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November 5, 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; January 14, 2020; March 11, 2020; and October 13, 2020.</i> <i>Public Hearings: January 30, 2020 and February 13, 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.

Background

In early 2019, the Board directed staff to look into the most effective ways to potentially allow and regulate STRs for three reasons:

1. The County's Zoning & Development Ordinance (ZDO) does not clearly identify STRs as allowed in any homes in the county, and therefore, from a zoning perspective, it is considered 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;
2. Several properties in the county operating as short-term rentals have generated enough complaints that it has become apparent that this use can cause unwanted neighborhood impacts; and
3. The Transient Room Tax (TRT) currently applies to STRs, as it does to hotels, motels and other lodging establishments. While there are a number of STRs that are paying the tax as required, there appears to be a large number that are not. Establishing a STR registration program, linking the registration to a requirement to pay the TRT, and funding enforcement of the new regulations could help level the playing field for all lodging establishments, ensuring they are all paying their fair share.

Since early 2019, 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 under consideration for adoption into the County Code. This work included the following:

- **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.
- **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).

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

- **Public outreach** – in addition to having Staff available to answer questions and collecting 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.

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 webpage (<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.

- 2) Beginning on December 3, 2019, Staff has posted drafts 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. General conclusions from written comments received include:

All comments received via email or mail are posted on the project webpage (<https://www.clackamas.us/planning/str>) and written comments not previously sent to the Board (received since the March 11, 2020 BCC policy session) are attached to this document (Attachment B). The single biggest takeaway from all the public outreach is that, in general, the public appears to support allowing short-term rentals in the county; however, there was, and likely still is, 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.

- **Policy/work sessions** – including 8 policy sessions with the Board of Commissioners (BCC) and 1 work session with the Planning Commission, all of which contained robust conversations about:
 - The opportunities and challenges with allowing and regulating 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 2019;
 - 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;
 - 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; and
 - What registration fees are reasonable, given the need to fully fund ongoing operations of the program with the fees.
- **Public hearings** – including 2 public hearings with the BCC on January 30, 2020 and February 13, 2020. At these public hearings, the Board heard testimony and discussed the proposed program and regulations as presented by staff. The draft was revised between the first and second hearings based on input from the Board. While there appeared to be significant agreement on the majority of the proposed regulations and the registration program in general, several issues came up at the public hearings and through written testimony that warranted further consideration, and the Board voted 3-2 to table the proposed amendments pending future discussion about these remaining issues. This additional discussion occurred during a Planning Session on March 11 and did not result in changes to the proposal.

Public hearings that were scheduled for April, 2020 were cancelled due to the pandemic and in May, the BCC decided to put this project on hold until the fall of 2020. During Issues on October 6, 2020, the Board directed staff to complete, by the end of 2020, County Code and conforming ZDO amendments to implement a short-term rental registration and regulation program, to be effective July 1, 2021.

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**. Key components of the current 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 dwelling (either part or all of the dwelling could be rented, including a guest house). This would include allowing for STRs in accessory dwelling units (ADUs), but would not allow STRs in RVs, tents, barns, shops or similar structures.
- All STRs would be subject to the same regulations, except that STR properties *inside the Portland metropolitan urban growth boundary (UGB)* would be required to be the owner's primary residence or located on the same tract 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 requested by the Board at the last policy session held before the January 30 public hearing.
- STRs would have to be registered with the county. In addition to paying a registration fee, which the county would use to cover the costs of 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 Room Tax program;
 - Proof of liability insurance, and
 - A site plan and a dwelling unit floor plan.
- Maximum overnight occupancy of two people per sleeping area plus four additional people, not to exceed 15 people. No maximum occupancy for guests who do not stay overnight.
- One off-street parking spot required for each two sleeping areas.
- Required garbage pick-up at least once a week, with any outdoor garbage containers required to be covered.
- Posted quiet hours from 10 p.m. – 7 a.m. (in accordance with current county noise ordinance).
- Building and fire safety requirements related to smoke and carbon monoxide detectors, emergency escape routes, fire extinguishers, etc. (as established via the affidavit)
- Short-term rental owners who do not comply with the regulations may be subject to enforcement consequences ranging from citations and fines, up to liens and revocation of

registration. Enforcement of the regulations will be carried out by either the Sheriff's Office or Code Enforcement, depending on the issue.

Staff has made a few minor changes to the draft ordinance that was presented at the March 11, 2020 and October 13, 2020 policy sessions, including:

- Minor edits and adjustments for consistency and clarity;
- Adding a definition for "overnight", to include "anytime between the hours of 10 p.m. and 7 a.m. on the following day". This definition was added to provide certainty about when the maximum number of occupants applies, as it is intended to limit only overnight stays.
- Adding an exception to the off-street parking requirement for dwellings specifically developed under the "resort accommodations" category in the Rural Tourist Commercial (RTC) zoning district (found only in some of the communities on Mt. Hood). This exception is necessary because at the time of development approval, many of these dwellings are specifically allowed, per the Zoning and Development Ordinance, to utilize certain on-street spaces in lieu of off-street spaces.

All changes are identified in red in the attached draft of County Code Section 8.10.

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.

However, the fee discussion is not a part of the ordinance under consideration at this hearing and the BCC will need to discuss and implement a fee at a later date, prior to the effective date of the ordinance.

RECOMMENDATION:

Staff respectfully requests that the BCC hold this public hearing and schedule a second reading and public hearing of this ordinance on November 19, 2020, at 10 a.m.

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. Written public comments received between 3/11/2020 and 10/28/2020. *(Note: All public comments, including those previously sent to the BCC prior to the March 11, 2020 BCC policy session, are available on the project webpage: <https://www.clackamas.us/planning/str>)*
- C. Redlined copy of County Code Section 8.10 showing changes to the draft ordinance that was presented at the March 11, 2020 and October 13, 2020 policy sessions.

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 tract 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, 2021.

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 is a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. For the purposes of this chapter only, a guest house is considered to be part of the dwelling unit to which it is accessory, even though it is a separate structure. Guest house shall have the meaning given to that term in Section 202 of the Clackamas County Zoning and Development Ordinance.
- 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. OVERNIGHT means anytime between the hours of 10 p.m. and 7 a.m. on the following day.
- F. PREMISES means the short term rental and the lot on which it is located.
- G. 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.
- H. 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.
- I. REGISTRATION means a short-term rental registration.
- J. 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.
- K. 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 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.
 12. If the premises includes a guest house to be used as a short-term rental, verification that the guest house is equipped with indoor plumbing equipped with a water closet, lavatory, shower, bathtub or combination bath/shower. All plumbing fixtures must be connected to an approved water supply, and an approved sanitary sewer or private sewage system.
- 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.
- F. No short-term rental may be publicly advertised for rent unless it has been registered with the County

8.10.050 Registration Termination – Renewal – Fee

- A. A short-term rental registration terminates automatically two years after the date of issuance, unless a new 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.
 1. 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.
 2. Guest houses may only be used as a short-term rental if the guest house has been legally-established and where a registrant can demonstrate that the structure is equipped with indoor plumbing, a water closet, lavatory, shower, bathtub or combination bath/shower.
 3. 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 for the short-term rental shall be calculated as follows:
 1. Two occupants per sleeping area, plus four 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 four additional occupants.
 3. In no case shall more than 15 occupants be authorized by a short-term rental registration. If only a portion of a dwelling unit is used as a short-term rental, all occupants, including those occupying the portion of the dwelling unit not used as a short-term rental, shall be counted toward the 15-occupant maximum.
- 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. Short-term rentals in dwellings approved under the “resort accommodations” category in the Rural Tourist Commercial district are not required to provide more off-street parking than was required and approved under Zoning and Development Ordinance provisions.
 4. In no event shall vehicles block access for emergency vehicles, block access to the premise, block a parked motor vehicle, or otherwise park in a manner that violates the County’s current parking and towing ordinance standards (Clackamas County Code Chapter 7.01). 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 by the Oregon Residential Specialty Code.
 2. Working fire extinguishers shall be placed in the kitchen and next to each wood burning appliance in an easily accessible location. A minimum of two (2) extinguishers are required in each Dwelling Unit.
 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. Windows must meet the egress size required when the Dwelling Unit was built and permitted. Use the chart below to determine minimum size egress window based upon the year the house was built.

Year of Construction	Sill Height	Net Opening	Min. Height	Min. Width
Prior to 1964	No requirement	5.0 Sq. feet	No requirement	No requirement
1964 to 1970	48"	5.0 Sq. feet	24"	24"
1970-1976	48"	5.0 Sq. feet	22"	22"
1976-Present	44"	5.7 Sq. feet	24"	20"

5. All exterior building exits shall be clear, operable and available to renters. For Premises located at elevations above 3,500', doors that exit under active roof snow slide zones do not need to be available or operable when snow is present, unless the exit is part of the required primary egress for the Dwelling Unit or building.
 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 clear working space of at least 30 inches wide in front of the panel, and a clear space 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 tract as the owner's primary residence. However, the owner is not required to be present on the tract when the short-term rental is occupied. Tract shall have the meaning given to that term in Section 202 of the County's Zoning and Development Ordinance.

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 registration 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 Clackamas County Department of Finance should be notified.

- A. For acts of noncompliance, the Code Enforcement Program of the Department of Transportation and Development 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, except as otherwise provided for in state law or in the Clackamas County Code such as, but not limited to, those regulations for which the Clackamas County Sheriff's Office has been vested with enforcement authority.
- B. 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.

- C. An owner that operates a short-term rental without an approved registration, or fails to pay the fees prescribed herein, shall be subject to immediate citation. Additionally, an owner that fails to pay the fees prescribed herein may have their short-term rental registration immediately revoked.
- 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 Program of the Department of Transportation and Development may require an inspection of the premises.
- F. In addition to citation, the Hearings Officer may:
 - 1. 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
 - 2. Revoke the short-term rental registration if there have been three separate violations of this chapter related to the same short-term rental within the applicable two-year registration period or three separate documented violations by any occupant of the same short-term rental within the applicable two-year registration period related to the County's noise control ordinance standards (Clackamas County Code Chapter 6.05) or the County's parking and towing ordinance standards (Clackamas County Code Chapter 7.01).
- G. Alleged acts of noncompliance must be based on either:
 - 1. The personal observation of the Sheriff or designee, code enforcement officer, or Clackamas County Department of Finance staff; or;
 - 2. A determination by the Sheriff or designee, code enforcement officer, or Clackamas County Department of Finance staff that there are reasonable grounds to conclude that the alleged acts of noncompliance did, in fact, occur, after either an investigation or following a sworn statement of a person who personally witnessed the alleged incident.

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 rental registration on the premises sooner than one year after the date of revocation.

Fritzie, Martha

From: Paul Edgecombe <paul.j.edgecombe@gmail.com>
Sent: Monday, October 19, 2020 10:56 AM
To: Rogalin, Ellen; Fritzie, Martha
Subject: Re: Clackamas County short-term rental hearing dates set

Follow Up Flag: Follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

Hi. I'm glad to see that all your work here is back in motion. Thanks for your continued focus on this topic. I will not be attending the upcoming Zoom meetings, so I'd like to submit a suggestion via email comments.

I reread the comments attached to the last meeting packet. It is clear that there are people in the STR business that take their responsibilities seriously and provide a great deal of value to our communities. It is also clear that there are some STR operators who are negligent, especially when it comes to the "party houses", and this is having a very negative impact on the communities where those STRs are located. I previously submitted comments about some operators using their STRs to skirt Clackamas County regulations. One example of this would be Zoning and Development Ordinance 806, *Home Occupations to Host Events*. Is a STR operator who allows large gatherings at their STR on a weekly basis in the STR business only? Or do they also have a *Home Occupation to Host Events* business? To address many of the concerns expressed about "party houses", here is my suggestion: Add a clause to the STR regulations that says, "If a STR operator allows a renter to use the STR for an activity that is subject to regulations by Clackamas County Zoning and Development Ordinances, the STR operator is responsible for compliance with the applicable ordinances." Then add a definition for what constitutes an "event" at a STR (e.g. a gathering of over 20 people or a gathering over 2X the STR guest maximum). Reading through ZDO 806, it would seem that compliance with those regulations by a STR operator would address many of the concerns about "party houses", particularly in the areas of noise and parking.

Thanks for taking my input. Good luck with the rest of the process. Your diligence is appreciated.

On Wed, Oct 14, 2020 at 2:26 PM Rogalin, Ellen <EllenRog@clackamas.us> wrote:

Good afternoon,

Yesterday the Board of County Commissioners approved a schedule for public hearings and meetings on proposed code changes to allow for and regulate short-term/vacation rentals. The public will have a chance to comment either in writing or at any of the hearings, all of which will be held on Zoom.

