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January 30, 2020

Board of County Commissioners
Clackamas County

Members of the Board:

First Reading of Ordinance No. _____, Adding Clackamas County Code Chapter 8.10, *Short-Term Rentals* to the Clackamas County Code, and Amending Clackamas County Code Chapter 2.07, *Compliance Hearings Officer*

Purpose/Outcomes	<i>To add a new section to County Code implementing regulations related to short-term rentals, together with corresponding conforming amendments.</i>
Dollar Amount and Fiscal Impact	<i>Implementation of this program would require up to two additional full time employees (FTE), plus additional time for the code enforcement Hearing's Officer. Based on cost estimates from DTD and the Finance Department, the total cost to run the STR program annually will be approximately \$320,000.</i>
Funding Source	<i>Revenue generated from newly adopted registration fees, potential seed money from the Tourism and Cultural Affairs Department.</i>
Duration	<i>Indefinite.</i>
Previous Board Action	<i>Policy Sessions: March 13, 2019; June 11, 2019; August 6, 2019; September 25, 2019; October 22, 2019; and January 14, 2020.</i>
Strategic Plan Alignment	<i>Ensure safe, healthy and secure communities. Build public trust through good government.</i>
Contact Person	<i>Martha Fritzie- 503-742-4529; Nate Boderman – 503-655-8364</i>
Contract No.	<i>N/A</i>

BACKGROUND:

What is a short-term rental (STR)?

A short-term rental (STR), or vacation rental, is a dwelling unit, or portion of a dwelling unit, that is rented to any person or entity for a period of up to 30 consecutive nights. Operators/hosts may be owners, renters, or property management companies.

Short-term rentals are often advertised on websites such as Airbnb, HomeAway, VRBO, VacationRentals.com, or Booking.com.

Why are we doing this now?

Currently, the County's Zoning & Development Ordinance (ZDO) does not clearly identify short-term rentals (STRs) as allowed in any homes in the county; and therefore, it is considered (from a zoning perspective) a prohibited use of a dwelling. However, there are clearly a number of homes in the County actively being used as short-term rentals and a growing interest among homeowners in pursuing this type of use legally in the county.

In addition, there have been several properties in the county operating as short-term rentals that have generated enough complaints that it has become apparent that this use can cause unwanted neighborhood impacts.

Finally, while there are a number of STRs that are currently paying the Transient Room Tax (similar to hotels, motels and other lodging establishments), there also appear to be a large number that are not, and establishing an STR registration program could help level the playing field for all lodging establishments, ensuring they are all paying their fair share.

All of these reasons led the Board of County Commissioners (BCC) to direct the Planning & Zoning Division to look into the most effective ways to potentially allow and regulate STRs.

Background

Over the last 14 to 16 months, Staff from the Planning & Zoning Division have led the work effort that has culminated in the proposed STR registration program and regulations that are currently proposed for adoption into the County Code. This work included the following:

1. Research: In late 2018 – early 2019, Planning staff conducted research to understand if and how other jurisdictions in Oregon are allowing and regulating short-term rentals and, more importantly, what is and is not working well with their regulations. Based on feedback from these jurisdictions and a search of published studies on the matter, it became clear that there are a number of opportunities, as well as challenges with regulating STRs.

Opportunities with allowing and regulating short-term rentals:

- a) Provides an additional source of income for owners
- b) Provides unique vacation destinations and encourages tourism
- c) Regulates which properties can and cannot be used as STRs, maximizing retention of affordable housing
- d) Can generate tax revenue by properly taxing STRs
- e) Allows for the creation of a process for enforcing and revoking permits on problem properties
- f) Provides a lodging option in communities for which there is not any other traditional lodging available

Challenges with allowing and regulating short-term rentals:

- a) The variety of stakeholders do not always agree on how to regulate STRs; it can be a contentious process to establish rules
- b) Bad actors (public nuisances, noise, parking, trash, and "party" houses)
- c) Potential loss of neighborhood investment, loss of affordable housing
- d) Often hotel/transient tax is not paid
- e) Even with a legal path to allowing STRs, enforcement remains an issue for many jurisdictions. Strong enforcement regulations are a necessity.
 - “Neighbor enforcement” is a tactic used by some to give neighbors the ability to contact the rental operator directly with an issue before contacting the jurisdiction.
 - Some jurisdictions look to contract out enforcement work to companies such as STR Helper (a third-party service for tracking and enforcement).

