 9674 0794 Passcode: 572571)

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**PUBLIC COMMENT:** Individuals wishing to address Planning Commission on items not already listed on the Agenda may do so during the Public Comment item on the Agenda. The maximum amount of time for all public comments under the Agenda item will be 15 minutes. Please limit comments from three to five minutes, unless extended by the Commission Chair.

**PLEASE NOTE:** With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. Meetings are ADA accessible. For special accommodations please contact the City Recorder in advance at 541-395-2698. *Las reuniones son ADA accesibles. Por tipo de alojamiento especiales, por favor póngase en contacto con la registrador de la ciudad 541-395-2698.*

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<b>4:30 p.m.</b>	Call to Order / Roll Call of Planning Commission and Staff / Pledge of Allegiance
	<a href="#">Consent Agenda</a>
	Public Comment
	<a href="#">Food Cart Draft Ordinance</a>
	<a href="#">Short Term Rental Draft Ordinance Amendments</a>
	<a href="#">Staats Avenue-Second Street Area</a>
	<a href="#">Adjourn</a>



## CONSENT AGENDA

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Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the Planning Commission to spend its time on significant items and issues. Any Planning Commission member may request that an item be withdrawn from the Consent Agenda and be placed in the business section of the Agenda.

### DOCUMENTS

[Draft Minutes of January 9, 2024 Meeting](#)

[Draft Minutes of January 22, 2024 Meeting](#)

### MOTION

I move to approve the Consent Agenda as presented.



# MINUTES

Planning Commission Meeting

Tuesday, January 9, 2024

Maupin Civic Center (507 Grant Ave.) and virtually on Zoom

<b>Call to Order / Roll Call of City Council and Staff / Pledge of Allegiance</b>	<p>Acting Chair Riley called the meeting to order at 4:33 p.m. Roll Call of Planning Commission and Staff was conducted by Administrative Assistant Bronte Dod</p> <p><i>Presiding:</i> Suze Riley</p> <p><i>Commission Present:</i> Andy Kreipe, Michael Jones</p> <p><i>Commission Absent:</i> Lauren Whitaker (excused absence), Jessy Rose (excused absence)</p> <p><i>Staff Present:</i> Administrative Assistant Dod, City Planner Dan Meader</p> <p><i>Visitors Present:</i> Susie Miles, Cassey Tolentino, Shurrie Calder, Marni Malefyt, Medy Gantz, Kerry Downs, Rod Woodside, Mia Sheppard, Marty Sheppard, Colleen Strohm, Mike Johnston, Dennis Richey, Kathy Richey</p>
<b>Consent Agenda</b>	<p>Commissioner Kreipe moved to approve the consent agenda as presented. Commissioner Jones second. No further discussion. The motion passed unanimously on a 3-0 vote. (Ayes: Kreipe, Riley, Jones; Nays: None)</p>
<b>Public Comment</b>	<p>No public comment.</p>
<b>511 Deschutes Avenue Proposed Change to Approved Site Plan</b>	<p>Staff presented a report on a proposed amendment to the approved Site Plan Review at 511 Deschutes Avenue to increase the height of the awning which will change the roofline. The state historical preservation office has approved the change. Consensus to approve the change.</p>
<b>Public Hearing: McLucas Upriver Estates Subdivision Preliminary Plat</b>	<p>Public notice of the hearing was published on the city website, posted locally, and mailed to property owners.</p> <p>Chair Riley opened the hearing to consider the preliminary plat of the McLucas Upriver Estates subdivision at 4:43 p.m. City Planner Meader read the guidelines. Commissioner Kreipe stated that he used to work for Imperial River Co., which the applicant owns and which exists on the proposed subdivision plat. Commissioners did not think this posed a conflict.</p> <p>City Planner Meader reviewed the staff report.</p> <p>Acting Chair Riley asked for public testimony.</p> <p>Proponents:</p> <p>The applicant Rob Miles presented a summary of the subdivision.</p> <p>Kerry Downs asked about the use of his driveway easement for access to Lot 8. Miles replied that an easement exists for Downs to have access to his property via a driveway that exists on Miles'</p>

property. That easement continues across Lot 7. The driveway will be improved as the project develops and will be used for access to Lot 8.

Commissioner Kreipe confirmed with the applicant that the driveway will not connect to the proposed loop road in the subdivision. There will be a temporary connection for construction traffic that Miles has discussed with the future owner of Lot 8. One access point will cut down on traffic and vandalism and “cozies in” the neighborhood.

City Planner Meader asked about the ground on Lots 1-8. Miles said that they don’t intend to change the elevation of the grade.

Commissioner Jones asked about entering through Imperial River Co. and what would happen with new ownership. Miles said that the lots will be recorded with easements that will have deeded access across the Imperial River Co. property. Other existing easements will be cleaned up through the development process.

Colleen Strohm asked about the timing of the development. Miles clarified the process of developing the subdivision which includes parceling 5 lots with existing use into 11 lots and installing/extending/improving utilities. All of it is zoned RC.

Mia Sheppard asked for clarification about the RC zone. Miles said that it allows for recreation-based businesses, commercial businesses, and everything that is allowed in MDR. Administrative Assistant Dod said that RC also allows short term rentals.

Dennis Richey wanted to make sure that this won’t cost the taxpayers any money. Also has questions about the City water and sewer capacity for more development. Miles said that the engineers will require them to develop the utilities to the public standard. The City engineers have reviewed the proposal. Richey is concerned about the City’s water and sewer infrastructure being able to handle the additional development. Miles said that he will pay System Development Charges for the connections.

Strohm asked if the 7 lots will be sold as a group or one developer. Miles said he will likely sell the lots individually.

Shurrie Calder asked about parking because of The Riverside. Miles said the lots will not access Highway 197. ODOT will not allow any driveways to lots 1-7 from Highway 197. Driveway access will be from the private loop road. There will be a pedestrian access path between lots 4 and 5 to connect the RV park to the highway.

Medy Gantz asked how the lots will be sold and if there will be any CC&Rs (Covenants, conditions, and restrictions). Miles said there will be no CC&Rs and no HOA (homeowners association).

Manufactured homes will also be allowed. Gantz asked about lighting restrictions for dark skies. Miles said there will be no lighting restrictions.

Mike Johnston asked about the cost of each lot. Miles said he will put the first one on the market at \$250,000. The market will dictate the price.

Commissioner Jones said the City does have lighting restrictions in the RC zone. Those codes come into effect during a site plan review as each lot develops. It's not a requirement of the subdivision ordinance.

Strohm asked about the osprey nest that exists on one of the properties. Miles said that while the nest is vacant he can do anything he wants with it including cutting the pole down tomorrow if he wants to. He does not intend to cut it down and will work around it. The nest is in the RV park.

Opponents: No formal opposition.

City Planner Meader reviewed reports from ODOT, City engineers Anderson Perry, and Maupin Fire Chief. A letter was written from Shane Devine and Administrative Assistant Dod answered questions: there is sufficient capacity in our existing sewer system to meet the new demand; the City engineers have reviewed the preliminary plat and a more formal report from engineers may be coming; a pre-application meeting was held with staff and engineers and anything significant missing in the plat has been addressed at this point; the developer is responsible for the cost for the road and utility improvements.

Chair Riley closed hearing at 5:23 p.m. and moved to commissioner deliberation.

Commissioner Kreipe said that everything has been thoroughly investigated by outside agencies and the applicant. Stated he's fine with the gravel road.

Commissioner Riley said gravel on the road is good in case of flooding.

Commissioner Jones said is in favor of more housing. In favor of the connecting trail. Would like clarification on the cost to taxpayers. Asked Commissioner Riley from a real estate perspective and asked if the lots will be desirable given their location between the highway and an RV park. Commissioner Riley said that the location may be an issue but the market will dictate the value of the land; may be more likely to get affordable housing than something else.

