



City of Bay City

PO Box 3309
Bay City, OR 97107
Phone (503) 377-2288
Fax (503) 377-4044
TDD 7-1-1
www.ci.bay-city.or.us

AGENDA BAY CITY PLANNING COMMISSION MEETING April 20, 2022 6:00 P.M.

1. CALL TO ORDER – 6.00 P.M
2. MINUTES
 - a. Planning Commission Meeting 03/16/2022
3. VISITORS PRESENTATION
4. UNFINISHED BUSINESS
 - a. Tasso Custom Homes – request for Variance on Height requirements #V-2022-01. This hearing was tabled at the March 16th Hearing for an appearance by the applicant.
5. NEW BUSINESS/ PUBLIC HEARINGS
 - a. City of Bay City – request for Conditional Use Permit for an RV Dump Station in the North High Intensity (NHI) Zone #CU-2022-01.
 - b. Twin Ranch – request for Temporary Use and alteration of Conditional Use Permit #CU-2016-05, for the placement of an additional storage container and Rail Riders operation north of Hayes Oyster Drive on the POTB Right-of-Way.
6. OTHER
 - a. Short Term Rental Requirement Review
7. PLANNING COMMISSION, CITY COUNCIL AND CITY PLANNER CONCERNS
8. ADJOURNMENT

To attend by phone: (518) 992-1125 Access 389573#

Minutes
March 16, 2022



BAY CITY PLANNING COMMISSION MINUTES
March 16, 2022, 6:00 P.M.

Members Present: Pat Vining, Gary Frey, Dan Overholser, Jasper Lind, Councilor Tom Imhoff (Liason), David Mattison (Planning Technician), Liane Welsh (City Manager).

Others present: several citizens, see Attendance list.

1. **Call to Order** – Commission member Gary Frey called the meeting to order at 6:01p.m.
2. **Minutes** – The Minutes from February 16th, 2022 were available for review.

Commissioner member Pat Vining and Commission member Gary Frey requested changes in the minutes from February.

Commission member Dan Overholser made a motion to approve the minutes with changes from February 16, 2022.

Commission member Jasper Lind seconded the motion.

All were in favor – the motion passed unanimously, the minutes from February 16th were approved.

3. **Visitors Presentation**

There was no visitor presentation.

4. **Unfinished Business**

- a. Case Follow-up on the issue at the NW corner of Tillamook and 15th Street for an attached greenhouse in the side setback.

City Planner David Mattison stated that the building permit was approved and issued by the County. However, the framing inspection has been denied, so they will be making the corrections and obtaining a re-inspection when corrections are made.

Commission member Pat Vining asked about the permit for the stove, and asked if that has been approved.

City Planner stated the stove requires a mechanical permit and there was no mention by the County of a mechanical permit.

Commission member Jasper Lind requested that City Planner report to Planning Commission when the permits have been completed.

5. Public Hearings

a. Tasso Custom Homes – Variance on Height requirements #V-2022-01.

Commission member Gary Frey opened the public hearing, described the application and property location, and asked if there was any conflict of interest, bias, ex parte contact.

There was none.

Commission member Gary Frey asked if there was any planning commission member who had visited the site.

Commission member Pat Vining stated that he had visited the site and walked the lot in the past.

Commissioner member Gary Frey admitted he has also visited the property. He was pleased a picture of the site had been included.

City Planner David Mattison presented Tasso Homes request (V-2022-01) for a height variance of 18 inches (1 ½ feet). He read through the variance criteria in Article 6 of the Development ordinance and the applicant's response.

Commission member Gary Frey asked if the applicant was present. It was noted that the applicant was absent.

Commission member Gary Frey asked for neutral testimony.

Liane Welch, 10030 Second Street, directly south of the subject property, presented her concern that the slope stabilization on the property was not identified and how are neighboring properties protected. In addition, the existing surrounding homes are all built to 24 feet without a variance.

Barbara Stringham, 5335 High Street, directly west of the subject property, presented her testimony that her house has a similar slope and is a similar lot size and her house was built to the 24 ft standards. The greater height of the proposed house will block the view from her house of the heron habitat, and will block the sunlight for her gardening. She is opposed. Her house was built 2018.

Commission member Gary Frey asked if there was additional testimony. There was none.

Commissioner Dan Overholser asked a question of Barbara Stringham in regard to the construction of her house.

Commissioner Pat Vining asked staff about the finished grade and existing grade. He asked

why the finished grade was filled and felt that if the grade had not been filled a variance would not be required.

City Planner David Mattison stated that the final measurements are taken from the finished grade. He stated the property and proposed plan was leveled with cut and fill to some degree.

Further discussion followed.

Commission member Gary Frey stated that if the house was lowered there would be greater cut in the rear which would increase the concerns presented in testimony.

Further discussion followed.

Commission member Gary Frey asked if there was a motion to table the issue, to deny the application, to approve the application.

Commission member Pat Vining discussed the denial of the variance.

Commission member Jasper Lind presented his concern that the applicant did not meet the hardship criteria for a variance.

Commission member Gary Frey asked if the audience had any statements.

Councilor Kathy Baker stated that it seems like the Planning Commission does not have enough information and should ask the applicant.

Commission member Pat Vining made a motion that Planning Commission table the decision and the applicant can answer questions from the Commission members and provide answer, and public hearing be kept open.

All were in favor.

6. Other

a. Short Term Rental Requirement Review

City Planner David Mattison presented a map to the City Planning Commission identifying the location of all the short term rentals.

Commission member Pat Vining asked for emergency packets to be included in the short term rentals.

Commission member Gary Frey provided his notes to the City Planner for review.

Commission member Pat Vining requested the City Planner provide the edited text for the short term rentals on Ordinance #685, and have the edits available for Planning Commission review.

Councilor Kathy Baker presented her concern that STR's have a large impact on the surrounding community. She presented her concern about the 5% and where that had come from.

City manager stated that the 5% was from another community; and presented there were 10 STR's in 2020, 21 STR's in 2021.

There was concern presented to the livability and long term rental among the issues of developing ADU's and STR's. There was concern of the impacts of STR's.

It was decided that ADU's need to be discussed separately.

City Councilor Kathy Baker presented her concern of not focusing on ADU's and long term rentals.

Commission member Pat Vining presented his concerns with ADU's and sewer line issues.

Commission member Gary Frey stated they had to be discussed separately.

A request was made to see a draft of Ordinance #685 and the edited text at the next meeting.

7. Planning Commission, City Council and City Planner Concerns

a. Planning Commission Training Special Session – March 24th noon

City Planner David Mattison stated that the training session with DLCD Lisa Phipps would be on the 24th at noon.

8. Adjournment

Planning Commission member Pat Vining made a motion to adjourn the meeting at 7:20 pm.

Planning Commission member Dan Overholser seconded the motion.

The motion passed unanimously – all were in favor. The meeting was adjourned at 7:20 pm.

Unfinished Business
Height Variance Tasso Homes
#V-2022-01



City of Bay City

Variance V-2022-01 Investigation Report

To: City of Bay City Planning Commission
From: David Mattison, Planning Tech
Applicant: Tasso Custom Homes
Title: Request for Height Variance to exceed the 24 foot maximum height by 1 and ½ foot.
Case File #V-2022-01

Nature of the Application:

The applicant is requesting to increase the height of the proposed house by 1 and ½ feet, at property located at the southwest corner of 2nd Street and High Street, Bay City, Oregon, 97107, legally described as 1N10W34AC Tax Lot 4502, in the Moderate Intensity (MI) Zone. The height variance requested is from the required 24 ft height limitation to 25 ½ ft.

Relevant Facts:

The following is a summary of the facts and testimony found to be relevant to this decision.

- 1) **PROPERTY LOCATION:** The property is located at the southwest corner of 2nd Street and High Street and is further identified on Tillamook County Assessor's Map #as 1N10W34AC Tax Lot 4502
- 2) **LOT SIZE:** approximately 0.11 acres
- 3) **ZONING DESIGNATION:** Moderate Intensity Zone (MI)
- 4) **SURROUNDING LAND USE:** The subject property is adjacent to existing singlefamily dwellings to the north, across High Street, south, east, across 2nd Street, and west. The surrounding lots are in the Moderate Intensity Zone (MI).
- 5) **EXISTING STRUCTURES:** There is no structure on the subject property.
- 6) **DEVELOPMENT CONSTRAINTS:** The lot is generally steep.

Relevant Criteria:

- a. Bay City Development Ordinance. Article 1. Introductory Provisions and Intensity Zones.

Section 1.508 Moderate Intensity Zone Standards

Section 1.515 Maximum Height

Maximum building height permitted is 24 feet

- b. Bay City Development Ordinance. Article 6. Variance.

Section 6.010 Purpose

The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other conditions on the site or in the immediate vicinity. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

Section 6.020 Conditions

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this section. Guarantees and evidence may be required that such conditions will be and are being complied with.

Section 6.030 Criteria for Granting Variances

Variances to requirements of this ordinance, with respect to lot area and dimensions, yard area lot coverage, height of structure, vision clearance, decks and walls, and other quantitative requirements, may be granted only if, on the basis of the application investigation and evidence submitted by the applicant, all four expressly written findings are made:

- a. That a strict or literal interpretation and enforcement of the specified requirements would result in practical difficulty or unnecessary hardship.
- b. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zone.
- c. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.
- d. That the granting of the variance would support goals and policies contained with the Comprehensive Plan.

Variances in accordance with this subsection should not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

c. Bay City Development Ordinance. Article 13. Definitions.

Section 13.010. Definitions.

14. Building Height

The vertical distance above grade, as defined, to the highest point of the structure of the building. Non-habitable projections, such as satellite receiving dishes with a diameter of twentyfour (24") inches or less, chimneys, elevator shaft housings and flagpoles, that satisfy all setback requirements are not subject to the building height limitations of the zoning ordinance.

39. Grade, Ground Level

The average of the existing ground level prior to construction at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, alley, or public way, the ground level shall be measured at the average elevation of the sidewalk, alley, or public way.

