



CITY OF DUNDEE
Planning Commission Public Hearing
July 19, 2023
File No.: LURA 2023-02

Purpose: The purpose of this staff report regarding Land Use Regulation Amendment (LURA) 2023-02 is to present to the Planning Commission the proposed amendments to the short term rental (STR) provisions in the Dundee Development Code. The Planning Commission held work sessions on April 19 and May 17, 2023.

On April 19 consensus was reached on the issue of simplifying the STR standards and process, including combining the Infrequent and Standard STRs into one type of STR that would be reviewed in accordance with one procedure.

On April 19 consensus was reached for a 15 vehicle mile distance from the City to a Local Representative. That distance would include all of McMinnville (p. 15, #28) to the southwest and reach southern Tigard in the northeast.

On May 17 consensus was reached on the primary issue of adjacency on pp. 12-14, #'s 23 and 24. The current provisions do not allow a new STR to locate on a property abutting an existing STR, unless concurrent conditional use permit and short term rental applications, with a public hearing and decision by the Planning Commission, are approved. The current allowance of abutting STRs through the conditional use permit process would not be retained. The current adjacency provision (two STR's cannot abut one another on one side of a street in a block) would be replaced by a distance standard where no new STR can be located within 200 feet from an existing Vacation Rental (VR) or STR as measured in a straight line from the property lines of an existing VR or STR.

Many housekeeping and minor amendments are also proposed.

Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing on July 19, receive testimony, close the hearing and deliberate to a recommendation that the City Council approve the proposed amendments.

Request: The purpose of legislative land use regulation amendment (LURA) 2023-02 is to update the Dundee Municipal Code (DMC), Title 17, Development Code, Section 17.203.240, Short-Term Rentals

(STR) and Section 17.401, General Review Procedures, Table 17.401.010, Summary of Approvals by Type of Review Procedure.

Substantive, housekeeping and minor amendments are proposed. The primary issue is the adjacency issue where, currently, a new proposed STR cannot locate on a property abutting an existing STR unless the Planning Commission approves concurrent conditional use permit and STR applications.

This staff report is based on staff research and direction by the Planning Commission and City Council.

Project Information	
Applicant/Owner	City of Dundee.
Location	Single Family Residential Zones R-1, R-2 and R-3, and the Agriculture District (A).
Tax Lot/Size	Not applicable.
Zoning	R-1, R-2, R-3 and A Districts.
Applicable Criteria	Dundee Municipal Code, Section 17.405.030, Criteria for Map or Code Amendments.
Public Hearing	Planning Commission: July 19, 2023

Public Notice:

The standard notice for Development Amendments published in a newspaper of general circulation was provided, and a notice was mailed to the owners of properties within 200 feet of the existing VRs and STRs.

Background:

On June 15, 2021 the City Council adopted Ordinance 572-2021 which amended the Vacation Rental (VR) process and standards and it was effective July 15, 2021. The term Vacation Rental was changed to Short-Term Rentals (STR) and the process and standards were amended. Since July 15, 2021 staff has identified needed amendments to the STR process and standards.

In addition to the needed amendments identified by staff, at the July 20, 2022 Planning Commission hearing regarding STR/CU 2022-10 and the December 6, 2022 City Council hearing on the appeal of STR/CU 2022-10, to allow a new STR on property abutting an existing STR, the Commission and Council expressed a desire to review the provision regarding a new Standard STR locating adjacent to an existing Standard STR.

Organization of This Staff Report:

Each proposed amendment is listed in the numerical order of the Sections in the Dundee Municipal Code (DMC). The list is at Exhibit A. The proposed amendments are shown in a “mark-up” version of the language at Exhibit B with language proposed to be deleted in [~~brackets and strikethrough~~] and language to be added in **bold italics**. A “clean” version of the amendments as they would read if they are adopted is at Exhibit C.

EXHIBIT A
LIST OF THE PROPOSED AMENDMENTS
LURA 2023-02

The list of proposed amendments is in the order of the STR sections of the DMC.

1. Section 17.203.240, A, Short-term rentals, Applicability. Propose replacing the term “dwelling unit” at two locations with the two types of dwelling units where STR’s would be allowed, i.e., (1) single family dwelling, detached, and (2) manufactured home on an individual lot or parcel.

Currently, Section 17.203.240, A, states:

A. Applicability. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent, a dwelling unit for short-term rental unless issued a STR permit or exempted under this section. The standards of this section shall supersede the standards elsewhere in the development code, unless otherwise stated. This section applies to a dwelling unit in a residential or agriculture (AG) zone built for permanent use. The person(s) renting the STR must rent the dwelling in its entirety for the purpose of overnight lodging to visitors for less than 28 days at any one time. (Emphasis added.)

Currently, the DMC, 17.501.020, Definitions, defines “dwelling unit” as follows:

“Dwelling unit” means one or more rooms designed for occupancy by one family and not having more than one cooking facility. “Dwelling unit” includes an individual unit within a manufactured dwelling, but not within a recreational vehicle, a recreational structure, a hotel or motel room, or a campground space.

The above definition is general and it includes all seven types of dwelling units. An RV, a recreational structure, a hotel or motel room or a campground space are not dwelling units. The 7 types are:

1. Single family dwelling, detached,
2. Single family dwelling, attached – more commonly referred to as a Townhouse,
3. Manufactured home (on individual lots & in mobile home and manufactured home parks).
4. Accessory dwelling unit,
5. Duplex,
6. Multi-family (3 or more units on one property), and
7. Condominiums.

The above definition of “dwelling unit” and the use of “dwelling unit” in 17.203.240, A, could lead the reader to believe an STR is allowed in any of the 7 types of dwelling units. However, there is an inconsistency because, currently, Section 17.203.240, J, 10, STR Standards, states:

10. *STRs are allowed in any dwelling unit in a residential zone or the agriculture (A) zone except multifamily dwellings and accessory dwelling units. An owner shall not rent out a main house while they live in an accessory dwelling unit. (Emphasis added.)*

The specific issue is Sections 17.203.240, A, and 17.203.240, J, 10, are inconsistent, i.e., 17.203.240, A, appears to say STRs are allowed in all types of dwelling units, except RV's, a recreational structure, a hotel or motel room, or a campground space, but 17.203.240, J, 10, says STRs are allowed in any dwelling unit, except apartments and accessory dwelling units. Subsection J, 10, allows STRs to locate in 5 types of dwellings:

1. Single family dwelling, detached,
2. Single family dwelling, attached – more commonly referred to as a Townhouse,
3. Manufactured home, (on individual lots, & in mobile home and manufactured home parks).
- ~~4. Accessory dwelling unit,~~
5. Duplex, and
- ~~6. Multi family (3 or more units on one property)., and~~
7. Condominiums.

The general problem is, the inconsistency creates the need to go back and verify the types of dwelling units where STRs can be located - what types of dwelling units does the City want to allow STRs in?

It is not clear if the true intent is to allow an STR in a townhouse. A townhouse is where individual dwelling units are attached, but each dwelling unit is on its own lot. The owner owns the dwelling unit and the land it is located on. It is not clear the City intends to allow an STR in a townhouse where the STR occupants would be only a wall away from the townhouse attached next door which would be occupied by the owner of that townhouse.

The Planning Commission concluded the intent is to not allow STRs in townhouses.

Similar to the townhouse, above, it is not clear if the true intent is to allow an STR in a duplex. A duplex is where two individual dwelling units are attached and they are both on the same lot. The owner owns the duplex structure with two dwelling units and the land the structure is located on. The occupants of the units do not own their unit nor do they own the land it is located on. It is not clear the City intends to allow an STR in a duplex where the STR occupants would be only a wall away from the duplex unit next door. An STR could be in one duplex unit and a long term renter or the owner of the land and building could be in the second duplex unit.

The Planning Commission concluded the intent is to not allow STRs in duplexes.

Similar to townhouses and duplexes, above, it is not clear the true intent is to allow an STR in a condominium. A condominium is an ownership situation where each unit is owned and the common areas are owned in-common by all the unit owners. Subsection J, 10, currently, does not allow STRs in multifamily dwellings (apartments where there are 3 or more units on one property), thus it would appear J, 10, intends to not allow STRs in condominiums, but J, 10, is silent about condominiums.

The Planning Commission concluded the intent is to not allow STRs in condominiums.

Currently, STRs are allowed in manufactured homes whether they are on individual lots or in Mobile Home Parks (older Parks) or in Manufactured Home Parks (newer Parks).

A manufactured home on an individual lot is similar to a detached single family dwelling on an individual lot.

Regarding STRs in manufactured homes in Mobile Home Parks and Manufactured Home Parks, there is an inherent difference in a STR on an individual lot versus in a Mobile Home Park or in a Manufactured Home Park. The difference is Parks are developed under different rules than lots created via subdivisions and partitions. Based on the Dundee Municipal Code regulations, a Park is more dense than subdivision and partition developments. The Park streets can be as narrow as 20 feet. No parking is allowed within the 20 foot width because the width is also an emergency vehicle route which requires a minimum unobstructed width of 20 feet. Additionally, the Park property is owned by the Park owner, not by the residents of the individual units located in the Park.

