



City of Port Orford Workshop

By Hybrid Meeting

MEETING AGENDA

Subject: Urban Growth Boundary

Date: August 8, 2022

Time: 4:30 p.m.

Purpose of the

Meeting: Urban Growth Boundary/Goal Setting

In Attendance:

- _____ Pat Cox, Mayor
- _____ Tim Pogwizd, President
- _____ Lorin Kessler, Councilor
- _____ Carolyn LaRoche, Councilor
- _____ Gary Burns, Councilor
- _____ Greg Tidey, Councilor
- _____ James Garratt, Councilor
- _____ Jessica Ginsburg, City Admin

Guests/Others:

Meeting Agenda

- Hear the issues/language changes
- Discuss the suggested changes to the code.
- Finalize for Next Council Meeting/Special Session

Urban Growth Boundary
Mon, Aug 8, 2022 4:30 PM - 5:00 PM (PDT)

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/326511869>

You can also dial in using your phone.

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Access Code: 326-511-869

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ATTACHMENT - EXISTING UGB MANAGEMENT AGREEMENT

PORT ORFORD PLANNING COMMISSION

~~DRAFT~~ URBAN GROWTH AREA MANAGEMENT PLAN

- A. Designated land uses indicated in the City of Port Orford Comprehensive Plan and in the Port Orford-Langlois Planning Unit of the Curry County Comprehensive Plan will be the governing documents for land use decisions within the Port Orford Urban Growth Boundary (UGB).
- B. The Port Orford Planning Commission will be notified of any applications received by the Curry County Planning Commission for, Comprehensive Plan changes, zone change, conditional use change, subdivision, or planned unit development within the Port Orford UGB.
- C. Procedure for coordinating the provision of urban facilities within the Urban Growth Boundary (UGB).
1. Definition of urban facilities - Urban facilities are defined as water, sewer, street improvement services and police or fire protection as provided by the City of Port Orford.
 2. Development proposals or plans requiring urban facilities within the UGB are to be presented to the Port Orford Planning Commission for review to determine the type of development, location, comprehensive plan suitability, and urban facilities required. If approved the proposed plan can proceed to the Curry County Planning Commission with any conditions set by the city.
 3. Application is then made to the Curry County Planning Commission as the regulating body in county jurisdiction together with approval and any conditions specified by the City of Port Orford. The proposed development must meet all the county requirements and those set by the City of Port Orford for final approval.
 4. Upon final approval by the County Planning Commission the applicant can then request the provisions of urban facilities by agreement from the City of Port Orford to the proposed development.
 5. Annexations to the City of Port Orford may be a requirement of the City for the provision of urban facilities within the Urban Growth Boundary.

Adopted P.O. Planning Comm. Sept 11, 1978
Adopted P.O. City Council Sept 12, 1978

Urban Growth Management Agreement
Page 2

IN WITNESS WHEREOF, this Urban Growth Area Joint Management Agree-
ment is signed and executed the 10th day of October, 1978.

CURRY COUNTY BOARD OF COMMISSIONERS

PORT ORFORD CITY COUNCIL

Jack R. Waldie
Chairman

Delbert Neal
Mayor

[Signature]
[Signature]

Vanita Longtin
Attest

**Curry County Planning Commission
Staff Report
July 14, 2022**

Application: ZOA 2022.1

Amendments to the Curry County Zoning Ordinance (CCZO)

Land Use Changes to the CCZO: Several changes to the CCZO are proposed to carry out four (4) primary land use objectives. They are:

- 1.) Increase housing opportunities in the R-2 zoning district (Attachment G);
- 2.) Regulation of Short-Term Rentals (STRs) using clear and objective standards (Attachment N);
- 3.) Allowing an Accessory Dwelling Unit (ADU) on Rural Residential land (Attachment L); and
- 4.) Defining requirements for Lot Line Adjustments (Attachment O).

Legislative Review Process: Amendments to the CCZO require a Legislative Review Process in accordance with Section 2.300 of the CCZO. Section 2.300(2)a) states:

The Planning Commission will conduct the first evidentiary hearing on the application and notice of the hearing will be prepared in accordance with ORS 215.503 as applicable”.

Finding: The first evidentiary hearing is scheduled for July 21, 2022 before the Curry County Planning Commission. Notice of the hearing was published in three newspapers within Curry County – The Pilot (6/24/22), The Port Orford News (6/29/22) and the Curry Reporter (6/29/22).

The purpose of the first evidentiary hearing before the Planning Commission is to:

“Consider the application, the Director staff report and recommendation, and the evidence presented at the public hearing, and then recommend the Board of Commissioners either approve, approve with conditions, or deny the application”.

Finding: The Planning Commission considered and discussed the proposed CCZO amendments at a public workshop held on May 19, 2022 and updated at a public meeting on June 16, 2022. The Board of Commissioners held a public workshop on the proposed CCZO amendments on June 8, 2022. No comments were received from the public during these scheduled and publicly notified meetings. However, several comments were made and received about short term rentals prior to the development of the CCZO language to address short-term rentals. Staff has earnestly tried to incorporate these early comments into the CCZO language proposed for adoption.

Increasing Housing Opportunities in the R-2 Zoning District (Attachment G): The proposed CCZO amendments would increase the allowed housing units for properties zoned Residential-Two (R-2). The R-2 zone currently only allows single family dwellings. The proposed CCZO change allows density increases including duplexes, triplexes and fourplexes provided sewerage, water and transportation services can be provided to support the increases in housing density. The R-2 zone is exclusively applied to properties inside the Urban Growth Boundaries (UGB) of Brookings, Gold Beach and Port Orford. These are areas planned for future urban densities and represent one of the few opportunities for the County to be able to increase the potential to allow more housing.

Finding: The State of Oregon declared a Housing Emergency and the Legislature enacted HB 2001 in 2019 to both mandate in larger cities and encourage in small jurisdictions, increasing housing densities throughout the state. This effort, being led by the Department of Land Conservation and Development (DLCD), is focused on increasing the housing supply, affordability, density and housing options available.

In 2019, the Curry County Board of Commissioners declared a Housing Emergency for Curry County (Resolution 2019-40). Data (2022) presented by ECO Northwest indicates that the median home sale price in Curry County is \$557,000. And the median gross rent is \$1200. – 1600. Per month. A household would now need to earn over \$74,000 per year to afford housing in Curry County. This precludes affordable housing options for most people. The majority of housing purchases over the past two years have been from higher-end, out of county working professionals (internet linked companies) and retirees. The proposed CCZO amendments to the R-2 zone are expected to increase affordable housing options inside the UGB.

Regulation of Short-Term Rentals (STRs) using Clear and Objective Standards (Attachment N): Short-Term Rentals (STRs) are proposed to be regulated through an Administrative Conditional Use process. The process requires public notification in accordance with CCZO Section 2.070(2) Administrative Decisions. The standards for review/compliance are defined as Clear and Objective. Therefore, if an applicant meets the standards, the administrative application most likely will be approved by the Director. Appeal of an STR approval by the Planning Director will be to the Planning Commission in accordance with CCZO Section 2.170 Appeal of a Land Use Decision.

Finding: The issues discussed in multiple public forums over the past year regarding the potential to regulate STRs in Curry County are established in the attached memorandums (June 3, 2021 and November 16, 2021).

Allowing an Accessory Dwelling Unit (ADU) on Rural Residential Zoned Land (Attachment L): Allowing ADUs on Rural Residential zoned properties is governed by the 2021 Oregon Legislature adopted SB391. The legislative allowance is required to be adopted into local land use codes and is restricted by provisions set forth from SB391 and now included as state law. The significant provisions include a requirement that the ADU be within a fire district, can be

located no further than 100 feet from the existing single-family dwelling, is restricted to 900 square feet in size, the parcel must be at least 2-acres in size and the ADU cannot be used as a vacation rental.

Finding: Adoption of the ADU provisions per SB391 will allow Curry County to approve additional housing units outside the UGB on properties zoned for Rural Residential development. While the state allowance is restrictive, it may increase housing options and coupled with the implementation of SB762 (Fire Bill) has increased the interest by Fire Chiefs throughout the County to 1. Evaluate consolidation of fire districts, and 2. annex additional vulnerable county areas not currently served by a fire district into a district.

Defining Requirements for Lot Line Adjustments (Attachment O): The proposed Lot Line Adjustments amendments to the CCZO would codify the procedure and requirement for lot line adjustments. Requirements include survey and property descriptions to be completed by a licensed surveyor, determination of lot legality, and formatting documents consistent with those acceptable to be filed with the County Clerk.

Finding: Lot Line adjustments are legal actions for land transactions. Currently, Curry County refers to vague language set forth in state statute as guidance for lot line adjustments. Multiple issues concerning the legality and lack of land use review of these applications have raised concerns by the County Surveyor, Planning Department, and the Assessor's office. The proposed procedures would clearly define the review process, application requirements and filing format of these land use actions.

Staff Recommendation: Staff recommends approval of the proposed CCZO amendments.



CURRY COUNTY COMMUNITY DEVELOPMENT
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Becky Crockett
Planning Director

Phone (541) 247-3228
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MEMO

TO: Planning Commission

DATE: June 3, 2021

**FROM: Becky Crockett
Planning Director**

RE: Vacation Rentals

Discussion Question: Should the County Further Regulate Short Term Rentals (Vacation Rentals)?

Short Term Rentals (STRs) or Vacation Rentals have become a significant factor in Curry County. They have eroded the availability of long-term rentals and displaced work force housing. However, they continue to be a positive influence in promoting tourism and bringing added dollars to both the individuals who own the vacation rentals and the businesses that serve the vacationers. Curry County is not a “day-trip” destination. Having a wide variety of short-term housing available is paramount to attracting tourists.

