

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Planning Session Worksheet

Presentation Date: 01/14/2020 **Approx. Start Time:** 1:30 pm. **Approx. Length:** 60 mins.

Presentation Title: File ZDO-273: Short-Term Rentals

Department: Planning and Zoning Division, Department of Transportation and Development (DTD)

Presenters: Jennifer Hughes, Planning Director; Martha Fritzie, Senior Planner

Other Invitees: Nate Boderman, County Counsel; Jim Austin, Tourism Coordinator; Kevin Ko, Housing & Community Development Manager; Stephen McMurtrey, HACC Development Manager; Nicole Cross, Planner; Ellen Rogalin, Community Relations Specialist II; Cameron Ruen, Community Relations Specialist; Michelle Amend, Code Enforcement Supervisor, Christa Bosserman-Wolfe, Finance Dept. Director; Stephen Madkour; County Counsel; Matt Rozzell, Building Codes Administrator; Haley Fish, Finance Dept. Deputy Director; Cheryl Bell, DTD Assistant Director; Dan Johnson DTD Director

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

None. This policy session is information only. In preparation for the first reading of an ordinance to add short-term rental regulations to the County Code, the purpose of this policy session is for Staff to brief the Board on the status of the proposed short-term rental program and preliminary results from the public comment period that began on December 3, 2019 (see **Attachment 1**).

EXECUTIVE SUMMARY:

The purpose of this policy session is to report back to the Board on the outreach that has been occurring and feedback received prior to the first public hearing, scheduled for January 30, 2020, for the first reading of the proposed code amendments for a short-term rental registration program and regulations.

For the purposes of this discussion, 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. This policy session is not about those properties that are rented to tenants on a long-term (for more than 30 days at a time) basis.

Background

On December 3, 2019, Staff posted an updated draft of the proposed short-term rental (STR) program and regulations, along with a survey, some basic information about the draft and adoption process, and Staff contact information on the project webpage (<https://www.clackamas.us/planning/str>). This draft (found in **Attachment 2**) is the result of nearly a year of work that included research into other jurisdictions' STR programs; extensive public outreach and public meetings in the spring of 2019; five planning/policy sessions with the BCC between March and October of 2019; and feedback on initial drafts from the public, staff in other departments and agencies, and industry professionals.

Key components of the current proposal for a STR program and regulations 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). This would include allowing for STRs in accessory dwelling units (ADU), but would not allow STRs in guest houses, RVs, tents, barns, shops, or other similar structures.
- All STRs would be subject to the same regulations, except that STR properties inside the Portland metropolitan urban growth boundary would be required to be the owner's primary residence or located on the same lot as the owner's primary residence. (The owner would not be required to be there when the short-term rental was occupied). This "primary residence" provision was added as per the request from the BCC at the last policy session.
- STRs would have to be registered with the county. In addition to paying a registration fee, which the county would use to pay for administration and enforcement, the short-term rental owner would also be required to provide information at the time of registration, including:
 - Location
 - Contact information for someone who can respond to complaints
 - An affidavit of compliance with safety standards
 - Evidence that all county fees and taxes have been paid, including registration with the county's Transient Lodging Tax program
 - Proof of liability insurance
 - A site plan and a dwelling unit floor plan
- Maximum overnight occupancy of two people per sleeping area plus two additional people, not to exceed 15 people
- One off-street parking spot required for each two sleeping areas
- 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 ordinance)
- Building and fire safety requirements related to smoke and carbon monoxide detectors, emergency escape routes, fire extinguishers, etc.
- Short-term rental owners who do not comply with the regulations may be subject to enforcement consequences ranging from inspections, citations and fine, up to revocation of registration. Enforcement of the regulations will be carried out by either the Sheriff's Office or Code Enforcement, depending on the issue.

