



Proposed STR Text Amendments (Version 3)

Exhibit A: Proposed Revisions to Article 53

Proposed text amendments identified in ~~strikethrough~~ and **bold underline**.
Incorrect numbering and references will be revised in the adopted version.

ARTICLE 53 - HOME OCCUPATIONS, SHORT-TERM RENTALS & MARIJUANA BUSINESSES

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Section 53.10 - Purpose & Intent

The purpose of this Home Occupation Ordinance shall be to prescribe procedures under which a home occupation may be permitted outright or as a conditional use in the County. The intent of the Home Occupation Ordinance is to recognize and provide opportunities for small-scale commercial uses operated out of an existing dwelling or accessory building by a resident of a lot or parcel that do not unreasonably interfere with other permitted uses occurring on adjacent lands.

Section 53.15 - Definitions

- A. Home Occupation is defined in Article 1.
- B. Home occupations proposed inside the City of Hood River's Urban Growth Boundary shall comply with Article 17 (Section 17.04.100).

Section 53.20 - Permitted Uses

- A. Home occupations are permitted in the following zones pursuant to compliance with **the** provisions in the zones in which the use is proposed: Commercial Zone (C-1), **Rural Unincorporated Community Commercial (RUC-1) Zone**, Mt. Hood Unincorporated Community Commercial Zone (MH-C1), Industrial Zone (M-1), and Light Industrial Zone (M-2).

//Staff comment: Although there are no parcels currently zoned RUC-1 in the County (it was established as a place-keeper for the future), staff still thinks that it is appropriate to add it to the above list since it is a zone that allows commercial uses outright should property be rezoned to RUC-1 in the future.

Staff recommendation: Approve the above changes as proposed.//

- B. Short-term rental home occupation uses are subject to the provision contained in Section ~~53.30~~ and 53.40 et seq. **and not Section 53.30.**

//Staff comment: This modification is proposed to eliminate redundancies and to confine the STR criteria to its defined section of this Article (Section 53.40 thru 53.68), similar to marijuana businesses. Some of the standards (or portions of) from Section 53.30 were moved into the STR section.

Staff recommendation: Approve the above change as proposed.//

- C. Marijuana businesses are subject to the provisions contained in Section 53.70 et seq. and not

Section 53.30.

- D. An in-home commercial activity is not considered a home occupation and may not require a land use or conditional use permit where all of the following criteria can be met. (Coordination and permits with other agencies may be required.)
1. Is conducted within a dwelling only by residents of the dwelling.
 2. Does not occupy more than 25-percent of the combined floor area of the dwelling.
 3. Does not serve clients or customers on-site or allow on-site retail sales.
 4. Does not include the on-site advertisement or display, other than vehicle or trailer signage.
 5. Does not generate additional traffic or parking beyond what normally occurs in the applicable zoning district.
 6. No materials or mechanical equipment are used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
 7. Does not include the outside storage of materials, equipment or products.
 8. Complies with federal or state guidelines, rules and regulations.
 9. If complaints are received that the activity unreasonably interferes with other uses permitted in the zone in which the property is located, per the discretion of the Planning Director a land use or conditional use permit may be required.

Section 53.25 - Conditional Uses

- A. The following conditional uses are required to comply with provisions in Article 72 – Planning Director's Review Procedure – and Section 53.30:
1. A home occupation proposed in the following zones in an existing dwelling or pre-existing building on the same lot or parcel as the resident's dwelling: Residential Zone (R-1), Rural Residential Zone (RR), and Rural Center Zone (RC).
 2. Expansion or change in use of home occupations or one or two person businesses existing prior to the adoption date of this Ordinance (see Section 53.35 Non-conforming Use).
- B. Home occupations in the Forest Zones (F-1 and F-2) and Exclusive Farm Use (EFU) Zone are subject to Section 53.30 and respective Conditional Use Review Criteria contained in Articles 3 and 4 (Sections 3.05 and 4.05).

Section 53.30 - Home Occupation Standards

A home occupation shall comply with the following requirements:

- A. The use shall be operated as a home occupation by a resident of the property on which the home occupation is located and employs on the site no more than five full-time or part-time persons at any given time. A home occupation shall be operated substantially in:
1. The dwelling; or
 2. Other buildings normally associated with uses permitted in the zone in which the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or **short-term** rental units unless they are legal residences **and applicable residency requirements are met.**

//Staff comment: This modification is proposed to clarify that just because a parcel has a second legal dwelling does not mean that it will automatically qualify to be used as a B&B or STRs since these uses have specific residency requirements. For instance, an STR may only be operated out of a primary dwelling and a B&B may only be operated out of the operator's residence.

Staff recommendation: Approve the above changes as proposed.

A home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located, and is a secondary use, incidental, accessory or subordinate to the residential uses or the existing building.

- B. A submitted application shall contain, at minimum, 1) a detailed site plan and floor plan, 2) specificity on the nature of the use, and 3) narrative addressing how the standards below are met.
- C. The use will not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature. There shall be no visible evidence of conduct of a home occupation from any road or adjacent property, except for one sign, up to 12 square feet may be permitted.
- D. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
- E. All off-street parking must be provided on the subject parcel where the home occupation is operated.
- F. Only limited retail sales and sales accessory to services associated with the home occupation are permitted.
- G. The existence of a home occupation shall not be justification for a plan and zone change to commercial or industrial use.

- H. Approval is personal to the applicant and shall not run with the land or another individual.
- I. There is only a minor increase, if any, in traffic traveling to and from the dwelling unit or other building.
- J. Compliance with applicable requirements of the zone in which the use is located.
- K. Pre-existing building must be located on the same parcel or lot as the dwelling in which the persons engaged in the home occupation reside.
- L. No more than one home occupation shall be permitted in conjunction with any dwelling or parcel, except as allowed under Article 56 (B&B Facilities) and Article 73 (Home Occupations to Host Weddings and Related Events).
- M. Any unauthorized change or departure in the use of an approved home occupation shall require additional review by the County Planning Department and may be grounds for revocation.
- N. Complies with Federal, State and Local laws. Non-compliance with any of these laws can result in the home occupation being terminated.