Commissioner Jones said that Maupin is going to grow and can see future development in that area because of the nearby services and the river. In favor the application. Administrative Assistant said the street will remain private so maintenance will be paid for by the owner of the property. After the utilities are constructed by the developer they will be owned by the City and future water and sewer maintenance would be the responsibility of the City. Other than it costs the taxpayers time for staff, engineers, and planner to process the application.

Marni Malefyt said her family owns Lot 8 which is part of the subdivision. Administrative Assistant Dod said that the applicant said the application stated that Lot 8 will have access through the already existing driveway access easement. Any future development on Lot 8 would go through a standard site plan review process.

Administrative Assistant Dod confirmed that staff supports Lots 1-8 will have Highway 197 addresses and what that would mean for future site plan reviews. Buildings could have pedestrian access from Highway 197. Each individual house could have a walkway to the road. Staff has discussed this in depth because the lots could develop as residential or commercial. The private road does not currently have a name. Fiber conduits will be brought to each lot as well.

Commissioner Kreipe made a motion to approve the McLucas Upriver Estate subdivision with the variance that no paved road is needed to access the lots and to accept this preliminary plat as presented. Commissioner Jones second. No further discussion. The motion passed on a 3-0 vote. (Ayes: Jones, Riley, Kreipe; Nays: None)

**Discussion: Food Cart Draft Ordinance**

Commissioners added the food cart ordinance discussion to the agenda. Commissioner Jones reviewed the food cart regulations from the pilot program that expired in the fall. Staff recommended that the ordinance be discussed during the next session to allow staff to prepare a report and provide opportunity for public input with notices about the topic. A work session was scheduled for Tuesday, January 23 at 4:30 p.m.

**Adjourn**

The next regular meeting will take place on Tuesday, February 13, 2024 at 4:30 p.m. The meeting was adjourned at 6:05 p.m.

Respectfully Submitted by Christine Wolfe, City Recorder

SIGNED: \_\_\_\_\_  
Lauren Whitaker, Planning Commission Chair

ATTEST: \_\_\_\_\_  
Christine Wolfe, City Recorder



## MINUTES

Planning Commission Meeting

Monday, January 22, 2024

Maupin Civic Center (507 Grant Ave.) and virtually on Zoom

### Call to Order / Roll Call of City Council and Staff / Pledge of Allegiance

Chair Lauren Whitaker called the meeting to order at 4:37 p.m. Roll Call of Planning Commission and Staff was conducted by Recorder Christine Wolfe

*Presiding:* Lauren Whitaker

*Commission Present:* Andy Kreipe, Michael Jones, Jessy Rose

*Commission Absent:* Michael Jones (excused absence)

*Staff Present:* Recorder Wolfe, Administrative Assistant Dod, City Planner Dan Meader, incoming City Manager Nick Smith

*Visitors Present:* Susie Miles, Colleen Strohm

### Food Cart Draft Ordinance

Commissioners discussed food carts and using the language from the pilot program ordinance to allow food carts permanently in commercial zones.

There was discussion about making annual reports to City Council about the use of food carts, what constitutes a “developed” property, sanitation requirements, and sign permit compliance requirements.

City Planner Meader will write simple sign regulations for commissioners to review at the next meeting.

### Short Term Rental Draft Amendments to Ordinance

Councilors discussed the proposed amendments to the Short Term Rental ordinance.

The majority of the discussion revolved around potential issues with the non-transferrable language that would still allow for unfair advantages for existing license holders who are selling their property. Commissioner Rose suggested creating a lottery system. Commissioners and staff reached consensus that a lottery would be the fair way to issue licenses annually. Planner Meader will do research into existing lottery systems for commissioners to review at the next meeting.

Commissioners also asked for the proof of residency requirement to be removed but add regulation that one person or entity can only hold one license.

A new draft will be presented at the February meeting.

### Introduction to Staats Avenue-Second Area

Staff and Planner Meader introduced this topic that City Council directed Commissioners to discuss. The neighborhood has largely been undeveloped until the last year, when issues with buildings in the right of way were brought to Council.

Commissioner Kreipe recused himself from the discussion due to owning property in the area. There was discussion about the roles and authority of Planning Commission.

Staff explained that there was a proposal from the previous City Manager to explore vacating property in the area, but current staff do not support that proposal. Staff will share the final utility extension plans when they are finalized by the engineers.

Commissioners discussed closing the highway access at Staats Avenue/Highway 197 to help with traffic safety and will make a formal recommendation at the next regular meeting in February.

The next regular meeting will take place on Tuesday, February 13, 2024 at 4:30 p.m. The meeting was adjourned at 6:11 p.m.

**Adjourn**

Respectfully Submitted by Christine Wolfe, City Recorder

SIGNED: \_\_\_\_\_  
Lauren Whitaker, Planning Commission Chair

ATTEST: \_\_\_\_\_  
Christine Wolfe, City Recorder





## FOOD CART DRAFT ORDINANCE

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### DOCUMENTS

[Staff Report](#)

### MOTION



January 30, 2024

Maupin City Planning Commission  
507 Grant Avenue  
Maupin, Oregon 97037

**RE: Food Cart Information**

Dear Commissioners:

I had a lengthy conversation with the North Central Oregon Health District Office here in The Dalles this week. The information provided is very useful and will answer several questions that came up at the PC Work session earlier this week.

1. Sanitation: There are four classes of Food Cart licenses, Classes 1 and 2 are the least invasive on the local environment in terms of water and other factors. Food Carts in these classes are using pre-packaged products with little or no food waste. There would be the opportunity for paper and other debris. Classes 3 and 4 are for Food Preparation businesses and there would be “brown water” waste products to dispose of in these Classes. There are three options for such disposal:
  - A. Connect directly to the City’s wastewater collection system. This is the preferred option for these types of Food Carts. A specific type of “grease trap” must be used in these instances. It is not clear to me just how these units would connect to a sanitary sewer line. It would seem a Clean Out riser would have to be used. After the snow is gone, this investigation will continue. A group of Food Carts in a specific area is called a “Pod” and there are two of these in The Dalles, one on the east end of Third Street and another on Sixth Street at the old Wendy’s location.
  - B. The next method is having a weekly or as needed Septic Pumper truck come to the site and clean out the wastewater tanks. Would be a very expensive proposition.
  - C. The third method is to have specifically approved wastewater tanks that would be taken to the homesite or other authorized dumping facility. By their very nature, these must be much smaller, something on the size of 20 gallons is what I believe was the normal carrying capacity.
2. Site requirements: This was interesting. All Food Carts must be able to be moved at a moment’s notice. Further, there can be no decks, porches and other structures attached to the Food Cart. A final requirement that can be addressed locally is the siting of the Food Cart away from the specific site’s natural or manmade stormwater drainage facilities. The State has no authority to enforce setbacks, but it can be done locally. Given the Deschutes River is the recipient of any stormwater drainage, the City could require the drainage pattern be noted on the Food Cart application site plan and take steps to protect those facilities through local setback requirements.

