



City Council Agenda Report

Meeting Date: March 6, 2019
Department: Administration
Staff Recommendation: Continued deliberations

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Estimated Time: 90 minutes

ISSUE BEFORE THE COUNCIL

Continued deliberations on proposed ordinance to regulate short-term rentals.

BACKGROUND

The Council held public hearings on the proposed ordinance on December 5 and December 19, 2018. The public hearing was closed on December 19. The Council began deliberations on February 6 but did not take any final action on the ordinance. The March 6 meeting is a continuance of those deliberations. When the meeting was adjourned on February 6, there was a motion on the floor to approve the ordinance as amended. An amendment was passed to add the language “with the goal of safeguarding, preserving and protecting residential housing stock in the City” after the words “City of Talent” in the first sentence of the ordinance. An amendment to restrict short-term rentals to commercial and mixed-use zones was defeated. No further action on the ordinance was taken.

RECOMMENDATION

Continue deliberations from the point they were ended and approve the proposed short-term ordinance as amended by Council.

RELATED COUNCIL POLICIES

None.

POTENTIAL MOTIONS

Motion is on the floor.

ATTACHMENTS

Proposed new section 8-3J.1170 of Talent Zoning Code

- B. Chickens and ducks kept under this section shall be secured at all times:
1. During non-daylight hours, chickens and ducks shall be confined within a secure coop sufficient to protect chickens and ducks from predators;
 2. During daylight hours, chickens and ducks shall be confined within a coop or run meeting the requirements of Section 8-3J.1160(C), below, or within a securely fenced backyard.
- C. Coops and Runs:
1. Coops and runs shall be built in compliance with all applicable building and zoning codes if over 200 square feet;
 2. Coops shall be set back at least 20 feet from dwellings on abutting property;
 3. Coops shall be set back a minimum of five (5) feet from abutting side property;
 4. Coops and runs shall not exceed eight (8) feet in height in a back yard or three (3) feet in height in the front yard;
 5. Coops must have at least two (2) square feet of floor area per adult chicken or duck.
 6. Runs must have at least six (6) square feet of run area per adult chicken or duck.
- D. To protect public health, the areas in which chickens or ducks are kept must be maintained in compliance with the following requirements:
1. All animal or poultry food shall be stored in metal or other rodent proof receptacles;
 2. Manure must be collected, stored, composted and/or removed from the property on a regular basis so as not to create a public health hazard or nuisance. All manure not used for composting or fertilizing shall be removed from the property;
 3. Noise resulting from the keeping or maintaining of chickens or ducks must not exceed the limitations set forth in Talent Municipal Code.

8-3J.1170 SHORT-TERM RENTALS

The Purpose of this article is to allow short-term rentals in the city of Talent. A short-term rental is defined as a dwelling unit that is rented to successive tenants for periods of less than 30-days duration over a 12-month period. Short-term rentals are permitted in all residential zones, in both owner-occupied and leased properties, provided that the short-term rental meets the definition as stated in 8-3B.1 of this Code, the requirements of this Article, and all other applicable City, County or State laws and regulations.

- A. Application Requirements. Any occupant of a dwelling unit may make an application to the Community Development Department to operate a short-term rental. The application shall consist of the following:
1. Name of applicant with site address and applicant's mailing address (if different), assessor's map number and tax lot number of the subject property;
 2. A written description of the subject property, including property type (single family

home, multi-family apartment, etc.), and a description of the portion of the dwelling to be rented.

3. Site map showing location of dwelling unit on the parcel, and location of required off-street parking.
4. If the property is leased, a copy of a lease agreement valid for at least 6-months from the date of application, plus an original, signed letter from the property owner indicating the tenant has permission to use the property as a short-term rental.
5. A one-time application fee and annual permit fee, in an amount established by resolution or ordinance of the City Council.

B. Conditions of Approval.

1. The dwelling unit to be used as a short-term rental must be owner-occupied. For the purposes of this Section, owner-occupied means the owner or lessee of the property declares the property as his/her legal permanent residence and occupies must reside in the dwelling for at least 270 days of the calendar year. Owners or lessees may not enter into a short-term rental agreement for periods when they do not ~~occupy~~ reside on the property unless an adult 18-years or older is present on the premises during the rental period, and that adult is responsible for ensuring compliance with the provisions of this Article.
2. The owner or lessee of the subject property may lease up to three bedrooms (attached or detached to the primary dwelling), plus common areas of the occupied dwelling, but no dwelling unit may be rented in its entirety. Existing accessory dwelling units and new accessory dwelling units permitted under this ordinance shall not be used as short-term rentals.
3. The short-term rental must demonstrate compliance with city off-street parking standards.
 - a. For one- and two-bedroom dwelling units: two spaces per unit.
 - b. For three- or more bedroom dwelling units: two spaces per unit, and one space for each additional bedroom between three and five, for a maximum of five spaces.
4. Applicant shall demonstrate that the dwelling unit is in compliance with all applicable health and safety laws and regulations, including installation of smoke and carbon monoxide detectors.
5. Applicant shall keep a guest log recording the name, address and dates of stay for each short-term rental guest. The log shall be available for inspection by city staff at any time.

6. No exterior signs advertising the short-term rental accommodations shall be allowed.
 7. Applicant shall prominently post rental rules and regulations in the interior of the dwelling unit where they can be seen by guests. Rules shall include reference to on-street parking prohibitions, excessive noise, and disturbance of neighbors.
 8. Applicant agrees to allow city staff to inspect the dwelling unit prior to approval of the short-term rental application, and at any time after approval upon 24-hours-notice to the applicant.
 9. Applicant shall provide evidence of a current city business license, and registration with the applicable state and local taxing authorities for purposes of paying state and local lodging taxes.
- C. **Level of Review.** An application for a short-term rental shall be a Type 1 review by the Community Development Department based on the conditions for approval set forth in this Article. An administrative decision by the Community Development Department is final on the date that it is made and cannot be appealed to the City or City officials.
- D. **Pre-Existing Non-Conforming Use.** Pre-existing non-conforming use of a residential property as a short-term rental shall be allowed if all of the following conditions are met:
1. The owner/occupant files an application under this Article and pays all applicable fees, within 60 days of final approval of a short-term rental ordinance.
 2. The owner/occupant demonstrates to the satisfaction of the Community Development Department that the property was in compliance with all applicable state and local laws and regulations in the 12 months prior to enactment of the ordinance, including obtaining a business license and paying all required taxes.
- E. **Enforcement.** The granting of a business license to operate a short-term rental shall be subject to payment of an annual permit fee, and to review by the Community Development Department. If the Community Development Department determines that a short-term rental is operating in violation of the conditions of approval of this Article, the license holder shall be subject to all applicable fines under the Talent Municipal Code.