



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

5/19/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Manzanita Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, June 01, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jerald Taylor, City of Manzanita
Gloria Gardiner, DLCD Urban Planning Specialist
Matt Spangler, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed



This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Manzanita**

Local file number: **Ordinance 10-A (10-02)**

Date of Adoption: **5/5/10**

Date Mailed: **5/11/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 3/23/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Deletes provisions in Zoning Ordinance 95-4 relating to standards for maintaining a permit/license for a short term rental, which the City considers not to be a land use matter. The City is sending this notice in the event it is determined in the future that this is a land use matter and notice should have been given. The City needs to implement this before the end of May so that the new standards may be in effect before the next short term rental permit/license renewal date on August 1st.

Does the Adoption differ from proposal? Yes No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-10 (18197) [16129]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Jerald P. Taylor, City Manager
Address: P.O. Box 129
Fax Number: 503-368-4145

Phone: 503-368-5343 Extension:
City: Manzanita Zip: 97130
E-mail Address: jtaylor@ci.manzanita.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper if available**.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 10-02

**AN ORDINANCE AMENDING SECTION 6.030 OF ORDINANCE 95-4
RELATING TO SHORT TERM RENTALS**

WHEREAS, Ordinance 95-4 defines short term rentals as an outright allowed use in residential zones; and

WHEREAS, the City of Manzanita wishes to establish rules and regulations relating to short term rentals within the City to ensure the safety and convenience of renters, owners and neighboring property owners; and

WHEREAS, Ordinance 95-4 must be amended to delete references to licensing procedures and standards that are not land use related; now therefore

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

Section 1. Section 6.030 (3) of Ordinance 95-4 is hereby amended to read as follows:

“Section 6.030 General Provisions Regarding Accessory Use. An accessory use shall comply with all requirements for a principal use, except as this Ordinance specifically allows to the contrary, and shall comply with the following limitations:

3. Short Term Rental. A short term rental operated according to the following standards and procedures:

a) A cap shall be placed on short term rentals in the R-2, R-3 and the SR-R zones. This cap shall be 17.5% of the dwelling units within these zones. This percentage cap is based on the ratio of registered short term rentals to the total number of dwelling units in the R-2 and R-3 zones as of January 5, 1994, the date this cap was initially established for the R-2 and R-3 zones. [Amended by Ord. 06-03, passed 9/18/06]

b) Any property owner who proposes to operate a short term rental shall make application to the City upon suitable forms furnished by the City. The application shall be signed by all persons shown as owners of the property by the most recent Tillamook County Assessor’s tax records. A property owner shall have only one short term rental permit. Where a property owner held more than one permit prior to January 5, 1994, those permits shall remain valid until sale or conveyance of the property. Where a property owner within the SR-R zone held a permit prior to September 18, 2006, that permit shall remain valid until sale or conveyance of the property, and that property shall not be included in the calculation of the percentage cap on short term rentals under subsection (a) of this section until such time as the permit is no longer valid.

~~The short term rental permit is issued to the owner and does not transfer with the sale or conveyance of the property. At the time of initial application, the dwelling unit shall be subject to inspection by the Building Official or his designee. The purpose of the inspection is to determine the conformance of the dwelling with the requirements of the State of Oregon Residential Specialty Code. Smoke detectors are required and must be operable.~~ [Amended by Ord. 06-03, passed 9/18/06]

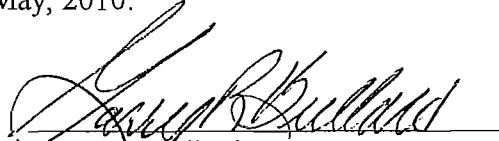
- ~~c) An approved visible house number is required.~~
- ~~d) There shall be provisions for regular garbage removal. Garbage containers shall be secured and placed behind the dwelling.~~
- ~~e) Off street parking for a minimum of 2 vehicles and a maximum of 4 shall be provided. All vehicles must be parked off the street and on the property of the dwelling being used as a short term rental. For the purposes of this Section, a vehicle includes but is not limited to cars, trucks, RV's, boats and their trailers and motorcycles. Guests of a short term rental shall complete a registration form for each vehicle which will be parked at the rental site. Registration forms shall be completed according to the instruction contained on the form. Location and design of parking spaces shall comply with all applicable City Ordinances.~~
- ~~f) The property owner shall designate a representative who permanently resides within the 368 telephone prefix area. The owner may be the designated representative where the owner resides in the 368 telephone area. Where the owner does not reside in the 368 area, the owner shall designate a resident in the 368 telephone prefix area as his representative. The representative shall serve as a contact person if there are questions regarding the operation of the short term rental. The owner is responsible for the operation of the short term rental and ensuring that it complies with all applicable City Ordinances and regulations. The name, address, and telephone number of the representative shall be clearly posted in the dwelling and also registered with the City.~~
- g) Owners and guests of short term rentals shall obey all applicable Ordinances and regulations of the City. Any individual found in violation of a City Ordinance shall be subject to the enforcement and penalty provisions contained in the applicable Ordinance. Any property owner who operates a short term rental dwelling in violation of the conditions of this Section shall be subject to the Abatement and Penalty provisions of Section 11.040.

~~In addition to the penalties specified in Section 11.030, the City may determine that an appropriate penalty is the revocation of the short term rental permit. The City Council shall hold a hearing on a proposed revocation of a short term rental permit. At the conclusion of the hearing, based on the evidence presented, the Council may: Take no action on the request for the revocation of the permit; attach conditions to the existing permit; or revoke the permit. Should a permit be revoked, the owner may reapply for a new permit 1 year after the date of revocation. [Section 6.030(3)(a) - (g) created by Ord. 94-3, passed April 20, 1994]."~~

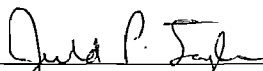
PASSED FIRST READING by the Council this 7th day of April, 2010.

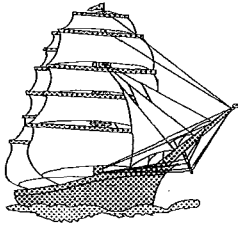
PASSED SECOND READING by the Council this 5th day of May, 2010.

APPROVED by the Mayor this 5th day of May, 2010.


Garry R. Bullard, Mayor

ATTEST:


Jerald P. Taylor, City Manager/Recorder



City of Manzanita

Jerald P. Taylor, City Manager

543 Laneda Avenue, P.O. Box 129, Manzanita, OR 97130-0129

Phone (503) 368-5343 Fax (503) 368-4145 TTY Dial 711

May 11, 2010

Department of Land Conservation and Development
Attn: Plan Amendment Specialist Larry French
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Re: Notices of Adoption

Dear Mr. French:

Enclosed are two Notices of Adoption regarding Ordinance 10-02 and 10-03 dealing with short term rental regulations. As I explained when I first submitted the proposed Ordinances to you in March, I am sending these notices to you on advice of legal counsel in the event someone was to determine that these are land use regulations. The City feels that only the administrative aspects are dealt with by these Ordinances, and the basic designation of short term rentals as an outright allowed use is still maintained in the Zoning Ordinance 95-4. We are taking these through the land use regulation notification process to make sure the Ordinances are not challenged in the future.

Thanks for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Jerald P. Taylor". The signature is written in a cursive, flowing style.

Jerald P. Taylor
City Manager

cc: Matt Spangler

CITY OF MANZANITA
P.O. BOX 129
MANZANITA, OR 97130



Dept of Land Conservation
and Development
Attn: Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, OR 97301 - 2540