- Public meetings on *establishing a registration program and regulations* in the County Code for short-term rentals:

- First Reading of Ordinance No. _____
Short Term Rentals
- Page 2 of 61
- 10 a.m., Thursday, Nov. 5: Board of Commissioners business meeting -- first reading; public comments welcome
 - 10 a.m., Thursday, Nov. 19: Board of Commissioners business meeting -- second reading; public comments welcome
- Public hearings on *permitting short-term rentals in unincorporated Clackamas County* by amending the county's Zoning & Development Ordinance (ZDO)
 - 6:30 p.m., Monday, Nov. 23: Planning Commission meeting and public hearing; public testimony welcome
 - 9:30 a.m., Wednesday, Dec. 9: Board of Commissioners Land Use Hearing; public testimony welcome
 - 10 a.m., Thursday, Dec. 17: Board scheduled to take action on the proposed ZDO amendments at its regular business meeting

People who have comments but are not able to attend a hearing are welcome to submit their comments by email or US Mail, before the hearing, to Principal Planner Martha Fritzie at mfritzie@clackamas.us or Planning & Zoning, Development Services Building, 150 Beaver Creek Road, Oregon City, OR 97045.

You can see the Oct. 13 Board policy session [here](#) and read the staff report [here](#).

The draft regulations and details of upcoming public hearings are available at www.clackamas.us/planning/str. Information on how to connect to meetings and hearings on Zoom will be posted one week before each event.

We'll keep you posted about any additional or changed information on this process. Thank you.

Ellen Rogalin, Community Relations Specialist

Clackamas County Public & Government Affairs

Transportation & Development | Business & Community Services

503-742-4274 | 150 Beaver Creek Road, Oregon City, OR 97045

Office hours: 9 am – 6 pm, Monday-Friday

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

[Spam Email](#)

[Phishing Email](#)

Fritzie, Martha

From: Heidi Brewer <hmbwolf@yahoo.com>
Sent: Sunday, October 18, 2020 1:27 PM
To: Fritzie, Martha
Subject: Short term and vacation rentals

Warning: External email. Be cautious opening attachments and links.

I am concerned about allowing more short term and vacation rentals. I live next to a vacation rental, it is noisy and annoying, and I never know who will be there or when. It bothers me not knowing who my neighbors are or what they are like. They have no investment in the neighborhood and don't care about it. Even the people who own the houses live elsewhere and the rentals they have here are only an income to them or at the best a place to go on the weekends. That's not a true home the way it is for those of us who live here, and they don't feel the same way or respect it as much as we do.

I moved onto the mountain 18 years ago for the peace and quiet and my neighbors were here for the same reasons. I do not want my home overrun by strangers who don't respect or care about my home.

Heidi Brewer
20465 East Donny Dell Lane
Rhododendron OR 97049

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

[Spam Email](#)

[Phishing Email](#)

Fritzie, Martha

From: John Ingersoll <john@highcascade.com>
Sent: Thursday, October 15, 2020 11:20 AM
To: Hughes, Jennifer
Cc: Fritzie, Martha; Blane Skowhede
Subject: STR, Government Camp, Resort Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

Jennifer,

I see the Clackamas STR regulations are going forward. In our June 2020 Zoom meeting regarding my new Government Camp Duplex project, the issue came up about STR parking. You saw the Government camp issue and conflict of "Resort Accommodations" buildings in the RTC commercial zone and assigned "on street parking" and how the proposed off-street STR regulations would not allow that parking. You said if the STR regulations move forward (they were tabled at that point) you realized the conflict and would address that Govt Camp issue and would not forget it (those are my notes). i went ahead with my duplex design review application based on that meeting and conversation .

Additionally, there are several buildings in the RTC of Government camp that are currently STR that have and use assigned on street parking. Including the condos above Govy General store managed by Timberline. I also have another Resort accommodation STR lodge in the RTC and some of my assigned parking is on street. Boardwalk is a 40-bed lodge and i paid \$4760.00 in 2019 transient taxes and have been paying county transient taxes since 2000.

i send this as a reminder..

Thanks for your time back in June and getting your mind around this issue.

Kind regards,

PS: i sent a similar and more detailed email to martha and i think you on 3/19. i will forward that again.

BOARDWALK
- LODGE -

John Ingersoll Owner and Manager

t: 503.501.7500

e: john@highcascade.com

I am a confident, vibrant and respectful man. 11/19/94

Fritzie, Martha

From: Michael Rysavy <mrysavy@gmail.com>
Sent: Wednesday, October 14, 2020 4:23 PM
To: Fritzie, Martha
Cc: Bernard, Jim
Subject: Short Term Rental Comments

Follow Up Flag: Follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

Dear Martha Fritzie & Commissioner Bernard,

Among the core rights that a property owner has is the right to lease or rent the property. This right has long been recognized by the courts.(1) For example, the Supreme Court of Connecticut has explained that the “right to rent” is one of the important “sticks” in the bundle of property rights, stating: [It] is undisputable that the right of property owners to rent their real estate is one of the bundle of rights that, taken together, constitute the essence of ownership of property.... Owners of a single-family residence can do one of three economically productive things with the residence: 1. live in it; 2. rent it; or 3. sell it.(2)

The inherent nature of this right to rent is supported by a leading treatise, Thompson on Real Property, which observes that “the right to lease property is an incident of ownership.”(3)

Short-term rental regulations can infringe upon this fundamental property right in many ways, including 1. outright bans on short-term rentals, 2. licensing requirements, and 3. mandatory inspection requirements.

1. **Outright Ban on Short-Term Rentals:** Some communities have considered banning short-term rentals altogether. An outright ban on short-term rentals could be county-wide, or may be limited to certain zoning districts or neighborhoods. It can also apply only to certain types of residential units, such as single-family homes or multifamily buildings. Regardless of what form it takes, for the owners of property that cannot be used as a short-term rental, a ban on short-term rentals is an outright deprivation of their right to rent their home on a short-term basis.

I would oppose a proposed ban on short-term rentals, whether County-wide or limited in scope, on the ground that it would deprive affected property owners of their core property right to rent their property on a short-term basis.

2. **License Requirements:** Short-term rental regulations can also infringe upon the right to rent by making it unlawful for an owner to rent their property on a short-term basis without a license. A licensing requirement typically requires the payment of a licensing fee and makes any violation a misdemeanor punishable by fine, with each day constituting a separate offense. In general, a license is defined as “permission or privilege to do what otherwise would be unlawful.” (4) By preventing property owners from renting out private property on a short-term basis unless they obtain a license, a licensing requirement effectively treats the right to rent as if it were a mere privilege, like conditioning the right to drive a car upon passing a test and obtaining an “operator’s license,” rather than an inherent right of property ownership.

I oppose short-term rental license requirements on the ground that such requirements impair a core right of private property ownership, namely the right to rent. I would also argue that a license requirement improperly treats short-term rentals as an activity that is unlawful and requires a privilege of license to exist, contrary to the principles of private property.

3. Inspection Requirements: Short-term rental regulations can also require that the home be inspected for compliance with applicable building, zoning, and property maintenance codes before a permit or license will be issued. For affected property owners and tenants, a mandatory inspection provision that does not require that the inspectors obtain a warrant to inspect a short-term rental property without the consent of the owner or occupant, raises serious concerns under the Fourth Amendment of the U.S. Constitution. Key point: The U.S. Supreme Court has made clear that the Fourth Amendment applies not only to criminal searches, but also to civil searches, including municipal code inspections.(5) Therefore an “administrative warrant” is required before an inspection may be made without the consent of the owner or occupant.

I oppose any mandatory inspection requirement that does not require the local government inspector to obtain a search warrant if consent to inspect the property is not granted by the owner or occupant.

4. Limited Scope of Zoning Authority: While most short-term rental regulations are adopted as a general regulation under the local government’s “police power,” some communities have instead chosen to regulate short-term rentals under their zoning code. The problem with this approach is that the regulation of short-term rentals does not fall within the scope of local zoning authority. The reason is that a key characteristic of local zoning power is the long-established principle that “zoning deals with land use, not the owner, operator, or occupant of the land.”(6) Zoning inherently pertains to land rather than to the landowner, or user—it “deals basically with land use and not with the person who owns or occupies it.”(7)

Zoning regulation of short-term rentals violates this fundamental principle in that it focuses not on the use of land, but on the form of one’s interest in property (i.e., owner or renter) and the duration of the occupancy (e.g., short-term vs. long-term).

I take the position that regardless of whether a home is occupied by an owner or renter, and regardless of whether the occupancy is long-term or short-term, the use of a single-family home for living purposes is a residential use.(8) Therefore, any zoning ordinance that regulates single-family homes differently based solely on the occupant’s interest in property (owner or renter), or the duration of the occupancy (short-term vs. long-term)—as short-term rental regulations do—violates the fundamental principle that zoning deals with land use, not the user of the land.

5. Short-Term Rentals Are a Residential Use, Not a Commercial Use: Opponents often argue that short-term rentals could not be allowed in residential zoning districts because they are a commercial use that is incompatible with the character of residential neighborhoods. However, courts in many states have ruled that short-term rentals are residential use, not a commercial use. For example, the Maryland Court of Appeals rejected a claim that because a restrictive covenant required that all lots in a subdivision be used for “single family residential purposes only,” that meant short-term rentals were prohibited. The court concluded that the covenant plainly allowed residential rentals regardless of whether the rental was for a short term or a long term, explaining that the transitory or temporary nature of a short-term rental does not change the residential status of the use:

“Residential use,” without more, has been consistently interpreted as meaning that the use of the property is for living purposes, or a dwelling, or a place of abode.... The transitory or temporary nature of such use does not defeat the residential status.(9)

Courts in other states have similarly ruled that residential rentals, no matter how long the term, are a residential use because the renter uses the home for the same purpose as the owner.(10) The courts have also rejected the

argument that short-term rentals are not a residential use because the homeowner earns rental income by renting out his or her home. The Maryland Court of Appeals, for example, explained: “While the use of the property is unquestionably ‘residential.’ The fact that the owner receives rental income is not, in any way, inconsistent with the property being used as a residence.”(11)

I would counter the argument that short-term rentals are a commercial use that could not be allowed in residential neighborhoods by pointing out that courts in many states have ruled that short-term rentals are residential use, not a commercial use.

6. Local Contact Person Requirements: Short-term rental regulations frequently require the owner to designate a local contact person who must be available 24 hours a day, 7 days a week to respond in-person to any complaints regarding a short-term rental property. By forcing a local contact person to respond to complaints about a short-term rental property, such provisions inappropriately shift the government’s code enforcement responsibilities onto civilians who are not trained or equipped to respond on short notice to complaints. Moreover, to the extent that it requires a local contact person to confront badly behaving tenants and their guests in response to a complaint, an in-person response requirement would place the local contact person at risk of physical harm or potential liability. Local government officials need to give serious consideration to the potential consequences of compelling a local agent to personally confront a tenant about such a complaint.

I oppose any short-term rental regulation that requires a local contact person to be available 24 hours a day, 7 days a week, to respond in-person to complaints regarding a short-term rental property on the ground that such requirements unreasonably place local contact persons at risk of physical harm.

Citations:

1 See J.E. Penner, The “Bundle of Rights” Picture of Property, 43 UCLA L. REV. 711 (1996) (noting the conventional “bundle of rights” formulation and various views of the “bundle of rights”). 2 *Gangemi v. Zoning Bd. of Appeals of the Town of Fairfield*, 763 A.2d 1011, 1015-16 (Conn. 2001) (citing J. DUKEMINIER & J. KRIER, PROPERTY at 86 (3d ed. 1993) (stating (“[property] consists of a number of disparate rights, a ‘bundle’ of them: the right to possess, the right to use, the right to exclude, the right to transfer”) (emphasis added)). 3 THOMPSON ON REAL PROPERTY § 14.02(a) (2016, Matthew Bender & Company, Inc.) (citing *Norwest Bank Arizona v. Superior Court In and For County of Maricopa*, 963 P.2d 319, 323 (Ariz. 1998) (right to rent under a lease of real property is an incorporeal hereditament that is an incident to an estate in land); *Magnolia Petroleum Co. v. Carter*, 2 So. 2d 680 (La. App. 1941); *Assessors of West Springfield v. Eastern States Exposition*, 93 N.E.2d 462 (Mass. 1950); *Attorney General v. Pere Marquette Ry. Co.*, 248 N.W. 860 (Mich. 1933)) 4 MCQUILLIN MUN CORP § 26:2 (Municipal Licenses and Permits – Definitions; nature of municipal license) (3d ed). 5 *Camara v. Municipal Court of City & County of San Francisco*, 387 U.S. 523, 534 (1967) 6 RATHKOPF’S THE LAW OF ZONING AND PLANNING § 2:16 (Zoning regulates the use of land—Identity or status of land users) (citing cases in Connecticut, Iowa, Louisiana, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, and Washington) (emphasis added). 7 See *FGL & L Prop. Corp. v. City of Rye*, 485 N.E. 986, 989 (N.Y. 1985). 8 *Lowden v. Bosley*, 909 A.2d 261, 267 (Md. 2006) 6 RATHKOPF’S THE LAW OF ZONING AND PLANNING § 2:16 (Zoning regulates the use of land—Identity or status of land users) (citing cases in Connecticut, Iowa, Louisiana, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, and Washington) (emphasis added).

