

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE COLUMBIA CITY DEVELOPMENT CODE,
BY ADDING A NEW CHAPTER, 7.95 SHORT TERM RENTAL UNITS.**

THE CITY OF COLUMBIA CITY ORDAINS AS FOLLOWS:

WHEREAS, Several residents approached the City of Columbia City expressing their desires to have short term rentals in the city limits; and

WHEREAS, At that time, the City did not have regulations to allow for them; and

WHEREAS, The City Council directed staff to prepare regulations to allow for short term rentals, ensuring that the regulations address the mitigation of traffic, parking, noise and other potential impacts that may arise; and

WHEREAS, The City desires to protect neighborhoods while balancing a home-owners property right;

WHEREAS, The City recognized that short term rentals can bring positive economic impact to the City as they provide for additional tax revenue, as well as provide a place for visitors to stay where currently there is no lodging available; and

WHEREAS, City staff concluded that based on the size of Columbia City and the absence of significant tourism, staff does not believe the affordable housing supply will be negatively impacted and suggests the Planning Commission monitor the situation during the next year; and

WHEREAS, City staff worked with the Planning Commission during the process to bring a new development code chapter acceptable to the Commission before City Council consideration; and

WHEREAS, The City Council has reviewed all evidence and testimony submitted at the Planning Commission and City Council hearings on the matter;

FINDINGS, The City of Columbia City finds that the Council Action & Status Report (Exhibit A); and the Staff Report to the Planning Commission (Exhibit B); relate the foundation documents which are the amendments and supporting documents to the Comprehensive Plan and Plan Map, to applicable Statute, Rule and Statewide Planning Goals, prove consistency with the applicable requirements for the proposed amendments found in all exhibits attached hereto and incorporated by this reference.

NOW THEREFORE, based on the foregoing Findings, the Columbia City City Council Ordains that the City of Columbia City Development Code is hereby amended to include Chapter 7.95 Short Term Vacation Rentals, attached hereto and incorporated by this reference as Chapter 7.95 Short Term Vacation Rentals.

(New Chapter) 7.95 Short Term Vacation rentals.

7.95.010 Purpose

7.95.020 Review Process

7.95.030 Notice

7.95.040 Business License and Transient Room Tax

7.95.050 Standards

Chapter 7.95

Short Term Vacation rentals.

All short-term vacation rentals shall conform to the following standards:

7.95.010. Purpose. The purpose of this section is to provide a process and standards for allowing short-term vacation rental units. Vacation rental units shall be allowed anywhere residential uses are allowed.

7.95.020. Review Process. Vacation rentals shall be processed as a Type I application when the dwelling has three or fewer bedrooms, and as a conditional use application when the dwelling has four or more bedrooms.

7.95.030. Notice. A written notice of the vacation rental decision shall be sent to all neighboring properties within 100 feet of the proposed vacation rental. The notice shall contain all of the following information:

1. The name, address, and telephone number of a local contact person responsible for maintenance and responding to emergencies, so that residents may report any problems with the vacation rental.
2. The contact information for the city of Columbia City.

7.95.040. Business License and Transient Room Tax. The owner of the vacation rental unit shall annually renew a business license with the city of Columbia City, and shall comply with Municipal Code Chapter 6-6, Transient Room Tax.

7.95.050. Standards.

1. Off-Street Parking. A minimum of one off-street parking space per guest room, pursuant to Chapter 17.100 must be provided on the site.
2. Trash and Recycling Facilities. The applicant shall provide for regular trash collection. Available bins must have adequate capacity for the renters, and no uncontained garbage is allowed on the site.
3. Pets. Pets shall comply with Municipal Code Chapter 4.

4. Noise Limits. All activities associated with the vacation rental shall comply with the noise standards in Municipal Code Chapter 4.

5. RVs and Other Temporary Shelters. The premises of the vacation rental may not include any occupied recreational vehicle, trailer, tent, or other temporary shelter during the rental occupancy.

6. Landscaping. The property shall be landscaped and continuously maintained in good repair in the manner of a permanent residence.

7. Nuisances. All activities associated with the vacation rental shall not cause a nuisance as defined in Municipal Code Chapter 4.