3. A brief inspection: A brief inspection of the food cart situation in The Dalles was conducted on January 30. The two pods were reviewed, first the pod on 6th Street near the former Wendy's structure. There are eight units there, brightly painted for the most part, and all appear to be hooked up to the municipal wastewater collection facilities. I remember last summer there were construction crews on the site, and a great amount of dirt piled high about the area. Now it is clear that individual and multiple connection facilities are being installed. At the Second Street Pod, on Second just west of the old Tum A Lum building, there are just 4 units remaining, at least one, perhaps two have been moved elsewhere. It appears these units are also connected to the City's wastewater collection system. Typically, there are individual units parked around the City. One at Second and Jefferson, another on the Aaron's Parking Lot out by Home Depot and, finally, probably the oldest in town, there is one located at the Service Station on Chenowith Loop Road. The first two do not appear to be hooked up to the City's sewer, and the oldest unit, on Chenowith Loop, would appear to be hooked to City Services. All tolled, there are twelve units working The Dalles.
4. Signs: These units are generally bright colored, brightly lit up, the names of the products are spread most willy-nilly over the units. A menu board is placed alongside the serving window, both sides if necessary. I would suggest that this issue be left out of any ordinance provisions. The purpose of these colorful units is to draw attention to them and the products they provide.
5. Lighting. Most of these units have multiple outside lighting facilities. Two limitations are suggested here:
  - A. Require vendors to shut down lighting fixtures that abut residential properties. Lights on the food cart away from or on the other side of the car could remain during business operations.
  - B. Require all outside lighting on Food Carts to shut down at 10 PM when Quiet Hours begin.

That is it, I am thinking there is enough here to provide a lively discussion at the next Planning Commission workshop.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**

*/s/ Dan Meader*

Dan Meader, Senior Land Use Planner  
3775 Crates Way, The Dalles, OR 97058  
(541) 296-9177 | meaderd@aks-eng.com



## SHORT TERM RENTAL DRAFT ORDINANCE AMENDMENTS

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### DOCUMENTS

[Staff Report](#)

[Short Term Rental Draft Ordinance Amendments](#)

### MOTION



January 31, 2024

Maupin City Planning Commission  
507 Grant Avenue  
Maupin, Oregon 97037

**RE: Short Term Rentals on the Coast Staff Report**

Dear Commissioners:

I took a couple hours this week and canvassed, by telephone and computer search of the available web sites of several coastal communities regarding Short Term Rentals. The analysis started with Newport, Depoe Bay, Lincoln City, Seaside, Waldport, Yachats, Florence, and Brookings. For the most part, these communities all use a Conditional Use Permit process to approve each STR. There is a very good study available on the Florence website and I have attached it here for further review if you so choose.

The Florence Study mentions Yachats as the City that used the Lottery to distribute STR permits. So, I called there and had a great conversation with the Planner there. She was working there at the outset of the Lottery process and spoke very highly of the results. However, Yachats no longer uses the lottery process, it was a one-time deal. If I have the details correct, there was, at one time, 176 STR's in the town of 1068 people. The City has 65% of its dwelling units owned as vacation or second homes, thus the reason for many STR's, which are used to offset the costs of a second home. The Planner said there is a significant attrition happening in the STR community. They have gone from 176 to a little over 140 in the last couple years and they have set a long-range cap of 125. And there is a waiting list. This was the only community that I noted a cap on the number of STR's in place.

Do not know if this information has much relevance, but it does seem like that cap number in Maupin may be a little light.

As for the application process and licensing steps, a "first come-first served" procedure should be established at the outset. Depending on the number of applicants, a lottery process could be established for the applications by giving the same number on the application to whatever identifying token or emblem is to be used to indicate the winners when that token or emblem is drawn. And a simple, well-advertised drawing would then be conducted somewhere in Public. This could be done at the outset of every season and even when there would be a cancellation

of an existing STR License in midseason. This would address the long-term licensing concern voiced at the last Planning Commission work session.

Look forward to seeing you on the 13th.

Sincerely,

***AKS ENGINEERING & FORESTRY, LLC***

***/s/ Dan Meader***

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## MEMORANDUM

### **Short-Term Rental Policies Research** Florence Housing Implementation Plan

DATE May 4, 2022  
TO Wendy Farley- Campbell, Planning Director, City of Florence  
FROM Darci Rudzinski and Emma Porricolo, MIG | APG  
CC Florence HIP Project Management Team

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#### **Introduction**

The Florence Housing Implementation Plan (HIP) will provide recommended housing programs and funding strategies that will guide future housing development in the City. An initial step in developing the HIP is reviewing housing needs and recommendations from the 2017 Housing Needs Analysis (HNA) and summarizing this information in a Housing Implementation Plan Background Report. As part of this initial step the Project Team is providing the City with research, information, and strategies to inform a future new short-term rental (STR) housing policy. The City recognizes that STRs can impact housing availability for permanent residents; community leaders would like more information on the available tools to regulate STRs.

This memorandum is intended to provide an overview of common STR regulations in practice in Oregon through an evaluation of case studies, primarily focusing on jurisdictions on the Oregon Coast. The information presented includes how jurisdictions regulate STRs through land use regulations, licensing programs, and operational restrictions. The memorandum concludes with action items and considerations that can inform local discussion regarding appropriate STR regulations for the City of Florence.

#### **Existing Conditions**

Florence is facing housing challenges related to both availability – dwelling units and types of housing available to accommodate the growing population – as well as affordability. The combination of relatively low-wage service jobs, lack of apartment inventory, and a surge in home prices is driving up rental rates and exacerbating a workforce housing shortage.<sup>1</sup> Housing stock purchased as investment properties for STRs reduces housing options for Florence residents, exacerbating an already difficult local housing market.

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<sup>1</sup> Florence Housing Needs Analysis (2017).

The HNA documented that the number of STRs had been increasing over the previous decade, and that by 2017 there were 62 short-term rental bedrooms available online through websites such as AirBnB. The housing research pointed to the significant role STRs played in the local tourism lodging industry, estimating that the STR segment accounted for approximately 11,315 annual room nights of demand, or 7% of total demand, in Florence in 2017. The HNA projected this demand to continue, estimating additional demand for 263 seasonal housing units (second homes and STRs) over the course of the next 20 years. According to a Florence Chamber of Commerce and Travel Oregon study, Florence, Mapleton, and Westlake collectively had 181 rental properties (available on AirBnB & VRBO) with an occupancy rate of 74.66% in 2021.<sup>2</sup>

In addition to impacts on housing availability, there is concern in Florence about the potential ramifications of a growing number of properties owned by part-time or absentee home owners or landlords. Issues that conceivably could arise when residents or owners are away from properties for extended periods of times include property maintenance, waste collection, parking violations, and noise and other nuisance complaints.

The City of Florence currently prohibits accessory dwelling units, or ADUs, for STR use. In Florence, operators of STRs are required to get a Business License which requires annual renewal. The City applies a local Florence Transient Room Tax (TRT) of 4% to STRs.

The Florence HNA includes two recommended action items and policy recommendations:

- *Policy 34. Establish a cap on the number of short-term vacation rental properties available in residential zones.*
- *Policy 35. Prepare clear and objective city policy that defines and limits short-term rentals.*

## Short-Term Rental Regulations

Many coastal communities and other tourism-heavily tourism-dependent communities in Oregon have implemented local regulations for STRs. Common regulations include limitations on the number and location of STRs and, once approved, policies for their operation. Licensing and operational requirements are typically found in municipal codes; land use permit requirements are in local development codes or zoning ordinances.

