

2020 General Ordinances

20-1377	09/14/2020	An Ordinance amending Title 8, Chapter 8.02 Short Term Rental License of The Dalles Municipal Code
20-1378	09/14/2020	An Ordinance Amending Title 10 of The Dalles Municipal Code by Repealing Article 6.040 Bed and Breakfast and Vacation Rental
20-1379	01/13/2020	An Ordinance Correcting Errors in General Ordinance No. 19-1373 Title 10 Land Use and Development of The Dalles Municipal Code
20-1380	02/24/2020	An Ordinance Amending Certain Provisions of Chapter 8.04 of The Dalles Municipal Code Relating to Transient Room Taxes
20-1381	05/11/2020	An Ordinance Amending Section 10.3.030.020 - Review Procedures of The Dalles Municipal Code
20-1382	9/28/2020	An Ordinance Amending Policy #10 of Goal #8: Recreational Needs of The Dalles Comprehensive Land Use Plan
20-1383	12/14/2020	An Ordinance Amending Home Inspection Requirements of General Ordinance No. 20-1377 Chapter 8.02 Short Term Rentals of The Dalles Municipal Code

GENERAL ORDINANCE NO. 20-1382

**AN ORDINANCE AMENDING
POLICY #10 OF GOAL#8: RECREATIONAL NEEDS OF THE DALLES
COMPREHENSIVE LAND USE PLAN**

WHEREAS, on February 20, 2020 and July 2, 2020, the City Planning Commission conducted a public hearing upon proposed amendments to Policy #10 of Goal #8: Recreational Needs of The Dalles Comprehensive Plan and voted to adopt Resolution No. P.C. 589-20 recommending City Council to approve Comprehensive Plan Amendment #46-20; and

WHEREAS, the City Council conducted a public hearing on September 28, 2020, to consider the Planning Commission's recommendations, and following the close of the public hearing, the City Council conducted deliberations, and the Council members voted to accept the text amendments set forth below, based upon the following findings:

1. Goal #1 of the City's Comprehensive Plan concerning citizen involvement seeks to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Policy #3 states that the land-use planning process and policy framework shall include opportunity for citizen input as a part of the basis for all decisions and actions related to the use of land. This proposal is consistent with goals and policies of the Comprehensive Plan. A notice of the public hearing held by the Planning Commission was published and the public had an opportunity to provide testimony on the proposed changes to the Planning Commission. The Planning Commission made alterations to the proposed amendments based on testimony at the first hearing. Notice of the public hearing before the City Council was also advertised, and the public was provided an additional opportunity to comment upon the proposed text amendments.

2. Goal #8 of the City's Comprehensive Plan regarding Recreational Needs seeks to satisfy the recreational needs of the citizens of the state and visitors. The goal includes several references to the District and the District Board:

- The "Parks and Recreation Needs" section of the goal discusses the Districts' role in recreation planning and implementation and assistance is promoting and coordinating trail and park development.
- Policy #1 requires that the City "work with residents, community groups and the Northern Wasco County Park & Recreation District Board to identify and provide for park and recreation needs, to maintain and develop neighborhood and community parks, and to identify uses for underdeveloped park lands."
- Policy #10 requires that the City adopt the District's Park and Recreation Master Plan as a background document to The Dalles Comprehensive Plan.
- Policy #11 states that the [Park and Recreation Master Plan] "shall strive to provide neighborhood parks within a 5 minute walk or 1,500 feet of all residential areas" and that it "shall consider funding mechanisms for acquisition, development and maintenance of park and recreation facilities."
- Policy #12 states that the Plan should "encourage a connected park and open space system in order to provide for small private open space areas." The policy further identifies potential pedestrian and bicycle and landscape improvements.

The community needs assessment component of the Park and Recreation Master Plan included focus group meetings, and online survey, stakeholder interviews, open house events, and an

analysis of national, regional, and state recreation trends. The Plan's vision statement is as follows:

"The Northern Wasco County Parks and Recreation District system is comprised of distinctive and accessible parks that promote healthy lifestyles, showcase social, cultural, educational, and recreational opportunities, and meet the needs of a diverse community."

The vision is further articulated and defined by a series of goals and actions addressing identify, distribution and connectivity, funding and partnerships, maintenance and operations, sustainability, and community resiliency. The process that led to the preparation of the Plan, and subsequent adoption by the District Board, is demonstration of a concerted effort to meet the recreational needs of the citizens of the state and visitors, consistent with Goal #8. The proposed amendment does not affect any other goals in the Comprehensive Plan or create any inconsistency within the Comprehensive Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. Goal 8, Policy 10 be amended to read as follows:

Goal 8 Policies

10. The Northern Wasco County Parks and Recreation District's Parks and Recreation Master Plan shall be acknowledged as a background document in Volume III of The Dalles Comprehensive Plan, to serve as the City's long range recreation plan for The Dalles Urban Growth Boundary Area along with facility plans for the City of The Dalles and North Wasco County School District 21. A parks and open space standard of ten acres per 1,000 population should be adopted as part of the Parks Master Plan achieved within the urban area. The Parks and Recreation Master Plan shall include goals and recommendations directed toward maintaining the ratio of acres of park land per 1,000 residents at the current level of service and ensuring that parks and open space areas are equitably distributed throughout the community.

PASSED AND ADOPTED THIS 28TH DAY OF SEPTEMBER, 2020.

Voting Yes, Councilors: McBlotkin, Miller, Long-Curtiss, Randall, Runyon
Voting No, Councilors: _____
Abstaining, Councilors: _____
Absent, Councilors: _____

AND ADOPTED THIS 28TH DAY OF SEPTEMBER, 2020.