Section 53.35 - Nonconforming Use

Any proposed expansion or change in use of either a home occupation or one or two person business in operation prior to the adoption date of this Ordinance shall be subject to the requirements of this Ordinance, **including** Article 65 (Non-Conforming Use), and **require a Type II review conditional use permit**. In the event of a denial of such application, the home occupation or one or two person business shall be allowed to continue as originally approved, as a nonconforming use, **unless the use has been discontinued for 1 year or more**.

//Staff comment: These minor modifications are proposed for clarification purposes only.

//Staff recommendation: Approve the above changes as proposed.//

SHORT-TERM RENTALS

Section 53.40 Purpose

The purpose of this section is to regulate short-term rentals, to protect the integrity of resource lands, to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rentals, and to protect the public health, safety and general welfare of individuals and the community at large.

Section 53.44 Use Table

Short-term rentals are permitted as **home occupations as** specified for each of the different zoning districts, subject to the following review Type and regulations:

- A. Type I (Ministerial Action) and Type II (Non-Ministerial or Administrative Action) are review types defined in Article 1 - Definitions.
- B. “C” means the use is a Conditional Use, approval of which is subject to Section 3.05 or 4.05, Conditional Use Review and other listed criteria.
- C. “P” means the use is prohibited.
- D. “Subject To” column identifies provisions in this Ordinance to which the use is subject.
- E. **In addition to the provisions listed under the “Subject To” column below, all Ppermitted and conditionally permitted uses are also** subject to the applicable short-term rental provisions (Sections 53.4548 - 53.5568) and other applicable Articles of the Hood River County Zoning Ordinance.

Table 53.4044 Summary of Use Table for Short-Term Rentals

Zoning	Review Type ¹	Subject To ²
Forest		
Forest Zone (F-1)	C (Type II)	Article 4; Section 4.05 Section 53.60(A)
Primary Forest Zones (F-2)	P	
Exclusive Farm Use (EFU); High Value	C (Type II)	Article 3; Section 3.05 Section 53.60(A)
Exclusive Farm Use (EFU); Non-High Value	C (Type II)	Article 3; Section 3.05 Section 53.60(A)
Residential (R-1)	Type I	
Rural Residential (RR)	Type I	
Hood River Urban Growth Area (UGA)		Article 17
Commercial (C-1)	Type I	
Rural Center (RC)	Type I	
Rural Unincorporated Community (RUC-1)	Type I	
Mt. Hood Unincorporated Community Commercial (MH-C1)	Type I	
Industrial (M-1)	P	
Industrial (M-2)	P	
Airport Development (AD)	P	

Zoning	Review Type ¹	Subject To ²
Natural Area (NA)	P	
Overlays: SPO, EP, FP, GH, HHO	P	
National Scenic Area		Article 75

//Staff comment: The above modifications are proposed for clarification purposes only.

Staff recommendation: Approve the above changes as proposed.//

Section 53.48 Short-Term Rental Grandfathering Provisions

An existing short-term rental shall be considered exempt from the requirements of Sections 53.52(A) (Residency Requirement) and 53.60(A) (Farm/Forest Tax Deferral Requirement), subject to the following:

A. Documentation is provided confirming that the short-term rental is currently in operation and complies with one of the following:

- 1. Prior to August 20, 2018, the existing short-term rental was registered with the County Department of Budget and Finance for Transient Room Tax (TRT) certification; or**
- 2. Prior to August 20, 2018, the property owner made an application with the County for a short-term rental permit, which was either under County review, approved by the County but appealed, or voluntarily withdrawn prior to a decision being made; or**
- 3. Prior to August 20, 2018, the existing short-term rental was being assessed by the County Department of Records and Assessment and paying additional Personal Property tax as a result of their short-term rental business.**

//Staff comment: This provision is in response to the Board’s direction to include all three categories of potential grandfathering candidates identified in the October 5, 2018 staff report.

Staff recommendation: Staff recommends that only those property owners that qualify under items A(1) and (2) above be recognized as grandfathered uses. This recommendation is based on the owners within these first two categories (i.e. registered TRTs and appealed/withdrawn STRs) being proactive and making a good faith effort to comply with some or all of the County’s regulations concerning STR, and not just being “discovered” by County Records and Assessment, as is the case with those owners who fall under item A(3) above (i.e. assessed/taxed STRs). Staff believes that some level of flexibility is appropriate, especially give the turbulent period between when the Article 53 was first adopted (January 2016) and when the Board modified its interpretation of residency (August 2018). Confusion and uncertainty was common for applicants during this period. Staff feels strongly that those who got

caught up in an appeal and chose to defend their approval should definitely be given the opportunity to lawfully operate their STR in compliance with the conditions of their permit, even it is only for a limited period of time (e.g. 7 years). Similarly, staff cannot blame those who decided to withdraw their applications and wait for either the Board to codify their prior interpretation on residency or for the courts to provide direction. Although these property owners did take a chance in withdrawing their applications without a decision, staff still feels that at least some consideration should be given to grandfather those applicants. However, if the Board is concerned about grandfathering property owners who fall under Item A(2), another option would be to only grandfather those who actually proceeded forward and received tentative STR approval before being appealed. As depicted in Attachment “E” of the staff report, a total of 4 property owners fall into this category.//

B. A short-term rental that is deemed grandfathered pursuant to the provisions of Subsection (A) above shall be allowed to continue to operate for an additional 7 years from the effective date of this amended Ordinance, subject to following:

- 1. Submitting an application for a Type I permit (Type II permit for a previously unpermitted STR in the EFU, F-1, or F-2 zones) pursuant to the provisions of this amended Ordinance within 90 days of it becoming effective; and**
- 2. Failure to submit an application within the timeframe provided under Subsection (B)(1) above will result in the existing short-term rental losing its right to be considered a grandfathered use, unless otherwise allowed by the County Planning Director based on extraordinary circumstances, subject to a Type II review.**

//Staff comment: Subsection B.1. is proposed to encourage prospective grandfathering recipients to pursue a permit in a timely manner. The 90 day timeframe is suggested as a starting point. It is envisioned that notice to all potential grandfathering candidates will be sent a letter to ensure that they are made aware of this requirement.

Please note that the requirement for a Type II review included under Subsection B.1. is new and being added to prevent conflict with State law. This was discussed in the December 7, 2018 draft ordinance (Version 2) under Section 53.44(F), which has since been removed. One point of clarification, though, the language “for a previously unpermitted STR” was intentionally added to clarify that those applicants located in the farm or forest zones whose STR applications were approved, but appealed (all based primarily on the issue of residency) would not have to reapply for a new conditional use permit, but could instead skip that process and be evaluated again under a Type I review based on the findings of their earlier approval.

