

CITY OF ROCKAWAY BEACH

City Planning Commission Meeting



Agenda

Date: April 21st, 2022

Time: 6:00 PM

Location: Rockaway Beach City Hall

JOIN ZOOM MEETING

<https://us06web.zoom.us/j/84808518789?pwd=AMoYTCTyAFJjOWdSL05BdW1QQjFmUT09>

MEETING ID: 848 0851 8789

PASSCODE: 964959

DIAL BY YOUR LOCATION +1 253 215 8782 US (TACOMA)

CALL TO ORDER AND APPROVAL OF AGENDA FOR CITY PLANNING COMMISSION MEETING

A) **Roll Call Commission Members:** Pat Olson, Janet McIntire, Bill Hassell, Zandra Umholtz, Georgeanne Zedrick, Sandra Johnson and Kristina Woida,

B) **Approval of Minutes**

Approval of Minutes – 3/17/22

C) **New Business**

- a. Short Term Rental Nuisance proposal
- b. Planning Commission Rules discussion

D) **Visitor Presentation**

E) **Citizen Comments and Concerns**

F) **Commissioner Comments and Concerns**

G) **City Planner Comments**

H) **Adjourn**

CITY OF ROCKAWAY BEACH

City Planning Commission Meeting



Agenda

Date: March 17th, 2022
Time: 6:00 PM
Location: Rockaway Beach City Hall

Join Zoom Meeting:

<https://us06web.zoom.us/j/88138912113?pwd=T090TTA5aWdDd2p4VG9qaDg4Y01aUT09>

Meeting ID: 881 3891 2113

Passcode: 155944

Dial by your location

+1 253 215 8782 US (Tacoma)

CALL TO ORDER AND APPROVAL OF AGENDA FOR CITY PLANNING COMMISSION MEETING AT 6 PM

I) Roll Call Commission Members: Pat Olson, Janet McIntire, Bill Hassell, Zandra Umholtz, Georgeanne Zedrick, Sandra Johnson and Kristina Woida.

[Position #2 - Janet McIntire: Present \(Via Zoom\)](#)

[Position #3 - Pat Olson: Present](#)

[Position #7 - Georgeanne Zedrick: Present](#)

[Position #5 - Bill Hassell: Present](#)

[Position #1 - Zandra Umholtz: Present](#)

[Position #4 - Sandra Johnson: Present](#)

[Position #6 - Kristina Woida: Present](#)

J) Approval of Minutes

Approval of Minutes – 2/17/2022 – Janet asked for corrections or additions – entertained motion – Pat moved to approve minutes and Bill 2nd – All approved.

[Position #3 - Pat Olson: Motion](#)

[Position #5 - Bill Hassell: 2nd](#)

[Position #2 - Janet McIntire: Approve](#)

[Position #3 - Pat Olson: Approve](#)

[Position #7 - Georgeanne Zedrick: Approve](#)

[Position #5 - Bill Hassell: Approve](#)

[Position #1 - Zandra Umholtz: Approve](#)

[Position #4 - Sandra Johnson: Approve](#)

[Position #6 - Kristina Woida: Approve](#)

K) New Business

- a. **Planning Commissioner Training with Lisa Phipps from DLCD.** – Lisa presented Land Use Workshop via Zoom.
- b. **Update on outreach schedule for the High Grounds project.** – Scott presented update and ideas for open house meeting with public input, the plan is to hold a public meeting in the upcoming months.
- c. **Short Term Rental Nuisance proposal** – Presented proposal based on other cities and previous work done by Terri Michaels for the City. Discussion about the proposals within the PC group.

Group discussion about STR - asked about enforcement and how that will happen, suggested adding occupancy restrictions. Possible to limit to bedrooms etc. Could see possible issues with off street parking if the house does not have parking already. Questions about the public information of the STR contact and if it would be listed for the public to see and contact. Adding if STR is revoked x number of times, then unable to get a STR going forward. Possible adding a citation if they are renting out prior to issuance of city license. Questions on what or who issues the citation and what the fee schedule would be.

L) Visitor Presentation - None

M) Citizen Comments and Concerns - None

N) Commissioner Comments and Concerns

Pat – Glad the STR topic is on the table.

Bill – Update on 12th and 101

Sandy – still following up on Rules and Procedures with Scott

Zandra – Got ethics certification email and reminder to all complete.

Georgeanne – Appreciated the training.

Kristina – Happy to be here and on the team.

Janet – Nothing to add and a great productive meeting.

O) City Planner Comments – Scott felt this was a great meeting and good conversation.

P) Adjourn at 8:03 pm.

Rockaway Beach STR Nuisance Ordinance Proposal

Parking –

- Each Dwelling Unit must provide off street parking for minimum of 2 vehicles that measure 9 x 18 each.
- Such spaces shall not be blocked and shall be available to people using the short-term rental.
- Spaces in a garage may count but they must be available for the renter to park in at all times the unit is rented.
- Location and design of parking spaces shall comply with all applicable City Ordinances. (Site Plan required and Photo provided via Application)
- **I'm concerned about the off-street parking for 2 cars because a lot of existing homes don't have that kind of capacity. Unless it's a new build, it's a type of restriction that is out of the owner's control. All permitted single family dwellings on record were required to provide off street parking. There could be exceptions made for houses in specific areas (S Miller) or if they went through a variance. There is not a high volume of these exceptions, estimated of less than 10% or less of all homes do not have off street parking. (Zoning Ordinance Section 4.060. Off-Street Parking and Off-Street Loading Requirements.)**

Occupancy –

- The maximum allowable number of overnight occupants shall be two (2) persons per sleeping area plus two (2) for a one bedroom and +4 for every additional room. The rental agent shall match the number of persons and allowed vehicles to the particular property being rented. Advertisements for the rental shall not list a number of occupants that exceeds the number authorized by the City. For this purpose, a sleeping room is defined as fully enclosed habitable space with a heat source and an emergency egress or rescue opening.
- Example - One bedroom would be 4 total (2+2) - Two bedrooms would be 8 total (4+4), Three bedrooms would be 10 total (6+4) and so on.

