

*For: Monday, **November 14, 2016**, City Council Meeting*

## **Advance Packet Information**

Included in this packet is documentation to support the following Agenda items:

### **PUBLIC HEARINGS/ORDINANCES**

1. A hearing on File LDC-1-16 for consideration of revisions to require a minor change to an approved short-term rental condition use permit when the subject property changes ownership [PWDS, Pg. 2]
  - a. Draft text of Chapter 17.124.170 Short-term rentals [Pg. 4]
2. Ordinance 16-O-762 amending Section 17.104.030 of Chapter 17.104, Home Occupations and Amending Section 17.124.140 of Chapter 17.124, Specific Standards Applying to Conditional Uses, Title 17, Land Development Code, of the Brookings Municipal Code [PWDS, Pg. 5]
  - a. Ordinance 16-O-762 [Pg. 6]
3. Ordinance 16-O-765 amending Brookings Municipal Code Section 13.10.360 of Chapter 13.10, Pretreatment Devices – Installation and Maintenance [PWDS, Pg. 8]
  - a. Excerpt from BMC 13.10.360 and amendments [Pg. 9]
  - b. Ordinance 16-O-765 [Pg. 10]

\*Obtain Public Comment Forms and view the agenda and packet information on-line at [www.brookings.or.us](http://www.brookings.or.us), or at City Hall. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

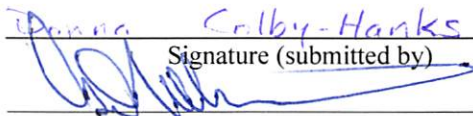
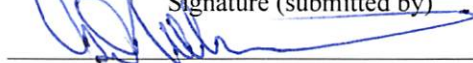
All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 541-469-1102 if you have any questions regarding this notice.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: November 14, 2016

Originating Dept: PWDS-Planning


  
Signature (submitted by)  
  
City Manager Approval

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Subject: A hearing on File LDC-1-16 for consideration of revisions to require a minor change to an approved short-term rental conditional use permit when the subject property changes ownership.

Recommended Motion: Motion to approve revisions proposed by LDC-1-16 to revise Section 17.124.170 Short-term rentals to require a minor change to an approved conditional use permit for a short-term rental upon change in ownership of property.

Financial Impact: With a change of ownership for one short term rental every four or five years, the permit fees generated from the minor change would be \$1,020.

Approved by Finance & Human Resources Director: 

Background/Discussion: The Planning Commission expressed concern with the lack of limitations on short-term rentals. After receiving support from Site Plan Committee, the Planning Commission conducted a workshop acting in their role of *Committee for Citizen Involvement* on May 26, 2016 to consider revisions to the approval criteria. The Planning Commission directed staff to conduct additional research regarding separation distances and to draft language to disallow the transfer of an approved conditional use permit (CUP) upon sale of a subject property.

Staff contacted Dave Perry, the south coast representative for the Department of Land Conservation and Development. Perry advised that the provision to require separation distances would require a Measure 56 Notice to be mailed to each affected property owner prior to the initial hearing on the matter. The notice is required to advise property owners that the adoption of the proposed regulation may affect the permissible uses of the property and may change the value of their property. This would affect approximately 3,407 properties.

Due to the financial impact a Measure 56 notice would have, the matter was discussed at the July 6, 2016 City Council Workshop. During the discussion, City Council indicated that at this time the number of short-term rentals was such a low percentage that the expense for mailing the notice was not warranted. Therefore, separation requirements are not proposed.

The Planning Commission considered revisions at their October 4, 2016 meeting that proposed new owners obtain a new CUP. Requiring a new owner to obtain approval would allow the Planning Commission to consider input from neighbors and verify the owner specific criteria in BMC Chapter 17.124.170 are met. After discussion, the Planning Commission unanimously recommended approval of provisions to require the new owner to obtain a minor change to the existing approved CUP instead of going through the entire CUP process. The fee for a CUP is

\$2,649 while the fee for the minor change is \$1,020. Of the six cities identified that address short-term rentals, five do not allow the approval to transfer with a change of ownership of the property.

If adopted, the proposed criteria would only applied to those short-term rental permits issued after the adoption of the amendment. All previously approved short-term rentals permits would continue to be transferred with a change in ownership of the property. This is the process for all other types of CUPs.

Policy Considerations: Goal 1, Citizen Involvement, of the statewide planning goals, provides for citizens to be involved in all phases of the planning process. The code revisions will allow an additional opportunity for adjacent neighbors to provide input regarding a short-term rental at the time of a change in ownership.

Attachment(s): A. Draft text of Chapter 17.124.170 Short-term rentals

Proposed new text is **bold**.

Text deleted by the Planning Commission is ~~**bold stricken**~~.

Text added by the Planning Commission is underlined.