This is an overview of comments made by the National Association of Realtors, with my modifications and concurrence.

Michael Rysavy
Clackamas County Property Owner

Fritzie, Martha

From: Allison Covington Wibby <Radhatr@comcast.net>
Sent: Thursday, October 15, 2020 12:01 AM
To: Fritzie, Martha
Subject: No to STR Regulations

Follow Up Flag: Follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

This needs to be put on the back burner Until we have at least been out of COVID for a year. Do not put more financial-administrative restrictions on people at this time. Many people are in a really dire situation all across this state. This should not be a priority, we have a lot more important things to be thinking about right now.

Allison Wibby

--
BEGIN-ANTISPAM-VOTING-LINKS

Teach CanIt if this mail (ID 043E70Xdr) is spam:

Spam Email: <https://mhub.clackamas.us/canit/b.php?c=s&i=043E70Xdr&m=474433a67fc0&rlm=base&t=20201015>
Phishing Email: <https://mhub.clackamas.us/canit/b.php?c=p&i=043E70Xdr&m=474433a67fc0&rlm=base&t=20201015>

END-ANTISPAM-VOTING-LINKS

Fritzie, Martha

From: Carol Cookson <cookson.carol@gmail.com>
Sent: Wednesday, October 14, 2020 3:58 PM
To: Fritzie, Martha
Subject: Short-term rental public hearing

Follow Up Flag: Follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

I wouldn't mind paying a registration fee if it were assessed based on my rental revenue instead of a flat rate. Someone who makes 12,000 a year pays an \$800 fee which is reasonable for the amount of revenue, however for someone like me that has an annual revenue of \$5000 it's too steep. The current fee that we pay to Clackamas county tourism is a % of revenue and is a more equitable method of calculating a fee.

Our short-term rental has not been open this year at all because of COVID19. Would we still have to pay the fee when we have had no revenue?

Carol Cookson

[Spam Email](#)
[Phishing Email](#)

Fritzie, Martha

From: Melissa Long <MLong@rsd7.net>
Sent: Wednesday, October 14, 2020 3:11 PM
To: Fritzie, Martha
Subject: Short-term Rental Comment

Follow Up Flag: Follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

Hello!

I am an owner of a short term rental. I pay my lodging taxes monthly, but know many other rental owners do not. This is a big source of missed income for Clackamas County. I propose that you have Airbnb and/or VRBO etc. take the taxes out for you through their platforms and submit them to Clackamas County. That way the taxes are taken out automatically and the lodging taxes are guaranteed to be paid. I do not know the process for making sure Airbnb, etc. do this but I do know that they do it for Multnomah County already and Baker County among many others, so they are definitely able to do it for Clackamas County!

Just a suggestion to make sure renters adhere to paying the lodging fees.

Thanks,
Melissa Long
503-327-3218

[Spam Email](#)
[Phishing Email](#)

Fritzie, Martha

From: jondterry@yahoo.com
Sent: Wednesday, October 14, 2020 2:44 PM
To: Fritzie, Martha
Subject: Short term rentals

Follow Up Flag: Follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

My neighbors, and coworkers main issue with the regulation of short term rentals are related to affordable housing.

All politicians agree that affordable housing is an issue that needs to be addressed. Short term rentals drive up long term rental prices and annihilate availability.

Who would choose to rent a 3 bedroom house for \$1500 a month, when they can make \$6000 per month using short term rentals?

I live in the Mt. Hood foothills (Rhododendron), and I have watched the cost of rent nearly double in less than 10 years. I struggle to hire new employees at the ski resort I work at, because those wanting to move here cannot find anywhere to live.

I have had employees living in their cars for months while looking for a house to rent, with zero availability, only to give up and leave the area.

I bought a home, because it became cheaper than renting, and because I literally could not find a place to rent even if I could afford to pay more. Not everybody has that option, especially with people buying up all the homes to use as business opportunities, driving up the cost of homes all over the Mt Hood area. In my neighborhood of over 500 houses, there were zero up for sale last week.

Please, please, please consider affordable long term home rentals in our area and restrict the use of short term rentals in the mount hood area to those who are living on property or adjacent to that property as you have proposed for the Portland Metro area. There are many other negative effects of short term rentals in our community, but none of the meetings I've watched in this process have even touched on this elephant in the room.

Thanks for your time,

Jonathan Terry

503-894-4866

64833 E. Mountain Meadow Ln.

Rhododendron, OR 97049

[Sent from Yahoo Mail for iPhone](#)

[Spam Email](#)
[Phishing Email](#)

Fritzie, Martha

From: Rogalin, Ellen
Sent: Wednesday, October 14, 2020 1:58 PM
To: Hughes, Jennifer; Fritzie, Martha
Cc: Bell, Cheryl; Johnson, Dan
Subject: FW: Clackamas County short-term rental hearing dates set

FYI – the email below was just sent to STR interested parties.

Ellen Rogalin, Community Relations Specialist

503-742-4274

Office hours: 9 am – 6 pm, Monday-Friday

From: Rogalin, Ellen <EllenRog@clackamas.us>
Sent: Wednesday, October 14, 2020 1:57 PM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Subject: Clackamas County short-term rental hearing dates set

Good afternoon,

Yesterday the Board of County Commissioners approved a schedule for public hearings and meetings on proposed code changes to allow for and regulate short-term/vacation rentals. The public will have a chance to comment either in writing or at any of the hearings, all of which will be held on Zoom.

- Public meetings on *establishing a registration program and regulations* in the County Code for short-term rentals:
 - 10 a.m., Thursday, Nov. 5: Board of Commissioners business meeting -- first reading; public comments welcome
 - 10 a.m., Thursday, Nov. 19: Board of Commissioners business meeting -- second reading; public comments welcome
- Public hearings on *permitting short-term rentals in unincorporated Clackamas County* by amending the county's Zoning & Development Ordinance (ZDO)
 - 6:30 p.m., Monday, Nov. 23: Planning Commission meeting and public hearing; public testimony welcome
 - 9:30 a.m., Wednesday, Dec. 9: Board of Commissioners Land Use Hearing; public testimony welcome
- 10 a.m., Thursday, Dec. 17: Board scheduled to take action on the proposed ZDO amendments at its regular business meeting

People who have comments but are not able to attend a hearing are welcome to submit their comments by email or US Mail, before the hearing, to Principal Planner Martha Fritzie at mfritzie@clackamas.us or Planning & Zoning, Development Services Building, 150 Beaver Creek Road, Oregon City, OR 97045.

You can see the Oct. 13 Board policy session [here](#) and read the staff report [here](#).

The draft regulations and details of upcoming public hearings are available at www.clackamas.us/planning/str. Information on how to connect to meetings and hearings on Zoom will be posted one week before each event.

We'll keep you posted about any additional or changed information on this process. Thank you. First Reading of Ordinance No. ____
Short Term Rentals

Ellen Rogalin, Community Relations Specialist

Clackamas County Public & Government Affairs

Transportation & Development | Business & Community Services

503-742-4274 | 150 Beavercreek Road, Oregon City, OR 97045

Office hours: 9 am – 6 pm, Monday-Friday

Fritzie, Martha

From: Hildick, Sue
Sent: Tuesday, October 13, 2020 4:17 PM
To: Rogalin, Ellen
Cc: Fritzie, Martha; Hughes, Jennifer; Bell, Cheryl; Johnson, Dan
Subject: Re: Follow-up to today's policy session

Response is that our agendas clearly say they are flexible to Board's needs and that's why there is both a video and audio recording. Tuesday's are apparently the most fluid. I made your point Ellen and agree with it so we will keep working on it.

Thank you. Sue

Sent from my iPhone

On Oct 13, 2020, at 3:49 PM, Rogalin, Ellen <EllenRog@clackamas.us> wrote:

I'll draft web text and a news release with the dates of the meetings and hearings, and send to you for your review.

FYI – so far I have received 8 emails from people who were planning to attend the 3 p.m. policy session and tuned in just in time to hear it end. They want to know what happened and if there is a recording. I'm responding to all, but just want you to know that there are a few people who are a bit irritated about this. I hope we can assure people that the upcoming meetings and hearings will start at the specified time or shortly after, not before... 😊

Ellen Rogalin, Community Relations Specialist

Clackamas County Public & Government Affairs

Transportation & Development | Business & Community Services

503-742-4274 | 150 Beaver Creek Road, Oregon City, OR 97045

Office hours: 9 am – 6 pm, Monday-Friday

Fritzie, Martha

From: Ned Dobner <ned.dobner@vacasa.com>
Sent: Tuesday, October 13, 2020 3:29 PM
To: Fritzie, Martha
Subject: Meeting today

Follow Up Flag: Follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

Hi Martha,

Is the Zoom meeting on STR still on for today?
Cannot login in or connect by phone.
Thanks!
Ned Dobner

--



Ned Dobner | Sales Executive
c: 971-275-3789 e: ndobner@vacasa.com
vacasa.com

[Spam Email](#)
[Phishing Email](#)

Fritzie, Martha

From: Megan Rooksby <meganrooksby@gmail.com>
Sent: Tuesday, October 13, 2020 3:21 PM
To: Rogalin, Ellen; Elaine Maxey; Fritzie, Martha; Savas, Paul; Schrader, Martha
Subject: Re: STR - impact on affordable housing- unincorporated clackamas county

Follow Up Flag: Follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

Hi Ellen,

I logged into the zoom call today at 3pm regarding short term rentals but the meeting was not in session and the commissioners were logging off. What happened?

Will the meeting be rescheduled for public comment on the draft regarding short term rentals?

Thank you,

Megan Rooksby
Resident 97267
503-753-1580

On Tue, Oct 8, 2019 at 10:00 AM Megan Rooksby <meganrooksby@gmail.com> wrote:
Thank you Ellen.

On Tue, Oct 8, 2019 at 9:58 AM Rogalin, Ellen <EllenRog@clackamas.us> wrote:

Good morning Megan,

Thank you for sharing your thoughts and analysis related to the issue of short-term rentals. Your email will be included in the record for this issue and be shared with the Board of County Commissioners.

The Board of Commissioners will be discussing this issue again at a Policy Session on Tuesday, Oct. 22, at 11 a.m. The public is welcome to attend to listen. We'll keep you posted about other meetings and opportunities for public input. More information is available on the project webpage at <https://www.clackamas.us/planning/str>.

Thank you.

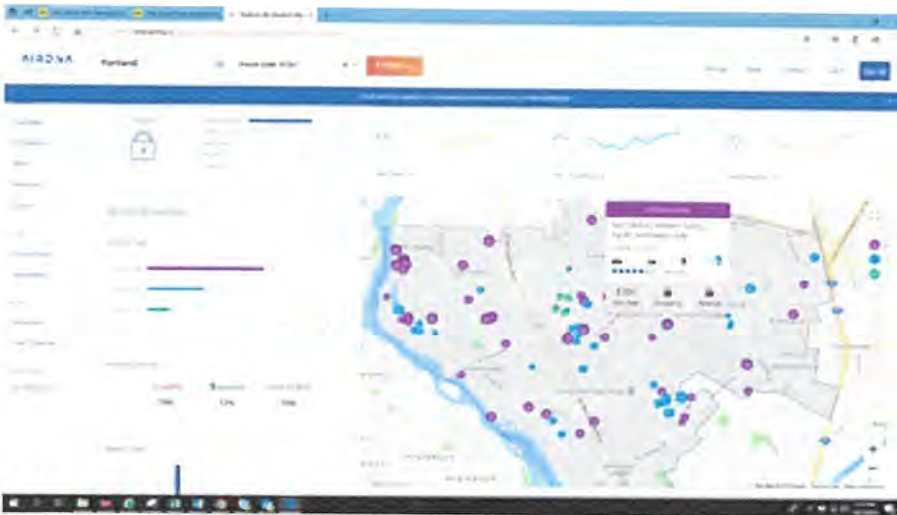
503-742-4274

Office hours: 9 am – 6 pm, Monday-Friday

From: Megan Rooksby <meganrooksby@gmail.com>
Sent: Monday, October 7, 2019 4:54 PM
To: Savas, Paul <PSavas@clackamas.us>; Moreland, Tracy <TracyMor@clackamas.us>; Fritzie, Martha <MFritzie@clackamas.us>; Rogalin, Ellen <EllenRog@clackamas.us>
Subject: STR - impact on affordable housing- unincorporated clackamas county

Good Afternoon Commissioners,

Thank you for allowing me a moment to share with you an analysis of one zip code in unincorporated Clackamas county where 86 active short term rentals are available now, with 59% or 51 houses being operated as a full time turn key business with no owner on site or unoccupied.