2. “Internal Stakeholder Group”: Planning staff conducted several meetings with an “internal stakeholders group” which included representatives from Planning & Zoning; Code Enforcement; Building Codes; Tourism; Health, Housing & Human Services; the Housing Authority; Septic & Onsite Wastewater Program; County Counsel; DTD Administration; and Public & Government Affairs (representatives from Business & Community Services and the Sheriff’s Department were invited but unable to attend). The intent was to include the various departments/divisions that may be affected by the permitting of short-term rentals, or that may ultimately be involved in administering and enforcing the regulations.

This group was used extensively for feedback and input as drafts of proposed regulations for a short-term rental program were developed.

3. BCC Policy/Planning Sessions: On March 13, 2019; June 11, 2019; August 6, 2019; September 25, 2019; October 22, 2019; and January 14, 2020, County Staff and the BCC had policy/planning sessions about the topic of STRs. At these meetings, there were robust discussions around:

- The opportunities and challenges with allowing and regulating short-term rentals (STRs);
- What elements may be the most appropriate to regulate related to STRs, if the county is to move forward in that way;
- What Staff learned through the extensive public outreach efforts made in the spring of 2019 and December of 2020;
- Specific regulations for the use of a dwelling as an STR, including – garbage removal, maximum occupancy, parking, noise, building and fire safety, and other elements;
- Administration of the STR program through the Finance Department;
- Enforcement of other regulations that are not currently under the sheriff’s department purview (noise ordinance, illegal parking, etc.) by the County’s Code Enforcement staff;

- What potential impact that allowing and/or regulating STRs may have on neighborhoods and to the supply of housing, specifically affordable housing;
- Whether it may be appropriate to regulate different areas of the county differently – either through a registration “cap” or through a “primary residence” model (similar to Lake Oswego), understanding that both those methods may be difficult to administer and enforce; and
- Whether the county can afford a STR program given the program would require some start-up costs before the registration fees could result in “full cost recovery” for the program.

At the *March 13, 2019* policy session, staff discussed opportunities and challenges with allowing and regulating STR, as well as various methods to do so and types of regulations to include. At the end of this session, the BCC generally agreed to have Staff to continue to move forward with this project and to solicit feedback from the public. The BCC was clear that they wanted Staff to ask the public similar questions to those they had just discussed and specifically asked that Staff not take a draft proposal out to the public before hearing public feedback about the general concepts.

The BCC was also in general agreement that the most appropriate place for any regulations for short-term rentals is in the County Code, rather than in the Zoning & Development Ordinance (ZDO).

At the *June 11, 2019* policy session, Staff presented the results of the public outreach efforts conducted through a series of public meetings, project webpage (<https://www.clackamas.us/planning/str>) and social media postings, and a survey that was available both on-line and on paper copies available at each of the meetings. The single biggest takeaway from the public meetings and the survey was that the public appears to overwhelmingly support allowing short-term rentals in the county. While there was (and likely still is) significant disagreement about the level of regulation that may be appropriate for this use, the prevailing sentiment was strongly in favor of allowing the use.

At the *August 6, 2019* policy session, Staff presented a first draft of what a registration process and regulations could look like for a short-term rental program. This draft was based on both public feedback and feedback the BCC gave to Staff at prior policy sessions. The discussion was focused on specific regulations for the use and Staff committed to return to the BCC with a discussion of administration (including in which department the program would be housed) and enforcement of the regulations. Staff also committed to return to the BCC to have further discussions about the following issues that arose in this policy session: (1) The possibility of limiting STRs to something less than every dwelling – either through capping the total number of licenses allowed; capping the number of nights annually a STR can be rented out; or requiring an “owner-occupied” or “hosted” model in areas outside the Mt. Hood area; and (2) The potential impacts of STRs on affordable housing in the county.

At the *September 25, 2019* policy session, Staff presented a second draft of the proposed amendments to the County Code (Section 8.10, *Short-Term Rentals*) that included changes to specific regulation, based on the feedback from the BCC and several members of the public.