8. Posting of Information. The applicant shall keep posted a list of information about the vacation rental adjacent to the front door inside the dwelling. At a minimum, the posting shall include the following information:

- a. The name and contact information for a local contact person responsible for maintenance and responding to emergencies.
- b. The current annual vacation rental business license.
- c. The contact information for the city of Columbia City.
- d. Any requirements for the vacation rental to ensure it complies with this code.

9. Guest Register. The owner or local representative shall maintain a guest register listing each tenant of the vacation rental along with the number of dwelling occupancy days. The register shall be available for city inspection upon request.

Several residents approached the city expressing their desires to have short term rentals. At that time, Columbia City had no regulations to address that type of land use. Staff was directed by the City Council to prepare regulations. At their December 2018 meeting, the City Council requested the Planning Commission review the attached regulations and make a recommendation.

II. PLANNING COMMISSION RECOMMENDATION

The City of Columbia City Planning Commission voted to recommend the City Council adopt the new code language and subsequent ordinance.

III. OPTIONS

1. Adopt the findings in LU 19-02 staff report dated January 15, 2019 and approve the proposed Ordinance _____.
2. Adopt findings demonstrating that the ordinance does not comply with the Columbia City Municipal Code and do not adopt the Ordinance.

IV. STAFF RECOMMENDATION

Staff recommends that the Council adopt Ordinance _____, as presented.

CITY OF COLUMBIA CITY

STAFF REPORT

LU-19-02

DATE: January 6, 2019 for the January 15, 2019 Planning Commission Meeting

REQUEST: Adopt New Development Code Chapter 7.95 Short Term Rental Units.
Planning Commission Recommendation to the City Council

APPLICANT: City of Columbia City

PROPERTY: City Wide – No specific properties

ZONING: N/A

1. EXECUTIVE SUMMARY

The attached code work responds to the City’s desires to include short term rental regulations in the Columbia City Development Code. The City desired regulations that address the following:

- Mitigation of traffic, parking, noise and other potential impacts that may arise
- Collection of required business licenses and sales taxes

Several residents approached the city expressing their desires to have short term rentals. At that time, Columbia City had no regulations to address that type of land use. Staff was directed by the City Council to prepare regulations. At their December 2018 meeting, the City Council requested staff to review the attached regulations and make a recommendation.

The City Council recognized the following:

1. Short term rentals can bring a positive economic impact to the city. For example, they can provide additional tax revenue. They provide a place for visitors stay in Columbia City where currently there is no lodging option available. Additionally, they can help local residents make ends meet by the additional income. Short term rentals are also a way to boost local tourism in Columbia County.
2. Living next door to a short term rental must not negatively impact surrounding neighbors. Visitors usually rent a short term rental for a few days (a maximum of 30 days), thus neighbors see new people coming and going every few days. The Council wants to ensure that potential impacts, such as trash, parking and noise would be avoided by having the regulations. Protection of neighborhoods while balancing a home-owners property rights is key.
3. At the December 2018 meeting, one councilor asked if allowing short term rentals would impact the community’s affordable housing supply. In this case, the concern isn’t necessarily about a homeowner renting out a room for income. Instead, the concern is that property owners will purchase residential units and rent them out on a short-term basis to out-of-town visitors, thereby taking unit out of the year-round rental housing supply. Planning staff was directed to raise this issue with the Planning Commission for feedback.

Staff researched the issue in early January 2019. At the time of writing this staff report, the issue of effect on housing availability and affordability is not been adequately studied in Oregon. The City of Portland is in the process of monitoring and studying the issue and no other Oregon cities are known to have produced studies. (<https://www.portlandoregon.gov/auditservices/article/693466>)

Larger cities in the United States (San Francisco, New York, Los Angeles) have looked at this issue and in general conclude that short term rentals tighten the supply of housing, especially for low-income renters moving into neighborhoods. It appears that in larger cities, with the rise of housing cost and the shortage of housing, short term rentals create a “platform that pits tourist dollars against renter dollars.” <https://www.naceda.org/assets/EBHO%20Short%20Term%20Rental%20Impact%20Report.pdf>

Based on the size of Columbia City and the absence of significant tourism, staff does not believe this is an issue at this point in time. Staff recommends we monitor the situation and provide the Planning Commission and City Council an update one year from adoption. During the year 2019, staff will assemble data regarding the number of permit for these rentals. If issues should arise, the City should study further regulations, such as limiting the number of nights per year an entire unit may be rented.