Garbage -

- Cans must be secured to prevent animals from knocking them over or getting into them.
- All garbage must fit within the can and cannot overflow.
- **If garbage pickup is curbside/roadside, then secured garbage cans shall only be placed on curbside/roadside on day of pickup. Homeowners can choose to have non curbside/ roadside service. This extra service is an additional charge from the sanitary service company.**
- Garbage shall be removed a minimum of one time per week unless the short-term rental is not being rented. (Proof of secured service and image provided via Application)

Noise -

The ordinary and usual sounds, noises, commotion must be conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends. **Per City of Rockaway Beach Code, Chapter 95 - The city already has a noise ordinance, and I don't think we need another one in place**

specifically for str owners. And again, this is something outside of the owner's control. If the renters are loud, they can be fined personally via our city ordinance that's already in place. The same can be said for parking, occupancy and garbage, if a property has a known issue for larger occupancy and parties or noise, it would then be on the owner to make necessary changes to ensure that does not happen in the future.

Contact and House Information -

- Rental unit must have either visible house number and/or address identifier from the street. (Photo provided via Application). not so sure about a personal phone number on the street identifier as this could hinder the owner if the neighbor is just unhappy with having a rental next to them. The application requests a number for someone who has a key and can access the premises within 30 minutes. So the number will already be on file for the appropriate parties to contact. – Owner is able to choose the number to display for the local contact.
- Owner or rental agency must provide and maintain a sign attached to the outside front of the house or in a front facing window which identifies the dwelling unit as a short-term rental and lists a telephone number and City STR License number for the applicable rental agency or local contact. (Photo provided via application)
- Each short-term rental owner must designate an emergency contact representative that can respond to address any emergency or complaint issues within “x time frame”. (Application)

RVs and Other Temporary Shelters.

- The premises of the STR shall not include any occupied recreational vehicle, trailer, tent, or other temporary shelter during the rental occupancy or used in conjunction with the rental. . **Stipulation: Prove ability to support, obtain an addendum & City Council approval.**
-

Application

- All short-term rental permits shall be renewed annually.
- Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short-term rental permit for the subject property will become void.
- The use of the subject property as a short-term rental by the new owner will again be subject to the current application and review procedures.
- No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent, a dwelling unit for short-term rental unless issued a STR permit.
- If the city issues two or more citations within a one-year period at a vacation rental home, and the issues have not been resolved with the property owner, the city shall revoke the vacation rental home license. Applicant can reapply the following one year after the date of revocation. **Suggestion to council to set a violation fee schedule that would deter multiple repeat violations**
- Application and Review fee of \$750.00 - **The jump from \$250 to \$750 feels like a pretty big leap as the application fee. I feel like it should be more incremental; perhaps \$500 this upcoming year and then \$750 the next. Suggestion to add that the council should set a fee that would sustain the cost to the city for staff and an enforcement officer**

that would be able to respond in "real time" This fee will also cover city administration work that will involve a dramatic increase time into applications vs. current time spent and could cover funding for additional code enforcement calls. Fee will not be included in ordinance but the fee schedule. **The late fee for failure to pay the required license renewal fee or to submit any form or document required for renewal by the annual due date shall be \$50.00.**

Other / Suggestions:

- **Each day in which a property is used in violation of any part of this Ordinance shall be considered a separate violation.**
- **SHORT-TERM RENTAL NEW APPLICATION SELF-INSPECTION CHECK LIST Do not submit your short-term rental application packet until you or your agent/owner has verified that all items on this list are completed and will pass inspection by the City Building Inspector or designee and all required photographs, documents and site plan are attached.**

Eligibility to apply for license.

- A property Owner who holds title or a recorded land sale contract to a property with a Dwelling Unit which has passed a final building inspection may apply for a Short-Term Rental License. Applications will be processed in the order received by the City. A license application shall not be accepted nor processed until fines related to any violation of any City Ordinance related to the subject property are paid in full.

Application.

- An application packet for a Short-Term Rental License shall be completed and submitted to the City by the Owner of the Dwelling Unit on forms provided by the City. The application shall identify and be signed by all Persons shown as Owners or having any beneficial ownership in any form of ownership of the Dwelling Unit on the most recent Tillamook County Assessor's tax records or recorded title. If the Dwelling Unit is owned by a corporation or other entity, legal documentation, acceptable to the City, detailing the names of all Persons with any ownership interest in the entity shall be submitted with the application. Any additional cost incurred by the City in obtaining verification of such information shall be added to the cost of the license. At the time of application, an application fee as determined by resolution of the City Council shall be paid to the City. The fee shall include the cost of staff time to process the application and the initial Short-Term Rental inspection. Incomplete application packets shall not be accepted nor processed. After one resubmittal, all additional resubmittals for the same property shall require payment of additional application fees. Additional inspections, including pre-purchase inspections, are available for a separate fee. A Short-Term Rental applicant must have the initial Short-Term Rental inspection completed and all deficiencies corrected within three months of the application submittal date. Failure to complete the Short-Term Rental inspection process within three months of the application submittal date shall result in the expiration of the application.

Limitations on application.

- A Person holding a Short-Term Rental License or an interest in a property for which a Short-Term Rental License has been issued shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial Ownership, a Short Term Rental License covering any other property within Rockaway. A Short-Term Rental License may be issued only for a single Dwelling Unit on a single property or for a single Dwelling Unit within a duplex on a single property. The Short-Term Rental License is issued to the Owner and does not transfer with the sale or conveyance of the property. All Short-Term Rental License holders must report to the City any change of Ownership of their Short-Term Rental, in whatever form, before the conveyance deed is recorded. The transfer of the property from (1) a natural Person(s) to a Trust serving the same natural Person(s) or to a family member pursuant to a Trust or (2) the transfer of Ownership pursuant to a will or bequest upon the death of the Owner is not deemed to be a transfer of Ownership for purposes of this Ordinance. (Legal will review and add more verbiage, were as entities are involved and % of ownership transferred, with details of what would be mandated)

Initial inspection.

- At the time of initial application, the dwelling unit shall be inspected by the City Building Official or designee. The purpose of this Short-Term Rental inspection will be to determine the conformance of the Dwelling Unit with this ordinance and all other standards required by the City. Applicants must correct any identified deficiencies and make corrections consistent with the provisions of the current edition of the Oregon Residential Specialty Code and required City standards prior to issuance of a short-term rental license. In any case where a property subject to an initial inspection is not approved by the City, the City shall allow thirty (30) days from the date of the initial Short-Term Rental inspection for minor repairs or sixty (60) days from the date of the initial Short-Term Rental inspection for major repairs, at the completion of which the Owner or Local Agent must contact the City of Rockaway for a re-inspection. An additional inspection fee may apply. All re-inspections due to failed items on the City-published inspection list will be subject to additional inspection fees. If the repairs identified in the initial Short-Term Rental inspection are not rectified at the time of re-inspection, the license application shall be invalidated, and the applicant must re-apply and pay the associated application fee. The City reserves the right to modify inspection requirements to ensure compliance with any standards required by the City. The Owner shall be issued a license for a Short-Term Rental upon completion of all required forms, inspection approval of the Dwelling Unit by the Building Official or designee, and payment of the annual license fee as determined by resolution of the City Council.