The Planning Commission concluded the intent is to not allow STRs in a Mobile Home Park or in a Manufactured Home Park.

Based on the above conclusions, the proposed amendments allow STRs in detached single family dwellings and in manufactured homes on individual lots and parcels.

The current language in 17.203.240, J, 10, is retained stating, “an owner shall not rent out a main house while they live in an accessory dwelling unit” and language is added stating an accessory dwelling unit (ADU) cannot be an STR which is consistent with the ADU standards.

During a Planning Commission discussion, concern was expressed that the current language in 17.203.240, A, Applicability, could be read that the standards apply only to dwelling units where STRs have an issued permit, but the other type of dwellings, i.e., apartments, could have STRs and would not be subject to the provisions of 17.203.240. Language is added to 17.203.240, A, stating Section 17.203.240 allows STRs only in a detached single family dwelling and in a manufactured home on an individual lot or parcel, and in parentheses cites the subsection stating such, i.e., 17.203.240, J, 10.

2. Section 17.203.240, C, Short-term rentals, Review Process. The current language creates two types of STRs, i.e., Infrequent STRs and Standard STRs. The difference set forth in C, 1, is “Infrequent STRs are properties that are available for rent fewer than 30 days total per calendar year,” whereas a Standard STR is not limited in the number of days it can be rented per year.

During the two Planning Commission work sessions the history of the 2021 amendments was described indicating the intent was to allow a party who would go on a vacation for a week or two, to rent their house as an Infrequent STR during a vacation or other short periods. The two types have many similarities that would lead to the Infrequent STR category being unnecessary. Both Infrequent and Standard STRs (1) must be reviewed and approved through the Type II process (City

Administrator is the decision authority)(see #3 following), (2) must obtain a business license, (3) must pay the transient room tax, (4) must meet the same approval criteria (E, 1- 3 and J, 1 – 13), (5) could be rented to “problem renters,” (6) create an overnight or short-stay rental in a residential neighborhood, (7) an Infrequent STR occupied for 29 consecutive days would be the same as a Standard STR occupied for 29 consecutive days, and (8) the Infrequent STR limit of 29 days in a calendar year is almost impossible to enforce because it requires City staff to check the occupancy every day.

The current STR provisions were effective on July 15, 2021. Of the approximately 15 STR applications submitted to the City since July 15, 2021, no Infrequent STRs have been requested.

The Planning Commission concluded to simplify the STR regulations and process by combining the two types of STRs into one type. With only one type of STR the numerous inconsistencies and procedural problems noted below related to Infrequent STRs will no longer exist.

To delete Infrequent STRs, Section 17.203.240, C, 1, which creates Infrequent STRs would be eliminated and C, 2 and 3, would be renumbered.

Additionally, C, 3, would be amended to delete its reference to the Site Development Review process that requires a Site Plan as part of the application materials (17.402.040, B, 2) and that requires a narrative be included explaining how the approval criteria are met. The current STR standards already require a Site Plan be submitted at 17.203.240, C, 3, a, and already require a Narrative be submitted at 17.203.240, C, 3, c.

3. In support of #2, above, the following identifies a problem with Infrequent STRs in Section 17.203.240, C, 1, Short-term rentals, Review Process, Infrequent STRs. Currently, the Infrequent STR approval process is identified as a Type I process where no notification to nearby property owners is required, but such notice should be required because the approval criteria include at least one criterion that is subjective and requires the decision authority (City Administrator) to exercise discretion to determine if the criterion is met. When the decision authority must exercise discretion to determine if an approval criterion is met, the “due process” provisions of the U.S. and Oregon Constitutions require notice to nearby property owners.

Section 17.203.240, E, Approval Criteria, requires Infrequent and Standard STRs to comply with the approval criteria set forth in E, 1 – 3. Criterion E, 1, is subjective which requires the exercise of discretion by the decision authority to determine if Criterion E, 1, is met. Nearby property owners must be given the opportunity to comment, and to appeal the decision.

The Type I process does not include notice to nearby property owners, the opportunity to comment or to appeal the decision which violates the “due process” clauses of the U.S. and Oregon Constitutions.

The current Type II process does not present a “due process” problem because it requires notice, the opportunity to comment and to appeal.

4. In support of #2, above, the following identifies a problem with Infrequent STRs in Section 17.203.240, C, 1, c, Short-term rentals, Review Process, Infrequent STRs. It states an Infrequent STR application must comply with the 13 standards in 17.203.240, J, but it does not mention the STR approval criteria in 17.203.240, E, 1- 3. As now written, it is inconsistent with 17.203.240, E. It should include E, 1 – 3, to ensure an applicant understands the approval criteria in 17.203.240, E, apply.
5. In support of #2, above, the following identifies a problem with Section 17.203.240, C, 1, e, Short-term rentals, Review Process, Infrequent STRs. Section 17.203.240, C, 1, e, exempts Infrequent STRs from the citywide 5% limit on the total number of STRs set forth in 17.203.240, I. Exempting one type of STR from being counted requires an unnecessary amount of record keeping by a limited number of staff who year by year are required to do more with no additional staff. Requiring that Infrequent STRs not be counted creates an unnecessary extra category to track. Combining the two types into one type simplifies the process.
6. Section 17.203.240, C, 3, a, Short-term rentals, Review Process, STR Site Plans. As a housekeeping item, propose deleting the word “actual” because it is an unnecessary word.

Subsection C, 3, a, refers to the Site Plan showing “the actual shape and dimensions of the lot.” It is sufficient to require the Site Plan show the shape and dimensions of the lot. The dimensions are easily available from an Assessor’s Map, a Subdivision or Partition Plat, or other sources such as a metes and bounds description for a property that was not created through a partition or subdivision plat.

7. Section 17.203.240, C, 3, b, Short-term rentals, Review Process, Bedroom Count. Subsection C, 3, b, requires the application include a count of the bedrooms and bathrooms in the dwelling. As a housekeeping item, propose deleting the reference to a “bathroom count.” Unlike the bedroom count which is needed to show compliance with 17.203.240, H, which limits the number of people based on the number of bedrooms, there is no reason to count the number of bathrooms because none of the STR regulations rely on knowing the number of bathrooms.
8. Section 17.203.240, C, 3, c, Short-term rentals, Review Process, Images. Subsection C, 3, c, requires images of the safety features, i.e., smoke detectors, carbon monoxide detectors and fire extinguishers. Then, it states “The images should include the date the image was taken.” The word “should” is permissive and the applicant is not required to provide the date of the images. Where 17.203.240, C, 3, c, requires images to be taken, it is reasonable for the DMC to require the images to be dated. Propose replacing “should” with “shall” to require the images be dated.
9. Section 17.203.240, C, 3, d, Short-term rentals, Review Process, List of Rules (House Rules) for renters. Subsection C, 3, d, requires a “list of rules and requirements for renters” that applicants are required to provide at the time of application. This requirement has resulted in many applicants simply including their own thought-up requirements – sometimes including the provisions of the rental agreement regarding how to reserve an STR – in their “list of rules.” The rental agreement is a separate document from the House Rules, although some items in the rental agreement could be in the House Rules.

Section 17.203.240, J, 7, STR Standards, Posting of Information, requires the applicant to “keep posted a list of information about the STR adjacent to the front door inside the dwelling.”

At a minimum, the posting shall include the following information:

- a. The name and contact information for a local contact person responsible for maintenance and responding to emergencies and/or complaints.*
- b. The current annual STR business license.*
- c. Any requirements for the STR to ensure it complies with this code. (emphasis added)*
- d. The location of any safety equipment including fire extinguishers.*
- e. The maximum number of occupants that was approved by the city.*
- f. A list of the applicant’s requirements for renters of the property (enforceable as part of this permit issuance).*

In addition to 7, a – f, above, Subsections 17.203.240, J, 3, 4, 5, and 6, require compliance with the City’s pet, noise, RV and other temporary shelters, and nuisance standards. The J, 3, 4, 5, and 6, items should be included in the “list of information” otherwise the applicant will not take the time to determine what J, 3, 4, 5 and 6 state and will not put them in the House Rules. The result is, the renters don’t know they are responsible for complying with the City’s pet, noise, RV and other temporary shelters, and nuisance standards.

Subsection 17.203.240, J, 7, c, requires the list of information to be posted beside the door on the inside of the dwelling to include, “Any requirements for the STR to ensure it complies with this code.” Propose 7, c, be deleted as it is vague and therefore difficult for the applicant and renter to comply with, and difficult for the city to enforce. The proposed amendments above and below will ensure the requirements are listed and a “catch-all” phrase is not needed.

