

**CITY OF CASCADE LOCKS
PLANNING COMMISSION
AGENDA**

Thursday, May 10, 2018 at 7:00 PM
City Hall

1. Call Meeting to Order.
2. Approval of April 12, 2018 Minutes.
3. New/Old Business:
 - a. City Limits Discussion
 - b. Recommend Short Term Rental Ordinance to City Council for Adoption.
4. Public Comment.
5. Adjournment.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for person with disabilities, should be made at least 48 hours in advance of the meeting by contacting the City of Cascade Locks office at 541-374-8484.

1. **Call Meeting to Order.** Chair Cramblett called the meeting to order at 7:00 PM. Planning Commission Members present were Virginia Fitzpatrick, Gary Munkhoff, Todd Bouchard, and Larry Cramblett. Also present were City Administrator Gordon Zimmerman, City Recorder Kathy Woosley, Deputy Recorder Marilyn Place, Planning Consultant Stan Foster, Scot Siegel, Laura Buhl, George Fischer, Zach Wisner, Dan Wisner, and Nick Zodrow.
2. **Approval of March 8, 2018 Minutes.** PCM Munkhoff moved, seconded by PCM Fitzpatrick, to approve the minutes. The motion passed unanimously.

Chair Cramblett said the Planning Commission would hear Public Comment before the Public Hearings start.

Public Comment (moved up on the agenda). George Fischer said he bought property on Forest Lane and came to City Hall about nine months ago to ask questions about partitioning the land and he wanted to build a duplex and a home on the lots. He said he owns the adjoining property which has a duplex on it and the survey for the new lots was completed in February. George said he received a phone call from City Recorder Woosley telling him that the Community Development Code (CDC) doesn't allow duplexes in the LDR Zone and that the duplexes on the adjoining property were built under a previous code as a conditional use permit. He agreed this was an honest mistake and he blames himself also. He said he is here before the Planning Commission to ask if something could be done to allow him to build the duplex. He said he felt he did his due diligence but the rules have changed since he built the first duplex on the adjoining property.

PC Foster suggested the Planning Commission not hear this matter as the correct process would be submitting an application and noticing properly before the Planning Commission can hear this issue and deliberate toward a decision. CA Zimmerman urged the Planning Commission to refer this issue to Staff. George said Staff has said nothing could be done about it as the Community Development Code (CDC) doesn't allow duplexes in the Low Density Residential (LDR) Zone. PC Foster said a written decision can be sent to Mr. Fischer and an appeal can be made to the Planning Commission. George said he has already been told by Staff that he can not build the duplex and that is why he came to the Planning Commission. CA Zimmerman said the Planning Commission can only act on an application. George said he would like a written detailed layout of the procedure so he can do it correctly.

3. **New Business:**

a. **Public Hearing LU18-003 Osprey Homes, LLC - Variance.** Chair Cramblett opened the hearing at 7:09 PM. Chair Cramblett and PC Foster read the hearing procedures and then PC Foster went through the Staff Report. PCM Munkhoff referenced 8-6.102.020 G. regarding sprinkler systems being required and questioned how the Fire Chief could approve something else. PCM Bouchard suggested the requirement could differ due to the location of the property and the surroundings. He said there is no other structure close to Lot 13. PCM Munkhoff said all seven units are touching each other and that in itself is a problem for our Fire Department. He said the CDC requires sprinklers and the Fire Chief has no authority to rewrite the Code. PC Foster stated the Fire Chief met with the Applicant and is making a recommendation to the Planning Commission. CA Zimmerman reiterated that the CDC states that all attached dwelling units shall meet the Uniform Fire Code requirements.

Chair Cramblett said the Planning Commission is considering seven lots instead of six and that can be misread or misused by someone else. PCM Bouchard said they aren't creating a new lot. He said

there are already seven lots. He said he understood that there are seven lots and the Applicant would like to build a seven-plex. PC Foster said that is correct.

CA Zimmerman said Staff presented the Staff Report and it is time for the Applicant to present his case. He informed PCM Munkhoff that the City has no authority to change what would be required of the Uniform Fire Code. He said if the Uniform Fire Code requires sprinklers then sprinklers will have to be installed.

PCM Bouchard asked PC Foster to go through each requirement and assess Staff's recommendation. PC Foster said the criteria for the variance is the critical piece. He explained the lots have been there since 2005 and the Planning Commission at that time made the determination that this development was acceptable. He said he has deferred the determination of the first criteria of the five listed to the Planning Commission. He said the Planning Commission has to determine that the proposed variance will equally or better meet the purpose of the regulation being modified and any associated policies of the comprehensive plan. PC Foster continued with the remaining four criteria and explained how the criterion has been met. PC Munkhoff said six units are allowed at 125' so two buildings could be built to get the seven to meet the requirements of the CDC and not ask for a variance. CA Zimmerman explained the variance is a request for approval for a seventh unit, allow the length of units to be over 125' in length, and eliminate the setback requirement for Lot 13.

Dan said the design of the units as presented is the best design. He said the City's desire is to have a creative mixed-use housing variety. PCM Munkhoff asked how much space would have to be between two buildings. Dan said at least 10' between buildings. He said five units would have to be 18' wide and that would be an inferior design. Dan explained that the units have to meet the Uniform Fire Code for the square footage, which is a one-hour fire wall per side. He said the flame blocks they will be using gives a two-hour fire wall.

Dan said they have worked many hours to come up with the most creative way to meet the seven-lot configuration with a minimal variance. He said the units will be 1600 to 1700 square foot each, a marketable product, and they have tried to maximize the safety of the units. He said if they strip the units down they will be an inferior design and will not be a desirable product for the market place.

PCM Munkhoff asked if there could be a division of units on Lots 10 and 11. Dan explained the width of the lots and how narrow the units would have to be. PCM Munkhoff said the lots were purchased knowing how narrow they were. He said he didn't think the variance was justified. Chair Cramblett commented that it just seems too tight for seven units. CA Zimmerman said there are seven lots that were approved and six units are approved as outright uses. He said a seventh unit fits in with the rest of the development in Wasco Creek Planned Development. He explained that it isn't a violation of the Code but more of an error in 2005 when it was platted or just a lousy design. Dan said he will not split the building into two as it would be an inferior design and based on the market, would take a long time to sell. He said this design is the best use for the property without looking like apartments.

Proponent: None.

Opponent: None.

CA Zimmerman said these will be the final buildings in Wasco Creek. Dan explained the minimum width of building he has built was 22' and explained the floor plan would look like hallways in an 18' wide building and would be out of proportion. PC Foster said the Planning Commission would not be setting precedence as this is a Planned Development.

Chair Cramblett closed the hearing at 7:54 PM.

PCM Munkhoff said he appreciated all that they have done with the development that has taken place. CA Zimmerman commented that everything they have built is occupied.

PCM Bouchard moved to accept the request for a variance of the 125' length, with seven units, and eliminating the 5' interior side setback on Lot 13. PCM Fitzpatrick seconded the motion. The motion passed with PCM's Fitzpatrick, Bouchard, and Chair Cramblett voting in favor. PCM Munkhoff voted against the motion.

b. Public Hearing- Code Amendments – Draft #3. Chair Cramblett opened the Public Hearing for the CDC amendments at 8:00 PM. PC Foster commended Scot for his work on the CDC amendments and said he was impressed with the changes being made.

Scot said this draft proposal incorporates the comments and changes that the Planning Commission provided in February. He said the Drafts have been posted on the website and provided to the State. He said the findings support the recommendations of approval of the Planning Commission. He said the document complies with all rules and regulations.

Chair Cramblett suggested allowing duplexes in the LDR zone as we currently have duplexes in this zone and should not start eliminating them now. Scot said that would be a new development but understands that in a previous code duplexes were allowed as a conditional use. PCM Munkhoff pointed out that the Planning Commission approved a duplex on Forest Lane in the old church building. CA Zimmerman explained that the old church building is on a corner lot and that one driveway had to be off of Jackson Roberts Road. PCM Munkhoff moved to allow duplexes in the LDR Zone and not be restricted to corner lots. Scot suggested that the Planning Commission allow public testimony first. CA Zimmerman explained the old church is sitting on two separate parcels and considered two single family homes at zero lot line. He asked if the Planning Commission was considering allowing duplexes in the LDR Zone as a conditional use as in the preceding Code or as an outright permitted use. PCM Munkhoff replied, as an outright permitted use. Scot suggested the Planning Commission consider what the minimum lot size should be for duplexes. He said the MDR Zone has a minimum lot size of 4,000 square feet per unit and 8,000 square feet for the building. He said a minimum lot size for a home in the LDR Zone is 6,500 square feet. PCM Munkhoff asked what was required in the previous code to allow duplexes in the LDR Zone. CA Zimmerman said he didn't know but suggested a conditional use process for duplexes in the LDR Zone so the Planning Commission has an opportunity to review. Scot said currently duplexes are not allowed in the LDR Zone. He said the question is whether housing is needed in the LDR Zone and the Planning Commission would have to make a finding for that if requiring a conditional use.

Chair Cramblett went through Draft #3 and clarifications were made through the document. PCM Munkhoff suggested that the screening, chimneys, etc. be clarified that it doesn't count in the height calculation.

Chair Cramblett asked about house boats. Scot said he hadn't encountered that. He said this could be regulated in the Code. George Fischer said houseboats and floating homes are both considered vessels.

Chair Cramblett asked about amendments on page 47 and 48. Scot said this language is included here so the City can require sidewalks, streets, etc. when appropriate. He said it is another tool to use for development. Scot explained page 51.c. allows flexibility for modification. He said it is impossible to write a code for every situation so the intent of the Code using legislative history can be added criteria to make a decision.