### Case Studies

In Oregon, Hood River, Gearhart, Lincoln City, Bend, Bandon, McMinnville, and Yachats are some of the many jurisdictions that regulate STRs. Five of jurisdictions in particular - Gearhart, Newport, Lincoln City, Bandon, and Tillamook County - have robust local requirements and were chosen as case studies for this research. The jurisdictions are coastal communities, with two cities comparable in size to Florence. Table 1 provides a summary of regulations from the case studies; Attachment A provides additional information on each jurisdictions' requirements. The case studies are intended to be informative and illustrate the common short-term rental regulations on the Oregon Coast. Also

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<sup>2</sup> Data represents available annual data (2021) for the cities of Florence, Mapleton, & Westlake from AirDNA.



informing this work is academic research from University of Oregon (UO), which provided additional context for existing practices and STR recommendations for Oregon jurisdictions.<sup>3</sup>

From this research, common regulations for STRs include, but are not limited to:

- **Adopt an official definition of “short-term rental.”** Most jurisdictions adopt an official definition of the use that is distinct from longer-term residential leases. Some jurisdictions have a subset of definitions under the short-term rental umbrella. For example, Newport’s definition includes has three different types of STRs: home shares (owner rents a room in the dwelling unit where they reside), bed & breakfast establishments (owner or manager lives on the premises), and vacation rental dwellings (entire unit is rented).
- **Limit STRs to certain zones or geographies.** Most jurisdictions use local zoning to place geographical limits on where STRs can be permitted. Commonly STRs are permitted differently in residential zones in comparison to commercial or mixed-use zones. Some jurisdictions, such as Newport and Lincoln City, prohibit STRs in the lowest density zones and/or certain planned developments; others consider STRs as commercial uses that are permitted only conditionally in residential zones.
- **Limit the number permitted.** Jurisdictions have chosen to limit the number of STRs permitted, either city-wide or in certain areas. Both Lincoln City and Gerhart have a cap on the number of STRs licensed in their cities. Other jurisdictions limit STRs through saturation rates. Saturation rates prohibit STR within a certain distance of other existing STRs (used in Bandon), or are based on an established percentage of lots in a zone that can be STRs (the Lincoln City approach). The UO Study suggests creating restrictions on STRs if they account for more than 4% of the housing stock in a jurisdiction.
- **Establish operational standards.** Operational standards set expectations for how the activity should be conducted and properly maintained and can mitigate livability and nuisance concerns regarding STRs. Case study jurisdictions had a variety of regulations related to operations including:
  - Maximum occupancy requirements
  - Parking requirements
  - Landscaping requirements
  - Waste collection requirements
  - Requiring a contact to be local
  - Signage requirement for dwelling/unit number
  - Life/safety inspections to ensure safety requirements such as fire alarms, railings, pool safety, etc. is met
  - Quiet hours
  - Displaying tsunami evacuation information

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<sup>3</sup> DiNatale et al., “Short-term rentals in small cities in Oregon: Impacts and regulations”, 2018. <https://www.eugene-or.gov/DocumentCenter/View/52935/UO-STR-Research-project-summary> and “Assessing and Responding to Short-Term Rentals in Oregon,” 2017, [https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/22520/DiNatale\\_final\\_project\\_2017.pdf?sequence=3&isAllowed=y](https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/22520/DiNatale_final_project_2017.pdf?sequence=3&isAllowed=y)

A UO study recommends creating provisions that revoke STR license or permits for properties that receive more than 5 nuisance complaints in a year. Newport has policies that revoke the permit after 3 complaints.

- **Require licensing.** Most jurisdictions require a license be obtained in order to legally operate a STR. The licensing programs are used to periodically check and maintain the STR licenses; many have annual renewal requirements. Licensing requirements ensure regulatory consistency within a jurisdiction and provide an opportunity to educate STR owners about operations requirements. In Lincoln City, the license is the second step of permitting a STR after land use approval.
- **Collect taxes (Transient Room Tax) and assess penalty fees.** The City of Florence collects TRT taxes for short-term rentals. Commonly, fees are assessed to help fund administration and enforcement of the local STR program. A 2017 study found that the average fee in participating Oregon jurisdictions was \$498 (see Figure 1).

Figure 1. Frequency for Fee and Tax Rates

Fee Rate Frequency			Tax Rate Frequency	
Mean	\$	498	Mean	7.4%
Median	\$	358	Median	7.5%
Standard Deviation	\$	554	Standard Deviation	2.3%
Range	\$	2,150	Range	8.6%
Min	\$	50	Min	1.8%
Max	\$	2,200	Max	10.4%

Source: Responding to Short-Term Rentals in Oregon Survey, y-Q20 and y-Q21, 2017.

The table below summarizes the common elements of STR rental regulations from the case studies reviewed in this memorandum.

*Table 1. Summary of Case Studies STR Regulations*

<b>STR Regulation</b>	<b>Gerhart</b>	<b>Newport</b>	<b>Lincoln City</b>	<b>Bandon</b>	<b>Tillamook County</b>
<b><i>Restrict location</i></b>	Y	Y	Y	Y	N
<b><i>Restrict number of licenses/permits</i></b>	Y	Y	Y	Y	N
<b><i>Licensing program</i></b>	Y	Y	Y	N	Y
<b><i>Specific parking and/or landscaping requirements</i></b>	Y	Y	Y	Y	N
<b><i>Occupancy limits</i></b>	Y	Y	Y	Y	N
<b><i>Local contact requirement</i></b>	Y	Y	Y	Y	Y
<b><i>Fire/health/safety inspections</i></b>	Y	N	Y	N	Y

#### *Other Notable Regulations*

The following STR requirements not used in the case study jurisdictions, but applied in other Oregon cities, may be useful to consider for application in Florence.

- Yachats: As of 2020, the City has a lottery system for new STR permits, with a process for being included on a waitlist.
- McMinnville: Has a saturation rate regulation based on proximity; STRs are not allowed on properties within 200 feet of another (existing) STR.
- Eugene: Requires all STRs to register annually with the City. A Transient Room Tax of 4.5% applies to all STRs.
- Coos Bay: New STR regulations in Coos Bay were adopted in January 2022. Key features include a 300' distance requirement between STR locations (STRs where owner/operator does not live on the site). An STR Permit requires notification to neighbors within 300 feet of the proposed site and must include contact information for STR's owner/operator.<sup>4</sup>

<sup>4</sup> Source: <http://coosbay.org/archive/news-entry/council-adopts-short-term-vacation-rental-and-homestay-regulations>

## Next Steps

Requirements presented in this memorandum are intended to provide context and “real world” examples from other Oregon Coastal jurisdictions that regulate STRs. This work does not suggest a recommended approach for Florence, but rather is provided to inform community discussion.

Community leaders and interested citizens will need to take the next steps to identify which measures are appropriate for Florence, given the desired balance between permitting STRs and mitigating potential negative neighborhood or community impacts. The community will need to identify those issues that are of greatest concern, then choose appropriate measures to address those concerns.

In determining appropriate requirements and establishing a program for STRs, the community may wish to consider the following.

Table 2. Policy Questions to Guide Community Conversations

Potential Actions	Additional Considerations
<p><b>Limiting the Number of STRs.</b>  <i>Does the City want to set a limit on number of STRs permitted in Florence? What are the implications (positive and negative) of implementing a limit?</i></p>	<ul style="list-style-type: none"> <li>• Is the limitation a city-wide limitation or focused on specific area(s)?</li> <li>• What is the maximum number of STRs permitted at one time? What will this number be based on?</li> <li>• Of the maximum number, how many are permitted at the outset of the program? Are existing STRs grandfathered into the program?</li> <li>• After the start of the program, how do new permits become available and accessed (e.g., waitlist and/or lottery system)?</li> </ul>
<p><b>Limiting on location of STRs.</b>  <i>Should STRs be permitted throughout the City or limited to specific zones?</i></p>	<ul style="list-style-type: none"> <li>• Should STRs be allowed outright, or conditionally through a land use permitting process?</li> <li>• What land use approval process should STRs be subject to if any?</li> </ul>
<p><b>Regulating operations.</b> <i>Should the City adopt operational regulations (e.g., occupancy limits, parking minimums, quiet hours) for STRs to reduce potential neighborhood impacts/ nuisance complaints? What are the most common nuisance issues that currently exist with STRs in Florence?</i></p>	<ul style="list-style-type: none"> <li>• Does the City wish to establish regulations for the following? <ul style="list-style-type: none"> <li>○ Maximum occupancy limits</li> <li>○ Minimum parking</li> <li>○ Minimum landscaping</li> <li>○ Waste collection requirements</li> <li>○ Dwelling/unit number display size</li> <li>○ Life and safety inspections (e.g., proper fire alarms, railings to code)</li> <li>○ Display/sharing tsunami evacuation information</li> <li>○ Quiet hours</li> </ul> </li> <li>• Should the City establish a way to revoke STR licenses or permits when there are too many complaints related to operational standards? How many is too many?</li> <li>• Should a local contact who can handle immediate concerns be required for each STR? What is the role of the local</li> </ul>

