

*For: Monday, **August 24, 2015**, City Council Meeting*

Advance Packet Information

Dated: 8-17-2015

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

PUBLIC HEARINGS

- Legislative public hearing on file LDC-3-15, revisions to Section 17.124.170, Short term rentals. [Planning, pg. 2]
 - a. Draft revisions [pg. 4]
- Legislative public hearing on file LDC-4-15, revisions to Section 17.88.040, Exempt signs. [Planning, pg. 5]
 - a. Draft revisions [pg. 7]
 - b. Email from ODOT [pg. 9]

*Obtain Public Comment Forms and view the agenda and packet information on-line at 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 fourteen days advance notification. Please contact 541-469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: August 24, 2015

Originating Dept: PWDS-Planning

Donna Colby-Hanks LH
Signature (submitted by)
[Signature]
City Manager Approval

Subject: A hearing on File LDC-3-15 for consideration of revisions to Chapter 17.124.170 Specific Standards Applying to Conditional Uses, Short-term rentals, Brookings Municipal Code (BMC) to add criteria for the inspection and testing of smoke alarms and carbon monoxide detectors in short-term rentals.

Recommended Motion: A motion to approve revisions proposed by LDC-3-15 to add provisions for the inspection and testing of smoke alarms and carbon monoxide detectors in short-term rentals and direct staff to prepare the adopting ordinance.

Financial Impact: Approximately \$75 for the applicant to have the initial inspection conducted.

Background/Discussion: Short-term rentals are dwellings that are rented for period of less than 30 days. The use is allowed with the approval of conditional use permit (CUP) granted by the Planning Commission in residential and commercial zones. Several applications for short-term rentals are received each spring.

The Planning Commission expressed concern over the lack of requirements for inspection of dwellings in regards to safety requirements and directed staff to undertake a code revision to address the concerns. The State Fire Marshall inspects commercial facilities but is prohibited from the inspection of residential dwellings. There is no current inspection of residential dwellings. Since a short-term rental results in a minimal increase in the intensity of the residential use, significant costs could be incurred for structural improvements that are not justified and not required of other rental properties. However, a requirement to have smoke alarms and carbon monoxide detectors inspected and tested annually would be of minimal cost and very beneficial.

The draft revisions propose to have smoke alarms and carbon monoxide detectors inspected and tested annually. The inspection report, signed by an electrician or home inspector, will be required to be provided to the city prior to the first time the dwelling is rented. Also proposed is the requirement for an operational fire extinguisher to be placed in a highly visible location. The revisions propose that inspection and maintenance records be kept with the representative's contact information. These records would then be available for review by the guests.

The Planning Commission considered the proposed revisions at their July 7, 2015 meeting. After deliberation, the Planning Commission unanimously recommended approval with the addition of a requirement that a statement be provided to the City with the business license renewal application confirming that all batteries have been replaced and all devices have been inspected and tested.

Policy Considerations: None.

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

Proposed new text is **bold**.
Text to be deleted ~~**bold stricken**~~.
Text added by the Planning Commission is underlined.

Chapter 17.124

SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES

17.124.170 Short-term rentals.

Any existing dwelling in any of the residential zones, **and** in the general commercial (C-3) zone, **in the tourism commercial (C-4) zone and in the industrial park (I-P) 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. [Ord. 08-O-616 § 2; Ord. 01-O-446.MM.]
- F. **The property owner shall have carbon monoxide detectors and smoke alarms inspected and tested annually. A copy of the inspection report signed by an electrician or home inspector shall be provided to the city prior to the first instance of renting the dwelling as a short-term rental. A statement that all batteries have been replaced and all devices have been inspected and tested must be provided to the City with the request for renewal of the business license. Inspection and maintenance records shall be kept with the representative's contact information. An operational fire extinguisher shall be placed in a highly visible location.**

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: August 24, 2015

Originating Dept: PWDS-Planning

Donna Colby-Hanks *LYH*
Signature (submitted by)
[Signature]
City Manager Approval

Subject: A hearing on File LDC-4-15 for consideration of revisions to Chapter 17.88 Signs, Brookings Municipal Code (BMC) to add an opportunity for business owners to display a flag with or without text as an option to displaying a sandwich board sign.