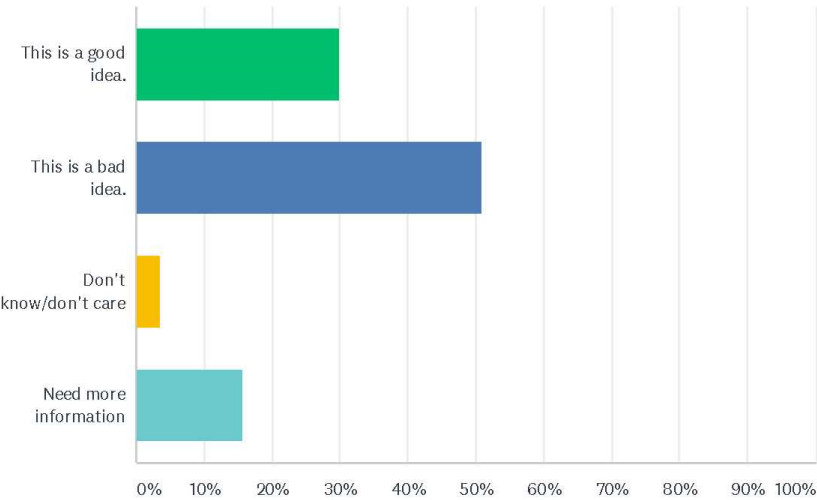
Preliminary Feedback Received During Public Comment Period

To date, 61 people have completed the survey and 13 people have submitted written comments/testimony via email. Although this response was lighter than had been anticipated, many good comments and valuable feedback have been received. General conclusions from written comments received include:

- Mixed support for the program. Overall there was more support than less, but those opposed cited concerns generally about more fees and perceived this program as unnecessary regulation. Those that supported the program understood the need for regulation, although some did have regulation-specific comments that could result in relatively minor changes to the draft.

- Concern was expressed by a few for not allowing STRs in guest houses or RVs on a property.
- Concern was also expressed by a few about the cost and what the fees would cover (i.e. if this would be a revenue-generating program).

A graphic summary of the survey results as of January 6, 2020 (the survey will close on January 9, 2020) is included in **Attachment 1**. As with the written comments received, support for the proposed STR program is mixed. One of the most notable results from the survey at this point is that just over half of the respondents did not think that the different regulations (primary residence requirement) within the Portland metropolitan urban growth boundary was a good idea, while only 30% did, as noted below.



Specific aspects of the regulations received varying levels of support, with the most disagreement being related to the proposed maximum occupancy regulations.

All comments received via email or mail, as well as completed survey results, will be provided to the BCC prior to the January 30, 2020 hearing.

Upcoming Ordinance Readings and Public Hearings

Because the STR program will be housed in the County Code, the adoption process includes the following:

- First reading of proposed amendments: BCC Business Meeting, Public Hearing – Thursday, January 30, 2020 (6:00 p.m.)
- Second reading of proposed amendments: BCC Business Meeting, Public Hearing – Thursday, February 13, 2020 (10:00 a.m.)

Subsequent to the adoption of the proposed County Code amendment (if adopted), Planning Staff will prepare any necessary amendments to the County’s Zoning & Development Ordinance (ZDO), in order clarify where STRs are specifically allowed. Any ZDO amendments will include appropriately-noticed public hearings before the Planning Commission and BCC, which are scheduled to be completed by late spring 2020.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the funding source?

The development of regulations for short-term rentals (ZDO-273) is part of the Planning & Zoning Division’s current budget, funded by the General Fund; however, if the Board chooses to move forward with a program to register and enforce regulation of the use of dwellings as STRs, there will need to be additional staffing and funding made available for the Divisions/Departments that are responsible for both the implementation and enforcement of the new regulations. Staff proposes this to be done through a registration fee that is sufficient to cover administration and code enforcement costs.

