



CITY OF ROGUE RIVER

133 Broadway • Box 1137 Rogue River, Oregon 97537 • (541) 582-4401
Fax: (541) 582-0937 • website: cityofrogue river.org

PLANNING COMMISSION MEETING

Tuesday October 26, 2021

10:00 A.M.

This meeting is being digitally recorded.

This meeting is also available for attendance by phone or internet via <https://join.freeconferencecall.com/rogue river>:

Dial-in using your phone:

1-978-990-5207

Enter Access Code: 2145898

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Enter Online Meeting ID: rogue river

CALL TO ORDER

ROLL CALL

PUBLIC INPUT

COUNCIL LIAISON REPORT

PLANNING COMMISSION MEMBER COMMENTS

OLD BUSINESS

1. Discussion about conflicts found in RRMC; review of previous conclusions.
2. Discussion about short-term rentals and comparison of other city codes.

NEW BUSINESS

3. Home Occupations: RRMC 17.65.140
4. Discussion of the Rogue River Strategic Plan.
5. Manufactured Homes: RRMC 17.65.150

STAFF COMMENTS AND UPDATES

ADJOURN

NEXT PLANNING COMMISSION MEETING: TUESDAY NOVEMBER 9, 2021 at 10:00 AM

Impertinent or Slanderous Remarks; Unauthorized Remarks; Demonstrations. Any person making impertinent or slanderous remarks or who becomes boisterous during a Planning Commission meeting shall be removed from the room if so directed by the presiding officer; and such person may be barred from further remarks before that session of the Planning Commission. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted. Disorderly conduct at Planning Commission meetings may be prosecuted upon appropriate complaint signed by the presiding officer. The City Hall is handicapped accessible. Please let us know 24 hours in advance if you will need any special accommodations to attend the meeting. If you wish to speak regarding an agenda item, please sign in before the start of the meeting.



TREE CITY USA

We are an AAEOE and comply with Section 504 of the Rehab. Act of 1973

"Home of the National Rooster Crowing Contest"



CITY OF ROGUE RIVER PLANNING COMMISSION: Write Up

TUESDAY, SEPTEMBER 14, 2021

CITY HALL COUNCIL CHAMBERS

NEW BUSINESS:

AGENDA ITEM 1 1. Identify and work on Conflicts in the Zoning and Subdivision code:

Based on two sheets of collected excerpts from RRMC, those present from the Planning Commission (PC) recommended that staff take action to address the following issues highlighted during this meeting:

- Find any conflict with state regulations and/or other agencies referred to in RRMC;
- Assign same appeal date for all [land use] decisions;
- Update needed garage to signify a two-car garage;
- Review and revise section regarding Property Line Adjustments and Vacations to ensure the process and timeline used is accurate/reasonable.
- Review and reschedule the timeline needed for scheduling a Public Hearing. The Planning Commissioners present indicated that a 45 day period from the time of application to time of Public Hearing was acceptable to them, but they would review a schedule proposed by staff.
- Inconsistent code references to a 'required' pre-application conference prompted staff and PC to discuss a pre-application conference requirement *for all applications*. The PC asked staff to propose a graduated fee schedule that takes into account the actual time needed for each kind of these pre-app conferences. Discussion also included a planning document that could be paid for as well, to include information that can be re-referenced.
- The PC recommends that the Fee Committee be convened this year to review costs. They also discussed a General Penalty Schedule that lists Fines vs. Fees to be incorporated into code.
- Minimum lot width varies between Subdivision Chapter and Zoning Chapters; PC recommends that the minimum width be updated everywhere to 70' (OR that the Subdivision and other chapters reference the zone in which they are placed).
- More research was requested around the issue of alleyway access as primary or secondary, existing or proposed, etc.
- Number of submittal copies or plans should be reviewed and substituted with the appropriate amount.

CALL TO ORDER The Planning Commission workshop was called to order by vice-chairperson Jay Chick at 10:05 AM.