Potential Actions	Additional Considerations
	<p>contact at the time of complaint? Do neighboring properties receive the local contact's information? If so, how is that information shared, through a mailed notice or STR inventory on City's website?</p>
<p><b>Approval and Tracking.</b> <i>How can the City implement and track new regulations related to STRs? Does the City wish to adopt a licensing/permit program to track and monitor STRs?</i></p>	<ul style="list-style-type: none"> <li>• Is a licensing or permit program to ensure regulations are met necessary? What is the relationship between a license/permit program and potential land use approvals for STRs?</li> <li>• What staff and department(s) will take on the administrative responsibilities associated with new regulations? Which department will operate the program? Are there existing personnel that have capacity to dedicate to a STR program? Should fees be collected with a licensing/permit program to cover administrative costs?</li> </ul>

As the questions above are explored, and before deciding on all of the programmatic, operational, and code requirements related to STRs, the City may benefit from discussing specific implementation items with staff and leaders from other jurisdictions. A next step could include contacting other jurisdictions to discuss "on the ground" knowledge and local implementation challenges related to STR regulations, permits, and licensing programs.

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## ATTACHMENT A – SHORT-TERM RENTAL CASE STUDIES

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Five Oregon Coastal jurisdictions - Gearhart, Newport, Lincoln City, Bandon, and Tillamook County - were chosen as case studies to inform community conversations the City of Florence is having around STRs. Information for each of these communities is organized in a table that contains the following:

- **Name and Definition.** Jurisdictions refer to STRs by different names, including vacation rentals, and some have multiple subcategories under the umbrella term of “short-term rental.” The term used by each jurisdiction is described under this heading.
- **Permitted Use in Residential Zones.** Short-term rentals are typically permitted differently in residential zones as compared to commercial or mixed-use zones. The regulations that apply to residential zones for each jurisdiction are described in this section.
- **Permitted Use in Other Zones.** In most jurisdictions, the short-term rentals are permitted differently in residential zones compared to commercial or mixed-use zones. The regulations that apply to residential zones for each jurisdiction are described in this section.
- **Licensing Program.** Separate from land use regulations, most jurisdictions establish licensing programs to monitor and regulate other elements of short-term rentals. Regulations associated with licensing programs are described for each case study.
- **Limitation on Number.** Some jurisdictions have chosen to limit the number of STRs allowed within their jurisdictions, or within a certain geographic area. The case studies represent two approaches, regulating STR saturation rates through land use approval or limiting the number of licenses issued at a given time.
- **Other Requirements.** Details on other regulations (e.g., operational, life/safety, parking requirements) in each jurisdiction are described below.

## Short-Term Rentals Case Studies

<b>City of Gerhart</b>	
Name and Definition	<b>Vacation Rental Dwelling.</b> Any structure, or any portion of any structure, which is occupied or offered or designated for transient occupancy for less than 30 days for dwelling, lodging or sleeping purposes; and includes houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy, provided such occupancy is for less than a 30-day period.
Permitted in Residential Zones	<ul style="list-style-type: none"> <li>• VRDs are seen as a commercial use.</li> <li>• They are not permitted in low- and medium-density residential zones and the planned development zone. Note, in the low- and medium-density zones some existing rentals were grandfathered in at the start of the VRD permit program.</li> <li>• In the high-density residential zone, VRDs are permitted within single family detached and multi-family housing.</li> </ul>
Permitted in Other Zones	VRDs are not permitted.
Licensing Requirements	Yes, permits are required and required annual renewal.
Limitation on Number of STRs	In 2016, Gerhart established a one-time 60 day period to apply for permits in the low- and medium-density zones. The city limited the number of STRs permitted to be licenses in the low- to medium-density residential zones. In the high-density residential zone (R-3), there is no limit on the number of VRD permits. Annual renewal is required.
Other Regulations	<ul style="list-style-type: none"> <li>• VRD permits don't transfer with the sale of house/unit, unless it is through inheritance.</li> <li>• Maximum occupancy is 2 persons per bedroom.</li> <li>• Off-street parking required a minimum rate of 1 space per VRD bedroom.</li> <li>• VRD yards must be 50% landscaped.</li> <li>• Fire/Safety/Heathy inspection is required along with periodic re-inspections.</li> <li>• VRDs must post a "Gearhart Tsunami Evacuation Map" in the dwelling. Gerhart recommends the VRDs have a prepped "Go Bag" with supplies. The permit application fee is \$100 less if a Go Bag is at the VRD and verified through inspection.</li> <li>• The City adopted "Good Neighbor Policies and Guidelines" that are required to be included in VRD rental agreements.</li> </ul>

Source: [https://www.cityofgearhart.com/sites/default/files/fileattachments/general/page/661/qzo\\_1.2021.pdf](https://www.cityofgearhart.com/sites/default/files/fileattachments/general/page/661/qzo_1.2021.pdf)

<b>City of Newport</b>	
Definition	Short-term rentals subcategories are: <ul style="list-style-type: none"> <li>• <b>Home shares.</b> Where owner rents a room in the dwelling unit where they reside.</li> <li>• <b>Bed &amp; Breakfast establishments.</b> Owner or manager lives on the premises</li> <li>• <b>Vacation Rental Dwellings.</b> A short-term rental where the entire unit is rented.</li> </ul>
Permitted in Residential Zones	<ul style="list-style-type: none"> <li>• Home shares and bed breakfast facilities are permitted in all residential and commercial zones.</li> <li>• Vacation Rental Dwellings Permitted in the Vacation Rental Overlay Zone with use-specific limitations. The overlay covers commercials and residential zones in a specific area of town and avoids low-density residential neighborhoods (i.e., R-1). If all the standards related to VRDs are met, the permit is subject to a staff-level non-discretionary decision. If one of the standards is not met, land use approval still can be obtained through approval of a conditional use.</li> </ul>
Permitted in Other Zones	
Licensing Requirements	Annual license renewal is required. Renewal is only permitted if the STR unit was rented for at least 30 days in the previous fiscal year.
Limitation on Number of STRs	In 2019, the City limited the number of STRs to no more than 176 licenses for STRs.
Other Regulations	<ul style="list-style-type: none"> <li>• No more than 5 bedrooms are permitted in B&amp;Bs and VRDs</li> <li>• City has spacing standards for density of STRs to avoid heavy concentrations.</li> <li>• Local contact is required for rentals.</li> <li>• 1 off-street parking space per bedroom is required.</li> <li>• 50% of front yard and 40% of total area shall be landscaped.</li> <li>• City established a process for revoking license for enforcement and a 2 year hold for a STR before owners can reapply for a STR license.</li> </ul>