Section 17.203.240, C, 3, d, must be coordinated with 17.203.240, J, 7, to ensure the “list of rules and requirements for renters” is consistent with the STR requirements in 17.203.240, J, 7.

Propose 17.203.240, C, 3, d, be amended to replace the term “list of rules” with “House Rules” and state the House Rules must list “the applicant’s rules and requirements” and the requirements set forth in 17.203.240, J, 3, 4, 5, 6, and 7, a - e, to ensure the renters know there are City rules to meet.

If the “House Rules” do not list the City’s rules, the renters won’t know that any such City rules exist. If a problem occurs, the STR renter’s first statement will be something to the effect of, “The House Rules don’t say anything about the City’s pet, noise, RV and other temporary shelters, and nuisance standards.”

10. Section 17.203.240, C, 3, Short-term rentals, Review Process, STR Applications. The STR Application form, #3 at the bottom of page 1 requires a Business License and Transient Room Tax Form be submitted with the STR application, but Subsection C, 3, does not require either application be included with the STR application. The Oregon Land Use Board of Appeals (LUBA) has ruled that an application form for a land use action cannot require items that the local development code does not require. Propose adding a requirement at the amended 17.203.240, C, 2, g, requiring an STR applicant to provide evidence in the STR application that the applicant has initiated the Business License application process and the transient tax registration process.

11. Section 17.203.240, D, Short-term rentals, Written Notice, Type II. Subsection D states, in part, “A Type II written notice consistent with DMC 17.401.030 shall be provided to all neighbors within 200 feet of the property.” It is not clear what “neighbors” means.

As a housekeeping amendment, in the phrase “shall be provided,” propose replacing “provided” with “mailed” to clarify the Type II notice provided by the City is mailed.

Propose replacing “all neighbors” with the phrase “to the owners and occupants of all properties” to clarify who must be notified.

As a housekeeping amendment, in the phrase “within 200 feet of the property,” propose adding “subject” in front of “property” to clarify the property is the subject property.

12. Section 17.203.240, D, 1, Short-term rentals, Written Notice, Contact Person Information. Subsection D, 1, calls for the Type II notice to include the Contact Person’s information, “so that residents may report any problems with the STR as outlined in subsection (K) of this section.”

As a housekeeping amendment, in the phrase “so that residents may report,” before “residents” propose adding “owners” to clarify that owners can also report problems.

13. Section 17.203.240, E, Short-term rentals, Criteria. Propose deleting the reference to “Type I” and “Type II,” because here “Type I” and “Type II” refer to the processes. Propose 17.203.240, E, refer only to “STRs” because there will be only one category of STR and it will be reviewed through the Type II process.

14. Section 17.203.240, E, 1, Short-term rentals, Criteria. Subsection E, 1, states, in part, “The proposed STR will not present any burden on neighbors to the property.” Consistent with #11, above, it is not clear what “neighbors” means. It is not clear how far away the neighbors would be. Propose replacing “any burden on neighbors” with the phrase “any burden on the owners and occupants of properties within 200 feet of the subject property.”

The 200 foot distance is consistent with the notice requirement in 17.203.240, D, for the mailed notice to owners and occupants within 200 feet of the subject property.

Subsection E, 1, states, in part, “The proposed STR will not present any burden on neighbors to the property.” The PC reached consensus to change “any burden” to “an unreasonable burden” because a strict reading of “any burden” would mean no proposed STR could be approved.

15. Section 17.203.240, E, 1, Short-term rentals, Criteria. Subsection E, 1, states, in part, “Mitigation may be required to the satisfaction of city staff.” Propose replacing “may be required to the satisfaction of city staff” with “may be required by the decision authority.” Technical code writing need not personalize the provisions by referring to “city staff.” It is more appropriate to refer to “the decision authority.”

In the Type II process where an appeal is filed to the Planning Commission of a Ministerial Decision (City Administrator decision), the term “decision authority” clarifies that the Commission, also has the authority to require conditions of approval to mitigate the proposed STR.

16. Section 17.203.240, F, 1, Short-term rentals, Business License and Transient Room Tax. Subsection F, 1, is one sentence. Propose amending the portion of the sentence referring to the Business License and at the end of the sentence where it refers to the Transient Room Tax, to replace “(Type I and Type II)” with “STR” to improve clarity.

17. Section 17.203.240, F, 3, Short-term rentals, Business License and Transient Room Tax. Subsection F, 3, states:

3. An STR permit holder must generate at least \$500.00 in transient room taxes pursuant to Chapter [3.04](#) DMC over any continuous 12-month period; otherwise the STR permit will be void.

Subsection F, 4, a, also addresses transient room taxes and states:

*4. All business license renewals for STRs shall include:
a. Evidence at the time of renewal that all transient room taxes have been paid in full for the previous year.*

In F, 3, the phrase “continuous 12-month period” may appear to not be clear, but City staff have commented that the monitoring is a continuous process that City staff perform in accordance with F, 3 and F, 4. No amendments are proposed.

18. Section 17.203.240, F, 4, b, Short-term rentals, Business License Renewal. Subsection F, 4, b, requires, “The owner or property owner...” to provide contact information to neighbors within 200 feet of the STR property. As a housekeeping amendment, the phrase “owner or property owner” is not clear. It is not clear what the first reference to “owner” means. It would appear the property owner would be the responsible party to provide the required annual notice. Propose deleting the first reference to “owner.”

Consistent with #11, above, it is not clear what “neighbors” means. Propose replacing “to neighbors” with the phrase “to the owners and occupants of properties within 200 feet of the STR property.”

To improve clarity, where F, 4, b, requires, “The owner or property owner must annually provide contact information...” it is not clear what “provide” means. The mailing by the STR owner is not required to be a “notice” such as a notice for a land use application, but instead it is a reminder, or

an update if the Local Representative has changed, who the Local Representative is and their contact information. Propose amending the language to read, “The STR owner must annually mail via the U.S. Postal Service the contact information for the Local Representative to the owners and occupants of properties within 200 feet of the STR property. An affidavit shall be provided with the business license renewal application stating such mailing has been mailed.”

19. Section 17.203.240, G, Short-term rentals, Limits on Permit Transfer. Subsection G, states STR permit approvals are valid only for “the current property owner....” The word “current” is not clear, e.g., does it refer to an owner who just bought the property, or to the owner who was the owner at the time of STR approval. Propose amending the language to clarify that “the current property owner” refers to the property owner at the time of STR submittal and approval, e.g., “All STR Permit approvals will only be valid for the owner of the subject property at the time the STR application is submitted....”

20. Section 17.203.240, H, Short-term rentals, Overnight Occupancy Limits. Subsection H, sets forth a maximum occupancy limit. It states:

H. Overnight Occupancy Limits. The maximum overnight occupancy for the STR shall be two persons per bedroom plus two additional persons; however, in no case shall the overnight occupancy exceed 10 persons, regardless of the bedroom count.

Because Subsection H is a standard that STRs must meet, propose moving it into Subsection J, Standards, at J, 14.

21. Section 17.203.240, I, Short-term rentals, Concentration Limits. Subsection I establishes an STR limit of 5% of the number of detached single family dwellings. It exempts Infrequent STRs from the 5% limit which is consistent with Section C, 1, e, which states that Infrequent STRs are exempt from the 5% concentration limit.

Above, it is proposed the Infrequent and Standard STRs be combined to simplify the City’s STR provisions and eliminate the several inconsistencies related to the Infrequent STR regulations. The result would be that Infrequent STRs would be included in the 5% limit. There have been no Infrequent STR applications submitted since the prior amendments were effective on July 15, 2021, thus there would be no change in the total number of STRs for the 5% limitation.

Section I includes the phrase “exceed five percent of the total number of detached single-family homes in the city,…” To be consistent with language elsewhere in 17.203.240 and with the definitions which use “dwelling” not “homes,” propose replacing “detached single-family homes” with “detached single-family dwellings.”

The definition of Single-family dwelling is:

“Dwelling, single-family” means a detached building containing one dwelling unit designed exclusively for occupancy by one family.

In Section I, in the last sentence, propose replacing the phrase “the number of residential units” with “the number of detached single family dwellings” to ensure consistency with the first sentence which is proposed to use the term “detached single family dwellings.” The term “residential units” is not defined in Section 17.501.020, Definitions, thus it isn’t clear what “residential units” means. One could contend it includes RV’s, trailers, etc., which would be inconsistent with the STR provisions which do not allow STRs in RV’s, trailers, etc.

In Section I, as a housekeeping amendment, in the last sentence, propose replacing the phrase “in the city grows” with “in the city increases” because “increases” is the proper word.

The phrase “in the city” is used 3 times. It appears the intention is to say the 5% provision applies within the City Limits, but it doesn’t say City Limits, therefore, it is not as clear as it could be.

Propose replacing “in the city” with “in the City Limits” because “City Limits” is clearer, whereas “in the city” might lead one to think areas within the urban growth boundary (UGB), or areas within the City’s ZIP code are included in the 5% figure.