QUORUM

COMMISSION MEMBERS PRESENT:

Commissioner Jay Chick
Commissioner Dee Copley
Commissioner Sherrie Moss
Alternate Commissioner Sharie Davis
Alternate Commissioner Debbie Kenny

ALSO PRESENT:

Mark Reagles, City Administrator/City Planner
Paige Chick, Clerk Typist

PUBLIC INPUT: None.

Mark Reagles

From: Hailey Sheldon <planning@cityofreedsport.org>
Sent: Friday, July 16, 2021 2:54 PM
To: mreagles@cityofrogueriver.org
Cc: Cindy Phillips
Subject: Question from City of Reedsport re Rogue River's Vacation Rental Policies

Mark: Hello from the City of Reedsport Planning Department! We're exploring vacation rental policies and hoping you have time to answer a couple quick questions about Rogue River's policies:

- Are vacation rentals permitted outright in any zones? If so, which ones?
- Are vacation rentals conditionally permitted or permitted with standards in any zones? If so, which ones?
- Are vacation rentals not permitted in any zones? If so, which ones?
- Do vacation rental operators require a license? What type of license? (For example: business license)
- Does your City inspect vacation rentals prior to granting a license or land use approval? Please explain.
- Does your City have a vacation rental overlay?
- Does your City put a density limit on vacation rentals?
- Does your City have a spacing limit between vacation rentals?
- Does your City have a record of the number of permitted vacation rentals in your jurisdiction? If you don't mind, what is that number?
- Is there anything else you want to tell Reedsport about your vacation rental policies?

Thank you for your help!

hs

Hailey Sheldon
City of Reedsport Planning Department
(541) 271-3603 x 1010
planning@cityofreedsport.org

Eagle Point Municipal Code

17.52.310 Bed and breakfast (B&B).

“Bed and breakfast (B&B)” means a single-family residence in the R-1 or R-2 zoning districts or in the designated town center containing rooms for rent in accordance with EPMC 17.20.030(I), 17.22.030(J), and this section. The facility must be occupied by the licensed business proprietor or be located on an adjoining parcel having a common property line with the proprietor’s place of residence. All B&B facilities shall be approved under the following procedure(s), and meet the following criteria:

A. Application. An application shall be filed with the city by the property owner or authorized agent on forms specified by the city. Such application shall be accompanied by required findings of fact, a filing fee as prescribed by the city (including payment for a site inspection by the city building official), and a list of all property owners whose land lies within 250 feet of the applicant’s property.

B. Findings of Fact. The applicant shall submit detailed information describing the proposal, in support of the following required findings of fact. The planning department and building official may use the applicant’s findings as part of the final decision as submitted or amended. To grant an approval, the planning department and building official must conclude that all required findings have been met:

1. That the conditional use is in conformance with the letter and intent of this title.
2. That the potential positive impacts outweigh the negative impacts of the conditional use as it relates to the public health, safety and general welfare of the area.
3. That the conditional use property and buildings are adequate in size and shape to accommodate said use, and all yard spaces, walls and fences, parking, loading, landscaping and other features are to standards required by this title.
4. That the conditional use relates to streets adequate to width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
5. That the B&B will be occupied by the business proprietor or share a common property line with the proprietor’s place of residence.
6. Any property enhancements must be compatible with the character of the neighborhood and the intent of the single-family or town center commercial zoning

districts.

7. The B&B approval shall specify the number of rental rooms and total number of guests permitted in the facility.

8. All required state and county permits, certifications or requirements shall be obtained as a condition of approval for any B&B facility. Copies of all documentation shall be filed with the city prior to the issuance of any business license.

C. Burden of Proof. The applicant has the burden of proving justification for the permit. The greater the impact of the land use in the neighborhood, the greater is the burden on the proponent to find ways to minimize the land use impact.