Staff recommendation: Approve the above changes as proposed.//

Section 53.4552 Permit Required

An owner shall obtain a revocable short-term rental permit prior to using a or allowing another person to use the dwelling unit as a short-term rental and shall comply with the following requirements:

- A. ~~No more than 100 short term rental permits shall be issued by the county at any one time; no more than 25 of the 100 permits issued shall be on resource zoned land.~~ **Except in the Commercial (C-1), Rural Unincorporated Community Commercial (RUC-1), or Mt. Hood Unincorporated Community Commercial (MH-C1) zones, the short-term rental shall be operated by a resident of the property and out of the dwelling that serves as the operator’s domicile, as defined in Article 1 of this Ordinance. To demonstrate proof of residency, the operator shall provide a copy of at least two of the following documents:**
1. **Federal income tax return from the most recent tax year (page 1 only with financial data redacted);**
 2. **Current voter registration;**
 3. **Current Oregon driver’s license;**
 4. **Hood River County Community Identification Card.**

//Staff comment: When meeting with City staff this fall, they cautioned us on some of the challenges that they had experienced with proof of residency. They utilize a standard similar to the one proposed above (minus the HRC Community ID). They indicated that the federal income tax return document is the most reliable form of identification. They also indicated that driver’s licenses and voter registrations are less reliable because individuals can include more than one address on them. Staff also assumes that the HRC Community ID will be fairly easy to obtain without much in the way of verifiable proof of residency and, therefore, will likely be the least reliable of all of the above listed forms of ID¹. One suggestion that may be worth considering is to require the person’s federal income tax return in every instance, but then accept one of the other three forms of ID as their second proof of residency. Other potential forms of identification that could also be used that seem reliable would be the operator’s vehicle registration and/or dependent’s school registration.

Additionally, the Board was sent comments via email on November 30, 2018 from Thrive Hood River (aka Hood River Valley Residents Committee) concerning some additional modifications to Article 53. One of the suggestions made included requiring a copy of the person’s Oregon income tax return instead of their Federal return as the main proof of residency. This suggestion is based on the opinion of a licensed tax consultant who believes that requiring an Oregon tax return with the STR address on it may be more reliable than a Federal tax return given that Oregon residents tend to pay higher income taxes and, therefore, are less likely to claim a local dwelling as their domicile if they have another dwelling in a different state. Staff is comfortable with this change.

¹ Staff is unaware of the current status of the HRC Community ID cards and how a person actually obtains one.

Thrive Hood River is also suggesting that three forms of ID be required instead of two, as currently written. As noted in the staff report, staff does not have a strong opinion on this suggestion, although if the Board is comfortable with requiring either Federal or State income tax returns in every instance then it seems like requiring more than two is unnecessary.

Finally, the exception language included in the first sentence is new and was added to reflect that STRs operated in a commercial zone should not be subject to those standards intended to minimize the commercial aspects of the use, such as the 180 day restriction and residency requirements. Whether an STR is operated out of a person's primary residence or not should have no adverse effect given the commercial character of the area, which would also permit more intensive types of overnight accommodations, such as hotels.

Staff recommendation: Modify the above standard to require that State income tax returns be required to demonstrate proof of residence, but with at least one other form of ID from the above list. //

- B. Only one short-term rental per parcel shall be permitted.
- C. The short-term rental permit shall be renewed every two-years by December 31 thereafter. Failure to maintain and renew the short-term rental permit shall be considered abandonment of use.
- D. The short-term rental permit is not transferable to a new owner **or operator**. If the property is transferred or sold, the new owner will need to re-apply for a short-term rental permit.
- E. The short-term rental permit does not relieve the owner of the obligation to pay County Transient Room Taxes (TRT) and Personal Property tax. Non-compliance will result in revocation of the permit.
- F. ~~No recreational vehicle, travel trailer, or tent, **parked vehicle**, or other temporary shelter shall be used in conjunction with the short-term rental. No occupancy of a parked vehicle or trailer in conjunction with the short-term rental is permitted.~~

//Staff comment: It is suggested that the provision under item F be reworded by eliminating the second sentence and merging it into the first. It is also suggested that the entire provision be moved to Section 53.60(B) below since it seems to better fit under an STR standard instead of a permit requirement.

Staff recommendation: Approve the above changes as proposed.//

- G. The Planning Director or designee may visit and inspect the site of a short-term rental on a prescribed schedule to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary.
- H. If the terms of the short-term rental permit are not met, the permit may be revoked and the owner subject to enforcement and Class I or Class II penalties per Article 1 or any amendments thereto.

- I. The County will monitor and enforce unpermitted short-term rentals through periodic review and audits. An unpermitted short-term rental is subject to enforcement, and Class I or Class II penalties per Article 1 ~~of this Ordinance~~, Chapter 1.08 (Code Enforcement) **of this Ordinance, and** Chapter 8.08 (Health and Safety) and Chapter 8.12 (Noise Code) of the Hood River County Code.

Section 53.5056 Short-Term Rental Permit Application Requirements

An application for a short-term rental permit shall be completed on the form provided by the County and shall ~~provide~~ **include** the following information:

- A. **Property Owners and Operators** - A list of all the property owners **and, if applicable, operators** of the short-term rental including names, addresses and telephone numbers.

//Staff comment: These modifications are proposed to address situations where the STR is not operated by the owner of the property.

Staff recommendation: Approve the above changes as proposed.