Source: <https://newportoregon.gov/dept/cdd/VacationRentalDwelling.asp>

<b>Lincoln City</b>	
Definition	<b>Vacation rental dwelling</b> means a dwelling unit that is used, rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis.
Permitted in Residential Zones	<ul style="list-style-type: none"> <li>• VRDs are a permitted use in the residential (R-1-5 and R-1-RE), plan districts (Oceanlake PD, Nelscott PD), Vacation Rental (VR), and commercial (GC, RC, TVC) zones. Note, expansion of the VR zone is prohibited.</li> <li>• VRDs are permitted as accessory use in most residential zones (R-1-5, R-1-7.5, R-1-10, R-M and R-R). Accessory VRDs are not considered a commercial use.</li> <li>• In the R-1-5 zone, only 10% of the lots within the zone can have VRDs.</li> <li>• In the R-1 zone VRDs are considered commercial uses and are only permitted in the vacation rental zones.</li> </ul>
Permitted in Other Zones	



<b>Lincoln City</b>	
	<ul style="list-style-type: none"> <li>Rentals in the R-1-RE zone are considered non-conforming uses that cannot transfer with sale.</li> </ul>
Licensing Requirements	The VRD licensing processing is the second step after land use approval. If the VRD license hasn't been issued within one year of the land use approval date, the land use approval becomes null. Once a license is obtained, license renewal is required.
Limitation on Number of STRs	<ul style="list-style-type: none"> <li>In the R-1-5 zone, only 10% of the lots within the zone can have VRDs (equals a maximum of 194 STRs permitted). No new STR licenses are permitted in the R-1-RE zone.</li> <li>There is no limit on the number of STRs in commercial zones.</li> </ul>
Other Regulations	<ul style="list-style-type: none"> <li>One off-street parking space must be provided for each bedroom. In no case shall less than two off-street parking spaces be provided for each dwelling unit.</li> <li>50% of the front yard must be landscaped in residential zones.</li> <li>Application notice for VRDs must notify property owners with 250 feet of the property. Notice must include name and phone number of contact person for the VRD.</li> <li>Inspection for fire/life/health safety is required.</li> <li>Established requirements for complaints process and responses.</li> <li>Occupancy cannot be more than 3 times the number of bedrooms plus one additional occupant or 16 total occupants.</li> <li>License has operational requirements for waste collection.</li> <li>Roads End Neighborhood has separate VRD standards.</li> </ul>

Source: <https://www.lincolncity.org/departments/planning-community-development/vacation-rental-dwellings-vrds> and <https://www.lincolncity.org/home/showpublisheddocument/456/637723117803034188>

<b>Bandon</b>	
Definition	<b>Vacation Rental Dwellings (VRD).</b> An existing single-family detached dwelling which is rented, or is available for rent (whether advertised or not) for a period of less than one month to a family, group or individual. A VRD is considered to be a commercial use.
Permitted in Residential Zones	VRDs are conditional uses in the mixed-use residential zones, known as Controlled Development Zones (CD). In the CD-1 zone, only permitted when located in the VRD overlay. In all zones VRDs are permitted as Conditional Uses, subject to Planning Commission approval. VRDs are not permitted in residential zones.
Permitted in Other Zones	VRDs are permitted in the Marine Commercial (C-3) zone as a conditional use.
Licensing Requirements	Need approval of conditional permit for VRDs. No other licensing requirements necessary. Permit will be revoked if the VRD is not rented for one year or less than 10 nights within a calendar year.
Limitation on Number of STRs	There is no cap on the number of STRs permitted throughout the City, limitations on are based on saturation rate. STRs are permitted if less than 30% of the SFD dwellings within 250 feet of the subject property are short-term rentals.

<b>Bandon</b>	
Other Regulations	<ul style="list-style-type: none"> <li>• VRDs that are single family detached dwellings must be at least 3 years old in order to receive a permit for the VRD.</li> <li>• All VRDs shall post the Bandon Tsunami Evacuation Route map must be placed in a conspicuous location within the dwelling.</li> <li>• ADUs are prohibited on properties with short-term rentals.</li> <li>• One off-street parking is required for each bedroom in a VRD and are required to have a minimum of 2 spaces.</li> <li>• Local management and/or contact is required.</li> <li>• Maximum occupancy is limited to 3 people per bedroom or 10 people total.</li> <li>• Regular garbage collection is required.</li> </ul>

Source: <https://www.cityofbandon.org/planning/page/vacation-rental-dwellings>

<b>Tillamook County</b>	
Definition	<b>Short Term Rental</b> <sup>5</sup> . A dwelling unit (including any accessory guest house on the same property) that is rented to any person on a day to day basis for a consecutive period less than 30 days during the year.
Permitted in Residential Zones	No regulations
Permitted in Other Zones	No regulations
Licensing Requirements	<ul style="list-style-type: none"> <li>• Short Term Rental Permit is required. Requires an inspection and fee payment to receive the permit. Annual permit renewal is required and inspections are required every 3 years.</li> <li>• Short-Term Rental Operator License Fee Program also required. The fee must be paid quarterly. The fees collected from the program will go to County administration, housing initiatives and public safety initiatives.</li> <li>• The Community Development Department administers both the permit and license program.</li> </ul>
Limitation on Number of STRs	None
Other Regulations	<ul style="list-style-type: none"> <li>• Have designated quiet hours for STRs.</li> <li>• A local contact is required.</li> <li>• There are health/fire/life safety requirements that are checked through inspections. See Inspection Checklist</li> <li>• Transfer of Short Term Rental Permit to new property owners are permitted with approval of an application from the County.</li> <li>• STR regulations include a hearings process for STR regulations violations (e.g., too many noise complaints during quiet hours).</li> </ul>

Source: <https://www.co.tillamook.or.us/commdev/page/lodgingshort-term-rental-resources>

<sup>5</sup> Note Tillamook County references STRs as “Short Term Rentals” with no hyphen in short term.

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## Chapter 5.30

### SHORT-TERM RENTALS

#### 5.30.010 Definitions.

For the purpose of this chapter, the following definitions shall apply:

“Accessory structure or accessory use” means a structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use.

“Contact person” means a 24-hour local (within 10 minutes of the rental dwelling) person or entity who can address governmental and private citizen concerns and may be:

- (a) The owner(s) of the dwelling unit; or
- (b) The agent of the owner(s) authorized to act for the owner(s) as designated on the license application.

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, sanitation and only one cooking area.

“Licensing authority” means the Maupin city manager or another authorized representative of the city of Maupin charged with administering this chapter.

“Multifamily dwelling” means a structure of which all habitable portions thereof are connected structurally and comprise three or more dwelling units, including, but not limited to, factory-built dwellings, mobile homes and site-built dwellings.

“License” means a short-term rental license issued by Maupin, Oregon, and maintained in good standing by the owner(s) or agent of the owner(s) in accordance with the provisions of the Maupin city ordinances and regulations.

“Owner(s)” means the person or people, partnership, corporation, association, or other legally recognized person(s) or entity holding title to the dwelling unit in accordance with law.

“Person” means any natural person(s), firm, partnership, association, social or fraternal organization, corporation, business or any other group or combination acting as a unit.

“Rental agreement” means any agreement, whether or not in writing, granting the use of a dwelling unit to a person. Use of a dwelling unit by a recorded owner or other person or persons without monetary consideration shall not be considered to be a rental under this chapter.

“Rent” means the authorization of use of a dwelling unit granted to a person(s) in exchange for monetary consideration.

“Renter” is a person who rents a short-term rental.

“Short-term rental” means the renting of a dwelling unit (including any accessory guest house on the same property) to any person(s) on a day-to-day basis or for a period of time of up to 30 consecutive nights.

“Single-family dwelling” means a structure of which all habitable portions thereof are connected structurally and comprise one dwelling unit, including but not limited to factory-built dwellings, mobile homes and site-built dwellings.