Staff also provided additional information and led a follow up discussion related to limiting the overall number of licenses allowed and the potential impacts of STRs on affordable housing, as well as:

- Administration of the program through the Finance Department, which is the department that currently administers the Transient Room Tax (TRT). As proposed, the Finance Department would process all STR registrations and be responsible for enforcement only as it relates to pursuing those owners who are operating without a registration; and
- Enforcement of other regulations that are not currently under the Sheriff's Department purview (noise ordinance, illegal parking, etc.) through the County's Code Enforcement Division. This Division has the expertise and knowledge of legally-required processes and procedures associated with the enforcement of violations to building, zoning and other county codes.

At the end of this session, the BCC remained concerned around the potential impacts of this use on neighborhoods and on housing supply, particularly in the urban area. The BCC acknowledged that the Mt. Hood area is the County's main tourist destination and the communities on Mt Hood already contain a relatively large number of STRs, many of which have been operating for several decades. As a result, the BCC wanted to continue the STR conversation to further discuss the concept of having different regulations in the urban area, versus the rural area, versus "the mountain".

At the *October 22, 2019* policy session, the BCC discussed the merits of creating different regulations for STRs in different areas of the county and ultimately directed Staff to move forward into a public comment period and then all necessary public hearings to proceed with the adoption process for allowing, regulating, and registering STRs. The BCC requested this draft include the proposed registration program and regulations for STRs in legal dwellings in unincorporated areas of the county, provided that if the property is within the Portland Metropolitan Urban Growth Boundary (UGB) then the property owner's primary residence must also be on the property, although the owner would not be required to be there when the short-term rental was occupied.

At the *January 14, 2020* policy session, Staff presented a third draft of the proposed STR registration program and regulations – the same draft that was provided to the public for comment during December and early January. Staff also presented the preliminary results of feedback received during the public comment period (recognizing that the results were not yet complete). Generally, feedback from the public has been mixed, and is discussed in more detail in the next section, and the BCC directed Staff to continue with the public hearings and adoption process, as planned.

Of note in this and several previous policy sessions was the continued discussion about the funding of the program. The BCC has made it clear, that the STR program must be a “full cost recovery” program – in other words, the fee associated with the registration of an STR needs to be sufficient to cover all the costs for administration and enforcement of the program.

4. Public outreach: While Staff has been available to answer questions and has collected all written comments submitted throughout the life of the project, there were two major organized public outreach efforts conducted for this project:

(1) In May/June of 2019, Planning Staff, with support from Public and Government Affairs (PGA) Staff presented the topic of STRs and led discussions at seven public meetings, hosted by Community Planning Organizations (CPOs), a Hamlet and the County. Staff provided information on the project website and on a flyer distributed at these meetings to provide initial information and help frame the discussion.

Because of the prevalence of vacation rentals in the Mt. Hood area and the fact that a large number of property owners in the Mt. Hood area are not residents of the area and may not be connected with the CPO, prior to the meeting hosted by the Rhododendron CPO, Staff mailed over 4,700 postcard notices, specifically inviting those owners to attend one of the seven planned public meetings.

Each of these public meetings was well-attended, with as many as 175 people attending the May 18th meeting in Welches. Comments were collected and summarized by Staff and a survey was made available to the public both on-line and on paper copies available at each of these meetings.

In addition to the series of public meetings, information about this project was disseminated through several social media outlets, including Twitter, Facebook and NextDoor; and on the project website (<https://www.clackamas.us/planning/str>). The May 20th public meeting, hosted by the County was also streamed live on Facebook. Video of this event generated over 1,700 unique viewers in the months following the event and the video was posted on the project webpage.

The single biggest takeaway from those public meetings was that the public appears to support allowing short-term rentals in the county although there was significant disagreement about the level of regulation that may be appropriate for this use. Not surprisingly, the two biggest areas of concern seem to lie around enforcement and quality of life/safety/neighborhood issues.

(2) On December 3, 2019, Staff posted the third draft (discussed above) of the proposed short-term rental (STR) program and regulations, along with a survey, some basic information about the draft and adoption process, and Staff contact information on the project webpage (<https://www.clackamas.us/planning/str>). General conclusions from written comments received include:

- Mixed support for the program, with no clear majority in support of, or opposed to the proposal. Overall there was more support than less for allowing STRs in the county, but there appears to be varying levels of support for the program and associated regulations. Those opposed cited concerns generally about more fees and perceived this program as unnecessary regulation. Those that supported the program understood the need for regulation, although some did have regulation-specific comments that could result in relatively minor changes to the draft.
- Concern was expressed by a few for not allowing STRs in guest houses or RVs on a property.
- Concern was also expressed by a few about the cost and what the fees would cover (i.e. if this would be a revenue-generating program).