Findings:

The Planning Staff Finds:

1. The applicant provided the following responses to the criteria listed in Section 6.030:
 - a. The lot is narrow and slopes up 14 feet and a 15 ft street-side setback is required. This makes a single-story home impractical and the 24 ft height limit makes a 2-story home with a pitched roof virtually impossible. This has created a practical difficulty.
 - b. The extraordinary circumstance is that the lot is narrow, upsloping and has a 15 ft corner setback, which other interior lots do not have.
 - c. The height variance will not be detrimental in any way and will allow the applicant to have a minimum impact on the lot.

d. The height variance will allow the applicant to build a single-family residence with minimal impact on the lot and community and will be in keeping with the intentions of the Comprehensive Plan.

2. Notice was sent to adjacent property owners on February 17, 2022, and published on February 23, 2022.
3. No comments have been received.

Conclusion:

The findings of Planning Staff support the conclusion that the requested variance does meet the criteria of the Bay City Development Ordinance Section 6 (a-d). In making a decision, Planning Commission may:

1. Grant the height variance request.
2. Grant the height variance request, with conditions.
3. Deny the height variance request.

Tax lot map: Subject property

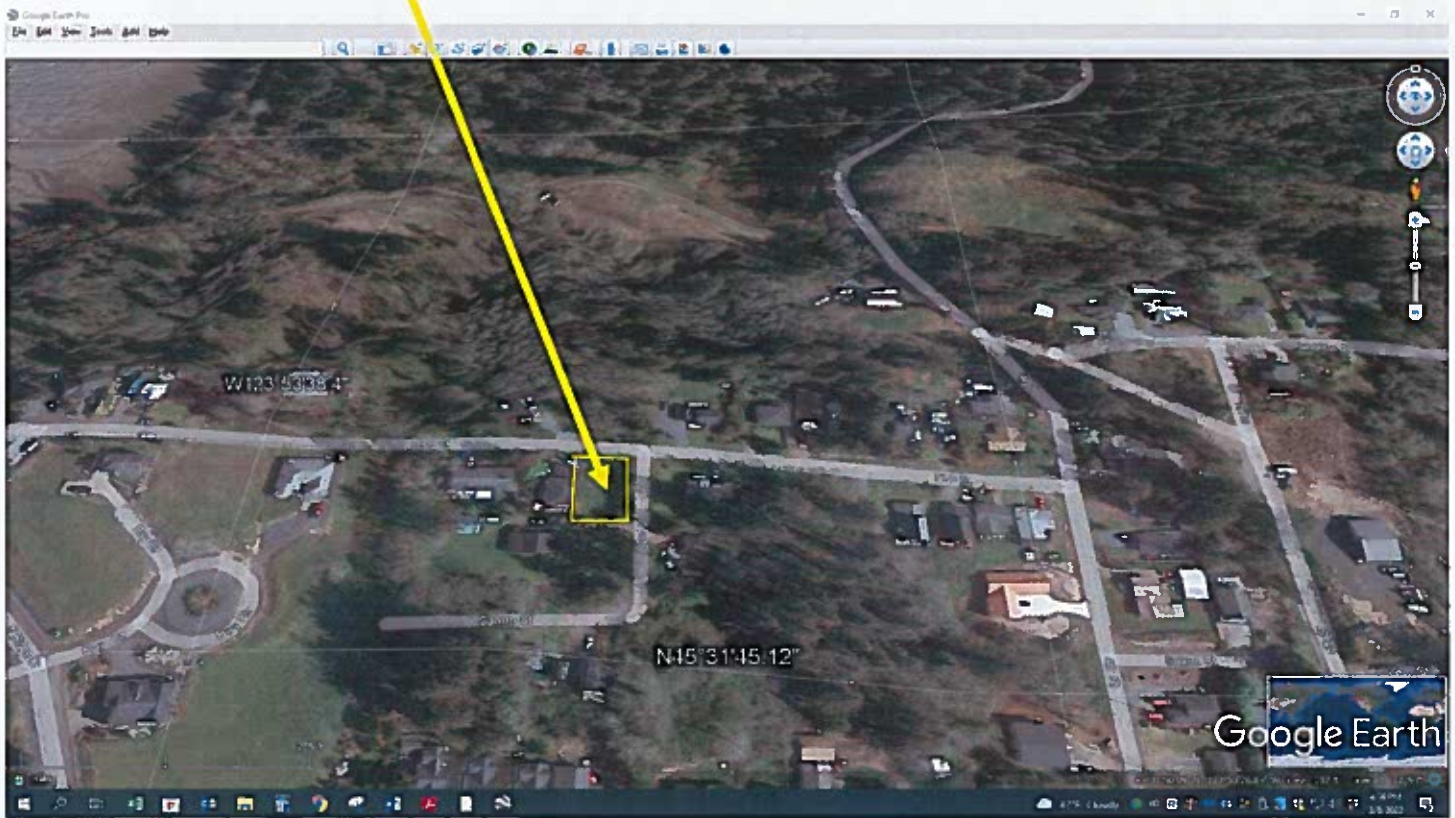
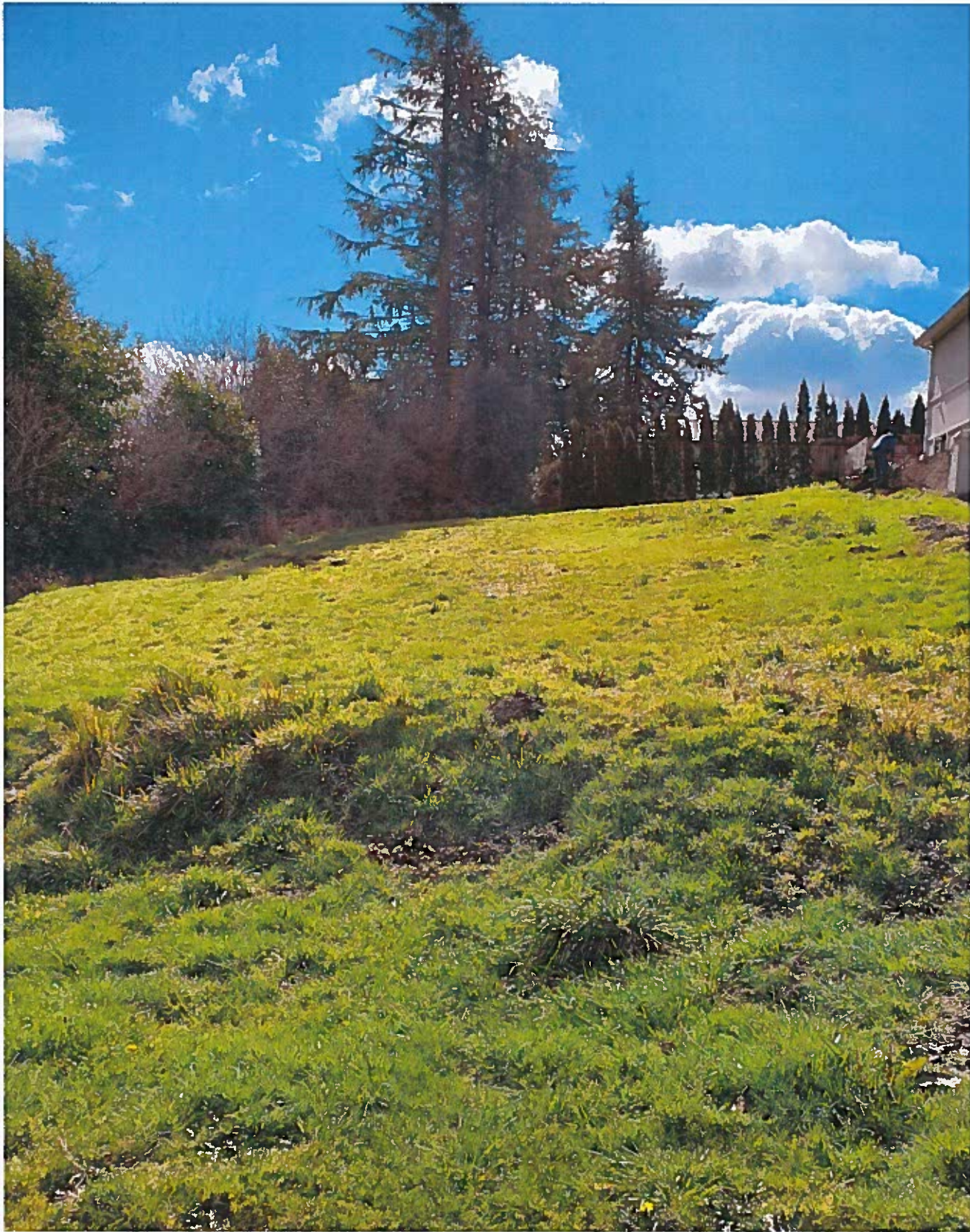


Photo of Subject property (looking south)