“Sleeping area” means a room or other space within a dwelling unit designed, intended or used for sleeping. Roll out beds, fold out couches, or other temporary sleeping accommodations including tents and recreational vehicles shall not be considered a sleeping area, and may not be used to increase the allowed occupancy of a short-term rental as provided in this section. Determinations as to the number of sleeping areas within a dwelling unit are reserved to the Maupin city licensing authority and all determinations are final.

“Two-family dwelling” means a structure of which all habitable portions thereof are connected structurally and comprise two dwelling units including but not limited to factory-built dwellings, mobile homes and site-built dwellings.

“Vacation rental,” for the purpose of this section, means the same as “short-term rental” as defined above. [Ord. 312 § 1, 2021.]

### 5.30.020 Licenses.

(1) It shall be unlawful to rent any dwelling unit as a short-term rental without obtaining and maintaining a current license as provided in this chapter. All dwelling unit owners shall obtain a license prior to using the dwelling unit as a short-term rental. **Applicants, including individuals or other entities may only apply for and hold one license at a time.**

(2) No license granted under the provisions of this chapter shall be assignable. If the dwelling unit is sold or transferred by any means, a new license is required of the subsequent owner(s) who desire(s) to continue a short-term rental operation; provided, however, that the Maupin city council may set a pro rata lower fee for the first year. The subsequent owner(s) will be required to fill out a new application and agree in writing to comply with the requirements of this chapter and the license authorized herein. [Ord. 312 § 2, 2021.]

(3) **The City shall restrict short-term rental licenses to a maximum of 3% of residential units within the City as rounded to the nearest whole number. The number of residential units shall be assessed on the final business day of each calendar year. This percentage may be adjusted by amendment to this ordinance by the City Council.**

### 5.30.030 Application for license – Fee.

(1) Applications for a license, renewal of a license, or license caused by a change in ownership shall be made upon forms provided by the city of Maupin and filed at the city manager’s office at City Hall. These applications shall include, but not be limited to, the following:

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- (a) A plot plan, drawn to scale, showing the location of the dwelling unit on the lot with dimensions shown and particularly the off-street parking availability shall be shown and dimensions of the parking spaces shown as well.
- (b) Every license application, renewal license or license caused by a change in ownership shall be accompanied by application fee(s), which, at the time of passage of the ordinance codified in this chapter is \$250.00 plus actual cost of any additional inspections by city, county, or state agencies. This application fee is subject to modification as provided in this chapter.
- (c) If approved by the licensing authority, the successful applicant shall pay the annual licensing fee which is \$500.00 per calendar year prorated as of the date of issuance. This is the fee adopted at the time of passage of the ordinance codified in this chapter and is subject to change as provided in this chapter.
- (d) Fees provided in this chapter shall be subject to review annually and may be amended, by resolution of the city council of the city of Maupin.
- (e) Every application shall be processed by the licensing authority.
- (f) Upon receipt of the completed application, the licensing authority will review the application and certify that:
- (i) Based on a viewing of the property, the short-term rental complies with standards found in this chapter and the other relevant ordinances of the city of Maupin.
  - (ii) There has been a proper posting of the contact person information, as provided in this chapter.

- (iii) The contact person information is being provided to the Wasco County sheriff, local fire and rescue and the city of Maupin.
- (iv) Determine and state on the license the maximum occupancy for the short-term rental as defined by this chapter.
- (v) Receive and review the certified statement of the owner that the owner of the short-term rental has met and will continue to comply with the requirements of this chapter. [Ord. 312 § 3, 2021.]
- (vi) **The City may elect to conduct a lottery initially for the purpose of establishing a baseline for the Short-Term Rental Program. Subsequent Lotteries may be conducted when there is a large number of applicants and a waiting list is necessary.**

#### 5.30.040 Transient room tax compliance required.

Notwithstanding any other provision of the ordinance codified in this chapter or any other ordinance of the city of Maupin and as a separate stand-alone requirement and criteria for holding a valid license, the owner shall provide a certified statement that the owner will comply with Maupin and Oregon State transient room taxes. If at any time the licensee cannot demonstrate compliance with transient room taxes, or if the city determines that the owner is not in compliance with the provisions of those transient room taxes, the license shall not be issued, or may be suspended or revoked, or may be denied upon renewal, until such time as the noncompliance is resolved to city's satisfaction. "Noncompliance" includes, but is not limited to, failure to report, improper reporting, failure to collect or failure to remit required transient room taxes. Any of these actions not timely made is also grounds for revocation and nonrenewal of the license for noncompliance. **Failure to properly report compliance with Oregon and City of Maupin transient room tax requirements for two consecutive quarters will result in immediate revocation of a Short-Term Rental License.** [Ord. 312 § 4, 2021.]

#### 5.30.050 Licenses subject to commercial city sewer and water rates.

Premises licensed under the provisions of this chapter and related regulations are subject to the Maupin commercial city sewer and water rates during the period of licensure. [Ord. 312 § 5, 2021.]

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### 5.30.060 Issuance and maintenance of license.

Issuance and maintenance of license is subject to the following:

- (1) Authority to issue licenses rests with the licensing authority.
- (2) An issued license is subject to revocation or refusal to renew the license for failure to meet, maintain or operate the short-term dwelling in conformance with the requirements of this and other ordinances of the city of Maupin.
- (3) Within 30 days of receipt of a completed application, the payment of required fees, and the determination or adequate certification of compliance with the requirements of this chapter, a license shall be issued by the licensing authority to the owner which shall be good until the end of the calendar year of issuance.
- (4) If an application for a permit or the renewal of a permit is denied, or a permit is revoked, cancelled, or not renewed the owner may appeal denial or revocation or nonrenewal to the Maupin city council as provided below.
- (5) During the time that a license is revoked, nonrenewed or not issued, a short-term rental may not operate. [Ord. 312 § 6, 2021.]

(6) All Short-Term Rental License expire on December 31st annually and must be renewed prior to continuing use of a Short-Term Rental. If the maximum number of Short-Term Rental Licenses is not reached by approved renewal applications, the City may issue new Short-Term Rental Licenses.

All new Short-Term Rental License applications shall be time-stamped with the date of receipt, or the date the application was deemed complete (whichever is later). The Administrator shall process completed applications in the order that they are received, according to the timestamp on the application.

If the maximum cap of Short-Term Rental Licenses is reached the Administrator shall stop processing applications for the year. Any unprocessed applications shall be returned, and the application fee shall be refunded to the Applicant. Applications for an STR License are only valid for the year for which it was submitted.



### 5.30.070 Operating standards.

All short-term rentals shall comply with the following operating standards and conditions:

- (1) Except as provided herein, single-family dwellings conducting a vacation rental business must maintain the appearance and operational characteristics of a single-family dwelling unit.
- (2) *Contact Person(s)*. The name and phone number of the contact person(s) shall be posted, provided and updated in the following manner:
  - (a) Short-term rentals shall maintain a sign, which is conspicuously posted and clearly visible from the primary street(s) adjacent to the property, identifying the property as a short-term rental. This sign shall include the current name and 24-hour phone number of the contact person and the occupancy limits of the home.
  - (b) In addition, the owner shall provide the contact person's name and phone number in writing to the local fire chief and the Wasco County sheriff's office.
  - (c) Each vacation rental shall maintain an up-to-date posting which shows the property owner's contact information, phone and email address and the telephone number for the contact person.
  - (d) The owner shall update the posted notice and provide a new written notice to the local fire chief and Wasco County sheriff's office and the city of Maupin each time there is a change to the name or phone number of the contact person.
  - (e) The contact person shall contact a renter by phone or in person or otherwise promptly respond to phone inquiry upon receiving any complaint from a neighbor, the local fire department or the sheriff's office concerning the conduct of a renter or other issue impacting the public or the city.
- (3) *Quiet Time*. The hours of 10:00 p.m. to 7:00 a.m. weekdays and 10:00 p.m. to 10:00 a.m. on weekends and holidays are required quiet times. The owner or contact person shall notify every renter, in writing, of the quiet times and that a renter may be subject to sanction and penalties under the law. Failure of the licensee or the licensee's agents to enforce this quiet time may result in revocation or nonrenewal of license. Renters who violate this standard may be issued enforcement mechanisms available for breaches of the peace.

