



City Council Agenda Report

Meeting Date: March 20, 2019
Department: Administration
Staff Recommendation: Adopt ordinance (first reading)

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Estimated Time: 30 minutes

ISSUE BEFORE THE COUNCIL

Discussion and adoption of 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 and March 6 but did not take any final action on the ordinance. The March 20 meeting is a continuance of those deliberations. Attached to this staff report is the October 25, 2018 recommendation from the Planning Commission, with proposed staff amendments based on the discussions at the December 5, December 19, February 6 and March 6 meetings. Staff has separated the ordinance into seven separate sections. The first section contains an amendment that has already been approved by the Council. Sections 2, 3, 4, and 7 contain amended language as proposed by staff. Sections 5 and 6 contain the same language that the Planning Commission recommended, and staff does not propose any changes to those.

Each section contains a central issue or issues that has/have been discussed and debated at length by Council. Staff recommends that at this time the Council take an official up-or-down vote on each section individually, as an efficient way to work through the finalization of the ordinance.

***Note:** Staff may be bringing an additional amendment to Council at meeting time pertaining to payment of transient room taxes by lodging intermediaries such as Airbnb. Staff recently received information from the League of Oregon Cities on the issue and has not had the opportunity to review it.

RECOMMENDATION

Adopt the proposed short-term ordinance as amended.

RELATED COUNCIL POLICIES

None.

POTENTIAL MOTIONS

Motion is on the floor.

ATTACHMENTS

Proposed new section 8-3J.1170 of Talent Zoning Code and other code references as necessary for consistency.

8-3J.1170 SHORT-TERM RENTALS

AMENDMENT ONE (APPROVED)

The Purpose of this article is to allow short-term rentals in the Ceity of Talent with the goal of safeguarding, preserving and protecting residential housing stock in the city. 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.

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AMENDMENT TWO

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. Applicant's name, address, telephone number and e-mail address, mailing address (if different from site address), and theName of applicant with site address and applicant's mailing address (if different), A assessor's parcel 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 (if applicable) of the dwelling to be rented.
3. Site map showing location of dwelling unit on the parcel, and location and number of required off-street parking spaces.
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.
6. A copy of the applicant's Oregon Driver License or other document indicating the applicant resides in the dwelling unit that is the subject of the application.
7. Name, address, telephone number and e-mail address of an adult 18-years or older living within ten miles of the short-term rental site who will be available for emergency contact if the property owner or lessee is not.

AMENDMENT THREE

B. Conditions of Approval. The following are the conditions that must be met in order for a short-term rental permit application to be approved:

1. The dwelling unit to be used as a short-term rental must be the primary residence of the of the applicant proposing to operate the short-term rental, either as an owner or a lessee, owner-occupied. For the purposes of this Section, primary residence is defined as the place an individual considers to be the individual's true, fixed, permanent home, and the place a person intends to return to after an absence. In addition, the owner or lessee must occupy the property full-time for at least 200 days per calendar year. 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.

AMENDMENT FOUR

2. The owner or lessee of the of the subject property dwelling unit may lease all or part of the subject property, up to three bedrooms (including rooms attached or detached to the primary dwelling) plus common areas of the occupied dwelling, as long as the residency requirements of this section are met, but no dwelling unit may be rented in its entirety. Existing accessory dwelling units and new accessory dwelling units permitted under this Code ordinance shall not be used as short-term rentals, and owners or lessees may not occupy an accessory dwelling unit in order to make a primary dwelling available as a short-term rental.
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, and the emergency contact information as listed in the application.
8. By submitting an application for a short-term rental, Applicant agrees to allow city staff to inspect the dwelling unit prior to approval of the short-term rental application,

should staff determine an inspection is necessary, and at any time after approval in response to complaints, 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.

10. Applicant shall agree to provide notice to all property owners within 250 feet of the dwelling unit that is the subject of the application that the applicant intends to use dwelling unit as a short-term rental.

No change recommended to this section

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.

No change recommended to this section

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.

AMENDMENT FIVE

F. Council Review. The City Council shall review the operation of this ordinance one year after the date of enactment to in order to assess its impact on, and benefit to, the City and its residents, and make any changes to the ordinance it deems necessary at that time.

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8-3 Division B. Article 1.

DEFINITIONS

8-3B.120 GENERAL DEFINITIONS

Guest Lodging (includes hotels, motels and bed-and-breakfast inns but excludes short-term rentals)

A building containing six or more rooms, or suites of rooms, designed to be used for the temporary living and sleeping place of its commercial guests, and which customarily provides such services as linen, maid service, furnishings, and often recreational or meeting facilities. Bed-and-breakfast inns are exempt from the minimum six-room requirement [added 19 January 2005; Ord. No. 776]

Short-Term Rental A short-term rental is an owner- or lessee-occupied dwelling unit that is rented, in whole or in part, to successive tenants for periods of less than 30-days duration over a 12-month period.

8-3 Division C. Article 1

RESIDENTIAL ZONE

SINGLE-FAMILY—LOW-DENSITY (RS-5)

8-3C.120 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

D. Short-term rentals, subject to the provisions of 8-3J.11

8-3 Division C. Article 2

RESIDENTIAL ZONE

SINGLE-FAMILY— MEDIUM-DENSITY (RS-7)

8-3C.220 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

D. Short-term rentals, subject to the provisions of 8-3J.11

8-3 Division C. Article 3.

RESIDENTIAL ZONE

SINGLE-FAMILY—MANUFACTURED HOME (RS-MH)

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

D. Short-term rentals, subject to the provisions of 8-3J.11

8-3 Division C. Article 4.

RESIDENTIAL ZONE

MULTIPLE-FAMILY—HIGH-DENSITY (*RM-22*)

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

E. Short-term rentals, subject to the provisions of 8-3J.11