D. Approval. B&B applications associated with a fully developed residential site shall be reviewed by all city departments, Fire District No. 3, and the building official, and processed as a Type B approval (EPMC 17.96.070, Type B – Decision made without an initial hearing).

B&B applications associated with undeveloped properties shall be subject to review by all city departments, Fire District No. 3, and the building official, and processed as a standard site plan and conditional use Type A approval with a full public hearing before the planning commission (EPMC 17.96.030, Type A – Decisions made with a hearing).

E. Appeals. Appeal of a Type B approval shall be heard before the planning commission under the provisions of EPMC 17.100.020, excepting that there shall be no fee required of the appellant.

Appeal of a Type A approval shall be heard before the city council under the provisions of EPMC 17.100.040.

F. Employees. A B&B facility may employ ancillary personnel for functions such as landscape maintenance, housekeeping service and catered delivery or on-site preparation of the required morning meal.

G. Off-Street Parking. In the R-1 and R-2 districts, off-street parking shall be provided at the existing standard for the zone, plus one space for each sleeping room. No front yard setback shall be used for off-street parking.

In the town center commercial district, prevailing off-street parking standards shall apply (EPMC 17.72.050(C)).

H. Length of Stay. Room rentals to families or individuals shall not exceed 14 days.

I. Meal Provision. The only meal provided to B&B guests shall be breakfast, and it shall be served only to guests taking lodging in the facility.

J. Signage. B&B facilities shall be allowed a total of two signs, one of which may be freestanding. The maximum square footage of any single sign shall be 12 square feet, and the aggregate total of all signage shall not exceed a maximum of 16 square feet. (The second side of a double-sided, freestanding sign shall not be counted as part of the total sign area.) The maximum allowable height of any freestanding sign shall be 42 inches. No internal illumination or neon is permitted, and no signage lighting shall negatively impact adjoining properties.

K. Yearly Review. Any B&B facility shall be subject to a yearly review by the planning department and building official.

L. Property Ownership and/or Proprietorship Transfer. Any property ownership or business proprietorship transfer of the B&B shall require city review and reissuance of all use approvals and licensing in the name of the new proprietor. Changes to the physical B&B facility and/or signage may require a new conditional use permit. Such determination shall be made by the planning director and building official.

M. Guest Register. Every B&B facility must maintain an up-to-date guest register.

N. Licensing and Taxes. All B&B facilities shall be subject to city business licensing requirements and the payment of prevailing transient lodging taxes. [Ord. 2009-01 § 2 (Exh. A); Ord. 9-62A § 1, 1982; Ord. 9-52 § 1 (4.400), 1980].

SHADY COVE VACATION RENTAL DWELLINGS

§ 154.475 CONDITIONAL USE.

(A) Approval of this subchapter adds vacation rentals as a conditional use in all areas zoned residential.

(B) Vacation rentals that were included in the city's trial between June 1, 2014 and December 31, 2014 will be grandfathered, and exempt from the conditional use requirement, provided that the owner of that property has a valid vacation rental business license for fiscal year 2015-2016. Should the property owner of the grandfathered residence fail to meet the foregoing or expand the size of that residence, the conditional use process will be in effect.

(Ord. 275, passed 8-6-2015)

Cross-reference:

Business licenses in general, see Ch. 110

§ 154.476 STANDARDS.

(A) Maximum occupancy: ten people.

(B) Maximum number of vehicles: four.

(C) Vehicles must be parked on the rental property, not on the public right-of-way.

(D) Not more than 50% of the front yard setback area may be used for parking. The balance must be landscaped to prevent parking.

(E) No outdoor activities, constituting a nuisance or loud noise are permitted after 9:00 p.m.

(F) Vacation rentals must comply with all city policies, standards and ordinances.

(G) Animals, other than service animals, are not permitted.

(H) Vacation rental property owners must subscribe to a scheduled waste collection service and provide garbage and recycling receptacles on the property.