As noted in previous planning sessions, implementation of this 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 moneys would be required.
- To get to that point, however, there would need to be an initial investment (“seed money”) to cover costs to get the program running until such time as the volume of registrants can fully support the program. This funding will need to be identified before adoption; discussions are currently underway with other county agencies to secure this funding through a grant or other similar source so that it too would not require General Fund money.
- If the Board wants to “phase” in the program, an important consideration would be establishing the program with a provision that code enforcement would be deferred until there are enough registrants to support the cost of an additional code enforcement officer. Notably, this would still require some (but not as much) initial “seed money” to set up the registration program, conduct public outreach, and begin processing applications.
- At the last policy session, the BCC requested and Staff agreed that some sort of incentive at the start of the program should be created in order to encourage owners of STRs to register (e.g. a discounted fee for an initial period of time, or for STR owners who are already paying the TRT, if they register within a specific amount of time). This incentive will be a part of the initial program fee structure, which will be established in the Fee Schedule (found in Appendix A of the County Code).

STRATEGIC PLAN ALIGNMENT:

- **How does this item align with your Department’s Strategic Business Plan goals?**
The project aligns with the Long-Range Planning program’s purpose of providing land use and transportation plan development, analysis, coordination and public engagement services to residents; businesses; local, regional and state partners; and County decision-makers so they can plan and invest based on a coordinated set of goals and policies that guide future development.
- **How does this item align with the County’s Performance Clackamas goals?**

The proposal aligns with the Performance Clackamas goal to “Build Public Trust through Good Government” by responding to a work program priority and by creating regulations and a process by which a land use that is not currently specifically allowed in our code may become a permitted and compliant use.

LEGAL/POLICY REQUIREMENTS:

Staff is not aware of any legal requirement to allow STRs. Adoption of STR regulations will follow the established process for ZDO amendments and/or County Code amendments.

PUBLIC/GOVERNMENTAL PARTICIPATION:

County Staff has been engaging in public outreach regarding STRs with Community Planning Organizations, and other groups, and will continue to do so throughout the remainder of this project. In addition, public notice will be provided, as required by law, for any proposed amendments to the County Code or the ZDO that come before the Board for consideration at a public hearing.

OPTIONS:

NA

RECOMMENDATION:

NA

ATTACHMENTS

1. Summary of survey results, as of January 6, 2020.
2. Draft amendments to County Code, **Chapter 8.10 Short-Term Rentals** (12/03/2019 draft, as posted online for public comment)

SUBMITTED BY:

Division Director/Head Approval _____

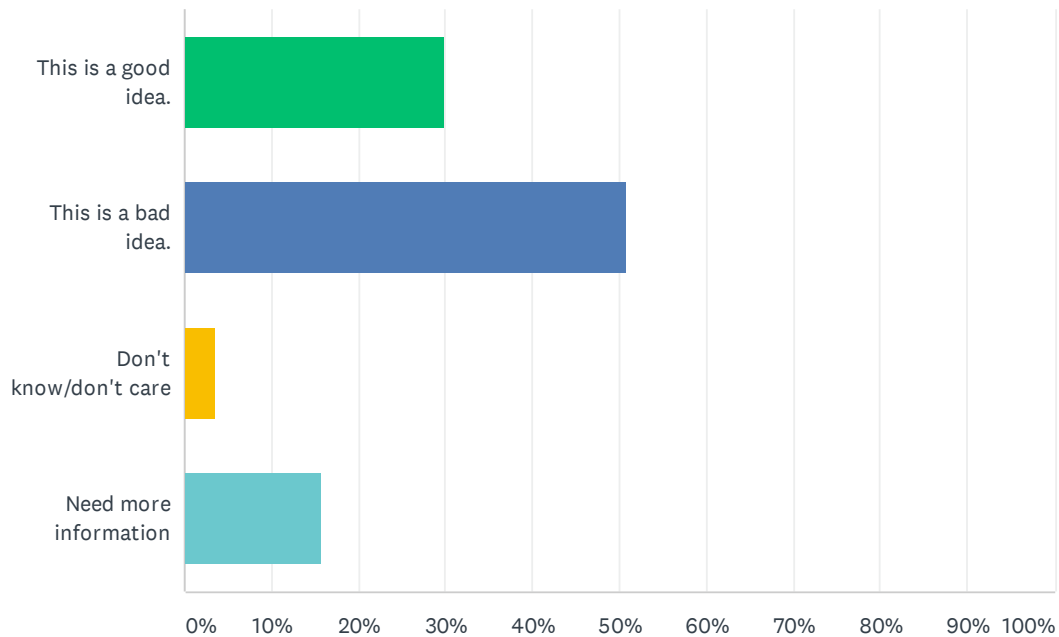
Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Martha Fritzie @ 503-742-4529
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Q1 County regulations would be the same for all short-term rentals throughout unincorporated Clackamas County, with one exception. Any short-term rental located inside the Portland metropolitan area urban growth boundary (UGB) must be the owner's primary residence (defined as a dwelling unit where the owner lives most of the time) or located on the same lot as the owner's primary residence. (The owner would not be required to be there when the short-term rental is occupied.) What do you think about this proposed requirement?