That's 51 homes in one zip code that are unavailable for a nice family to rent long term or to purchase. 29% of the listings shown above offer a private room in an owner occupied dwelling and 12% offer a shared room for let. You can also see by the map that this zip code is a non tourism driven area and should not be compared to an area like Mt. Hood, Welches, Sandy etc... It is comprised of neighborhoods with seniors and single family home owners, some who have lived here since the early 1970's who are being subjected to the commercialization of their neighborhood, condominium or apartment complex due to the undefined expansion of short term rentals which has gone unchecked over the last 10 years of it's creep into non vacation areas. Home inventories are low in this zip code and the median average home cost continues to drive home buyers further out of the area.

I've listened with intent to the county commission podcasts and I appreciate the discussion or talking points about the concern for neighborhoods, its livability and concern to provide more housing options to people in unincorporated clackamas county but I don't see how allowing STR in the urban growth boundary is focused on solving for any of those issues. I believe in the value of vacation rentals in longstanding tourism driven destinations. The questions should really be where is it allowed, does it compete with other long standing businesses such as hotel and lodging businesses, does it affect long term rental availability and does it provide any good to the communities in which it operates or cause harm? In my opinion, allowing vacation rentals or STR's to operate unoccupied within the urban growth boundary is outrageous and indecent to neighbors who must simply accept that this burden has been put on them without any rights to fight or defend against this movement. The affect of STR's has come to their doorstep without protection of their rights to live in a neighborhood that is not being torn apart by outside or inside commercialization without regard to the impacts it has on them.

As I shared previously the article regarding DC rulings on STR's, the citizens there are fighting the same battle of limited affordable housing and increased costs of rentals as a result of STR. Why is it okay for one neighbor to rent their home every couple of days for profit on the backs of the neighbors who are forced to deal with the effects of something that has never been allowed before? Where is the compensation for the burden STR owners are placing on the neighborhood and how will restitution be obtained? Where is the protections for those who don't speak out and yet detest the degeneration of neighborhood as a result of STR's? Are STR renters neighbors? I would suggest no, they are not. Do they contribute to the safety and security of a neighborhood, participate in community events, volunteer their time, support local business all year long or stand up for policy or a lack there of? Again, no.

While the commission considers the question of whether the County STR code is enforceable, the answer is yes. Simply do not allow full time non owner occupied businesses to operate in certain areas that are not tourism/ vacation driven. For those who are not compliant, a hefty fee will be imposed and collected by the county. The neighborhoods will likely point those properties out very quickly and easily. For those who are the primary owner and live in the dwelling, let them self register and pay a tax to the county without issue, whereby retaining the existing rules on bed and breakfast that already exist in the county code. The only thing that needs to be added are the fines, restrictions and enforcement. For STR's that are allowed in a vacation zone, a large sign should be placed outside the dwelling during the application period for no less than 30 days, outlining what will happen and what rights neighbors have to petition and in what format. Tax revenues collected from vacation STR's should be used for application, additional policy staff on the mountain and tourism areas. Additional tax revenues from applicants for business licences using their homes in owner occupied STR's could be used to fund addition FTE resources or sherrif support staff for enforcement. The county could also establish a volunteer committee to help provide oversight and enforcement of the rules put in place due to the concerns of limited funding to manage the program perhaps through a grant of support from the Oregon Lodging Association.

Thank you for allowing me a few moments of your time to present facts on the impacts STR is having on affordable housing in just one Clackamas County

zip code today. Consider how many more homes could be on the market or available to rent long term if STR's where not allowed in zones not designated as tourism areas?

Megan Rooksby

Unincorporated Clackamas County Resident

503-850-6992

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

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Fritzie, Martha

From: Todd Gentry <tcgentry63@gmail.com>
Sent: Thursday, June 18, 2020 8:37 PM
To: Fritzie, Martha
Subject: Short term rental regulations

Warning: External email. Be cautious opening attachments and links.

Dear County Commissioners:

We are a homeowner at Collins Lake Resort in Government Camp and have read the county's proposed regulations regarding short-term rentals. The proposed regulations and associated fees do not take into consideration the fact that our Condominium Association and our on-site management company already have rules and regulations that address the concerns in the draft ordinance. Our Condominium Association's governing documents, including our Declaration and Bylaws, already outline the rules and regulations for this tourism-driven community. When purchasing our condo, we were aware of and supported the rules and regulations regarding short-term rentals, and we have continued to support refinement of those rules through participation in our Condominium Association. Collins Lake Resort was designed for short-term rentals and is integral to the success of tourism in and around Government Camp. This is an unnecessary and redundant set of regulations for our Condominium Association. We strongly encourage the County Commissioners to exempt our Condominium Association from the proposed registration process and fees.

Sincerely,

Todd and Laura Gentry

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[Phishing Email](#)

Fritzie, Martha

From: Fran mazzara <franmazzara@gmail.com>
Sent: Sunday, May 24, 2020 9:42 PM
To: Jim Bernard; Ken humberston; Cowan, Danielle; Fritzie, Martha; Savas, Paul; Schrader, Martha; tfischer@clackamas.us
Subject: some insight.... FYI

Warning: External email. Be cautious opening attachments and links.

https://nextdoor.com/news_feed/?post=148320131&cp=1&s=tpd§ion=posts&ct=GiLDLtC35fEXg_2M3XbYZ0m_SvFlxcGF1CslZuBe1TIKxMrF0h7-wihWkKc_Aeuc&ec=VxSJFbPbudqm3RmbqsRSIdKGxZqCXtJSS-0vyqMERec%3D

Anyone want to comment....and we thought July was going to give us a voice and give the Sheriff's Dep't.and code enforcement a way to help us.

--

Fran & Joe Mazzara
25901 E. Highview Drive
Welches, Or 97067
franmazzara@gmail.com
503.622.1140

[Spam Email](#)
[Phishing Email](#)

Fritzie, Martha

From: Judy <jjcave@frontier.com>
Sent: Friday, May 22, 2020 11:50 AM
To: Rogalin, Ellen
Cc: Fritzie, Martha
Subject: RE: Update on possible regulations of short-term rentals

Warning: External email. Be cautious opening attachments and links.

A "drastic" drop in demand for short-term rentals? Really? Not up here in the Hoodland area. We have three full time short term rentals on our street alone. The one directly across the street has had activity all week. The last renter left yesterday. The cleaning people are there now, preparing for tonight's arrivals. The house next door has had 2 cars in the driveway all week. One car has Washington plates and the other has California plates. Hmmmm... do you really think they are from the same household? Social distancing at its finest. This house is a 3 bed, 1 bath property. A minimum of 4 people sharing 1 bathroom. A few weeks ago, there were 5 or 6 cars there for the weekend.

Everyone I have spoken to lately is absolutely dreading this weekend. Starting as early as Wednesday, we have had motorhomes, travel trailers, campers, boats, cars with kayaks and canoes on their roofs all traveling through our community. Yesterday the traffic was extremely heavy. I had to run into the local grocery store and it was jam-packed with tourists, most of whom were not wearing masks. Today I will not get out on Hwy 26 because the traffic will be too heavy to be safe. If we drive the speed limit of 45, we are tailgated, flashed, flipped off, passed and cut in front of. God help anyone who has to cross the highway on foot.

In case you were not aware, there was an incident at a short term rental recently. A woman shot her boyfriend in the neck. That meant first responders had to show up and deal with them. If they hadn't been allowed to rent in the first place, our first responders wouldn't have been put in harm's way.

People ask why the beaches can be closed, why the short term rentals at the coast could be shut down, but not up here. My response is because the coastal communities have put regulations into place. "***You cannot control what you do not regulate.***" Because Clackamas County has been so derelict as to allow this to happen without regulation, our communities up here are paying the price. You say there is no revenue from rentals. Perhaps because the short term property owners are not paying the occupancy tax?

Frankly, I am beyond livid that our tax dollars to Clackamas County do absolutely no good for our community.

Judy Cave

From: Rogalin, Ellen [mailto:EllenRog@clackamas.us]
Sent: Wednesday, May 20, 2020 9:13 AM
To: Rogalin, Ellen
Cc: Fritzie, Martha
Subject: Update on possible regulations of short-term rentals

Good morning,

Yesterday the Board of County Commissioners agreed to delay for six months (until Nov. 17, 2020) any further action on possible regulations for short-term rentals in unincorporated Clackamas County. The action was taken because of the changed circumstances brought about by the COVID-19 pandemic, including:

- Almost total loss of revenue for the county’s Tourism Department, which was going to help fund start-up costs for a possible short-term rental registration program
- Dramatic drop in demand for short-term rentals

The status of short-term rentals in the county will continue to be as it has been, with no registration program or specific regulations except for the requirement to pay Transient Lodging Tax to the county's Finance Department (see details [here: https://www.clackamas.us/finance/transient.html](https://www.clackamas.us/finance/transient.html)) . On November 17, the Board of Commissioners will again discuss the issue of possibly regulating short-term rentals based on the situation at that time.

Regulations as currently drafted will remain on the website at www.clackamas.us/planning/str. We will notify you when this issue is brought before the Board again or if there are other changes. For more information, contact Senior Planner Martha Fritzie at mfritzie@clackamas.us.

Thank you for your interest. Take care.

Ellen Rogalin, Community Relations Specialist

Clackamas County Public & Government Affairs

Transportation & Development | Business & Community Services

503-742-4274 | 150 Beaver Creek Road, Oregon City, OR 97045

Office hours: 9 am – 6 pm, Monday-Friday

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Fritzie, Martha

From: Fran mazzara <franmazzara@gmail.com>
Sent: Thursday, May 21, 2020 5:56 PM
To: Fritzie, Martha
Cc: Jim Bernard; Ken humberston; Rob Bruce; Cowan, Danielle; Rogalin, Ellen
Subject: Re: why did you string us along????

Thank you for responding to my angry tirade...but we are left high and dry. If there are no codes, laws, regulations...there is nothing we can report to Code Enforcement. As to Covid rules...the only rules we see are a request for "distancing" and a request not to do any unnecessary traveling. The third being confining groups to households.

They come on Friday night and leave Sunday by noon. The crowds arrive late in the evening and are gone in the wee hours as the parties wind down. This is throughout Welches, Brightwood and Rhododendron. Who would come out to enforce in the middle of the night? The management and owners swear they are complying and read the State Covid laws to us....they claim they rent to a couple, or 2 couples who live together and they rent to them to provide a respite for them from being locked up all week. So they are now a Mental Health service. They plead ignorance on any others coming out to party. Yet I can show you pictures of the amount of garbage left behind... the only evidence of a night of partying.

These complaints sound frivolous..., we all have had loud, big parties next door. But this is every week, all strangers and unlike a hotel or B&B...no management to shut them off when it becomes too much. And summer has not even started....

We were so depending on you.....,
FRAN & JOE

On Thu, May 21, 2020 at 3:50 PM Fritzie, Martha <MFritzie@clackamas.us> wrote:

Fran - I know you are familiar with our complaint process through Code Enforcement, which is still available, but you can also file a complaint with the county's Environmental Health Department at eh@clackamas.us if there are issues related to businesses not following COVID-19 rules.

That said, staff is also committed to finishing this project and will continue to work with our Board to do so.

Martha

Martha Fritzie, Senior Planner

Clackamas County DTD | Planning & Zoning Division

150 Beaver Creek Road | Oregon City, OR 97045

(503) 742-4529

Office hours 8:00am to 6:00pm | Monday - Thursday

Due to COVID-19, our offices are currently closed to the public. At this time, the closure is expected to continue until at least **Monday, June 1st**. I am working remotely and will do my best to respond in a timely manner. I appreciate your understanding during this challenging time.

If you have general questions, please contact our main customer service desk at 503-742-4500 or via email at zoninginfo@clackamas.us. Thank you.

