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# **ZDO-273: Short-Term Rentals**

## Clackamas County Zoning & Development Code Amendments

**Board of County Commissioners Hearing**

December 9, 2020



## ZDO-273 Proposal

- Amendments to Zoning & Development Ordinance (ZDO) to clarify where short-term rentals (STRs) are allowed
  - Legal dwellings (most)
  - Guest houses
- STR - 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



## Why do we need a ZDO amendment?

- On November 25<sup>th</sup> the BCC adopted the STR program into the County Code
- Zoning & Development Ordinance (ZDO) does not specifically allow short-term rentals in any homes
  - From a zoning perspective, short-term rentals are not considered an allowed use of a dwelling
  - ZDO specifically prohibits use of a guest house for source of rental income



# Adoption Process – Overall Structure

1. County Code (Section 8.10)
  - Would contain STR registration program
  - All rules and regulations specific to STRs
  - Application processes and requirements
  - Enforcement processes and actions
2. Zoning & Development Ordinance (ZDO)
  - Enabling amendments to eliminate conflicts with County Code and specifically allow STRs
  - Section 202 – definition of “dwelling unit”
  - Section 833 – allow use in guest houses
3. County Code (Appendix A & B)
  - Fees and fines



# Adoption Process - Decisions

1. County Code (Section 8.10) amendments **ADOPTED**
  - **Thursday, November 5 (10 AM):** 1st reading - Board of County Commissioners (BCC) public hearing
  - **Wednesday, November 25 (10 AM):** 2nd reading/action - BCC public hearing
    - BCC voted 3-2 to adopt County Code amendments
2. Zoning & Development Ordinance (ZDO) amendments
  - **Monday, November 23 (6:30 PM):** Planning Commission public hearing
    - PC voted 7-1 to recommend approval of ZDO amendments
  - **TODAY Wednesday, December 9 (9:30 AM):** BCC public hearing
  - **Thursday, December 17 (10 AM):** BCC adoption
3. County Code (Appendix A & B) amendments
  - **Spring 2021**



# Proposed ZDO Amendments

- Section 202, Definitions
  - Dwelling unit, specify that rental on short-term basis allowed
- Section 833, Guest Houses
  - No rental income, currently
  - Change would allow short-term rental
- In both cases, the number of occupants in the STR – either dwelling unit alone or dwelling unit plus guest house – may not exceed 15 (also in Ch. 8.10 – County Code)
  - Same as current maximum for a “family” in a dwelling unit



# Findings

- Legislative amendments
- Subject to relevant goals and policies in: Statewide Planning Goals; Metro Urban Growth Mgmt. Functional Plan (UGMFP); County Comp Plan & ZDO
- All relevant goals/policies met
  - Clarifying rental use of dwelling unit – Goal 10, Comp Plan
  - No increase in maximum number of occupants – Goal 12
  - Applicable procedures followed – Comp Plan, ZDO Section 1307



# Planning Commission Actions

- Public hearing: November 23, 2020 (before BCC adopted County Code amendments)
- 1 person testified
- No significant issues directly related to ZDO amendments
- Lot of discussion around regulations, STR program
- Consideration about whether to recommend approval regardless of whether the County Code amendments were adopted
- Voted 7-1 to recommend approval



## Other Considerations

- Proposed amendments are necessary to implement the STR program recently adopted into County Code
- Proposed ZDO amendments
  - Provide certainty, future and existing owners
  - Public support





## Staff Actions

- Minor, non-substantive edits made to draft to ensure text meets intent
- Staff recommends approval of ZDO-273, as currently drafted





Questions?