22. Section 17.203.240, J, 7, Short-term rentals, Standards. Posting of Information. Subsection 7 requires a list of information for the renter be posted beside the door on the inside of the dwelling. Consistent with #9, above, propose amending J, 7, to include the term “House Rules” to ensure it is clear the “House Rules” must include J, 3, 4, 5, 6 and 7, a - e, to ensure the renters know there are City rules to meet in terms of pets, noise, not using RV’s and other temporary shelters during their stay, and nuisances.

23. Section 17.203.240, J, 9, Short-term rentals, Standards. Adjacency to Existing STR. Subsection J, 9, prohibits a new STR from locating adjacent to an existing STR, but it allows the PC to “approve contiguous Type II STR permits as a conditional use permit with criteria as outlined in subsection (H) of this section.” The language refers to the conditional use permit (CUP) and then specifically lists the criteria in Section H (H is a typo, it should be J). It raises the question whether only the STR criteria in J apply because they are specifically mentioned, or if the CUP criteria also apply (17.404.030, A, 1 – 4). Assuming the proposed amendments in this staff report are adopted, the question will be moot because there will be only one category of STRs and the conditional use permit application provision will be deleted.

Propose the typo referring to Section H, which is the overnight occupancy limit, be changed to refer to Section J which is the STR standards. Above, the overnight occupancy limit in H is proposed to be moved to J, 14, because it is a standard that must be met and J includes the list of standards.

24. Section 17.203.240, J, 9, Short-term rentals, Standards. Adjacency to Existing STR. Subsection J, 9, does not allow a new STR to “be located adjacent (contiguous to the property on the same side of the street) to any permitted Type II STR unit.” Based on the Planning Commission (PC) and City Council (CC) discussions in 2022 regarding an adjacency STR application and its appeal, where the PC and CC expressed a desire for the current adjacency standard to be reviewed, it is proposed that a distance standard of 200 feet be adopted.

On April 19, 2023 the PC reached consensus a new STR should not be within 200 feet of an existing STR. The PC clarified that a new STR should not be within 200 feet of an existing Vacation Rental (VR) because a VR is an STR under the City's previous standards (before July 15, 2021).

Adopting a specific distance would be a clear and objective standard. City staff commented it would create a situation where prospective STR applicants would call City Hall asking if a given property is at least 200 feet from an existing STR which would require City staff to measure every time someone calls. The typical land use application process calls for the applicant to show their application meets the standards. Typically, applicants review the standards and determine whether their desired action complies with the standards before they submit an application.

In that vein, an approach for the City would be for the prospective STR applicant during the "due diligence" period to be responsible to determine the 200 foot distance. As is typical at many cities and counties, the prospective STR applicant would be charged with measuring the distance and it is verified by City staff when the application is submitted. The prospective purchaser could do it themselves if they are familiar with Assessor's Maps, or other suitable maps, or hire a competent professional such as a title company or a surveyor or any consultant with computer assisted drafting (CAD) or geographic information system (GIS) software to measure the distance for any property the prospective STR applicant is interested in.

The prospective applicants for an STR application stand to earn significant revenue from purchasing an investment property and renting it as an STR, thus they are responsible to determine if they want to purchase a given property. Typically, when a land use approval is required, developers and land investors buy an "option" on the property, then they apply for the land use approvals and once the approvals are obtained, they close on the option.

Another method that would not include an option, and instead it the prospective purchaser would include a period of time for the closing to occur which would allow the STR submittal, review and approval process to be completed before the closing would occur. Once the approval is issued the closing could occur.

In many cities and counties, for the mailed notice to nearby owners, the local zoning code requires the applicant for a land use application to submit the names and addresses for all owners of properties within a specified distance of the subject property. The city or county creates the required notice and uses the list prepared by the applicant to mail the required land use notice to the owners. The applicants prepare the owners and addresses information themselves if they are familiar with Assessor's Maps, or other suitable maps, or they hire a competent professional such as a title company or a surveyor or any consultant with computer assisted drafting (CAD) or geographic information system (GIS) software to measure the distance and gather the owners names and addresses.

The City of Dundee is under no obligation to measure the distance for each telephonic or email inquiry about a prospective STR application. As a practical matter many inquiries will be about a property that is clearly more than 200 feet away and that could negate the need for staff to feel obligated to do a detailed measurement.

The City has a list of the existing VRs and STRs with their addresses. An option could be that instead of the entire list being provided to an inquirer, only the one or two STRs within a reasonable distance of the address that the inquirer is inquiring about could be given to prospective STR applicants so they would know where the closest existing STRs are located.

The current language allows STRs to abut one another with PC approval. It also allows STRs that are not abutting to be on alternating lots on each side of the same street which can result in several STRs in close proximity to one another. In the 2022 STR case, the STRs in the area created a situation where there were a few STRs in close proximity to one another which was troubling for the PC and CC.

A distance of 200 feet has been selected by the Planning Commission (PC) to replace the current process to allow a new STR on a property abutting an existing STR. The current Conditional Use Permit approval criteria were formulated in terms of a list of conditional uses for each zoning district, not in terms of an STR locating in a residential neighborhood. The current process is proposed to be deleted and replaced with one category of STR which would be reviewed through the Type II process (staff decision) with notice to nearby owners, and the opportunity to comment and to appeal.

25. Section 17.203.240, J, 10, Short-term rentals, Standards. Subsection 10 states:

10. STRs are allowed in any dwelling unit in a residential zone or the agriculture (A) zone except multifamily dwellings and accessory dwelling units. An owner shall not rent out a main house while they live in an accessory dwelling unit.

As addressed in #1, above, propose replacing the term “dwelling unit” at two locations with only the two types of dwelling units where STR’s would be allowed, i.e., (1) single family dwelling, detached, and (2) manufactured home on an individual lot or parcel.

26. Section 17.203.240, J, 11, Short-term rentals, Standards. Designate a Local Representative. Subsection J, 11, states, in part, “For all Type II STRs, the property owner shall designate a local representative....” Above, the amendments propose combining Infrequent and Standard STRs into one category, i.e., STR. Propose deleting the references to “all Type II” so it would read, “For STRs, the property owner....”

Currently, Infrequent STRs are not required to designate a Local Representative and provide their name and contact information to owners and occupants within 200 feet of the subject property. Above, the proposed amendment to combine the two categories of STRs will mean all STRs will be required to designate a Local Representative and provide their name and contact information to owners and occupants within 200 feet of the subject property because any STR can experience disruptive behavior.

27. Section 17.203.240, J, 11, Short-term rentals, Standards. Designate a Local Representative. Propose language that clarifies that a local representative must provide 24 hour phone coverage for week days, weekends, and holidays. The current language requires that the office be “physically staffed,” but it does not require the local representative provide 24 hour phone coverage for week

days, weekends, and holidays. It is likely that a neighbor would call the Local Representative on a weekday evening, on the weekend or on a holiday.

Additionally, propose removing language that states the local representative must be “authorized to respond,” and instead simply state that the local representative is “required to respond to” tenant or neighborhood questions or immediate concerns.

28. Section 17.203.240, J, 11, Short-term rentals, Standards. Subsection J, 11, requires the Local Representative to be located within the Dundee UGB or within 10 vehicle miles of the UGB. Recently, an application was submitted to re-new an existing STR under a new owner. An STR approval goes with the owner, not with the land (17.203.240, G), thus when an owner sells the property and the new owner wants to continue the STR, a new STR application must be submitted and approved under the new owner.

In the recent case, the prior owner’s Local Representative was within 10 vehicle miles, but the new owner was associated with a different STR company and the Local Representative was 12 to 13 miles away in McMinnville. The Local Representative’s email follows and asks that the 10 mile distance be increased.

Planning Commission Team,

Hi. I am writing in request to please increase the Dundee standard minimum mileage requirement for a local representative to obtain a permit for a homeowner who is wanting to apply for a permit for their short term vacation rental. The current minimum requirement is 10 miles. I am the local representative for Wine Country Vacasa LLC short term vacation rentals that resides in McMinnville. I live at 132 SW Cypress Street McMinnville Or 97128 and I work from this address as well. Due to my address being 12 miles away and 2 miles over the Dundee urban growth area it has created challenges in being able to qualify as an acting representative and obtain a permit for some of our homeowners who also live outside of the 10 mile minimum requirement. Increasing the minimum requirement to 14-15 miles would allow our homeowners to utilize our Vacasa LLC Dundee local representative to qualify as a permitted representative for their short term vacation rental. Increasing the minimum requirement to 14 to 15 miles is still close enough to respond and act in a required timely manner if any issues were to arise at the Dundee short term vacation rentals. If you would please take all this into consideration we would greatly appreciate it.