New Chapter) 7.95 Short Term Vacation Rentals.

- 7.95.010 Purpose**
- 7.95.020 Review Process**
- 7.95.030 Notice**
- 7.95.040 Business License and Transient Room Tax**
- 7.95.050 Standards**

Chapter 7.95

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2. Trash and Recycling Facilities. The applicant shall provide for regular trash collection. Available bins must have adequate capacity for the renters, and no uncontained garbage is allowed on the site.
3. Pets. Pets shall comply with Municipal Code Chapter 4 – Offenses.
4. Noise Limits. All activities associated with the vacation rental shall comply with the noise standards in Municipal Code Chapter 4 – Offenses.
5. RVs and Other Temporary Shelters. The premises of the vacation rental may not include any occupied recreational vehicle, trailer, tent or other temporary shelter during the rental occupancy.
6. Landscaping. The property shall be landscaped and continuously maintained in good repair in the manner of a permanent residence.
7. Nuisances. All activities associated with the vacation rental shall not cause a nuisance as defined in Municipal Code Chapter 4 – Offenses.
8. Posting of Information. The applicant shall keep posted a list of information about the vacation rental adjacent to the front door inside the dwelling. At a minimum, the posting shall include the following information:
 - a. The name and contact information for a local contact person responsible for maintenance and responding to emergencies.
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2. OVERVIEW OF THE STAFF REPORT

This staff report is organized as follows:

- Executive Summary and Overview
- Adoption Procedure and Findings
- Criteria and Findings for Adopting the Code Updates

3. ADOPTION PROCEDURE AND FINDINGS

Adopting code updates is a local legislative matter that requires findings be made in the affirmative by the City Council:

1. **7.15.020 Legislative Amendments.** Legislative amendments to this Ordinance, the acknowledged Comprehensive Plan, and the related maps shall be in accordance with the procedures and standards set forth in Chapter 7.160. A legislative application may be approved or denied.
2. **Findings to Development Code Chapter 7.15.020:**
 - The proposed amendments were initiated by the Planning Director consistent with Section 7.160.020.A.3.
 - The Application is prepared by the City of Columbia City and addresses the Columbia City Development Code Chapter 7.160, consistent with Section 7.160.020.D.
 - Findings demonstrating consistency with Section 7.160.060 are provided herein and demonstrate compliance.
 - Public notice requirements were provided consistent with Section 7.160.030 and a copy of said notice is attached in the Appendix.
 - The staff report requirements of Section 7.160.040 have been followed. This report provides the facts found by the Planning Director, the analysis relating to the facts and a recommendation for approval.
 - The Planning Commission can find the proposed code meets the public interest, because, as identified by the Planning Commission in its recommendation, the code updates respond to the City’s commitment to ensure regulations to protect neighborhoods from possible negative impacts arising from short term rental units. The City is also committed to supporting a home-owners property rights while balancing them against City desires.

4. COMPLIANCE WITH APPROVAL CRITERIA

A. Section 7.160.060 provides the standards for decision making. In this matter, the Oregon Statewide Planning Goals and Existing Comprehensive Plan Provision apply.

Columbia City Short Term Rental Units Regulations Chapter 7.95 – Consistency with the Columbia City Comprehensive Plan and State Planning Goals		
<i>State Goal</i>	<i>Relevant City Comprehensive Plan Chapters</i>	<i>Findings of Consistency</i>
Goal 1 – Citizen Involvement	Comprehensive Plan Goal 1	<p>Columbia City has provided citizens several opportunities to participate in the code updates as follows:</p> <p>The Planning Commission meetings and work sessions were all duly noticed and allowed for public participation, starting from October 2018.</p> <p>The public can also participate at the January 15, 2019 public hearing and also at subsequent City Council hearings.</p> <p>Based on the foregoing findings, the code update is consistent with the Columbia City Comprehensive Plan Chapter 1, Citizen Involvement and State Goal 1.</p>