All comments received via email or mail, as well as complete survey results, are attached to this document (Attachment B).

Proposed STR Program and Regulations

The amendments to create the STR program and regulations are proposed for adoption into the County Code as **Section 8.10 Short-Term Rentals** and are the result of over a year of work and input from Planning staff, the BCC, staff in other departments and agencies, the public, and industry professionals, as previously discussed.

Key components of this proposal include the following:

- Regulations would only apply outside of city limits in unincorporated Clackamas County.
- STRs would only be allowed in a legally-established permanent dwelling (either part or all of the dwelling could be rented). This would include allowing for STRs in accessory dwelling units (ADU), but would not allow STRs in guest houses, RVs, tents, barns, shops, or other similar structures. STRs would also not be allowed in a dwelling approved only for a specific use (i.e. farmworkers).
- All STRs would be subject to the same regulations, except that STR properties inside the Portland metropolitan urban growth boundary would be required to be the owner's primary residence or located on the same lot as the owner's primary residence. (The owner would not be required to be there when the short-term rental was occupied). This "primary residence" provision was added as per the request from the BCC at the October, 2019 policy session.
- STRs would have to be registered with the county. In addition to paying a registration fee, which the county would use to pay for administration and enforcement, the short-term rental owner would also be required to provide information at the time of registration, including:
 - Location
 - Contact information for someone who can respond to complaints

- An affidavit of compliance with safety standards
 - Evidence that all county fees and taxes have been paid, including registration with the county's Transient Lodging Tax program
 - Proof of liability insurance
 - A site plan and a dwelling unit floor plan
- Maximum overnight occupancy of two people per sleeping area plus two additional people, however, even if a dwelling contains 7 or more sleeping areas, occupancy may not exceed 15 people.
 - One off-street parking spot required for each two sleeping areas, with a minimum of one parking spot regardless of number of sleeping areas.
 - Garbage pick-up at least once a week, with any outdoor garbage containers required to be covered
 - Posted information about the requirements to comply with provisions in the county's noise ordinance.
 - Building and fire safety requirements related to smoke and carbon monoxide detectors, emergency escape routes, fire extinguishers, etc., which will be confirmed through a self-inspection affidavit to be provided with the registration application.
 - Short-term rental owners who do not comply with the regulations may be subject to enforcement consequences ranging from inspections, citations and fine, up to revocation of registration. Enforcement of the regulations will be carried out by either the Sheriff's Office or Code Enforcement, depending on the issue.

Funding of the STR program: Implementation of the STR program, as drafted, is anticipated to require up to two additional FTE, plus additional time for the code enforcement Hearings Officer. Based on personnel cost estimates from DTD and the Finance Department and estimates about the number of STRs in the county from industry professionals, the initial estimate is that the baseline fee for the 2-year registration would need to be \$800 - \$900 in order to support the program.

- This estimate assumes 100% cost recovery through the registration fees for both administration and enforcement of the program; no General Fund money would be required.
- To get to that point, however, there would need to be an initial investment ("seed money") to cover costs to get the program running until such time as the volume of registrants can fully support the program. Discussions are currently underway with the Tourism and Cultural Affairs Department to secure this funding through a grant or other similar source, so that it too would require no General Fund money.

- If the BCC wants to “phase” in the program, an important consideration would be establishing the program with a provision that code enforcement would be deferred until there are enough registrants to support the cost of an additional code enforcement officer. Notably, this would still require some (but not as much) initial “seed money” to set up the registration program, conduct public outreach, and begin processing applications.
- At the September and October policy sessions, the BCC expressed interest in creating some sort of incentive at the start of the program in order to encourage owners of STRs to register (e.g. a discounted fee for an initial period of time, or for STR owners who are already paying the TRT, if they register within a specific amount of time). This incentive will be a part of the initial program fee structure, which would need to be adopted by resolution and added to the Fee Schedule (found in Appendix A of the County Code).

