



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

CERTIFICATE OF MAILING

I hereby certify that I served the attached notice of _____

Administrative Decision

regarding:

BBV 030-20 Lauren Suwall

On *April 17, 2020*, by mailing a correct copy thereof, certified by me as such, contained in a sealed envelope, with postage paid and deposited on the post office at The Dalles Oregon on said day. Between the said Post Office and the address to which said copy was mailed, there is a regular communication by US Mail.

DATED: *April 17, 2020*

Paula Webb
Secretary
Community Development Department

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NOTICE OF ADMINSTRATIVE DECISION **BBV 030-20** Lauren DuVall

DECISION DATE: April 17, 2020

APPLICANT: Lauren DuVall

REQUEST: Application to establish and operate a vacation rental hospitality business.

LOCATION: Property is located at 110 W. 7th Street, The Dalles, Oregon, and is further described as 1N 13E 3 BC tax lot 11200.

PROPERTY OWNER: Lauren DuVall

AUTHORITY: The Dalles Municipal Code, Title 10 Land Use and Development

DECISION: Based on the findings of fact and conclusions in the staff report of BBV 030-20, the request by **Lauren DuVall** is hereby **approved** with the following conditions:

1. The length of stay for guests is limited to 30 consecutive days. After 30 days, the rental reverts to a rental contract.
2. It is the responsibility of the property owner to ensure that the facility remains in compliance with all provisions of this and other City ordinances, and with Oregon State Health, Safety, Building, and Fire Codes, as well as Traveler's Accommodations requirements in the Oregon Revised Statutes.
3. It is the responsibility of the property owner to report guest stays and pay the associated transient room tax, per the provisions of The Dalles Municipal Code, Chapter 8.04 *Transient Room Tax*.
4. All bed and breakfast/vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pickup is required during the months of May through September.
5. The maximum number of occupants for Bed and Breakfast/Vacation Rental is two (2) persons per bedroom. Because the Applicant is proposing one (1) guest room, the maximum capacity for guest accommodations shall be two (2) persons.

6. Any signs will be required to be permitted and meet the requirements set forth in The Dalles Municipal Code – Title 10, Section 10.13 – *Sign Regulations*.
7. Approval of the Bed and Breakfast/Vacation Rental Permit is limited to five years; the expiration date of this permit will be April 17, 2025.

Signed this 17th day of April, 2020, by



Steven K. Harris, Director
Community Development Department

TIME LIMITS: The period of approval is valid for the time period specified for the particular application type in The Dalles Municipal Code, Title 10 Land Use and Development. All conditions of approval shall be fulfilled within the time limit set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time. Failure to fulfill any of the conditions of approval within the time limits imposed can be considered grounds for revocation of approval by the Director.

Please Note! No guarantee of extension or subsequent approval either expressed or implied can be made by the City of The Dalles Community Development Department. Please take care in implementing your approved proposal in a timely manner.

APPEAL PROCESS: The Director's approval, approval with conditions, or denial is the City's final decision, and may be appealed to the Planning Commission if a completed Notice of Appeal is received by the Director no later than 5:00 p.m. on the 10th day following the date of the mailing of the Notice of Administrative Decision. The following may file an appeal of administrative decisions:

1. Any party of record to the particular administrative action.
2. A person entitled to notice and to whom no notice was mailed. (A person to whom notice is mailed is deemed notified even if notice is not received.)
3. The Historic Landmarks Commission, the Planning Commission, or the City Council by majority vote.

A complete record of application for public hearing action is available for review upon request during regular business hours, or copies can be ordered at a reasonable price, at the City of The Dalles Community Development Department. Notice of Appeal forms is also available at The Dalles Community Development Office. The fee to file a Notice of Appeal is \$500.00. **The appeal process is regulated by The Dalles Municipal Code, Title 10 Land Use and Development, Article 3.020.080: Appeal Procedures.**



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STAFF REPORT Bed & Breakfast and Vacation Rental Permit 030-20 Lauren DuVall

Procedure Type: Administrative

Decision Date: April 17, 2020

Assessor's Map: Township 1 North, 13 East, Section 3 BC

Tax Lot: 11200

Address: 110 W. 7th Street

Comprehensive Plan Designation: "RH" High Density Residential

Zoning District: "RH" High Density Residential

Prepared by: Joshua Chandler, Planner

NOTIFICATION: Property owners within 100 feet, City Departments and Franchise Utilities.