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

From: Fran mazzara [mailto:franmazzara@gmail.com]

Sent: Thursday, May 21, 2020 12:26 PM

To: Jim Bernard <bernardjim@ymail.com>; Ken humberston <gracehumberston@yahoo.com>; Fritzie, Martha <MFritzie@clackamas.us>; Rob Bruce <rrbruce@outlook.com>; Cowan, Danielle <Danielle@mthoodterritory.com>

Subject: why did you string us along????

Warning: External email. Be cautious opening attachments and links.

<https://www.mthoodterritory.com/places-to-stay>

-- Interesting that you *feature STR* while you tell us you are working to control them and waste your and our time with your STR commission and meetings.

You have rules and regulations for hotels, B&B, restaurants,but we get to live with a completely unregulated rental system that you support and advertise. OUR TAXES are paying for this tourism program.....yet as usual...we get the shaft.

None of them are following the distancing guidelines laid out by the State and you have not bothered to do anything the way the rest of Oregon's tourist regions have. Are you gutless wonders, lazy or have some sort of stake in it?

We trusted you and have put up with these overcrowded parties all Winter and Spring, putting our lives at risk as we desperately try to shelter in place and avoid any contact with Covid....But we held on believing come July we would finally have a means to control those that got out of hand. Now we find it was all a hoax...a way to give us lip service until our anger boiled over and the Eastern part of Clackamas County would go back to sleep and serve as the donkeys for your tourism industry.

I am amazed Timberline Lodge and the Mt. Hood Resort have not filed a complaint...they had to shut down, meanwhile STR have been given an unlimited pass and publicity by you. They were ENCOURAGED to deep clean after every guest rental by their listing agent. But 16-20 people sharing a house, partying all night, filling the street...strangers in our neighborhood while we work to protect ourselves is OK with you...THANK YOU!

Fran & Joe Mazzara

25901 E. Highview Drive

Welches, Or 97067

franmazzara@gmail.co

503.622.1140

--

Fran & Joe Mazzara

25901 E. Highview Drive

Welches, Or 97067

franmazzara@gmail.com

503.622.1140

Fritzie, Martha

From: Rogalin, Ellen
Sent: Wednesday, May 20, 2020 1:55 PM
To: Fritzie, Martha
Subject: FW: Update on possible regulations of short-term rentals

A bit more...

Ellen Rogalin, Community Relations Specialist

503-742-4274

Office hours: 9 am – 6 pm, Monday-Friday

From: Jules Huber <jules.huber@vacasa.com>
Sent: Wednesday, May 20, 2020 11:29 AM
To: Rogalin, Ellen <EllenRog@clackamas.us>; Juliet Ham <juliet.ham@vacasa.com>; Eric Nicholson <eric.nicholson@vacasa.com>
Subject: Re: Update on possible regulations of short-term rentals

Warning: External email. Be cautious opening attachments and links.

FYI...good news on the delay with the STRs for Clackamas county.

Best-Jules



Jules Huber | General Manager-Mt Hood/Columbia Gorge/Oregon Wine Country
Direct line [971-373-4082](tel:971-373-4082)
Cell [503-680-2672](tel:503-680-2672)
jules.huber@vacasa.com
Vacation rentals made easy®

On Wed, May 20, 2020 at 9:41 AM Rogalin, Ellen <EllenRog@clackamas.us> wrote:

Good morning,

Yesterday the Board of County Commissioners agreed to delay for six months (until Nov. 17, 2020) any further action on possible regulations for short-term rentals in unincorporated Clackamas County. The action was taken because of the changed circumstances brought about by the COVID-19 pandemic, including:

- Almost total loss of revenue for the county's Tourism Department, which was going to help fund start-up costs for a possible short-term rental registration program
- Dramatic drop in demand for short-term rentals

The status of short-term rentals in the county will continue to be as it has been, with no registration program or specific regulations except for the requirement to pay Transient Lodging Tax to the county's Finance Department (see details [here: https://www.clackamas.us/finance/transient.html](https://www.clackamas.us/finance/transient.html)) . On November 17, the Board of Commissioners will again discuss the issue of possibly regulating short-term rentals based on the situation at that time.

Regulations as currently drafted will remain on the website at www.clackamas.us/planning/str. We will notify you when this issue is brought before the Board again or if there are other changes. For more information, contact Senior Planner Martha Fritzie at mfritzie@clackamas.us.

Thank you for your interest. Take care.

Ellen Rogalin, Community Relations Specialist

Clackamas County Public & Government Affairs

Transportation & Development | Business & Community Services

503-742-4274 | 150 Beaver Creek Road, Oregon City, OR 97045

Office hours: 9 am – 6 pm, Monday-Friday

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Fritzie, Martha

From: Fran mazzara <franmazzara@gmail.com>
Sent: Wednesday, May 20, 2020 1:50 PM
To: Rob Bruce; Nancy Dougherty; Fritzie, Martha
Subject: Fwd: Update on possible regulations of short-term rentals

Warning: External email. Be cautious opening attachments and links.

----- Forwarded message -----

From: Fran mazzara <franmazzara@gmail.com>
Date: Wed, May 20, 2020 at 10:11 AM
Subject: Re: Update on possible regulations of short-term rentals
To: Rogalin, Ellen <EllenRog@clackamas.us>

Ellen,
There has been no drop in demand for STR in the Welches area. The parties have been going strong and the incidents have gotten worse.
We all were looking to the July implementation of rules giving us a leg to stand on...we now have been let down, again.
I can appreciate your reasoning, but do not think the demand has gone down...no way!
The explanation now is their guests need STR's to be able to deal with the stress of quarantine, so they are putting haloes on their heads claiming they are providing a mental health service.
FRAN MAZZARA

On Wed, May 20, 2020 at 9:41 AM Rogalin, Ellen <EllenRog@clackamas.us> wrote:

Good morning,

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Thank you for your interest. Take care.

Ellen Rogalin, Community Relations Specialist

Clackamas County Public & Government Affairs

Transportation & Development | Business & Community Services

503-742-4274 | 150 Beavercreek Road, Oregon City, OR 97045

Office hours: 9 am – 6 pm, Monday-Friday

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Fran & Joe Mazzara
25901 E. Highview Drive
Welches, Or 97067
franmazzara@gmail.com
503.622.1140

--

Fran & Joe Mazzara
25901 E. Highview Drive
Welches, Or 97067
franmazzara@gmail.com
503.622.1140

Fritzie, Martha

From: Rogalin, Ellen
Sent: Wednesday, May 20, 2020 1:51 PM
To: Fritzie, Martha
Subject: FW: Update on possible regulations of short-term rentals

And another, from a slightly different perspective.

Ellen Rogalin, Community Relations Specialist

503-742-4274

Office hours: 9 am – 6 pm, Monday-Friday

From: chris.gambell@icloud.com <chris.gambell@icloud.com>
Sent: Wednesday, May 20, 2020 9:55 AM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Subject: Re: Update on possible regulations of short-term rentals

Warning: External email. Be cautious opening attachments and links.

Thanks for nothing, these rentals are destroying our community.

On May 20, 2020 9:13 AM, "Rogalin, Ellen" <EllenRog@clackamas.us> wrote:

Good morning,

Yesterday the Board of County Commissioners agreed to delay for six months (until Nov. 17, 2020) any further action on possible regulations for short-term rentals in unincorporated Clackamas County. The action was taken because of the changed circumstances brought about by the COVID-19 pandemic, including:

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Thank you for your interest. Take care.

Ellen Rogalin, Community Relations Specialist

Clackamas County Public & Government Affairs

Transportation & Development | Business & Community Services

503-742-4274 | 150 Beaver Creek Road, Oregon City, OR 97045

Office hours: 9 am – 6 pm, Monday-Friday

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Fritzie, Martha

From: Rogalin, Ellen
Sent: Wednesday, May 20, 2020 1:49 PM
To: Fritzie, Martha
Subject: FW: Update on possible regulations of short-term rentals

I've had a couple of responses, which I'll share with you. The first is below.

Ellen Rogalin, Community Relations Specialist

503-742-4274

Office hours: 9 am – 6 pm, Monday-Friday

From: Dan Bonfield <cascapecabinoffice@gmail.com>
Sent: Wednesday, May 20, 2020 9:53 AM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Subject: Re: Update on possible regulations of short-term rentals

Warning: External email. Be cautious opening attachments and links.

So you see you and your jobs and programs are tied to vacation rentals and those that offer their houses and cabins to people to come and enjoy Oregon and My Hood, take this time to consider the over reaching plans you have put forth so far. Regulation is a good thing when applied correctly but some of the suggested requirements will force some to stop offering their homes.
Thanks for the update.

On Wed, May 20, 2020, 9:36 AM Rogalin, Ellen <EllenRog@clackamas.us> wrote:

Good morning,

Yesterday the Board of County Commissioners agreed to delay for six months (until Nov. 17, 2020) any further action on possible regulations for short-term rentals in unincorporated Clackamas County. The action was taken because of the changed circumstances brought about by the COVID-19 pandemic, including:

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Thank you for your interest. Take care.

Ellen Rogalin, Community Relations Specialist

Clackamas County Public & Government Affairs

Transportation & Development | Business & Community Services

503-742-4274 | 150 Beaver Creek Road, Oregon City, OR 97045

Office hours: 9 am – 6 pm, Monday-Friday

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Fritzie, Martha

From: Sasha Burchuk <sashamonya@gmail.com>
Sent: Monday, May 18, 2020 9:28 PM
To: Rogalin, Ellen; Fritzie, Martha
Cc: Alex Mahan
Subject: Concerns over Airbnb penalizing hosts for canceling reservations from COVID hot spots

Follow Up Flag: Flag for follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

Hi Ellen and Martha,

I was in a room with you when you were doing community outreach as the public part of the process of County rule making around informal lodging like Airbnb. I have a very scary and timely issue concerning Airbnb now and I am hoping you can help, or at least field me to someone who can?

I am an airbnb owner (and superhost), and I have a cabin up in Rhododendron. Over the last few days, as States begin to reopen, I have received an alarming number of reservation requests from COVID hotspots. Yesterday I received 7 requests from Florida, Atlanta, New York City, New Jersey, and Ohio from guests who wish to travel in the next few weeks to our small rural community in Oregon. Many of them were planning on flying out.

I have been extremely careful as a host during this time - ensuring our caretaker is following CDC protocols for cleaning and leaving gaps between stays to reduce risk. The only reason why we are even renting our place out still is because the income helps us pay our mortgage, and also the income from cleaning is the only income that our caretaker's family of four has right now. I do not want to bring people from COVID hotspots who have recently traveled through airports in to our rural, aging community, which is generally low-income, and quite far from hospitals.

I am concerned because Airbnb is penalizing hosts for canceling stays selectively, as I have been doing, and I am writing to let you know that as far as I can tell based on all the contact I had yesterday, many people are planning on driving and flying to Oregon this summer, pandemic or not.

Far be it from me to recommend policy to the County, but perhaps it would be in all of our best interest if you could reach out to Airbnb's legislative director, or a policy person there, and urge them to continue to let hosts use their own discretion when it comes to hosting without incurring penalties. I know that some counties in Oregon have gone so far as to temporarily suspend lodging. I feel that that would be too heavy handed as many people need the rental income to stay afloat, however we should all be allowed to choose who we host with absolutely no restrictions from this platform that cares about making money over anything else.

Thanks for your time,
Sasha Burchuk

--

BEGIN-ANTISPAM-VOTING-LINKS

Teach CanIt if this mail (ID 042Est5VW) is spam:

Spam Email: <https://mhub.clackamas.us/canit/b.php?c=s&i=042Est5VW&m=d9bbe3d88254&rlm=base&t=20200518>

Phishing Email:
<https://mhub.clackamas.us/canit/b.php?c=p&i=042Est5VW&m=d9bbe3d88254&rlm=base&t=20200518>

END-ANTISPAM-VOTING-LINKS

Fritzie, Martha

From: Fran mazzara <franmazzara@gmail.com>
Sent: Saturday, May 16, 2020 5:20 PM
To: Ken humberston; Jim Bernard; Fritzie, Martha
Subject: STR Welches

Follow Up Flag: Flag for follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

The parties have started...going to be a long night....NextDoorWelches is alive with reports of masses of cars and people filling homes in Timberline Rim, up Lolo Pass and on our street. Next door to us they brought a truckload of firewood. The noise has the dogs barking up a storm as the screams and yelling has started and the street is already filled with cars...and it is only 5:00. Whatever you can do to encourage a police response would help....
Thanks guys!
JOE

--
Fran & Joe Mazzara
25901 E. Highview Drive
Welches, Or 97067
franmazzara@gmail.com
503.622.1140

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[Phishing Email](#)

Fritzie, Martha

From: Fritzie, Martha
Sent: Wednesday, May 13, 2020 6:23 PM
To: stockli@pacifier.com
Subject: Re: Contact Us Form

Hi Brad. Hopefully I can clarify a few things regarding short-term (vacation) rentals in the county.