- B. **Affidavit of Adjacent Property Owner Notification** – The applicant of a short-term rental shall provide, in writing to adjacent neighbors within 250-feet, a local telephone number, name, and address of a property manager who will accept and handle complaints immediately relating to tenant activities. Notice for **conditional use permit** applications in resource zones shall be ~~provided~~ **completed by County Planning** in accordance requirements identified in ORS 215 et seq.
- C. **Site Plan** - A site plan, drawn to scale, showing the location of buildings, septic systems, **and** required parking, **access, etc.**
- D. **Floor Plan** - A floor plan ~~identifying~~ **showing the interior layout of the dwelling, including** the number of bedrooms proposed for use **rent**.
- E. **Property Management Plan** - A property management plan demonstrating how the short-term rental will be managed and how impacts to neighboring properties will be minimized; specifically, nuisances, parking and garbage. The property management plan shall also include the name, address and telephone number of local points of contacts available to respond immediately to complaints and promptly remedy any violation of these standards.
- F. **Environmental Health** – Issue Authorization Notice to use Existing Septic System per OAR 340-071-0205. Review of Drinking Water source per OAR 333-061 and Travelers’ Accommodation Licensing per ORS 446.320.
- G. **Assessor** – Proof County Assessor has been notified.
- H. ~~**TRT**~~ – ~~Proof of registration for County TRT certificate.~~
- I. ~~**Building Safety**~~ – ~~Satisfactory completion of an inspection performed by the Hood River County Building Department.~~

//Staff comment: Items H and I are proposed to be relocated to Section 53.60(N) and (O) below because they better align with current review process. After the original ordinance was adopted, it was determined that obtaining the above information prior to tentative approval did not work very well with the affected agencies. The way it works now is TRT registration and dwelling inspections occur either within 60 days of approval for an STR already in operation or prior to operation in other instances.

Staff recommendation: Approve the above changes as proposed.//

- J. Proof of Insurance – Include certification of insurance coverage.
- K. Certify Accuracy - Certification of the accuracy of the information submitted and agreement to comply with the conditions of the permit.
- L. Other - Other information as requested by the County.

Section 53.5560 Short-Term Rental Standards

All short-term rentals shall meet the following standards:

- A. Resource Lands (EFU and F-1 Forest zones) – ~~Short term rentals shall be operated within the primary dwelling of the subject property. It shall be occupied and operated by a resident of that dwelling. The primary use of the dwelling will remain residential and shall not be rented out a predominance (i.e., more than 180 days) of the year. Outbuildings, including agricultural buildings, farm worker housing and other lawful dwellings on the property, shall not be converted to short term rentals. The STR shall not unreasonably interfere with other uses permitted in the zone in which the property is located.~~ **A short-term rental may only be permitted to operate in the EFU and F-1 zones on a parcel not receiving farm or forest deferral from the County.**

//Staff comment: This provision was added based on the Board’s direction during its October 15, 2018 work session.

Although some public comments were received in opposition to allowing any STRs in the farm and forest zones, staff is generally comfortable with the proposed provision. First of all, it allows an opportunity to operate a short term rental in a resource zone on property that is likely unsuitable for farm or forest use. Second, the use would be subject to a conditional use permit review, which involves notice to neighbors (and others) and the opportunity for appeal. Just like any other “conditional” use in the farm or forest zone, it is subject to an administrative review and there are no guarantees of approval. Any proposed STR that would adversely impact or increase the cost of conducting farm or forest uses on adjacent lands would not be approved. Staff finds that there are enough safeguards in place through the normal conditional use permit review process (and review criteria involved) to ensure that adverse impacts to farm and forest uses are minimized.

Staff recommendation: Approve the above changes as proposed.//

B. Accessory Buildings – Short-term rentals shall be operated within the primary dwelling of the subject property only. Outbuildings, including agricultural buildings, farm worker housing, accessory dwelling units, tiny homes, and other lawful dwellings on the property, shall not be used or converted for use as a short-term rental. Additionally, no recreational vehicle, travel trailer, tent, parked vehicle, or other temporary shelter shall be used and/or occupied in conjunction with the short-term rental.

//Staff comment: This provision comes from merging portions of Subsection A and Section 53.52(F) above.

Staff recommendation: Approve the above changes as proposed.//

C. Incidental and Subordinate – The primary use of the dwelling proposed for use as a short-term rental shall remain residential and shall not be rented out a predominance (i.e., more than 180 days) of the year. This standard shall not apply to parcels zoned Commercial (C-1), Rural Unincorporated Community Commercial (RUC-1), or Mt. Hood Unincorporated Community Commercial (MH-C1).

//Staff comment: This provision is an existing standard from Subsection A above that appears to only apply to property zoned EFU or F-1. Staff is unsure why this provision would only apply in the resource zones when STRs are intended to be an accessory use to a residence (i.e. incidental and subordinate). By allowing an STR to operate year-round, especially in cases where the entire dwelling is being rented, then the commercial aspect of the dwelling would become the primary use. For these reasons, staff would recommend that this standard apply to all zones where STRs are permitted, except for the C-1, RUC-1, or MH-C1 zones where residential and commercial uses are allowed outright.

As previously suggested, some further exemption or other relief of the 180 day restriction may be warranted for those STRs where the operator is only renting out a portion of their dwelling and maintaining the rest of the building for their occupancy, similar to how a B&B operates. Staff finds that if the operator lives in the dwelling while renting out a room or two (known as a “hosted home share”), the use remains primarily residential and, therefore, should be exempt from the 180 day rental limit.

Staff recommendation: Modify this provision to exempt “hosted home shares” from the 180 day rental limit. Also, direct staff to create a new definition for “hosted home share.”//

B.D. Appearance and Identification - The exterior of the building shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or road. ~~No junk or garbage shall be allowed to accumulate in any yards and all vehicles shall park in designated parking areas.~~

//Staff comment: The last sentence in this provision is suggested for removal because it is redundant

with Subsections F and H below.

Staff recommendation: Approve the above change as proposed.

- ~~E.E.~~ Occupancy Limits - The maximum occupancy for each short-term rental unit shall be calculated on the basis of two (2) persons per bedroom, plus two additional overnight occupants. ~~On properties containing both a residential dwelling and an accessory residential dwelling, only one residential structure may be rented out as a short-term rental, but not both.~~

//Staff comment: The last sentence in this provision is suggested for removal because it is redundant with Subsection B above.

Something the Board may want to consider is establishing a maximum occupancy requirement, similar to the B&B ordinance, which limits the number of bedrooms to five and occupants to ten. Although this is something worth considering, staff is not necessarily recommending it.

Staff recommendation: Approve the above change as proposed.

- ~~D.F.~~ Parking - The short-term rental shall have one onsite parking space per each bedroom unit with a minimum of two parking spaces required. 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. The garage shall continually be available for guest parking as long as the short-term rental permit is valid. **All required parking spaces shall be provided on the parcel where the short-term rental is operated.**

//Staff comment: The additional requirement was moved from Section 53.30(E).