It is estimated that there are up to 400 short-term rentals (STRs) currently operating in the unincorporated areas of the county. The only regulatory requirement is that they have a county business license and pay the 7% Transient Lodging Tax (TLT). Approximately 100 STR owners have a county business license and during the summer months approximately 300 pay the county TLT tax.

The county continues to experience the effects of the increasing amount and influence of STRs. Daily, we address general questions, structural changes to homes, long-term rentals and Accessory Dwelling Units (ADUs) into STRs, violations, nuisances, building code violations, zoning violations and enforcement actions. Below is a short list of some of the pros and cons of STRs in Curry County to facilitate discussion at the Planning Commission meeting:

PROS

- Revenue for homeowners
- Needed supplemental income for homeowners including retirees
- Less liability for homeowners over long-term renters
- Less property damage over long-term renters
- Easier to manage and rent with international and national vacation rental services
- Homeowner Insurance rates lower for STRs than long-term renters
- Oregon Rental laws discourage housing long-term renters
- Attracts more tourists to Curry County
- Increases revenue for area businesses
- Results in better maintenance of structures/landscaping

CONS

- Multiple safety and building code violations in vacation rental structures
- Facilitates crisis for work force housing
- Noise complaints
- Neighbor complaints
- Parking
- Parties!!!
- Lack of contact person responsible for problems
- Vacationers lost at night knocking on neighbor's door
- Barking dogs
- Unknown people in the neighborhood
- Vacant property squatters
- Road access limitations
- Vandalism and theft of neighboring properties
- Litter and Obnoxious vacationers

QUICKNOTES

Regulating Short-Term Rentals

The concept of renting rooms or homes on a short-term basis is not new. Many cities have boarding houses that rent rooms by the week or month, just as many small towns and rural areas host bed and breakfasts. And in some tourist hotspots, dedicated vacation rentals are common. However, new online services that facilitate short-term rentals have led to a rapid proliferation of home sharing as an alternative to more traditional visitor lodging arrangements in communities across the country. In many places, this trend has sparked debates about whether or not new regulatory or enforcement mechanisms are necessary to mitigate potential effects on host communities. While different localities are likely to draw varying conclusions about the necessity of new standards or procedures, the following sections provide some context and recommendations for local policy.

Background

In many communities, home sharing is one facet of a larger trend commonly referred to as the “sharing economy.” This phrase often encompasses a wide range of transactions mediated by websites or mobile technology related to sharing property or services. Because home sharing has the potential to change the character of established residential areas, many communities are taking a closer look at how best to accommodate the demand for new types of lodging without undermining goals related to housing, land use, or transportation.

There are three basic varieties of short-term rentals: (1) hosted sharing, where the primary occupants of a residence remain on-site with guests; (2) unhosted sharing, where the primary occupants of a residence vacate the unit while it is rented to short-term guests; and (3) dedicated vacation rentals, where there are no primary occupants. Home sharing and vacation rental services can provide residents and landlords an easy way to make some extra income and, in some cases, offering residences exclusively as short-term rentals can be far more lucrative than traditional leases. Meanwhile, the properties marketed through home sharing and vacation rental sites often appeal to travelers looking for a more authentic local experience or affordable alternatives to downtown hotels and motels.

For communities with a mature short-term rental market, new regulations or enforcement mechanisms may seem unnecessary. Many of these cities and counties either already have standards and procedures addressing short-term rentals on the books or have decided, based on experience, that such provisions are unnecessary. Similarly, communities with an abundance of affordable rental housing and relatively inelastic demand for conventional short-term lodging space may not feel the need to add new standards or procedures to their codes. This is because home sharing is unlikely to create housing shortages or provide direct competition for hotels and motels. However, in places with a surge in home sharing combined with a shortage of affordable rental housing or unmet demand for rooms in hotels or motels, new standards and procedures may be appropriate.

Clarify Use Definitions

Many localities explicitly prohibit the rental of rooms or dwelling units for periods shorter than one month, unless owners comply with all applicable local regulations for boarding houses, hotels, motels, or bed and breakfasts. Meanwhile, many other cities and counties explicitly permit the short-term rental of dwelling units, subject to specific operational or location restrictions. However, few localities address short-term rentals in instances where a unit is occupied as a primary residence for the majority of the year. Often this means hosted or unhosted home sharing is either explicitly or implicitly prohibited. Given the prevalence of home sharing, it may make sense to consider adding new definitions for different types of sharing situations, such as hosted or unhosted accessory home sharing and vacation rentals as a primary use.



In some communities with especially high demand for short-term rentals, landlords may be tempted to take units out of the long-term rental market.

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American Planning Association
Making Great Communities Happen

Identify Appropriate Locations

Some cities and counties with mature short-term rental markets permit full-time sharing in zoning districts that include a mix of primary residences and vacation rentals. Others restrict vacation rentals to tourist-oriented districts. One potential risk of permitting home sharing in residential districts is that it may incentivize landlords to take rental properties off the market, creating a shortage of affordable rental housing. Another potential risk is that frequent unhosted sharing and vacation rentals may lead to increased complaints related to noise, traffic, or parking. In areas with high concentrations of home-sharing or vacation rentals, there is also a chance that the fundamental character may change from residential to quasi-commercial.

Consider New Zoning or Licensing Standards

While some cities and counties have elected to explicitly prohibit home sharing altogether, several others have made recent code amendments to accommodate short-term rentals in residential districts, subject to specific zoning or licensing standards intended to mitigate community impacts. These standards address topics such as registration and record keeping, advertising, fees or taxes, annual limits on the total number of short-term rental nights, spatial concentration, inspections, and insurance coverage.

For example, San Francisco prohibits dedicated vacation rentals and requires residents or landlords to register all hosted and unhosted short-term rental units. It limits unhosted rentals to 90 days per year and requires registrants to pay hotel taxes and carry liability insurance for claims up to \$500,000 (§41A.5.g).

Meanwhile, Portland, Oregon, recently added new standards for accessory short-term rentals to address hosted and unhosted home sharing. For units where no more than two bedrooms are offered as short-term rentals, residents or landlords must obtain an administrative permit and limit unhosted sharing to a maximum of 95 days per year. Accessory short-term rentals offering more than two bedrooms are subject to a conditional use approval process. In both cases, no more than 25 percent of units in multifamily buildings can be used as short-term rentals (§33.207).

In Aspen, Colorado, short-term vacation rentals are permitted by right in most residential districts, provided owners obtain a business license and a vacation rental permit, designate a local property manager, notify any affected home owners association, and pay sales and lodging taxes (§26.575.220).

Evaluate Enforcement Alternatives

Without data from home-sharing and vacation rental services, communities may be dependent on complaint-driven enforcement of regulations for short-term rentals. Instead, cities and counties may find it beneficial to establish a proactive enforcement system to ensure that registered properties are complying with applicable standards. This may involve routine monitoring of listings on home-sharing service websites. In communities with short-term rental regulations, violators are typically subject to fines or the revocation of registrations or permits.

Summary

Home-sharing and vacation rental services are growing trends that show no sign of slowing down. While some communities may ultimately decide that short-term rentals do not have a place in established residential districts, there may be no effective enforcement mechanism for a blanket prohibition. Practically speaking, the key is making regulations that are clear, easily enforced, and do not make residents or landlords out to be scofflaws unnecessarily.

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FURTHER READING

1. Published by the American Planning Association

Hutchinson, Nate. 2002. "Short-Term Vacation Rentals: Residential or Commercial Use?" *Zoning News*, March.

2. Other Resources

City Policies for Short-Term Rentals. 2015. Oakland, California: Sustainable Economies Law Center. Available at theselc.org/str_discussion.

Garvin, Elizabeth. 2015. "RMLUI Corner: Thinking About Regulating the Sharing Economy." *Western Planner*, February. Available at <http://tinyurl.com/q4x3zhq>.

National Association of Realtors. 2015. "Field Guide to Short-Term Rental Restrictions." Available at <http://tinyurl.com/pxcdwwwc>.

ZONING PRACTICE

OCTOBER 2015

AMERICAN PLANNING ASSOCIATION



➔ ISSUE NUMBER 10

PRACTICE SHORT-TERM RENTALS



Peering into the Peer Economy: Short-Term Rental Regulation

By Dwight H. Merriam, FAICP

You will recall, or if you are a millennial (18 to 34 years old), you might have read about the mantra that James Carville dreamed up for President Bill Clinton's 1992 campaign: "It's the economy, stupid."

Today, for planners, thanks to the entirely new perspective brought to us by the millennials, our theme must be "It's the sharing economy, stupid." It is called variously collaborative consumption, the peer economy, and the sharing economy. More than half of millennials have used sharing services. It is permeating our daily lives in many ways.

This new ethic about our relationship to things, to transportation, to where we bed down, and even to other people has taken us away from owning and exclusively using, to not owning, not possessing, and not using alone. We see the sharing economy in three broad spheres—transportation, goods and services, and housing. While our focus here is on short-term rentals, it helps to understand the larger context for "home sharing."

RIDE-SHARING REVOLUTION

Transportation may be the most obvious and most pervasive face of the sharing economy. Millennials own fewer automobiles than other age cohorts. Millennials purchased almost 30 percent fewer cars from 2007 to 2011 (Plache 2013). Why? Because they use short-term car rentals, public transportation, and ride-sharing services. They are less likely to get driver's licenses. One-third of 16 to 24 year olds don't have a driver's license, the lowest percentage in over 50 years (Tefft et al. 2013). At the same time, so we don't get too carried away with this trend, as the millennials age, they will buy more cars. Forty-three percent said they are likely to buy a car in the next five years (Kadlec 2015).



⌚ This four-bedroom colonial home in Wetherfield, Connecticut, rents for \$385 per night, with a four-night minimum stay.

Ride sharing as a generic term encompasses short-term rentals, making your car available to others, sharing rides, and driving or riding in taxi-like services brokered online through companies like Uber.