Public Testimony: George said allowing a duplex on corner lots only in the LDR Zone is useless as there is probably only one corner available unless you're going to tear down houses. He said he currently has a 7,500 square foot lot to build a duplex. He asked why the Planning Commission would not allow duplexes. He said these people will bring revenue to the City. George said the footprint of a duplex will still be servicing the same amount of people. Chair Cramblett thanked George for staying and said he hoped his anxiety was lessened.

Dan said Cascade Locks has been found. He said Osprey has had nine sales in the last four weeks and at least three of those sales are by people from Portland. He cautioned the Planning Commission on open space requirements in the Planned Development section. He said he understands the Planning Commission desiring the usefulness of the open space and commonly the open space is used around impedance to development. Dan said dictating 10% of the gross land area might be difficult if a large piece of the land is impacted by wetlands, storm, and streets. He suggested 10% of the gross or 20% of the useable land might be better assurance for a developer. He said incentives can be used to get a developer to put in a nice playground or parking for their development.

Chair Cramblett closed the hearing at 9:05 PM.

Scot clarified the changes per Planning Commission discussion. He said a clarification was suggested for rooftop and mechanical equipment not counting toward height of the building in the Downtown Zone. He said another change to the draft is the decision on allowance of duplexes in the LDR Zone, striking, "on corner lot" on page six and "and duplexes" under A. at the bottom of the page. He said the Planning Commission would strike G. 1. and 2. as it applies to corner lots. He said the Planning Commission needs to make a decision as to whether the duplexes would have to comply with the same building design standard as required for single family dwellings and suggested the same standards apply. PCM Munkhoff moved to adopt the CDC amendments based on the clarifications as stated above by Consultant Siegel. PCM Fitzpatrick seconded the motion. The motion passed unanimously.

4. **Public Comment.** This took place before the hearings.
5. **Adjournment.** Chair Cramblett adjourned the meeting at 9:39 PM.

Prepared by
Kathy Woosley, City Recorder

APPROVED:

Larry Cramblett, Chair

CASCADE LOCKS STAFF REPORT

Date Prepared: April 11, 2018

For Planning Commission Meeting on: May 10, 2018

TO: Planning Commission

PREPARED BY: Gordon Zimmerman, City Administrator

SUBJECT: City Limits Discussion

This report was submitted to the City Council on Monday, April 9. The Council has asked the Planning Commission to review the concept and/or make a recommendation concerning the use of \$25,000 to implement the concept.

SYNOPSIS: Last year the County Planning Department undertook a study of the boundary's around Cascade Locks. Please see the report from Donette Miranda of Miranda Planning to John Roberts, Hood River County Planning Director. The purpose of the project was to clarify the sometimes confusing zoning around Cascade Locks. For example, where the Oxbow Fish Hatchery sits is a triangle of land that is not zoned in the County or in the City. Granted, it should be zoned public because of the fish hatchery.

The study was an attempt to identify a road map whereby the City limits, the Urban Growth Boundary, and the Urban Area established by Congress with the National Scenic Act, could be congruous.

Also at issue is the Urban Growth Area Management Agreement that basically gives the County the authority over area between the City limits and the Urban Growth Boundary, rather than the City. That is not to say that the County would go against any city recommendations for that area, but the agreement does give them the authority to do that. The County's Planning Commission could control the City's zoning and growth. A copy of the UGB Management Agreement is attached.

I have also included a spreadsheet summarizing the areas of concern with maps so you can visualize the areas.

The easiest solution without going to Congress to move the Urban Area Boundary established by the National Scenic Act is to move the City limits and the Urban Growth Boundary to the National Scenic Area boundary. This would result in a net loss of over 37 acres to the City, but it would also place the responsibility for any development outside the City limits with the

Columbia River Gorge Commission. Because the annexation of property into the City (moving the City limits out to the UGB) is less than 50 acres (about 40 acres total), this adjustment can be done through an expedited process with the Department of Land Conservation and Development.

The purpose of this presentation is to make you aware of the potential for this project, but also to make you aware that the State Legislature has provided a \$25,000 planning grant to the City. I have not yet had it verified and whether or not this project would qualify, or even how to qualify for the ear-marked grant. But I did want to seek tentative approval of this project for the use of that funding.

May I have your permission to continue to seek \$25,000 of funding in order to complete the project that the County does not have the funds or other resources to complete?

Date: November 29, 2017
To: John Roberts, Hood River County
From: Donette Miranda, Miranda Planning
Subject: Hood River County and City of Cascade Locks Jurisdictional Boundaries

Purpose

The purpose of this project is to align disparate jurisdictional boundaries to remove Hood River County's land use jurisdiction within the City of Cascade Locks Urban Growth Boundary (UGB) and National Scenic Area (NSA) Urban Area Boundary. This would be accomplished through extending existing City limits to align with adopted City zoning, UGB, and NSA Urban Area (UA) boundaries.

The project involves:

- Understanding the development review authority outlined in the Urban Growth Area Management Agreement.
- Identify when and where the Cascade Locks UGB was adopted.
- Identify specific dates and parcels of the 2002 NSA UA Boundary expansion (when and where).
- Clarify the most recent zoning map the City has adopted (when and where).
- Citizen Involvement.
- Initiate annexations to align City Limits with: City zoning map, City UGB, and City UA Boundary; county or City surveyor would provide legal descriptions.

This memo includes a summary of the documents provided by Hood River County, which were reviewed in an effort to understand the jurisdictional boundaries of Hood River County and the City of Cascade Locks. The following sections provide a timeline and summary of reviewed documents, historic to current Cascade Locks boundary maps, a table indicating boundary shifts by tax lot, and a conclusion.

Document Summary

Timeline

- 1977 Cascade Locks Comprehensive Plan was first adopted. An Oregon Department of Land and Conservation Development (DLCD) document states, "...Oregon's land-use system, adopted by the 1973 Legislature... By the mid-1980s, every community in the state had a long-range plan and an urban growth boundary adopted and approved by the state."¹ This indicates that the UGB was adopted when the Comprehensive Plan was adopted.
- April 12, 1978 Amended the Comprehensive Plan to adopt that part of the Cascade Locks Comprehensive Plan, pertaining to land in County jurisdiction.
- October 6, 1978 Cascade Locks Comprehensive Plan acknowledged by the Land and Conservation and Development Commission (LCDC).
- January 15, 1979 Cascade Locks Comprehensive Plan Zoning Map adopted, effective date February 15, 1979.

¹ DLCD. 2000. Inside the Boundaries. May 2000. <http://www.oregon.gov/LCD/docs/publications/insideboundaries.pdf>

- 1986 National Scenic Area (NSA) Act in effect designating Cascade Locks as an UA. Oregon Administrative Rule (OAR) 350-010-0050(4) states, "The location of an urban area boundary does not shift in response to changes in land management boundaries, including, but not limited to, municipal boundaries and approved urban growth boundaries. A Legal Description that refers to a land management boundary means the land management boundary as it existed on November 17, 1986, or as otherwise described in the Legal Description. Legal Descriptions are included in an appendix to Commission Rule 350-10.
- April 6, 1987 Amended the Hood River County Policy Document, under Goal 14: Urban Growth Area Management Policies & Procedures, to include the City of Cascade Locks Urban Growth Area Management Agreement (File #85-296). The Management Agreement includes that land use actions (e.g., rezones) within the UGA (outside of City limits) are under County jurisdiction, but the County refers requests inside the UGA to the City for review/comment/recommendation to the County. This authority applies to private, County, and State land. The County also has the authority for land use decisions and actions affecting UGAs. However, Cascade Locks recommendations and decisions will prevail regarding specific city zoning. The City shall seek a recommendation from the County regarding items which will affect the UGA, for which the City has ultimate decision making capacity, such as proposals for annexation of land from the UGB into the City limits. The City may annex land after receiving a request with affirmative findings. All UGB amendment requests (including annexing land into the City limits from the UGB) shall be initially processed by the City, concurrently reviewed by the County, heard at public hearings, and agreed to by the City and County. Establishment of a UGB does not imply that all land within the boundary shall be annexed into the City, such as the case with Cascade Locks (see Figure 3).
- April 7, 1987 Adopted Cascade Locks UGA Management Agreement Letter: Letter indicating that HR County adopted the agreement to be included in Goal 14.
- November 17, 1988: Annexation of all lands within UGB to generally align the City limits, with the exception of two areas in the West Boundary area (File #88-205; see Figure 1).
- December 15, 1989 UGA Management Agreement Letter: Letter from Cascade Locks to HR County indicating that City Council approved the agreement, which would be forwarded to HR County for processing and approval.
- DATE Letter RE Hood River County NSA Ordinance Cascade Locks boundary mapping errors. Land with in Cascade Locks UGB moved to NSA.
- September 15, 1998 Memo Regarding Revision to the Cascade Locks UA Boundary: Cascade Locks letter to HR County explaining UA mapping errors (for Thunder Island, West Boundary Area, and South Boundary Area) and indicating that the City Council approved the proposal, which would be forwarded to HR County and CRCG for approval.
- September 18, 1998 Memo Regarding Cascade Locks UA Boundary Amendment: Cascade Locks formal request that HR County apply to the CRCG for amendment to the Cascade Locks UA boundary.
- September 23, 1998 Minor Urban Area Boundary Revision Proposal: Proposal for minor revision to Cascade Locks UA boundary by adding 87.5 acres (0.5 acre from Thunder Island and 87 acres from South Boundary) to inside the City limits and UGB, adding 40 acres (West Boundary) outside the City limits and inside UGB, and removing 171 acres (South Boundary) of USFS and State land from UA to NSA (see Figure 2).