Columbia City Short Term Rental Units Regulations Chapter 7.95 – Consistency with the Columbia City Comprehensive Plan and State Planning Goals		
<i>State Goal</i>	<i>Relevant City Comprehensive Plan Chapters</i>	<i>Findings of Consistency</i>
Goal 2 – Land Use Planning	Comprehensive Plan Goal 2	The proposed code updates retain the land use designations and zoning categories contained in the Columbia City Comprehensive Plan (no map change) and the proposed changes are consistent with those existing land use designations and zoning categories. Therefore the proposed code updates are consistent with Columbia City Comprehensive Plan Chapter 2, Land Use and State Goal 2.
Goal 3 – Agricultural Lands	Comprehensive Plan Goal 3 Agricultural Lands	The proposed code updates do not contain regulations that pertain to agricultural lands.
Goal 4 – Forest Lands	Comprehensive Plan Goal 4 Forest Lands	The proposed code updates do not contain regulations that pertain to forest lands.
Goal 5 – Scenic, Historic, and Natural Resources	Comprehensive Plan Goal 5 Scenic, Historic, and Natural Resources	The proposed code updates do not contain any new regulations pertaining to historic or natural resources; nor do they change any designations that currently apply to properties.
Goal 6 – Air, Water and Land Resources	Comprehensive Plan Goal 6 Air, Water and Land Resources	The proposed code updates do not contain any new regulations pertaining to air, water or land resources; nor do they change any designations that currently apply to properties.
Goal 7 – Natural Hazards	Comprehensive Plan Chapter 7 – Areas Subject to Natural Disasters and Hazards	The proposed code updates do not contain any new regulations pertaining to natural hazards; nor do they change any designations that currently apply to properties.
Goal 8 – Parks and Recreation	Goal 8 – Recreation	The proposed code updates do not contain any new regulations pertaining to recreation; nor do they change any designations that currently apply to properties.
Goal 9 – Economy	Comprehensive Plan Goal 9 – Economics	<p>The proposed code changes do not include changes to the zoning map and therefore does not impact existing industrial land.</p> <p>The proposed code can assist the City in supporting economic development and tourism goals by providing a lodging option to visitors. Currently the City does not have lodging.</p>
Goal 10 – Housing	Comprehensive Plan Goal 10 -- Housing	Chapter 10, Housing and State Goal 10 requires the City to develop policies and regulations that ensure the community’s housing needs can be met through appropriate zoning, permitted housing types, lot sizes, densities, and clear and objective approval criteria. The proposed code updates do not change any zoning designations and they maintain the minimum lot sizes and densities of the current ordinance. At the time of writing this report, there is no evidence that short term

Columbia City Short Term Rental Units Regulations Chapter 7.95 – Consistency with the Columbia City Comprehensive Plan and State Planning Goals		
<i>State Goal</i>	<i>Relevant City Comprehensive Plan Chapters</i>	<i>Findings of Consistency</i>
		rentals will negatively impact housing supply in Columbia City. The City will revisit this issue one year from adoption of the new code language.
Goal 11 – Public Facilities	Comprehensive Plan Goal 11 – Public Facilities and Services	Goal 11 requires cities plan for adequate public facilities at urban levels of services. The proposed code updates do not contain any new regulations pertaining to public facilities and services; nor do they change any designations that currently apply to properties.
Goal 12 – Transportation	Comprehensive Plan Goal 12 – Transportation	The Columbia City Transportation System Plan (TSP) and Zoning Code address local transportation needs and complies with current State planning requirements. The new regulations do not impact transportation options or facilities in Columbia City.
Goal 13 – Energy Conservation	Comprehensive Plan Goal 13 – Energy	Goal 13 provides general guidance toward energy conservation and does not apply directly to the proposed code updates.
Goal 14 – Urbanization	Comprehensive Plan Goal 14 – Urbanization	Goal 14 does not apply directly to the proposed code updates. Indirectly, the updates provide for orderly development in Columbia City.

B. City of Columbia City Zoning Code Requirements

The Standards for the Decision (Section 7.160.060) are as follows:

A. The recommendation by the Planning Commission and the decision by the Council shall be based on consideration of the following factors:

1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197;

Finding: The proposed code updates have demonstrated consistency with the applicable statewide planning goals and guidelines as found in the table, above. This section is met.