Instead of owning a car, you can rent one on a short-term basis from companies such as Zipcar and Enterprise Rent-A-Car. Why own a car when you can conveniently pick one up curbside and use it to run errands for a few hours?

Sharing a ride and splitting the cost is made easier with services like Zimride (also by Enterprise Rent-A-Car), which links drivers with riders at universities and businesses. You boomers will remember the ride-share bulletin boards on campus. Same thing.

Got a car, not making much use of it, and interested in making some money? You can make it available to others on a short-term basis through peer-to-peer car-sharing services including Getaround, which presently operates in Portland, Oregon; San Francisco; San Diego; Austin, Texas; and Chicago. They will rent your car for you while you are away. Cars are covered with a \$1 million policy, and they even clean it for you. RelayRides connects neighbors to let them rent cars by the hour or the day, and if you're traveling more than 14 days, they will take your car at the airport, rent it for you, and pay you. You can even do it for boats with Boatbound. With the help of Spinlister, you can connect with others and rent a bicycle, surfboard, or snowboard.

Dwight Merriam, FAICP, founded Robinson & Cole's Land Use Group in 1978, where he represents land owners, developers, governments, and individuals in land-use matters. He is past president of the American Institute of Certified Planners and received his masters of Regional Planning from the University of North Carolina and his juris doctor from Yale.

Want to make some money by driving others around in your car, or are you a rider who wants to be driven? Just about everyone has heard of Uber, the leader in this form of ride sharing, which includes other services such as Lyft and now Shuddle for ferrying children around and Sidecar for both people and packages. Wireless communications, the Internet, and smartphones have made such ride-sharing and delivery services possible. This is a big deal. Lyft and Uber are worth \$2.5 billion and \$50 billion (more than FedEx and 405 companies in the S&P 500) respectively (Dugan 2015; Tam and de la Merced 2015). And want to be a driver but don't have a car? You can rent one from Breeze just for that purpose.

GOODS AND SERVICES PEER TO PEER

Beyond transportation, the sharing economy extends to relationships between people and service providers. There is peer-to-peer or collaborative consumption through services like TaskRabbit and Skillshare which provide help, paid or bartered, or sometimes free. Instacart will grocery shop for you and claims it will deliver to your door in an hour. You can be a shopper and delivery person for them, making up to \$25 an hour.

NeighborGoods lets you share all those things you have but use so little, from leaf blowers, to pressure washers, to . . . well, take a look in your garage, that place where you used to park your car. If you live in Austin, Texas; Denver; Kansas City, Missouri; Minneapolis; or San Francisco, Zaarly seeks to create a marketplace

to help freelance home-service workers connect with home owners.

There seems no end to the sharing. Fon, touting over 7 million members, lets you share your home WiFi in exchange for access. The Lending Club connects borrowers and investors, enabling, so they say, better rates than credit cards and more return for lenders than what banks offer. Over \$11 billion has been borrowed since it started in July 2007, with investors earning a median of 8.1 percent. Poshmark lets you show your unneeded clothing in a virtual closet and get linked with people who share your sense of style. You can even share your dog, or become a sitter, with DogVacay and Rover helping you find a local dog sitter to care for your dog at your home or theirs.

The power of the Internet in facilitating collaborative consumption was probably best evidenced first when eBay and Craigslist provided an online marketplace never experienced before. Today, we have web-based services like Freecycle where people can post things they don't want, the remnants of our overconsumption, and others can take that flotsam and jetsam for free. Yes, for free. It solves the donor's solid waste disposal problem and provides free goods for the takers.

SHARING THE ROOF OVER OUR HEADS

That brings us to the subject matter of great interest to planners—the sharing of space.

Maybe it began with the sale of timeshares in the United States in 1974. These fractional interests have proved difficult to sell. Short-term vacation rentals emerged as a better way for many, linking property owners with vacationers through companies like HomeAway and its numerous related entities, claiming over one million listings. FlipKey does much the same with what it says are over 300,000 listings in 179 countries.

But Airbnb goes beyond vacation rentals. You can rent a shared or private room for a night, a whole house, an apartment for your exclusive use for a week, a British castle (Airbnb says it has 1,400-plus castles), a teepee, an igloo, a caboose, or an eight-foot by 14-foot treehouse in Illinois (\$195 a night) if you wish.

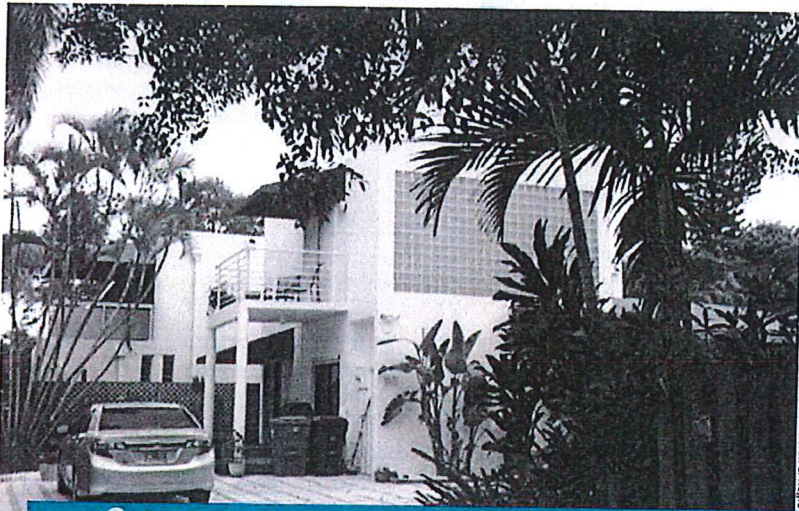
The company, originally "AirBed & Breakfast," was founded in 2008 by Brian Chesky, Joe Gebbia, and later Nathan Blecharczyk. It began when Chesky and Gebbia, to help pay their rent, rented sleeping accommodations on three air mattresses in their San Francisco apartment living room and made breakfast for the guests (Salter 2012). The company is now worth \$25.5 billion and joins the ranks of the rest of the great ideas we wish we had thought of first (O'Brien 2015).

GOOD OR BAD?

Are short-term rentals good or bad for your community? Like so many things, it depends.



➡ A second-floor condominium in this converted mansion in Denver's Capitol Hill neighborhood offers a private bedroom and bath rental for \$105 per night, with a two-night minimum stay.



Sorell E. Negro

➡ This three-bedroom home near Miami's Coconut Grove rents for \$325 per night, with a five-night minimum stay.

Affordable Housing

Short-term rentals (STRs) increase the stock of furnished, short-term accommodations. Because many of the rentals involve renting a room in a permanently occupied dwelling, they are often less expensive than commercial lodging. The benefit for home owners or long-term tenants who host STR guests is additional income, which can help offset mortgage or rent payments.

Some contend that STRs may exacerbate the shortage of lower cost rentals because landlords, attracted by the higher revenue stream from STRs, are taking apartments out of long-term rentals, especially in tight markets like New York and San Francisco (Monroe 2014; Moskowitz 2015). Others say high tenant demand and demographics are the cause of the problem, not STRs, which are a small share of the market (Lewyn 2015; Rosen 2013).

Aging in Place

Short-term rentals of rooms in homes and apartments not only provide additional revenue for those aging in place, but they may provide an opportunity for sharing of chores and bartering for services, just as accessory apartments do. This can enable older people to stay in their homes longer before transitioning to an independent or assisted living facility.

Commercial Lodging

The only possible benefit of STRs with regard to existing commercial lodging is that it may stimulate competition and lower prices for the consumer. The negatives are several. Short-

term rentals may reduce commercial lodging revenues. In many situations STRs have an advantage over commercial lodging because the STRs do not pay the occupancy taxes paid by commercial lodging. Short-term rentals generally do not need the service workers employed in commercial lodging. Unions and service workers often oppose STRs.

State and Local Government

Revenues to state and local government may go down as a result of STRs because, as noted, such rentals usually do not pay the occupancy and other taxes levied on commercial lodging. Airbnb does provide 1099 forms to hosts to report their income, and it has begun collecting and remitting hotel and tourist taxes in San Francisco; San Jose, California; Chicago; and Washington, D.C. (Hantman 2015).

Health and Safety

Much of the STR market today is unregulated. Those who rent typically do not have their premises inspected to determine compliance with health, building, housing, and safety codes. For its part, Airbnb does clearly state in its terms of service that some localities have zoning or administrative laws that prohibit or restrict STRs and that "hosts should review local laws before listing a space on Airbnb."

Airbnb also provides a guide to responsible hosting on its website, and what they do address is good guidance for local planners and regulators, and thus worth reading. How many hosts read and follow up on the suggestions is another matter. Airbnb's list is still a good starting point for local action.

Many STR hosts do not have home owners and liability insurance to cover losses that may result from occupancy. There is a life safety issue here, and in the event of death, injury, or property damage, there may not be insurance coverage or sufficient assets available to cover the liability.



Robert H. Thomas

➡ This condo hotel in downtown Honolulu includes owner- and long-term renter-occupied units, privately owned units available for daily rental through the building's hotel operator, units owned by the hotel operators, and privately owned units available for short-term rental through Airbnb and similar sites.

AN OUNCE OF PREVENTION IS WORTH A POUND OF CURE

So said Benjamin Franklin, and it is apt here. You need only take a few relatively easy steps to get out ahead of the potential problems with STRs and capitalize on the good that such rentals can provide your community.