Best Regards, Crystal Elias

It is not clear why a 10 mile distance was selected, but “10” is a round number and is often used in regulatory systems. As a functional issue, it would appear the maximum distance should be far enough to include McMinnville given the city is Yamhill County’s largest city and likely could be the location of the Local Representatives for a Dundee STR.

At the April 19, 2023 Planning Commission work session, the Commission agreed a 15 mile distance should replace the existing 10 mile distance.

29. Section 17.401.010, General Review Procedures, Table 17.401.010, Summary of Approvals by Type of view Procedure. Propose deleting the entry for Infrequent STRs as a Type I action due to the

above recommendation to combine the Infrequent and Standard STRs. The existing entry for STRs as a Type II would be retained.

EXHIBIT B
“MARK-UP” COPY OF THE PROPOSED AMENDMENTS
LURA 2023-02

The proposed amendments are shown in [~~brackets and strikethrough~~] for language to be deleted and in ***bold italics*** for language to be added. The proposed amendments are in the numerical order of the STR sections in the DMC.

17.203.240 Short-term rentals.

All short-term rentals (STRs) shall conform to the following standards:

- A. Applicability. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent, a [~~dwelling unit~~] ***detached single-family dwelling or a manufactured home on an individual parcel or lot (not in a mobile home park or manufactured home park)*** for a short-term rental (***STR***) unless [~~issued~~] a STR [~~permit~~] ***application is approved by the City, or is*** exempted under this section. The standards of this section shall supersede the standards elsewhere in the development code, unless otherwise stated. This section [~~applies to a dwelling unit~~] ***allows STRs only in a detached single-family dwelling or a manufactured home on an individual parcel or lot (not in a mobile home park or manufactured home park)*** in a residential (***R-1, R-2, R-3***) or agriculture (AG) zone built for permanent use (***see Section 17.203.240, J, 10***). The person(s) renting the STR must rent the dwelling in its entirety for the purpose of overnight lodging to visitors for less than 28 days at any one time.
- B. Purpose. The purpose of this section is to provide a process and standards for allowing STRs [~~units~~] while mitigating possible impacts to neighbors. STRs are not considered home occupations.
- C. Review Process. [~~There are two types of short term rentals;~~]
- [~~1. Infrequent STRs are properties that are available for rent fewer than 30 days total per calendar year. These are:~~
- [~~a. Processed as a Type I application.~~
 - [~~b. Required to comply with the notice requirement listed in subsection (D)(1) of this section.~~
 - [~~c. Required to comply with all the standards listed in subsection (J) of this section.~~
 - [~~d. Limited to no more than four rental periods per calendar year (cumulatively no more than 30 days per calendar year). For purposes of this section, a rental period means a range of continuous days.~~
 - [~~e. Exempt from the concentration limits for STRs in subsection (I) of this section.]~~
- [~~2~~] ***1. [Standard] STRs shall be processed as a Type II application.***
- [~~3~~] ***2. [All] STR applications must include [(this supersedes the requirements of DMC 17.402.040, except DMC 17.402.040 (B)(2) and (7))]:***

- a. A site plan drawn to scale, which indicates the following: the ~~[actual]~~ shape and dimensions of the lot, sizes and locations of buildings and off-street parking spaces (existing and proposed).
- b. ~~[In addition to the site plan, a]~~ **A floor plan(s) [must be included]** which clearly indicates:
- ~~i. [t]~~ **The intended use of all interior areas *by guests including, but not limited to* [~~(e.g.,~~] bedrooms, kitchen, living room, **and** storage; [~~, etc.) by guests and]~~**
 - ~~ii. [l]~~ **Locations of smoke detectors, carbon monoxide detectors, and fire extinguisher(s).**
- ~~[b]~~ **c. A B** bedroom ~~[and bathroom]~~ count[s] **to determine the occupancy requirement in Section 17.203.240, J, 14.**
- ~~[e]~~ **d. Images *with the date each image was taken*** of the following required safety features:
- ~~i. [s]~~ **Smoke detectors,**
 - ~~ii. [e]~~ **Carbon monoxide detectors, and**
 - ~~iii. [f]~~ **Fire extinguishers. [~~The images should include the date the image was taken.~~]**
- ~~[d]~~ **e. *The House Rules which shall include a*** ~~[A]~~ list of the applicant's rules and requirements for renters ***including, but not limited to;***
- ~~i. *The standards in Section 17.203.240, J, 3, regarding pets, J, 4, regarding noise, J, 5, prohibiting the premises of the STR from including any occupied recreational vehicle, trailer, tent, or other temporary shelter during the rental occupancy, and prohibiting tents, including event tents, and J, 6, regarding nuisances.*~~
 - ~~ii. *The name and contact information, including the phone number and email address, for a local contact person, Local Representative, responsible for maintenance and responding to emergencies and complaints.*~~
 - ~~iii. *The maximum number of occupants approved by the city in the STR decision.*~~
- ~~f.~~ If the STR is approved the House Rules shall be a requirement of the permit.
- ~~[e]~~ **g. A *written* narrative explaining how *each of* the ***approval criteria in Section 17.203.240, E, 1 - 3, and the*** standards ~~[below and the criteria from DMC 17.402.050, are met (for infrequent STRs the criteria from DMC 17.401.020(C) pertain)]~~ ***in Section 17.203.240, J, 1 – 14, are met.*****
- ~~h.~~ ***Evidence that a Business License application and transient tax registration have been submitted to the City.***

D. Notice. A Type II written notice consistent with DMC [17.401.030](#), **General Review Procedures for Type II Procedure**, shall be provided to ~~[all neighbors]~~ **the owners and occupants of properties** within 200 feet of the **subject** property. The notice shall contain ~~[all of]~~ the following information:

1. The name, address, ~~[and]~~ telephone number, **and email address** of a local contact person (**the Local Representative**) responsible for maintenance and responding to emergencies, ~~[so that]~~ **to allow property owners and** residents ~~[may]~~ **to** report ~~[any]~~ problems with the STR as ~~[outlined]~~ **set forth** in ~~[subsection (K) of this s]~~ **Section 17.203.240, K.**
2. ~~[All other]~~ **The** requirements of DMC [17.401.030](#) ~~[(B)(3)]~~, **B, 3, General Review Procedures, Type II Procedure.**

E. Criteria. ~~[For both Type I infrequent short-term rentals and Type II standard short-term rentals]~~ **The approval** criteria are:

1. The proposed STR will not present ~~[any]~~ **an unreasonable** burden on ~~[neighbors to the]~~ **the owners and occupants of properties within 200 feet of the subject** property. ~~[Any mitigations added to address concerns have been included as requirements of the permit. Mitigation may be required to the satisfaction of city staff.]~~ **The STR permit applicant shall address any concerns identified through the application review process. The city may require actions to address these concerns as a condition of approval for the STR permit.**
2. The applicant has applied for a business license **and provided transient room tax registration materials.**
3. ~~[All]~~ **The** standards ~~[from subsection (J) of this section]~~ **in Section 17.203.240, J, 1 – 14,** have been met.

F. Business License and Transient Room Tax.

1. The **STR** owner ~~[of the STR]~~ shall obtain and annually renew a business license pursuant to DMC [5.04](#), Business License, with the City of Dundee, and shall comply with DMC [3.04](#), Revenue and Finance, Transient Room Tax ~~(Type I and Type II)~~].
2. The **STR** owner ~~[of the STR]~~ shall renew the business license and remit payment of the business license fee by April 1st of any year, otherwise the STR permit will be void.
3. ~~[An]~~ **The** STR ~~[permit holder]~~ **owner** must generate at least \$500.00 in transient room taxes pursuant to Chapter [3.04](#) DMC over any continuous 12-month period ~~[+]~~, otherwise the STR permit will be void.
4. All business license renewals for STRs shall include:
 - a. Evidence at the time of renewal that all transient room taxes have been paid in full for the previous **calendar** year.

- b. The **STR** owner [~~or property owner of the STR~~] must annually [~~provide~~] **mail via the U.S. Postal Service the** contact information , **including the phone number and email address, for the Local Representative** to [~~neighbors~~] **the owners and occupants of properties** within 200 feet of the STR property [, ~~including an emergency contact other than the property owner~~]. An affidavit shall be provided with the business license renewal application stating such mailing has been ~~sent~~ **mailed**.
- c. The [~~applicant~~] **STR owner** shall provide a log of complaints to the city annually with the business license renewal. This shall include issues received/reported by the property owner or manager and all nuisance issues that were addressed by the police. The log must explain how each complaint was addressed.

G. Limits on Permit Transfer. All STR permit approvals [~~will only be~~] **are valid only** for the [~~current property~~] owner **of the subject property at the time the STR application is submitted** (not including transfers to trusts, LLCs, divorces or similar changes in names, but not ownership). Any sale of the property will automatically invalidate the STR permit.