Utilization of License Required.

- Holders of Short-Term Rental Licenses issued after June 4, 2010, including those issued to Owners on the waiting list described in Section 3(f) above as of June 4, 2010, who report no Rental income for a period of nine (9) months from the initial license issuance date shall be considered as having abandoned the license, and the license shall be automatically revoked. This requirement shall apply to subsequent nine (9) month periods.

Parking.

- All Short-Term Rental properties must provide off-street parking spaces for a minimum of 2 vehicles. The maximum number of vehicles allowed off-street at each home shall be

the number of bedrooms, plus one. Such spaces shall not be blocked and shall be available to people using the Short-Term Rental. Location and design of parking spaces shall comply with all pertinent City Ordinances, standards, and policies. 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 for overnight parking, then on-street parking shall be limited to one (1) vehicle. Trailers for boats and all-terrain vehicles may be allowed but shall not exceed the allowable parking for each Short-Term Rental property. Renters may be cited and fined under existing State law or this Ordinance in the event they park illegally. A parking plan map and notice, identifying the number and location of parking spaces, shall be posted in a conspicuous place within each 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 satisfied. The maximum number of parking spaces shall be conveyed to each renter before the visit

- **Owner and Local Agent Responsibilities.** The Owner or Local Agent shall live within a 10- mile radius of the Short-Term Rental and be able to respond in person within 20-minutes. If the Owner lives outside of a 10-mile radius, the Owner shall contract with a Local Agent. The Owner or Local Agent shall be available to accept and immediately respond to complaints and other issues on a 24-hour basis at all times and be able to access the Short-Term Rental. Once a complaint or issue is reported, the Owner or Local Agent shall immediately make direct contact with the renter or appropriate entity by phone to resolve the reported problem. If the problem cannot be resolved or an immediate resolution is not achieved by phone, the Owner or Local Agent shall make an in-person visit to the Short-Term Rental to rectify the situation within 20-minutes. The Owner or Local Agent shall maintain a consistent telephone number and email address by which to be reached 24-hours a day, 7 days a week, year-round. The Owner or Local Agent shall post the short-term rental license as required. The contact information of all Owners and Local Agents shall be kept current with the City of Rockaway at all times. Any change in contact information shall be submitted to the City on a form provided by the City at least 14 days prior to the date changes will take effect. Once processed by the City, the Owner or Local Agent will be issued an updated Short-term Rental License which shall be posted as required, before the property is occupied again. The names and contact information for Owners and Local Agents for purposes outlined in this section shall be publishable for use by the public and other entities to address Short-Term Rental complaints and other issues.

Emergency Information.

- The Owner shall provide in the Dwelling Unit information and equipment to assist renters in dealing with natural disasters, power outages and other emergencies. The minimum information and equipment to be provided in the short-term rental shall be as determined by resolution of the City Council.

Occupancy Capacity.

- The maximum allowable overnight occupancy for each Short-Term Rental Dwelling Unit shall be calculated on the basis of two (2) people per Sleeping Room plus an additional four (4) people. The maximum allowable overnight occupancy of a Short-Term Rental shall be determined at the time a Short-Term Rental License is issued or renewed and shall be posted in a conspicuous location within the Short-Term Rental. That capacity

shall not be increased by construction of any addition to the structure covered by the license or by construction of any other structure located on the property. Exceeding the posted overnight occupancy at any time for sleeping purposes is prohibited. No sleeping area that fails to satisfy the requirements of a Sleeping Room may be used by any Person, or made available by any Owner, for sleeping, and such noncompliant areas 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 non-compliant sleeping area shall not be included in the maximum occupancy calculation for the Short Term Rental. The Owner or the Owner's agent shall notify every Renter, in writing or electronically, that the non-compliant sleeping area may not be used for sleeping.

Proof of Liability Insurance.

- Before the original license issuance and the annual license renewal, the Owner shall provide the City with proof of liability insurance coverage on the Short-Term Rental property. This liability insurance coverage shall remain active and in effect during the entire time that the property is licensed as a Short-Term Rental.
- **Renewal Fee.** All Short-Term Rental Licenses shall be renewed annually for the period of August 1 of the current year to July 31 of the following year provided all requirements in this Ordinance and Transient Lodging Tax Ordinance No.xx-xxx continue to be met. If the Owner is out of compliance with the provisions of this Ordinance or any other City Ordinance, regulation or requirement, the City will not renew the license, and the property shall no longer be used as a Short Term Rental. A license shall not be renewed if fines related to a violation of any City Ordinance or Transient Lodging Taxes related to the subject property are outstanding. Failure to pay the required license renewal fee, determined by resolution of the City Council, or to submit any form or document required for renewal by the annual August 1 due date shall result in the assessment of a late fee as determined by resolution of the City Council. Failure to pay the required license renewal fee or to submit any form or document required for renewal within thirty (30) days following the annual August 1 due date shall be considered abandonment of the Short-Term Rental License and the license shall expire.

Periodic Re-inspection.

- Every Short-Term Rental License shall be subject to re-inspection of the Dwelling Unit by the City Building Official or designee at the City's discretion, but no less than every three (3) years. The purpose of this inspection will be to determine the conformance of the Dwelling Unit with the State of Oregon Residential Specialty Code regulations which may be directly related to potential safety issues, and with all other standards required by the City. The City reserves the right to modify inspection requirements to ensure compliance with any standards required by the City. The City shall notify the Owner of required re-inspections at least six (6) months prior to the renewal date of the Short-Term Rental License. The Owner shall pay a fee as determined by resolution of the City Council and arrange for a re-inspection by the City Building Official or designee and must correct any identified deficiencies. All follow-up inspections due to failed items on the City-published inspection list will be subject to additional inspection fees. Failure to arrange for the re-inspection and complete correction of all identified deficiencies by the annual August 1 renewal due date for the Short-Term Rental License shall be considered abandonment of the Short-Term Rental License and the license shall expire. The Owner of a Short-Term Rental shall be required to schedule and pass a Short-Term Rental inspection when there has been a fire, flood or other event that has caused substantial

damage to the structure or when there has been an addition or substantial modification to the structure holding the Dwelling Unit. Upon notification that a licensed Short-Term Rental is noncompliant with a City Ordinance, law, regulation, or there is a health and safety concern, a re-inspection shall be conducted by the City Building Official or designee.