Moratorium

This is not a recommendation, but something worth considering. As you work down this list of

steps you will have the sense that you need to do six things at once. You do. One way to get a grip on it is take a “planning pause” moratorium on all STRs for, say, six months, during which time no one can rent. However, given that the number of such rentals in many places is still relatively small, it is unlikely that much harm will come from letting them continue on while you plan and prepare to regulate. It may not be worth the effort to have a moratorium. A moratorium takes time—for drafting, maybe some legal advice, and the expenditure of political capital in most cases—and may cause some pushback from those already renting, all of which may cost more than the planning pause is worth. Moratoria sometimes serve only to delay the inevitable hard work and are often extended. Back to Ben Franklin: “Don’t put off until tomorrow what you can do today.”

Education

Learn what is available out there now by going to all of the websites and services that you can find, most of which are identified here. Look online to see what STRs are being offered in your community. You may be surprised at how many of your friends and neighbors are already in the STR business. Don’t forget to check Craigslist as well, and use an online search engine, such as Google, with a few key terms, like “rentals Anytown” and “house-sharing Anytown,” to find other STR activity.

Conduct educational sessions in your community (“Everything You Need To Know About Short-Term Rentals”) even before trying to regulate, to sensitize present and potential hosts to the need for proper code compliance, fire prevention, emergency response, following rules for rent controlled units, first aid, protecting privacy (e.g., disclosing security cameras), insurance coverage, parking, noise, smoking, pets, childproofing, operation of heating and ventilating systems (including fireplaces and heating stoves), safe access, occupancy limits, deciding what to tell neighbors, home owners association approval, tax obligations, and any required zoning approvals. These sessions may also provide an opportunity to learn who is renting and to connect with them. Consider establishing a section of your municipal website as a resource portal. You will not have all the answers to all the questions as you start, but you need to start.

Planning

Yes, planning. The rational planning model in its simplest terms is what do you have, what do

you want, and how do you get it. You need to know who is renting and what is being rented to whom for how long. You need to determine what you may expect in the future. What do you think the demand is for STRs, in what mix of accommodations, and for what length of tenancy? This will prove useful to deciding whether you need to limit the number of units available for STR and to regulate the length of occupancy.

Regulate

Regulation probably will come in two forms: licensing of individual hosts to insure code compliance and general regulation (either through zoning or licensing standards) as to location, number of units, and terms of tenancy. You will have to draw the line somewhere as to what is an STR and what is simply an unregulated rental.

Conduct educational
sessions in your
community even before
trying to regulate, to
sensitize present and
potential hosts to the
need for proper code
compliance.

Is an STR a rental of less than 30 days or 90 days, or some other somewhat arbitrary number of days, and everything else is just an unregulated rental? It is for you to decide. You will also want to consider whether owner-occupied STRs might be regulated less strictly, given that the owner is present during the STR.

Austin, Texas, has a robust program with licensing. They carve out three types of STRs: owner-occupied single-family, multifamily, or duplex units (Type 1); single-family or duplex units that are not owner occupied (Type 2); and multifamily units that are not owner occupied (Type 3). There is a three percent limit by census tract on the Type 2 single-family and duplex STRs, a three percent limit per property on Type 3 STRs in any noncommercial zoning district, and a 25 percent limit per property on Type 3 STRs in any commercial zoning district. However, each multifamily property is allowed at least one Type 3 STR, regardless of these limits.

Austin has separate application forms for Type 1 primary, secondary, and partial STRs. All of these forms include owner and property identification information as well as insurance information, number of sleeping rooms, occupancy limit, and average charge per structure. To qualify as a Type 1 primary STR, the unit must be owner occupied at least 51 percent of the time and can only be rented out in its entirety and for periods of 30 days or less. To qualify as a Type 2 secondary STR, the unit must be accessory to an owner-occupied principal residence and can only be rented out in its entirety and for periods of 30 days or less. To qualify as a Type 1 partial unit, namely a room rental, the unit must provide exclusive use of a sleeping room and shared bathroom access. Only one partial unit can be rented out at a time, to a single party of individuals, and for periods of 30 days or less. Owners must be present for the duration of the rental.

The annual licensing fee for STRs in Austin is \$235. Applicants must also pay a one-time notification fee of \$50.

Of course, as with all regulation there are those with schemes to beat the regulation. There are sites online that advise potential STR hosts to avoid posting on Craigslist, use Airbnb’s community and social features to screen the reservations (presumably to avoid enforcement types), “hide your home” by using Airbnb’s public view that only shows a large circle within which the unit is located, use word of mouth (or social networking sites) to rent the unit, and “get lost in the crowd” in that there are thousands of listings in large places like Austin (but not in the rural counties, suburbs, and small towns). This advice to those interested in breaking the law suggests that it will not always be easy for code enforcement to find the STRs. Perhaps some notice to all property owners, maybe a note with the tax bill, telling them of the need to register would help. Free, simple, online registration might increase compliance. The critical issue is life safety—you need to find all of these STRs to make sure they are safe.

San Francisco has an Office of Short-Term Rental, and in 2014 the city adopted major revisions to its planning codes for STRs. Those amendments include some useful definitions of hosting platform, primary residence, residential unit, short-term residential rental, and tourist or transient use. The code requires registration, occupancy of the unit by the owner not less than 275 days a year, maintenance of records for two years, certain insurance coverage, payment of transient occupancy taxes, compliance with the

housing code, posting the registration number on the hosting platform's listing, and a clearly printed sign inside of the front door with the locations of all fire extinguishers in the unit and building, gas shut-off valves, fire exits, and pull fire alarms. The application fee and renewal fee every two years is \$50. The hosting platform has numerous responsibilities, and there are fines for violations. It is a good model from which to start.

Isle of Palms, South Carolina, regulates STRs through zoning, defining an STR to be three months or less. The city's STR standards limit the number of overnight occupants to six and daytime occupants to 40 (can we assume a wedding party or the like?), set a minimum floor area per occupant, and establish off-street parking requirements.

Monterey County, California, also regulates STRs in its zoning code, defining STRs as rentals between seven and 30 consecutive calendar days. The county considers stays of less than seven days to be a motel/hotel use. The regulation provided for administrative approval of all STRs in operation at the time of its adoption in 1997 if the property owners applied within 90 days. Most of the existing, legal STRs date from that initial round of approvals. Since then, there have been some discretionary approvals, and many STRs are believed to be operating without the required permits.

San Bernardino County, California, permits STRs, defined as rentals of less than 30 days, by zoning in the "Mountain Region" by special use permit exempting multifamily condominium units in fee simple and timeshares with a previous land-use approval. The development standards include code compliance, maximum occupancy based on floor area per occupant and the number of beds, off-street parking requirements, and signage specifications. Conditions of operations address the contents of the rental agreement, posting of the property within the unit with all the conditions of use, and details of fire safety and maintenance, even including a prohibition on the use of extension cords.

Miami Beach, Florida, prohibits STRs in all single-family homes and in many multifamily buildings in certain zoning districts.

Registering all these STRs can be burdensome. Since May 1, 2015, Nashville has issued 1,000 permits, and staff estimates the city still has 800 illegal hotels and motels (Bailey 2015). Wait times for all types permits went from 30 minutes to four hours because of all the STR registrations (Bailey 2015).

THE MAKINGS OF WORKABLE PROGRAM

Overarching issues to consider include the nature of the activity you aim to regulate, the management structure of the STR, and the limits on STR use.

What Is the Nature of the Activity You Will Regulate?

Presumably, hosting a STR is a private enterprise and almost certainly not a commercial lodging business. It is a type of lodging that is largely advertised online, through social media, and on bulletin boards. How will you draw the line between that modest, private activity and a commercial operation?

How Is It Managed?

Does the host have to be the owner, and does the host need to be there during the rental? If not, will you regulate differently in terms of numbers of units allowed, number of days per year, or terms of occupancy?

What Is the Limit of Use?

Will you require the host to live in the residence at least some minimum number of days per year? Will you limit rentals to some maximum number of days per year? Will you define STR as a rental of 30 consecutive days or less and not regulate longer rentals in any way? Will you regulate whole-house, exclusive-use rentals differently, for example by only regulating when the house is rented for less than a week or two weeks? And will you regulate renting of rooms on a different schedule, for example by including room rentals only if they are less than one month and otherwise not regulating longer room rentals, which may be covered by zoning anyway, possibly under the definition of a rooming house? There are so many questions to be answered and so many lines to be drawn.

A checklist of considerations for hosts and public officials for planning, regulation, and operation might include current zoning requirements; applicable codes (sanitation, health, building, occupancy among many); business licensing; business organization (none, limited liability corporation, general or limited liability partnership, Subchapter S, etc.); home owners association covenants and restrictions; other easements, covenants, restrictions on the land; lodging to be offered (room, whole house, host-occupied, length of stay); 911 marking at the street; emergency notifications; food service (permitted? licensed?); federal, state, and local taxes; safety inspections; fire, smoke, CO₂, and other detectors; fire extinguishers; child safety; parking; insurance; emergency notifications; water and septic; safe hot water temperature; electrical and plumbing in good repair; pest/vermin-free (especially bed bugs); ventilation, heat, air conditioning adequate; no hazards; no mold or excessive moisture; working doors, windows, and screens; adequate means of egress; linen sanitation; and pool and spa maintenance.

YOU'VE MADE YOUR BED . . .

So goes the idiom from the French as early as 1590: "Comme on fait son lit, on le treuve" (As one makes one's bed, so one finds it). In planning for and regulating STRs, you will indeed be the ones making the bed, and you will have to lie in it. There are benefits and burdens in how you permit STRs and many considerations to be weighed. If you start with life-safety issues first, you can be quite certain the most important aspect of this rapidly emerging sharing economy phenomenon will be addressed. After that, it is the usual planning and politics.



➦ This building in downtown Boston includes a two-bedroom loft apartment that rents for \$245 per night, with a seven-night minimum stay.

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Cover image by Susan Deegan; design concept by Lisa Barton.