Staff recommendation: Approve the above change as proposed.

- ~~E.G.~~ Access - Road access to the short-term rental shall meet minimum County **and/or local fire district** road standards and shall be adequately maintained and remain clear of obstructions, including illegally parked cars, recreational vehicles, boats, trailers, junk, etc., to ensure the unimpeded passage of emergency vehicles and other vehicular traffic.
- ~~F.H.~~ Nuisances and Garbage - The short-term rental shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including, but not limited to: loud music and noises, excessive traffic, junk/debris accumulation in the yards, garbage removal, trespassing, or excess vehicles, boats or recreational vehicles parked **on the property or along adjacent roadways** ~~in the streets in front of the rental.~~ Said provisions shall be

documented in the Property Management Plan.

- ~~G.I.~~ Pets - Pets shall be secured at all times while on the property and nuisance barking by pets is prohibited.
- ~~H.J.~~ Signage - No on or off-premise signage advertising the short-term rental is permitted.
- ~~I.K.~~ License and Permit Requirements - The short-term rental permit and permit number issued by Hood River County shall be prominently and permanently displayed inside the unit near the front entrance of the rental and shall list the name, address and phone numbers of the property owner **and/or operator, and, if applicable,** or the designated local contact. The permit number shall also be displayed in all advertising.
- L. **Employees – A short-term rental operator may utilize up to five outside employees, such as housekeepers, property managers, landscapers, etc., to assist in operating the facility.**

//Staff comment: Item L comes from Section 53.30(A), but has been amended to align better with STR operations. It is proposed to clarify that using outside employees to operate and manage a persons' STR is appropriate to a certain extent.

Staff recommendation: Approve the above changes as proposed.//

- ~~J.M.~~ Federal, State & Local Laws - The short-term rental shall meet all applicable State and local health, safety laws and building codes.
- ~~K.~~ Other – ~~Other conditions may be imposed, such as additional parking, improved access, fencing, landscaping, or minimum screening to ensure the proposed use is compatible with the surrounding residential character.~~

//Staff comment: Item K is recommended to be eliminated because it creates discretion. As a Type I decision, the approval criteria must be clear and objective.

Staff recommendation: Approve the above change as proposed.//

- N. **Transient Room Tax –Proof of registration for County TRT certification shall be provided to County Planning prior to operating a short-term rental or within 90 days of issuance of a final short-term rental permit for those already in operation.**
- O. **Building Safety – Proof of satisfactory completion of an inspection performed by the Hood River County Building Department shall be provided to County Planning prior to operating a short-term rental or within 90 days of issuance of a final short-term rental permit for those already in operation.**

//Staff comment: Items N and O were previously located under amended Section 53.56 above. The ninety day requirement is added to ensure prompt completion, especially for those already operating an STR.

Staff recommendation: Approve the above changes as proposed.//

P. No weddings or commercial related events shall occur in conjunction with operating an approved short-term rental.

//Staff comment: This new standard is proposed to ensure that STR operators are aware of this limitation.

Staff recommendation: Approve the new standard as proposed.//

Q. No alternation or expansions of an existing dwelling may occur to accommodate its use as a short-term rental.

//Staff comment: This new standard was initially proposed to minimize the intensification of a single family dwelling in order to specifically accommodate its use as a STR. It is one thing to use an existing residence for a STR and another thing to alter or expand it for the sole purpose of accommodating guests of the STR. However, as written, this standard is discretionary, which would prevent the County from applying it to a Type I (ministerial) review, as intended.

Staff recommendation: Either eliminate the standard entirely or consider alterative language, such as "No permitted short term rental may be altered or expanded to accommodate additional guests."//

Section 53.604 Compliance

All complaints shall proceed as follows:

- A. The complaining party shall first attempt to communicate with the **owner/operator and/or** local contact person designated on the permit and property management plan, describe the problem and leave a contact phone number for call back information;
- B. The contact person shall respond promptly to the complaint, regardless of time of day, and make reasonable efforts to remedy any situation that is out of compliance with the permit;
- C. If the response is not satisfactory to the complaining party, then the complaining party may next provide a written complaint to the County Planning Department and Code Compliance program, which complaint shall identify and be signed by the complaining party. The complaint shall include a description of the informal attempts to resolve the complaint. A copy of the written complaint shall be provided to the owner and contact person by the County; and

- D. The County Planning Department/Code Compliance program shall attempt to resolve the complaint. If so required, the owner or local contact person shall provide a written response to the complaint with the anticipated corrective action within 10 days. A copy of the complaint will be filed with the short-term rental permit.
- E. A permitted short-term rental is subject to enforcement, and Class I or Class II penalties per Article 1 of this Ordinance, Chapter 1.08 (Code Enforcement), Chapter 8.08 (Health and Safety) and Chapter 8.12 (Noise Code) of the Hood River County Code.

//Staff comment: Thrive Hood River has suggested that Section 53.64 be eliminated and the normal enforcement/penalty requirements from Section 1.150 of the HRCZO be used instead. Overall, staff does not support this change. Although the provisions within this section are somewhat unique, they do provide certain benefits given the nature of STRs and the common challenges of verifying some complaints associated with them, such as noise, parking, etc. With that said, the current compliance language has existed for two years and staff has not witnessed or heard of any problems with the existing process. Until then, staff has no basis to recommend modifying the code as suggested.

Staff recommendation: Maintain Section 53.64 with the above modification as proposed.

Section 53.658 Revocation

A permit for a short-term rental may be revoked subject to the procedures identified Article 1 Section 1.140 Extensions, Enforcement/Revocation. The Planning Director may immediately revoke all short-term rental permits from the owner upon three (3) violations of the permit or this Article.

//Staff comment: Thrive Hood River has suggested that this standard be modified to make revocation mandatory after three violations instead of being optional as suggested in the existing language. If the Board supports this suggestion, it can be achieved by simply changing the word “may” (as underlined above) to “shall”.

Staff recommendation: Staff recommends that the current language be maintained. Staff see the benefit of keeping some level of flexibility, especially since we currently have no experience implementing either the compliance or revocation sections of the above code. Staff is concerned that making the language mandatory will prevent the Planning Director from using discretion, especially if frivolous or unverifiable complaints are received.