Revocation of license.

- In addition to the penalties specified in this Ordinance, the City may determine that an appropriate penalty is the revocation of the Short-Term Rental License. The City Council shall hold a hearing on a proposed revocation of a Short-Term Rental License. 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 license; attach conditions to the existing license; or revoke the license. Should a license be revoked, the Owner may re-apply for a new license one (1) year after the date of revocation. Revocation of a Short-Term Rental License shall not constitute a waiver of Short-Term Rental fees and taxes due at the time of revocation. 1. Violating any provision in this Ordinance, as well as non-compliance with any term or condition of a Short-Term Rental License, violating Rockaway Ordinance xx-xx, or violating any City or State law, may result in revocation of a license, denial of an application to renew a license, and enforcement and penalties as outlined in this Ordinance and in Rockaway Ordinance xx-xx. Licenses that are terminated for non-renewal, non-payment, expiration or abandonment shall not be considered a revocation of a license. In the sole discretion of the City Building Official, where a Building Code or Ordinance violation exists at a Short-Term Rental that presents an immediate Serious Fire or Life Safety Risk, the City Building Official may immediately revoke the Short-Term Rental License as an emergency revocation. The City Building Official shall provide written documentation (in layman's terms) of the violation and reason for revocation prior to leaving the inspection site. Upon an emergency revocation, the Short-Term Rental shall not be Rented or used as a Short-Term Rental. At any time following the emergency revocation of a Short-Term Rental License pursuant to this subsection, the City Building Official may reinstate the license upon a re-inspection by the City Building Official verifying that the subject Building Code or Ordinance violation has been corrected.

Compliance.

- Three (3) or more violations of this Ordinance related to the same Short Term Rental within one (1) year or if there have been three (3) or more violations of other City Ordinances related to the same Short-Term Rental within one (1) year, may result in revocation of the license or the denial of an application to renew a license. Violations include but are not limited to non-compliance with the requirements of this Ordinance. Failure to comply with Transient Lodging Tax Ordinance xx-xx shall (1) result in an immediate violation and (2) provide grounds for immediate revocation of the Owner's Short-Term Rental License. Two (2) or more revocations, related to the same property/owner are subject to possible three (3) year suspension of ability to apply for STR licence.



City of Manzanita

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STRprogram@ci.manzanita.or.us
www.ci.manzanita.or.us

SHORT-TERM RENTAL NEW APPLICATION SELF-INSPECTION CHECK LIST

Do not submit your short-term rental application packet until you or your agent has verified that all items on this list are completed and will pass inspection by the City Building Inspector or designee and all required photographs, documents and site plan are attached.

PROPERTY ADDRESS: _____

**This list is not to be considered comprehensive.
Property-specific issues that are not on this list are sometimes discovered during inspections.**

GENERAL

_____ A visible house number is easily seen from the street.

_____ There is a minimum of two designated 9' x 18' off-street parking spaces per dwelling unit which are compliant with all City requirements. These parking spaces must be completely on the subject property and must not encroach into the City rights-of-way.

_____ There are no encroachments into the City rights-of-way including landscaping, garbage containers, or structures. (It is the owners' responsibility to identify their property lines and to ensure that there is no encroachment.)

_____ If this is a corner lot, there is no obstruction of the required vision triangle.

_____ Garbage containers are located and stored as described and required in Ordinance 10-03 **in the side yard**. All garbage containers have wind/animal latches installed and are securely attached to something stable (such as a building, tree, fence or post) or enclosed in such a way that it prevents the wind, birds, or animals from knocking them over and/or disturbing their contents. (Please be aware that the garbage company does not allow the use of bungy cords due to safety reasons.) Location: _____

EMERGENCY INFORMATION

Follow the instructions in Resolution No. 15-01 to complete the following (see City's website for printable maps and documents):

_____ A laminated map showing the tsunami inundation zone is posted in a prominent location and is marked with the specific evacuation route from the short-term rental to the nearest assembly area.

(Map is available on the City's website.) Location posted: _____

_____ A copy of the Tsunami Evacuation Map for Manzanita-Nehalem-Wheeler issued by the Oregon Department of Geology and Mineral Industries is available in the unit.

(Map is available on the City's website.) Location in unit: _____

_____ Appendix A of Resolution No. 15-01 "Emergency Information for Visitors" is available in the unit.

(Available on the City's website.) Location in unit: _____

STRUCTURAL

_____ Each room used as a bedroom is full-enclosed habitable space with a heat source and has a 5.7 sq. ft. operable egress window or an exterior door which meets current building code.

Emergency escape and rescue openings shall have a net clear opening of not less than 5.7 square feet (0.530 m²). The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. The net clear height of the opening shall be not less than 24 inches (610 mm) and the net clear width shall be not less than 20 inches (508 mm).

Exception: Grade floor openings or below-grade openings shall have a net clear opening area of not less than 5 square feet (0.465 m²).

_____ The intermediate rails of all interior and exterior guard railings have a maximum of 4 inches between rails.

_____ Handrails meeting current code are on stairs with 4 or more risers.

_____ Exterior decking is in good condition.

_____ The structural frame, decking, and metal supports and attachment brackets for exterior wood frame decks and stairways are sound and not deteriorating.

_____ All interior and exterior guardrails, such as deck railings, are able to withstand a two-hundred-pound (200#) impact force.

_____ Steps of all interior and exterior stairs must meet the requirements of the current Oregon Residential Specialty Code for overall width of 36 inches for homes constructed after 1972. (Exception: Homes constructed prior to 1972 may have stairs a minimum of 30 inches.)

_____ Stairway riser height shall not exceed 8 inches and the tread depth shall be a minimum of 9 inches with no variation greater than 3/8 inch for all treads and risers from the top to the bottom of each stairway. (Exception: Riser heights of 9 inches are allowed in homes built prior to 1972). Note that the 3/8-inch maximum variation applies to all stairs regardless of age.

_____ Headroom in stairways must be a minimum of 6 foot 8 inches as measured vertical from the nosing of each tread to the ceiling above. (Exception: Homes constructed prior to 1972 may have stairway headroom no less than 6 foot 4 inches.)

_____ There is safety glazing of glass as required by current building code: On windows within a 24-inch arc of doors; In enclosures for or walls facing hot tubs, whirlpools, saunas, steam rooms, bathtubs and showers; Adjacent to stairways, landing and ramps.