~~H. Overnight Occupancy Limits. The maximum overnight occupancy for the STR shall be two persons per bedroom plus two additional persons; however, in no case shall the overnight occupancy exceed 10 persons, regardless of the bedroom count. Note: this language is deleted here and added at J, 14, below.~~

[+]H. Concentration Limits. At no point shall the number of STR permits in the city **City Limits** exceed five percent of the total number of detached single-family [~~homes~~] **dwelling and manufactured homes on an individual parcel or lot (not in a mobile home park or manufactured home park)** in the city **City Limits**, calculated at the time the [~~permit is issued~~] **application is submitted. The calculation for the total number of detached single-family dwelling and manufactured homes on an individual parcel or lot (not in a mobile home park or manufactured home park) shall include dwellings with a certificate of occupancy or final inspection.** [~~Infrequent STRs are exempt and do not contribute to the city-wide total.~~] An [~~y~~] STR renewal is not required to demonstrate [~~that they are~~] **it is** within the five percent limit. Should the city reach the five percent limit, no new STR permits shall be issued until a sufficient number of previous STR permits do not renew or the number of [~~residential units~~] **single family detached dwelling and manufactured homes on an individual parcel or lot (not in a mobile home park or manufactured home park)** in the city [~~grows~~] **increases** to the point where there is less than five percent.

J. Standards.

1. Parking. At least two off-street parking spaces located on the property must be provided. In addition, one STR parking space may be on-street. All overnight and visiting guests must park in designated parking areas (as shown on the site plan) **or on the on-street parking space**. No unauthorized on-street parking is permitted.
2. Trash, **Yard Debris** and Recycling Facilities. The owner shall provide for and maintain regular trash, **yard debris and recycling** collection. Available carts must have adequate capacity for the renters, and no uncontained garbage is allowed on the site.

3. Pets. Pets shall comply with **Dundee Municipal Code (DMC), Title 6, Animals**.
4. Noise Limits. All activities associated with the STR shall comply with the noise standards in **Dundee Municipal Code (DMC), Chapter 8.28, Noise**. ~~[Any violations are to be considered nuisance violations.]~~ **Noise enforcement shall occur per DMC 8.28, et seq. Noise**.
5. RVs and Other Temporary Shelters. The premises of the STR may not include any occupied recreational vehicle, trailer, tent, or other temporary shelter during the rental occupancy. Tents, including event tents, are not permitted.
6. Nuisances. All activities associated with the STR shall not cause a nuisance as defined in **Dundee Municipal Code (DMC), Chapter 8.16, Nuisances**. **Nuisance enforcement shall occur per DMC 8.16 et seq. Nuisances**.
7. Posting of Information **and House Rules**. The applicant shall keep posted a list of information **and House Rules** about the STR adjacent to the front door inside the dwelling. At a minimum, the posting shall include the following information:
 - a. The name and contact information , **including the phone number and email address**, for a local contact person (**Local Representative**) responsible for maintenance and responding to emergencies and ~~[for]~~ complaints.
 - b. The current annual STR business license.
 - ~~[c. Any requirements for the STR to ensure it complies with this code.]~~
 - ~~[d]~~ c. The location of any safety equipment including fire extinguishers.
 - ~~[e]~~ d. The maximum number of occupants that was approved by the city (**see J, 14, below**).
 - ~~[f]~~ e. A list of the applicant's requirements (**House Rules**) for renters of the property (enforceable as part of this permit issuance). **The House Rules shall include the following:**
 - i. **All overnight and visiting guests must park in designated parking areas (as shown on the site plan) or on the one allowed on-street parking space (see J, 1, above).**
 - ii. **The day of the week when the trash, yard debris and recycling carts are picked-up. The STR renter shall place the trash, yard debris and recycling carts at the curb for pick-up. No uncontained garbage is allowed on the site (see J, 2, above).**
 - iii. **Pets shall comply with the Dundee Municipal Code, Title 6, Animals (see J, 3, above) or, where the STR owner does not allow pets, state that pets are not allowed.**

- iv. **All activities associated with the STR shall comply with the noise standards in the Dundee Municipal Code (DMC), 8.28, Noise (see J, 4, above).**
 - v. **The STR premises shall not include any occupied recreational vehicle, trailer, tent, or other temporary shelter during the rental occupancy. Tents, including event tents, are not permitted (see J, 5, above).**
 - vi. **All activities associated with the STR shall not cause a nuisance as defined in the Dundee Municipal Code (DMC), Chapter 8.16, Nuisances (see J, 6, above).**
 - vii. **Additional rules desired by the STR owner.**
8. Guest Register. The owner or property manager shall maintain a guest register listing each tenant of the STR ~~along with~~ **and** the number of dwelling occupancy days consistent with ~~DMC~~ **Dundee Municipal Code, 3.04.150, Transient room Tax; Records Exempt from Disclosure.**
 9. No ~~Type II~~ STR shall be located ~~adjacent (contiguous to the property on the same side of the street) to any permitted Type II STR unit~~ **within 200 feet, measured from the property lines of the subject property, of any other STR or a Vacation Rental (VR).** ~~[The planning commission may approve contiguous Type II Standard STR permits as a conditional use permit with criteria as outlined in subsection (H) of this section.]~~
 10. STRs **are allowed in detached single family dwellings and manufactured homes on an individual parcel or lot (not in a mobile home park or manufactured home park)** ~~[allowed in any dwelling unit]~~ in a residential zone **(R-1, R-2, R-3)** or the agriculture (A) zone ~~[except multifamily dwellings and accessory dwelling units]~~. An owner shall not rent out a main house **for an STR** while they live in an accessory dwelling unit **on the STR property. Consistent with Dundee Municipal Code 17.203.260, C, 7, Accessory Dwelling Unit Standards, an accessory dwelling unit shall not be used as an STR.**
 11. ~~[For all Type II STRs,]~~ The ~~[property]~~ STR owner shall designate **in the STR application form a [†] Local [‡] Representative, their phone number, address, and email address. The locational address must be [that is]** physically located within the Dundee urban growth boundary (UGB) or within ~~[10]~~ **15** vehicular miles of the UGB. ~~[Said]~~ **The Local [‡] Representative** can be a property owner or a licensed property management company with a physically staffed office within ~~[10]~~ **15** vehicular miles of the UGB. The owner may be the designated **Local [‡] Representative** if the owner resides within these stated limits.

The ~~[†]~~ **Local [‡] Representative** must ~~[be authorized by the owner of the dwelling to]~~ respond to the tenant and neighborhood questions or immediate concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the STR, including immediate complaints. The local representative must respond to complaints in a timely manner to ensure the dwelling complies with the standards for STRs and other city ordinances pertaining to, but not limited to, noise, disturbances, nuisances, ~~[as well as]~~ **and**

state laws pertaining to the consumption of alcohol, or the use of illegal drugs, or other illegal activities.

12. No **natural** person or principal shall possess more than one STR permit pursuant to this chapter.

13. Smoke detectors are required in all sleeping areas, the hallway serving them, and every floor. Carbon monoxide detectors shall be located in each bedroom or within 15 feet of each bedroom door. Bedrooms on separate floor levels in a structure shall have separate carbon monoxide alarms serving each story. A fire extinguisher having a minimum rating of 2:A 10:BC must be mounted three to four feet above the floor in the kitchen area approximately five to 10 feet from the cooking stove.

14. [H] Overnight Occupancy Limits. The maximum overnight occupancy for the STR shall be two persons per bedroom plus two additional persons; however, in no case shall the overnight occupancy exceed 10 persons, regardless of the bedroom count. Note: this language is deleted at 17.203.240, H, above, and is added here.

K. Complaints and Permit Revocation.

1. Immediate Complaints. Immediate complaints are those made directly to the STR representative and/or the fire or police department. These are not intended to be reported to City Hall. The process identified in this subsection (K)(1) is separate from the process identified in subsection (K)(2) of this section. Any complaint made to both the STR representative and the city will follow both processes identified in this subsection (K)(1) and subsection (K)(2) of this section.

- a. All immediate complaints shall go to the property owner or property manager. The property owner or property manager is required to address any immediate complaints while the offending renter is still on site. Any emergencies should be reported to police and/or the fire department first.
- b. Any unresolved complaints that are not addressed by the property owner or property manager shall be addressed by the local police department as a nuisance complaint.
- c. The applicant shall provide a log of complaints to the city annually with the business license renewal. This shall include issues addressed by the property owner or manager and all nuisance issues that were addressed by the police.
- d. Where complaints are persistent and recurring such that they have a detrimental effect to the quiet enjoyment of the adjoining residents, as determined by the city administrator, the city administrator may schedule a hearing before the planning commission to consider adding additional conditions for mitigation or revoking the short-term rental permit. The owner may appeal the planning commission decision to the city council.