(I) With the exception of enclosed barbecues, any outside fire is prohibited.

(Ord. 275, passed 8-6-2015)

§ 154.477 SAFETY REQUIREMENTS.

(A) Smoke alarms must be present and functioning. Smoke alarms ten years and older must be replaced with new smoke alarms that have a ten-year battery and hush button. Smoke alarms must be installed on each floor of the residence, including basement and attached garage, if existing.

(B) At least one 2A-10BC rated fire extinguisher must be visible and readily accessible for each floor of the residence including basement, if existing. Portable fire extinguishers shall be fully charged and serviced annually.

(C) Exit doors cannot be blocked to prevent egress. Corridors and exit ways must be free of obstructions. Each sleeping room will have at least one operable window for use as a secondary means of escape.

(D) At least one plug-in rechargeable flashlight will be readily accessible on each occupied floor of the residence.

(E) If on the second floor, there is no other means of escape, two story vacation rentals must provide a roll out ladder for use as a secondary means of escape.

(F) A carbon monoxide alarm must be present and functioning in a structure having a carbon monoxide source as defined in O.R.S. 105.836.

(Ord. 275, passed 8-6-2015)

§ 154.478 GENERAL.

(A) A 500-foot minimum spacing between vacation rental properties, on the same side of the river, is required.

(B) A copy of the vacation rental standards shall be posted in a conspicuous place inside the vacation rental.

(C) Owners of vacation rental property must have a local contact, and provide the City Administrator with the name and telephone number for that contact.

(D) Written consent is required from affected property owners if the vacation rental property is accessed by a shared driveway. A copy of the written consent is to be provided to the City Administrator.

(E) Transient occupancy tax will apply to all rentals of 30 days or less.

(Ord. 275, passed 8-6-2015)

§ 154.479 ENFORCEMENT.

(A) Annually, prior to the issuance of a business license for vacation rentals, the city's CSO will make a premise visit. The visit will ensure that all safety requirements (smoke alarms, fire extinguishers, flash lights and exit provisions) are in place as well as a posted sign reflecting vacation rental standards.

(B) *Complaint handling.*

(1) Any confirmed complaint made to the city, regarding vacation rentals, will be evaluated by the City Administrator for validity. If deemed valid the complaint will be directed to the city's CSO for action.

(2) Complaints filed directly with the sheriff's office, will be handled by that group. Information concerning resultant action will be provided to the City Administrator.

(C) *Valid complaint action.*

(1) A first valid complaint will result in a warning.

(2) A second valid complaint is subject to a fine of up to \$500 per day, for each day during the period of the rental which generated the complaint.

(3) A third valid complaint will result in cancellation of the business license, and may include additional fine(s).

(D) With the exception of the grandfathered property noted in § 154.475, property owners offering their property for vacation rental without going through the conditional use process and/or possessing a valid business license is a violation of this subchapter. In addition to a cease and desist order, the property owner will be subject to a fine of up to \$500 for each day the property is/was rented for vacation purposes.

(Ord. 275, passed 8-6-2015)

§ 154.999 PENALTY.

(A) It shall be unlawful for any person, firm, organization or corporation to erect, construct, establish, move into or onto, alter, enlarge, change occupancy type, or use or cause to be used, any building, structure, improvement, on premises located within the city limits contrary to the provisions of this chapter.

(Ord. 225, passed 10-20-1994, § 2.1)

(B) (1) The city shall have the authority to designate authority to enter any building or premises for the purpose of investigation and inspection; provided that, no dwelling shall be so entered without consent of the occupant, unless a 24-hour notice of intention to enter has been served upon the occupant.

(2) The City Attorney, or city appointed official, upon request of the City Council, shall institute any necessary legal proceedings or enforcement procedures of the provisions of this chapter.

(3) The Police Department shall assist the designated official or City Council appointed official in the enforcement of the provisions of this chapter.

(4) Any person violating any provision of this chapter may be cited for a misdemeanor or infraction and fined as enumerated herein.