First - it is also my understanding that neither the Governor nor our County Commissioners explicitly forbid short-term rentals from operating due to COVID-19. Rather, as you stated, the orders were to stay at home and eliminate unnecessary travel. There were some jurisdictions (particularly on the coast, I believe) that did prohibit them during this pandemic. I would image those jurisdictions have a registration/licensing program so they actually know where their operators are. This county does not have such a program and we were working to develop a registration and regulation program when the pandemic forced us to put the adoption process on hold.

Second - illegal is perhaps too strong of a term to use with regard to the current status of vacation rentals in this county. Our current zoning code does not explicitly allow this use in any dwelling. The way our code is constructed is that if something is not explicitly allowed, then it is prohibited. However, we are well aware that this use has been going on for decades, especially up in the Mt Hood area. And with the advent of the various on-line platforms in recent years, vacation rentals have become more common in other areas and there have increasingly been reports of neighborhood conflicts and requests to regulate this use. We were attempting to address some of these issues, while clarifying in our zoning code where this use should be allowed, when we were delayed by COVID-19.

And finally - we do understand that there are some vacation rentals that are registered and paying the transient room tax (just like hotels and motels), which is a valuable source of income that, in turn, enables our Tourism Department to continue to work at attract more tourism business to the county. The hope is, by tying the proposed registration program and regulations closely to the transient room tax collection, that the registration program will also result in better compliance with that program and, to some extent, level the playing field for all vacation rental operators and hotels/motels.

Technically, vacation rentals could be considered land use violations, enforceable thorough our Code Enforcement Division. Given their limited resources and resulting priority system that they operate under, if there are no other violations on the property, a vacation rental simply operating most often does rise to the level of an active violation and enforcement action. But, every operator who continues to operate does do so at their own risk until we can get clarification on this issue through the completion of our project. You can follow the progress of this project on our webpage (<https://www.clackamas.us/planning/str>).

Please let me know if you have any more questions.

Martha

Martha Fritzie, Senior Planner
Clackamas County DTD | Planning & Zoning Division

150 Beaver Creek Road | Oregon City, OR 97045
(503) 742-4529
Office hours 8:00am to 6:00pm | Monday - Thursday

Attachment B
First Reading of Ordinance No. ____
Short Term Rentals
Page 41 of 61

Due to COVID-19, our offices are currently closed to the public. At this time, the closure is expected to continue until at least **Monday, June 1st**. I am working remotely and will do my best to respond in a timely manner. I appreciate your understanding during this challenging time.

If you have general questions, please contact our main customer service desk at 503-742-4500 or via email at zoninginfo@clackamas.us. Thank you.

From: ZoningInfo
Sent: Wednesday, May 13, 2020 2:47 PM
To: stockli@pacifier.com
Cc: Fritzie, Martha; Cross, Nicole
Subject: RE: Contact Us Form

Hello,

I have cc-ed the planners in our office working on this project so they can provide you with the requested information. Thank you!

Melissa

Melissa Ahrens
Senior Planner
Clackamas County Planning and Zoning Division
150 Beaver Creek Road
Oregon City, OR 97045
MAhrens@co.clackamas.or.us
Direct Ph: 503-742-4519 | Fax: 503-742-4550

The Planning and Zoning Division public service/permits lobby is open Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m. The public service telephone line at 503-742-4500 and email account at zoninginfo@clackamas.us are staffed Monday through Friday from 8:00 a.m. to 5:00 p.m.

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

From: stockli@pacifier.com [<mailto:stockli@pacifier.com>]
Sent: Wednesday, May 13, 2020 12:43 PM
To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: RE: Contact Us Form

I've known about the pending hearings, but I had never been informed that what I've been doing over the last 20 years is "illegal". If you look over the Transient Lodging Tax Ordinance 8.02 it specifically lists "vacation homes" and "similar occupied structures or portions of the above".

I've been paying 6% TRT for 20 years which adds up to tens of thousands of dollars.

What recourse do I have during this 'in between' times? Between now and whenever the hearing process is complete? There are hundreds, if not thousands of these types of rentals in this county alone. Are we expected to simply close up shop? Refund existing reservations? If my business alone has provided the county with that much

money over the years, I'm sure the county couldn't continue to function, as it does now, going forward with the money it collects from these "illegal short-term-rentals".

I thought I'd share how these collected money's benefit the county here below, as it is listed on the county website. 'If I take taxable revenue for my vacation rental and I am in fact breaking the law, what are the repercussions at this time? Fines? Jailtime? Foreclosure? What form are we to continue to exist during this in-between time? Clarity please. Thank you for your time.

Brad

This tax directly benefits the businesses providing lodging, tourism, and visitor services in Clackamas County. It supports advertising and marketing as well as tourism planning and development to contribute to positive experiences for regional visitors.

Visitor-related businesses receive business and event listings on [Clackamas County Tourism and Cultural Affairs website](#) and other benefits, such as attractive ad-buy rates in publications and leads from domestic and international travel trade shows.

This tax also supports the annual [Clackamas County Fair](#), a premier summer event celebrating and promoting the rural history and present-day agricultural industries in the county. The Fair is located in Canby, Oregon, at the Clackamas County Events Center. The Fair receives about \$400,000 each year from the tax.

From: ZoningInfo <ZoningInfo@clackamas.us>
Sent: Tuesday, May 12, 2020 7:39 PM
To: stockli@pacifier.com
Subject: RE: Contact Us Form

Brad,

Short-term rentals are not allowed in Clackamas County regardless of COVID-19. The delay of hearings was based on our current global and local situation on shutdowns. Until the hearing process is complete we will not know the outcome of the short-term rental discussion.

Further email inquiries will be addressed tomorrow by a different staff person.

Lorraine Gonzales, Senior Planner
 Clackamas County Planning and Zoning Division
 150 Beaver Creek Rd, Oregon City OR 97045
lorrainego@clackamas.us (503) 742-4541

From: stockli@pacifier.com <stockli@pacifier.com>
Sent: Tuesday, May 12, 2020 7:07 PM

To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: RE: Contact Us Form

Hello Stacy,

Just to be clear; when you say “short-term rentals are illegal in CC”, are you referring to there being no legislation regarding vacation rentals to refer to prior to covid? Or are you saying as a result of the Executive Order short-term rentals are NOW illegal?

Do you mean they have been illegal all along or only just since the Order? I wonder because I’ve been doing short-term renting for 20 years. I’ve been paying the Transient Room Tax (6%) the whole time to the County. Why would such a structure be in place if the practice were illegal? The taxes I pay to the county go towards mine and other vacation rentals. It’s very confusing. I’d much appreciate some elaboration on this, thanks!

Brad

From: ZoningInfo <ZoningInfo@clackamas.us>
Sent: Tuesday, May 12, 2020 6:03 PM
To: stockli@pacifier.com
Subject: FW: Contact Us Form

Stacy,

The Short-Term rental draft regulations have not been adopted therefore short-term rentals are illegal in Clackamas County at this time. See the Short-term rental housing regulations website for information:

<https://www.clackamas.us/planning/str>

The Board public hearing for April were postponed



PLANNING AND ZONING

SHORT-TERM RENTAL HOUSING REGULATIONS

Short-term rental housing

Draft regulations for short-term/vacation rentals in unincorporated Clackamas

Board public hearings set for April

The Board of Commissioners met on **March 11**, to discuss many of the issues raised by the draft regulations. Public hearings and new first and second readings of the draft regulations are set for April.

[Read the proposed regulations and background information](#) by clicking on the link below.

Comments/questions? Contact Senior Planner Martha Fritsch at mfritsch@clackamas.us

Written comments on the draft regulations may still be submitted through the [online form](#).

From: Davenport, Stacy <SDavenport@clackamas.us>
Sent: Tuesday, May 12, 2020 8:50 AM
To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: FW: Contact Us Form

Please respond to the email below Thank you!

From: noreply@clackamas.us <noreply@clackamas.us>
Sent: Monday, May 11, 2020 1:10 PM
To: Contact Us - Other <ContactUs-Other@co.clackamas.or.us>; PGA - Admin <PGAAdmin@clackamas.us>; Web Development Team <webteam@co.clackamas.or.us>
Subject: Contact Us Form

Fritzie, Martha

From: Farid Birang <farid.birang@gmail.com>
Sent: Tuesday, April 28, 2020 3:12 PM
To: Fritzie, Martha
Cc: Farid Birang
Subject: Short Term Rental Regulations

Warning: External email. Be cautious opening attachments and links.

Dear County Commissioners:

I am a homeowner at Collins Lake Resort in Government Camp and I have read the county's proposed regulations regarding short-term rentals. The proposed regulations and associated fees do not take into consideration the fact that our Condominium Association and our on-site management company already have rules and regulations that address the concerns in the draft ordinance. Our Condominium Association's governing documents, including our Declaration and Bylaws, already outline the rules and regulations for this tourism-driven community. When purchasing our condo, we were aware of and supported the rules and regulations regarding short-term rentals, and we have continued to support refinement of those rules through participation in our Condominium Association. Collins Lake Resort was designed for short-term rentals and is integral to the success of tourism in and around Government Camp. This is an unnecessary and redundant set of regulations for our Condominium Association. We strongly encourage the County Commissioners to exempt our Condominium Association from the proposed registration process and fees.

Sincerely,

Fred Birang

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

[Spam Email](#)
[Phishing Email](#)

Fritzie, Martha

From: greg madden <maddenfab2020@gmail.com>
Sent: Monday, March 30, 2020 6:05 PM
To: Fritzie, Martha
Subject: Rejection of short term rental fee program

Warning: External email. Be cautious opening attachments and links.

Dear County Commissioners:

I am a homeowner at Collins Lake Resort in Government Camp and I have read the county's proposed regulations regarding short-term rentals. The proposed regulations and associated fees do not take into consideration the fact that our Condominium Association and our on-site management company already have rules and regulations that address the concerns in the draft ordinance. Our Condominium Association's governing documents, including our Declaration and Bylaws, already outline the rules and regulations for this tourism-driven community. When purchasing our condo, we were aware of and supported the rules and regulations regarding short-term rentals, and we have continued to support refinement of those rules through participation in our Condominium Association. Collins Lake Resort was designed for short-term rentals and is integral to the success of tourism in and around Government Camp. This is an unnecessary and redundant set of regulations for our Condominium Association. We strongly encourage the County Commissioners to exempt our Condominium Association from the proposed registration process and fees. In addition this is only a tax to fill the coffers of the local government and has no benefit to those of us who have worked hard to purchase property in your county and allow others to visit and add value and income to the area.

Sincerely,

Greg Madden.

Sent from [Mail](#) for Windows 10

[Spam Email](#)
[Phishing Email](#)

Fritzie, Martha

From: Collin Hall <collin@ahfpdx.com>
Sent: Friday, March 20, 2020 2:02 PM
To: Fritzie, Martha
Subject: Short Term Rental-Collin's Lake

Warning: External email. Be cautious opening attachments and links.

Dear County Commissioners:

I am a homeowner at Collins Lake Resort in Government Camp and I have read the county's proposed regulations regarding short-term rentals. The proposed regulations and associated fees do not take into consideration the fact that our Condominium Association and our on-site management company already have rules and regulations that address the concerns in the draft ordinance. Our Condominium Association's governing documents, including our Declaration and Bylaws, already outline the rules and regulations for this tourism-driven community. When purchasing our condo, we were aware of and supported the rules and regulations regarding short-term rentals, and we have continued to support refinement of those rules through participation in our Condominium Association. Collins Lake Resort was designed for short-term rentals and is integral to the success of tourism in and around Government Camp. This is an unnecessary and redundant set of regulations for our Condominium Association. We strongly encourage the County Commissioners to exempt our Condominium Association from the proposed registration process and fees.

Sincerely,

Collin Hall | President / Senior Loan Officer | NMLS# 285398

American Home Funding | 1834 SW 58th Avenue, Suite 104 | Portland, OR 97221
Office 503.222.6404 | Cell 503.804.5540 | Fax 503.296.5574

[Securely upload documents here](#)



 **EQUAL HOUSING LENDER**

A division of Chelgren & Associates, Inc. | NMLS 278408

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Fritzie, Martha

From: John Ingersoll <john@highcascade.com>
Sent: Thursday, March 19, 2020 2:50 PM
To: Fritzie, Martha; Rogalin, Ellen
Cc: BBC@co.clackamas.or.us
Subject: Parking, STR and Government Camp

Warning: External email. Be cautious opening attachments and links.