RECOMMENDATION:

Staff respectfully requests that the BCC hold this public hearing and schedule a second reading and public hearing of this ordinance on February 13, 2019, at 10 a.m., and to direct staff to draft a resolution establishing a registration fee, and establishing fine amounts for noncompliance with program requirements.

Respectfully submitted,

Nate Boderman
Assistant County Counsel

Attachments:

- A. ORDINANCE NO. _____, An Ordinance Adding Clackamas County Code Chapter 8.10, *Short-Term Rentals* to the Clackamas County Code, and Amending Clackamas County Code Chapter 2.07, *Compliance Hearings Officer*
- B. Public Outreach and Comments

ORDINANCE NO. _____

**An Ordinance Adding
Clackamas County Code Chapter 8.10, *Short-Term Rentals*
and Amending Clackamas County Code Chapter 2.07, *Compliance Hearings Officer***

WHEREAS, the Board of Commissioners of Clackamas County finds that a property owner’s short-term rental of a dwelling unit is an acceptable activity within the unincorporated areas of Clackamas County; and

WHEREAS, the Board finds that it is in the public’s interest to regulate short-term rentals in order to enhance public safety and livability; and

WHEREAS, the Board finds that the short-term rental of dwelling units could have negative impacts on the cost of housing in Clackamas County, and therefore wish to limit those impacts by requiring those short-term rentals located within the Portland Metropolitan Urban Growth Boundary to be located on the same lot of record as the owner’s primary residence,

Now, therefore, the Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapter 8.10, as shown on Exhibit “A”, which is attached hereto and incorporated herein by this reference, is hereby added to the Clackamas County Code.

Section 2: Chapter 2.07 is hereby amended to add a reference to Chapter 8.10, *Short-Term Rentals*, in the second paragraph of Section 2.07.010 for purposes of clarifying that enforcement of the *Short-Term Rental* Chapter shall be processed under the provisions of Chapter 2.07.

Section 2: Effective Date. This Ordinance shall be effective on July 1, 2020.

ADOPTED this _____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Ordinance No. _____

Chapter 8.10

8.10 SHORT-TERM RENTALS

8.10.010 Purpose

The purpose of this chapter is to regulate short-term rentals in order to enhance public safety and livability within the unincorporated areas of Clackamas County. Specifically, this chapter addresses public safety concerns typically associated with short-term rentals, and clarifies the process for both property owners and staff related to permitting short-term rentals and enforcing violations of these standards.

8.10.020 Definitions

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter.

- A. ADMINISTRATOR means the County Administrator of Clackamas County or his/her designee.
- B. DWELLING UNIT means a building, or portion thereof, with one or more rooms designed for residential occupancy by one family, or, as permitted under Chapter 8.10 for use as a short-term rental.
- C. OCCUPANTS means persons who are authorized to stay overnight within a short-term rental.
- D. OWNER is the owner or owners of a dwelling unit used as a short-term rental.
- E. PREMISES means the short term rental and the lot on which it is located.
- F. PRIMARY RESIDENCE means a dwelling unit where an owner lives most of the time. At a given time, an owner does not have more than one primary residence. For purposes of determining whether a dwelling unit is a primary residence, the County may consider factors that include, but are not limited to: whether the dwelling unit is the legal residence of the owner for purposes of voting, motor vehicle/driver licensing, income tax calculation, and the time the owner has spent at the dwelling unit.
- G. REGISTRANT means the owner, or agent of the owner, designated on the registration to act for the owner, who is responsible for ensuring the short-term rental adheres to all applicable requirements to maintain a short-term rental registration.
- H. REGISTRATION means a short-term rental registration.
- I. SHORT-TERM RENTAL means a dwelling unit, or portion of a dwelling unit, that is rented to any person or entity for lodging or residential purposes, for a period of up to 30 consecutive nights.
- J. SLEEPING AREA means a room or other space within a dwelling unit designed and intended primarily for sleeping.

8.10.030 Applicability

This chapter shall apply within the unincorporated areas of Clackamas County including within urban growth boundaries, but shall not apply within the boundaries of any incorporated city. This chapter does not apply to hotels, motels, bed and breakfast facilities, hostels, campgrounds, recreational vehicle (RV) camping facilities, or organizational camps.