Richard A. Mays

Richard A. Mays, Mayor

Attest:

Izetta Grossman, CMC
Izetta Grossman, CMC, City Clerk

GENERAL ORDINANCE NO. 20-1381

**AN ORDINANCE AMENDING
SECTION 10.3.030.020 REVIEW PROCEDURES IN TITLE 10 LAND USE AND
DEVELOPMENT OF THE DALLES MUNICIPAL CODE**

WHEREAS, on December 5, 2019, the City Planning Commission conducted a public hearing upon proposed amendments to Section 10.3.030.020 of the City's Municipal Code, Title 10 - Land Use and Development and voted to adopt Resolution No. P.C. 587-19 for Zoning Ordinance Amendment #101-19; and

WHEREAS, the City Council conducted a public hearing on May 11, 2020, to consider the Planning Commission's recommendations, and following the close of the public hearing, the City Council conducted deliberations, and the Council members voted to accept the text amendments set forth below, based upon the following findings:

1. Goal #1 of the City's Comprehensive Plan concerning citizen involvement seeks to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Policy #3 states that the land-use planning process and policy framework shall include opportunity for citizen input as a part of the basis for all decisions and actions related to the use of land. This proposal is consistent with goals and policies of the Comprehensive Plan. A notice of the public hearing held by the Planning Commission was published and the public had an opportunity to provide testimony on the proposed changes to the Planning Commission. The Planning Commission made alterations to the proposed amendments based on testimony at the first hearing. Notice of the public hearing before the City Council was also advertised, and the public was provided an additional opportunity to comment upon the proposed text amendments.

2. Goal #2 of the City's Comprehensive Plan regarding Land Use Planning seeks to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. Policy #6 provides the Comprehensive Plan be implemented through appropriate ordinances and action. Implementing measures shall be developed to allow administrative review and approval authority. These amendments update the existing zoning ordinance, following the directive of the Comprehensive Plan.

3. Goal #11 of the City's Comprehensive Plan regarding natural hazards is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policy #9 states that development and siting in locations without fire protection service shall be contingent upon the developer providing the services or the subsidizing of those services. These proposed amendments are consistent with the Comprehensive Plan Goal #11, Policy #9 by requiring larger development projects to ensure that the local emergency services have the means necessary to adequately serve their needs in the event of an emergency. This proposed amendment allows the fire department to be involved in the review process and also requires that a developer provide a plan in the event that the fire department or district does not have adequate capacity to serve the new development.

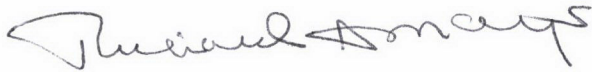
**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:**

Section 1. Article 10.3.030.020 Review Procedures: Shall be amended by adding a new subsection K, which shall read as follows:

- K. **Emergency Management and Response Plan.** For all projects proposed that are equal to or larger than 20,000 square feet; or for High Hazard Group H or Factory Group F occupancies of any size or Assembly Group A occupancies with a capacity of over 299 people as defined by Chapter 3 of the Oregon Structural Specialty Code at the time of the development, or for any energy development projects, the applicant shall provide an emergency management and response plan for consideration by the fire authority having jurisdiction. The plan shall address the major concerns associated with the terrain, dry conditions, water supply and limited access. The plan shall verify that the fire department or district has appropriate equipment, training and personnel to respond to fires, EMS, Hazmat, Rescue and other associated emergency incidents. If the fire department or district does not have adequate capability to provide for rescue, incident stabilization and/or property conservation, the applicant shall provide a plan for providing such in case of an emergency. Approval by the Fire Authority having jurisdiction of the emergency management and response plan shall be secured prior to a determination of application completeness.

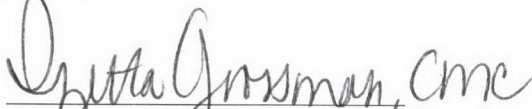
PASSED AND ADOPTED THIS 11TH DAY OF MAY, 2020.

Voting Yes, Councilors: Runyon, McBlotkin, Miller, Long, Curtiss
Voting No, Councilors: _____
Abstaining, Councilors: _____
Absent, Councilors: Position #3 vacant



Richard A. Mays, Mayor

Attest:



Izetta Grossman, CMC, City Clerk

GENERAL ORDINANCE NO. 20-1380

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF
CHAPTER 8.04 OF THE DALLES MUNICIPAL CODE RELATING
TO TRANSIENT ROOM TAXES**

WHEREAS, Chapter 8.04 of The Dalles Municipal Code (“TDMC”) is known as the Transient Room Tax Ordinance for the City of The Dalles; and

WHEREAS, the City wishes to establish regulations for any person other than a transient lodging provider that facilitates the retail sale of transient lodging and: charges for occupancy of the transient lodging; collects the consideration charged for occupancy of the transient lodging; or receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging and remit the tax to the City; and

WHEREAS, the League of Oregon Cities has prepared a model Transient Room Tax Ordinance which includes provisions for cities to require online travel companies and short-term rental hosting platforms that accept, receive or facilitate the payment of rent directly from occupants to be responsible for collecting and remitting the tax to the City; and

WHEREAS, the Oregon State Legislature passed House Bill 4120 during the 2018 legislative session which established new provisions relating to “transient lodging intermediaries”; and

WHEREAS, the City Council believes it is in the best interest and welfare of the City for the City’s Transient Room Tax Ordinance to be consistent with the provisions in the League of Oregon Cities model ordinance, and with the recent legislative changes adopted under House Bill 4120;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. TDMC Section 8.04.020 Definitions, shall be revised by amending the definitions of “Accrual accounting” and Operator, and by adding the following definitions of “Booking Service”, “Host”, “Hosting Platform”, “Short-term Rental”, “Transient lodging intermediary”, “Transient Lodging Provider”, and Transient Lodging Tax Collector”, as set forth below:

The definition of “Accrual accounting” shall be amended by inserting the word “in” between the words “accounting” and “which”.

“Booking Service” means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between a host and a prospective occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction. Booking services include directly or indirectly accepting, receiving or facilitating payment, whether or not the person or entity is the ultimate recipient of the payment, including through Application Programming Interfaces (APIs) or other computerized devices where third-party providers receive information about a transaction and collect funds for the transient lodging occupancy from an occupant.

“Host” means the owner or person who resides at the short-term rental or has been designated by the owner or resident of the short-term rental and who rents out the short-term rental for transient lodging occupancy either directly or through the use of a hosting platform.

“Hosting Platform” means a person or entity that participates in the short-term rental business by collecting or receiving a fee for booking services through which a host may offer a transient lodging facility. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows a host to advertise the transient lodging through a website provided by the hosting platform and provides a means for the hosting platform to conduct a transaction by which the prospective occupants arrange transient lodging and payment, whether the occupant pays rent directly to the host or to the hosting platform.