(***)



Proposed STR Text Amendments (Version 3)

Exhibit B: Proposed Revisions to Article 1

Proposed text amendments identified in ~~strikethrough~~ and **bold underline**.
Incorrect numbering and references will be revised in the adopted version.

Section 1.160 – Definitions

(***)

ACCESSORY USE: A use that is incidental and subordinate to the primary use of a property. Examples of accessory uses include: processing farm crops grown on a property, home occupations, farm stands, weddings event sites, and licensed short-term rentals operated for less than 180 days per calendar year.

//Staff comment: Accessory uses are not currently defined in the County Zoning Ordinance. Staff finds that acknowledging STRs as an accessory use and clarifying what that means will help ensure that they do not evolve into the primary use of the property. The word “accessory” as applied to STRs emphasizes that the primary use of the residential dwelling is for long term occupancy.

The strikethrough portion of this definition is suggested as part of written comments received from Mary Ellen Barilotti, dated January 8, 2019. Although the language was intentional and intended to make sure that it was clear that STRs operated for more than 180 days would no longer be considered an accessory use, staff agrees that including this may conflict with, for instance, Section 53.60(C) where it notes that STRs located within commercial zones are not subject to the 180 day limit.

Staff recommendation: Approve this new definition as proposed.

(***)

DOMICILE: A person’s fixed, permanent, and principal home for legal purposes where the person intends to remain and to which, if absent, the person intends to return.

//Staff comment: This new definition is intended to better implement Section 53.52(A), which requires that an STR be operated out of a person’s primary residence.

Staff recommendation: Approve this new definition as proposed.

(***)

HOME OCCUPATION: An occupation or profession carried out by the residents in a dwelling or, **under certain circumstances**, in a building or other structure accessory to a dwelling; provided that the use is limited in extent and clearly incidental and subordinate to the use of the dwelling for residential purposes. (See Article 53 for Home Occupation standards.)

//Staff comment: This modification was suggested as part of written comments received from Mary Ellen Barilotti, dated January 8, 2019. Staff agrees that this additional language is appropriate and may help avoid confusion that STRs may not be operated out of an accessory building as outlined under Article 53.

Staff recommendation: Approve this modified definition as proposed.

(***)

RECREATIONAL / CAMPING VEHICLE: A vehicle licensed by the Department of Motor Vehicles, with or without motive power, designed for highway use, human occupancy, and to be used temporarily for recreational, seasonal or emergency purposes. A recreational or camping vehicle is not intended for residential or business purposes. These shall include but are not limited to: park trailers, travel trailers, pickup campers, motor homes, fifth wheel trailers, camping and tent trailers. **A recreational or camping vehicle shall be considered a dwelling if it is connected to utilities (e.g. water, sewer, and/or electricity), except within a campground authorized to provide such amenities or as otherwise permitted by the Ordinance.** A recreational or camping vehicle shall **also** be considered a dwelling if: 1) it is occupied for more than 60 days, on the same property, in any consecutive 12 month period; or 2) it is parked on property that is without a legally placed dwelling for more than 30 days during any 6 month period.

//Staff comment: Adding the above sentence is proposed to clarify that the camping provisions included with the definition are intended to only apply to the temporary use of a self-contained RV unit and not for accommodating full service amenities.

Staff recommendation: Approve this modified definition as proposed.

(***)

RESIDENCY: The condition of being a resident of a particular place.

RESIDENT: A person who lives somewhere permanently or on a long-term basis. As it applies to short-term rentals, the word resident is intended to mean a person who occupies their domicile, as defined in this Ordinance.

//Staff comment: These two new definitions, together with the new definition proposed for “domicile”, will help to implement Section 53.52(A), which requires that an STR be operated out of a person’s primary residence.

Staff recommendation: Approve these new definitions as proposed.

(***)

SHORT-TERM RENTAL: A dwelling unit ~~or other building~~ or any portion thereof that is available or advertised, or listed by an agent, for use, rent, or occupancy for a period of ~~time that is~~ less than 30 consecutive days. Short-Term Rentals does not include guest quarters, bed and breakfast facilities, hotels, or other types of lodging permitted to operate in accordance with this Ordinance. **Short-term rentals are a type of home occupation and considered an accessory use to a single family dwelling so long as they operate in compliance with the requirements of this Ordinance.**

//Staff comment: This additional sentence is intended to clarify that STRs are to be operated as an accessory use to the residence and not the reverse.

Staff recommendation: Approve this modified definition as proposed.

SHORT-TERM RENTAL PERMIT: A Type I or Type II development application authorizing a Short-Term Rental ~~or Short-Term Room Rental~~. Type I Short-Term Rental Permits are permitted by-right, requiring only non-discretionary staff review to demonstrate compliance with the standards in this Ordinance. Type I permits (Ministerial Review) are limited to actions that do not require interpretation or the exercise of policy or legal judgment.

Staff recommendation: Approve this modified definition as proposed.

(***)

EXHIBIT “C”

October 5, 2018 Staff Report

(File #18-0265 – Short Term Rental)

January 11, 2019



Hood River County Community Development


Planning, Building Codes, Code Compliance, Economic Development & Veterans' Services

601 State Street, Hood River OR 97031

ERIC WALKER, INTERIM DIRECTOR
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FILE COPY

October 5, 2018

To: Board of County Commissioners
From: Eric Walker, County Community Development 
RE: File #17-0324 – Short Term Rental Status Update

I. Background

On August 20, 2018 the County Board of Commissioners (“Board”) held a public hearing to consider modifications to the County Zoning Ordinance, as they apply to establishing a Short Term Rental (STR) on property within the County¹. The Board was provided a number of alternative options to address certain challenges concerning the implementation of existing STR regulations. These options included everything from maintaining the current STR code to repealing it all. In the end, the Board agreed, in concept, on a potential hybrid approach of maintaining much of the existing code, but with some key modifications, including the following:

- Modifying the requirements concerning “residency”
- Eliminating the cap
- Grandfathering certain existing STRs for up to 7 years
- Eliminating STRs in resource zones

In addition to providing draft ordinance language for consideration, the Board also requested that staff come back with information regarding (1) the time and cost associated with completing a Measure 56 notice, and (2) the “grandfathering” process used by the City of Hood River (“City”) when establishing their own STR regulations.