COMMENTS RECEIVED: One comment was received as of April 2, 2020. Staff has provided a brief description of the comment below:

- March 31, 2020: Erna O'Brien - Trustee for Marvin Moeller Special Needs Trust, 114 W. 7th Street. The individual stated that she is opposed to the proposed vacation rental, as the tone of the neighborhood is residential and allowing this establishment would bring transient neighbors and partying. She believes this would put the permanent residents in the neighborhood at risk of robbery and trespassing. Staff has provided a response below.

RESPONSE #1: The Dalles Municipal Code (TDMC) allows provisions for the use of single-family dwellings for bed and breakfast and vacation rentals, provided the use is approved through a Bed and Breakfast and Vacation Rental (BBV) permit. Section 10.6.040.050 (B) states that "where permitted, bed and breakfast/vacation rental facilities are permitted outright as accessory uses, and as such should be processed as administrative actions." Provided this use meets the criteria set forth in this staff report, Staff has no grounds to deny this due to residential zoning. In response to nuisances that may occur during transient guest stays, 10.6.040.060 (C) of TDMC details grounds for which a permit may be revoked, and are not limited to "evidence establishing a violation of any municipal ordinance including City ordinances which define public nuisances or

general offenses, or a violation of state criminal law.” All complaints concerning the operation of a BBV shall follow the guidelines detailed in 10.6.040.060 of TDMC.

RECOMMENDATION: Approval, with conditions, based on the following findings of fact.

A. The Dalles Municipal Code, Title 10 Land Use and Development:

Section 10.3.010.040 Applications

B. Completeness.

FINDING #1: The application was found to be complete on March 19, 2020. **Criterion met.**

Section 10.3.020.040 Administrative Actions

B. Decision Types – Vacation Rentals.

FINDING #2: This application is for a vacation rental and follows the administrative action procedure – as per Section 10.3.020.040. **Criterion met.**

C. Notice of Application.

FINDING #3: Appropriate mailings were sent to property owners within 100 feet, and notice to affected departments and agencies were made on March 19, 2019. **Criterion met.**

D. Time Limits. *All applications processed as administrative actions shall be approved, approved with conditions, denied, or postponed with consent of the application within 45 days after the filing of a complete application.*

FINDING #4: The 45-day deadline from the date the application was deemed complete is May 1, 2020. This decision is made on April 17, 2020. **Criterion met.**

E. Staff Report. *Staff shall prepare a staff report which identifies the criteria and standards that apply to the application and summarizes the basic findings of fact. The staff report will also include a recommendation for approval, with conditions or denial.*

FINDING #5: This document serves as the staff report. **Criterion met.**

Section 10.6.040.030, General Requirements:

A. Permit. *All required permits shall be obtained prior to any rental of the property.*

FINDING #6: The Applicant submitted the associated BBV application on March 16, 2020, prior to any accommodations being offered on the subject property. **Criterion met.**

B. Signs. Residential Zones. *Signage shall be limited to one 4 square foot sign. The sign may be a wall sign on the primary building, or a free-standing sign limited to 4 feet in height (top of sign). If free-standing, the sign area ONLY may be lighted, not to exceed 40 watts. No off-premises signs are permitted.*

FINDING #7: No sign request has been included with this application. Signs are applied for under a separate ministerial permitting process. **Criterion not applicable.**

C. Length of Stay. *The length of stay for guests is limited to 30 consecutive days. After 30 days, the rental reverts to a rental contract.*

FINDING #8: The Applicant will be made aware of the length of stay requirements. Staff will address this criterion as a condition of approval. **Criterion met with condition.**

- D. Fire and Life Safety.** *Each facility shall meet all state and local requirements for fire and life safety.*

FINDING #9: Staff does not make this determination. The Applicant must meet all state and local requirements for fire and life safety. Staff will address this criterion as a condition of approval. **Criterion met with condition.**

- E. Room Tax.** *Each facility shall be subject to the transient room tax, per the provisions of The Dalles Municipal Code, Chapter 8.04 Transient Room Tax.*