“Operator” means:

1. Any person who provides transient lodging for occupancy to the general public for compensation. Furnishing accommodations can be done via employees, contractors, agents or any other person allowed to process reservations and accept payment for the transient lodging on behalf of the transient lodging provider; or
2. Any person who facilitates the reservations of an accommodation and collects the payment for the transient lodging reservation from the occupant; or
3. Any transient lodging provider or transient lodging tax collector as defined in ORS 320.300, or transient lodging intermediary as defined in this Chapter.

“Short-term Rental” means a house, duplex, multi-plex, apartment, condominium, houseboat, trailer or other residential dwelling unit where a person rents guest bedrooms or the entire residential dwelling unit for transient lodging occupancy. Generally, a short-term rental is zoned residential or has a building occupancy that allows for residential use.

“Transient lodging intermediary” means a person other than a transient lodging provider that facilitates the retail sale of transient lodging and:

- (a) Charges for occupancy of the transient lodging;
- (b) Collects the consideration charged for occupancy of the transient lodging;
or
- (c) Receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging.

“Transient Lodging Provider” means a person that furnishes transient lodging.

“Transient Lodging Tax Collector” means a transient lodging provider or transient lodging intermediary.

Section 2. TDMC Section 8.04.040 shall be amended to read as follows:

8.04.040 Collection of Tax by Transient Lodging Tax Collector - Rules for Collection

A. Every transient lodging tax collector shall collect the tax at the time rent is paid, unless an exemption applies. The tax collected or accrued by the transient lodging tax collector constitutes a debt owed by the transient lodging tax collector to the City. If payment is by credit card, for purposes of this section, payment is made at the time credit card information is provided to the transient lodging tax collector, not when the transient lodging tax collector ultimately receives credit for the transaction. While holding payment in trust for the city, a transient lodging tax collector may commingle the tax proceeds with the transient lodging tax collector’s funds, but the transient lodging tax collector is not the owner of tax proceeds, except that, when a return is filed, the transient lodging tax collector becomes the owner of the administrative fee authorized to be retained.

B. In all cases of credit or deferred payment of rent, the payment of tax to the transient lodging tax collector may be deferred until the rent is paid, and the transient lodging tax collector shall not be liable for the tax until credits are paid or deferred payments are made. The transient lodging tax collector is liable for any tax that should have been collected from the occupant, except in cases of nonpayment of rent by the occupant.

C. Under the supervision of the City Manager, the tax administrator shall enforce the provisions of this chapter and shall have the power to adopt rules and regulations not inconsistent with this chapter as may be necessary to aid in the enforcement. (Ord.84-1053; Ord. 950)

D. Upon request of the City, transient lodging tax collectors must provide all physical addresses of transient lodging facilities within the City limits and the related contact information, including the name and mailing address, of the general manager, agent, owner, host or other responsible person for the location.

Section 3. TDMC Section 8.04.050 Operator’s Duties, shall be renamed Liability for Tax, and shall be amended to read as follows:

8.04.050 Liability for Tax

Operators who receive any portion of the rent and hosting platforms that provide booking services are jointly and severally liable for the tax. The amount of tax shall be separately stated upon the records of the operator or the hosting platform and any receipt rendered by the operator or the hosting platform. No operator shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this chapter. (Ord.17-1361; Ord. 950)

Section 4. TDMC Section 8.04.070, Registration of Operator – Form and Contents – Execution – Certification of Authority shall be renamed Registration of Transient Lodging Provider – Form and Contents – Execution – Certification of Authority, and shall be amended to read as follows:

8.04.070 Registration of Transient Lodging Provider – Form and Contents – Execution – Certification of Authority

A. Every person engaging or about to engage in business as a transient lodging provider shall provide a completed registration form to the tax administrator within fifteen (15) calendar days after commencing business. The registration form shall require the transient lodging provider to provide the name of the business, any separate business addresses, and other information as the tax administrator may require to implement this Chapter. Transient lodging providers who own or operate transient lodging facilities in the City of The Dalles shall provide the address of the lodging facility. The registration form shall be signed by the transient lodging provider. The tax administrator shall, within fifteen (15) days after registration, issue without charge a certificate of authority to collect the transient room tax from the occupant. The transient lodging provider’s obligation to collect the transient room tax is imposed once rent for transient lodging is paid, even if the registration form has not been filed or if the certificate has not been issued. If the rent transaction is facilitated online, the certificate of authority must be able to be viewed by the occupant by clicking on a link to the certificate of authority at a reasonable place during the payment transaction.

- B. Certificates shall be non-assignable and non-transferable and shall be surrendered to the tax administrator when the business is sold or transferred or when a transient lodging facility ceases to operate at the location specified in the registration form. Each certificate issued to a transient lodging provider for a specific lodging facility shall be prominently displayed at the lodging facility and include:
- (1) The name of the transient lodging provider;
 - (2) The address of the transient lodging facility;
 - (3) The date the certificate was issued; and
 - (4) “This transient occupancy registration certificate signifies that the person named on the face hereof has fulfilled the requirements of the transient room tax ordinance of the City of The Dalles by registration with the tax administrator for the purpose of collecting from occupants the room tax imposed by the City and remitting said tax to the tax administrator. The certificate does not authorize any person to conduct an unlawful business or to conduct any lawful business in an unlawful manner, or to operate a transient lodging facility without strictly complying with all local applicable laws, including but not limited to, those requiring a permit from any board, commission, department or office the City of The Dalles. This certificate does not constitute a permit.”

(Ord. 17-1361; Ord.950)

Section 5. TDMC Section 8.04.100(B) shall be amended by deleting the duplication of the words “so assessed” in the tenth line of the Section.

Section 6. TDMC Section 8.04.130(C) shall be amended by deleting the comma which appears after the word “foreclose” in the first line of the Section.

Section 7. TDMC Section 8.04.150 shall be amended to read as follows:

8.040.150 Collection Fee.

Every operator liable for the collection and remittance of the tax imposed by this chapter may withhold five percent of the net tax due to cover his or her expense in the collection and remittance of the tax. If a transient lodging facility has multiple operators, they are not entitled to retain additional fees.