2. Standards Violations. Any complaints about a violation of the standards listed in subsection (J) of this section shall be reported to the city. The city shall notify the property owner in writing of

any corrective action necessary to correct the violation, and the owner shall have 30 days to correct the identified issue. If the city receives three or more complaints about violations of the standards listed in subsection (J) of this section within a 12-month period, the city administrator shall schedule a hearing before the planning commission to consider adding additional conditions for mitigation or revoking the short-term rental permit. The owner may appeal the planning commission decision to the city council. Any revocation of an STR permit shall last at least one year before an applicant can reapply for an STR. Any [~~new~~] **re**-application to reinstate the STR shall be [~~treated~~] **processed** as [~~an~~] **a** new application.

17.401 General Review Procedures.

17.401.010 Purpose and Applicability.

Table 17.401.010

Summary of Approvals by Type of Review Procedure

Approvals*	Review Procedures	Applicable Regulations
Adjustment	Type II	Chapter 17.406 DMC
Annexation	Type IV or V	Chapter 17.408 DMC
Code Interpretation	Type II or III	Chapter 17.103 DMC
Code Text Amendment	Type V	Chapter 17.405 DMC
Comprehensive Plan Amendment	Type IV or V	Chapter 17.405 DMC
Conditional Use Permit	Type III	Chapter 17.404 DMC
Home Occupation	Type I	Chapter 17.203 DMC
[Infrequent Short-Term Rentals]	[Type I]	[DMC 17.203.240]
Legal Lot Determination	Type I	ORS 92.010 to 92.190
Nonconforming Use or Structure, Expansion of	Type III	Chapter 17.104 DMC
Park and Open Space Master Plan	Type III**	Chapter 17.203 DMC
Partition or Replat of 2 – 3 Lots		
Preliminary Plat	Type II	Chapter 17.403 DMC
Final Plat	Type I	Chapter 17.403 DMC
Planned Unit Development	Type III	Chapter 17.407 DMC
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 17.403 DMC
Sign Permit	Type I	Chapter 17.306 DMC
Similar Use Authorization	Type I	Chapter 17.103 DMC
Site Development Review	Type I or II	Chapter 17.402 DMC
Short-Term Rentals	Type II	DMC 17.203.240

Table 17.401.010

Summary of Approvals by Type of Review Procedure

Approvals*	Review Procedures	Applicable Regulations
Subdivision or Replat of > 3 Lots Preliminary Plat Final Plat	Type III Type I	Chapter 17.403 DMC Chapter 17.403 DMC
Temporary Use	Type I	Chapter 17.203 DMC (Special Uses - DMC 17.203.160)
Vacation	Type V	See ORS Chapter 271
Variance	Type III	Chapter 17.406 DMC
Zoning Map Change	Type IV or V	Chapter 17.405 DMC

*The applicant may be required to obtain building permits and other approvals. The city's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the city under this code.

**The city council through the Type III procedure reviews park and open space master plans.

EXHIBIT C
“CLEAN” COPY OF THE PROPOSED AMENDMENTS
LURA 2023-02

The complete “clean” copy of the proposed amendments will be included once the July 19, 2023 Planning Commission public hearing is concluded with direction provided to staff. The following is a draft subject to change.

17.203.240 Short-term rentals.

All short-term rentals (STRs) shall conform to the following standards:

- A. Applicability. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent, a detached single-family dwelling or a manufactured home on an individual parcel or lot (not in a mobile home park or manufactured home park) for a short-term rental (STR) unless a STR application is approved by the City, or is exempted under this section. The standards of this section shall supersede the standards elsewhere in the development code, unless otherwise stated. This section allows STRs only in a detached single-family dwelling or a manufactured home on an individual parcel or lot (not in a mobile home park or manufactured home park) in a residential (R-1, R-2, R-3) or agriculture (AG) zone built for permanent use (see Section 17.203.240, J, 10). The person(s) renting the STR must rent the dwelling in its entirety for the purpose of overnight lodging to visitors for less than 28 days at any one time.
- B. Purpose. The purpose of this section is to provide a process and standards for allowing STRs while mitigating possible impacts to neighbors. STRs are not considered home occupations.
- C. Review Process.
 - 1. STRs shall be processed as a Type II application.
 - 2. STR applications must include:
 - a. A site plan drawn to scale, which indicates the following: the shape and dimensions of the lot, sizes and locations of buildings and off-street parking spaces (existing and proposed).
 - b. A floor plan(s) which clearly indicates:
 - i. The intended use of all interior areas by guests including, but not limited to bedrooms, kitchen, living room, and storage;
 - ii. Locations of smoke detectors, carbon monoxide detectors, and fire extinguisher(s).
 - c. A bedroom count to determine the occupancy requirement in Section 17.203.240, J, 14.
 - d. Images with the date each image was taken of the following required safety features:

- i. Smoke detectors,
 - ii. Carbon monoxide detectors, and
 - iii. Fire extinguishers.
- e. The House Rules which shall include a list of the applicant’s rules and requirements for renters including, but not limited to;
- i. The standards in Section 17.203.240, J, 3, regarding pets, J, 4, regarding noise, J, 5, prohibiting the premises of the STR from including any occupied recreational vehicle, trailer, tent, or other temporary shelter during the rental occupancy, and prohibiting tents, including event tents, and J, 6, Nuisances.
 - ii. The name and contact information, including the phone number and email address, for a local contact person, Local Representative, responsible for maintenance and responding to emergencies and complaints.
 - iii. The maximum number of occupants approved by the city in the STR decision.
- f. If the STR is approved the House Rules shall be a requirement of the permit.
- g. A written narrative explaining how each of the approval criteria in Section 17.203.240, E, 1 - 3, and the standards in Section 17.203.240, J, 1 – 14, are met.
- h. Evidence that a Business License application and transient tax registration have been submitted to the City.
- D. Notice. A Type II written notice consistent with DMC [17.401.030](#), General Review Procedures for Type II Procedure, shall be provided to all owners and occupants of properties within 200 feet of the subject property. The notice shall contain the following information:
- 1. The name, address, telephone number and email address of a local contact person (the Local Representative) responsible for maintenance and responding to emergencies, to allow property owners and residents to report problems with the STR as set forth in Section 17.203.240, K.
 - 2. The requirements of DMC [17.401.030](#), B, 3, General Review Procedures, Type II Procedure.
- E. Criteria. The approval criteria are:
- 1. The proposed STR will not present an unreasonable burden on the owners and occupants of properties within 200 feet of the subject property. The STR permit applicant shall address any concerns identified through the application review process. The city may require actions to address these concerns as a condition of approval for the STR permit.

2. The applicant has applied for a business license and provided transient room tax registration materials.
3. The standards in Section 17.203.240, J, 1 – 14, have been met.

F. Business License and Transient Room Tax.

1. The STR owner shall obtain and annually renew a business license pursuant to DMC [5.04](#), Business License, with the City of Dundee, and shall comply with DMC [3.04](#), Revenue and Finance, Transient Room Tax.
2. The STR owner shall renew the business license and remit payment of the business license fee by April 1st of any year, otherwise the STR permit will be void.
3. The STR owner must generate at least \$500.00 in transient room taxes pursuant to Chapter [3.04](#) DMC over any continuous 12-month period, otherwise the STR permit will be void.
4. All business license renewals for STRs shall include:
 - a. Evidence at the time of renewal that all transient room taxes have been paid in full for the previous *calendar* year.
 - b. The STR owner must annually mail via the U.S. Postal Service the contact information, including the phone number and email address, for the Local Representative to the owners and occupants of properties within 200 feet of the STR property. An affidavit shall be provided with the business license renewal application stating such mailing has been mailed.
 - c. The STR owner shall provide a log of complaints to the city annually with the business license renewal. This shall include issues received/reported by the property owner or manager and all nuisance issues that were addressed by the police. The log must explain how each complaint was addressed.

G. Limits on Permit Transfer. All STR permit approvals are valid only for the owner of the subject property at the time the STR application is submitted (not including transfers to trusts, LLCs, divorces or similar changes in names, but not ownership). Any sale of the property will automatically invalidate the STR permit.

H. Concentration Limits. At no point shall the number of STR permits in the City Limits exceed five percent of the total number of detached single-family dwellings and manufactured homes on an individual parcel or lot (not in a mobile home park or manufactured home park) in the City Limits, calculated at the time the application is submitted. The calculation for the total number of detached single-family dwellings and manufactured homes on an individual parcel or lot (not in a mobile home park or manufactured home park) shall include dwellings with a certificate of occupancy or final inspection. An STR renewal is not required to demonstrate it is within the five percent limit. Should the city reach the five percent limit, no new STR permits shall be issued until a sufficient

number of previous STR permits do not renew or the number of single family detached dwellings and manufactured homes on an individual parcel or lot (not in a mobile home park or manufactured home park) in the city increases to the point where there is less than five percent.