FINDING #10: It is the responsibility of the Applicant to pay the Transient Room Taxes. Staff will address this criterion as a condition of approval. **Criterion met with condition.**

- F. Owner's Responsibilities.** *It is the property owner's responsibility to ensure that the facility remains in compliance with all provisions of this and other City Ordinances, and with Oregon State Health, Safety, Building, and Fire Codes, and Traveler's Accommodations requirements in the Oregon Revised Statutes.*

FINDING #11: The Applicant must ensure that the vacation rental remains in compliance with those items listed above. Staff will address this criterion as a condition of approval. **Criterion met with condition.**

Section 10.6.040.030 Permit Requirements

A. Requirements of Both Bed and Breakfast and Vacation Rentals.

1. *The facility is proposed for an existing detached single family residential dwelling.*

Finding #12: The facility is an existing detached single family home. **Criterion met.**

2. *The structure containing the facility retains the characteristics of a single family dwelling. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.*

FINDING #13: The Applicant is proposing no substantial changes to the property or structures. **Criterion met.**

3. *Any other conditions of approval deemed necessary by the approving authority to mitigate impacts to the surrounding neighborhood.*

FINDING #14: No other conditions are being proposed in this staff report. **Criterion met.**

4. *There is 1 parking space for each guest room after 2 rooms in the facility. (The residential off-street parking requirements must also be met where the facility is also a primary residence.) A Bed and Breakfast or Vacation Rental's street frontage, calculated at 20 feet/space excluding curb cuts and clear vision areas, may be considered in calculating the parking requirement.*

FINDING #15: The Applicant is applying for the accommodation of one (1) guest room, therefore is not required to provide off-street parking spaces. **Criterion not applicable.**

C. Requirements for Vacation Rentals.

1. *All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick up is required during the months of May through September.*

FINDING #18: Staff will address this criterion as a condition of approval. **Criterion met with condition.**

2. *There shall be no excessive generation of traffic created by the vacation rental.*

FINDING #19: Staff has determined that traffic impacts will be minimal within the neighborhood. Staff has provided that at any time this permit may be revoked for “excessive traffic generation” per the requirements of Section 10.6.040.060 *Complaints Regarding Operation and Revocation of Permits*. **Criterion met.**

3. *The maximum number of occupants per facility shall be determined by the Director and the Fire Marshall. The maximum number of occupants shall be posted inside, near the front door, in a conspicuous place. Maximum occupancy is based on 2 persons per bedroom or a Fire Marshall approved number of persons per square feet.*

FINDING #20: The Applicant is applying for one (1) guest room; therefore the accommodation has a maximum occupancy of two (2) people. The Applicant must post the maximum number of occupants based upon the Fire Marshall’s approved numbers. **Criterion met with condition.**

Section 10.6.040.050 Review Procedures

Where permitted, Bed And Breakfast/Vacation Rental facilities are permitted outright as accessory uses, and as such shall be processed as administrative actions, per the provisions of Section 3.020.040: Administrative Actions, and approved, approved with conditions, or denied by the Director.

FINDING #21: Staff has determined that the bed and breakfast/vacation rental permit be granted with the following conditions of approval:

1. The length of stay for guests is limited to 30 consecutive days. After 30 days, the rental reverts to a rental contract.
2. It is the responsibility of the property owner to ensure that the facility remains in compliance with all provisions of this and other City ordinances, and with Oregon State Health, Safety, Building, and Fire Codes, as well as Traveler’s Accommodations requirements in the Oregon Revised Statutes.
3. It is the responsibility of the property owner to report guest stays and pay the associated transient room tax, per the provisions of The Dalles Municipal Code, Chapter 8.04 *Transient Room Tax*.
4. All bed and breakfast/vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pickup is required during the months of May through September.
5. The maximum number of occupants for Bed and Breakfast/Vacation Rental is two (2) persons per bedroom. Because the Applicant is proposing one (1) guest room, the maximum capacity for guest accommodations shall be two (2) persons.
6. Any signs will be required to be permitted and meet the requirements set forth in The Dalles Municipal Code – Title 10, Section 10.13 – *Sign Regulations*.
7. Approval of the Bed and Breakfast/Vacation Rental Permit is limited to five years; the expiration date of this permit will be April 17, 2025.