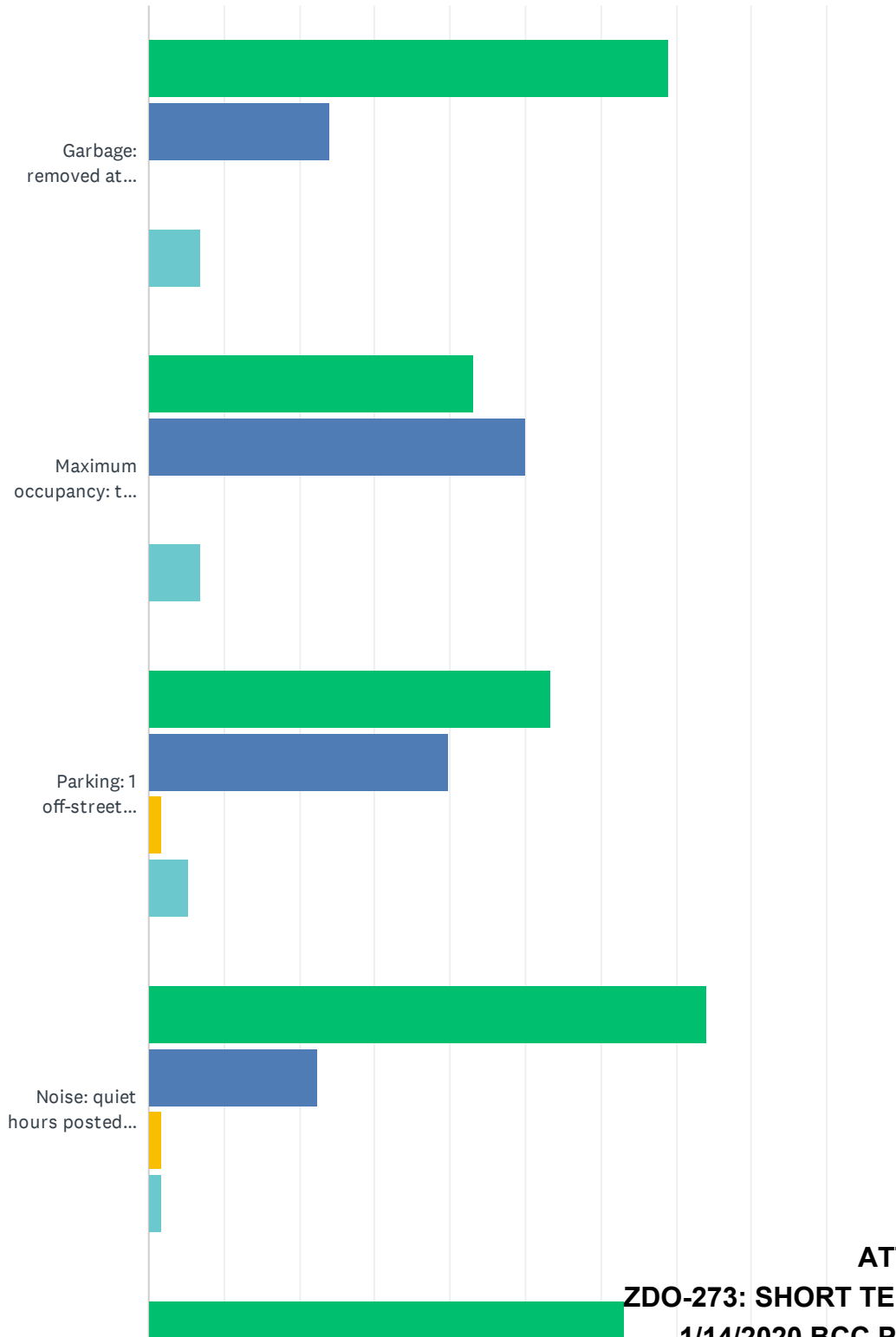
Answered: 57 Skipped: 4



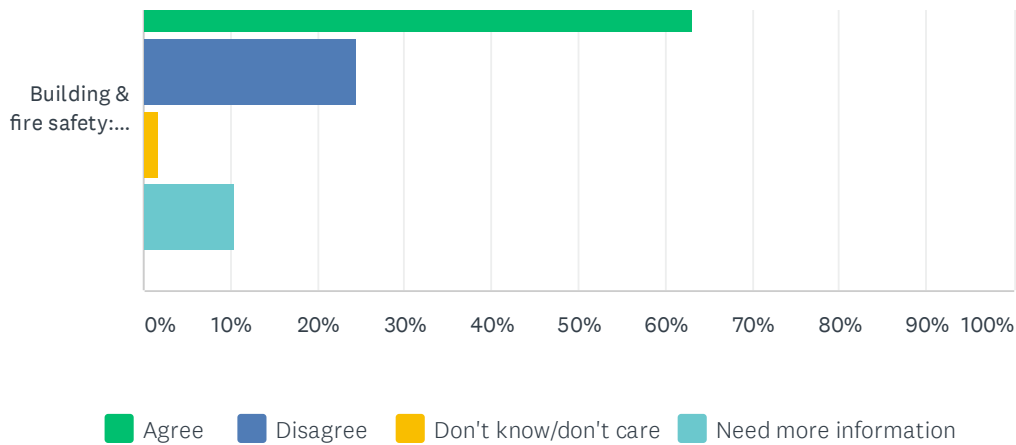
ANSWER CHOICES	RESPONSES	
This is a good idea.	29.82%	17
This is a bad idea.	50.88%	29
Don't know/don't care	3.51%	2
Need more information	15.79%	9
TOTAL		57

Q2 The proposed code would regulate a number of specific aspects of short-term/vacation rentals, including those described below. For each topic, please note whether you agree with the proposal, disagree with the proposal or you need more information.