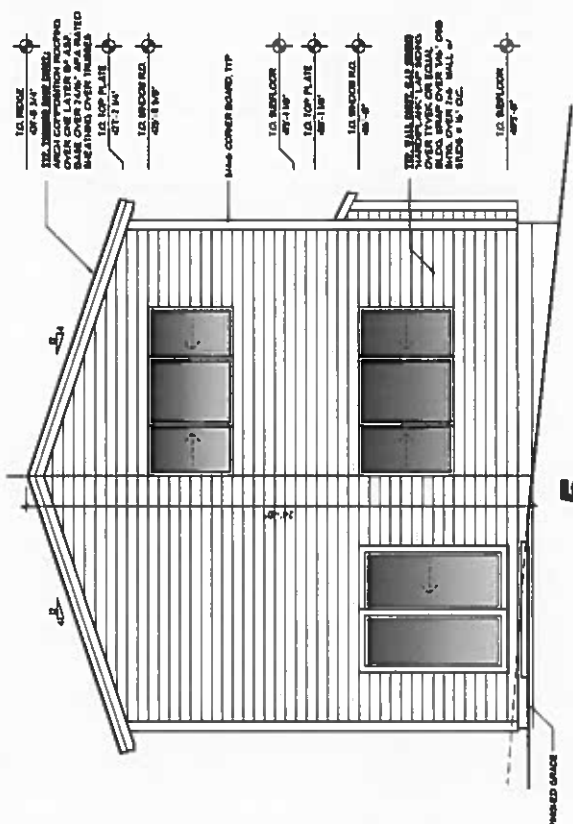


TASSO CUSTOM HOMES, LLC HIGH STREET
CORBETT
 PLAN NUMBER 12909 1,409 SQ. FT. TOTAL

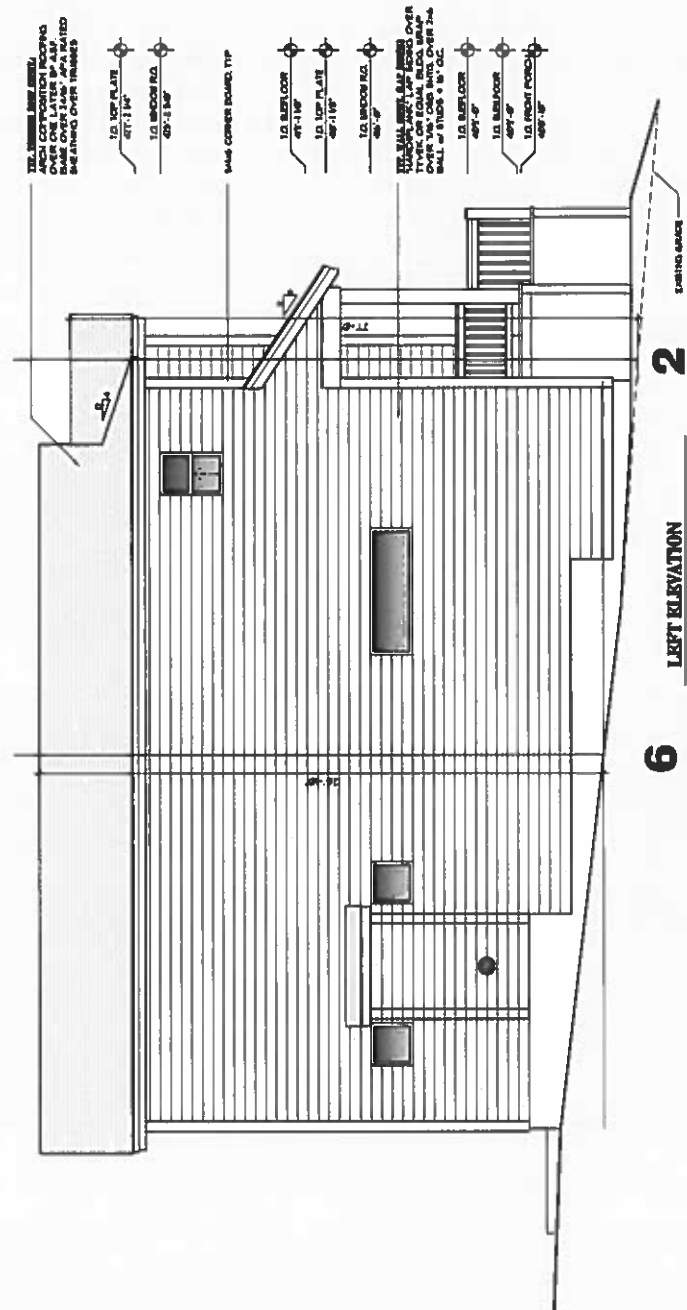
Sunteil D E S I G N S I N C
 15555 Boone's Ferry Road, Suite 202, Lake Oswego, Oregon 97035
 Tel: (503) 624 0555 Fax: (503) 624 0155
 WWW.SUNTEILDDESIGNINC.COM

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PLANING: 12/09
 JOB NAME: CORBETT
 DATE: 02/22
H2



5
 REAR ELEVATION
 SCALE: 1/4"=1'-0"



6
 LEFT ELEVATION
 SCALE: 1/4"=1'-0"

2

**RV Dump Station
Conditional Use Request
#CU-2022-01**



City of Bay City

CONDITIONAL USE PERMIT CU-2022-01 Report

To: City of Bay City Planning Commission
From: David Mattison, Planning Tech
Applicant: City of Bay City
Title: Request to place an RV Dump Station on City Property
Case File #CU-2022-01

Nature of the Application:

The applicant is requesting to place an RV dump station as a Public Utility Facility at property located at the south side of B Street between 2nd and 3rd Streets, 5405 B Street, Bay City, OR 97107, legally described as 1N1034DC Tax Lot 3400, in the North High Intensity (NHI) Zone.

Relevant Facts:

The following is a summary of the facts and testimony found to be relevant to this decision.

- 1) **PROPERTY LOCATION:** The property is located at the south side of B Street between 2nd and 3rd Streets, and is further identified on Tillamook County Assessor's Map #as 1N1034DC Tax Lot 3400
- 2) **LOT SIZE:** approximately 0.44 acres
- 3) **ZONING DESIGNATION:** North High Intensity Zone (NHI)
- 4) **SURROUNDING LAND USE:** The subject property is adjacent to existing single-family dwellings and commercial businesses to the north, across B Street, adjacent to US Highway 101 and Hayes Oyster Street to the south and west, and vacant lots owned by the City of Bay City, used for school bus parking to the east. The surrounding lots to the north and east are in the North High Intensity (NHI) Zone, south and west are in the Shorelands 2 (S2) Zone.
- 5) **EXISTING STRUCTURES:** There is a well and Recycling Station on the subject property in the northwest corner but the majority of the area is vacant.
- 6) **DEVELOPMENT CONSTRAINTS:** The lot is generally flat with a drainage ditch along the east side.

Relevant Standards and Criteria:

- a. Bay City Development Ordinance. Article 1. Introductory Provisions and Intensity Zones

Section 1.3 Allowable Use Matrix

Public facilities are allowed as a Conditional Use in the NHI Area.

Section 1.401 Purpose: The purpose of the High Intensity Area is to provide areas of land in which intensive types of activities can take place. These include, but are not limited to, commercial, industrial, higher density residential, intensive commercial recreation, and similar types of activities with heavier impacts. These uses are also allowed in the moderate intensity area, but with more restrictive standards.

Section 1.403 North High Intensity Area (The Town Center): It is the intent of this section to encourage an identifiable town center, in which a variety of primary retail, service, and governmental activities are carried out.

It is the area encompassing the post office, City Hall, the Church, grocery stores, cafes and taverns, the main city park, and various shops. Uses allowed and encouraged here are those which are land intensive and do not have large parking needs such as drive-in restaurants. Uses surrounding the historic structures must be architecturally compatible.

Section 1.407 Maximum Lot Coverage

- a. Mixed Commercial – Residential / Residential Uses 50%
- b. Commercial, Industrial and other Non-Residential Uses 75%

Section 1.408 Minimum Open Area

- a. Mixed Commercial – Residential / Residential Uses 50%
- b. Commercial, Industrial and other Non-Residential Uses 25%

Section 1.409 Minimum Landscaped Open Area

A minimum of 5% of the total lot area of a commercial, industrial, or other nonresidential use shall be maintained in landscaped open area, located on the street side or in front of the use.

Section 1.413 Maximum Height

- a. The outright permitted maximum building height in the High Intensity Zone is 24 feet.
- b. In the North High Intensity Zone, as a conditional use, the Planning Commission may allow a maximum building height of 30 feet when the street frontage serves commercial use(s).

Section 1.414 Uses Allowed

Refer to Use Matrix, Section 1.3

Section 1.415 Setback Requirements

Refer to Section 3.3

Section 1.416 Parking Requirements

Refer to Section 3.5

Section 1.417 Sign Requirements

Refer to Section 3.8

b. Bay City Development Ordinance. Article 2. Conditional Uses.

1. Section 2.1 Purpose

The purpose of the conditional use process is to review various uses in a public hearing and to apply criteria or standards in order to prevent future conflicts. The Development Ordinance allows a wide range of uses in each zone. The criteria and standards are intended to be applied fairly, in order to carry out the goals and policies of the Comprehensive Plan and this Ordinance.

2. Section 2.102 Time Limit on Conditional Uses

The Planning Commission may set a time limit for the operation or continuance of conditional uses. The time limit shall be automatically renewed without complaint being registered or violation of the conditions of

approval. Complaints signed by three or more persons shall be filed with the City Recorder, who shall then schedule a public hearing for the review of the conditional uses. After the hearing, the Planning Commission shall determine if (1) the conditional use may be allowed to continue; (2) additional conditions are necessary for the continuation of the use; or (3) the use shall be discontinued. All standards established by this Ordinance or required as a condition in granting a conditional use permit must be met within 30 days after occupancy of the building, structure, or addition.

3. Section 2.103 Conditional Use Considerations

In permitting a new conditional use or the alteration or extension of an existing conditional use, the Planning Commission shall use the following considerations in review of applications:

- a. Conformance with the goals and policies of the Comprehensive Plan and the standards and policies of the zone.
- b. Compatibility of the conditional use with the surrounding area or neighborhood in terms of lot size, building height or bulk, traffic circulation, parking, provision of signs, buffering, screening, landscaping, open space, control of smoke, glare, noise, or hours of operation.

4. Section 2.203 Public Utility or Communication Facility

- a. The proposed site is best located to serve the intended area with a minimal effect on surrounding property.
- b. Structures such as towers, tanks, poles, overhead wires, pumping stations, and similar equipment shall be located so as not to degrade scenic views from a street or private property, particularly along the bayshore.
- c. All equipment storage or materials shall be buffered, screened, or fenced, or kept within a structure.