8.10.040 Short-Term Rental Registration Requirements and Fee

- A. All short-term rentals shall be registered, except that any short-term rental that qualifies for an exemption to the Transient Room Tax under Section 8.02.060(C), as “incidental” use of the property, shall be exempt from the registration requirements set forth herein.
- B. Application forms for a registration for a short-term rental will be available at County offices. Applications for initial and renewal registrations for a short-term rental must be submitted to the County and must be signed under penalty of perjury. The application documents must include at least the following:
 - 1. The location of the premises.
 - 2. The true names, telephone numbers, and addresses and any aliases of the persons that have, or have had within the preceding year, a financial interest in the premises.
 - 3. A Land Use Compatibility Statement, signed by a Planning & Zoning Division representative, affirming that the short-term rental has met all applicable requirements in the Clackamas County Zoning and Development Ordinance for a short-term rental and that the dwelling unit complies with Section 8.10.060(A).
 - 4. Signed affidavit of compliance with all building and fire standards in Section 8.10.060(G), and all applicable requirements in Section 8.10.060(D-F).
 - 5. Evidence that all current taxes and fees owed to Clackamas County have been paid for the premises.
 - 6. Evidence that a Transient Room Tax registration form has been submitted to the County.
 - 7. The name, telephone number, and address of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the short-term rental.
 - 8. Proof of liability insurance coverage on the short-term rental.
 - 9. A statement that the registrant of the short-term rental has met and will continue to comply with the standards and requirements of this chapter.
 - 10. A site plan that identifies, at a minimum, all structures on the property, driveway(s), off-street parking spaces, and garbage receptacles.
 - 11. A dwelling unit floor plan that identifies, at a minimum, all sleeping areas and other rooms in the dwelling unit.
- C. A separate registration application must be submitted for each proposed short-term rental; however only one short-term rental registration shall be approved per dwelling unit.
- D. At the time of submission of a short-term rental registration application, the registrant must pay a short-term rental registration fee. The fee amount shall be set by resolution of the Board of County Commissioners.
- E. A registration is transferable to a new registrant, so long as the new registrant submits notification to the administrator, signed by the original registrant, of the transfer and agrees in writing to comply with the requirements of this chapter. A change of registrant notification form will be available at County offices. .

8.10.050 Registration Termination – Renewal – Fee

- A. A short-term rental registration terminates automatically two years after the date of issuance, unless a newly approved registration application is approved by the county.

- B. Registrants wishing to continue uninterrupted operation of a short-term rental shall submit a new application to the County a minimum of 30 days prior to the expiration of the registration.
- C. At the time of submission of a new short-term rental registration application, the registrant must pay the short-term rental registration application fee. The fee amount shall be set by resolution of the Board of County Commissioners.
- D. A short-term rental registration terminates automatically if state statutes, regulations or guidelines are modified or changed to prohibit operation of the short-term rental under this chapter.

8.10.060 Standards and Conditions

Any short-term rental must comply with the following standards at all times, in addition to any other state and local requirements:

- A. Dwelling Unit. The short-term rental must be operated within a legally-established, permanent dwelling unit. The dwelling unit associated with a short-term rental shall not have been established through a land use approval or other approval process that specifically limited the use of the dwelling unit, the occupancy of the dwelling unit, or the duration of the existence of the dwelling unit. Examples of non-qualifying dwellings include those approved as an accessory farmworker dwelling, a caretaker dwelling, or a temporary dwelling for care.
 - 1. Guest houses or other similar structures are not considered to be dwelling units under the county's zoning and development ordinance and may not be used as a short-term rental.
 - 2. Temporary sleeping accommodations such as tents and recreational vehicles are not considered to be dwelling units under the county's zoning and development ordinance and may not be used as a short-term rental.
- B. Maximum Overnight Occupancy. The number of overnight occupants in the short-term rental shall not exceed the number of occupants authorized in the registration. The maximum overnight occupancy shall be clearly posted in the short-term rental, disclosed in any advertising of the availability of the short-term rental, and included in any rental agreement with tenants. The maximum overnight occupancy authorized in the registration shall be calculated as follows:
 - 1. Two occupants per sleeping area, plus two additional occupants.
 - 2. Roll-out beds, fold-out couches, or other similar temporary beds shall not be considered a "sleeping areas" for the purposes of calculating maximum allowed occupancy, but could accommodate the two additional occupants.
 - 3. Children under the age of two shall not be counted as occupants.
 - 4. In no case shall more than 15 occupants be authorized by a short-term rental registration.