2. Any federal or state statutes or rules found applicable;

Finding: No federal or state statutes other than ORS 197 are found to apply.

3. The applicable Comprehensive Plan policies and map; and

Finding: The 2013 Columbia City Comprehensive Plan provides statements regarding attractive residential districts (Goal for single-family residential R-1 designation). The code updates regarding short term rentals are intended to maintain neighborhood integrity and preserve the existing

residential character by providing standards to address noise, trash, parking, etc. They also provide the residents of Columbia City the opportunity to use their property to enhance or fulfill personal objectives, as long as the use of the property is not a nuisance to the neighborhood. And lastly, they also assure the public that short term rentals do not impact the quality of life of adjacent homeowners.

This section is met.

4. The applicable provisions of the implementing ordinances.

Finding: No other implementing ordinances are impacted by the code changes. This section is met.

5. CONCLUSION AND RECOMMENDATION

Staff recommends the Planning Commission make a motion to recommend approval of the code updates and send the recommendation to the City Council for approval.

PLANNING COMMISSION ACTION

After hearing the presentation and any public testimony, including any rebuttal, the Planning Commission will close the hearing and deliberate. The Commission has three options: Based on the relevant criteria, you may approve or deny the application, or approve it with modifications. The following motion is suggested:

“I move to recommend approval of File No. LU-19-02 to the City of Columbia City City Council, based on the findings contained in the staff report [as amended].”

The staff report may be amended during the course of the hearing. A motion to approve should itemize any modified or additional conditions of approval.

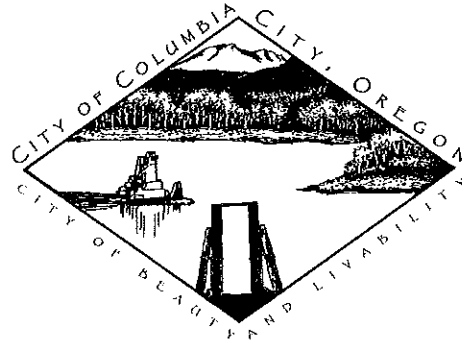
Respectfully submitted this 6th day of January, 2019:

Stacey Goldstein,
Contract Planner, City of Columbia City

APPENDIXES:

PUBLIC NOTICE

The City of Columbia City
In Columbia County on the Columbia River



January 4, 2019

NOTICE OF LEGISLATIVE PUBLIC HEARINGS
City File #: LU-19-01 CPA and LU-19-02 STR

NOTICE IS HEREBY GIVEN THAT:

The Columbia City Planning Commission has scheduled a PUBLIC HEARING on Tuesday, January 15, 2019, beginning at or about 6:30 p.m. in the Council Chambers at City Hall, 1840 Second Street, Columbia City, Oregon. The purpose of the hearings is to take written and oral testimony on proposed amendments to the Columbia City Comprehensive Plan Goal 9, relating to the City of Columbia City Economic Opportunities Analysis Report and the addition of a Short Term Rental Units Chapter 7.95 to the Columbia City Development Code.

Following the hearing the Planning Commission may make a recommendation to the City Council. The City Council will hear the matters on Thursday, February 7, 2019 and a second reading will occur on Thursday, February 21, 2019. Both of these meetings will start at 6:00 p.m.

Interested persons are invited to submit written testimony prior to the hearings or at the hearings. Public testimony, recommendations, decisions on the above public meeting items must be based on findings that a specific set of criteria have been or have not been met. Comments submitted in regard to these matters should be directed toward applicable sections of Title 7 of the Columbia City Development Code. 7.160.060 (Procedures for Decision Making: Legislative). Any person that submits written or oral comments shall receive notice of the decision. Failure to raise an issue at the hearings or by letter or failure to be specific enough to give Commissioners or City Council the opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

The proposed amendments and all related documents will be available for review at City Hall located at 1840 Second Street, Columbia City, Oregon. Copies can also be purchased at cost. The related staff reports will be available for review at City Hall on Tuesday, January 8, 2019.

-END-

Please publish the above public hearings notice in the January 9, 2019 and January 30, 2019 issues of the Chronicle.

Stacey Goldstein, Planning Consultant
City of Columbia City

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