5. Section 2.215 General Conditional Use Standards

The following conditional use standards shall apply to all activities listed in the Use Matrix as a conditional use:

a. Traffic Generation Standards

- 1) Uses with high traffic generation, as determined by the Planning Commission using acceptable traffic generation documents, shall be located in the high intensity areas of the City or within 100 feet of the intersection of two arterial streets.
- 2) Uses which would generate moderately greater traffic volumes than residential uses occupying the same land area at allowable densities shall be located on arterial streets.
- 3) Uses which would generate no more traffic than a residential use occupying the same land area at allowable density levels (calculated without bonus density) may be located on residential or collector streets.
- 4) Uses locating in the vicinity of U.S. Highway 101 shall have their access onto public streets other than U.S. Highway 101 in order to limit access points along the main highway. New access points may be allowed onto U.S. Highway 101 only where no alternative exists, as determined by the Planning Commission, and with the prior approval of the State Highway Division.

b. Public Facility and Services

- 1) Public facilities and services, including sewer, water, storm drainage, fire protection, electrical service, and schools shall have adequate capacity to serve projected needs of the proposed conditional use.
- 2) The person(s) requesting the conditional use permit shall be responsible for all costs associated with the extension of public facilities or services, including system improvement charges.

c. General Environmental Standards

- 1) No noise, smoke, heat, odor, fumes, dust, glare, vibration, or water pollution shall be detectable beyond the property line of the proposed use, except for occasional maintenance such as lawn care or for normal emissions such as from wood burning stoves or fireplaces. Glare from street lights or floodlights shall be shielded from adjacent uses and shall be the minimum necessary to illuminate the property.
- 2) Variances from the above standards shall be granted only with the demonstration that: (a) the discharge would be within current state and federal standards; (b) there is a demonstrated hardship or public need which the variance would satisfy; and (c) adjacent properties or wildlife habitat would not be adversely affected.

Goals and Policies of the Comprehensive Plan and other Standards of this Ordinance shall be adhered to in the granting of Conditional Uses.

Findings:

The Planning Staff Finds:

1. The following relevant standards have been met.
 - a. Public facilities, such as a dump station, are allowed as a Conditional Use in the NHI Area, as is described in Section 1.3 and referenced in Section 1.414.
 - b. The proposed use and improvements do not exceed the lot coverage as described in Section 1.407, as it is less than 75%.
 - c. The development onsite provides an open area that exceeds 25% as described in Section 1.408 and Section 1.409.
 - d. The maximum height of the proposed dump station will not exceed the maximum height of 24 feet as described in Section 1.413.
 - e. a. The outright permitted maximum building height in the High Intensity Zone is 24 feet.
 - f. b. In the North High Intensity Zone, as a conditional use, the Planning Commission may allow a maximum building height of 30 feet when the street frontage serves commercial use(s).
 - g. The setbacks of the dump station exceed the requirements as described in Section 3.3 and referenced in Section 1.415.
 - h. The proposed use exceeds the required setbacks as described in Section 3.3 and referenced in Section 1.416.
 - i. Parking is not required for Public Utilities such as a dump station as described in Section 3.5 and referenced in Section 1.416.
 - j. If a sign is placed onsite it will meet the requirements as described in Section 3.8 and referenced in Section 1.417 Sign Requirements
- c. The applicant has provided the following responses to the criteria listed in Section 2.103, 2.203, and 2.215:
 - a. Section 2.103 Conditional Use Considerations
 1. *Conformance with the goals and policies of the Comprehensive Plan and the standards and policies of the zone.*

According to the applicant (hereafter the City), there are two (2) City goals the proposal complies with:

- Goal 1 of the City's Comprehensive Plan states "To Maintain a High Quality of Life in Keeping with the Natural Environment." Providing visitors with a safe place to dump their raw sewage

meets this goal. If visitors camping in our forests don't have a place to safely dump their sewage some will dump in the forest.

- Goal VI of the City's Comprehensive Plan states "To Provide Recreation opportunities for townspeople and visitors and protect the open space and unique areas of the City." Recreational Vehicles (RV's) travel through Tillamook County all year round. There are many places for RVs to camp that do not have sewer dumping facilities such as the campsites in the State and Federal Forests in Tillamook County. Providing a place to safely dump a RV sewer is a key for this type of outdoor activity.
- Section 1.401 of Ordinance #374, states the purpose of the high intensity area is to provide areas of land in which intensive types of activities can take place. These include, but are not limited to, commercial, industrial, higher density residential, intensive commercial recreation, and similar types of activities with heavier impacts. These uses are also allowed in the moderate intensity area, but with more restrictive standards.
- Section 1.403 states the intent of the North High Intensity Area (The Town Center) is to encourage an identifiable town center, in which a variety of primary retail, service, and governmental activities are carried out. It is the area encompassing the post office, City Hall, the Church, grocery stores, cafes and taverns, the main city park, and various shops. Uses allowed and encouraged here are those which are land intensive and do not have large parking needs such as drive-in restaurants. Uses surrounding the historic structures must be architecturally compatible.

The proposed RV dump station meets the purpose statement of Section 1.401 of the Development Ordinance #374.

2. Compatibility of the conditional use with the surrounding area or neighborhood in terms of lot size, building height or bulk, traffic circulation, parking, provision of signs, buffering, screening, landscaping, open space, control of smoke, glare, noise, or hours of operation

According to the City, the area surrounding the subject property is vacant land owned by the City and Tillamook County. Us Hwy 101 is located to the west of the subject property, and a grave off-street parking area is located to the east. It is the location of school bus parking area. The subject property includes a recycling collection shed, and a sewer lift station. Allowing this to be the site of an RV dump site is compatible with these uses.

b. Section 2.203

1. The proposed site is best located to serve the intended area with a minimal effect on surrounding property.

According to the City, the subject property includes a recycling collection shed, and a sewer lift station. The City is planning on paving B Street from the intersection of Third Street and B Street and the proposed driveway. The dump station is proposed to be located a distance greater than 100 feet from the nearby residence.

2. Structures such as towers, tanks, poles, overhead wires, pumping stations, and similar equipment shall be located so as not to degrade scenic views from a street or private property, particularly along the bayshore.

According to the City, the dump station will be no greater in height than the existing buildings onsite, and will not degrade any scenic views from adjacent properties.

Planning Staff states that this criterion has been met.

3. All equipment storage or materials shall be buffered, screened, or fenced, or kept within a structure

According to the City, the dump station will be structurally screened.

Planning Staff states that this criterion has been met.

c. Section 2.215

1. Traffic Generation Standards

- *Uses with high traffic generation, as determined by the Planning Commission using acceptable traffic generation documents, shall be located in the high intensity areas of the City or within 100 feet of the intersection of two arterial streets*
- *Uses which would generate moderately greater traffic volumes than residential uses occupying the same land area at allowable densities shall be located on arterial streets*
- *Uses which would generate no more traffic than a residential use occupying the same land area at allowable density levels (calculated without bonus density) may be located on residential or collector streets.*
- *Uses locating in the vicinity of U.S. Highway 101 shall have their access onto public streets other than U.S. Highway 101 in order to limit access points along the main highway. New access points may be allowed onto U.S. Highway 101 only where no alternative exists, as determined by the Planning Commission, and with the prior approval of the State Highway Division*

According to the City, the proposed use will increase the amount of traffic in the vicinity; and therefore, the proposed use is greater than 100 feet from the intersection of Third Street and B Street, and US Highway 101. No immediate access to 101 is proposed. The City is not expecting there to be a high amount of traffic generated; no greater than the amount produced on B Street adjacent to the library and City Hall.

This property is located in the North High Intensity Zone District, and therefore Planning Staff states that this criterion has been met.

2. Public Facility and Services

- *Public facilities and services, including sewer, water, storm drainage, fire protection, electrical service, and schools shall have adequate capacity to serve projected needs of the proposed conditional use*
- *The person(s) requesting the conditional use permit shall be responsible for all costs associated with the extension of public facilities or services, including system improvement charges*

According to the applicant, there is an adequate capacity for sewer at this location, since the property is already connected to the City sewer line.

Planning Staff states that this criterion has been met.

3. General Environmental Standards

- *No noise, smoke, heat, odor, fumes, dust, glare, vibration, or water pollution shall be detectable beyond the property line of the proposed use, except for occasional maintenance such as lawn care or for normal emissions such as from wood burning stoves or fireplaces. Glare from street lights or floodlights shall be shielded from adjacent uses and shall be the minimum necessary to illuminate the property.*
- *Variations from the above standards shall be granted only with the demonstration that: (a) the discharge would be within current state and federal standards; (b) there is a demonstrated hardship or public need which the variance would satisfy; and (c) adjacent properties or wildlife habitat would not be adversely affected.*

According to the applicant, no additional odors will be detectable from the subject property. The dump station will be enclosed to avoid any additional odor. The City will pave the drive so that so additional dust is generated onsite. No additional noise is expected onsite than what is already generated from traffic on US Highway 101.

Planning Staff states that this criterion has been met.

- d. Notice was sent to adjacent property owners on March 24, 2022, posted on the City website March 29, 2022, and published on April 6, 2022.
- e. No comments have been received.

Conclusion:

The findings of Planning Staff support the conclusion that the requested conditional use meets the criteria of the Bay City Development Ordinance Section 2.

In making a decision, Planning Commission may:

1. Grant the conditional use request.
2. Grant the conditional use request, with conditions.
3. Deny the conditional use request.