VOL. 32, NO. 10

Zoning Practice is a monthly publication of the American Planning Association. Subscriptions are available for \$95 (U.S.) and \$120 (foreign). James M. Drinan, Jr., Executive Director; David Rouse, AICP, Managing Director of Research and Advisory Services.

Zoning Practice (ISSN 1548-0135) is produced at APA, Jim Schwab, AICP, and David Morley, AICP, Editors; Julie Von Bergen, Assistant Editor; Lisa Barton, Design and Production.

Missing and damaged print issues: Contact Customer Service, American Planning Association, 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601 (312-431-9100 or customerservice@planning.org) within 90 days of the publication date. Include the name of the publication, year, volume and issue number or month, and your name, mailing address, and membership number if applicable.

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Printed on recycled paper, including 50-70% recycled fiber and 10% postconsumer waste.

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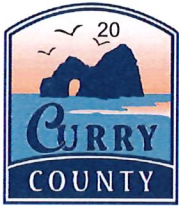
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DOES YOUR COMMUNITY
REGULATE SHORT-TERM
RENTALS?

10



CURRY COUNTY COMMUNITY DEVELOPMENT
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MEMO

TO: Board of Commissioners

DATE: November 16, 2021

**FROM: Becky Crockett
Post Planning Director**

RE: Vacation Rentals

Workshop Discussion: Should the County Regulate Vacation Rentals?

The Opportunity Exists to Protect the Long-term Viability of Vacation Rentals and Reduce the Growing Number of Neighbor Complaints in Curry County.

Background: Short Term Rentals (STRs) or Vacation Rentals have become a significant factor in Curry County. They continue to be a positive influence in promoting tourism and bringing added dollars to both the individuals who own the vacation rentals and the businesses that serve the vacationers. Curry County is not a “day-trip” destination. Having a wide variety of short-term housing available is paramount to attracting tourists. However, some have become conduits for nuisance violations and neighbor complaints. They are also believed to erode the availability of long-term rentals and displace needed work force housing.

It is estimated that there are up to 400 short-term rentals (STRs) currently operating in the unincorporated areas of the county. The only regulatory requirement is that they have a county business license and pay the 7% Transient Lodging Tax (TLT). Approximately 100 STR owners have a county business license and during the summer months approximately 300 pay the county TLT tax.

The county continues to experience the effects of the increasing amount and influence of STRs. Daily, we address general questions, structural changes to homes, long-term rentals and Accessory Dwelling Units (ADUs) transitioning into STRs, violations, nuisances, building code violations, zoning violations and enforcement actions. While they are economically valuable to the county, they are also an increasing conduit for neighbor complaints.

It is important for the county to protect the long-term viability and investments made in the numerous, well managed vacation rentals. It is also important to put in place standards to address those units that are marginally managed and have been a conduit for nuisance violations.

Impact of Vacation Rentals (Short Term Rentals): The literature as well as the growing experience with STRs in the coastal towns of Oregon including Curry County provide an expansive wealth of information regarding the impacts of this type of activity. It seems that for every positive attribute one can argue that there is a negative attribute. Below is a short list of some of the pros and cons shared with Curry County staff of STRs for consideration in the discussion:

PROS

- Revenue for homeowners
- Innovative and exciting venues for vacationers (houseboats, forest lodges, etc.)
- Needed supplemental income for homeowners including retirees
- Less liability for homeowners over long-term renters
- Less property damage over long-term renters
- Easier to manage and rent with international and national vacation rental services
- Homeowner Insurance rates lower for STRs than long-term renters
- Oregon Rental laws discourage housing long-term renters
- Attracts more tourists to Curry County
- Increases revenue for area businesses
- Results in better maintenance of structures/landscaping

CONS

- Multiple safety and building code violations in vacation rental structures
- Facilitates crisis for work force housing
- Noise complaints
- Trespass onto adjacent properties
- Parking
- Parties!!!
- Lack of contact person responsible for problems
- Vacationers lost at night knocking on neighbor's door
- Barking dogs
- Unknown people in the neighborhood
- Vacant property squatters
- Road access limitations
- Vandalism and theft of neighboring properties

Protection for Vacation Rentals: The Board of Commissioner's decision to proceed with the discussion on STRs was largely influenced by the decision on November 2, 2021 by the voters in Lincoln County to phase out STRs in residential zones over the next five (5) years. Ballot Measure 21-203 in Lincoln County to get rid of STRs passed 58% to 42%. A large reason for the success of 21-203 was the fact that the citizens repeatedly asked the Lincoln County BOC to do better enforcement on STRs and that just never happened. Lincoln County regulated STRs by issuing a license for them. The Curry County BOC, as well as County Code Enforcement and Planning have received numerous letters and phone calls of nuisance complaints about STRs.

Considering the success of Measure 21-203, county staff requested a legal opinion on the following question: "If Curry County regulates vacation rentals under the land use code, can they be subject to a vote to have them shut down in the future"? County Counsel's legal opinion indicates that if we regulate vacation rentals (STRs) by requiring them to have an administrative conditional use permit (land use permit) then they will be "safe" from being shut down by a voter referendum. This should be good news to those people who own/operate vacation rentals in Curry County. However, it does mean that they will need to go through the land use permitting process to gain this protection.

County-wide Moratorium on Short-term Rentals (STRs): Determining the feasibility and impact of a moratorium on short term rentals in the county would require an accurate assessment of the number of STRs in the context of the amount of housing with specific information on the availability of housing. It has been suggested that STRs negatively affect the availability of long-term rentals and work force housing. There may be some impact but sorting out the issue of “availability” of long-term rentals needs to factor in other considerations including what is a “qualified” long term renter? Unfortunately, there are several people who desire affordable, long-term rentals in the county but have effectively disqualified themselves through drug use, destruction of prior rentals, animals, spotty employment history, lack of rent payments, etc. Placing a moratorium on STRs may result in some additional housing availability but other factors may be of greater importance in attempting to alleviate the affordable housing shortage in Curry County. A moratorium on STRs without an assessment of the potential benefit of such an action would appear to be premature.

Regulation of Short-Term Rentals (Vacation Rentals): There are several important things to consider if it is determined that Curry County should regulate STRs within the land use code. Close coordination between Planning, Building and Code Enforcement will be required to have an effective program. Considerations should include:

- Fire, life Safety Risk review of STR structures
- Land Use Process – neighbor opportunity for input
- Land Use Law – legal lots, zoning and permitted structure
- Parking
- Compatibility Standards – quiet hours, signage, contacts, emergency, etc.
- Utility connections and capacity (i.e., sewage disposal)
- Garbage disposal
- Nuisance abatement
- Access
- Clear address for vacationers and Emergency Response
- Earthquake/Tsunami Evacuation Notice
- Complaint resolution
- Enforcement/Penalties for non-compliance
- Fees
- Other

Based on research and review of multiple STR regulatory ordinances in place across the country, the following ordinance concepts are presented for discussion:

Curry County Zoning Ordinance (CCZO): The STR Ordinance could be incorporated into the Conditional Use section of the CCZO. This provides a standard administrative process for review, public notification, opportunity for appeals to the Planning Commission and a format to define required compatibility standards. A standard land use application can be used with information that allows staff to verify legal lot, zoning, and structure status. This application process also requires the applicant to disclose utility information including required signatures from fire districts, electric provider, sewerage agencies and to identify the STR water source. The CCZO Conditional Use process also allows staff to add conditions to an application where there are special concerns of compatibility that are unique to an applicant’s proposed STR.

Fire, Life Safety Risk: The County Building Inspector would check the structure proposed for a STR. The primary purpose of the “check” would be for Fire, Life and Safety Risk. There would **NOT** be a review of structures and subsequent building code requirements unrelated to Fire, Life and Safety Risk. However, the “check” by the Building Official may likely include onsite review of other requirements set forth in the Administrative Conditional Use permit such as the number of required parking spaces, signage, etc. This onsite review of other land use related standards by the Building Official would negate the need for more than one staff person having to visit the STR. A sample checklist from Tillamook County is attached.

Enforcement: Unpermitted STRs and permitted STRs that are in violation of any requirements are subject to citation and fines through County Code Enforcement. Code Enforcement citations start at \$440., and non-payment usually results in a court appearance. Multiple complaints and/or violations would likely result in revocation of the STR land use permit.

Fees: An Administrative Conditional Use permit is currently \$2,000. A required renewal request is suggested every three (3) years with a fee of \$500. The Fire, Life Safety check fee would likely be \$200., and \$108. for each additional Building Inspector check for a non-compliance fix and required re-checks.

Staff Recommendation: As your Planning Director for the past three (3) years I have never requested that the Board adopt more regulations of any type. If there was a way to eliminate many of the land use regulations we are bound to in Oregon, your Post Planning Director would be driving that process. However, we are at a crossroads on the issue of STRs. We have experienced a significant increase in the complaints about STRs over the past year. We also receive a phone call or email almost every single day in the Planning and Building Department requesting the new development of a STR or the transition of an existing structure (house, shed, barn, yurt, boat) for the purpose of an STR. We have engaged in multiple enforcement actions on illegal structures including “impromptu” STRs that very typically have serious Fire, Life Safety issues. For the county to continue to acknowledge the serious upswing in the number of STRs, the number of complaints and the serious issues faced during enforcement and not take some action puts the county in a position of risk and potential liability. This position, coupled with the risk of a citizen driven referendum to eliminate STRs unfortunately leads to a recommendation from staff to regulate STRs in Curry County through the land use process. This recommendation recognizes the desire to protect the investment and long-term viability of the numerous STRs that continue to be well managed from a referendum to eliminate or phase them out. Further, it acknowledges that some STRs that have a history of significant neighborhood impacts, are within illegal structures, or have Fire, Life Safety compliance deficiencies likely will not be able to continue. It is expected that STRs in this latter category will become compliant or fail to attempt to apply for a land use permit. Some of these will likely revert to long term rentals or be sold.