#### 17.124.170 Short-term rentals.

Any existing dwelling in any of the residential zones and in the general commercial (C-3) zone can be used for short-term rental purposes as set forth in that zone and pursuant to certain regulations as follows:

A. The property owner or holder shall obtain a business license from the city of Brookings and register the dwelling on a separate form.

B. A transient room tax will be applied pursuant to Chapter 3.10 BMC.

C. The property owner shall provide the name, address and telephone number of a local representative, either a property management business or an individual living within the Brookings urban growth boundary, who has the authority to make or have repairs made, resolve disputes and/or terminate occupancy if necessary.

D. Representative's name and telephone number shall be posted within the dwelling.

E. Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property.

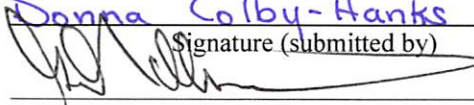
~~**F. Short-term rental conditional use permits are specific to the owner of the dwelling unit. The approved conditional use permit shall not run with the land, but shall terminate with the sale or transfer of the real property.**~~

F. Short-term rental conditional use permits are specific to the owner of the dwelling unit and shall not run with the land. To continue with the use, within six (6) months of the sale of the property, the new owner shall submit an minor change application pursuant to BMC Chapter 17.116.090 to address the criteria in BMC 17.124.170 . If the minor change is not approved by the Planning Commission or no application is submitted, the approval shall terminate.

**CITY OF BROOKINGS**  
**COUNCIL AGENDA REPORT**

Meeting Date: November 14, 2016

Originating Dept: PWDS - Planning

Donna Colby-Hanks  
Signature (submitted by)  
  
\_\_\_\_\_  
City Manager Approval

Subject: Ordinance amending Section 17.104.030 of Chapter 17.104, Home Occupations and amending Section 17.124 Specific Standards Applying to Conditional Uses, Title 17, Land Development Code, of the Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 16-O-762.

Financial Impact: None.  
Approved by Finance & Human Resources Director: \_\_\_\_\_

Background/Discussion: Revisions to add provisions for owners of one room bed and breakfast to obtain approval to operate with a home occupation permit and to clarify bed and breakfast facilities with the rental of more than one room obtain approval with a conditional use permit were considered by the City Council at their September 12 and October 24, 2016 meetings. City Council approved the revisions.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 16-O-762.

**IN AND FOR THE CITY OF BROOKINGS**  
**STATE OF OREGON**  
**ORDINANCE 16-O-762**

**IN THE MATTER OF ORDINANCE 16-O-762, AN ORDINANCE AMENDING SECTION 17.104.030 OF CHAPTER 17.104, HOME OCCUPATIONS AND AMENDING SECTION 17.124.140 OF CHAPTER 17.124, SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.**

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Section 17.104.030.
- Section 3. Amends Section 17.124.140.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 17.104.030 of Chapter 17.104 Home Occupations, and Section 17.124.140 of Chapter 17.124 Specific Standards Applying to Conditional Uses, Title 17, Land Development Code, of the Brookings Municipal Code.

Section 2. Amends Section 17.104.030. Section 17.104.030 is amended to read as follows:

**17.104.030 Criteria.**

The home occupation proposal must conform to the following criteria:

- A. The activity must be conducted entirely within the dwelling, garage, or accessory structure.
- B. The activity must be conducted only by persons residing in the dwelling.
- C. The outward residential appearance of all buildings must be preserved, and the use is clearly incidental and secondary to the use of the dwelling for residential purposes.
- D. Not more than 50 percent of the floor area of the individual dwelling unit may be utilized for the intended purposes. Any part of a garage or accessory structure may be used provided off-street parking requirements are met.
- E. No merchandising or sale of commodities may be conducted on the premises, except such as is produced by the occupants on the premises.
- F. A sign may be maintained in conjunction with the home occupation activity, provided it is nonlighted, indicates only the name and trade of the property owner, and is no greater than two square feet in area.

G. With the exception of the bed and breakfast in 17.104.030(J), the use requires no additional off-street parking spaces.

H. There shall be no emission of odorous, toxic, noxious matter nor any use causing electrical or telecommunication interference, vibration, noise, heat or glare in such quantities as to be readily detectable at any point along or outside property lines of a home occupation so as to produce a public nuisance or hazard.

I. Proof of a current business license unless exempt must be provided.

J. A bed and breakfast limited to the rental of one bedroom in an owner-occupied single-family residence may be approved as a home occupation. A breakfast meal may be served during the a.m. hours only. One off-street parking space in addition to two spaces for the homeowner shall be provided. A transient room tax will be applied pursuant to Chapter 3.10 BMC.