J. Standards.

1. Parking. At least two off-street parking spaces located on the property must be provided. In addition, one STR parking space may be on-street. All overnight and visiting guests must park in designated parking areas (as shown on the site plan) or on the on-street parking space. No unauthorized on-street parking is permitted.
2. Trash, Yard Debris and Recycling Facilities. The owner shall provide for and maintain regular trash, yard debris and recycling collection. Available carts must have adequate capacity for the renters, and no uncontained garbage is allowed on the site.
3. Pets. Pets shall comply with Dundee Municipal Code, Title 6, Animals.
4. Noise Limits. All activities associated with the STR shall comply with the noise standards in Dundee Municipal Code (DMC), Chapter 8.28, Noise. Noise enforcement shall occur per DMC 8.28, et seq. Noise.
5. RVs and Other Temporary Shelters. The premises of the STR may not include any occupied recreational vehicle, trailer, tent, or other temporary shelter during the rental occupancy. Tents, including event tents, are not permitted.
6. Nuisances. All activities associated with the STR shall not cause a nuisance as defined in Dundee Municipal Code (DMC), Chapter 8.16, Nuisances. Nuisance enforcement shall occur per DMC 8.16 et seq. Nuisances.
7. Posting of Information and House Rules. The applicant shall keep posted a list of information and House Rules about the STR adjacent to the front door inside the dwelling. At a minimum, the posting shall include the following information:
 - a. The name and contact information, including the phone number and email address, for a local contact person (Local Representative) responsible for maintenance and responding to emergencies and complaints.
 - b. The current annual STR business license.
 - c. The location of any safety equipment including fire extinguishers.
 - d. The maximum number of occupants that was approved by the city (see J, 14, below).
 - e. A list of the applicant's requirements (House Rules) for renters of the property (enforceable as part of this permit issuance). The House Rules shall include the following:

- i. All overnight and visiting guests must park in designated parking areas (as shown on the site plan) or on the one allowed on-street parking space (see J, 1, above).
 - ii. The day of the week when the trash, yard debris and recycling carts are picked-up. The STR renter shall place the trash, yard debris and recycling carts at the curb for pick-up. No uncontained garbage is allowed on the site (see J, 2, above).
 - iii. Pets shall comply with the Dundee Municipal Code, Title 6, Animals (see J, 3, above) or, where the STR owner does not allow pets, state that pets are not allowed.
 - iv. All activities associated with the STR shall comply with the noise standards in the Dundee Municipal Code (DMC), 8.28, Noise (see J, 4, above).
 - v. The STR premises shall not include any occupied recreational vehicle, trailer, tent, or other temporary shelter during the rental occupancy. Tents, including event tents, are not permitted (see J, 5, above).
 - vi. All activities associated with the STR shall not cause a nuisance as defined in the Dundee Municipal Code (DMC), Chapter 8.16, Nuisances (see J, 6, above).
 - vii. Additional rules desired by the STR owner.
8. Guest Register. The owner or property manager shall maintain a guest register listing each tenant of the STR and the number of dwelling occupancy days consistent with Dundee Municipal Code, 3.04.150, Transient room Tax; Records Exempt from Disclosure.
9. No STR shall be located within 200 feet, measured from the property lines of the subject property, of any other STR.
10. STRs are allowed in detached single family dwellings and manufactured homes on an individual parcel or lot (not in a mobile home park or manufactured home park) in a residential zone (R-1, R-2, R-3) or the agriculture (A) zone. An owner shall not rent out a main house for a STR while they live in an accessory dwelling unit on the STR property. Consistent with Dundee Municipal Code 17.203.260, C, 7, Accessory Dwelling Unit Standards, an accessory dwelling unit shall not be used as an STR.
11. The STR owner shall designate in the STR application form a Local Representative, their phone number, address, and email address. The locational address must be physically located within the Dundee urban growth boundary (UGB) or within 15 vehicular miles of the UGB. The Local Representative can be a property owner or a licensed property management company with a physically staffed office within 15 vehicular miles of the UGB. The owner may be the designated Local Representative if the owner resides within these stated limits.

The Local Representative must respond to the tenant and neighborhood questions or immediate concerns. The local representative shall serve as the initial contact person if there are questions

or complaints regarding the operation of the STR, including immediate complaints. The local representative must respond to complaints in a timely manner to ensure the dwelling complies with the standards for STRs and other city ordinances pertaining to, but not limited to, noise, disturbances, nuisances, and state laws pertaining to the consumption of alcohol, or the use of illegal drugs, or other illegal activities.

12. No natural person or principal shall possess more than one STR permit pursuant to this chapter.

13. Smoke detectors are required in all sleeping areas, the hallway serving them, and every floor. Carbon monoxide detectors shall be located in each bedroom or within 15 feet of each bedroom door. Bedrooms on separate floor levels in a structure shall have separate carbon monoxide alarms serving each story. A fire extinguisher having a minimum rating of 2:A 10:BC must be mounted three to four feet above the floor in the kitchen area approximately five to 10 feet from the cooking stove.

14. Overnight Occupancy Limits. The maximum overnight occupancy for the STR shall be two persons per bedroom plus two additional persons; however, in no case shall the overnight occupancy exceed 10 persons, regardless of the bedroom count.

K. Complaints and Permit Revocation.

1. Immediate Complaints. Immediate complaints are those made directly to the STR representative and/or the fire or police department. These are not intended to be reported to City Hall. The process identified in this subsection (K)(1) is separate from the process identified in subsection (K)(2) of this section. Any complaint made to both the STR representative and the city will follow both processes identified in this subsection (K)(1) and subsection (K)(2) of this section.

a. All immediate complaints shall go to the property owner or property manager. The property owner or property manager is required to address any immediate complaints while the offending renter is still on site. Any emergencies should be reported to police and/or the fire department first.

b. Any unresolved complaints that are not addressed by the property owner or property manager shall be addressed by the local police department as a nuisance complaint.

c. The applicant shall provide a log of complaints to the city annually with the business license renewal. This shall include issues addressed by the property owner or manager and all nuisance issues that were addressed by the police.

d. Where complaints are persistent and recurring such that they have a detrimental effect to the quiet enjoyment of the adjoining residents, as determined by the city administrator, the city administrator may schedule a hearing before the planning commission to consider adding additional conditions for mitigation or revoking the short-term rental permit. The owner may appeal the planning commission decision to the city council.

2. Standards Violations. Any complaints about a violation of the standards listed in subsection (J) of this section shall be reported to the city. The city shall notify the property owner in writing of any corrective action necessary to correct the violation, and the owner shall have 30 days to correct the identified issue. If the city receives three or more complaints about violations of the standards listed in subsection (J) of this section within a 12-month period, the city administrator shall schedule a hearing before the planning commission to consider adding additional conditions for mitigation or revoking the short-term rental permit. The owner may appeal the planning commission decision to the city council. Any revocation of an STR permit shall last at least one year before an applicant can reapply for an STR. Any re-application to reinstate the STR shall be processed as a new application.

17.401 General Review Procedures.

17.401.010 Purpose and Applicability.

Table 17.401.010

Summary of Approvals by Type of Review Procedure

Approvals*	Review Procedures	Applicable Regulations
Adjustment	Type II	Chapter 17.406 DMC
Annexation	Type IV or V	Chapter 17.408 DMC
Code Interpretation	Type II or III	Chapter 17.103 DMC
Code Text Amendment	Type V	Chapter 17.405 DMC
Comprehensive Plan Amendment	Type IV or V	Chapter 17.405 DMC
Conditional Use Permit	Type III	Chapter 17.404 DMC
Home Occupation	Type I	Chapter 17.203 DMC
Reserved.		
Legal Lot Determination	Type I	ORS 92.010 to 92.190
Nonconforming Use or Structure, Expansion of	Type III	Chapter 17.104 DMC
Park and Open Space Master Plan	Type III**	Chapter 17.203 DMC
Partition or Replat of 2 – 3 Lots		
Preliminary Plat	Type II	Chapter 17.403 DMC
Final Plat	Type I	Chapter 17.403 DMC
Planned Unit Development	Type III	Chapter 17.407 DMC
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 17.403 DMC
Sign Permit	Type I	Chapter 17.306 DMC
Similar Use Authorization	Type I	Chapter 17.103 DMC
Site Development Review	Type I or II	Chapter 17.402 DMC

Table 17.401.010

Summary of Approvals by Type of Review Procedure

Approvals*	Review Procedures	Applicable Regulations
Short-Term Rentals	Type II	DMC 17.203.240
Subdivision or Replat of > 3 Lots		
Preliminary Plat	Type III	Chapter 17.403 DMC
Final Plat	Type I	Chapter 17.403 DMC
Temporary Use	Type I	Chapter 17.203 DMC (Special Uses – DMC 17.203.160)
Vacation	Type V	See ORS Chapter 271
Variance	Type III	Chapter 17.406 DMC
Zoning Map Change	Type IV or V	Chapter 17.405 DMC

*The applicant may be required to obtain building permits and other approvals. The city's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the city under this code.

**The city council through the Type III procedure reviews park and open space master plans.