CC: Curry County Planning Commission

TILLAMOOK COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
SHORT TERM RENTAL INSPECTION CHECKLIST

Provisions found accordingly in Tillamook County Ordinance #84

STVR # _____

Property Address: _____ Permit Application #: _____

Property Owner: _____ Inspection Contact: _____

Local Contact: _____ Phone Number: _____

OF ACTUAL UNITS: _____ Management: _____

- 1. Authorized parking per approved application [] YES [] NO
- 2. Covered garbage container [] YES [] NO
- 3. Visible house numbers [] YES [] NO
- 4. Required contact information signage [] YES [] NO
- 5. Accessible fire extinguisher in visible location [] YES [] NO
- 6. Electrical switch and outlet face plates [] YES [] NO
- 7. Electrical panel circuits permanently labeled [] YES [] NO
- 8. Ground fault circuit interrupter protected receptacles [] YES [] NO
- 9. Required smoke detectors/carbon monoxide detectors [] YES [] NO
- 10. Properly installed wood stoves, fireplaces, and fuel burning heat sources [] YES [] NO
- 11. Required handrails – Required guardrails [] YES [] NO
- 12. Sleeping area emergency escape and rescue openings [] YES [] NO
- 13. Hot tub barrier [] YES [] NO
- 14. Tsunami evacuation Poster [] YES [] NO

INSPECTION APPROVED [] APPEARS TO MEET THE REQUIREMENTS OF ORDINANCE #84

INSPECTION DENIED [] REINSPECTION REQUIRED WITHING:
30 DAYS [] (MINOR REPAIRS)
60 DAYS [] (MAJOR REPAIRS)
(APPLICATION SUBJECT TO CANCELLATION IF NOT COMPLETED WITHIN THE REQUIRED TIMEFRAME)

****REINSPECTION FEE REQUIRED [] **REINSPECTION FEE WAIVED []**

DATE OF INITIAL INSPECTION _____ **INSPECTOR SIGNATURE** _____
INSPECTOR COMMENTS:

OWNER / RENTAL MGMT SIGNATURE _____ DATE _____

INSPECTION MUST BE COMPLETED WITHIN 30 DAYS OF APPLICATION DATE – ALL FAILED INSPECTIONS WILL REQUIRE SPECIAL REINSPECTION FEE PAID PRIOR TO SCHEDULING UNLESS REINSPECTION FEE IS WAIVED BY INSPECTOR**

ATTACHMENT G

TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

The following text replaces *Curry County Zoning Ordinance* ARTICLE III - Section 3.110.

Added text is in **bold in red**;

Deleted text is ~~struck through~~ in **red**

Section 3.110. Residential-Two Zone (R-2). (*Amended August 15, 2018, Ordinance No. 18-03*)

Purpose of Classification: The R-2 zone is designated to be applied to residential areas where a variety of types of **single-family** dwellings are appropriate. This zone is intended to be applied only within urban growth boundaries identified by the Comprehensive Plan.

Table 3.110 identifies land uses in the R-2 zone and the permitting requirement(s) for each use pursuant to Section 2.060 and Planning Director authorization of the proposed uses based upon relevant review standards.

TABLE 3.110 Use Table For Residential-Two Zone (R-2)	
PO = Permitted Outright with Planning Clearance X = Use Not Permitted P = Permitted subject to compliance with Zoning standards and Planning Clearance C = Conditional Use Permit required NA = Not applicable	
	Requirements
Residential Uses	
Single family dwelling	PO
Mobile Home or Manufactured Home	PO
Accessory Dwelling units (ADU) specified in Section 4.090.	PO
Home Occupation as specified in Section 7.040(7).	P
Cottage Industry as specified in Section 7.040(8).	€ P
Planned Unit Development restricted to the uses and dwelling density allowed by this zone. and limited to single family dwellings that are separate discrete structures.	€ P
Neighborhood Activity Center as Specified in Section 4.200.	P
Recreation, High Intensity as specified in Section 4.200.	P
Short-Term Rental as specified in Section 4.300.	P
One manufactured home or mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident as specified in Section 7.040(18).	C
Multiple Family Dwelling, limited to a duplex, triplex or fourplex.	PO
Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for material that cannot be reasonably stored in an established commercial storage facility.	C
Other uses	

TABLE 3.110 Use Table For Residential-Two Zone (R-2)	
PO = Permitted Outright with Planning Clearance X = Use Not Permitted P = Permitted subject to compliance with Zoning standards and Planning Clearance C = Conditional Use Permit required NA = Not applicable	
	Requirements
Television, microwave, and radio communication facilities and transmission antenna towers.	C
Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale as specified in Section 7.040(5).	C
Private horse stable where the lot or parcel is one acre or more in size but not including the renting or boarding of horses for profit.	C
Keeping of farm animals for noncommercial use where the lot or parcel is one acre or more in size.	C
Mobile Home / Manufactured Home park as specified in Section 7.040(6a).	C
Church, school, or community building for public or non-profit organizational uses as specified in Section 7.040(3 and 4).	C

Section 3.111. Lot Size and Dwelling Density, for uses not subject to Section 4.200.

Except as provided in Sections 5.030 and 5.040 in an R-2 zone:

1. Minimum lot size must be at least one acre or larger for proper sewage disposal in areas not served by a community water supply system or a community sewage system.
2. In areas served by community water supply system or by community sewage system but not by both, lots may have a minimum area of 12,000 square feet.
3. In areas which are served by both community water supply system and community sewage system, the minimum lot area may be 6,000 square feet.

4. For a mobile home park served by community water supply and community sewage systems the minimum shall be 6,000 square feet or 3,000 square feet per mobile home space, whichever is greater.

5. The minimum lot width shall be sixty (60) feet.

Section 3.112. Set-Backs.

See Article IV.

Section 3.113. Height of Buildings.

See Article IV.

Section 3.114. Off-Street Parking and Loading.

See Article IV.

ATTACHMENT N

TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

The following text adds *Curry County Zoning Ordinance* ARTICLE IV - Section 4.300.

Added text is in bold;

Section 4.300 Short-Term Rentals (STRs)

Section 4.310 Purpose

The purpose of this section is to regulate short term rentals to enhance public safety and livability within the unincorporated areas of Curry County. This section addresses public safety issues, compatibility with surrounding areas through compliance utilizing clear and objective standards and enforcement of violations of these standards.

Section 4.320 Definitions

1. Short term rental (STR) – a lawfully established dwelling unit, or portion of a dwelling unit, that is rented to any person or entity for lodging or residential purposes, for a period of up to thirty (30) consecutive nights. It can include an accessory dwelling unit or a guest house or cottage. It does not include outbuildings: such as agricultural buildings, storage units, cargo containers, farm worker housing, or an accessory farm dwelling. Further, it does not include or allow a recreational vehicle, travel trailer, tent, parked vehicle, or other temporary shelter to be used as a short-term rental or occupied in conjunction with a short-term rental.
2. Revocable permit – a permit that can be cancelled for failure to comply.
3. Contact person – the owner, or if designated on the application for a land use permit, the agent of the owner, authorized to act for the owner.

Section 4.330 Standards

All short-term rentals shall comply at all times with the following standards. Failure to comply with these standards may result in revocation of the land use authorization for a short-term rental.

1. Contact Person. The name and active phone number of the contact person responsible for the short-term rental shall be identified in the short-term rental application and permit. It shall be posted on site of the short-term rental so that it is visible from the outside front entrance of the short-term rental. The name and phone number of a property management business or

other non-identifying person cannot be used in place of a contact person and that person's phone number.

2. **Dwelling Unit.** The short-term rental must be operated within a legally established, permanent dwelling unit. Each legal dwelling unit on a parcel that is rented separately at any time shall require a short-term rental land use permit.
3. **Appearance and Identification.** The exterior of the short-term rental building shall retain a residential appearance with house numbers maintained on the front of the building and clearly visible from the street or road.
4. **Occupancy Limits.** The maximum overnight occupancy for each short-term rental shall be calculated on the basis of two (2) persons per bedroom, plus two (2) additional overnight occupants. Temporary bed areas (rollouts, couches, etc.) shall not be considered "bedrooms" but could accommodate the two additional occupants. In no case shall occupancy exceed fifteen persons. Maximum overnight occupancy shall be posted in the short-term rental, any advertising, and within the rental agreement.
5. **Parking.** The short-term rental shall have one (1) onsite parking space per each bedroom unit and one (1) additional onsite parking space that meets the minimum parking space standards of a rectangle not less than 18 feet long and 9 feet wide. Street or driveway parking is prohibited. The driveway is the drive path used for ingress and egress. Garage (inside) parking cannot be included to meet the required parking standard. All required parking spaces shall be provided on the parcel where the short-term rental is operated. If the short-term rental cannot meet the parking requirement based on the number of bedrooms, a reduced overnight occupancy can be required. In no case shall the short-term rental owner/operator advertise for, or rent to, more persons than are authorized under the reduced overnight occupancy total. In no event shall vehicles block access for emergency vehicles to the short-term rental or to a neighbor's property. Violation of this section of the ordinance subjects the offending vehicle(s) to immediate tow pursuant to ORS 98.853.
6. **Access.** Road access shall meet the minimum county road standards that were applicable when the STR structure was originally built. Roads and driveways shall have an unobstructed horizontal clearance of not less than sixteen (16) feet and an unobstructed vertical clearance of not less than twelve (12) feet to meet fire safety standards.
7. **Garbage.** All garbage and recyclables shall be legally removed at least once per week during any week, or portion thereof, in which the short-term rental

is occupied. All outdoor receptacles shall be covered and secured from wind in a fly tight container. Containers shall not block access to the property or dwelling unit.