Tax lot map: Subject property

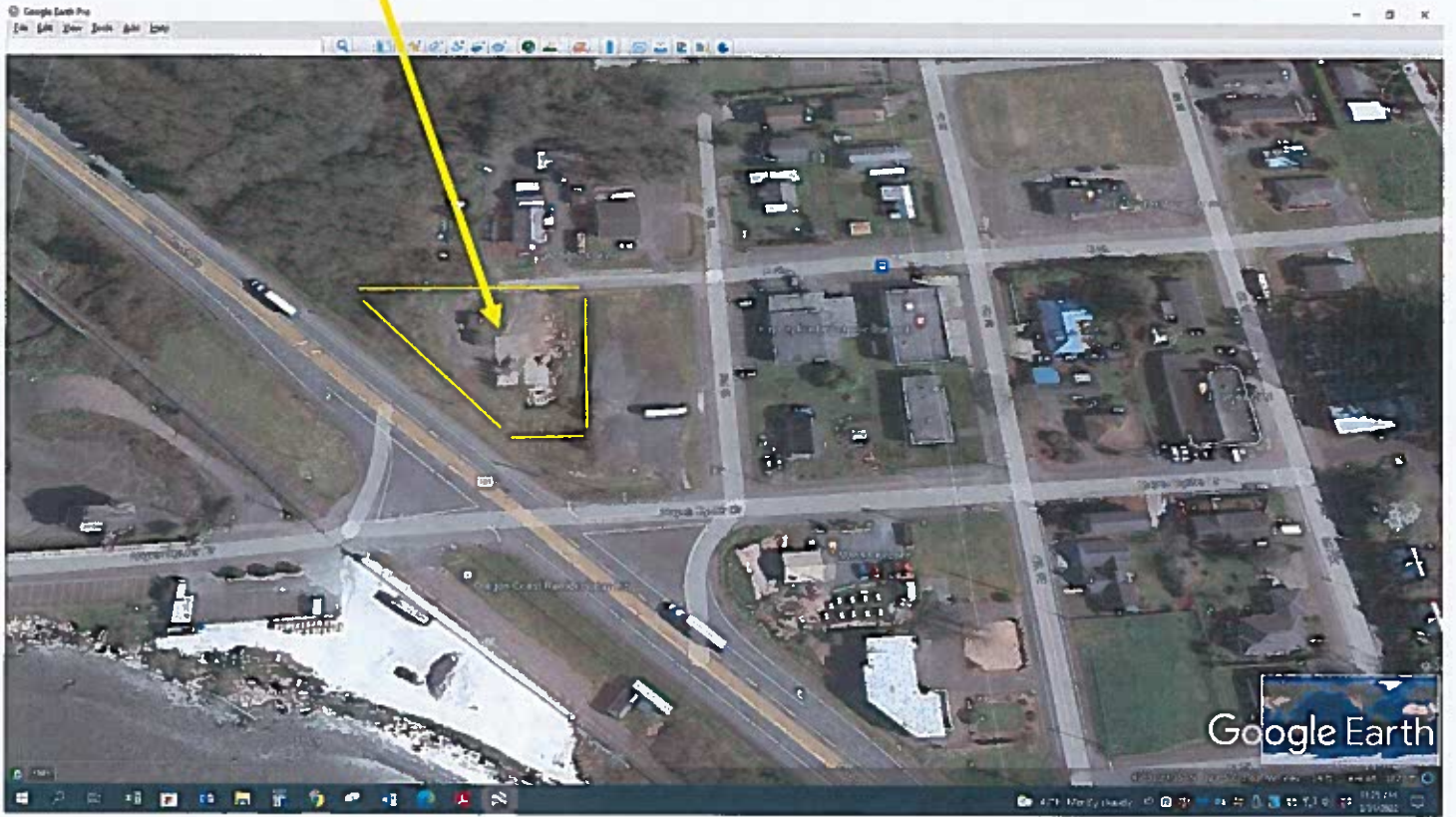
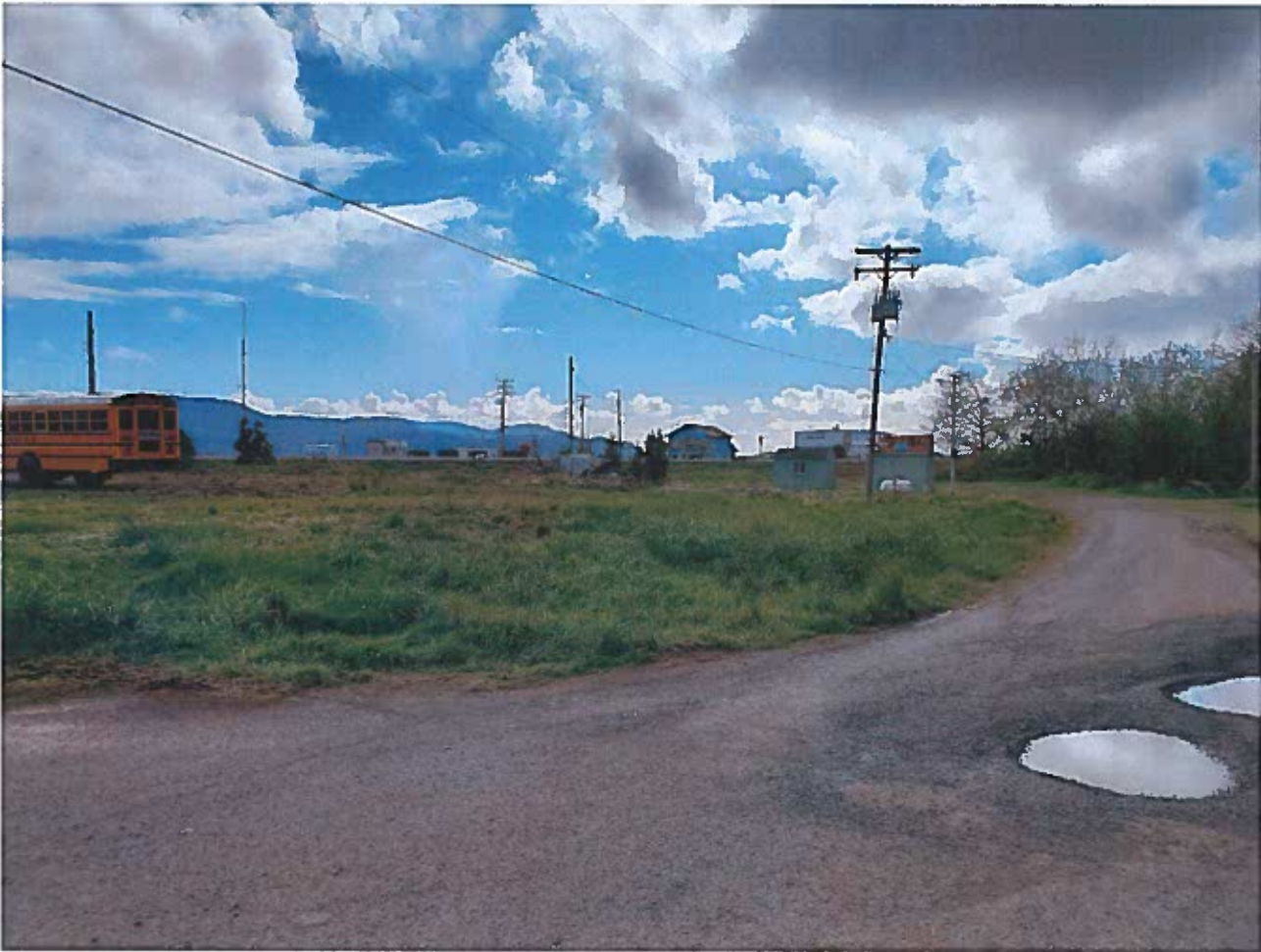


Photo of Subject property (looking west)



**Twin Ranch Rail Riders
Temporary Use #TU-2022-01
and
Alteration of Conditional Use
#CU-2016-05**

Twin Ranch Rail Riders
Temporary Use #TU-2022-01
and
Alteration of Conditional Use
#CU-2016-05



City of Bay City

Temporary Use TU-2022-01 Report For Alteration of CU-2016-05

To: City of Bay City Planning Commission
From: David Mattison, Planning Tech
Applicant: Lawrence Oswald Twins Ranch Railriders (TWRR)
Owner: Port of Tillamook Bay (POTB)
Title: Request for Temporary Use to relocate a Rail Riders operation and establish an 8 ft x 40 ft storage container for the Riders north of Hayes Oyster Drive in the POTB ROW.
Case File #TU-2022-01 as a temporary alteration to Conditional Use Permit #CU-2016-05

Nature of the Application:

The applicant is proposing to temporarily relocate a 'Rail Rider' operation and establish an 8 ft x 40 ft storage container for the Rail Riders, on the north side of Hayes Oyster Drive in the Port of Tillamook Bay Railroad ROW, in the Shorelands 2 (S2) zone, as an alteration to Conditional Use Permit #CU-2016-05. The facility is currently located at 5405 Hayes Oyster Drive, Bay City, Oregon, 97107, on the south side of Hayes Oyster Drive. This application is an adjustment/alteration to the Conditional Use Permit #CU-2016-05.

Relevant Facts:

The following is a summary of the facts and testimony found to be relevant to this decision.

- 1) **PROPERTY LOCATION:** The property is located in the Port of Tillamook Bay (POTB) Railroad ROW, and the Port of Tillamook Bay Railroad right-of-way in Bay City's Urban Growth Boundary
- 2) **10 Access from Hayes Oyster Drive, west of US Highway 101**
- 3) **ZONING DESIGNATION:** Shorelands 2 Zone (S2)
- 4) **SURROUNDING LAND USE:** The subject property is adjacent to existing Highway 101 ROW and vacant land to the north, the POTB Railroad ROW and a boat launch on the POTB property, to the west, the POTB Railroad ROW and POTB parking to the south, and Highway 101 ROW and land used for a recycle center, and school bus parking to the east. The surrounding lots are in the Shorelands 2 (S2) Zone to the north south, east and west, and the North High Intensity (NHI) Zone farther to the north and east.
- 5) **EXISTING STRUCTURES:** There is a Rail Riders Bicycle Storage shed structure to the south of Hayes Oyster Street in the subject ROW. The shed was approved as part of a conditional use permit (CU-2016-05) for use by the Rail Riders.
- 6) **DEVELOPMENT CONSTRAINTS:** The lot is generally flat.
- 7) **PREVIOUS APPROVAL:** In 2016, a portion of the POTB ROW was conditionally approved for the placement of the Rail Riders under Conditional Use Permit #2016-05.
- 8) **RAIL LOCATION:** The POTB ROW is 100 feet wide in this area and the location of the railroad line is approximately 50 feet from the center of the ROW.
- 9) **CURRENT POTB LEASE AGREEMENT:** Currently, the Oregon Coast Scenic RR (OCSR) has a Rail Use Agreement (operations) with the POTB. This includes:
 - a. Use of the rail
 - b. Maintenance of the rail and crossings