(Ord. 225, passed 10-20-1994, § 2.2)

(C) Penalties for violation are established pursuant hereto.

(Ord. 225, passed 10-20-1994, § 2.3)

(D) (1) A structure within the city limits that is erected, constructed, moved, altered, enlarged or modified contrary to the provisions of this chapter, or a structure within the city limits that remains within the city limits contrary to the provisions of this chapter, shall be subject to an order of modification or removal. The court or other forum may impose an order of modification or removal. The court or other forum may impose an order of modification or removal in combination with fines in order to effectively ensure compliance with the city zoning requirements and discourage future violations. This order shall be directed against the violator(s) and the fee title owner of the affected property.

(2) A structure that has been ordered modified or removed becomes a public nuisance, and if those against whom the order is directed fail to remove or modify the structure, then the city may cause same to be done and may have a lien on the property for the cost of doing so, all in the manner proscribed by the laws of the city pertaining to public nuisances.

(Ord. 225, passed 10-20-1994, § 2.4)

SHADY COVE

17.65.140 Home occupations.

Home occupations shall comply with the following regulations:

- A. The occupation shall be carried on within a dwelling or building normally accessible by residents occupying the dwelling.
- B. The residential character of the building shall be maintained and the occupation conducted in such manner as not to give an outward appearance nor outwardly manifest any characteristic of a business in the ordinary meaning of the term.
- C. No sign identifying the business shall be permitted.
- D. No occupation creating loud and unusual sounds, or causing smoke or odors or other nuisances detrimental to the residential character of the neighborhood, shall be permitted.
- E. No retail sales of goods or services shall be permitted on the premises.
- F. Day nurseries are limited to fewer than 13 children, including children of the provider, regardless of full-time or part-time status. [Ord. 92-215-O § 18; Ord. 90-194-O §§ 27, 28; Ord. 87-159-O § 14; Ord. 373 § 4.140, 1982].

17.65.145 Bed and breakfast establishments.

All bed and breakfast establishments shall be owner-occupied. [Ord. 89-175-O § 9; Ord. 373 § 4.143, 1982].

17.65.150 Manufactured dwellings.

Manufactured dwellings of not less than 1,000 square feet, nor less than 20 feet in width, are permitted in the R-1 single-family residential district and the R-2 high density residential district, subject to the following requirements:

- A. All manufactured dwellings shall comply with the regulations of ORS Chapter 446 and OAR 814-23-050 through 814-23-080. No manufactured dwelling shall be placed upon a lot unless it has the Oregon Insignia of Compliance as provided for in ORS 476.170.

B. No more than one manufactured dwelling shall be placed on a lot in an R-1, R-2 or C-1 district.

C. No manufactured dwelling shall be placed upon a lot the size of which does not meet the minimum size for R-1 single-family residential district and R-2 high density residential district and conforming to all zoning requirements of the district.

D. No manufactured dwelling shall be placed upon a lot unless the owner of the manufactured dwelling is also the owner of the lot. The term "owner of the lot" shall include the person holding title by recorded deed and also a person who is a contract purchaser whose contract or a memorandum thereof is recorded.

E. The manufactured dwelling shall be set up in compliance with the Oregon Manufactured Dwelling and Park Specialty Code, including a continuous skirting.

F. No manufactured dwelling shall be placed on a lot unless provisions for off-street parking spaces are provided as required by RPMC 17.70.020.

G. No manufactured dwelling shall be occupied until it is connected with the city water and sewer systems.

H. No manufactured dwelling shall be occupied until it has received a certificate of occupancy from the city of Rogue River. [Ord. 08-355-O §§ 17 – 20; Ord. 96-259-O § 12; Ord. 90-194-O § 29; Ord. 86-132-O § 1; Ord. 85-127-O § 5; Ord. 85-112-O § 7; Ord. 373 § 4.145, 1982].