- December 10, 1998 City of Cascade Locks Minor UA Boundary Revision Application Letter: HR County letter to CRGC indicating that the HR Board approved the request and is forwarding to the CRGC for further processing.
- December 10, 1998 CRGC Notice of Proposed Minor UA Boundary Revision: Notice for public comment regarding the minor revision to the Cascade Locks UA boundary, which would add to the UA all lands inside the prior UGB that existed before the NSA (127.5 acres) and would also remove from the UA all lands not within the prior UGB (171 acres). The revision would modify a UA boundary line deemed by the CRGC to be a mapping error.
- January 13, 1999 CRGC Director's Report: Proposed boundary revision would add 127.5 acres from NSA to UA (these lands were all within the UGB in existence at time of NSA Act) and remove 171 acres from UA to NSA. The report includes that a commission hearing was scheduled for March 9, 1998.
- March 9, 1999 UA-98-01: Minor revision restored the UA boundary to the pre-NSA location, added 127.5 acres to UA, and removed 171 acres of publicly owned land from the UA.
- June 22, 1999 Final Order of the CRGC Minor Urban Area Boundary Revision – City of Cascade Locks UA-98-01: Decision to approve minor revision of the UA including adding 127.5 acres to UA, and removing 171 acres of publicly owned land from the UA to the NSA. Order states that a public hearing was held on March 9, 1999 in The Dalles. Decision includes that boundary revisions bringing land from UA to NSA are not effective until a management plan amendment assigning SMA designations is adopted and concurred with.
- February 23, 2000 Friends Vs. CRGC No. 99-2-00211-19 Transmittal and Affidavit of Certification of Administrative Hearing Record: The record is for the Friends of the Columbia River Gorge v. Columbia River Gorge Commission case. The record includes:
 - June 22, 1999 Final Order of the CRGC Minor Urban Area Boundary Revision – City of Cascade Locks UA-98-01
 - Testimony and various letters in support and opposition.
 - February 16, 1999 Notice of Contested Case Hearing: Notice of contested case hearing on March 9, 1999 to consider proposed revisions to Cascade Locks UA.
 - February 24, 1999 Notice of General Hearing: Notice of general hearing on March 9, 1999 to consider proposed revisions to Cascade Locks UA.
 - Notices of intervention.
 - January 13, 1999 CRGC Director's Report.
 - September 23, 1998 Minor Urban Area Boundary Revision Proposal.
 - December 10, 1998 CRGC Notice of Proposed Minor UA Boundary Revision.
 - UA Boundary Revision Schedule.
- April 2, 2001 Proposed Settlement and Minor Modification of UA-98-01: Letter from County, Cascade Locks, and Friends to CRGC. Proposal to restore 28 acres of private land on west side of Cascade Locks to NSA (tax lots 300, 301, 700, 800), restore 62 acres of USFS land east of UA to NSA (portions of tax lots 200, 404, 900), and restore 37.44 acres of publicly owned land to UA, including Oxbow Salmon Hatchery and numerous buildings owned by USFS and State of Oregon.
- April 4, 2001 Requested Modification to Cascade Locks Urban Area Boundary Change UA-98-01: Memo from CRGC Counsel to CRGC. Same as above. The memo indicates that a hearing notice was required.

- April 10, 2001 Notice of Hearing to Reconsider Prior Order UA-98-01: Notice of contested case hearing on April 10, 2001 to consider requested modification to Cascade Locks UA boundary revision UA-98-01.
- April 16, 2001 Final Order of the Columbia River Gorge Commission Minor Urban Area Boundary Revision – City of Cascade Locks UA-98-01 (Modified): Approves restoration of 87 acres to pre-1999 decision classifications, 63 acres of UA back to NSA, 24 acres NSA back to UA (see Figure 3). Order suggests that a hearing occurred. This action can have no effect unless the appeal is dismissed by Klickitat County Supreme Court and the modification is adopted.
- August 21, 2001 Letter from CRGC to HR County: Letter indicates that the Secretary of Agriculture does not have to concur on the UA boundary revision. To become effective there are two conditions: Friends of the Gorge dismiss lawsuit on original decision (Modified Order April 16, 2001); and a management plan amendment assigning land use designations for land moved from UA to NSA is adopted and concurred with (Final Order June 22, 1999). Concurrence from the Secretary of Agriculture is required for assignment of SMA designations.
- February 28, 2005 Current Cascade Locks Zoning map (see Figure 4).
- May-June 2012 Cascade Locks UA Inquiry Emails: Emails include findings that the ODFW property (2N 8E 8 #500) is within the UA and outside of the NSA and not zoned, but unclear if it is under City or County jurisdiction. Email seems to indicate that the property is within the UA, but outside of the City limits. Based on Figure 3, this ODFW property is within the UA, but outside of the City limits and UGB. Pursuant to the Management Agreement, adopting a zoning designation for this ODFW property would be initiated by the County, based on a request, and referred to the City for review, comment, and recommendation to the County. Because the property is outside of the UGB, annexing the property into the City limits would be considered an amendment to the UGB and initially processed by the City, concurrently reviewed by the County, heard at public hearings, and agreed to by the City and County.
- September 2013 Cascade Locks Boundary Emails: Emails indicate that of the conditions outlined in the August 21, 2001 Letter from CRGC to HR, the CRGC indicated that the first condition was met (Friends of the Gorge dismissed lawsuit on original decision (Modified Order April 16, 2001)). There is no record of the second condition being met, which the USFS would have to confirm as it is regarding the NSA.
- October 2015 Cascade Locks Urban Area Map Emails: Emails indicate uncertainty regarding whether or not the 2001 amendment to Cascade Locks UA boundary was forwarded to the Secretary of the Interior for concurrence and associated final official map. The final documents include UA-98-01 dated July 22, 1999 and final order for modified revision signed April 17, 2001.
- September 30, 2015 Email: County Webmap still shows ODFW property (2N 8E 8 #500) to be within the NSA, rather than UA, although HR County recognizes the 2001 map as current.
- February 2017 Emails: Emails regarding ODFW property (2N 8E 8 #500) indicate that the 2001 NSA UA amendment was adopted. Property is zoned NZ and therefore has no explicit uses listed, within UA as of 2001.

Boundary Maps

Figures 1-3 show City limit, UGB, and UA boundaries and UA boundary changes that have occurred. Figure 4 shows the current Cascade Locks zoning designations.