Martha, Jennifer, and the BCCs,

I know things must be hectic.. I am still not on the notification list?!

It was just brought to my attention that parking requirement in the proposed STR regulations states that all parking must be on-site (8.10.060D). I think this is an oversight for STRs located in the RTC zone in Government Camp as all Government Camp RTC properties are allowed to count on-street parking fronting their property toward the minimum required (ZDO 1015.D.2.b). On-street parking is approved for long-term rentals, retail establishments, restaurants, and all other allowed uses including Resort Accommodations, so why wouldn't it be approved for STRs?

I have an existing STR lodge that generated \$4760.00 in Clackamas transient taxes in 2019 and a proposed duplex I am designing and hope to have constructed this summer. Both are in the RTC commercial district of Government Camp and are approved as Resort Accommodations. In the case of my existing lodge, of the 5 parking stalls required 3 of them are on-street and were allowed under ZDO 1015.D.2.b. I bought the duplex property prior to the proposed STR regulations and I am developing it with a STR in mind. All of the required parking stalls for this project are on-street.

I am very familiar with many RTC zoned STR properties in Government Camp. The proposed language would affect most of these properties since most, if not all, of them are counting on-street parking to meet required minimum. At least one of the properties has no off-street parking. Because of this, I recommend 8.10.060 D to state **"One off-street parking space, or any previously County allowed or approved parking stall, per two sleeping areas."**

At a minimum, the existing on-street parking which is allowed under the current ZDO regulations, should be considered a nonconforming condition if the proposed STR regulations are approved. As such, the on-street parking for the affected properties should be allowed to be counted toward the minimum parking required.

I would show the discrepancy to your county counsel.

I think it is clearly an oversight. Just like the language and oversight that was corrected around the electrical panels and not matching up to the UBC code.

I believe the BCC would cringe to know that, what I feel is an oversight, may halt construction of a new \$700,000 duplex project in a rural area of Clackmas County.

Can you also please forward this to Jennifer Hughes?

Kind regards,

John Ingersoll

*

Martha Fritzie, Senior Planner
Clackamas County DTD | Planning & Zoning Division
150 Beaver Creek Road | Oregon City, OR 97045
(503) 742-4529
Office hours 8:00am to 6:00pm | Monday - Thursday

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your feedback. We appreciate your comments and will use them to evaluate and improve the quality of our public service.

From: John Ingersoll [<mailto:john@highcascade.com>]
Sent: Tuesday, February 25, 2020 4:10 PM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Cc: Fritzie, Martha <MFritzie@clackamas.us>; BCCMail <BCCMail@clackamas.us>
Subject: Re: STR and Government camp specific

Martha and Ellen,

I was notified of these proposed STR regulation late in the process. Martha recently included me. I want to be clear and clearer as County Commissioners have interfaced with The Government Camp CPO. Commissioner Humberston was concerned collecting funds (I have paid transient taxes diligently for 19 years , \$4760.00 in 2019 alone. I do no propose to be exempt from that ..

I know Govt Camp rental buildings in RTC and in HR. For two decades I was housing manager and in charge of annually renting 24 Chalets and lodges including the lodge i own in the RTC zone in Government camp .. They were summer ski and snowboard groups.

A few things:

- The proposed changes , specifically 8.10.060 to “4 additional” from 2 additional helps RTC" Resort accommodation” buildings.

- RTC Resort Accommodation buildings are commercial buildings . I see my 1999 approved Design Review application for resort Accommodations and it is clear it is for large groups. Summer and non summer. *[Fritzie, Martha]* Yes – all multi-family developments must go through design review and are considered commercial building. Our zoning code does not have a definition of “resort accommodations” and since multi-family dwellings are not listed as specifically allowed in the RTC zone, “resort accommodations” has been fairly liberally interpreted in the past to allow for all types of multifamily dwellings to be built (either for rent or ownership) and even allows for a higher density than most urban multi-family districts in the metro UGB. If we hadn’t made this interpretation, the only dwellings that would have been explicitly allowed in the RTC zone would be single-family dwellings (and then, only under certain circumstances). On another note – the MRR zone found in Govt. Camp and other areas on the mountain, is actually a residential zone (not a commercial zone) and allows for a wide range of dwelling types – from single-family to plexes to multi-family – and all of these dwelling types are found in various locations in this zoning district.
- My building is a 5 (really 6) unit building and i only rent out the entire lodge . and have done so for over 18 years . With the minim of 15 per application, I would have to submit multiple application for one building. I think i can do that? Can I ? and then advertise the entire building as ONE ??*[Fritzie, Martha]* One application would need to be submitted for each dwelling unit within the building. You may advertise and rent them separately or all at the same time – we would not regulate that.
- i still think the STR regulations were designed for STR in Residential areas.
- I have paid transient taxes diligently , \$4760.00 in 2019 alone. I do no propose to be exempt from that .. With a few minor adjustments, i think the regulations and related fees could work for the RTC / “Resort Accommodation” buildings past and future builds .. *[Fritzie, Martha]* We certainly appreciate that you are paying the transient taxes (currently we have a pretty low compliance rate for STRs). Our hope is that this program will provide a tool to ensure more STR operators are actually paying these taxes and therefore create a more level playing field for all STR operators and hotel/motel operators.
- how about a clause in the regulations stating something like ‘buildings that don’t fit into the regulations, but meet the intent , a case by case evaluation of such buildings / properties will be considered for approval. ?*[Fritzie, Martha]* We currently do not have an exceptions written

into the proposed regulations. If we were to do so, it would need to include a specific process and criteria that were fairly narrowly defined and contain objective criteria.

ANYWAY,

Is there any way I can talk to someone and get clear on IF and how these could would work in the RTC district for resort accommodations buildings? I am available . I am not sure if that would be you two? Can you respond.

Kind Regards,

<image001.png>

John Ingersoll Owner and Manager

t: 503.501.7500

e: john@highcascade.com

I am a confident, vibrant and respectful man. 11/19/94

On Feb 21, 2020, at 2:59 PM, John Ingersoll <john@highcascade.com> wrote:

Ellen,

I consulted with a professional and a few others about RTC, Resort Accommodations and current proposed STR regulations.

"Resort Accommodation" is a in the ZDO as an allowed and special use in the RTC commercial zone in Government Camp .. It is for larger buildings and encourages density .. there are several buildings built or zoned Resort Accommodations in the Govt camp RTC. My building is 9800 sq ft , approved as Resort Accommodations and was built to accommodate large groups .. It Does .. GOVT CAMP RESORT ACCOMODATION buildings do no fit into the current STR regulations..

The proposed STR regulations would restrict future Resort accommodation buildings.. Single family residences are no longer allowed IN RTC .. hence no conflict. **The proposed Clackamas STR is for residential zoned neighborhoods** .. If you pass the regulations as proposed and don't exempt the Govt camp RTC, it will be a big

oversight that will have to be corrected ; AGAIN, it is an oversight. A comparison is approving a hotel / motel and then having regulations overlayed restricting the number of rooms the hotel can rent out.

I also think the Commercial MRR zone in Government camp should be looked at and possibly also be exempt.

HR in Government camp is different too than other rural communities .. One is parking. the Govt Camp loop road, has extra parking, sells parking passes and all HR residences are within short walking distance and guests or owners can use those spots... hence unique to Government and Clackamas ..

Government camp is a unique community and many, many residences were purchased as 2nd homes .. and rentals and STR rentals .. Look at the amount of Transient taxes generated compared to other rural areas.

I INCLUDE MY EARLIER 2/15 COMMENTS BELOW. SOIME ARE REDUNDANT TO THE ABOVE. i was never notified, was surprised as i have paid ?transient taxes for over 17 years .. i was informed by a neighbor.

I have some concerns from the community of Government camp along with personal concerns as i have a big vacation rental in the commercial RTC zone. It was built as "Resort Accommodations" and **should be exempt IN 8.10.030 ; as are Hotels and B&Bs.**

I don't think on many of the proposed regulation points, Govt Camp rentals fit into the proposed regulation points.

- 1) In the Mt Hood comprehensive plan, unincorporated Govt camp is a high density community: Unlike Welches (medium), Rhododendron (low).
- 2) Govt. Camp is unlike all other Clackamas Rural communities.. It is a tourist and resort area.
- 3) **The RTC commercial area is not addressed as a special zone (or exempt) .. "Resort Accommodation" is not addressed specifically and there are at least 6 buildings in RTC that don't fit into the regulations; ie maximum capacity for example. Single family houses are not allowed in the RTC. "Resort Accommodations" in the commercial RTC zone can be a building with units like a hotel / motel without being a hotel / motel. Hotels / motels are proposed as exempt in the STR regulations. Resort Accommodations should also be exempt IN 8.10.030**
- 4) MRR is a special commercial zone (collins lake resort) and is not addressed.

5) I am not exactly sure of STR in the Govy Residential zones. We are a tourist community and special regulations should apply.

6) GOVT Camp Chalet and building Capacities was addressed long ago by the fire marshall and targeted many of the STR at the time .. the formula was 1 person for every 200 Sq. Feet of a building. it was a big deal and is enforced.

7) the Government camp sewer district charges extra SDC's and Edu's When the number of vacation renters increases .. hence it is a restraint on number of occupants.

kind Regards

<PastedGraphic-1.png>
Mt Hood Resort Lodging LLC

John Ingersoll Owner and Manager

t: 503.501.7500

e: john@highcascade.com

I am a confident, vibrant and respectful man. 11/19/94

Ellen and Martha

We won't know for sure until we see how the March 11 policy session goes, but there will be additional public hearings before any new regulations are adopted. We'll get out information about the results of the March 11 session and give you details about what's happening next.

Thanks for asking.

*Ellen Rogalin, Community Relations
Specialist*

503-742-4274

*Office hours: 9 am – 6 pm, Monday-
Friday*

From: Blane S

<blaneskowhede@hotmail.com>

Sent: Thursday, February 20, 2020 5:40
AM

To: Rogalin, Ellen

<EllenRog@clackamas.us>

Subject: Re: Clackamas Board to discuss short-term rental regulations on March 11

Hello Ellen,

What is the process from this point regarding the proposed short term rental regulations? Will there be there be chance for the public to comment on the the issues discussed at the March 11th policy session or are they making their final decision that day?

Thank you,
Blane Skowhede

From: Rogalin, Ellen

<EllenRog@clackamas.us>

Sent: Tuesday, February 18, 2020 5:31 PM

To: Rogalin, Ellen

<EllenRog@clackamas.us>

Cc: Fritzie, Martha

<MFritzie@clackamas.us>

Subject: Clackamas Board to discuss short-term rental regulations on March 11

Good afternoon,

Earlier today the Board of County Commissioners decided to hold another policy session on the draft short-term rental regulations to discuss many of the issues raised in written and oral testimony. The policy session is scheduled for **9:30-11:30 a.m., Wednesday, March 11**, in the Board Hearing Room on the 4th floor of the Public Services Building, 2051 Kaen Road, Oregon City. The public will be welcome to observe, but there will not be any opportunity for public comment.

If you are interested in the March 11 policy session but won't be able to attend, the audio from the session will be available online at <https://www.clackamas.us/meetings/bcc/presentation> by March 12. Updates will also be posted on the project website at www.clackamas.us/planning/str.

Thank you for your interest.

Ellen Rogalin, Community Relations Specialist

Clackamas County Public & Government
Affairs

*Transportation & Development | Business
& Community Services*

503-742-4274 | 150 Beaver Creek Road,
Oregon City, OR 97045

*Office hours: 9 am – 6 pm, Monday-
Friday*

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[Phishing Email](#)

Fritzie, Martha

From: Kiran Limaye <bikemore@gmail.com>
Sent: Thursday, March 19, 2020 11:43 AM
To: Fritzie, Martha
Cc: sarah@traveloregon.com; Queener, David
Subject: Please modify Clackamas County Proposed Short-term rental housing regulations to mitigate impact on Mt. Hood Tourism & Collins Lake

Warning: External email. Be cautious opening attachments and links.