- c. Authority to, and oversight of, allowing other rail-type businesses to use the rail
 - d. Any Rail Use agreements (ex: rail riders) are under the authority and discretion of the OCSR, and between OCSR and the business
 - e. This does not limit them to the number of rail rider (or any other rail use businesses) from using the rail; OCSR would have to manage the use along with their train use
- 10) OPERATIONS IN THE POTB ROW: POTB owns the land in the ROW. This means, we control agreements for:
- a. Public Crossings, easements along the rail, and work with the Salmonberry Trail Intergovernmental Agency (STIA);
 - b. Use by the OCSR Rail Use Agreement; and
 - c. The Oregon Coast Railriders (OCRR) for this area in Bay City (and another one in Wheeler) for customer parking and business operations/storage. OCRR is in good standing and continues to lease the land area from POTB;
 - d. Twins Ranch Railriders (TWRR) are also looking to start a rail riding business out of Bay City. Last year they had an operation out of Tillamook, turning around in Bay City. Where TWRR is looking at Hayes Oyster Drive would be in addition to the OCRR area that has been established for years.
- 11) LEGAL ISSUES: OCRR are still in litigation with OCSR. Until the legal issues resolve, POTB has been advised continue with the active agreement with the Oregon Coast RR (OCRR).
- a. TWRR is hoping/looking to utilize the same area that OCRR use for their rail riding business, but the POTB cannot offer up the existing Oregon Coast Railrider area
 - b. It is POTB understanding that the scheduled court date is June 2022, and has been moved back for various reasons for the past 10 months.

Relevant Criteria:

a. **Bay City Development Ordinance. Article 1. Introductory Provisions and Intensity Zones**

Section 1.3 Allowed Use Matrix

Commercial Recreation – Low Traffic Generation. Approved under Conditional Use Permit #CU-2016-05

Section 1.35 Allowable Uses

8. Commercial Recreation; Low Traffic Generation. Examples include golf course, racquet club, and equestrian stable and similar uses. A rail riders event was considered similar in CU-2016-05.

b. **Bay City Development Ordinance. Article 2. Conditional Uses**

Section 2.103 Conditional Use Considerations

In permitting a new conditional use or the alteration or extension of an existing conditional use, the Planning Commission shall use the following considerations in review of applications:

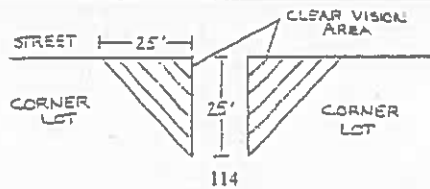
a. Conformance with the goals and policies of the Comprehensive Plan and the standards and policies of the zone.

b. Compatibility of the conditional use with the surrounding area or neighborhood in terms of lot size, building height or bulk, traffic circulation, parking, provision of signs, buffering, screening, landscaping, open space, control of smoke, glare, noise, or hours of operation.

c. **Bay City Development Ordinance. Article 3. Supplementary Provisions**

Section 3.704 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of two streets, or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height, except for trees with branches and foliage removed to a height of 8 feet above the ground, and opened wire fencing that does not obscure sight more than 10%.



Findings:

The Planning Staff Finds:

1. A temporary use request for alteration of Conditional Use Permit #CU-2016-05 to relocate the Rail Riders operation and establish an 8 ft x 40 ft storage container for the Rail Riders north of Hayes Oyster Drive was submitted to Bay City on March 6, 2022. It was paid for and considered a complete application on March 16, 2022.
2. The property is adjacent to existing State Right-of-Way (US 101) to the north and east, and Port of Tillamook Bay property to the west and south across Hayes Oyster Drive. The surrounding lots are in the Shorelands 2 Zone (S2), and North High Intensity (NHI) zone. There will be no adverse impact to these lots, as the proposed commercial recreational activity (Rail Riders) would not be presenting any more adverse impacts than what existed with the previous Rail Riders location, adjacent to US 101 and Hayes Oyster Drive.
3. No Sewer, water and electricity will need to be provided to the subject property.
4. No excessive noise, vibration, or odor will be generated by the occupant of the recreational activity.
5. The criteria for the consideration of the alteration of the conditional use permit #CU-2016-05 have been addressed as follows:
 - a. *Conformance with the goals and policies of the Comprehensive Plan and the standards and policies of the zone.*

As stated in #CU-2016-05, the request has been evaluated for consistency with the Bay City Comprehensive Plan. The proposed amendment is specifically addressed by and required reviews will ensure that any use will be consistent with: Bay City Comprehensive Plan Goal 1 Quality of Life Policies (1), (2), (3), (4), (5), (6), (7), (8); Goal 2: City Form Policies (3), (4); Goal 4: Industry Policies (1), (2), (3); Industry: Port of Garibaldi Policies (1), (2), (3), (4); Goal 5: Natural Resources: Policies (3), (4); Wetland Goals and Objectives (1), (2), (3); Goal 6: Recreation Policies (1), (3); Goal 7: Development Policies (1), (2), (3), (4), (6), (7), (8), (9), (10), (11), Additional Policies: Bicycles Policy (1); Goal 9: Citizen Involvement Policies (1), (3), (5); Storm Drainage Policies (1), (2), (3), (4), (6); Land Use Categories (pg. 34) (4) Coastal Shorelands; General Shoreland Policies; Larson Cove to Main Street Extension (Shoreland 1); Shoreland 1 Policies; Jetty Area (Shoreland 2); Shoreland 2 Policies. The request has been evaluated for consistency with the Bay City Development Ordinance #374 criteria listed in the Applicable Criteria section of this report.

Comprehensive Plan changes and Code changes were made to accommodate the conditional use for use of the POTB property for Rail riders. The proposed alteration will not deter from the proposals

conformance with the goals and policies of the Comprehensive Plan that were originally identified. Therefore, this application meets this criterion.

b. Compatibility of the conditional use with the surrounding area or neighborhood in terms of lot size, building height or bulk, traffic circulation, parking, provision of signs, buffering, screening, landscaping, open space, control of smoke, glare, noise, or hours of operation

The temporary use of the facilities proposed by this application are subject to administration of discretionary criteria applicable at the time that this use is developed and is administered by the City through review by the City Planner and Public Works Director. The proposed height and bulk is under the required 24 ft height limit. Traffic circulation and parking will remain the same as that approved for #CU-2016-05. As stated in the Relevant Facts above, the POTB owns and maintains the subject property that the proposed temporary alteration is located upon. The existing storage and parking is leased by the POTB to the Oregon Coast Rail Riders (OCRR) to the south of Hayes Oyster Drive. OCRR has an existing and current lease. The notice regarding Larry Oswald/Twins Ranch Railriders is for an additional storage area to the north, but the OCRR buildings/parking would remain for now. The Port will not enter a lease agreement with TWRR until all permitting is processed/accepted by the City of Bay City. Lease and use of this property by Twin Ranch for rail riders is compatible with the originally approved Conditional Use #CU-2016-05. Prior to operation, the City will review the use with the Oregon Department of Transportation and receive written confirmation that the use is consistent with applicable criteria from the State. This application will meet this criterion.

6. This application is for a temporary use and will be reviewed annually for compliance with the applicable standards for a temporary use.
7. Notice was sent to adjacent property owners on March 24, 2022, and published on the City website and Headlight Herald on March 28, 2022.
8. Comments were received on Wednesday, April 6, 2022, and Tuesday, April 12, 2022, from Michele Bradley, POTB. She corrected the stated request (as noted above in this report) that the location of the NEW temporary storage and alteration of #CU-2016-05 is proposed to be to the north of Hayes Oyster Drive. The existing storage and parking is leased by the POTB to the Oregon Coast Rail Riders (OCRR) to the south of Hayes Oyster Drive. OCRR has an existing and current lease. The notice regarding Larry Oswald/Twins Ranch Railriders is for an additional storage area to the north, but the OCRR buildings/parking would remain for now. The Port will not enter a lease agreement with TWRR until all permitting is processed/accepted by the City of Bay City.

Conclusion:

The findings of Planning Staff support the conclusion that the requested temporary use TU-2022-01 and alteration to CU-2016-05 does meet the criteria of the Bay City Development Ordinance Section 2.103 (a & b) with the following conditions:

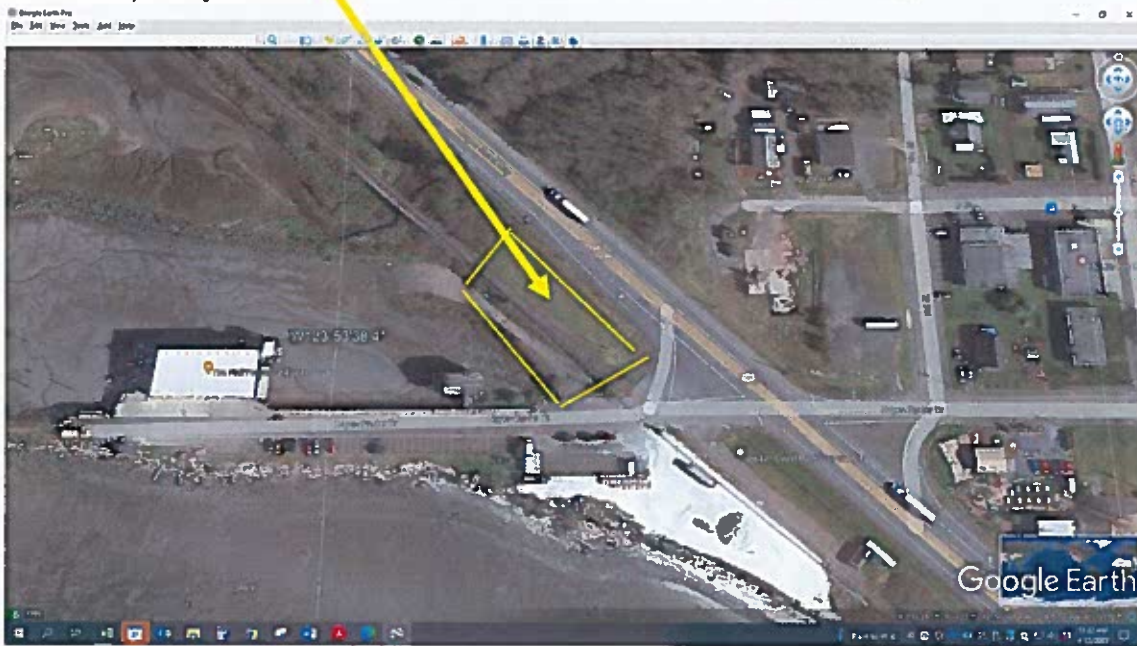
1. The boat launch, adjacent to the proposed storage container, must be kept free and clear of blockage with the parking of vehicles so it can be used and utilized 24/day.
2. Prior to operation, the City will review the use with the Oregon Department of Transportation regarding clear vision from 101 and receive written confirmation that the use is consistent with applicable criteria.
3. The temporary placement of the storage container shall meet the City's Clear Vision Area as described in Section 3.704.