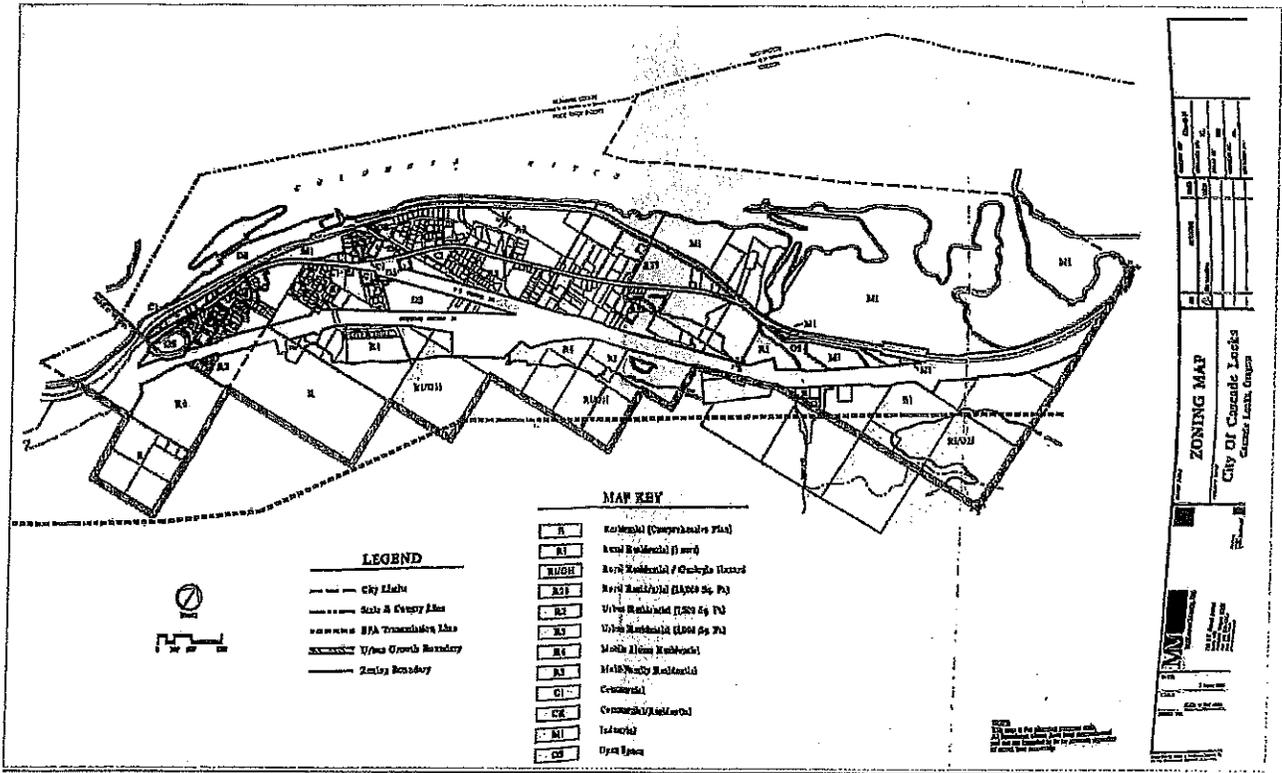


Figure 1: Cascade Locks UGB and City Limits 1988-1998

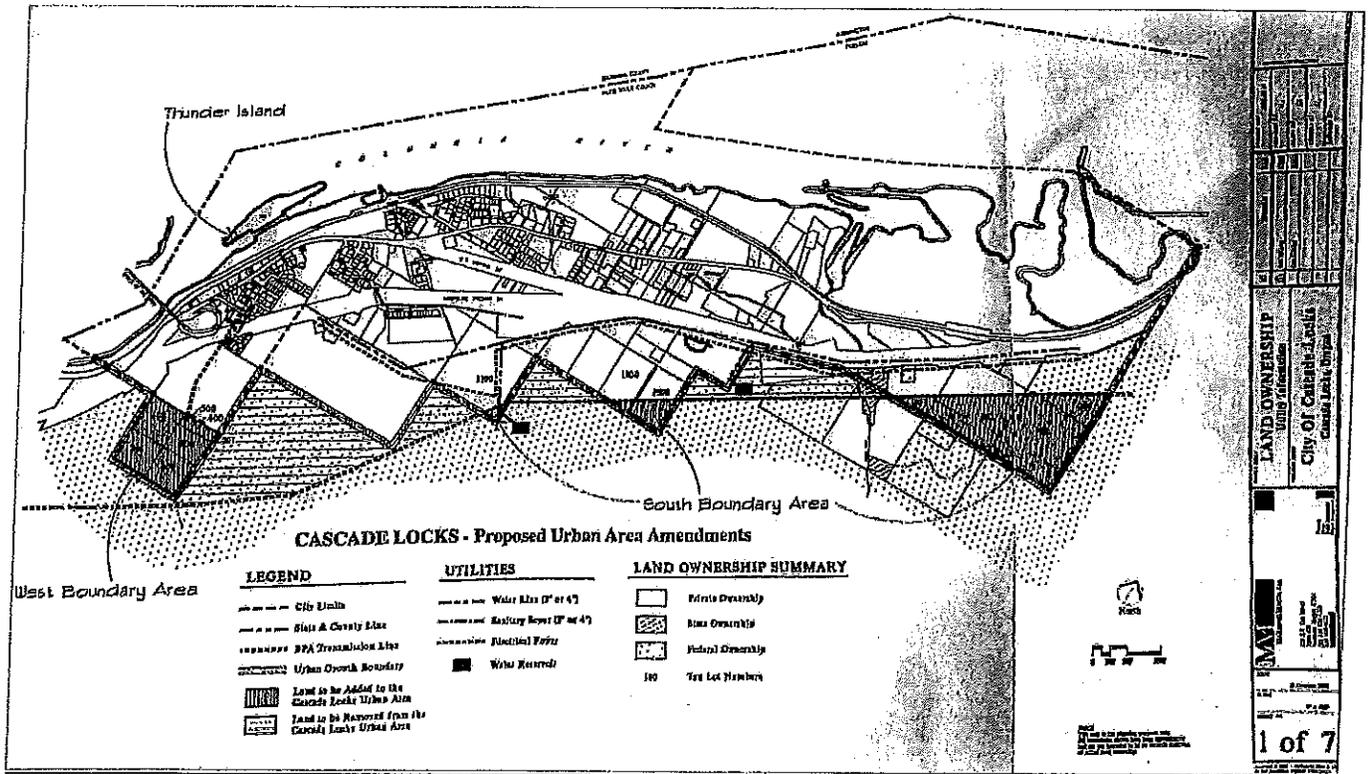


Figure 2: Cascade Locks Proposed Urban Area Boundary Revision 1998

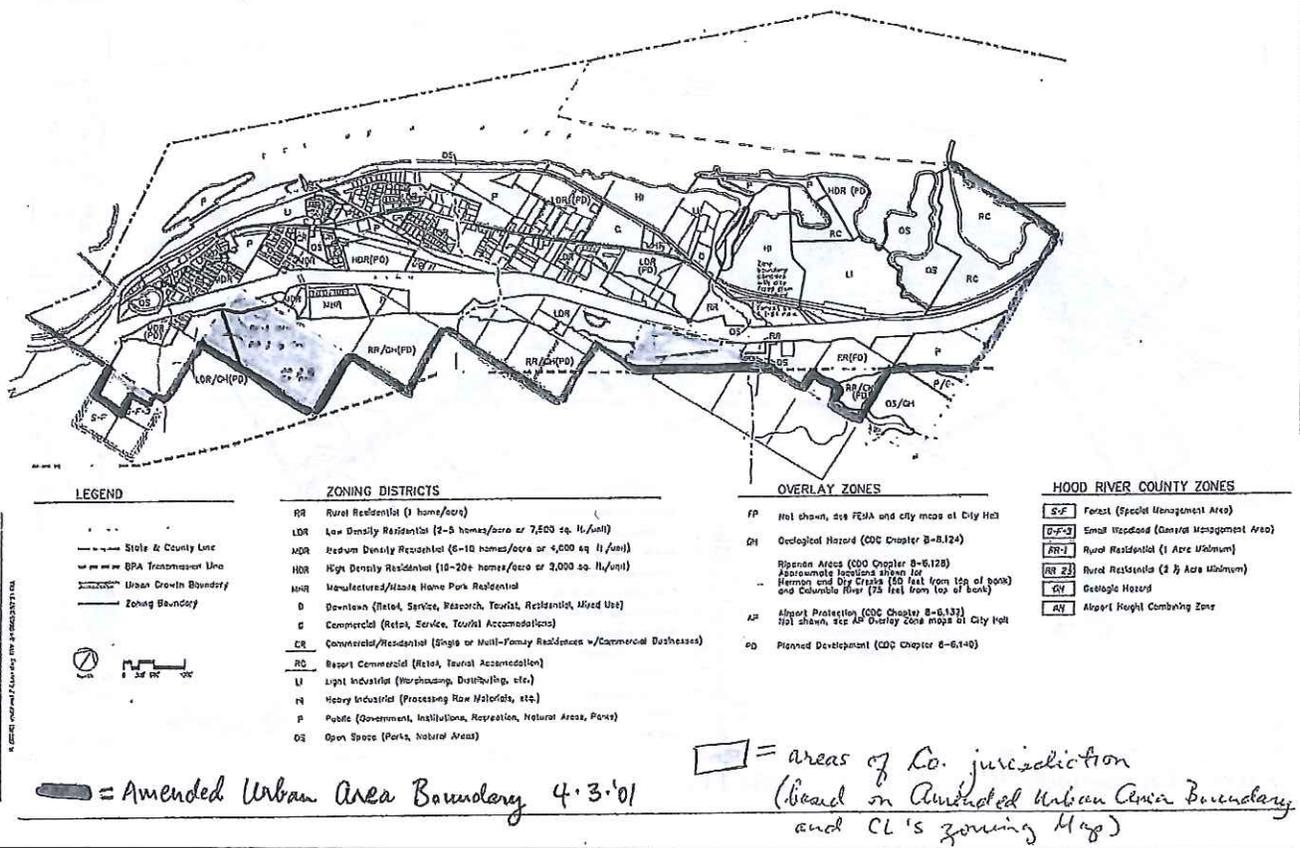


Figure 3: Cascade Locks Amended Urban Area Boundary Map 2001

*County Webmap does not reflect the amended UA Boundary as depicted here.

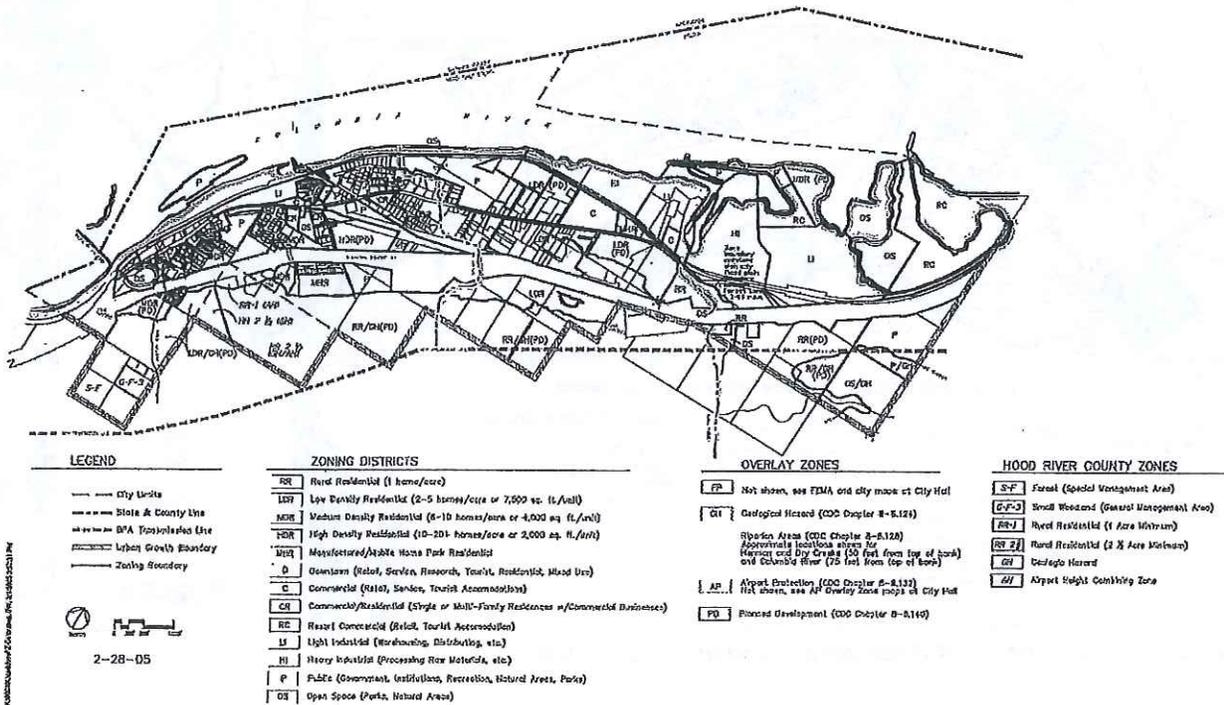


Figure 4: Cascade Locks Zoning Map 2005

Boundary Changes

Table 1 indicates UGB and UA boundary changes that have occurred for tax lots in the Thunder Island, West Boundary, and South Boundary areas (see Figures 1, 2, and 3).