- C. Noise. Notice shall be clearly posted in the short-term rental that identifies and informs occupants of their obligation to abide by the County's current noise control ordinance standards (Clackamas County Code Chapter 6.05).
- D. Parking. One off-street motor vehicle parking space per two sleeping areas is required. Garage space may be used to meet required parking standards if evidence is provided that there is sufficient cleared garage space to fit a vehicle(s). All required parking spaces must be available for occupants to use.
 - 1. If the short-term rental contains only one sleeping area, one off-street parking space is required.
 - 2. If the short-term rental cannot provide the required number of parking spaces based on sleeping areas, the registrant may request a reduced maximum overnight occupancy based on available parking. In no case shall the registrant advertise for, or rent to, more persons than are authorized under the reduced maximum occupancy total.
 - 3. In no event shall vehicles block access for emergency vehicles, block access to the premise, or block a parked motor vehicle. Violation of this section may subject the offending vehicle to immediate tow pursuant to ORS 98.853.
- E. Garbage. All garbage from a short-term rental shall be legally removed from the premises by the owner, occupant or franchised service provider at least once per week during any week, or portion thereof, in which the short-term rental is occupied. All outdoor garbage receptacles shall be covered. Recycling container(s) shall be available for use by renters.
- F. Registration Identification. The registration identification number assigned to the short-term rental by the administrator shall be included on any advertisement or rental platform where the short-term rental is offered to the public for occupancy.
- G. Building and Fire Safety. A short-term rental shall comply with all ordinances that apply to a dwelling, and all structural components shall be kept in sound condition and good repair. In addition:
 - 1. Working smoke detectors and carbon monoxide detectors shall be installed and maintained in locations as required in Oregon Residential Specialty Code sections R314.3 and R315.3.
 - 2. Two (2) working fire extinguishers shall be provided in the unit, with one of the extinguishers placed within the kitchen in an easily accessible location
 - 3. Code-compliant pool and hot tub barriers shall be present, if applicable.
 - 4. Every sleeping area shall have not less than one operable emergency escape and rescue opening, including basement sleeping areas. Emergency escape and rescue openings shall have a net clear opening of not less than 5.0 square feet. The net clear height shall not be less than 24 inches, and the net clear width shall not be less than 20 inches.
 - 5. All exterior building exits shall be clear, operable and available to renters.
 - 6. All electrical wiring shall be covered, and wall outlets, switches and junction boxes shall have code-approved covers in place.

7. Electrical panels shall have a clearance space of at least 30 inches from each side, and 78 inches high in front of the panel. All circuit breakers and/or fuses shall be clearly labeled in the event the power needs to be shut off to a certain area or appliance.
8. All restrictions and prohibitions for burning as determined by the local Fire District shall be observed. All wood-burning fire pits and fireplaces shall be covered or made otherwise unavailable during burn prohibition periods. Contact information for the local Fire District shall be clearly posted in the short-term rental.
9. The dwelling shall have no open building or zoning code violations.

H. For any short-term rental located within the Portland Metropolitan Urban Growth Boundary, the dwelling unit to be used as a short-term rental must be located on the same lot of record as the owner's primary residence. However, the owner is not required to be present on the lot of record when the short-term rental is occupied.

8.10.70 Registration Review

- A. The administrator shall, within thirty (30) days after receipt of a complete application for a short-term rental registration and applicable fee, either issue the owner a registration or provide notice of denial.
- B. Upon approval, the administrator shall furnish notice of the approval to all property owners of record within 300 feet of the premises, and contiguous properties under the same ownership. This approval notice shall provide the name, telephone number, and address of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the short-term rental.
- C. The administrator may deny a registration application for failure to submit the materials or fee set forth in Section 8.10.040, for failure to meet the standards and conditions set forth in Section 8.10.060, for submitting falsified information to the County, or for noncompliance with any other applicable County ordinances.