Section 8. TDMC Section 8.04.160 shall amended by inserting a new Subsection D Authority of Tax Administrator, which shall read as follows:

- D. Authority of Tax Administrator. The tax administrator shall have the power to enforce this chapter, conduct audits on an annual basis, and to adopt rules, regulations, and forms consistent with this chapter. Rules and regulations of general application shall be mailed to all registered transient lodging providers. The tax administrator may also issue written interpretations on request of a transient lodging tax collector. As to the transient lodging tax collector to whom the interpretation is issued, the City will act consistently with the interpretation until it is withdrawn, and the City shall provide thirty (30) days' written notice of withdrawal of an interpretation.

Subsection D Confidential Character of Information Obtained – Disclosure Unlawful shall be renumbered Subsection E.

Section 9. TDMC Chapter 8.04 shall be amended by adding a new Section 8.04.210 Short-Term Rental Platform Fees which shall read as follows:

8.04.210 Short-Term Rental Platform Fees

A hosting platform for short-term rentals may collect a fee for booking services in connection with short-term rentals only when those short-term rentals are lawfully registered as operators with the city and possess a certificate of authority at the time the short-term rental is occupied.

PASSED AND ADOPTED THIS 24TH DAY OF FEBRUARY, 2020

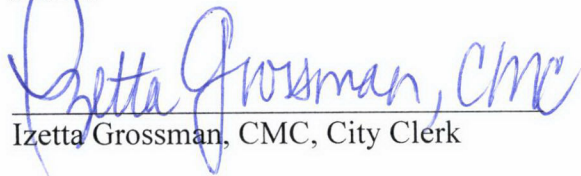
Voting Yes, Councilors: Miller, McGlothlin, Runyon, Long-Curtiss
Voting No, Councilors: —
Abstaining, Councilors: —
Absent, Councilors: Position 3 vacant

AND APPROVED BY THE MAYOR THIS 24TH DAY OF FEBRUARY, 2020.



Richard A. Mays, Mayor

Attest:



Izetta Grossman, CMC, City Clerk

GENERAL ORDINANCE NO. 20-1383

AN ORDINANCE AMENDING HOME INSPECTION REQUIREMENTS OF GENERAL ORDINANCE NO. 20-1377 CHAPTER 8.02 SHORT TERM RENTALS OF THE DALLES MUNICIPAL CODE

WHEREAS, on September 14, 2020, the City Council adopted General Ordinance No. 20-1377, which adopted new provisions and regulations concerning the operation of short term rentals in the City of The Dalles, including bed and breakfast and vacation rentals; and

WHEREAS, a subsequent review and discussion of the provisions of General Ordinance No. 20-1377 indicated the need to modify professional home inspection service requirements for all short term rental licenses, in order to establish a self-inspection safety checklist designed to allow hosts to be their own advocates for fire and life safety, as well as allowing the City, County, and the Fire District to make the most efficient use of available resources; and

WHEREAS, Staff has prepared General Ordinance No. 20-1383 to amend the original requirements for home inspections in General Ordinance No. 20-1377, and the City Council finds that adoption of General Ordinance No. 20-1383 is necessary to promote a self-inspection safety checklist for the Chapter 8.02 Short Term Rentals;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Amendment 1: **Section 8.02.020 Definitions**, shall be revised to remove the definition of “Inspection Checklist”, and to read as follows:

8.02.020 Definitions.

As used in this Chapter, except where the context indicates otherwise, the following terms shall mean:

“Council” means the City Council of the City of The Dalles;

“Department” means the Community Development Department of the City of The Dalles;

“Director” means the Community Development Director of the City of The Dalles;

“License” means Short Term Rental License;

“Operator” means the person who is the proprietor of a Short Term Rental in any capacity;

“Short Term Rental” means all accommodations with duration of 30 consecutive days or less;

“TDMC” means The Dalles Municipal Code; and

“Transient” means the renting of a dwelling unit or rooms for compensation on less than a month-to-month basis.

Amendment 2: **Section 8.02.040 General Requirements**, shall be revised to replace all language regarding home inspections with “safety checklists”, and to read as follows:

8.02.040 General Requirements.

The following general requirements shall apply to all Short Term Rentals:

- A. License. A Short Term Rental License shall be obtained by the operator prior to any transient rental of the property.
- B. Signs.

1. Residential Zones. Signage shall be limited to one (1) four square foot sign. The sign may be a wall sign on the primary building, or a freestanding sign limited to four feet in height (top of sign). If freestanding, the sign area only may be lighted, not to exceed 40 watts. No off-premises signs are permitted.
 2. Nonresidential Zones. All signage normally allowed by the zone district in which the Short Term Rental is located shall be allowed.
- C. Length of Stay. The length of stay for guests is limited to 30 consecutive days.
- D. Room Tax. Each facility shall be subject to payment of the transient room tax per the provisions of Chapter 8.04. Prior to the annual renewal of a license, the operator must provide the Department proof of the past year's paid transient room tax. Failure to submit proof of past payment will result in the denial of the current license; however, an operator can apply for re-licensing upon proof of payment of any delinquent transient room taxes.
- E. Health and Safety.
1. Operator's Responsibilities. It is the operator's responsibility to ensure that the facility remains in compliance with all provisions of this and other City Codes, with Oregon State Health, Safety, Building, and Fire Codes, and Tourist Facilities requirements in the Oregon Revised Statutes.
 2. Safety. Prior to the issuance of a license, a completed safety checklist shall be required.

Amendment 3: **Section 8.02.070 General Requirements**, shall be revised to replace all language regarding home inspections with "safety checklists", and to read as follows:

8.02.070 Review Procedures.

Operator must provide the Department with the following information at the time of application submission:

- A. Completed application.
- B. Proof of residency. For verification of primary residency, at least two of the following items must be provided:
 - a. A copy of the voter registration;
 - b. A copy of an Oregon Driver's License or Identification Card; or
 - c. A copy of federal income tax return from the previous tax year (page 1, only financial data should be redacted).
- C. Site Plan. A site plan drawn to scale indicating the location and number of guest rooms, location of guest entrances and exits, and location of all off-street vehicle parking spaces.
- D. Completed safety checklist.
- E. Completed transient room tax registration form.
- F. Proof of garbage service.
- G. Proof of an approved Food Service License (if applicable).
- H. Completed privacy screening exemption form, signed by all adjoining property owners (if applicable).