Dear Clackamas County Commissioners, Clackamas Development Agency and Oregon Tourism Commission:

I am a homeowner at Collins Lake Resort in Government Camp and I have read the county's proposed regulations regarding short-term rentals. The proposed regulations and associated fees do not take into consideration the fact that our Condominium Association and our on-site management company already have rules and regulations that address the concerns in the draft ordinance, *including collection of lodging taxes*. Collins Lake has a front desk, on site security and in house cleaning services that support several local jobs. Therefore, *I strongly encourage the County Commissioners to exempt our Condominium Association from the proposed registration process and fees.*

Our Condominium Association's governing documents, including our Declaration and Bylaws, already outline the rules and regulations for this tourism-driven community. When purchasing my condo, we were aware of and supported the rules and regulations regarding short-term rentals, and we have continued to support refinement of those rules through participation in our Condominium Association.

Collins Lake Resort was designed for short-term rentals and is integral to the success of tourism in and around Government Camp. There is a shortage of rental housing in this community which limits economic growth--putting additional regulations and cost on developments that are designed to accommodate tourism will only reduce the legal short term housing supply and ultimately impact out workforce here. Please focus your efforts on the truly unmanaged rental properties in the County.

I appreciate your efforts to ensure safety, tax compliance and respect for local communities. Because I share the same priorities, I chose to invest specifically Collins Lake, a development with professional management that is designed with responsible tourism in mind. Additional regulation and cost for our condominium would be particularly challenging given the tough economic times. We are already increased fire insurance premiums and a worldwide tourism downturn. We need your help to ensure a swift recovery for our mountain community and Oregon Tourism, and leverage the many investments made by the Clackamas Development Agency in Government Camp and Collins Lake.

Thank you for considering an exemption for communities such as ours.

Kiran S. Limaye

30603 E Ski Bowl Way
Government Camp, OR 97028

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

[Spam Email](#)

[Phishing Email](#)

Fritzie, Martha

From: Roger Mills <scoutmills1@gmail.com>
Sent: Wednesday, March 18, 2020 2:42 PM
To: Fritzie, Martha
Subject: short term rental regulations

Warning: External email. Be cautious opening attachments and links.

Dear County Commissioners:

I am a homeowner at Collins Lake Resort in Government Camp and I have been made aware of the county's proposed regulations regarding short-term rentals. The proposed regulations and associated fees do not take into consideration the fact that our Condominium Association and our on-site management company already have rules and regulations that address the concerns in the draft ordinance. Our Condominium Association's governing documents, including our Declaration and Bylaws, already outline the rules and regulations for this tourism-driven community. When purchasing our condo, we were aware of and supported the rules and regulations regarding short-term rentals, and we have continued to support refinement of those rules through participation in our Condominium Association. Collins Lake Resort was designed for short-term rentals and is integral to the success of tourism in and around Government Camp. This is an unnecessary and redundant set of regulations for our Condominium Association. We strongly encourage the County Commissioners to exempt our Condominium Association from the proposed registration process and fees.

Sincerely,

Roger Mills

[Spam Email](#)
[Phishing Email](#)

Fritzie, Martha

From: Priscilla <dpgreatlife@yahoo.com>
Sent: Saturday, March 14, 2020 2:10 PM
To: Fritzie, Martha
Subject: Short-term rentals

Warning: External email. Be cautious opening attachments and links.

Dear County Commissioners:

I am a homeowner at Collins Lake Resort in Government Camp and I have read the county's proposed regulations regarding short-term rentals. The proposed regulations and associated fees do not take into consideration the fact that our Condominium Association and our on-site management company already have rules and regulations that address the concerns in the draft ordinance. Our Condominium Association's governing documents, including our Declaration and Bylaws, already outline the rules and regulations for this tourism-driven community. When purchasing our condo, we were aware of and supported the rules and regulations regarding short-term rentals, and we have continued to support refinement of those rules through participation in our Condominium Association. Collins Lake Resort was designed for short-term rentals and is integral to the success of tourism in and around Government Camp. This is an unnecessary and redundant set of regulations for our Condominium Association. We strongly encourage the County Commissioners to exempt our Condominium Association from the proposed registration process and fees.

Sincerely,

Denis and Priscilla Centofante

[Spam Email](#)
[Phishing Email](#)

Fritzie, Martha

From: Peter H <peterhpdx@gmail.com>
Sent: Thursday, March 12, 2020 2:50 PM
To: Fritzie, Martha
Subject: STR regulations

Dear County Commissioners:

I have been a homeowner at Collins Lake Resort in Government Camp for over two years now. I am concerned about the county's proposed regulations regarding short-term rentals. The proposed regulations and associated fees do not take into consideration the fact that our Condominium Association and our on-site management company already have rules and regulations that address the concerns in the draft ordinance. Our Condominium Association's governing documents, including our Declaration and Bylaws, already outline the rules and regulations for this tourism-driven community. When purchasing my condo, I was aware of and supported the rules and regulations regarding short-term rentals, and I have continued to support refinement of those rules through participation in our Condominium Association. Collins Lake Resort was designed for short-term rentals and is integral to the success of tourism in and around Government Camp. This is an unnecessary and redundant set of regulations for our Condominium Association. We strongly encourage the County Commissioners to exempt our Condominium Association from the proposed registration process and fees.

Sincerely,
Peter Heeman

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[Phishing Email](#)

Fritzie, Martha

From: Donn Focht <donnfocht1@aol.com>
Sent: Thursday, March 12, 2020 11:39 AM
To: Fritzie, Martha
Subject: Proposed Regulations for Short-Term Rentals

Dear County Commissioners:

I am a homeowner at Collins Lake Resort in Government Camp and I have read the county's proposed regulations regarding short-term rentals. The proposed regulations and associated fees do not take into consideration the fact that our Condominium Association and our on-site management company already have rules and regulations that address the concerns in the draft ordinance. Our Condominium Association's governing documents, including our Declaration and Bylaws, already outline the rules and regulations for this tourism-driven community. When purchasing our condo, we were aware of and supported the rules and regulations regarding short-term rentals, and we have continued to support refinement of those rules through participation in our Condominium Association. Collins Lake Resort was designed for short-term rentals and is integral to the success of tourism in and around Government Camp. This is an unnecessary and redundant set of regulations for our Condominium Association. We strongly encourage the County Commissioners to exempt our Condominium Association from the proposed registration process and fees.

Sincerely,

Donn and Annalisa Focht

[Spam Email](#)
[Phishing Email](#)

Fritzie, Martha

From: David Solondz <dsolondz@gmail.com>
Sent: Wednesday, March 11, 2020 10:15 PM
To: Fritzie, Martha
Subject: proposed short term rental regulations review

Dear County Commissioners:

I am a homeowner at Collins Lake Resort in Government Camp and I have read the county's proposed regulations regarding short-term rentals. The proposed regulations and associated fees do not take into consideration the fact that our Condominium Association and our on-site management company already have rules and regulations that address the concerns in the draft ordinance. Our Condominium Association's governing documents, including our Declaration and Bylaws, already outline the rules and regulations for this tourism-driven community. When purchasing our condo, we were aware of and supported the rules and regulations regarding short-term rentals, and we have continued to support refinement of those rules through participation in our Condominium Association. Collins Lake Resort was designed for short-term rentals and is integral to the success of tourism in and around Government Camp. This is an unnecessary and redundant set of regulations for our Condominium Association. We strongly encourage the County Commissioners to exempt our Condominium Association from the proposed registration process and fees.

Sincerely,

David Solondz and Family
30645 SE Camryn Way
Government Camp, OR 97028

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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 is a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. For the purposes of this chapter only, a guest house is considered to be part of the dwelling unit to which it is accessory, even though it is a separate structure. Guest house shall have the meaning given to that term in Section 202 of the Clackamas County Zoning and Development Ordinance.
- 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. OVERNIGHT means anytime between the hours of 10 p.m. and 7 a.m. on the following day.
- F. PREMISES means the short term rental and the lot on which it is located.
- G. 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.
- H. 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.
- I. REGISTRATION means a short-term rental registration.
- J. 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.
- K. 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 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.
 - 12. If the premises includes a guest house to be used as a short-term rental, verification that the guest house is equipped with indoor plumbing equipped with a water closet, lavatory, shower, bathtub or combination bath/shower. All plumbing fixtures must be connected to an approved water supply, and an approved sanitary sewer or private sewage system.
- 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.
- F. No short-term rental may be publicly advertised for rent unless it has been registered with the County

8.10.050 Registration Termination – Renewal – Fee

- A. A short-term rental registration terminates automatically two years after the date of issuance, unless a new 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.
 - 1. 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.
 - 2. Guest houses may only be used as a short-term rental if the guest house has been legally-established and where a registrant can demonstrate that the structure is equipped with indoor plumbing, ~~equipped with~~ a water closet, lavatory, shower, bathtub or combination bath/shower.
 - 3. 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 for the short-term rental shall be calculated as follows:
 - 1. Two occupants per sleeping area, plus four additional occupants.

Attachment C

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 four additional occupants.
 3. In no case shall more than 15 occupants be authorized by a short-term rental registration. If only a portion of a dwelling unit is used as a short-term rental, all occupants, including those occupying the portion of the dwelling unit not used as a short-term rental, shall be counted toward the 15-occupant maximum.
- 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.
- 2-3. Short-term rentals in dwellings approved under the “resort accommodations” category in the Rural Tourist Commercial district are not required to provide more off-street parking than was required and approved under Zoning and Development Ordinance provisions.
- 3-4. In no event shall vehicles block access for emergency vehicles, block access to the premise, or block a parked motor vehicle, or otherwise park in a manner that violates the County’s current parking and towing ordinance standards (Clackamas County Code Chapter 7.01). 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 by the Oregon Residential Specialty Code.
 2. Two (2) working fire extinguishers shall be provided in the unit, with one of the extinguishers placed within the kitchen, placed in the kitchen and next to each wood burning appliance in an easily accessible location. A minimum of two (2) extinguishers are required in each Dwelling Unit.

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.~~ Windows must meet the egress size required when the Dwelling Unit was built and permitted. Use the chart below to determine minimum size egress window based upon the year the house was built.

<u>Year of Construction</u>	<u>Sill Height</u>	<u>Net Opening</u>	<u>Min. Height</u>	<u>Min. Width</u>
<u>Prior to 1964</u>	<u>No requirement</u>	<u>5.0 Sq. feet</u>	<u>No requirement</u>	<u>No requirement</u>
<u>1964 to 1970</u>	<u>48"</u>	<u>5.0 Sq. feet</u>	<u>24"</u>	<u>24"</u>
<u>1970-1976</u>	<u>48"</u>	<u>5.0 Sq. feet</u>	<u>22"</u>	<u>22"</u>
<u>1976-Present</u>	<u>44"</u>	<u>5.7 Sq. feet</u>	<u>24"</u>	<u>20"</u>

- 4.
5. All exterior building exits shall be clear, operable and available to renters. For Premises located at elevations above 3,500', doors that exit under active roof snow slide zones do not need to be available or operable when snow is present, unless the exit is part of the required primary egress for the Dwelling Unit or building.
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 clear working space of at least 30 inches wide in front of the panel, and a clear space 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 tract as the owner's primary residence. However, the owner is not required to be present on the tract when the short-term rental is occupied. ~~Tract shall have the meaning given to that term in shall be defined as set forth in~~ Section 202 of the County's Zoning and Development Ordinance.

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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 registration 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 Clackamas County Department of Finance should be notified.

- A. For acts of noncompliance, the Code Enforcement Program of the Department of Transportation and Development 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, except as otherwise provided for in state law or in the Clackamas County Code, ~~including such as, but not limited to,~~ those regulations for

which the Clackamas County Sheriff's Office has been vested with enforcement authority.

- B. 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.
- C. An owner that operates a short-term rental without an approved registration, or fails to pay the fees prescribed herein, shall be subject to immediate citation. Additionally, an owner that fails to pay the fees prescribed herein may have their short-term rental registration immediately revoked.
- 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 Program of the Department of Transportation and Development may require an inspection of the premises.
- F. In addition to citation, the Hearings Officer may:
 - 1. 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
 - 2. Revoke the short-term rental registration if there have been three separate violations of this chapter related to the same short-term rental within the applicable two-year registration period or three separate documented violations by any occupant of the same short-term rental within the applicable two-year registration period related to the County's noise control ordinance standards (Clackamas County Code Chapter 6.05) or the County's parking and towing ordinance standards (Clackamas County Code Chapter 7.01).
- G. Alleged acts of noncompliance must be based on either:
 - 1. The personal observation of the Sheriff or designee, code enforcement officer, or Clackamas County Department of Finance staff; or;
 - 2. A determination by the Sheriff or designee, code enforcement officer, or Clackamas County Department of Finance staff that there are reasonable grounds to conclude that the alleged acts of noncompliance did, in fact, occur, after either an investigation or following a sworn statement of a person who personally witnessed the alleged incident.

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 rental registration on the premises sooner than one year after the date of revocation.

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Attachment C