

"Making a difference through excellence of service"



CITY OF WARRENTON

WORK SESSION

AGENDA

**City Commission of the City of Warrenton
Tuesday, August 28, 2018 – 5:15 P.M.**

**Warrenton City Commission Chambers
225 South Main Avenue
Warrenton, OR 97146**

- 1. Call to Order**
- 2. Roll Call**
- 3. Discussion - Homestay Lodging Safety Regulations**
- 4. Adjourn**

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.

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CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Kevin A. Cronin, Community Development Director
DATE: For Agenda of August 28, 2018
SUBJ: **Work Session:** Homestay Lodging Safety Regulations

SUMMARY

Homestay lodging was a topic of discussion at the August 14 City Commission meeting. The Commission tabled the discussion of adding homestay lodging as a permitted use in the Development Code and directed staff to schedule a work session. Attached are examples of health and safety regulations that could be applied under a health and safety program. The Municipal Code would need to be amended to require new safety regulations, which are intended to encourage neighbor livability and maintain safe and secure accommodations for transient customers.

Staff included two examples from Lincoln City and Seaside that regulate "vacation rentals" which are non-owned occupied residential buildings. The methods used vary depending on community values, culture, policy concerns, and types of transient facilities. These are only suggested as a potential model on which to build regulations and standards for Warrenton.

Staff would like guidance from the City Commission as to whether the enclosed information adequately addresses public safety concerns. If so, staff can begin a code amendment process. Since the potential codes are public safety related, staff recommends an addition to the Municipal Code as opposed to a Development Code amendment which are land use related.

RECOMMENDATION/SUGGESTED MOTION

I move to direct staff to promulgate new safety regulations for the Municipal Code and present a proposal at a future regularly scheduled Commission meeting.

ALTERNATIVE

I move to direct staff to conduct additional research and provide a report at a future regularly scheduled Commission meeting.

FISCAL IMPACT

The fiscal impact to the City is unknown at this time. However, a proposed fee resolution will offset staff time to process future homestay lodging requests. In addition, it is expected that additional revenue will be collected through business licenses and transient room taxes.

Approved by City Manager:

A handwritten signature in blue ink, reading "Linda Engelson", is written over a horizontal line.

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

**EXAMPLE CONDITIONS ROUTINELY APPLIED TO
VACATION RENTAL DWELLINGS**

The conditions of approval are as follows:

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file (12-000VRD) and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.
2. **Parking spaces:** THREE (3) off-street parking spaces (9' X 18' per space) are required on site. These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants.
3. **Maximum number of occupants:** NINE (9) persons over the age of three years. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
4. **Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
5. **Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
6. **Vacation Rentals Management Inc. (000 N. Roosevelt Dr.; Seaside, OR 97138) will be the local manager for the VRD. Jon Doe** will be the local contact for the VRD and he can be reached at 503-738-0000 during normal business hours and 503-440-0000 after hours. The contact person must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are encouraged to notify the City any time they stop representing a VRD.

Local contact information is available at the Community Development Department (503) 738-7100, City Hall (503) 738-5511, or after business hours at the Seaside Police Department (503) 738-6311.

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
9. **Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. **Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.**
10. **Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
11. **Business License, Room Tax Requirements, & Revocation for Non Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
12. **Conflicts & Potential Denial for Non Compliance:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Subsection 5 of this Section. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.
13. **Complaints:** Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and the forms can also be

accessed on the City of Seaside's web site

<http://www.cityofseaside.us/sites/default/files/docs/VRD-COMPLAINTFORM.pdf> This should be used to report alleged violations that are not being addressed by the local contact or property manager.

- 14. Time Period for Approval, Required Re-inspection:** This VRD approval shall be limited to 5 calendar years unless the dwelling is re-inspected (subject to the applicable fee) for compliance with the VRD policies and ordinances applicable at the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 5th calendar year. If the re-inspection is not completed during the 5th year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6th calendar year. Compliance with the re-inspection requirements will reauthorize the VRD for an additional 5 calendar years.
- 15. Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD. In addition, a NOAA weather radio, with automatic alert capabilities, must be permanently affixed in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
- 16. Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.

The aforementioned conditions include the standards applicable to vacation rental dwellings (VRDs) identified in the Seaside Zoning Ordinance and they include specific conditions that are intended to reduce potential impacts to the adjacent properties.

Adherence to these conditions is a matter of compliance with the Seaside Zoning Ordinance. Violations can be subject to the penalties identified in Article 12 of the Ordinance.



Health & Safety Standards for Vacation Rental Dwellings

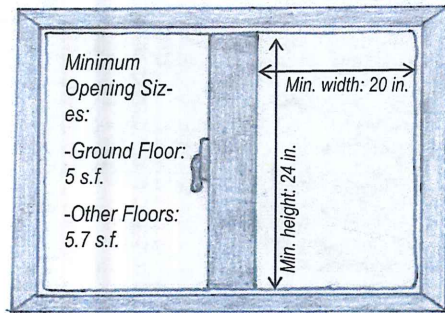
Effective January 1, 2015

On May 12, 2014, the City Council of Lincoln City adopted an ordinance amending the vacation rental dwelling (VRD) license standards to include health and safety standards as approval criteria. This pamphlet lists those standards. The standards will go into effect on January 1, 2015. The approval of your 2015 VRD license renewal application will be subject to compliance with the standards.