Table 1: Subject Tax Lots

Location	Tax Lot	Owner	Area (acres)	Zone	1988-1998 Boundary	Current County Webmap Boundary	2001-Present Revised Boundary
Thunder Island	02N07E1200100 (partial)	Port of Cascade Locks	0.50	Public	Inside City Limits Inside UGB Inside UA	Inside City Limits Inside UGB Inside UA	Inside City Limits Inside UGB Inside UA
	02N07E1300300	Mary M Harrison Trustee Et Al	6.88	GMA Small Woodland	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Outside UA
	02N07E1300301	Mary M Harrison Trustee Et Al	1.02	GMA Small Woodland	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Outside UA
	02N07E1300400	Ryan Klapprich & Rachel Herman Et Al	1.00	SMA Forest	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Inside UA
West Boundary Area	02N07E1300500	Jeffrey Kremer	1.00	SMA Forest	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Inside UA
	02N07E1300600	Federal	9.92	SMA Forest	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Inside UA
	02N07E1300700	Mary M Harrison Trustee Et Al	9.90	SMA Forest	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Outside UA
	02N07E1300800	Mary M Harrison Trustee Et Al	9.88	SMA Forest	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Inside UA	Outside City Limits Inside UGB Outside UA
South Boundary Area	02N08E0500200 (partial)	Federal		Public	S corner: Inside City Limits Inside UGB Inside UA	S corner: Inside City Limits Inside UGB Inside UA	S corner: Inside City Limits Inside UGB Outside UA
	02N08E0500404	Federal	4.95	Rural Residential	Inside City Limits Inside UGB Inside UA	Inside City Limits Inside UGB Inside UA	Inside City Limits Inside UGB Outside UA
	02N08E0500900	Federal	39.72	Open Space	Inside City Limits Inside UGB Inside UA	Inside City Limits Inside UGB Inside UA	Inside City Limits Inside UGB Outside UA
	02N08E0800300 (partial)	Orinda International, Inc		No Base	Outside City Limits Outside UGB Outside UA	Outside City Limits Outside UGB Outside UA	Outside City Limits Outside UGB Inside UA
	02N08E0800301 (partial)	State (ODFW)		No Base	Outside City Limits Outside UGB Outside UA	Outside City Limits Outside UGB Outside UA	Outside City Limits Outside UGB Inside UA
	02N08E0800400 (partial)	Federal		No Base	Outside City Limits Outside UGB	Outside City Limits Outside UGB	Outside City Limits Outside UGB

02N08E0800500	State (ODFW)	10.78	No Base	Outside UA Outside City Limits Outside UGB Outside UA	Outside UA Outside City Limits Outside UGB Outside UA	Inside UA Outside City Limits Outside UGB Inside UA
02N08E0700100 (partial)	Federal		No Base	Outside City Limits Outside UGB Outside UA	Outside City Limits Outside UGB Outside UA	Outside City Limits Outside UGB Inside UA

**Bold font indicates change*

Conclusion and Next Steps

Based on the document review, it appears that the Cascade Locks UA boundary is as was prior to 1999, as depicted in Figure 4 and recognized by the CRGC. However, USFS should be contacted to confirm that a management plan amendment assigning land use designations for land moved from UA to NSA was adopted and concurred with (per Final Order June 22, 1999). Additionally, the Secretary of Agriculture should be contacted to confirm that concurrence was obtained, as required for assignment of SMA designations.

Based on the Cascade Locks Urban Growth Area Management Agreement, land outside of the City limits, but within the UGB or UA is under HR County jurisdiction (see Figure 3). Pursuant to the Management Agreement, annexing property from the UA into the City limits would be considered an amendment to the UGB and initially processed by the City, concurrently reviewed by the County, heard at public hearings, and agreed to by the City and County.

Post-It® Fax Note	7671	Date	5/28	# of pages	8
To	Kathleen W.	From	Josetta G.		
Co./Dept.	City of CL	Co.			
Phone #		Phone #			
Fax #	374-8752	Fax #			

GOAL 14 - URBANIZATION: CASCADE LOCKS URBAN GROWTH AREA MANAGEMENT AGREEMENT

WHEREAS, the City of Cascade Locks, Oregon, and Hood River County, Oregon, are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform; and

WHEREAS, Statewide Planning Goal Number 14 requires that establishment and change of Urban Growth Boundaries shall be a cooperative process between the City and the County that surrounds it; and

WHEREAS, the City of Cascade Locks and Hood River County recognize a common concern regarding the accommodation of population growth and utilization of lands adjacent to the City; and

WHEREAS, the City of Cascade Locks and Hood River County recognize that it is necessary to cooperate with each other to implement the urbanization policies of their comprehensive plans,

NOW, THEREFORE, THE PARTIES DO MUTUALLY AGREE AS FOLLOWS:

I. Intent of Agreement

- A. The City of Cascade Locks and Hood River County hereby agree to establish a procedure for the implementation of the Cascade Locks Urban Growth Boundary and the plan for the Cascade Locks Urban Growth Area, both of which form an integral part of the City of Cascade Locks Comprehensive Plan and the Hood River County Comprehensive Plan. For purposes of this agreement, the Cascade Locks Urban Growth Area shall be defined as the area between the Cascade Locks city limits and the Cascade Locks Urban Growth Boundary, as designated on the City and County Comprehensive Plan maps.
- B. The procedures for implementation of the Urban Growth Boundary and administration of the Urban Growth Area shall be as specified in this agreement.
- C. The provisions of this agreement shall establish the procedure for review and action on comprehensive plan amendments, implementing ordinances, land use actions, public improvement projects and other related matters which pertain to the Urban Growth Area.
- D. All actions as specified in this agreement shall be taken to assure that the City and the County comprehensive plans and implementing ordinances remain consistent and coordinated with each other.

II. Administration of Land Use Decisions

A. Land Use Actions:

1. The Hood River County Planning Department shall refer the following requests or projects which are inside the Urban Growth Area to the Cascade Locks City Planning Commission for its review and comment within three (3) working days of the date the request was filed with the County Planning Department.

Rezones
Planned Unit Development
Road Vacations and Dedications
Comprehensive Plan Changes
Subdivisions
Major and Minor Partitions
Other Land Use Actions listed in Section II, B
Conditional Use Permits
Variances

- (a) The City of Cascade Locks Planning Commission shall review the request and submit its response to the Hood River County Planning Commission within 20 calendar days of the date the request was received for review.
 - (1) The City Planning Staff shall report to the City Planning Commission the nature of the request and a staff recommendation on each case.
 - (2) The City Staff will make the recommendation to the County Planning Commission in such cases where the City Planning Commission cannot review and make recommendations upon the request within 20 calendar days of receiving the recommendation from the City Staff.
 - (3) The City Planning Commission upon reviewing the Planner's report on the request shall respond to the County Planning Commission.
 - (4) Should no recommendation be forthcoming within the established response time and no extension requested in writing to the County Planning Department, the City of Cascade Locks shall be presumed to have no comment regarding the request. An extension shall be no longer than 10 calendar days in any event.
- (b) The Hood River County Planning Commission shall hold a public hearing, if required by State law, County ordinance, or governing procedure, within 20 days of receiving a recommendation from the City Planning Commission. The Commission shall make a decision or recommendation to the governing body as per existing or future procedures or policies on the above actions.

2. The Hood River County Zoning Ordinance and Zoning Designations and Subdivision Ordinance apply to private, County, and State ownerships, including lands within both Urban Growth Boundaries of the Cities of Hood River and Cascade Locks.
3. Hood River County retains the responsibility for land use decisions and actions affecting urban growth areas. Appeals from such decisions and actions shall be in accordance with the appeals process specified in Hood River County Zoning and Subdivision Ordinances. The Cities of Hood River and Cascade Locks have standing to appeal any land use decision in the County involving the urban growth areas, provided the City's testimony has been added into the record at the Planning Commission level or added to the record during the Planning Director administrative decision-making process.
4. Although Hood River County retains the responsibility for decisions affecting lands within the urban growth areas, recommendations and decisions by both the Cities of Hood River and Cascade Locks will prevail regarding specific city zoning and subdivision ordinance interpretations relative to the following: uses permitted or conditionally allowed; and site development standards or requirements (e.g., maximum height, setbacks, minimum lot size for new lots or parcels, lot coverage, stream setbacks, distances between buildings, densities, etc.). However, the County reserves the right to insure decisions are in compliance with land use and applicable laws. If necessary (as determined by both the City and the County), public hearings will be conducted to insure land use actions and decisions are consistent and in compliance with both the City's and the County's Comprehensive Plans.
5. Cities' responses to County referrals will be specific regarding what site development standards are required. A brief statement that the request must comply with the City's zoning ordinance is not acceptable.

B. Other Land Use Activities: The City and County shall use the following process for review and action on public improvement projects, and similar programs, projects or proposals which will apply to the Urban Growth Area.

1. The County shall seek a recommendation from the City with regard to the following items which are within or adjacent to, or directly impact the Urban Growth Area and for which the County has ultimate decision making capacity:
 - (a) Capital improvement programs.
 - (b) Major public works projects sponsored by the County for transportation facility extensions or improvements; establishment, development or major improvement to a park or recreation area; public facility construction or improvement; acquisition of property; or other similar activity.