8. **Fire, Life and Safety Compliance.** The short-term rental shall comply at all times with State and local building codes for construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety. These shall include:
- a) At least one (1) functioning fire extinguisher shall be accessibly and conspicuously located within the dwelling unit.
 - b) All plug-ins and light switches shall have face plates.
 - c) The electrical panel shall have circuits labeled.
 - d) Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks and within six (6) feet of a water source.
 - e) Smoke detectors shall be placed and maintained in each sleeping area, outside each sleeping area in its immediate vicinity and in each additional story and basement without a sleeping area.
 - f) A combination carbon monoxide/smoke detector device shall be placed and maintained on each floor of a short-term rental and within fifteen (15) feet of each sleeping area.
 - g) All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
 - h) All interior and exterior stairways with four (4) or more steps and that are attached to the structure, must be equipped with a hand railing.
 - i) All interior and exterior guardrails, such as deck railings, must be able to withstand a two-hundred-pound (200#) impact force.
 - j) **Emergency Escape and Rescue Openings:**
 - (1) Every sleeping area shall have at least one (1) operable emergency escape and rescue opening. If no such emergency

escape or rescue opening exists, then an alternative may be accepted by the Building Official pursuant to the currently adopted Oregon Residential Specialty Code. Every sleeping area in a short-term rental that does not comply shall not be used as a sleeping area and shall be equipped with a door that remains locked at all times when the dwelling unit is being used as a short-term rental. Such a noncompliant sleeping area shall not be included in the maximum occupancy calculation for the short-term rental. The contact person shall notify every renter, in writing, that the noncompliant sleeping area may not be used for sleeping.

- (2) At any time after a land use permit has been granted for a short-term rental, the owner may bring a non-compliant sleeping area into compliance upon a re-inspection.
- k) Exterior hot tubs and pools shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub or pool is not available for permissive use.
- l) Primary occupant egress shall meet all applicable codes from parking facility to egress door.

Compliance with the Fire, Life and Safety standards shall require review and approval by the County Building Official or designee.

- 9. **Noise.** The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time. Renters and short-term rental owners who violate this standard may be issued a citation (violation) and subject to fines in accordance with Article 6 of the Curry County Code.
- 10. **Transient Lodging Tax (TLT) and County Business License.** Both the TLT and County Business License registrations shall be current, and all fees paid in full. Proof registration for TLT and a copy of the current paid Business License shall be submitted to the Planning Department within ninety (90) Days of the short-term rental land use permit being approved.
- 11. **Liability Insurance.** The short-term rental shall have liability insurance coverage commensurate with the provisions of the land use approvals.
- 12. **Sewage Management.** If the property is not connected to a public sewer the onsite wastewater treatment system must be able to handle the capacity of the number of bedrooms of the home and the total number of occupants. The owner must either provide an existing system evaluation report for the on-site wastewater systems completed by a DEQ qualified evaluator or

provide current DEQ/Cunty records showing appropriate capacity. Cesspools are prohibited for use with short term rentals. A holding tank may be used if the owner has a signed pumping contract with a DEQ licensed sewage disposal service, and an alarm system that meets DEQ requirements.

13. **Tsunami Zones.** All short-term rentals that are within a tsunami zone shall post the applicable evacuation routes inside and near the front entrance of the rental.
14. **Trespass.** A map of the short-term rental property boundaries shall be posted inside and near the front entrance. The map shall include NO TRESPASS noted for adjacent and near-by private properties.
15. **Pets.** Pets shall be secured at all times while on the property. This standard shall be stated in the short-term rental agreement. Nuisance barking by pets or the allowance or escape of pets to adjacent or near-by private properties is prohibited and will result in a citation (violation).

Section 4.340 Short-Term Rental Permit Required

A land use permit is required for the operation of a short-term rental. The use is permitted as identified in the zoning districts and can be approved by the Planning Director, with public notification, and provided the applicant complies with the standards set forth in each zoning district and the standards within Section 4.300 of this Zoning Ordinance.

1. **Existing Short-Term Rentals.** The owner of a dwelling unit that is used for a short-term rental shall obtain a land use permit. For short term rentals existing prior to the final adoption of the short-term rental provisions in the Curry County Zoning Ordinance (CCZO), a six (6) month grace period shall be allowed for application submittals prior to the existing short-term rental being subject to enforcement action.
2. **New Short-Term Rentals.** No short-term rental shall be allowed to begin advertising or operating prior to obtaining a short-term rental land use permit. Operating a short-term rental without an approved land use permit shall result in an Enforcement Action taken on the owner, the management company, operating agent or all entities involved. An Enforcement Action regarding unauthorized operation of a short-term rental may prohibit the dwelling from being used as a short-term rental for up to one year following the Enforcement Action.
3. **Fire, Life and Safety Inspection.** No short-term rental land use permit shall be approved unless and until the County Building Official or their designee

conducts and approves an on-site inspection of the short-term rental for fire, life and safety compliance.

4. **Fire, Life and Safety Not Approved.** In any case where an inspection is not approved, the Building Official shall allow thirty (30) days for minor repairs or sixty (60) days for major repairs, at the completion of which the owner or agent must call for a re-inspection. If the repairs identified in the original inspection are not rectified at the time of re-inspection, the land use permit application shall be invalidated, and the contact person must reapply and pay the requisite land use application and inspection fees.
5. **Permit Renewals.** All short-term rental land use permit shall be reviewed for compliance every two years. A fire, life and safety inspection is required during a land use renewal if there has been significant changes to the structure such as fire, flood or a major modification. Failure to maintain and renew the short-term rental land use permit shall be considered abandonment of the use.
6. **Transferability.** The short-term rental land use permit is transferrable to a new owner. The new owner shall agree in writing to comply with the requirements set forth in the land use permit. Transferability is a minor modification to the short-term rental land use permit.
7. **Minor Modifications.** Minor modifications to short term rentals that have been approved through the land use process shall require a letter notification to the county for incorporation to the short-term rental file. Minor changes include increasing the structure footprint less than 10% in size; change in ownership; change in the contact person or phone numbers of the responsible party of the short-term rental.
8. **Major Modifications.** Major modifications to short term rentals that have been approved through the land use process shall require review, public notification, and approval consistent with the original land use approval for the short-term rental. Major changes include increasing the size of the structure footprint more than 10% in size or the addition of one or more bedrooms.
9. **Separate Applications.** A separate land use application must be submitted and approved for each short-term rental. Each dwelling unit on a parcel that is rented separately at any time shall require a short-term rental land use permit.

Section 4.350 Complaints, Compliance and Permit Revocation

Short term rentals are subject to review, consideration of neighborhood impacts and complaint resolution. Failure to acknowledge and actively comply with the standards set forth in this ordinance could result in the following actions and ultimately revocation of a land use permit for a short-term vacation rental.

1. **Complaints.**

- a) The complaining party shall, unless the situation justifies an immediate call to law enforcement, first attempt to communicate with the contact person designated on the permit and visibly posted on the front entrance of the short-term rental.
- b) The contact person shall notify a renter by phone, text message, email or in person within one (1) hour of delivery of any complaint concerning the conduct of a renter and make reasonable efforts to remedy the situation. Record verification shall be maintained documenting the complaint, notification to the renter and resolution of the complaint.
- c) If the contact person fails to respond or take timely action to remedy the complaint, then the complaining party shall report such failure to County Code Enforcement for follow-up.
- d) The County Code Enforcement Officer shall determine if the unresolved complaint warrants further action including the issuance of a citation (violation).

2. **Compliance.**

- a) Owners of short-term rentals shall obey all applicable federal, state and county laws.
- b) Owners of short-term rentals shall comply with all applicable sections of this ordinance. Failure to comply may result in the issuance of a citation (violation) by the County Code Enforcement Officer.

3. **Revocation of Land Use Permit.** The Planning Director may revoke the land use permit for a short-term rental if three or more separate citations (violations) are issued based on non-compliance of this ordinance to the same short-term rental within one (1) year. The Planning Director may also revoke the land use permit for the short-term rental immediately, in writing on the basis of incorrect or misleading information presented to the County. A new land use permit may be applied for after a period of one (1) year.

4. **Emergency Revocation.** When a Building Code or ordinance violation exists at a short-term rental that presents an immediate serious fire, life or safety risk, the County Building Official, Code Enforcement Officer or Planning Director may immediately halt the use of the short-term rental. Reinstatement or use of the short-term rental may be reinstated upon a re-inspection and verification that the safety risk has been corrected.
5. **Additional Remedies.** The provisions of this section are in addition to and not in lieu of any other enforcement and penalties contained in other county ordinance or federal or state law.

ATTACHMENT K

TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

The following text replaces *Curry County Zoning Ordinance* ARTICLE IV - Section 4.090.

Added text is in **bold in red**;

Deleted text is ~~struck through~~ in **red**

Section 4.090 Accessory dwelling unit standards, inside Urban Growth Boundaries (UBG).

An accessory dwelling unit is a second dwelling unit that may be allowed in conjunction with a single family dwelling in the RCR, R-1 and R-2, R-3 zoning districts. Accessory dwelling units may be permitted under limited circumstances in the RC zone. Accessory dwelling units are subordinate in size, location, and appearance to the primary single family dwelling. One accessory dwelling unit on one residential lot may be permitted subject to the following standards:

1. A location either within, attached to, or detached from the primary detached single family dwelling unit. With a building permit, an accessory dwelling unit may be added to or over an attached or detached garage, or constructed as a detached single story structure or as a part of a new single family dwelling.
2. An Accessory dwelling unit must have its own outside address identification, entrance, kitchen and bathroom and sleeping area completely independent of the primary dwelling. Addressing of Accessory dwelling units shall be coordinated with the responsible emergency response agency.
3. The accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet in floor area but shall be no smaller than two hundred forty (240) square feet.
4. An accessory dwelling unit may not be created through the conversion of a main level garage space for living space. This standard does not include the conversion of the attic space above a garage.
5. An accessory dwelling unit that is attached to the primary dwelling shall share a common wall with firewall construction, roof and foundation.
6. A detached accessory dwelling unit shall be located a minimum of twenty (20) feet from the foundation of the primary dwelling.
7. The minimum front, rear and side yard setbacks for the Accessory dwelling shall be that of the underlying land use district.