4. To continue the temporary use as described in this report, an application for continuation of the temporary use must be submitted in April 2023 for further review by Planning Commission.

In making a decision, Planning Commission may:

1. Grant the temporary use and alteration to Conditional Use Permit #CU-2016-05 request.
2. Grant the temporary use and alteration to Conditional Use Permit #CU-2016-05 request, with conditions.
3. Deny the temporary use and alteration to Conditional Use Permit #CU-2016-05 request.

Tax lot map: Subject Area



Photos of Subject property (looking west)



Al Griff Memorial Park

US 101

3rd Street

8'x40' STORAGE CONTAINER

Hayes Dyster in part of

Hayes Dyster

part of

part of

William Bay

US 101

Hayes

Bay City
Hayes

Bay City Planning

From: Michele Bradley <mbradley@potb.org>
Sent: Tuesday, April 12, 2022 10:45 AM
To: Bay City Planning
Subject: RE: Twins Ranch Railriders public notice

Hi David –

Follow up on our call this morning.

Hope this clarifies any questions. If not, please let me know. Rapid fire bullet points:

- The POTB ROW is 100' in this area
 - This is 50' from the center of the rail (approximately)
- Currently, the Oregon Coast Scenic RR (OCSR) has a Rail Use Agreement (operations) with the POTB. This includes:
 - Use of the rail
 - Maintenance of the rail and crossings
 - Authority to, and oversight of, allowing other rail-type businesses to use the rail
 - Any Rail Use agreements (ex: rail riders) are under the authority and discretion of the OCSR, and between OCSR and the business
 - This does not limit them to the number of rail rider (or any other rail use businesses) from using the rail; OCSR would have to manage the use along with their train use
- POTB owns the land in the ROW. This means, we control agreements for:
 - Public Crossings, easements along the rail, and working with the Salmonberry Trail Intergovernmental Agency (STIA)
 - Currently, in addition to the OCSR Rail Use Agreement, we also are under agreement with the Oregon Coast Railriders (OCR) for this area in Bay City (and another one in Wheeler) for customer parking and business operations/storage. OCR is in good standing and continues to lease the land area from POTB as they, as I understand it, are still in litigation with OCSR.
 - Also currently, Twins Ranch Railriders (TWRR) are also looking to start a rail riding business out of Bay City. Last year they had an operation out of Tillamook, turning around in Bay City. Where TWRR is looking at Hayes Oyster Drive would be in addition to the OCR area that has been established for years.
 - Note: until the legal issues resolve, we have been advised continue with the active agreement with the Oregon Coast RR
 - TWRR was hoping/looking to utilize the same area that OCR use for their rail riding business, but the POTB cannot offer up the existing Oregon Coast Railrider area
 - It is my understanding that the scheduled court date is now in June 2022, and has been moved back for various reasons this past 10 months or so.

Hope this helps. Give me a shout if it needs to be detangled.

Best,

Michele Bradley
Port of Tillamook Bay
mbradley@potb.org
C 503.812.5100
DD 503.354.8043
www.potb.org

Bay City Planning

From: Michele Bradley <mbradley@potb.org>
Sent: Wednesday, April 6, 2022 11:21 AM
To: Bay City Planning
Cc: Liane Welch; Pami Boomer
Subject: Twins Ranch Railriders public notice

Hi David –

Comment from the Port: as we understand the location of the NEW temporary storage to be to the north of Hayes Oyster Drive, the existing storage and parking is leased by the POTB to the Oregon Coast Rail Riders (OCR) to the south of Hayes Oyster Drive. OCR has an existing and current lease. The notice regarding Larry Oswald/Twins Ranch Railriders would be an additional storage area to the north, but the OCR buildings/parking would remain for now. The Port will not enter a lease agreement with TWRR until all permitting is processed/accepted by the City of Bay City.

Please contact me with any questions.

Best,

Michele Bradley
Port of Tillamook Bay
mbradley@potb.org
C 503.812.5100
DD 503.354.8043
www.potb.org

**Short Term Rental Requirements Review
Proposed Draft Amendments to Ord 685**

CITY OF BAY CITY

ORDINANCE 685

AN ORDINANCE REGULATING SHORT-TERM RENTAL UNITS TO
PROVIDE FOR REGISTRATION REQUIREMENTS
AND DECLARING AN EMERGENCY

Section 1. Purpose.

A short term rental dwelling registration is a limited permission to use property for short term rental. A registration may be suspended, terminated or revoked if the standards of this ordinance are not met or the dwelling is sold or otherwise transferred as defined in this ordinance. This ordinance provides an administrative framework for registering the annual operation of a short term rental. ~~The purpose of this ordinance is to~~ requires owners of short-term rentals (STR) located within the City to register their units so as to provide public safety and livability within Bay City. A short-term rental is one that is rented to a third party for less than 30 days at a time.

Section 2. Definitions.

2.1. "Sale or transfer" means any change of ownership during the lifetime of the license holder, whether or not there is consideration, or after the death of the license holder, except a change in ownership where title is held not as tenants in common but with the right of in survivorship (e.g., survivorship estates recognized in ORS 93.180, such as with a spouse or domestic partner, or transfers on the owner's death to a trust which benefits only a spouse or domestic partner for the lifetime of the spouse or domestic partner). Exceptions:

2.1.1. A license holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to license revocation so long as the transferor lives and remains the only owner of the entity. Upon the transferor's death or the sale or transfer of his or her interest in the entity to another person, the license held by the transferor shall terminate.

2.1.2. A license holder may transfer ownership of the real property to the license holder and a spouse or domestic partner with the right of survivorship and not be subject to license revocation; provided, that if the property subject to the license is in a residential zone the spouse or domestic partner does not own an interest in another vacation rental dwelling in a residential zone.

2.2. "Person" means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a natural person, or where the natural person has transferred his or her property to a trust of which the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit in a residential zone that has a vacation rental dwelling license. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and

such a person can have an ownership right, title, or interest in no more than one dwelling unit in a residential zone that is used for vacation rental or has a vacation rental dwelling license.

2.3. “Pet” means

2.4. “Vacation rental” means a dwelling unit that is used, rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis.

2.5. “Vacationer” means any person enjoying a recess or leave of absence from their place of residence, the majority of whom are temporary occupants.

Section 23. Annual Registration of STRs.

The owner of an STR shall obtain an annual revocable STR registration under this ordinance to lawfully advertise, offer, operate, rent, or otherwise make available for occupancy or use an STR.

All owners of STRs within the City are required to register any units which are to be rented to third parties with the City, annually. All registrations shall be submitted to the City by January 31 of the year the unit is registered, for on-going STRs. In the event that an owner begins renting their unit during the year, they shall register the unit prior to any rental of that unit.

Section 34. Annual Registration Application and Fee.

Prior to engaging in the use of an STR for any period of time, a person shall apply for a revocable registration for an STR on forms provided by the city, demonstrating the application meets the standards required of this ordinance. A person shall submit a completed application along with payment of the applicable fee. If a registration application does not include all required information, including a copy of the city’s approval and the required fee, the application will be considered incomplete and the city will notify the applicant in writing explaining the information required. If the applicant provides the missing required information within 60 days of the date of the notice, the application will be reviewed. If the applicant cannot provide the required information, the applicant may withdraw the application and the city will refund the application fee.

~~The An~~ annual registration fee is charged by the City, ~~per rental unit is \$50.00 per rental unit~~ as set by resolution by the City Council. As part of the license renewal process, the annual registration fee must be paid annually at the time of registration. If this dates is missed (after a 30-day grace period), a new registration will need to be submitted. Approved registration shall be posted at the site.

An STR registration shall be issued for a period of one calendar year or portion thereof and may be renewed annually provided all applicable standards of this ordinance are met.

4.1. The STR registration shall be issued in the name of the property owner and is not transferable. The STR registration shall terminate and be deemed void when the holder sells or transfers the property approved as an STR. Except for exempted transfers related to right of

survivorship, the death of a registration holder terminates the STR application. If upon the death of the registration holder the ownership of the property transfers by operation of law to an executor or heir, then the registration, subject to the registration renewal process, shall provisionally continue in effect for a period of one year or until the heir or executor transfers the property to another person, whichever occurs first.

4.2. The city shall approve an application for an STR or registration renewal if all the following are met:

4.2.1. The property proposed to be registered for an STR is located in a commercial zone, or the property is located in a residential zone and the owner does not have an ownership interest in any another property in a residential zone used or approved for use as a vacation rental dwelling.

4.2.2. The city manager has determined the property complies with this ordinance.

4.2.3. The owner has provided information sufficient to verify a qualified person will be available to be contacted about use of the STR during and after business hours.

4.2.4. The owner has agreed to comply with all registration and operational standards including any conditions such as specific occupancy requirements.

Section 5. Density and Spacing of STR's. There are certain limitations on the location density and spacing of a STR within the City of Bay City and its UGB.