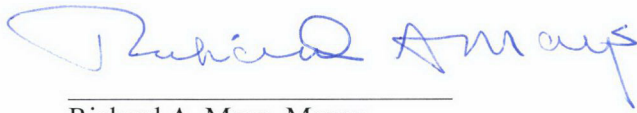
- I. Historic resource parking exemption request (if applicable).
- J. Fees.

Upon submission of a completed application and associated materials, the Department shall make a determination concerning issuance of the license within 30 days.

PASSED AND ADOPTED THIS 14TH DAY OF DECEMBER, 2020.

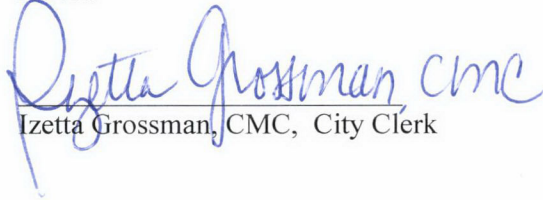
Voting Yes, Councilors: Runyon, Miller, Randall, McElathlin, Lon-Curtis
Voting No, Councilors: _____
Abstaining, Councilors: _____
Absent, Councilors: _____

AND APPROVED BY THE MAYOR THIS 14TH DAY OF DECEMBER, 2020.



Richard A. Mays, Mayor

Attest:


Izetta Grossman, CMC, City Clerk

GENERAL ORDINANCE NO. 20-1379

**AN ORDINANCE CORRECTING ERRORS IN GENERAL
ORDINANCE NO. 19-1373 TITLE 10 LAND USE AND
DEVELOPMENT OF THE DALLES MUNICIPAL CODE**

WHEREAS, on October 28, 2019, the City Council adopted General Ordinance No. 19-1373 which amended several provisions of Title 10 concerning Land Use and Development of The Dalles Municipal Code; and

WHEREAS, a subsequent review of the provisions of General Ordinance No. 19-1373 indicated certain errors had been included in certain provisions of the adopted Ordinance; and

WHEREAS, one of the errors occurred in Section 10.5.010.060 in the table setting forth the development standards for the RL, Residential Low Density District, which consisted of the inclusion of the word “corner” in front of the word “duplex”; and

WHEREAS, a second error occurred in Section 28 of General Ordinance No. 19-1373 concerning Article 6.030, Accessory Development, which mistakenly omitted the provisions of Sections 10.6.030.010, Purpose, and 10.6.030.020, General Regulations, which were intended to be included in the provisions of Article 6.030, Accessory Development; and

WHEREAS, staff has prepared General Ordinance No. 20-1379 to correct the errors contained in General Ordinance No. 19-1373, and the City Council finds that adoption of General Ordinance No. 20-1379 is necessary to ensure the provisions of Title 10 concerning Land Use and Development of The Dalles Municipal Code are correct;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:**

Section 1. **Section 20.5.010.060 RL – Low Density Residential District Development Standards**, which appears on page 15 of General Ordinance No. 19-1373, shall be amended by deleting the word “Corner” from the words “Corner Duplex” which appears under the heading “Lot Size”, and by deleting the word “Corner” from the words “Corner Duplex” under the entry entitled “Lot Width – Corner Duplex” - Duplex – 25 ft. minimum per dwelling; for a duplex on a corner lot each unit shall front on a separate street”.

Section 2. **Article 6.030 Accessory Development**, which appears in Section 28 on pages 22 through 24 of General Ordinance No. 19-1373, shall be amended to read as follows:

10.6.030.010 Purpose

This Article provides standards and criteria for regulating accessory development. Accessory development includes accessory uses, buildings and structures. Examples of accessory development include, but are not limited to, patios, decks, sheds, shops, detached garages and carports, accessory dwellings, home businesses, and family day care.

10.6.030.020 General Regulations

Accessory development shall be subject to the same requirements as the principal uses with each zone district except as otherwise provided below:

- A. Nonconforming Development. Accessory development involving nonconforming uses, buildings and structures is subject to the requirements of Article 3.090: Nonconforming Development.
- B. Size. Accessory development shall be subordinate in size to the primary use.
- C. Location.
 - 1. A required side or rear yard setback may be reduced to 3 feet for detached accessory buildings or structures that do not require a building permit, except as allowed in paragraph 3 below. The distance shall be measured from the common property line to the building or structure's eave line.
 - 2. Garage and carports accessory to residential uses with vehicle entrances facing a side street shall be set back a minimum of 20 feet from the property line.
 - 3. Rear yard or side yard setbacks for garage/carports on alleys may be waived per the following:
 - a. Garage/carports opening onto alleys with established 20-foot right-of-ways may be set back zero feet from the right-of-way.
 - b. Garage/carports opening onto alleys with less than a 20-foot right-of-way shall be set back to a minimum building line located 10 feet from the center of the alley right-of-way.
 - 4. No rear yard setback is required for detached accessory buildings if the rear yard abuts an alley that has at least a 20-foot right-of-way. If the alley right-of-way is less than 20 feet in width, detached accessory structures that may be located up to 10 feet from the center line of the right-of-way.
- D. Height. The height of accessory structures shall not exceed 80% of the primary structure's height, or 18 feet, whichever is higher.

10.6.030.030 Accessory Dwellings

Accessory Dwelling Units (ADU) are allowed in certain situations to:

- A. Create new housing units while respecting the look and scale of a single-family development;
- B. Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- C. Allow more efficient use of existing housing stock and infrastructure;
- D. Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- E. Provide a broader range of accessible and more affordable housing.

10.6.030.040 General Regulations

An ADU may be located in a detached accessory structure, an attached addition to a primary dwelling, or within a space internal to a primary dwelling, such as a converted basement. A garage may be converted to an ADU provided that the off-street parking requirement for the primary dwelling unit continues to be met. ADUs are permitted subject to the following provisions:

A. In the RL zone, one ADU is permitted outright as an accessory use to a permitted single-family dwelling.

B. In the RM, RH, NC, and CBC zones, ADUs are permitted as follows:

1. One ADU may be permitted outright as an accessory use to a permitted single-family attached or detached dwelling.
2. Two ADUs may be permitted on the same lot as a permitted single-family attached or detached dwelling if one ADU is in a detached accessory structure and the other ADU is either internal to the house, or in an addition attached to the house, and the lot has a minimum area of 5,000 square feet. An application for a second ADU on a single lot must be reviewed as an Administrative Action.
3. Duplex. One detached ADU is permitted outright as an accessory use to a duplex if the lot has a minimum area of 5,000 square feet. An application for an ADU on a lot with an existing duplex must be reviewed as an Administrative Action.