The intent of this pamphlet is to provide you with ample time prior to the January 1, 2015 effective date to assess your property for compliance with the standards and correct any issues you may find so that the renewal of your VRD license will not be delayed or denied due to compliance issues.

Information on where you can access the complete text of the ordinance on the web is located in the bottom right-hand corner on the other side of this pamphlet.

1. Bedroom Egress - Bedrooms must have either a door or window accessing the outside so that occupants can escape in case of fire in the house. If existing conditions lack sufficient egress, owners must reduce the occupancy of the VRD or bring the egress into compliance*.
*Enlarging windows requires a building permit.



Windows must meet both minimum dimensions and opening size requirements.

Max height: 44 in.

Floor level

Opening size or height may be reduced in limited circumstances..

2. Hand & Guard Rails - These rules apply to staircases, lofts, platforms, decks, and porches both in the house and outside on the property*.

Handrails shall have at least 1.5" of clearance around them and be of a dimension that is easily graspable (as described in the Oregon Residential Specialty Code).

Maximum distance between railings is based on building code in effect at time of construction, though never more than 9". (Current building code states max. 4")

Railings need to be secure, not loose or wobbly.

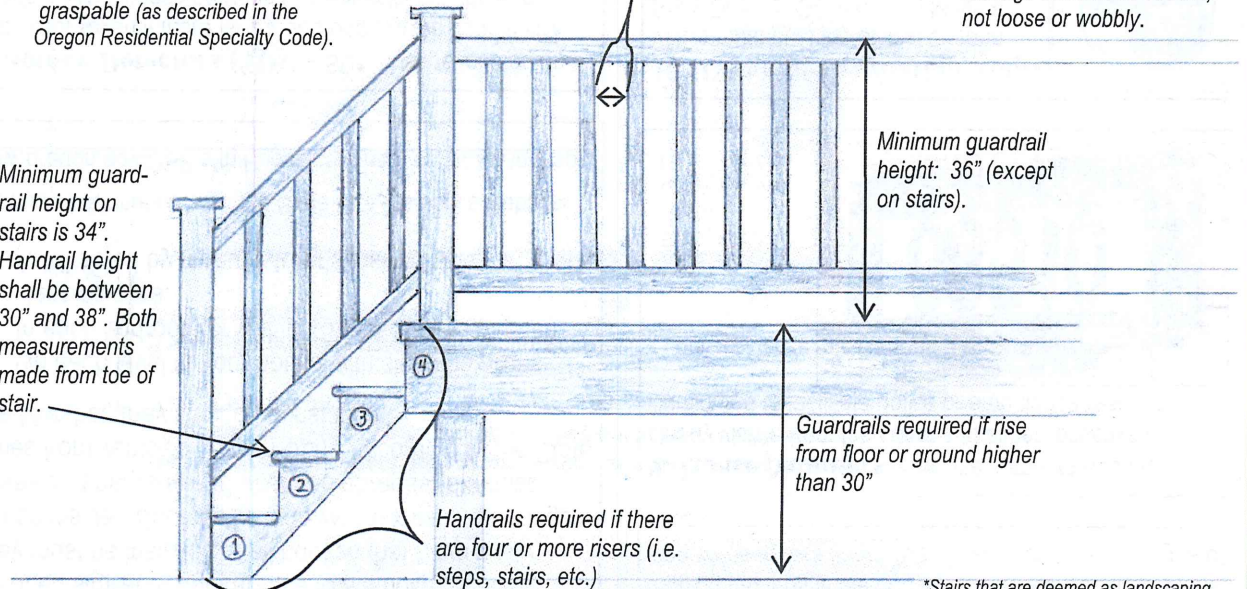
Minimum guardrail height on stairs is 34". Handrail height shall be between 30" and 38". Both measurements made from toe of stair.

Minimum guardrail height: 36" (except on stairs).

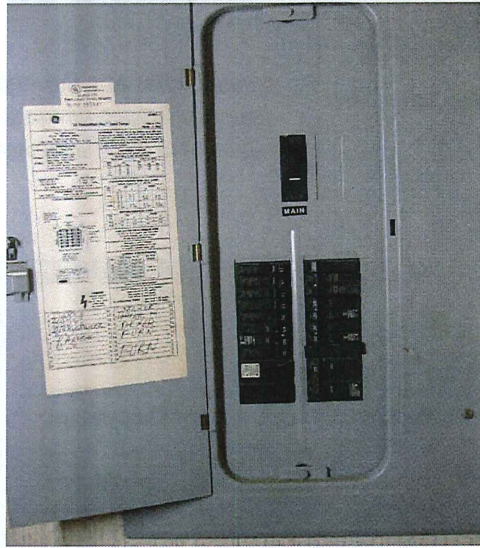
Guardrails required if rise from floor or ground higher than 30"

Handrails required if there are four or more risers (i.e. steps, stairs, etc.)