II. Current Status

Since the Board’s August 20th meeting, staff has met with various staff members from the City and County, as well as the Hood River Valley Residents Committee (“HRVRC”). The following includes a summary of the information obtained during these meetings as they relate to current STR code implementation and potential modifications moving forward.

¹ Not including property within the Urban Growth Areas of Hood River or Cascade Locks or within the Columbia River Gorge National Scenic Area.

Grandfathering:

Staff met with Will Norris, City Finance Director/Assistant City Manager, and Dustin Nilsen, City Planning Director, to learn more about the process the City used to grandfather certain STRs within their jurisdiction. As part of their STR code development process, the City Council developed a fairly ridged approach to determine which STRs would be “grandfathered” and to what extent. The process that was developed involved grandfathering existing facilities that had been paying their STRs, but only to the extent that they had been operating in the past. The burden was on the STR operator to demonstrate the highest number of days per year they had operated in the past; with documentation confirming the number of days matched with the amount of transient room tax (“TRT”) collected during that year. City staff then confirmed the information by looking at archived websites that showed the room rates being charged at that time. They then compared the rates charged with the purported number of days to ensure that they matched with the amount of TRT collected. So, for instance, if an STR operator could prove that they operated for 50 days during their best year, then that person would be allowed to continue operating their STR for up to 50 days per year for the next 7 years.

In addition to meeting with the City, staff also met with Heather Staten and Dale Hill of the HRVRC. The purpose of the meeting was, in part, to discuss the Board’s August 20th recommendations and to determine their potential position on grandfathering. During this meeting, both Heather and Dale expressed general support for the idea of grandfathering those STRs that are registered with County Budget and Finance and whose owners who are paying TRT. They also supported the potential for grandfathering those STRs operated by a person(s) who made a good faith effort to get their STR permitted by applying with the County, but who were unsuccessful because of an appeal, including potentially those who withdrew their application due to the threat of an appeal.

Another group identified as potential candidates for grandfathering are those STR operations that have been identified and, subsequently, assessed (*i.e. charged a tax*) by County Records and Assessment (“R&A”). According to Brian Beebe, Director of R&A, most of the land owners on their assessment list are there because they were discovered by County appraisers, not because the property owners stepped forward. He also indicated that only those land owners who have personal property related to the business with an assessed value of more than \$17,000 are actually charged an additional tax. This tax is based primarily on the size and value of the house involved. Of the 54 homes currently identified on R&A’s list as STRs, only 9 are actually paying an additional tax.

Below is a list of potential candidates for grandfathering. It should be noted that the information provided only involves existing STRs located within the County, but outside of the urban growth boundaries of Hood River and Cascade Locks and the Columbia River Gorge National Scenic Area. It should also be noted that there may be some overlap between the three potential categories. For instance, there may be an STR operator who is paying TRTs, but also being taxed by R&A.

Potential Category	Total
Registered TRTs (STRs only)	Already Permitted = 9 Unpermitted = 9 Total = 18
Current STRs Under Review/Appeal or Withdrawn Due to Threat of Appeal (does not include denied applications)	In Review = 1 Under Appeal = 4 Withdrawn = 8 Total = 13
Current Assessed/Taxed STRs	Untaxed = 45 Taxed = 9 Total = 54

On the surface, it would seem reasonable for the Board to provide an opportunity for those STR operators who, prior to August 20, 2018, were either registered with the County and paying TRTs or who had made a good faith effort to obtain a permit by using the review process initially set up by the County. On the other hand, it seems less reasonable to include those properties that have been identified by R&A as STRs – especially those who are not paying a tax – because those property owners were not proactive in registering with the County or obtaining a permit, but were simply identified or “found out” by the assessor.

If the Board decides to include the first two groups (*i.e. TRT payers and STR applicants*), a total of approximately 22 existing STR operations would be eligible for grandfathering. If the Board decides to include all three groups (*not including untaxed, but assessed STRs*), the number of STRs eligible for grandfathering would increase to approximately 31².

Measure 56 Notice:

As you are aware, Measure 56 requires a local government to notify all affected property owners when they propose to change the zoning classification of a property or modify the zoning code in a manner that would result in restricting or precluding a use(s) that is currently allowed. Of the four potential changes currently under consideration, the “residency” requirement change and the restriction on new STRs in resource zones would both trigger a Measure 56 notice.

Staff worked with Mike Schrankel, County GIS Coordinator, to determine the number of property owners that would potentially be affected by the ordinance modifications suggested during the August 20th hearing. Two lists of property owners were identified. The first list included all private property owners located in the Exclusive Farm Use (EFU), Forest (F1), Primary Forest (F2), Rural Residential (RR), Residential (R1), Commercial (C1), Rural Center (RC), and Mt Hood Unincorporated Community Commercial (MH-C1) zones. These zones were specifically identified because this is where STR regulations currently apply. The second list included all property owners located in the EFU, F1, and F2 zones and all property owners in the RR, R1, C1, RC, and MH-C1 zones that have different mailing and situs addresses. The second list was intended to identify all private property owners that would be

² The number would actually be approximately 28 or less since there is some overlap between the three groups. For instance, three of the property owners paying personal property tax related to their STR are also paying TRT.

affected by the proposed resource zone restriction and those in the other zones where the owner(s) does not primarily reside.

The advantages and disadvantages of each notification type include the following:

MEASURE 56 NOTICE TYPE	ADVANTAGES	DISADVANTAGES
Full Notice <i>(All Zones)</i>	<ul style="list-style-type: none"> • Most inclusive. • Greatest assurance against a second notice if additional restrictions proposed later on. 	<ul style="list-style-type: none"> • Additional cost (slight).
Partial Notice <i>(Resource Zones and Those Owners Affected by the Change in the Residency Requirement)</i>	<ul style="list-style-type: none"> • Less cost (slight). • Keeps modifications focused to just those included in the notice. 	<ul style="list-style-type: none"> • A second notice would be required if additional restrictions are proposed later on.

Unless the Board is confident that no other changes are proposed that would cause additional property owners to become affected by the proposed STR code modifications, staff would recommend that a full Measure 56 notice be provided. The difference in cost would be less than \$100, which seems like good insurance against having to mail out a second notice if additional changes are proposed later on that would result in additional restrictions to other property owners who were not originally notified. The total cost of postage for notifying all property owners on the “full notice” list would be approximately \$1,842.