C. In the CG and CLI zones, one ADU is permitted outright as an accessory use to an existing non-conforming single-family dwelling.

10.6.030.050 Accessory Dwelling Development Standards.

In addition to the applicable standards in the zoning district, ADUs must meet the following development standards:

- A. Drainage, Sanitary Sewer and Water. Adequate provision shall be made for drainage, water and sewage waste.
- B. City Ordinances. The ADU shall meet all applicable City Ordinances.
- C. Lot Requirements. The lot requirements (width, depth, area, coverage, etc.) on which the primary dwelling and ADU are located shall be met.
- D. Front Setbacks. Detached ADUs must be located behind a line established parallel with the front building line of the primary dwelling.
- E. Rear Setbacks. The minimum rear setback for an ADU may be reduced to 5 feet if the structure is less than 15 feet in height or the rear lot line abuts an alley.
- F. Privacy Standards. The following standards are intended to protect the privacy of adjacent properties. Privacy standards are required along wall(s) of a detached ADU, or portions thereof, that are within 20 feet of a side or rear lot line that faces a residential property. A detached ADU meets the privacy standard if either of the following standards is met.
 1. All windows on a wall are placed in the upper third of the distance between a floor and ceiling. This standard applies to windows on exterior doors.
 2. Visual screening is provided along the portion of a property line that faces the wall of the ADU, plus an additional 10 linear feet beyond the corner of the wall. The screening shall be opaque; shall be at least 6 feet high; and may consist of a fence, wall, or evergreen shrubs. Newly planted shrubs shall be no less than 5 feet above grade at time of planting, and they shall reach 6 feet high within 1 year. Existing features on the site may be used to comply with this standard.

- G. Maximum Size. The gross floor area of the ADU shall not exceed 75% of the gross floor area of the primary dwelling (exclusive of garage[s] and unfinished basements) up to a maximum floor area of 800 square feet. All areas being used as living space shall be counted toward the maximum allowance of 800 square feet, whether or not those areas were originally built or intended to be used for habitation. In the case of a duplex, the size of the accessory dwelling unit may be no more than 75% of the living area of the smaller of the two primary units or 800 square feet, whichever is less. Two exceptions to this maximum size are permitted:
1. Basement ADUs. The total floor area of a basement of the primary dwelling may be used as the ADU, provided the basement area does not exceed the size of the primary dwelling.
 2. Large Lots. On lots zoned RL that are at least 10,000 square feet and include an existing primary dwelling, the gross floor area of the ADU may be up to 1,000 square feet or 60% of the living area of the primary dwelling, whichever is less.
- H. Parking. No off-street parking needs to be provided for one ADU on a single lot, so long as the parking requirements for the primary dwelling units are met. A second ADU on a single lot must provide one off-street parking space in addition to the spaces required for the primary dwelling unit. If off-street parking is provided, the parking area shall not be located within any required front and side yard setback, other than existing and/or approved driveways.
- I. Addressing. The ADU shall be legally addressed with the street address of the primary dwelling plus the designation "Suite B".

PASSED AND ADOPTED THIS 13TH DAY OF JANUARY, 2020.

Voting Yes, Councilors: Miller, Long-Curtiss, Brown, Runyon, McElshlin
 Voting No, Councilors: _____
 Abstaining, Councilors: _____
 Absent, Councilors: _____

AND ADOPTED THIS 13TH DAY OF JANUARY, 2020.

Richard A Mays

Richard A. Mays, Mayor

Attest:

Izetta Grossman, CMC
 Izetta Grossman, CMC, City Clerk

GENERAL ORDINANCE NO. 20-1378

**AN ORDINANCE AMENDING TITLE 10 OF THE DALLES
MUNICIPAL CODE REPEALING ARTICLE 6.040, BED AND
BREAKFAST AND VACATION RENTALS, FROM CHAPTER 10.6**

WHEREAS, Chapter 10.6 of The Dalles Municipal Code sets forth general regulations of land use and development for the City of The Dalles; and

WHEREAS, on June 20, 2019, the Planning Commission conducted a public hearing to discuss a proposed amendment to the City's Municipal Code, Title 10 – Land Use and Development Ordinance, which included removal of Article 6.040, Bed and Breakfast and Vacation Rentals, from Chapter 10.6 and voted to adopt Resolution No. PC 581-19 for Zoning Ordinance #99-19 recommending approval of the proposed amendment; and

WHEREAS, following a public hearing on November 25, 2019, and September 14, 2020, the City Council of the City of The Dalles has approved the incorporation of Chapter 8.02, Short Term Rental License, as part of Title 8 of The Dalles Municipal Code by adoption of General Ordinance No. 20-1377, therefore deeming Article 6.040 unnecessary; and

WHEREAS, the City Council finds that the repeal of Article 6.040 is necessary for the implementation of General Ordinance No. 20-1377;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:**

Section 1. Chapter 10.6, shall be amended by repealing Article 6.040, Bed and Breakfast and Vacation Rentals, and removing this Article from Chapter 10.6 of The Dalles Municipal Code.

PASSED AND ADOPTED THIS 14th DAY OF SEPTEMBER, 2020.

Voting Yes, Councilors: McGlothlin, Randall, Long-Curtiss, Runyon, Miller
Voting No, Councilors: _____
Abstaining, Councilors: _____
Absent, Councilors: _____

AND APPROVED BY THE MAYOR THIS 14th DAY OF SEPTEMBER, 2020.