Recommended Motion: A motion to approve revisions proposed by LDC-4-15 to add provisions for business owners to display a flag with or without text and direct staff to prepare the adopting ordinance.

Financial Impact: None.

Background/Discussion: City Council reviewed Chapter 17.88 Signs at their February 23, 2015 City Council meeting and received public comment at their April 6, 2015 Workshop. The Council considered the matter further at their May 11, 2015 City Council meeting and directed staff to draft revisions to provide an opportunity for business owners to display flags with text. Currently flags with text are not allowed.

The purpose of Chapter 17.88 is to meet the advertising needs of businesses while minimizing safety impacts and sign clutter. Signs need to convey to potential customers in a few seconds what services or products are available. Studies have found that businesses or business districts that provide too much information actually repel prospective customers.

Currently Chapter 17.88.040(R) allows each business owner to display a sandwich board sign. A permit is not required but the signs must comply with several size and location criteria for safety reasons. The proposed revisions provide each business owner to have the option between a sandwich board sign or a flag with or without text. This flag would be in addition to the decorative flags allowed in Chapter 17.88.040(M). The option is intended to provide business owners more flexibility in determining the advertising that best suits their needs while limiting sign clutter.

Chris Hunter, Oregon Department of Transportation (ODOT), submitted an email for the Planning Commission's consideration. Hunter expressed concern that the proposed revisions do not make it clear to business owners that these provisions would not apply to Chetco Avenue which is ODOT right-of-way. ODOT advised that flags with or without text are considered signs, are not allowed in ODOT right-of-way and are subject to ODOT enforcement action.

Policy Considerations: Current policy allows sandwich board signs to be sited in Chetco Avenue right-of-way without City enforcement action. This same policy would need to extend to the proposed flags for them to be sited along Chetco Avenue. ODOT has stated their policy is to enforce their regulations in this matter "if it becomes a problem".

Attachment(s):

- A. Draft text of Chapter 17.88.040 Exempt signs
- B. Chris Hunter, ODOT, email

Proposed new text is **bold**.
Text to be deleted ~~-stricken~~.

Chapter 17.88 SIGN REGULATIONS

Sections:

17.88.010 Purpose.

17.88.040 Exempt signs.

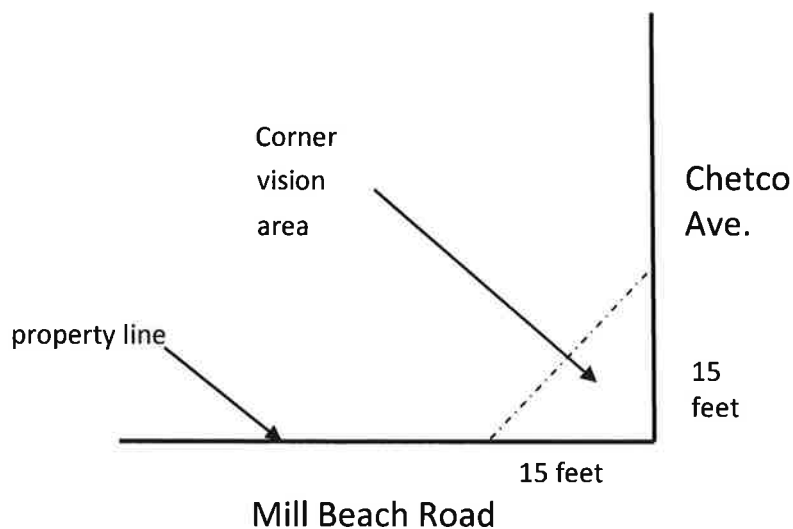
R. Sandwich Board Signs **and flags with or without text**. Sandwich board signs **and flags with or without text** may be displayed in commercial zones on private property, ~~and/or~~ within city rights-of-way, ~~and/or~~ in rights-of-way under the city's jurisdiction. **Only one sandwich board sign or flag shall be permitted for each business** provided the following conditions are met:

Sandwich Board Sign.