_____ The structural frame for exterior hot tubs on wood frame decks are shown to be adequate.

_____ Hot tub lids are locked and safely secured.

ELECTRICAL

_____ All plug-ins and light switches have face plates.

_____ There is no exposed wiring indoors or outdoors.

_____ The electric breaker box has all circuits labeled, and empty breaker spaces are plugged.

_____ GFCI (Ground fault circuit interrupter) protected plug receptacles are provided for exterior, kitchen, and bathroom plugs.

_____ Carbon Monoxide alarms shall be located in each bedroom or within 15 feet outside of each bedroom door. Bedrooms on separate floor levels in a structure consisting of two or more stories shall have separate carbon monoxide alarms serving each story. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom.

_____ Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements.

PLUMBING

_____ Outside hose bibs each have a backflow prevention device.

_____ Hose bibs do not exceed 80 psi of water pressure. (This will be check by the inspector during the inspection. If this is too high, you will be required to install a pressure reduction valve to pass your inspection.)

_____ Water heaters are properly strapped and secured to meet seismic protection standards.

_____ Water heater TEP (Temperature and Pressure Relief) line is run to an approved location.

MISC.

_____ The short-term rental is equipped with one listed and approved 2A:10BC type extinguisher per floor. Fire extinguishers are mounted in visible locations with the tops of the fire extinguishers mounted between three and five feet above the floor and are accessible to occupants at all times.

List locations mounted: _____

_____ All fireplaces, fireplace inserts, and other fuel burning heat sources have been professionally inspected and cleaned within the past year.

_____ Swimming pools can be locked off and safely secured.

_____ All outdoor lighting fixtures are Dark Sky compliant as follows:

1. Outdoor light fixtures shall be fully shielded by opaque side and top covers or frosted glass and the bulb pointed in a downward direction so that light does not radiate from the sides or top of the fixture.
2. Bulbs shall be "warm" rather than daylight, and either amber or lower emission LED (less than 3000k).
3. Lights shall be turned off when not in use and shall not be left on for more than 12 hours. As an alternative, porch lights may be fitted with motion detectors.
4. Security (flood) lights shall be on motion detectors and must not shine on adjacent houses.

PARKING REQUIREMENTS

Parking spaces shall meet the following minimum specifications:

- a) Parking Space Definition - An enclosed or unenclosed surfaced area of not less than 18 feet by 9 feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a street or alley which affords ingress and egress for automobiles.
- b) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting business or use.
- c) Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and drained so as to avoid flow of water across public sidewalks or adjacent property.

***Driveway and all parking surfaces to be gravel, asphalt, concrete, pavers, or other similar material.**

To verify that you meet this requirement, you must mark your property corners and measure & mark your off-street parking spaces before scheduling your inspection. Off-street parking spaces are those that are completely within your property boundary lines and do not extend into the City right-of-way or into/onto the street. Please be aware that the parking area along the street parallel to your property is usually the City right-of-way and is therefore public property not to be included in your parking declarations.

You must also mark all other parking spaces, as defined, within your property boundary lines to show your maximum parking capacity. Per Ordinance 10-03, "the maximum number of vehicles allowed off-street at each home shall be the number of bedrooms, plus one. Such spaces shall not be blocked and shall be available to people using the Short-Term Rental. Location and design of parking spaces shall comply with all pertinent City Ordinances, standards, and policies."

Manzanita's Public works Department has a metal detector that you may borrow to assist you in finding your property markers. Parking spaces will be verified by the City inspector during your short-term rental inspection.

Total number of parking spaces matching the specifications above: _____

Per Manzanita Ordinance 10-03 Section 3(d): Initial inspection.

In any case where a property subject to an initial inspection is not approved by the City, the City shall allow thirty (30) days from the date of the initial Short-Term Rental inspection for minor repairs or sixty (60) days from the date of the initial Short-Term Rental inspection for major repairs, at the completion of which the Owner or Local Agent must contact the City of Manzanita for a re-inspection. An additional inspection fee may apply.

All re-inspections due to failed items on the City-published inspection list will be subject to additional inspection fees. If the repairs identified in the initial Short-Term Rental inspection are not rectified at the time of re-inspection, the license application shall be invalidated, and the applicant must re-apply and pay the associated application fee.

The City reserves the right to modify inspection requirements to ensure compliance with any standards required by the City.

REQUIRED PHOTOGRAPHS AND DOCUMENTS

(Photos must be digital and emailed to *STRprogram@ci.manzanita.or.us*.)

____ Photographs of property showing marked corners and marked property lines on all sides of the property abutting roadways.

____ Photographs showing all marked & measured 9' x 18' off-street parking spaces, including any in the garage. Parking spaces will be reviewed for accuracy and conformity during inspection by the Building Inspector or designee.

____ Photographs of attached wind/animal latches on all garbage containers and of how those containers are attached to something stable or enclosed (in the side yard) so that it is not possible for the wind, birds, or animals to knock them over and/or disturb their contents.

____ Photographs of the smaller laminated map showing the tsunami inundation zone posted in a prominent location and marked with the specific evacuation route from the short-term rental to the nearest assembly area as required and described in Resolution 15-01. Marked evacuation route must be clearly visible in a photo. Photos must also show location of the posting in the house.

____ Photograph of a copy of the Tsunami Evacuation Map for Manzanita-Nehalem-Wheeler issued by the Oregon Department of Geology and Mineral Industries as available in the unit.

____ Photograph of Appendix A of Resolution No. 15-01 "Emergency Information for Visitors" as available in the unit.

____ Photographs of all fire extinguishers showing they are properly mounted and that they are listed and approved 2A:10BC type extinguishers.

____ Photographs of all exterior lights showing that they comply with the dark-sky requirements as list in Ordinance 10-03.