Richard A. Mays

Richard A. Mays, Mayor

Attest:

Izetta Grossman, CMC
Izetta Grossman, CMC, City Clerk

GENERAL ORDINANCE NO. 20-1377

AN ORDINANCE AMENDING TITLE 8, BY ADDING CHAPTER 8.02 SHORT TERM RENTAL LICENSE TO THE DALLES MUNICIPAL CODE

WHEREAS, Title 8 of The Dalles Municipal Code sets forth policies and regulations pertaining to business within the City of The Dalles; and

WHEREAS, the City of The Dalles has experienced growing interest from potential customers seeking to use short term rentals, and from property owners desiring to offer the use of their properties for short term rentals; and

WHEREAS, on June 20, 2019, the City Planning Commission conducted a public hearing to discuss a proposed amendment to the City's Municipal Code, Title 10 – Land Use and Development Ordinance, which included removal of the current provisions regulating Bed and Breakfast and Vacation Rentals set forth in Article 6.040, from Chapter 10.6, and establishment of new provisions regulating short term rentals; and

WHEREAS, following the public hearing, the City Planning Commission voted to adopt Resolution No. 581-19 for Zoning Ordinance Amendment #99-19 recommending approval of the proposed amendment; and

WHEREAS, on November 25, 2019, and September 14, 2020, the City Council conducted a public hearing to consider public testimony concerning proposed General Ordinance No. 20-1377, which would adopt new provisions and regulations concerning the operation of short term rentals in the City of The Dalles, including bed and breakfast and vacation rentals; and

WHEREAS, the City Council finds that adoption of General Ordinance No. 20-1377 licensing and regulating short term rentals to be in the best interest of the citizens of The Dalles, as the Ordinance would: establish a licensing scheme applicable to all operators of short term rentals; regulate the length of stay in short term rentals; establish operators' responsibilities to ensure compliance with City codes and state rules and regulations concerning health, safety, fire codes, and tourist facilities; provide for periodic inspections; establish regulations for privacy screening where applicable; address parking and collection of solid waste; and provide a process for addressing complaints related to operation of short term rentals;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Title 8, Business, shall be amended by adding Chapter 8.02, Short Term Rental License, which shall read as follows:

Chapter 8.02
SHORT TERM RENTAL LICENSE

Sections:

8.02.010	Purpose
8.02.020	Definitions
8.02.030	Licenses
8.02.040	General Requirements
8.02.050	License Requirements
8.02.060	Food Services
8.02.070	Review Procedures
8.02.080	Fees
8.02.090	Public Notice
8.02.100	Existing Nonconforming Short-Term Rentals
8.02.110	Complaints Regarding Operation
8.02.120	Violations
8.02.130	Revocation

8.02.010 Purpose.

This Article describes standards and requirements governing the use of all permitted residential dwelling units properties for short term rental use within The Dalles City Limits. These standards and requirements shall be in addition to other City Code requirements and to federal and state laws and regulations.

8.02.020 Definitions.

As used in this Chapter, except where the context indicates otherwise, the following terms shall mean:

“Council” means the City Council of the City of The Dalles;

“Department” means the Community Development Department of the City of The Dalles;

“Director” means the Community Development Director of the City of The Dalles;

“Inspection Checklist” means the document located in the application packet;

“License” means Short Term Rental License;

“Operator” means the person who is the proprietor of a Short Term Rental in any capacity;

“Short Term Rental” means all accommodations with duration of 30 consecutive days or less;

“TDMC” means The Dalles Municipal Code; and

“Transient” means the renting of a dwelling unit or rooms for compensation on less than a month-to-month basis.

8.02.030 Licenses.

All Short Term Rentals shall be required to obtain a license from the Department prior to operation. Licenses are valid for one (1) year, beginning January 1 and ending December 31 of each year. Partial year licensing or prorated licensing fees will not be granted at the time of

licensing or renewing a license. Licenses shall be non-transferable. Upon transfer of the property the existing license becomes void. The new operator(s) must apply for a new license.

8.02.040 General Requirements.

The following general requirements shall apply to all Short Term Rentals:

- A. License. A Short Term Rental License shall be obtained by the operator prior to any transient rental of the property.
- B. Signs.
 - 1. Residential Zones. Signage shall be limited to one (1) four square foot sign. The sign may be a wall sign on the primary building, or a freestanding sign limited to four feet in height (top of sign). If freestanding, the sign area only may be lighted, not to exceed 40 watts. No off-premises signs are permitted.
 - 2. Nonresidential Zones. All signage normally allowed by the zone district in which the Short Term Rental is located shall be allowed.
- C. Length of Stay. The length of stay for guests is limited to 30 consecutive days.
- D. Room Tax. Each facility shall be subject to payment of the transient room tax per the provisions of Chapter 8.04. Prior to the annual renewal of a license, the operator must provide the Department proof of the past year's paid transient room tax. Failure to submit proof of past payment will result in the denial of the current license; however, an operator can apply for re-licensing upon proof of payment of any delinquent transient room taxes.
- E. Operator's Responsibilities. It is the operator's responsibility to ensure that the facility remains in compliance with all provisions of this and other City Codes, with Oregon State Health, Safety, Building, and Fire Codes, and Tourist Facilities requirements in the Oregon Revised Statutes.
- F. Home Inspection. Prior to the issuance of a license, and every five years following the date of initial Short Term Rental License issuance, the operator shall provide evidence of a home inspection. Home inspections are required to ensure the property is in compliance with current zoning and building standards, as well all relevant fire, health, and safety regulations. Home inspections may only be completed by a licensed home inspector or a person authorized by the City to perform home inspections. Each inspection must follow the guidelines established in the Inspection Checklist.

8.02.050 License Requirements.

Short Term Rental Licenses shall be issued when the following provisions have been met:

- A. The facility is a dwelling unit as defined by TDMC, Chapter 10.2 *Definitions*.
- B. The structure containing the facility retains the existing characteristics of the dwelling unit. No modifications to the structure will be permitted for the benefit of the accommodation use except those modifications deemed necessary to accommodate current Americans with Disabilities Act requirements. The lot must be landscaped and maintained as a permanent residence with landscaped features similar to the surrounding area.