1. ~~Only one such sign shall be permitted for each business and~~ **The sign** shall not exceed two feet in width and four feet in height. Any sign placed within the corner vision area located at the intersection of streets shall not exceed three feet in height. The corner vision area shall consist of a triangular area measured from the corner of the intersection property lines for a distance of 15 feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.
2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.
3. Placement of sign must leave at least 36 inches of continuous unobstructed sidewalk area to provide accessibility for pedestrians, not be placed in parking spaces or parking areas, and be located outside of vehicular travel lanes.
4. Signs shall be displayed only at such times as the business they are intended to identify is open for business.
5. ~~Any sign placed within a corner vision area located at the intersection of streets shall not exceed three feet in height. The corner vision area shall consist of a triangular area measured from the corner of the intersection property lines for a distance of 15 feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.~~
(relocated to #1.)

Flag with or without text. This is in addition to decorative flags provided for in BMC 17.92.040(M).

1. The flag shall not exceed 30 inches in width and eight (8) feet in height.
2. The flag shall be securely installed to prevent toppling by wind.
3. Placement of the flag, when it is unfurled, must leave at least 36 inches of continuous, unobstructed sidewalk area to provide accessibility of pedestrians, not be placed in parking spaces or parking areas, be located outside of vehicular travel lanes and not encroach into bicycle lanes.
4. Flags shall be displayed only at such times as the business they are intended to identify is open for business.
5. Flags shall not utilize the holes located in the rights-of-way when the American Flags are being displayed for holidays and events.
6. Any flag with or without text placed within a corner vision area of a commercial driveway described and shown in BMC 17.92.100(E) or located at the intersection of streets (diagram below) shall not exceed three feet in height. The corner vision area shall consist of a triangular area measured from the corner of the intersection property lines for a distance of 15 feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.



Brookings
Email

Brookings, Oregon



Donna Colby-Hanks <dcolbyhanks@brookings.or.us>

sign regulation revisions

HUNTER Chris <Chris.HUNTER@odot.state.or.us>

Fri, Jun 26, 2015 at 2:37 PM

To: "Donna Colby-Hanks [dcolbyhanks@brookings.or.us] (dcolbyhanks@brookings.or.us)

(dcolbyhanks@brookings.or.us)" <dcolbyhanks@brookings.or.us>

Cc: NEAVOLL Darrin L <Darrin.L.NEAVOLL@odot.state.or.us>, Gary Milliman <gmilliman@brookings.or.us>,

MCDONALD John <John.MCDONALD@odot.state.or.us>

Donna,

Thank you for the opportunity to review.

I do have some concerns. The document does state that code is for commercial zones on private property, and/or within city right of way, and/or in rights of way under the city's jurisdiction; does the city have a map or ability to inform forks where these locations are? If not, I'd recommend that you do.

Under the section for Flag with or without text #5 indicates that business owners can utilize the holes in the right of way when the American Flags are not being displayed. This may be the case for city right of way, and/or rights of way under the city's jurisdiction, but this is not allowed within ODOT rights of way.

This needs to be better explained as the majority of these holes appear to be on ODOT right of way.

Again, a good reason to have a map or brochure that the city can provide to business owner showing where these flags and/or signs can be allowed.

Thanks,

Chris A. Hunter, PE

Assistant District Manager

ODOT ~ Region 3 ~ District 7

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From: Donna Colby-Hanks [mailto:dcolbyhanks@brookings.or.us]

Sent: Friday, June 26, 2015 1:26 PM

To: HUNTER Chris