- (c) Functional plan, or amendment thereto, for utilities, drainage, solid waste, transportation, recreation, or similar activity.
 - (d) Plan, or amendment thereto, for economic development or industrial development.
 - (e) Neighborhood or sub-area development plan.
 - (f) Proposal for formation of, or changes of boundary or function of special service districts, as these terms are defined in ORS 198.705 and ORS 198.710, except as provided in ORS 199.410 and 199.512.
 - (g) Recommendations for designation of an area as a health hazard.
 - (h) Other plans or proposals similar to the above.
2. The City shall seek a recommendation from the County with regard to the following items which will affect the Urban Growth Area for which the City has ultimate decision making capacity:
- (a) Proposals for annexation to the City.
 - (b) Capital improvement programs.
 - (c) Functional plans, or amendments thereto, for utilities, drainage, recreation, transportation, or other similar activity.
 - (d) Plans, or amendments thereto, for economic development or industrial development.
 - (e) Proposals for the extraterritorial extension of any City service, utility or facility, or the service area for any of the above.
 - (f) Other plans or proposals similar to the above.
3. The initiating jurisdiction shall allow the responding jurisdiction 45 days to review and submit recommendations with regard to the items listed in Section B1 and 2 above. Additional time may be provided at the request of the responding jurisdiction and with the concurrence of the initiating jurisdiction.
4. The initiating jurisdiction shall consider, and is obligated to respond to, as appropriate, the recommendations of the responding jurisdiction in making its decision. No response by the responding jurisdiction to the request within the time limit outlined above shall be presumed to mean no comment on the proposal.

III. Urban Growth Boundary Revisions

- An amendment or revision of the Urban Growth Boundary shall be enacted only after agreement by both City and County officials in accordance with procedures for each jurisdiction.
- A. All amendment requests shall be initially processed by the City. The City will refer to the County, upon receipt thereof all requests for amendments in order to allow for a concurrent review. The City shall give the County Planning office fifteen (15) days to complete its initial review and recommendations. Additional time for review may be provided upon request by the County and with concurrence of the City. A staff recommendation should be made to the City at least by the date of the City Planning Commission hearing. The City, in making its decision, shall consider the recommendation of the County regarding the amendment request.
 - B. The decision and findings of fact of the City Planning Commission shall be forwarded to the County Planning Commission for public hearing.
 - C. The decision and findings of fact of the County Planning Commission shall be forwarded to the City Council for public hearing.
 - D. The decision and findings of fact of the City Council shall be forwarded to the Board of Commissioners for public hearing.
 - E. If the positions of the two jurisdictions differ, a joint meeting of the City Council and the Board of Commissioners or their designees, may be held to attempt to resolve the differences. In any case, the decision must be based on LCDC Goals, adopted Comprehensive Plans and applicable policies.
 - F. If mutual agreement is reached as to the proposed Urban Growth Boundary amendment, the City and the County shall formally amend their Comprehensive Plans by ordinance to reflect the agreed upon change.
 - G. If the request is denied, the same or substantially the same request shall not be heard for a period of one (1) year.
 - H. Appeals of an amendment request shall be made pursuant to State statutes and administrative rules.

IV. Special Provisions

A. Annexations:

1. The City of Cascade Locks may annex land after having received a request for annexation when affirmative findings are made in relation to the following:

- (a) The land is contiguous to the city limits and within the Urban Growth Boundary.
 - (b) The development of the property is compatible with the rational and logical extension of utilities and roads to the surrounding area.
 - (c) The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting the City's ability to adequately serve all areas within the existing city limits.
2. Requests for annexation to the City for areas outside the Urban Growth Boundary shall be considered a request for amendment to the Urban Growth Boundary and shall be subject to the approval of the City and County as set forth in III, above.
 3. Establishment of an Urban Growth Boundary does not imply that all land within the boundary shall be annexed to the City.

B. Urban Services:

1. Extension of City water and/or sewer services shall be permitted when they are consistent with the policies and proposals of the Comprehensive Plan and with any adopted functional plans for water and/or sewer which are consistent with the Comprehensive Plan.
2. City services such as water, sewer, police, fire, street maintenance shall be provided only to those subdivisions or other major development projects which either annex to the City, or which enter into an agreement signed by the affected property owners that they will consent to petition for annexation at a time specified by the City.
3. The City of Cascade Locks is the basic provider of urban services in the Urban Growth Area. All City services shall be provided and maintained to City standards and under the supervision of the City, unless some other arrangement acceptable to the City has been made for the maintenance and supervision of services.
4. Provision of City sewer and/or water service capable of supporting development at urban densities shall occur beyond the Urban Growth Boundary only after a determination by affected agencies that a "danger to public health" as defined by ORS 413.705(5) exists. The service thus authorized shall serve only the area in which the danger exists.

V. Public Works Construction Standards

- A. Development within the Urban Growth Area may proceed initially with streets below Cascade Locks standards of width, curb and gutter, sidewalk, storm sewer and pavement widths. Such streets

shall, however, be constructed in such a manner as to permit easy conversion to City standards in the future. A minimum 60 foot dedicated right-of-way shall be required. Shorter streets that cannot be extended do not require as large a right-of-way. Standards for these interim streets shall be mutually developed by the County and the City in accordance with accepted engineering principles and shall be adopted, published and enforced by the County.

- B. The County Public Works Department shall put emphasis in prioritizing needed improvements for arterial and collector streets within the Urban Growth Area.

VI. Work Program

The City and County shall supplement this agreement with a work program to assure that the policies of the Comprehensive Plans and the provisions of this agreement are carried out. The work program shall include the following items:

- A. Establishment of a capital improvement program.
- B. Enactment of a development phasing program designed to prioritize areas for development in conjunction with facility and service availability.
- C. Establishment of uniform systems of applications and fee schedules for the County and the City.

VII. Special District Coordination

- A. When a special district situated fully or partly within the Urban Growth Area has entered into an intergovernmental coordination agreement with the County and the City, it shall be given the opportunity to review and comment on the various land use actions and activities as specified in this agreement.
- B. If such an agreement is entered into, the special districts shall give the City and County the opportunity to review and comment on the following activities which will apply to the Urban Growth Areas:
 - 1. Major public works projects to be provided by the district.
 - 2. Plans for establishment, improvement, or extension of facilities provided by the district.
 - 3. Capital improvement programs which are being developed by the district.

VIII. Enforcement

- A. The County shall be responsible for enforcement of all Land Use Ordinances within the Urban Growth Area. The County shall have

the exclusive right to decide whether to proceed with any enforcement actions. All enforcement action shall be taken in accordance with the enforcement provisions of the County Zoning and Subdivision Ordinances.

B. The County shall be responsible for all costs connected with enforcement of Land Use Ordinances within the Urban Growth Area.

IX. Review, Amendment and Termination

- A. This agreement may be reviewed and amended at any time by mutual consent of both parties.
- B. This agreement shall be reviewed, and may be amended at the time established for review of each jurisdiction's Comprehensive Plan.
- C. Any modifications in this agreement shall be consistent with the City and the County Comprehensive Plans.
- D. This agreement may be terminated by either party by furnishing thirty (30) days written notice to the other party.

IN WITNESS WHEREOF, this Urban Growth Area Joint Management Agreement is signed and executed this 6 day of April, 1997.

CITY OF CASCADE LOCKS, OREGON

BOARD OF COUNTY COMMISSIONERS
HOOD RIVER COUNTY, OREGON

Nola M. Nolin
Mayor

Joseph S. Patton
Chairman
Michael Hinkle
County Planning Director

ATTEST:

[Signature]
City Administrator

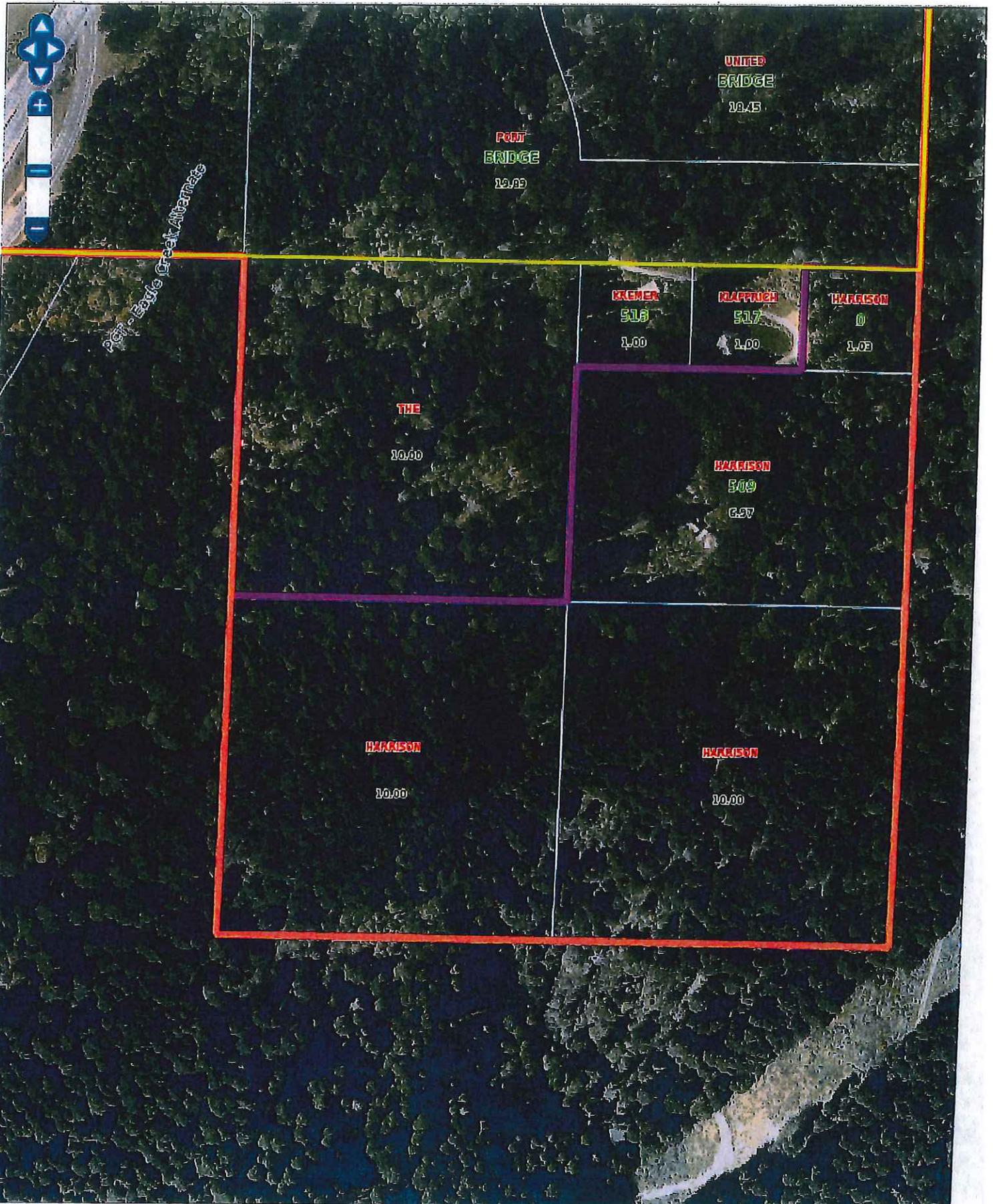
Property Location	Ownership	Size (acres)	City Limits	UGB	NSA	Zoning	Approval
Harvey Road	Port of Cascade Locks	10.00	outside	inside	inside	LDR	State
	Kremer	1.00	outside	inside	inside	LDR	State
	Klapprich	1.00	outside	inside	inside	LDR	State
	Harrison	(28.00)	outside	inside	outside	LDR	State
Frontage Road	ODFW	11.44	outside	outside	inside	Public	State
	USFS	15.53	outside	outside	inside	Public	State
East Frontage Road	USFS	(4.50)	inside	inside	outside	Public	State
	USFS	(43.70)	inside	inside	outside	Public	State
Net Annexation to City		(37.23)					