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- (4) *Outdoor BBQs.* Outdoor propane barbecues and outdoor propane fire pits are permitted. No other outdoor fires are permitted.
- (5) *Garbage Service.* The owner shall be required to maintain adequate garbage service, with required secure containers, from the franchised waste disposal service company serving its property. The service must be at a level commensurate with the garbage generated at the dwelling, but no less than weekly service when the short-term rental is being rented. Owners shall notify all guests of the garbage services and requirements for the dwelling.
- (6) *Parking.* The owner must provide one parking space for each approved sleeping area in a short-term rental, plus one additional parking space per unit. Off-street parking spaces shall measure not less than nine feet by 19 feet. Owners shall provide sufficient off-street parking for renters who bring trailers, boats or similar oversized vehicles. Renters must be advised that they may only park in the off-street parking unless otherwise specifically authorized by the city license. Parking shall not, under any circumstances, hinder the path of any emergency vehicle. Renters may be cited and fined in the event they park illegally. Repeated violations of prohibited parking by renters of the short-term rental may be grounds for revocation or nonrenewal of the license.
- (7) *House Number.* A house number, visible from the street, shall be installed and maintained by the owners.
- (8) *Limits on Occupancy.* The maximum occupancy for a short-term rental unit shall be calculated on the basis of an average of two persons per sleeping area plus an additional two persons. For the purpose of maximum occupancy, those under two years of age shall not be counted. Accessory structures, tents and recreational vehicles and similar sleeping arrangements shall not be used to increase the number of people approved to occupy a short-term rental. Notwithstanding the foregoing, no more than 10 persons shall occupy the short-term rental unit at any one time.
- (9) *Notices to Renters.* The owner must provide to each renter and post in a prominent location in the dwelling, a list of rules including, but not limited to, rules on required quiet times, fire, barbecues, available garbage service, parking locations and limitations on occupancy.
- (10) *Outdoor Lighting.* Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take

into consideration the viewshed and shall be shielded or hooded to prohibit glare to impact adjoining properties.

(11) *Pets and Barking Dogs*. If owner allows dogs on premises, the renter shall always maintain control of the dog including preventing excessive barking. [Ord. 312 § 7, 2021.]

### 5.30.080 Complaint procedure.

All complaints will initially proceed through the informal resolution process provided herein. If the complaint is unresolved, then the more formal process shall be utilized as set forth below:

- (1) *Step One*. The complaining party shall attempt to communicate with the contact person designated on the license, as is communicated in the notice posted at the short-term dwelling. The complainant shall describe the problem and the requested resolution.
- (2) *Step Two*. The contact person shall promptly respond to the complainant and make reasonable efforts to remedy any situation that is out of compliance with the provisions of this chapter. If that resolves the matter, the complaint process terminates.
- (3) *Step Three*. If the response from the contact person is not satisfactory to the complaining party or the contact person does not believe that the problem violates this or other Maupin city ordinances or other laws, either party or both parties may next provide a written complaint to the licensing authority, with a copy of the written complaint provided to the other party by the complainant. The written complaint shall describe all efforts to resolve the problem. The licensing authority shall then attempt to resolve the complaint with parties. The licensing authority may use community mediation resources if it determines such resources are available and would help resolve the complaint. If not mutually resolved by the parties, the licensing authority shall issue a written determination to both parties to resolve the problem. If the licensing authority finds that a violation of this chapter occurred, the licensing authority may undertake enforcement action as authorized in this or other ordinances of the city of Maupin.
- (4) *Step Four*. Either party may appeal the determination of the licensing authority by filing a written appeal to the Maupin city council, within 30 days of the licensing authority's determination. The city council, or its designee, shall hold an informal hearing on the appeal and issue a formal decision.

(5) *Complementary Procedure.* This procedure is separate from but complementary with the procedures used to revoke, cancel or deny renewal of a license. [Ord. 312 § 8, 2021.]

### 5.30.090 Denial, revocation or renewal of a license – Hearing.

(1) Owners of short-term rental units who hold a valid license under this chapter are required to comply with all applicable provisions of this chapter and the other ordinances of the city of Maupin. In addition to the penalties provided elsewhere, for any violation of any provision of the ordinances of the city of Maupin, failure to comply may subject the owner to revocation or nonrenewal of a license as provided for in this section.

(2) Appeal of denial of a license is also governed under these provisions.

(3) The following shall be grounds for considering revocation or nonrenewal of the license granted and held under this chapter:

(a) One or more violations of this chapter or other provisions of the Maupin city ordinances related to the same short-term rental within one year. Violations include, but are not limited to, complaints identified in this chapter which reached Step 4 in MMC 5.30.080 and a final determination was made that the problem, as unresolved, violates provisions of Maupin ordinances.

(b) Violations may also be determined by the licensing authority for noncompliance with the provisions of this chapter or other federal, state or local law.

(4) A decision of the licensing authority may be appealed under the following procedures:

(a) An appeal of the decision of the licensing authority must be filed with the city recorder within 30 days of the appealed decision, together with a filing fee, which at the time of adoption of this ordinance is \$100.00 and which as elsewhere provided is subject to annual review.

(b) Upon timely filing of an appeal of the administrative decision of the licensing authority, the city council or an authorized representative of the city council shall conduct a hearing to consider the challenged decision.

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(c) The city council or its designee shall give 30 days' written notice to all relevant parties of the time, date and place of the hearing, that the short-term rental permit may be revoked as a result of the hearing and of the allegations and violations upon which revocation will be considered.

(d) At the hearing, each party shall have an opportunity to be heard and present such witnesses, testimony and other evidence as that party deems relevant to the issues. The procedure will be informal and no cross examination will be allowed. The hearing may be continued at the discretion of the city council or its designee.

(e) At the conclusion of the hearing process, the city council or its designee shall consider the evidence and issue a binding decision. [Ord. 312 § 9, 2021.]



## STAATS AVENUE-SECOND STREET AREA

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### DOCUMENTS

[Staff Report](#)

### MOTION



January 30, 2024

Maupin City Planning Commission  
507 Grant Avenue  
Maupin, Oregon 97037

**RE: Staats Avenue Area Plan Staff Report**

Dear Commissioners:

At the Planning Commission work session earlier this month, the Staff presented findings that make the wholesale vacation of certain streets in the Staats Avenue Area unlawful to complete. Oregon Law will not allow the creation of land-locked lots or parcels. Therefore, the actions proposed on the map provided to the Commission cannot be undertaken. "7th rule of Planning: It is unlawful to create a land-locked lot or parcel."

Staff further recommended the intersection of Highway 197 and Staats Avenue and 2nd Street be further investigated with the possibility of closing that access point to Highway 197. It is suggested that the Commission take a better look at that issue in the next work session now scheduled for February 13.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**

*/s/ Dan Meader*

Dan Meader, Senior Land Use Planner  
3775 Crates Way, The Dalles, OR 97058  
(541) 296-9177 | meaderd@aks-eng.com



## ADJOURN

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### NEXT MEETING TIME & DATE

Tuesday, March 12, 2024 at 4:30 p.m.

### SUGGESTED TOPICS FOR NEXT MEETING

### CHAIR ADJOURNS THE MEETING