5.1 STR's shall be limited to 5% of the housing stock in the City of Bay City.

5.2 STR's shall be limited to the following physical distances between each STR in each City zone district:

- 5.2.1 In the HI Zone District.....0 feet
- 5.2.2 In the MI Zone District.....200 feet
- 5.2.3 In the LI Zone District.....400 feet
- 5.2.4 In the S3 Zone District.....200 feet

Section 46. Standards for STR Units. Each STR owner must certify to the City in writing that the unit being rented complies with the following standards:

6.1 Property address must be clearly displayed in the interior and displayed on the exterior of the dwelling in accordance with the Oregon Fire Code.

6.2 The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time. Renters who violate this standard may be issued a citation and be subject to a fine pursuant to this Ordinance.

6.3 The contact person shall notify every renter, in writing, of the quiet times and that a renter may be fined for violations under this Ordinance.

6.4 The contact person shall attempt to contact a renter by phone or in person within twenty (20) minutes of receiving any complaint concerning the conduct of a renter.

6.5 The name and phone number of the contact person shall either be posted or provided in one or more of the following manner(s):

6.5.1 Signage: If the short-term rental has a sign identifying it as a shortterm rental, then the current name and phone number of the contact person shall either appear on the sign or otherwise be conspicuously posted so that it is visible from outside the front entrance of the short-term rental. If this option is invoked, the required signage must be maintained in compliance with this Ordinance and Ordinance 374 in perpetuity, or until the dwelling is no longer being utilized as a short-term rental.

6.5.2 Written Notification: If the short-term rental does not have a sign identifying it as a short-term rental, then the name and phone number of the contact person shall be posted as described in this Ordinance. In addition, the owner shall provide written notice to the Bay City Hall and to each dwelling owner located within two hundred fifty feet (250') of the short-term rental of the name and the phone number of the designated contact person. In this case, the owner shall provide such written notice each time there is a change to the name or phone number of the designated contact person.

6.5.3 Notification by Bay City: In lieu of the owner providing the written notice to the Bay City Hall and to each dwelling owner within two hundred fifty feet (250') of the short-term rental as required by this Ordinance, the City will provide such written notice upon payment by the owner to the City of ~~an additional One Hundred Dollar (\$100)~~ a fee ~~set~~ **by resolution by the City Council.**

6.6. **Approved Registration Display.** The STR registration issued by the city shall be affixed to a wall within the interior of the dwelling adjacent to the front door. At a minimum, the license will contain the following information:

6.6.1. **A number or other identifying mark unique to the vacation rental dwelling license and which indicates the license is issued by Bay City, with the date of expiration;**

6.6.2. **The name of the owner or local representative and a telephone number where the owner or local representative may be contacted at all times;**

6.6.3. **The telephone number and web site address of Bay City and the Tillamook County Sherriff's Office;**

6.6.4. **The maximum number of vehicles allowed parked on the property;**

6.6.5. **The solid waste collection day;**

6.6.6. **Required Bay City quiet hours; and**

6.6.7. **Any other information required to be included in the displayed license including any conditions specific to the license.**

- 6.7 The owner shall provide covered garbage containers that can be secured by means approved by the local franchised garbage hauler. The contact person shall notify guests that all garbage must be kept in secured containers provided for that purpose. Garbage shall be removed by the local franchised garbage hauler a minimum of one (1) time per week unless arrangements are made with the local franchised garbage hauler to suspend or modify service during the times when the short-term rental is not rented. The contact person shall provide guests with information about recycling opportunities.
- 6.8 At least one (1) functioning fire extinguisher shall be accessibly located within the dwelling unit.
- 6.9 All plug-ins and light switches shall have face plates.
- 6.10 The electrical panel shall have all circuits labeled.
- 6.11 Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
- 6.12 Smoke detectors shall be placed and maintained in each sleeping area, outside each sleeping area in its immediate vicinity and in each additional story and basement without a sleeping area.
- 6.13 A combination carbon monoxide/smoke detector device shall be placed and maintained on each floor of a short-term rental and within fifteen feet (15') of each sleeping area.
- 6.14 All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
- 6.15 All interior and exterior stairways with four (4) or more steps and that are attached to the structure, must be equipped with a hand railing.
- 6.16 All interior and exterior guardrails, such as deck railings, must be able to withstand a two hundred pound (200#) impact force.
- 6.17 Emergency Escape and Rescue Openings:
- 6.17.1 For all dwelling units constructed after the effective date of this Ordinance every sleeping area shall have at least one (1) operable emergency escape and rescue opening. Sill height shall not be more than forty-four inches (44") above the floor. Openings shall open directly into a public way or to a yard or court that opens to a public way.
- 6.17.2 Minimum net clear opening at grade floor openings shall be five (5) square feet and five point seven (5.7) square feet at upper floors. Minimum net clear height is twenty-four inches (24") and net clear width is twenty inches (20").
- 6.17.3 For all dwelling units constructed prior to the effective date of this Ordinance, every sleeping area shall have at least one (1) operable emergency escape and rescue opening that complies with subsection 6(a)(N)(1) of this Section. If no such emergency escape

or rescue opening exists, then an alternative may be accepted by the Tillamook County Building Official pursuant to the currently adopted Oregon Residential Specialty Code.

6.17.4 Every sleeping area in a short-term rental that does not comply with this Section, shall not be used as a sleeping area and shall be equipped with a door that remains locked at all times when the dwelling unit is being used as a short-term rental. Such a noncompliant sleeping area shall not be included in the maximum occupancy calculation for the short-term rental. The contact person shall notify every renter, in writing, that the non-compliant sleeping area may not be used for sleeping.

6.17.5 At any time after a permit has been granted for a short-term rental pursuant to this Ordinance, the owner may bring a non-compliant sleeping area into compliance and upon a re-inspection and certification of compliance for such sleeping area, a new permit shall be issued that includes the increase in maximum occupancy associated with bringing a non-compliant sleeping area into compliance.

6.18 Exterior hot tubs shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub is not available for permissive use.

6.19 Short-term Rental Served by Sewer: The maximum occupancy for a short-term rental unit shall be calculated on the basis of an average of two (2) persons per sleeping area plus an additional two (2) persons. For the purpose of maximum occupancy, those under two (2) years of age shall not be counted. Tents and recreational vehicles shall not be used to increase the number of people approved to occupy a short-term rental.

6.20 There shall be one (1) parking space available for each approved sleeping area in a short-term rental, plus one (1) additional parking space. Off-street parking shall be used if physically available. If a sufficient number of off-street parking spaces are not available for the authorized number of vehicles, then on-street shall be limited to two (2) vehicles. Parking shall not, under any circumstances, hinder the path of any emergency vehicle. Trailers for boats and all-terrain vehicles may be allowed but shall not exceed the allowable on street parking for each short-term rental property. Renters may be cited and fined under existing State law or under applicable City ordinances in the event they park illegally.

6.21 The contact person shall notify every renter in writing of the required off-street parking and other parking spaces available to serve the short-term rental. Language shall be included in the notice that parking shall not, under any circumstances, hinder the path of any emergency vehicle and that renters may be cited and fined if this requirement is not adhered to.

6.22 A house number, visible from the street, shall be maintained.

6.23 Pets

6.23.1 Pets shall be restricted from continuous barking.....

6.23.2 Pets shall be kept on leashes when outside of the STR structure.

6.24 Exterior Lighting and Security Lighting. Lighting onsite shall be the minimum necessary wattage to illuminate a specific area, such as an entry or walkway. Exterior lights and security lights shall be shielded so as not to cast glare on adjacent property. Glare from exterior lights or security lights shall be shielded from adjacent uses and shall be the minimum necessary to illuminate the property. All lighting shall be designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent public streets, the night sky, or adjacent property.

6.25 All STR's shall have an emergency "Go Bag" that contains emergency supplies for 72 hours for two (2) people based on recommendations by the Red Cross.

6.26 Commercial liability insurance is required for STR.

Section 57. Inspection. The City has no obligation to inspect the STR. In the event that the City receives any complaint of non-compliance with this ordinance, the owner shall allow inspection of the STR by the City's designated representative, upon 24 hour advance notice to owner by City. Further, if the City contracts with the County or with a private building inspector to conduct the inspection, the owner of the STR shall be responsible for reimbursement to any out-of-pocket cost incurred by the City to inspect and verify compliance or non-compliance of the STR with this Ordinance. The City shall bill the STR owner for such cost, which shall be due within 30 days of the billing date.

Section 68. Penalties.

8.1 Non-compliance with Registration. In the event that the owner has failed to register the STR unit, the City shall notify the STR unit owner of the noncompliance and shall give the owner 15 days to register the unit. A late registration fee of ~~\$100.00~~ **as set by resolution by the City Council**, shall be added onto the annual registration fee.

8.2 Non-compliance with Standards. In the event of a complaint of noncompliance with any of the required standards set forth in Section 5, which is verified by the City designated representative, the owner may receive a fine of ~~\$50.00~~ **as set by resolution by the City Council** per violation for each day that the violation exists, after notice to the owner of the violation. If any violation continues for a period of 30 consecutive days, the City may terminate water service to the property until the STR unit is in compliance with the standards of this ordinance.

8.3 Complaints/Nuisance. **All complaints and nuisances documented in regard to an STR shall be considered non-compliance with STR standards.**

Section 79. Severability. The separate provisions of this Ordinance are hereby declared to be independent from one another; and if any clause, sentence, paragraph, section or part of this Ordinance shall, for any reason, be adjudged invalid by any court of competent jurisdiction, all remaining parts shall remain in full force and effect.

Section 810. Emergency. The City of Bay City deems an emergency to exist to effectuate a timely and efficient implementation of the standards for STRs and to allow for a January 1 start

date for registrations, which is a health and safety factor, and therefore this ordinance shall be in full force and effect upon passage by the Council and upon signature by the Mayor.

PASSED and ADOPTED by the City Council this ___ day of _____, 2022 and

APPROVED by the Mayor this ___ day of _____ 2022

DRAFT