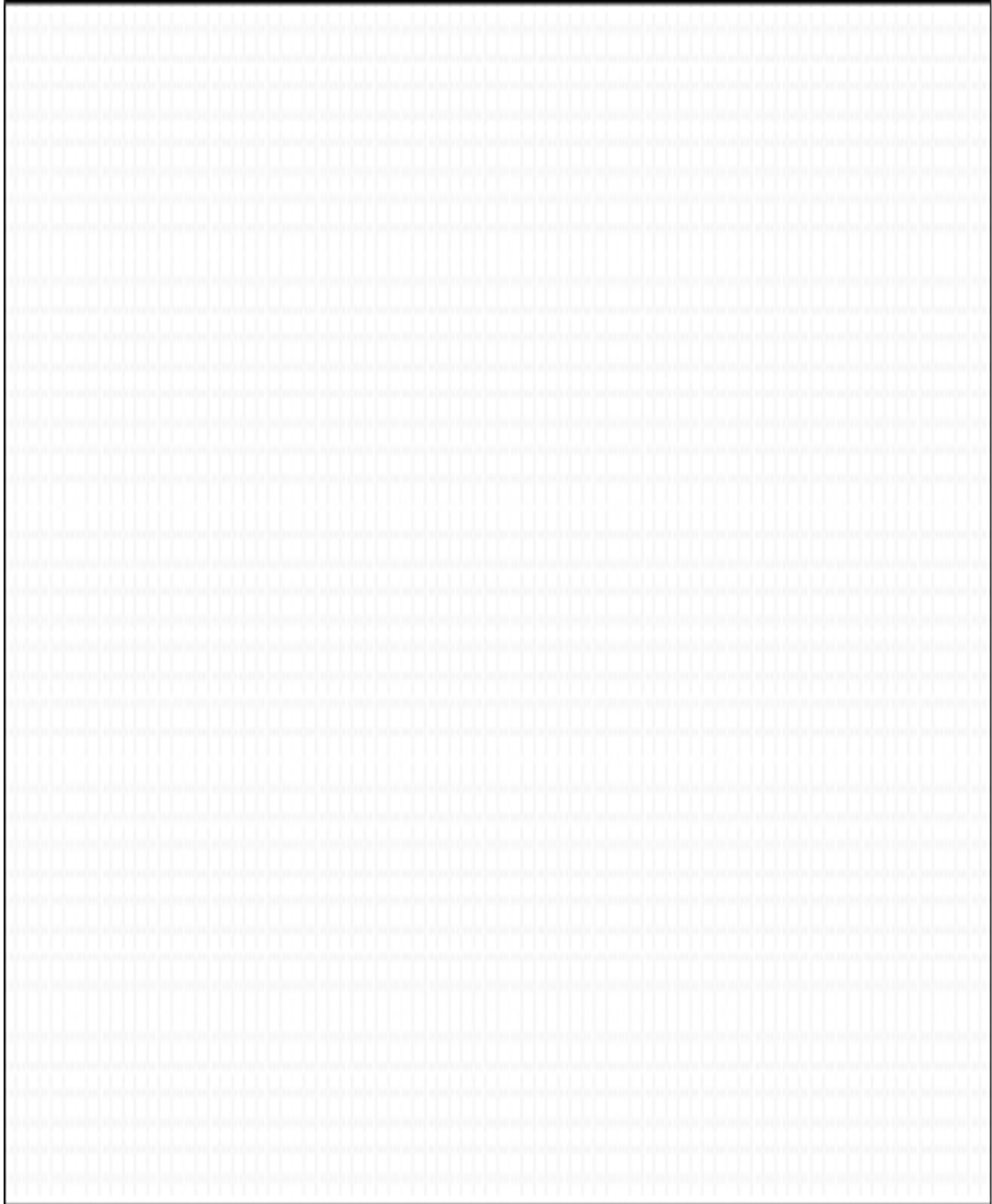
____ Itemized invoice or receipt documenting that all fireplaces, fireplace inserts, and other fuel burning heat sources have been inspected and cleaned within the past year.

____ Site plan drawn by applicant showing location of all buildings, garbage can location, and 9' x 18' parking spaces.

(Use graph on next page or draw on acceptable legible photo from Google Earth.)
Please draw as close to scale as possible.

SITE PLAN

(Use graph below or draw on acceptable legible photo from Google Earth.)
Please draw as close to scale as possible.



RULES AND PROCEDURES
OF THE
ROCKAWAY BEACH
PLANNING COMMISSION

Article I
NAME

This commission shall be known as the Rockaway Beach Planning Commission, hereinafter referred to as the Commission.

Article II
MEMBERSHIP

Section 1. The Commission shall consist of seven members appointed by the City Council, with terms as included in Ordinance No. ~~446~~, **31.01**, the ordinance that created the Planning Commission.

Section 2. Members shall attend all meetings faithfully except in such cases of illness or where a request to be absent has been approved by the President.

Section 3. Members may be removed from the Commission under the following rules:

- a) Members may request that they be removed for personal or other reasons. Such requests shall be made to the Mayor and City Council.
- b) A member may be removed by the City Council, after holding **a** hearing, for misconduct, **upon request of that member**, or non-performance of duty.
- c) A member who is absent from three (3) consecutive regular meetings without an excuse as approved by the Commission and fails to notify the Planning Commission President during said period, is presumed to be in non-performance of duty and the City Council **shall remove that member and** shall declare the position vacant unless finding otherwise following the hearing.
- d) All membership duties will be consistent with Oregon Planning Commission membership requirements in ORS 227.030, **a copy of which current version shall be attached hereto as Attachment #1.**
- e) **Each elected commissioner shall hold office for 4 years. Any vacancy shall be filled by the City Council for the unexpired term of the predecessor in office.**

Section 4. The President may appoint committees subject to approval of a majority of the members of the Commission.

Article III
DUTIES AND POWERS

The powers and duties of the Commission shall be as follows. Except as otherwise provided by law, the Commission may:

a) Recommend and make suggestions to the City Council and to all other public authorities concerning laying out, widening, extending, parking and locating of streets, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones of districts limiting the use, height, area and bulk of buildings and structures;

b) Recommend to the City Council and all other public authorities plans for regulations of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots; and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of all public utilities, harbor, shipping and transportation facilities;

c) Recommend to the City Council and all other public authorities plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits;

d) Advertise the industrial advantages and opportunities of the municipality and availability of real estate within the municipality for industrial settlement;

e) Encourage industrial settlement within the municipality;

f) Make an economic survey of present and potential possibilities of the municipality with a view to ascertaining its industrial needs;

g) Study needs of existing local industries with a view to strengthen and develop local industries and stabilizing employment conditions; and

h) Study and propose in general the measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city and of the area 6 miles adjacent thereto.

Article IV REPORTING, SUBMISSIONS AND APPROVALS

Section 1. Time of Reporting. The time within which the City Planning Commission shall report on any matter or class of matters referred to it in accordance with the provisions of the Rockaway Beach Zoning Code shall be in accordance with the Code; and in default of the report within the period, the Planning Commission shall forfeit the right further to suspend action with regard to the particular matter on which it has so defaulted. However, in any specific case, the City Council may grant the longer period as it may deem proper within which the Commission may make its report. The Commission shall, on October 1 of each year, make and file a report of all its transactions with the City Council.

