



**OFFICE OF COUNTY COUNSEL**

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September 8, 2022

Board of County Commissioners  
 Clackamas County

Members of the Board:

**Second Reading of a Ordinance 02-2022 Repealing Chapter 8.10 –  
Short-Term Rentals of the County Code**

<b>Purpose/Outcomes</b>	An ordinance repealing Chapter 8.10 of the County Code
<b>Dollar Amount and Fiscal Impact</b>	There is no budget for implementation of the short-term rental program. No fiscal impact associated with the repeal
<b>Funding Source</b>	None
<b>Duration</b>	Indefinite
<b>Previous Board Action/Review</b>	This Board and prior Boards have devoted considerable time discussing short-term rentals. The most recent meetings were in March 30, 2021, May 4, 2022, May 10, 2022 and a first reading on June 23, 2022.
<b>Strategic Plan Alignment</b>	How does this item align with your department's Strategic Business Plan goals? How does this item align with the County's Performance Clackamas goals? Building public trust through good government
<b>Counsel Review</b>	Reviewed by Stephen L. Madkour, County Counsel
<b>Procurement Review</b>	(Please check yes or no for procurement review. If the answer is "no," please provide an explanation.) Was the item processed through Procurement? yes no X If no, provide brief explanation: Acceptable explanations are: item is an IGA, item is a lease, item is a non-binding MOU, item is a grant. Unacceptable responses are leaving the section blank, providing N/A or similar statement with no explanation.
<b>Contact Person</b>	Stephen L. Madkour, County Counsel
<b>Contract No.</b>	None

**Background:**

Chapter 8.10 of the County Code regulates short-term rentals. Those Code changes were adopted by the Board of County Commissioners in November 2020. Chapter 8.10 established a registration requirement for short-term rentals and also included a regulation and enforcement component.

Staff proposed a registration fee to offset the cost associated with implementing and maintaining the new program. The short-term rental program has never been allocated funding to implement and support that program. Implementation was delayed until July 2021 and that delay was further extended by the Board until July 1, 2022. The Board has not adopted a registration fee for short-term rentals.

In the absence of a fully-functioning registration and regulatory program, County Counsel proposes that the Board of County Commissioners move forward with a public hearing for the first reading of an ordinance repealing in its entirety Chapter 8.10 of the County Code. A repeal is recommended because the program has not been funded and therefore the regulatory components of Chapter 8.10 are not enforced.

The work completed to date by County staff will remain eligible to be implemented at a future date at the Board's discretion. A repeal of the entire chapter is warranted because the County has not and will not be enforcing any aspect of the provisions of Chapter 8.10. A repeal of the ordinance will require two public hearings.

The provisions in the zoning and development ordinance, which are currently subject to the LUBA challenger, will remain.

**Recommendation:**

Staff respectfully recommends that the Board have a public hearing for a second reading of the proposed Ordinance by title only. The first reading of the ordinance was on June 23, 2022.

Respectfully submitted,



Stephen L. Madkour  
County Counsel

## **ORDINANCE NO. 02-2022**

### **An Ordinance Repealing Chapter 8.10, Short-Term Rentals from the Clackamas County Code.**

WHEREAS, the Board of County Commissioners amended the County Code in November 2020, by adding Chapter 8.10, which established a registration and regulation program for short-term rentals; and

WHEREAS, the Board of County Commissioners elected to defer the effective implementation date until July 1, 2021, and then later until July 1, 2022; and

WHEREAS, the registration and regulation program for short-term rentals contemplated the imposition of a registration fee and it was intended that the registration fee would defray the costs associated with County staff implementing and enforcing the terms of the Chapter 8.10 regulations; and

WHEREAS, Board of County Commissioners has not implemented a fee schedule or other cost recovery charges to support the short-term rentals registration and regulation program; and

WHEREAS, absent a registration or other fee for listing and occupancy of short-term rentals, the County does not have the personnel or financial resources available to implement the program to register and regulate short-term rentals; and

WHEREAS, if the County is not going to register and regulate short-term rentals, and otherwise enforce the terms of Chapter 8.10, then the entire Chapter 8.10 should be repealed until such time as the County devotes sufficient resources to implement the program as set forth in Chapter 8.10 or adopt an alternative registration and regulatory scheme;

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

**Section 1:** Chapter 8.10, Short-Term Rentals, in its entirety, is hereby repealed from the Clackamas County Code.

**Section 2:** Effective Date. This Ordinance shall take effect ninety (90) days after adoption.

ADOPTED this 8<sup>th</sup> day of September, 2022.

BOARD OF COUNTY COMMISSIONERS

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Chair

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Recording Secretary