Section 3. Amends Section 17.124.140. Section 17.124.140 is amended to read as follows:

**17.124.140 Bed and breakfast facilities.**

“Bed and breakfast” means the rental of more than one bedroom in an owner-occupied single-family residence where a breakfast meal may be served during the a.m. hours only. All residences proposed for bed and breakfast accommodations shall provide one off-street parking space per rental unit in addition to two spaces for the owner. In terms of eligibility and acceptability, preference will be given by the planning commission to residences applying for bed and breakfast accommodations which display significant architectural or historic character and quality. The property owner shall obtain a business license from the City of Brookings. A transient room tax will be applied pursuant to Chapter 3.10 BMC.

First Reading: \_\_\_\_\_ Passage: \_\_\_\_\_  
Second Reading: \_\_\_\_\_ Effective Date: \_\_\_\_\_  
Signed by me in authentication of its passage this \_\_\_\_\_, day of \_\_\_\_\_,

ATTEST:

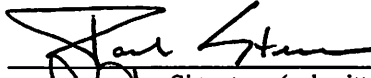
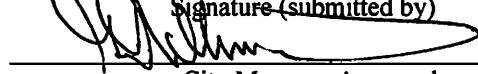
\_\_\_\_\_  
Mayor Ron Hedenskog

\_\_\_\_\_  
City Recorder Teri Davis

**CITY OF BROOKINGS**  
**COUNCIL AGENDA REPORT**

Meeting Date: Nov 14, 2016

Originating Dept: PWDS

  
\_\_\_\_\_  
Signature (submitted by)  
  
\_\_\_\_\_  
City Manager Approval

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**Subject:** Ordinance 16-0-765 Amending Brookings Municipal Code Section 13.10.360  
Pretreatment devices – Installation and maintenance.

**Recommended Motion:** Motion to adopt Ordinance 16-0-765 amending Brookings Municipal Code (BMC) section 13.10.360 “pretreatment devices – installation and maintenance” to require annual inspection of Grease, Oil & Sand interceptors, pretreatment devices, control manholes, and other related apparatus.

**Financial Impact:** None

**Background/Discussion:** During the most recent storm event, sewer overflows occurred at the Onion Grill and McDonalds. Although this sewer collection line was jetted before the storm event, solidified grease remained in the collection system. The solidified grease amplified the effects of the storm event. Verification that oil, grease, sand interceptor, and other pretreatment devices are working will provide proactive preventive maintenance that should reduce future sewer system overflows.

**Attachment(s):**

- Attachment A. Excerpt from BMC 13.10.360 and amendments.
- Attachment B. Ordinance 16-0-765



**Attachment A:**

Text to be added is **bold**.

**13.10.360 Pretreatment devices – Installation and maintenance.**

Where preliminary treatment, interceptors or flow-equalizing facilities are provided for any waters or wastes, they shall be installed and maintained continuously in satisfactory and effective operation by the owner at his expense. **All grease, oil & sand interceptors, pretreatment devices, control manholes, and other related apparatus shall be inspected to verify correct function upon installation and at least annually thereafter. Annual inspections shall be performed by a City of Brookings approved vendor and shall comply with all state, county, and city requirements. A copy of the annual inspection report shall be provided to the City of Brookings Public Works Director.** [Ord. 88-O-430 Art. V § 8.]

**IN AND FOR THE CITY OF BROOKINGS**  
**STATE OF OREGON**  
**ORDINANCE 16-O-765**

**IN THE MATTER OF ORDINANCE 16-O-765, AN ORDINANCE AMENDING BROOKINGS MUNICIPAL CODE SECTION 13.10.360 OF CHAPTER 13.10, PRETREATMENT DEVICES – INSTALLATION AND MAINTENANCE.**

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Section 13.10.360 of Chapter 13.10

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 13.10.360 of Chapter 13.10 of the Brookings Municipal Code.

Section 2. Amends Chapter 13.10: Section 13.10.360, Pretreatment Devices – Installation and Maintenance is amended to read as follows:

13.10.360 Pretreatment Devices – Installation and Maintenance

Where preliminary treatment, interceptors or flow-equalizing facilities are provided for any waters or wastes, they shall be installed and maintained continuously in satisfactory and effective operation by the owner at his expense. All grease, oil & sand interceptors, pretreatment devices, control manholes, and other related apparatus shall be inspected to verify correct function upon installation and at least annually thereafter. Annual inspections shall be performed by a City of Brookings approved vendor and shall comply with all state, county, and city requirements. A copy of the annual inspection report shall be provided to the City of Brookings Public Works Director.

First Reading: \_\_\_\_\_ Passage: \_\_\_\_\_  
Second Reading: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Signed by me in authentication of its passage this \_\_\_\_\_, day of \_\_\_\_\_, 2016

ATTEST:

\_\_\_\_\_  
Mayor Ron Hedenskog

\_\_\_\_\_  
City Recorder Teri Davis