Section 2. Subdivision, Streets and Public Buildings. All subdivision plats located within the city limits, and all plans or plats for vacating or laying out, widening, extending, parking and locating streets, or plans for public buildings, shall first be submitted to the Commission by the applicant or other proper municipal officer, and a report thereon from the Commission secured in writing before approval is given by the proper municipal official.

Section 3. Recommendations and Approvals. Whenever a copy of a plan, plat or description is filed with the City Planning Commission, the Commission shall, within 60 days, report to the City Council its recommendations in relation thereto. The City Council shall then consider the same and direct the City Planning Commission either to certify its approval thereof or to refuse to approve of the same; and the Commission shall act at once in accordance with the directions.

Article ~~III~~ V OFFICERS

Section 1. ~~The officers of this Commission shall consist of a President and a Vice President, which will be elected at the first regular Planning Commission meeting after July 1.~~

The Commission, at its June meeting, shall elect a President and Vice-President who shall be voting members and who shall assume office on July 1. The Commission shall elect a Secretary, who need not be a member of the Commission. The Secretary shall keep an accurate record of all Commission proceedings. Elected officers shall hold office for one year.

Section 2. In the event a vacancy occurs in the office of President, Vice-President, or Secretary, the vacancy shall be filled by election at the first regular Planning Commission meeting following the vacancy or as soon thereafter as a majority of the Commission shall determine practical.

Article ~~IV~~ VI OFFICER'S DUTIES

Section 1. It shall be the duty of the President to preside at all meetings of the Commission; to enforce observance of the rules of procedure; to decide all questions of order; offer for consideration all motions regularly made; apportion duties of the members of the Commission and advisory members; to call all special meetings with approval of the majority of the Planning Commission; ~~to cancel meetings or appoint an assignee to do so,~~ appoint all necessary committees and advisory committees, with approval of the Commission; and perform such other duties as the office may require.

Section 2. In the absence of the President, the Vice-President shall perform the duties of the President.

Article ~~V~~ VII MEETINGS

Section 1. This Commission shall hold its regular meeting on the ~~fourth~~ **third** Thursday of each month at 6:00 P.M. at the Rockaway Beach City Hall. The ~~fourth~~ **third** Thursday shall be for the conduct of public hearings, if all other public notice requirements are met. The Commission may hold a workshop/study session on an alternative date on an as-needed basis unless timing conflicts arise with Ordinance #143. *(is there an ordinance that superseded 143?)* **When a regular meeting day falls on a legal holiday, the Planning Commission shall convene on the next regular business**

day. Provided, however, that the regular meeting shall be scheduled in the week prior to or immediately following the Thanksgiving and Christmas/New Year holidays.

Section 2. The place, hour and date of any meeting may **only** be changed by affirmative act of the Commission if adequate notice can be given to the public and all interested parties, in accordance with Public Meeting Law. **In the event of an emergency as determined by the President and Vice-President, a meeting may be postponed, but not canceled, to a date no less than 10 days prior to the next scheduled meeting. Consistent with Rockaway Beach City Ordinance #31.01(2)(c), the Commission shall meet at least once a month.**

Section 3. All meetings shall be adjourned not later than 9:00 P.M., unless extended past that hour by quorum.

Section 4. The President may call a designated recess of the meeting. This may be done whenever it appears that a meeting will be unusually long or that a recess would be beneficial for other reasons.

Section 5. Robert's Rules of Order will be used for conduct of the meetings.

Section 6. Quorum. Four members of the Commission shall constitute a quorum. The Commission may make and alter rules and regulations for its government and procedure consistent with the laws of Oregon and with the city charter and ordinances.

Section 7. Expenses and disbursements. The Commission may employ consulting advice on municipal problems, a Secretary and the Clerks as may be necessary and pay for their services and for the other expenses as the Commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the Commission, out of funds at the disposal of the Commission, as authorized by the City Council.

Section 8. Compensation. The Commissioners shall receive no compensation for their services as the Commissioners but shall be reimbursed for duly authorized expenses.

Article ~~VI~~. VIII **PUBLIC HEARINGS**

Section 1. All public hearings before the Commission shall be conducted by the President, except as provided by Article VI., Section 2. In the absence of the President and Vice President the remaining members will select a temporary chair for that meeting.

Section 2. Public hearings shall be held in accordance with regulations adopted in Ordinance No. 143 *(is there an ordinance that superseded 143?)* and ORS 197.763.

Section 3. Individuals wishing to speak must first be recognized by the President, identify themselves by name and address, and if appearing in a representative capacity, identify the person being represented.

DURING THE PUBLIC HEARING PORTION OF THE MEETING ALL INDIVIDUALS WISHING TO SPEAK SHALL ADDRESS THE SUBJECT CRITERIA; AND NOTE WHICH CRITERIA THEY ARE ADDRESSING. *(can we add a definition of “subject criteria?”)*

ARTICLE ~~VII~~.IX
COMISSION IMPARTIALITY
COMMISSION IMPARTIALITY

Section 1. Conflict of Interest And/Or Personal Bias Members shall be required to vote on all matters that require a decision unless a member has direct personal or pecuniary interest in said matter. Matters on conflict of interest and personal bias shall be considered according to Section 11.060 of the Zoning Ordinance, a copy of which current version shall be attached hereto as Attachment #2.

ARTICLE ~~VIII~~.X
CONDUCT OF BUSINESS

Section 1. Meeting: Order of Business

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes
- D. Citizen Concerns / Correspondence
- E. Public Hearings (if scheduled)
- F. New Business
- G. ~~F.~~ Workshop/Study Session (if scheduled)
- H. ~~G.~~ Planning Commission Concerns
- I. ~~H.~~ Staff Comments/Concerns
- J. ~~I.~~Adjournment

ARTICLE IX.XI
AMENDMENTS

Section 1. The Rules and Procedures may be amended by a two-thirds vote of the Planning Commissioners ~~V~~voting, a quorum being present.

ARTICLE X.XII
SPECIAL RECORDS

Section 1. Planning Commission Interpretations. When the Planning Commission is required or requested to make an interpretation of any ordinance, either text or map, such interpretations shall be reduced to writing and placed in a special file entitled “Ordinance Text and Map Interpretations” and shall be made available upon request from files kept at City Hall. In the case of map interpretations, the official zoning maps shall be changed to reflect such interpretations.

Section 2. Annual Workshop. An annual workshop shall be established and held at the first meeting held after July 1st to discuss and determine the goals for the Planning Commission for the upcoming year and to review the Planning Commission Rules and Procedures.

Adopted by the Planning Commission this 29th day of October 2020.