8.10.080 Examination of Books, Records and Premises

To determine compliance with the requirements of this chapter, the Clackamas County Zoning and Development Ordinance, and any local tax measures, the administrator may examine or cause to be examined by an agent or representative designated by the administrator, at any reasonable time, the premises, and any and all financial, operational and facility information, including books, papers, and state and federal income tax returns. Every owner is directed and required to furnish to the administrator the means, facilities and opportunity for making such examinations and investigations.

8.10.090 Emergency Revocation

- A. In the sole determination of the Clackamas County Building Official, when a violation of the building code or applicable county ordinance exists at a short-term rental that presents an immediate serious fire or life safety risk, the Clackamas County Building Official may immediately revoke the short-term rental registration as a fire or life safety risk. The Clackamas County Building Official shall provide written documentation of the violation, and notification of the owner's right to appeal, as provided in 8.10.100.

- B. Upon an emergency revocation, the short-term rental shall not be rented or used as a short-term rental unless the revocation is withdrawn or a new short-term rental registration has been obtained.
- C. At any time following the emergency revocation of a short-term rental registration pursuant to this subsection, the Clackamas County Building Official may reinstate the permit upon a re-inspection by the Clackamas County Building Official verifying that the subject building code or county ordinance violation has been corrected.

8.10.100 Administration and Enforcement

The County encourages owners, registrants, occupants, and affected residents and owners of nearby properties, to cooperate directly to resolve conflicts arising from the occupancy of any short-term rental. Along those lines, the first attempt to remedy a violation of any of the standards in this chapter should be to contact the representative associated with the registration, as identified in the approval notice and the required short-term rental posting. In the event that the listed representative does not respond within 24 hours or does not adequately remedy the issue, the Code Enforcement Division of the Department of Transportation and Development should be notified.

- A. Except as otherwise provided for in state law or in the Clackamas County Code, for acts of noncompliance, the Code Enforcement Division of the Department of Transportation and Development or the Finance Department, as appropriate, shall administer, supervise, and perform all acts necessary to enforce this chapter or any other chapters of the Clackamas County Code applicable to short-term rentals.
- B. Citation: whenever an owner operates a short-term rental which is found in violation of, or contrary to, any provision of this chapter, that owner may be issued a citation.
- C. Forms of Citation: the form for the citation to be issued under this chapter shall contain the following: a description of the specific violation alleged, the name and address of the person producing or permitting the violation, the time and place of the occurrence of the violation, the name and address of the office of the Code Enforcement Division of the Department of Transportation and Development, a form for admitting or denying the violation, and a schedule of the forfeiture amounts for specific violations.
- D. A person who receives a citation for violation of this chapter shall respond within fourteen (14) days of the issuance of the citation by payment of any penalties established under this chapter, or by requesting a hearing as provided in this section.
- E. In addition to citation, the Code Enforcement Division of the Department of Transportation and Development may:
 - 1. Require an inspection of the premises;
 - 2. Suspend the short-term rental registration until the short-term rental is in compliance with the standards and conditions set forth in Section 8.10.060; or
 - 3. If there have been three separate violations of this chapter related to the same short-term rental within the applicable two-year registration period, revoke the short-term rental registration.
- F. A person who is denied a short-term rental registration, or who has its registration suspended or revoked may request a hearing as provided in this section.
- G. A person who receives a citation for violation of this chapter may deny all or part of the alleged violation by completing an appropriate response form, attached to the citation,

and mailing or delivering it to the Code Enforcement Division of the Department of Transportation and Development or to the Finance Department, as indicated on the citation. Upon receipt, the appropriate County department shall forward the form to the office of the hearing officer.

- H. A person who is denied a short-term rental registration, or who has its registration suspended or revoked may appeal the determination by completing an appropriate appeal form, and mailing or delivering it to the Code Enforcement Division of the Department of Transportation and Development or to the Finance Department, as indicated on the determination. Upon receipt, the appropriate County department shall forward the form to the office of the hearing officer.
- I. Except as otherwise provided in this chapter, Chapter 2.07 of the Clackamas County Code shall govern the process for enforcement of this chapter, including but not limited to the notice and procedures associated with any compliance hearing.

8.10.110 Penalties

Violation of this chapter shall be punishable by suspension or revocation of a short-term rental registration, or by a penalty or fine in an amount set by resolution of the Board of County Commissioners. Except in the case of an emergency revocation, any owner may not obtain or renew a short-term registration on the premises sooner than one year after the date of revocation.