8. One (1) off-street parking space shall be provided for the accessory dwelling unit;
9. Department of Environmental Quality authorization for septic services shall be provided prior to County authorization for an Accessory dwelling unit
10. Evidence of potable water availability shall be provided prior to County authorization of an Accessory dwelling unit.
11. The primary residence that meets the standards of 4.080(a-k) may be converted to an accessory dwelling upon completion of permitted, larger residence.
12. A home occupation may be conducted from either primary or accessory dwelling unit.
13. Either the primary or accessory dwelling unit shall be occupied by the property owner.

ATTACHMENT O

TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

The following text adds *Curry County Zoning Ordinance* ARTICLE VIII – Property Line Adjustments.

Added text is in bold;

SECTION 8.100 PROPERTY LINE ADJUSTMENTS:

As set forth in ORS 92.190(3), the common boundary line between lawfully created units of land may be adjusted in accordance with this section without the replatting procedures in ORS 92.180 and 92.185 or the vacation procedures in ORS Ch. 368. Once a boundary line has been adjusted, the adjusted line shall be the boundary or property line, not the original line.

SECTION 8.125 PROCEDURE:

1. General.

- a. No person may relocate all or a portion of a property line without review and approval of a property line adjustment application.
- b. Tax lot boundaries do not necessarily represent property boundaries. Tax lot boundaries are established by the County Assessment for purposes of assessment and taxation. Tax lots may or may not coincide with legal property boundaries. Only boundaries of lawfully established units of land can be adjusted through the provisions of this chapter.
- c. A line adjustment is permitted only where an additional unit of land is not created; and
- d. A property line adjustment involving a parcel authorized by a Measure 49 waiver cannot increase parcels larger than:
 - i. Two acres if on high value farmland, high value forestland, or within a ground water restricted area; or
 - ii. Five acres if not on high value farm or forest land; unless
 - iii. The property increasing in size is the remainder parcel and is already larger than the two or five acre maximum parcel size.

2. Submittal Requirements: An application for a line adjustment or elimination shall be filed by the owners of all units of land affected. The application shall be accompanied by an appropriate fee and contain the following information:

- a. A property line adjustment must include a tentative map drawn on 8 ½” x 11” or 11” x 17” size paper. The map shall contain the following information:

- i. **North arrow and Scale – The property boundaries and any other required detail shall be provided to scale.**
 - ii. **Existing and proposed property line dimensions and size in square feet or acres of the lawfully established units of land that are subject of the application. The existing and proposed property configurations will be shown on separate sheets of paper as before and after maps and shall contain acreage before an after adjustments.**
 - iii. **Identification, size, and dimensions of the area(s) proposed to be adjusted from one property to the other.**
 - iv. **Roads abutting and located within the subject properties, including names and road right-of-way or easement widths, and labeled as either public or private.**
 - v. **Location of on-site wastewater treatment systems or name of sanitary sewer district. This includes drain field and repair areas. All on-site wastewater improvements are to remain on the same unit of land as the structure it is serving.**
 - vi. **Easements, shown with dimensions, type, labeled as existing or proposed, and specifically noting to whom they benefit**
 - vii. **Existing structures and the distance from each structure to the existing and proposed property lines. Setbacks for all structures within 50 feet of the proposed property line (130 feet if property is zoned Forest or Forest Mixed Use) must be verified on a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist within the specified area, the surveyor can submit a stamped letter so stating.**
- b. **A preliminary title report or title search for each property, to determine ownership and any recorded deed restrictions.**
 - c. **Evidence to show that the units of land are lawfully created. If the conformance of the unit of land is unknown, then a Discrete Parcel Determination application will be required either prior or in conjunction with a property line adjustment application.**
 - d. **Evidence to show that any and all existing development on the units of land subject to the property line adjustment are in conformance with all applicable federal, state and local regulatory permit requirements. Generally these include buildings, accessory structures, water sources, septic systems and municipal sewer, stormwater and water connections.**
 - e. **The units of land for the property line adjustment shall not be the subject of any pending nuisance or Code Enforcement action.**
 - f. **Upon completion of the Property Line Adjustment Review the mapping and filing requirements shall be followed.**

3. **General Criteria - A Property Line Adjustment requires an application. All property line adjustments are subject to the following standards and criteria, unless previously stated in this section:**
- a. **The property line adjustment cannot:**
 - i. **Create an additional unit of land; or**
 - ii. **Violate any applicable specific conditions of previous land use approvals or recorded deed restrictions. An example would be if parcels were required to meet a minimum acreage or have an accessory structure and adjustment would remove the primary use or structure.**
 - b. **All properties affected by the proposed adjustment are legal units of land unless this adjustment is to correct an improperly formed unit of land or to correct an encroachment issue.**
 - c. **A property line adjustment is subject to the minimum lot or parcel size standards of the applicable zoning district, except in the following circumstances:**
 - i. **One or both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large or larger than the minimum lot or parcel size for the applicable zone; or**
 - ii. **Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.**
 - d. **Split-zoned properties: The adjustment will not create a split-zoned unit of land that does not comply with the standards for creation of a parcel in each zone unless the property owner provides for the recording of a restrictive covenant in the deed records for the subject property that prohibit the property from being partitioned along the zoning boundary until such time as each parcel would comply with the minimum standards for the creation of a unit of land (meeting the criteria for land division) in each zone. If a split-zone unit of land is created, it shall not be used to justify a rezone in the future.**
 - e. **All required setbacks for the applicable zoning districts have been mapped as required. An encroachment of existing or planned structures will not be created within required setbacks as a result of the line adjustment.**
4. **Resource Zoned Properties: In addition to the General Criteria in subsection 3 the following additional criteria is required to be addressed.**
- a. **A property line adjustment cannot be used to:**
 - i. **Separate a temporary hardship dwelling, relative farm help dwelling, home occupation, or processing facility from the primary residential or other primary use without land use approval to change the accessory use to a primary use.**
 - ii. **As prohibited by ORS 92.192(4)(a) through (c), in a manner that would:**

- 1) Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;
- 2) Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling.
- 3) Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard. Or
- 4) Allow for change in configuration to qualify for a Forest Template Dwelling. The adjustment may require a template test prior and after any adjustments made after January 1, 2019 at the time a Forest Template Dwelling Application is received.

SECTION 8.150 EASEMENTS AND ACCESS:

A line adjustment shall have no effect on existing easements or access. Access shall not be eliminated through a property line adjustment process. If an access is potentially affected, then an easement may be created for access to comply with this criterion.

SECTION 8.175 MAPPING AND FILING REQUIREMENTS:

1. **Map and Monuments Required:**
 - a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared.
 - b. The survey map shall show all structures within ten (10) feet of the adjusted line.
 - c. The survey shall establish monuments to mark the adjusted line.
 - d. The County Surveyor reserves the right to require monumentation and mapping on parcels greater than ten acres in size.

2. Approval and Filing Requirements:

- a. Upon determination that the requirements of this section have been met, the Director shall advise the applicant in writing that the line adjustment is tentatively approved.**
- b. Within one year from the date of tentative approval, the applicant shall prepare and submit to the Director any map and survey required. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Director shall indicate final approval by endorsement upon the map, if any, or if no map is required the Director shall advise the applicant in writing that final approval has been granted.**
- c. Once endorsed by the Director, the map shall then be submitted to the County Surveyor or his/her assistant.**
- d. A line adjustment shall be effective when the map is filed and an instrument (e.g. deed or covenant) is recorded with the County Clerk. If no map is required, then the line adjustment shall be effective when final approval is granted by the Director and an instrument is recorded with the County Clerk.**
- e. If a survey is required, the Deed shall be recorded, and the Survey Map shall be filed simultaneously. The survey map, with the signature of the Curry County Planning Director shall be submitted to the County Surveyor along with the required filing fee.**
- f. The property line adjustment deed must be submitted in the exact format found in Figure 1 below.**

Send tax statements to:

After recording return to:

PROPERTY LINE ADJUSTMENT DEED

_____ GRANTOR(s) conveys and warrants to

_____ GRANTEE(s) the following described
real property, situated in the County of Curry, State of Oregon:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT “A”

Subject to and excepting:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

Curry County real property Tax Account No. _____.

The consideration for this conveyance stated in terms of dollars is _____

This is a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:

1. The names of the parties to this deed are as set forth above.
2. The description of the adjusted line is as follows:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT “B”

3. The deed whereby Grantor acquired title to the transferred property is recorded in the Deed of Records of Curry County, Oregon.
4. The deed whereby Grantee acquired title to the property to which the transferred property is joined is recorded in the Deed Records of Curry County, Oregon.
5. The survey and monumentation, as required by ORS 92.060 and ORS 209.250, were done by _____. His/Her survey is filed with the County Surveyor under Curry County Surveyor’s Records, Map No. _____.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

⁴⁵
DATED this _____ day of _____, 20__.

Name

Name

STATE OF OREGON)
)ss.
County of Curry)

This instrument was acknowledged before me on _____, 20 __,
by _____.

Notary Public of Oregon

My Commission expires:

ACCEPTANCE

The undersigned grantee(s) hereby accept(s) this property line adjustment deed and signs this acceptance in accordance with ORS 92.190(4).

Name

Name

STATE OF OREGON)
)ss.
County of Curry)

This instrument was acknowledged before me on _____, 20 __,
by _____.

Notary Public of Oregon

My Commission expires:

**INTENTIONALLY LEFT
BLANK**