Adopted by the Planning Commission this ____ day of _____, 2022.

Janet McIntire,
Planning Commission
President

Luke Shepard,
City Manager

ATTACHMENT #1
ORS 227.030
MEMBERSHIP

(1) Not more than two members of a city planning commission may be city officers, who shall serve as ex officio nonvoting members.

(2) A member of such a commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.

(3) Any vacancy in such a commission shall be filled by the appointing authority for the unexpired term of the predecessor in the office.

(4) No more than two voting members of the commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession. [Amended by 1969 c.430 §1; 1973 c.739 §2; 1975 c.767 §3]

ATTACHMENT #2
ROCKAWAY BEACH ZONING ORDINANCE
Section 11.060. Public Hearing Procedure and Requirements.

Section 11.060. Public Hearing Procedure and Requirements.

(1) Public hearings conducted under this ordinance shall follow the procedures and requirements of this section.

(2) The following Procedural Entitlements shall be provided at the public hearing: 77

(a) An impartial review as free from conflicts of interest, personal bias, and pre-hearing ex-parte contact as is reasonably possible.

(b) No member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist: (i)..... Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the last two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. (ii)..... The member owns property within the area entitled to receive notice of the public hearing. (iii)..... The member has a direct private interest in the proposal. (iv)..... For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

(c) Hearing body members shall reveal any pre-hearing or ex-parte contacts with regard to any matter at the commencement of the first public hearing following the pre-hearing or ex-parte contact where action will be considered or taken on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate in the public hearing. If the member determines that such contact has affected his impartiality or ability to vote on the matter, the member shall remove himself from the deliberations. Disqualifications due to ex-parte contact may be ordered by a majority of the members present. The person who is the subject of the motion may not vote on the motion.

(d) A party to a hearing, or a member of a hearing body, may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, pre-judgment, personal interest, ex-parte contact or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. The hearing body shall deliberate and vote on such a challenge. The person who is the subject of the challenge may not vote on the motion.

(e) A party to a hearing may rebut the substance of the communication that formed the basis for an ex-parte contact declared by a member of the hearing body.

(f) No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of each interest.

(g) A reasonable opportunity for those persons potentially affected by the proposal to present evidence.

(h) A reasonable opportunity for rebuttal of new material.

(3) Rights of Disqualified Member of the Hearing Body.

(a) An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing body.

(b) A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

(4) Burden and Nature of Proof. The burden of proof is upon the proponent. The proposal must be supported by proof that it conforms to the applicable provisions of this ordinance, especially the specific criteria set forth for the particular type of decision under consideration.

(5) Nature of Proceedings. An order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate. (a) Before receiving information on the issue, the following shall be addressed: 78 (i)..... Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate. (ii)..... Any abstentions or disqualifications shall be determined, based on conflict of interest, personal bias, or ex-parte contacts. (iii)..... A statement by the person presiding that: (a)..... Describes the applicable substantive criteria against which the application will be reviewed. (b)..... Testimony and evidence must be directed toward the criteria which will be used to review the land use action, or other criteria in the Plan or land use regulation which a party believes to apply to the land use action; and (c)..... Failure to raise an issue or address a criteria with sufficient specificity to afford the decision makers and parties to the hearing an opportunity to respond to the issues during the hearing precludes an appeal based on that issue or criteria. (d)..... Describes the review and appeal process provided for by this ordinance. (b) Presentation. (i)..... The presiding officer shall preserve order at the public hearing and shall decide questions of order subject to a majority vote. (ii)..... The presiding officer may set reasonable time limits for oral presentations. The presiding officer may determine not to receive cumulative, repetitive, immaterial or derogatory testimony. (c) Evidence shall be received from the staff and from proponents and opponents. (i)..... Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs. Erroneous evidence shall not invalidate or preclude action unless shown to have prejudiced the substantial rights of a party to the hearing. (ii)..... Members of the hearing body may take official notice of judicially cognizable facts of a general or technical nature within their specialized knowledge. Such notice shall be stated and may be rebutted. (iii)..... The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony. (d) The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. The time and date

when the hearing is to resume shall be announced. (e) The hearing body may view the area in dispute with notification to the parties, of the time, manner and circumstances of such a visit. (f) At the conclusion of the public hearing, a participant in the public hearing may request that the record remain open for at least seven days for the purpose of submitting additional evidence. Such a request may only be made at the first de novo hearing held in conjunction with a permit application or Zoning Ordinance text or map amendment. Whenever the record is supplemented in this manner, any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue. This extension of time shall not be counted as part of the 120 day limit in Section 11.060. (g) When the hearing has been closed, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff, if opportunity for rebuttal is provided. (i)..... No testimony shall be accepted after the close of the public hearing unless the hearing body provides an opportunity for review and rebuttal of that testimony. 79

(6) Decision. Following the procedure described in Section 11.060(1)-(5), the hearing body shall approve, approve with conditions, or deny the application. If the hearing is in the nature of an appeal, the hearing body may affirm, affirm with modifications, or additional conditions, reverse, or remand the decision that is on appeal. (a) The decision of the hearing body shall be by a written order signed by the chair or his/her designee. (b) The order shall incorporate findings of fact and conclusions that include: (i)..... A statement of the applicable criteria and standards against which the proposal was tested. (ii)..... A statement of the facts which the hearing body relied upon in establishing compliance or noncompliance with each applicable criteria or standard, briefly state how those facts support the decision. (iii)..... In the case of a denial, it shall be sufficient to address only those criteria upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial. (c) The written order is the final decision on the matter and the date of the order is the date that it is signed. The order becomes effective on the expiration of the appeal period, unless an appeal has been filed.

(7) Record of Proceedings. The secretary to the hearing body shall be present at each hearing and shall cause the proceedings to be recorded stenographically or electronically. (a) Testimony shall be transcribed if required for judicial review or if ordered by the hearing body. (b) The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of. (c) The findings shall be included in the record. (d) A person shall have access to the record of proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

(8) Notice of Decision. Notice of a decision of a hearing body shall be provided to all parties to the hearing within five working days of the date that the final order was signed. The notice of the decision shall include: (a) A brief description of the decision reached. (b) A statement that the decision may be appealed by filing, with the City, an appeal within 15 calendar days of the date the final order was signed. (c) A description of the requirements for an appeal, including the type of appeal that may be requested. (d) A

statement that an appeal may only be filed concerning criteria that were addressed at the initial public hearing. (e) A statement that the complete case, including the final order, is available for review at the City. [Amended by Ordinance #277, August 28, 1990]