As for timing, Measure 56 requires that the local jurisdiction mail out the notice “at least 20 days but not more than 40 days before the date of the *first* hearing on an ordinance that proposes to amend an existing comprehensive plan...” [ORS 215.503(3)]. The notice itself could be generated, packaged, and sent fairly quickly (*approximately 1 week*) on our end.

Residency:

As part of the August 20th hearing, the Board expressed general support for changing its interpretation of the word “resident,” as it applies to Sections 53.30 and 53.55 of the County Zoning Ordinance (“HRCZO”), from a person who occupies a dwelling for 30 days or more during a calendar year to a person who occupies a dwelling as their primary legal residence or domicile. Based on these suggestions, staff will propose various modifications as part of the draft ordinance to codify this change.

In the meantime, staff has been working with County Land Use Counsel to determine the best way to transition from the earlier interpretation of the residency requirement to the new interpretation, particularly as it applies to new applications (*those submitted after August 20, 2018*). Given that this change involves the interpretation of existing code provisions and not an actual change to the code itself, County Land Use Counsel agrees that it is appropriate to change how we interpret and apply existing

zoning requirements to applications received after August 20th. However, County Land Use Counsel did suggest that the Board adopt a resolution to formally acknowledge this change in order to provide “concrete, interim guidance to staff and prevent staff from being in the inappropriate/uncomfortable position of giving legal advice to prospective STR applicants.” In response, a draft resolution has been prepared for your consideration during the Board’s October 15th regular meeting.

Resource Zone Restriction:

Also part of the August 20th hearing, the Board suggested eliminating provisions to allow the establishment of STRs on property zoned EFU, F1, or F2. The Board indicated that existing Bed and Breakfast provisions, which are listed as conditional uses in the resources zones, could be used instead for those property owners hoping to establish such a facility.

The following is a list of the main positive and negative effects of eliminating STRs in the County’s resource zones:

Positives	Negatives
<ul style="list-style-type: none"> • It supports existing Comprehensive Plan policies of minimizing non-farm/non-forest uses/impacts on resource zoned property. • Less staff time reviewing applications. • Fewer potential appeals. • Ease of implementation by creating a single, ministerial review process for evaluating all STR applications. 	<ul style="list-style-type: none"> • It eliminates a potential land use opportunity for certain property owners. • Potential economic impacts. • Potential increase in enforcement without a viable path for obtaining a permit (in many instances).

At the hearing, the Board discussed the desire for flexibility. One option for allowing such flexibility might be to consider allowing STRs on EFU zoned property mapped as Non High Value Farmland (*Non-HVF*) and F1 zoned property, which tend to represent lower quality farm and forest land. Although the potential for conflicts remain, they might be fewer than on HVF and in the F2 zone where most of the commercial farm and forest operations exist. Although this option will provide some additional flexibility, it comes at the expense of additional staff time and ease of implementation.

Cap Removal:

The Board has also suggested eliminating the existing cap of 100 STRs (*25 on resource zoned land*). Although staff generally supports the use of a cap, staff agrees that this restriction makes less sense if STRs are no longer allowed in the farm and forest zones.

Current STR Appeals:

One of the other purposes for meeting with members of the HRVRC was to see if they were interested in the possibility of putting their current STR appeals on hold while the new regulations were being considered. This option seemed reasonable especially since they seemed amenable to the idea of potentially grandfathering STR operators who attempted to obtain a permit using the current review process, but who got caught up in an appeal or the threat of appeal. After some discussion, HRVRC

members agreed to stay all but one of their STR appeals. The one they declined to stay was the Diane Zipper appeal, which was based primarily on procedural arguments and not on merit. They did, however, agree to stay the merit part of the appeal, if necessary, once LUBA makes their decision.³ Based on this agreement, staff contacted the three applicants whose permits had been appealed (*Rogers, Saltzman/Trotebas, and Kirchner*)⁴ to see if they too were interested in putting their applications on hold. All have verbally agreed. Based on this, County Land Use Counsel created a document for the parties to sign temporarily putting their applications/appeals on hold. This included a formal “motion to stay” to be filed with LUBA on the Roger’s appeal. So far, the HRVRC and Michael McCarthy have each signed the documents and one of three applicants has signed; with the other two expected shortly.

It is envisioned that once the new ordinance is adopted, each of the three (*or potentially four*) applicants can then decide if they would like to withdraw their application and reapply under the recommended grandfathering process (*including the potential 7 year time limit*) or take their chances and proceed with their current appeal, which they would be responsible to defend. The main benefit for continuing with their application is that, if successful, they would not be subject to the “phase out” requirement proposed as part of the grandfathering process. However, if they are ultimately unsuccessful, then it would be recommended that they be precluded from the possibility of participating in the grandfathering process.

New STR Applications:

The last STR application received by County Planning was on July 31, 2018 (*Shaw*). It is anticipated that a decision will be made on this application sometime before the end of November. There are no other STR applications currently being reviewed. However, it is anticipated that once the Measure 56 notice goes out and certain property owners, especially those located in the farm or forest zones, realize the proposed STR regulations may prevent them from applying in the future, additional applications will likely be received. However, with the Board signing a resolution (*as detailed above*) that formalizes its intent to revise its interpretation of the term “resident,” the total number of new STR application submitted between now and when the amended ordinance gets adopted is expected to be much less.

It should be noted that staff did look into the possibility of using the moratorium process to limit STR related applications while the Board goes through the code revision process. However, it was determined that a moratorium cannot typically be used on land use matters. The City of Hood River was able to use a moratorium as part of their STR code development process because their STR regulations are not part of their land use ordinance.

Draft Ordinance:

At this time, staff has been unable to prepare a draft ordinance for your consideration, although, it is anticipated that one will be available by your next regular scheduled meeting in November. It is envisioned that the Board would review the document at that time and then inform staff whether it is ready for public hearing on not.

³ LUBA’s decision on Zipper is expected sometime by the end of the year.

⁴ Diane Zipper has not yet been contacted given that LUBA’s decision on procedure will ultimately determine whether a stay of the appeal/application is actually necessary or not.

III. Next Steps

1. Provide staff with any further direction
2. Continue the public hearing again to an identified time, date and place