CASCADE LOCKS PLANNING 2018 Geographic Information Systems

Select Features

Google Street View

Display Bookmark

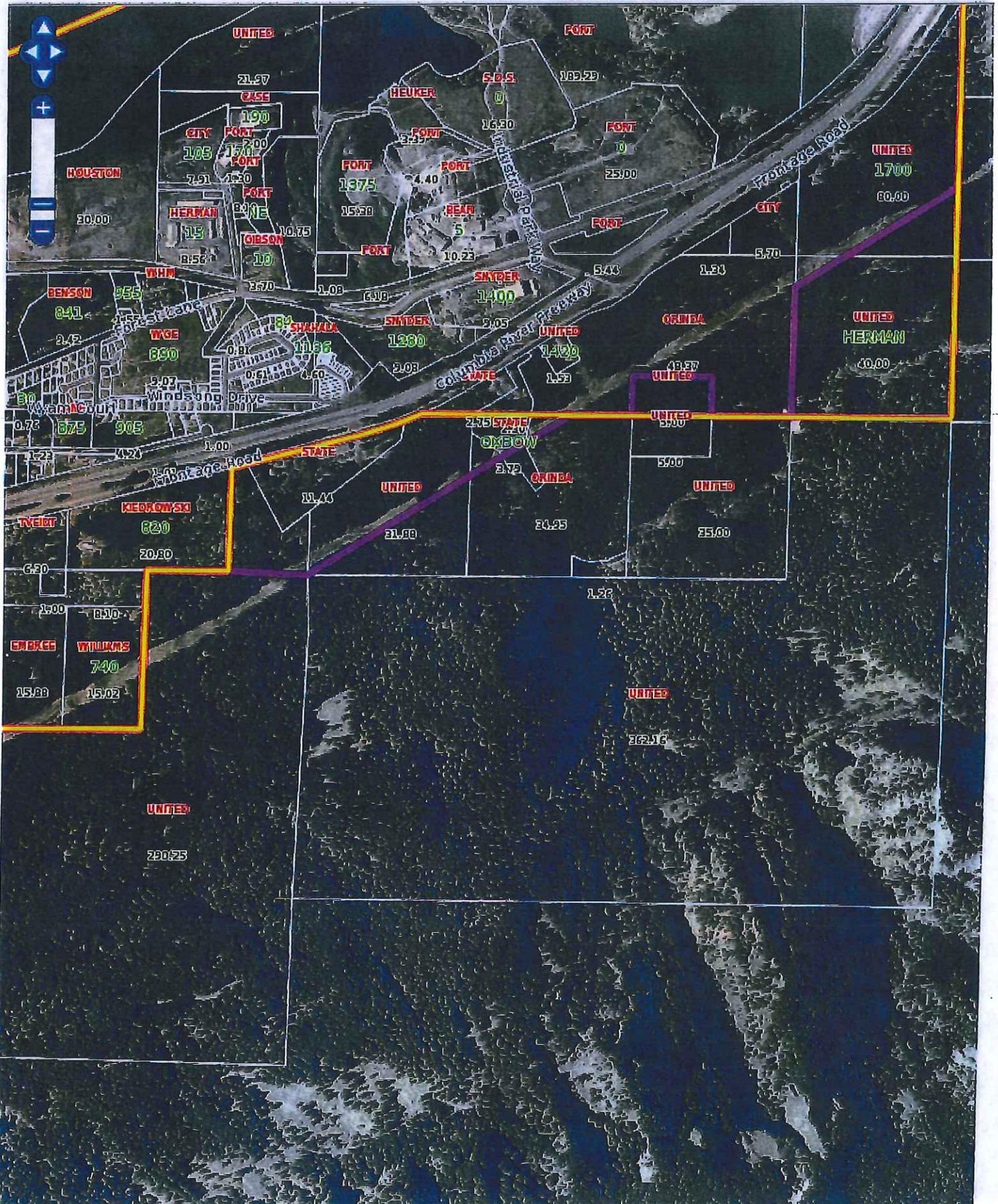


CASCADE LOCKS PLANNING 2018 Geographic Information Systems

Select Features

Google Street View

Display Bookmark



Cascade Locks

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CASCADE LOCKS STAFF REPORT

Date Prepared: April 11, 2018

For Planning Commission Meeting on: May 10, 2018

TO: The Planning Commission

PREPARED BY: Gordon Zimmerman, City Administrator

SUBJECT: Short-Term Rentals

SYNOPSIS: At our previous Planning Commission meetings we discussed the appropriateness of short term rental spaces for the future of Cascade Locks. We received many suggestions and requested revisions.

I hope this represents the direction the Commission wanted this ordinance to take. Please see the red-line version of this ordinance to track these changes.

1. We eliminated various residential type definitions from this version. The transient room rentals fall into two basic types: Hosted Homeshare and Vacation Home Rentals. A Hosted Homeshare is where the homeowner is present in the home with a portion of the home available to be rented. A Vacation Home Rental is where the entire dwelling unit is rented to vacationers.
2. Transient Room Tax registration is required for both types of rentals.
3. Some type of registration information is required to be kept to facilitate record keeping and auditing functions.
4. Management companies and other business real estate entities are not allowed to have either a hosted homeshare or vacation home rental business.
5. An emergency contact number is still required.
6. A limit of three TRT licenses per individual is included.

Will the Planning Commission recommend the passage of this ordinance to the City Council?

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CASCADE LOCKS ADOPTING SHORT TERM RENTAL REGULATIONS WITHIN THE CITY OF CASCADE LOCKS

WHEREAS, the City Council of the City of Cascade Locks recognizes the nature of the community can be affected by unregulated short term rentals;

WHEREAS, short term rentals can enhance a vibrant tourist industry; and

WHEREAS, short term rentals can create significant transient room tax revenue;

THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. Definitions for understanding Short Term Rentals:

As used in this title, the singular includes the plural and the masculine includes the feminine and neuter. The word "may" is discretionary, but the word "shall" is mandatory. The following words and phrases shall have the meanings given them in this section.

HOSTED HOMESHARE means the transient rental of a portion of a dwelling while the homeowner is present **for less than 30 days**.

VACATION HOME RENTAL means the transient rental of an entire dwelling unit **for less than 30 days**.

SECTION 2. Regulations:

Hosted Homeshares and Vacation Home Rentals are permitted in the following City of Cascade Locks residential zones:

Rural Residential (RR)
Low Density Residential (LDR)
Medium Density Residential (MDR)
High Density Residential (HDR)
Any Planned Development (PD)

Hosted Homeshares and Vacation Home Rentals are not permitted in the following City of Cascade Locks zones:

Commercial (C)
Commercial/Residential (CR)
Manufactured/Mobile Home Park Residential (MHR)
Downtown Zone (D)

Resort Commercial (RC)

A. A TRT License issued under the City Code of Cascade Locks, Chapter 112, is required.

1. Persons operating a hosted homeshare or vacation home rental shall obtain a Transient Room Tax License. **Each owner shall maintain a registration book which identifies the occupants of the rental unit during the duration of stay and home address of the occupants. Such records shall be available to the City (or the City's designee) during an audit of the hosted homeshare or vacation home rental in order to verify or validate the transient room tax collected and paid to the City.**
2. The payment of transient room taxes to both the State and the City are the responsibility of the property owner. Payments are due on the 15th of the month following the previous quarter, April 15, July 15, October 15 and January 15.
3. Proof of residential home-owner insurance that specifically includes short term rental coverage for the subject property is required.

B. Use Restrictions – All Zones.

1. The room(s) for transient rental shall not include rooms within a recreational vehicle, travel trailer, or tent or other temporary shelter.
2. Renters are not permitted to operate short-term rentals.
3. Management companies and other business real estate entities are not permitted to operate short-term rentals in residential zones.
4. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.
5. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement and proof of legal parking access.
6. The number of days the unit is rented per quarter shall be reported on the TRT quarterly report.