- C. The operator must take precautions to mitigate impacts to the surrounding neighborhood. All units with shared yards or common areas in the rear or side yards of the property must install or maintain privacy screening pursuant to TDMC, Section 10.6.010.050. This requirement may be waived upon written approval of all adjoining property owners.
- D. For all Short Term Rentals, the residential off-street parking requirements of TDMC 10.7.060.010 must be met where the facility is also a primary residence. All Short Term Rentals offering more than one guest room must provide at least one off-street parking space for each additional guest room. Properties listed as a historic resource, whether locally, statewide, or federally, or properties eligible for historic designation per Title 11, Chapter 12 *Historic Resources* may be granted an exemption from guest room parking requirements. The operator must submit a historic resource parking exemption request, along with documentation regarding the historic significance of the property, to the Department at the time of licensing. The Department will verify historic significance with the City's Historic Landmarks Coordinator. All properties not currently designated as an historic resource may be eligible for landmark designation following approval by the Historic Landmarks Commission pursuant to Title 11, Chapter 12 *Historic Resources*.
- E. All operators must provide the Department with current contact information. The contact person must be available to be contacted by a City representative within 24 hours. Licensees shall notify the Department and submit appropriate documentation ten (10) calendar days prior to any change in operator, whether it be a permanent or temporary change.
- F. All Short Term Rentals must comply with City Codes regarding noise, smoke, dust, litter, and odor.
- G. Weekly solid waste disposal is required, and the operator must provide the Department with proof of garbage service.
- H. No "special events" shall be conducted at any Short Term Rental during periods of transient rental. "Special events" include, but are not limited to, weddings and wedding receptions, corporate events, commercial functions, and other gatherings that may require separate permits.
- I. The maximum number of occupants per facility shall be determined by the International Code Council. The International Code Council is a member-based association, dedicated to developing model codes and standards to be used by U.S. cities and global markets in the design and building process to construct safe, sustainable, affordable, and resilient structures. The maximum number of occupants shall be posted inside near the front door in a conspicuous place. Maximum occupancy is two persons per bedroom.

8.02.060 Food Services.

This Article pertains to all Short Term Rentals offering food services. All Short Term Rentals proposing food services must obtain a Food Service License with the Oregon Department of Human Services. Operator is encouraged to contact the North Central Public Health District for additional information on the requirements of obtaining a Food Service License.

8.02.070 Review Procedures.

Operator must provide the Department with the following information at the time of application submission:

- A. Completed application.
- B. Proof of residency. For verification of primary residency, at least two of the following items must be provided:
 - a. A copy of the voter registration;
 - b. A copy of an Oregon Driver's License or Identification Card; or
 - c. A copy of federal income tax return from the previous tax year (page 1, only financial data should be redacted).
- C. Site Plan. A site plan drawn to scale indicating the location and number of guest rooms, location of guest entrances and exits, and location of all off-street vehicle parking spaces.
- D. Completed home Inspection Checklist administered by a licensed home inspector or a person authorized by the City to perform home inspections.
- E. Completed transient room tax registration form.
- F. Proof of garbage service.
- G. Proof of an approved Food Service License (if applicable).
- H. Completed privacy screening exemption form, signed by all adjoining property owners (if applicable).
- I. Historic resource parking exemption request (if applicable).
- J. Fees.

Upon submission of a completed application and associated materials, the Department shall make a determination concerning issuance of the license within 30 days.

8.02.080 Fees.

All Short Term Rental licensing fees shall be adopted by resolution of the Council. Annual licensing or renewal fees are based on a per guest room basis. For all Short Term Rentals offering four or more guest rooms, the operator will be charged a "whole house rental" fee. Whole house rental fees will be calculated at, and not to exceed, the cost of four guest rooms.

8.02.090 Public Notice.

Within ten (10) days after the receipt of a complete initial application, or any change in operator, the City shall provide notice to all property owners within 100 feet of the subject property. The list of affected property owners shall be compiled from the most recent property tax assessment roll. Information on the notice shall include the following: operator contact information; license number; number of guest rooms; maximum guest occupancy; and contact information for the City's Code Enforcement Division. The purpose of this notice is to allow adjacent property owners and residents to contact the authorized operator to report and request resolution of problems associated with the operation of the Short Term Rental. If the authorized operator's contact information changes during the license period, the new information must be mailed or distributed again.

8.02.100 Existing Nonconforming Short-Term Rentals

For the purposes of this section, an existing nonconforming Short Term Rental is a dwelling with a previously approved Bed and Breakfast and Vacation Rental permit operating within the five-year timeline established at the time of initial land use approval, pursuant to repealed Article 6.040. Existing nonconforming Short Term Rentals may continue their use until the expiration date established with the associated Bed and Breakfast and Vacation Rental permit. Upon expiration, the operator may only operate a Short Term Rental with a valid approved Short Term Rental License.

8.02.110 Complaints Regarding Operation.

A complaint concerning the operational conduct of a short term rental shall be in written form and clearly state the nature of the objection(s) to the facility. All complaints must be submitted to the City's Code Enforcement Division. Upon receipt of a written complaint, the complaint shall be investigated by the Codes Enforcement Officer to determine if any violations have occurred. If the complaint is determined to be meritorious, the Codes Enforcement Officer shall refer the matter to the City Attorney, which will result in the filing of a complaint in the municipal court.

8.02.120 Violations.

Violation of any of the provisions of this chapter is an infraction, punishable by a fine not to exceed the sum of \$250.00 for each violation thereof. Each day's violations of a provision of this chapter shall constitute a separate offense.

8.02.130 Revocation.

- A. A license, once issued, may be revoked upon the following grounds:
 1. 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;
 2. Violation of any of the requirements of this chapter;
 3. The operation of the business in a manner presenting a danger to the public health, safety, and general welfare;
 4. Fraud, misrepresentation, or incorrect statements contained in the application for the license;
 5. Fraud or misrepresentation in the course of conduct of the licensed accommodation;
 6. Absence or unavailability by operator for 24-hour contact with the City;
 7. Failure to register as an operator pursuant to TDMC Section 8.04.070 and pay associated transient room taxes; or
 8. The occurrence of three or more violation convictions within a 12-month period resulting in fines pursuant to 8.02.120.
- B. Notice of Revocation. If the City orders the revocation of an issued license on grounds pursuant to this section, notice of revocation shall be delivered to the licensee or its agent setting forth in writing the grounds thereof by the City Attorney. Notice shall be delivered either personally or by certified mail, return receipt requested, to the current