*Stairs that are deemed as landscaping and not part of a required means of egress are exempt from these requirements.



3. Circuit Breaker/ Fuse Box - Access to the box must be unobstructed and safe. All circuits must be labeled and all empty breaker spaces plugged.



5. Carbon Monoxide (CO) Detectors - CO alarms are often similar in appearance to a smoke detector. They must be installed in all houses that have a CO source inside. Sources include woodstoves, natural gas stoves and heaters, and attached garages (exhaust fumes from vehicles contain CO). According to the State Fire Marshal, they should be installed:

- On each level of your house with sleeping areas.
- In each bedroom or within 15 feet outside of each sleeping area.
- As directed by manufacturer's instructions.

For more information, visit the State Fire Marshal's website:
www.oregon.gov/OSP/sfm/Pages/commed_co_program.aspx

8. Tripping Hazards - There can't be any obvious tripping hazards in the house. Examples would be extension cords across floors, loose stairs, broken flooring, etc.

9. House Numbers - House numbers need to be clearly visible from the street and either reflective or illuminated to facilitate police or ambulance response.

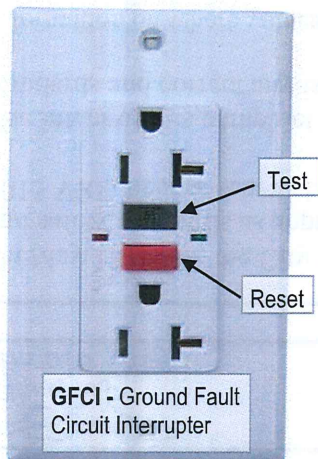
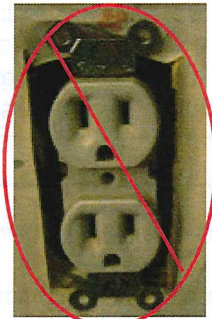


Example of back-lit, solar-powered house numbers.

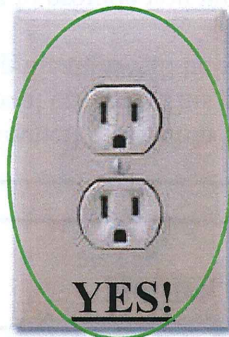
4. Electrical Outlets & Switches -

b. All outlets & switches must have faceplates.

a. Outlets located outdoors, in kitchens, or bathrooms must be tied to or installed with an outlet with a built-in breaker called a GFCI to protect against shock in wet or humid conditions.

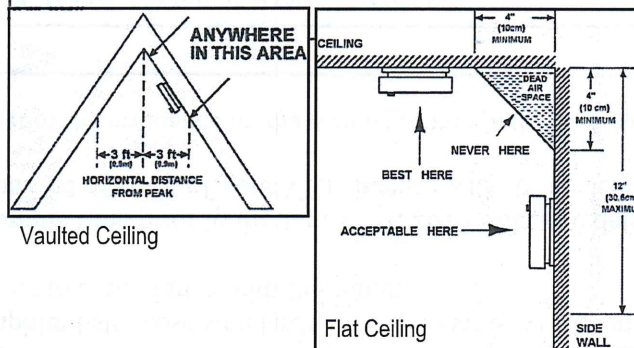


GFCI - Ground Fault Circuit Interrupter



YES!

6. Smoke Detectors (SDs) - SDs must be located on each floor (even if there isn't a bedroom on the floor, it still needs a SD), in each bedroom, and directly outside each bedroom. In hallways connecting multiple bedrooms, one smoke detector can serve multiple bedrooms within a clear line of site and less than 20 feet from the bedroom door. Below are diagrams from a SD manufacturer showing proper placement of common models on walls and ceilings. Refer to the manufacturer specifications for your particular model to confirm.



7. Compliance with building code - Any improvements to the house need to comply with the building code in effect when the improvements were made. Any work done without a required permit will be in violation of this standard.

10. Tsunami Evacuation Maps

VRDs must post the official Oregon State Dept. of Geology and Mineral Industries Tsunami Evacuation Map appropriate for its location, either north Lincoln City or south Lincoln City.



For a copy of the complete text and ordinance, visit:

- www.lincolncity.org >
- "City Charter and Laws" >
- "Recently Adopted Ordinances" >
- "2014-07 Health and Safety Standards".

For more information on vacation rental dwelling regulations, contact Timothy Novak at (541) 996-1226 or timothyn@lincolncity.org

For more information on building codes, contact Brandon Zipser, Building Inspector, at (541) 996-2153 or Brandon@theblgdgdept.com