7. An emergency contact number shall be provided to the vacation rental occupier, to each of the surrounding property owners/residents and to the City. The emergency contact shall respond to the **hosted homeshare** or vacation rental property within 30 minutes to address any emergency or complaint issue. **Private home owners are permitted to utilize the services of a management company to assist in the operation of the hosted homeshare or vacation home rental.**
8. Only 10% of the total residential units in the City may be permitted as transient rentals at any one time. The number of residential water accounts will provide the base for the calculation. For example, if the City has 500 residential water accounts, only 50 (10% of 500) transient room tax licenses will be issued for residential transient rental uses.
9. **No more than three transient room tax licenses may be issued to any one owner.**
10. Listing an unpermitted unit online is a violation of this ordinance.
11. Each rental unit property must have a valid street address.
12. An accessory residential unit (ARU) may not be used as a hosted homeshare or vacation home rental. Unless the ARU is owner occupied, the owner shall provide proof that the ARU is rented for longer than 30 days or occupied by a hold-over tenant following completion of a 12-month lease. A 12-month lease is not required if the owner rents the ARU to an immediate relative.
13. Smoke detectors, carbon monoxide detectors, and fire extinguishers in the rental space are strongly encouraged.
14. No short term rental may engage in commercial-style food preparation or operation.

Failure to comply is subject to normal city code violation fine of up to \$500 per day for each day the violation exists. Any **hosted** homeshare or vacation rental including those advertised through internet rental accounts or services are subject to this ordinance. Internet rental accounts or services include, but are not limited to, providers such as "AirBnB," "Vacasa," and "Craigslist." Copies of online advertisements for properties located inside the City limits of Cascade Locks are presumed to constitute the operation of a homeshare, transient rental, or vacation rental property.

SECTION 3. Effective Date. This Ordinance will take effect 30 days after approval by the Mayor.

FIRST READING by the City Council **11th** day of **June**, 2018.

ADOPTED by the City Council this **25th** day of **June**, 2018.

APPROVED by the Mayor this **25th** day of **June**, 2018.

ATTEST:

Kathy Woosley, City Recorder

Tom Cramblett, Mayor

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CASCADE LOCKS ADOPTING SHORT TERM RENTAL REGULATIONS WITHIN THE CITY OF CASCADE LOCKS

WHEREAS, the City Council of the City of Cascade Locks recognizes the nature of the community can be affected by unregulated short term rentals;

WHEREAS, short term rentals can enhance a vibrant tourism industry; and

WHEREAS, short term rentals can create significant transient room tax revenue;

THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. Definitions for understanding Short Term Rentals:

As used in this title, the singular includes the plural and the masculine includes the feminine and neuter. The word "may" is discretionary, but the word "shall" is mandatory. The following words and phrases shall have the meanings given them in this section.

~~BED-AND-BREAKFAST FACILITY means a single family dwelling which conducts transient rental of rooms with or without a morning meal.~~

~~GROUP RESIDENTIAL means residential occupancy of dwelling units by groups of more than five (5) persons who are not related by blood, marriage, legal adoption or legal guardianship, and where communal kitchen and dining facilities are provided. Typical uses include the occupancy of houses, cooperatives, halfway houses, and intermediate care facilities. (See ORS 90.113.)~~

HOSTED HOMESHARE means the transient rental of a portion of a dwelling while the homeowner is present for less than 30 days.

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~~HOSTEL means any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed, or maintained under the sponsorship of a non-profit organization that holds a valid exemption from federal income taxes under the federal law. (See ORS 446.310.)~~

~~NON-TRANSIENT RENTAL means to rent a dwelling unit or room(s) for compensation on a month-to-month basis, or for a longer period.~~

~~RESIDENTIAL OR RESIDENTIAL USE means the occupancy of a dwelling unit on a non-transient basis. Uses where tenancy is arranged on a transient basis are not considered residential.~~

~~RESIDENTIAL DEVELOPMENT means single family dwellings, manufactured home, duplexes, triplexes, townhouses, residential condominiums, multi-family dwellings, accessory dwelling~~

~~units, group residential facilities, and similar structures. In some circumstances the use of residential development for non-residential uses may be approved.~~

~~(RESIDENTIAL) DWELLING UNIT means a single unit providing complete, independent living facilities for one (1) or more person, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.~~

~~ROOMING HOUSE means a building where the non-transient rental of lodging, without meals, is provided to five (5) or more people.~~

~~SINGLE-FAMILY DWELLING, DETACHED (Detached Single Family Dwelling). A detached single-family dwelling unit located on its own lot.~~

~~TRANSIENT RENTAL means to rent a dwelling unit or room(s) for compensation on less than a month-to-month basis.~~

VACATION HOME RENTAL means the transient rental of an entire dwelling unit **for less than 30 days.**

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SECTION 2. Regulations:

Hosted Homeshares, ~~Transient Rentals~~, and Vacation Home Rentals are permitted ~~as a conditional use~~ in the following City of Cascade Locks residential zones:

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- Rural Residential (RR)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Any Planned ~~Unit~~ Development (PUD)

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Hosted Homeshares and Vacation Home Rentals are not permitted in the following City of Cascade Locks zones:

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- Commercial (C)
- Commercial/Residential (CR)
- Manufactured/Mobile Home Park Residential (MHR)
- Downtown Zone (D)
- Resort Commercial (RC)
- ~~Any Planned Unit Development (PUD)~~

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A. ~~Conditional Use Permit and A~~ TRT License issued under the City Code of Cascade Locks, Chapter 112, are is required.

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1. Persons operating a hosted homeshare or vacation home rental shall obtain a ~~Conditional Use Permit,~~ Transient Room Tax License. **Each owner shall maintain a registration book which identifies the occupants of the rental unit during the duration of stay and home address of the occupants. Such records shall be available to the City (or the City's designee) during an audit of the hosted homeshare or vacation home rental in order to verify or validate the transient room tax collected and paid to the City.**

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2. The payment of transient room taxes to both the State and the City are the responsibility of the property owner. Payments are due on the 15th of the month following the previous quarter, April 15, July 15, October 15 and January 15.

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~~3. The Conditional Use Permit will be good for two (2) years from the date of issuance.~~

~~4. An application for a short term rental unit shall be processed as a City Administrator review ministerial decision.~~

~~5. A Conditional Use Permit will not be granted if not accompanied by a Transient Room Tax registration.~~

~~6.3.~~ Proof of residential home-owner insurance that specifically includes short term rental coverage for the subject property is required.

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B. Use Restrictions – All Zones.

1. The room(s) for transient rental shall not include rooms within a recreational vehicle, travel trailer, or tent or other temporary shelter.

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2. Renters are not permitted to operate short-term rentals.

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3. Management companies, ~~LLCs,~~ and other **business** real estate ~~interests-entities~~ are not permitted to operate short-term rentals in residential zones.

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4. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.

5. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required

parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement and proof of legal parking access.

6. ~~The maximum number of days per year for which a hosted homeshare or vacation rental home may be rented is ninety (90) days per calendar year.~~ The number of days the unit is rented per quarter shall be reported on the TRT quarterly report.

7. An emergency contact number shall be provided to the vacation rental occupier, to each of the surrounding property owners/residents and to the City. The emergency contact shall respond to the **hosted homeshare or** vacation rental property within 30 minutes to address any emergency or complaint issue. **Private home owners are permitted to utilize the services of a management company to assist in the operation of the hosted homeshare or vacation home rental.**

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8. Only 10% of the total residential units in the City may be permitted **as transient rentals** at any one time. The number of residential water accounts will provide the base for the calculation. For example, if the City has 500 residential water accounts, only 50 (10% of 500) transient room tax licenses will be issued for residential **transient rental** uses.

~~8-9.~~ **No more than three transient room tax licenses may be issued to any one owner.**

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~~9-10.~~ Listing an unpermitted unit online is a violation of this ordinance.

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~~10-11.~~ Each rental unit property must have a valid street address.

~~11-12.~~ An accessory **residential dwelling** unit (AR~~D~~U) may not be used as a **short term rental, hosted homeshare, transient rental,** or vacation home rental. Unless the AR~~D~~U is owner occupied, the owner shall provide proof that the AR~~D~~U is rented **for longer than 30 days on a minimum 12-month lease or occupied by a hold-over tenant following completion of a 12-month lease.** A 12-month lease is not required if the owner rents the AR~~D~~U to an immediate relative.

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~~12-13.~~ Smoke detectors, carbon monoxide detectors, and fire extinguishers in the rental space are strongly encouraged.

~~13-14.~~ No short term rental may engage in commercial-style food preparation or operation.

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Failure to comply is subject to normal city code violation fine of up to \$500 per day for each day the violation exists. Any **hosted homeshare, transient rental,** or vacation rental including those

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advertised through internet rental accounts or services are subject to this ordinance. Internet rental accounts or services include, but are not limited to, providers such as "AirBnB," "Vacasa," and "Craigslist." Copies of online advertisements for properties located inside the City limits of Cascade Locks are ~~evidence of intent to provide~~ presumed to constitute the operation of a homeshare, transient rental, or vacation rental propertyies.

SECTION 3. Effective Date. This Ordinance will take effect 30 days after approval by the Mayor.

FIRST READING by the City Council ~~11~~²⁶th day of ~~June~~~~March~~~~February~~, 2018.

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ADOPTED by the City Council this ~~25~~⁹~~12~~th day of ~~June~~~~April~~~~March~~, 2018.

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APPROVED by the Mayor this ~~25~~⁹~~12~~th day of ~~June~~~~April~~~~March~~, 2018.

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ATTEST:

Kathy Woosley, City Recorder

Tom Cramblett, Mayor