Answered: 59 Skipped: 2



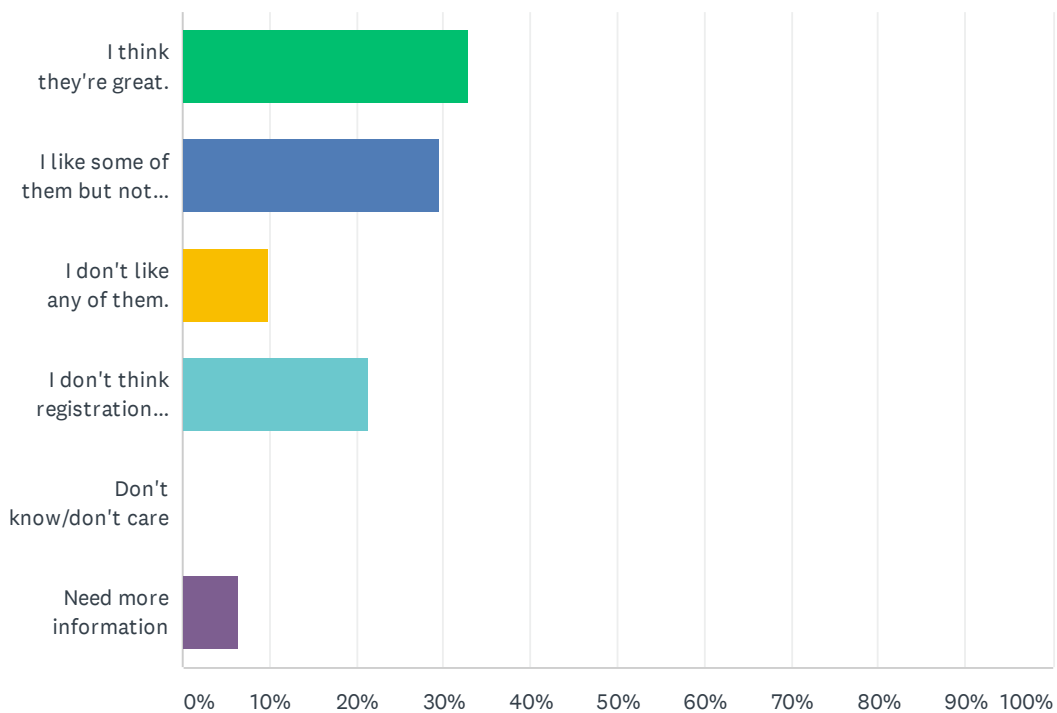
Proposed Short-term / Vacation Rental Regulations and Registration Program



	AGREE	DISAGREE	DON'T KNOW/DON'T CARE	NEED MORE INFORMATION	TOTAL
Garbage: removed at least once/week; covered outdoor garbage containers; recycling containers available to renters	68.97% 40	24.14% 14	0.00% 0	6.90% 4	58
Maximum occupancy: two people per sleeping area plus two additional people up to a maximum of 15 (A "sleeping area" is defined as a room or other space within a dwelling unit designed and intended primarily for sleeping.)	43.10% 25	50.00% 29	0.00% 0	6.90% 4	58
Parking: 1 off-street parking spot for each 2 sleeping areas; minimum of 1 off-street parking space	53.45% 31	39.66% 23	1.72% 1	5.17% 3	58
Noise: quiet hours posted for occupants (from 10 p.m.-7 a.m. per current county noise ordinance)	74.14% 43	22.41% 13	1.72% 1	1.72% 1	58
Building & fire safety: standard residential requirements, plus working smoke and carbon monoxide detectors, 2 working fire extinguishers; code-compliant pool and hot tub barriers (if applicable), at least 1 operable emergency escape and rescue opening for each sleeping room; clearly posted information for local fire district; no open code violations	63.16% 36	24.56% 14	1.75% 1	10.53% 6	57

Q3 In order to administer and enforce any regulations, short-term rental owners would be required to register with the county and pay a fee. As part of the registration process, the owner would need to provide information about the short-term rental 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, evidence that the property has been registered with the county Transient Lodging Tax program, proof of liability insurance, a site plan and a dwelling unit floor plan. What do you think about these proposed registration requirements?

Answered: 61 Skipped: 0



ANSWER CHOICES	RESPONSES	
I think they're great.	32.79%	20
I like some of them but not others.	29.51%	18
I don't like any of them.	9.84%	6
I don't think registration should be required.	21.31%	13
Don't know/don't care	0.00%	0
Need more information	6.56%	4
TOTAL		61

Q4 Please share any additional thoughts or suggestions about the proposal to regulate short-term/vacation rentals in unincorporated Clackamas County.

Answered: 37 Skipped: 24

Q5 If you would like us to keep you posted about the possible development of these new regulations, please provide your contact information below. Thank you.

Answered: 61 Skipped: 0

ANSWER CHOICES	RESPONSES	
Name	90.16%	55
Company	0.00%	0
Address	77.05%	47
Address 2	0.00%	0
City/Town	81.97%	50
State/Province	0.00%	0
ZIP/Postal Code	100.00%	61
Country	0.00%	0
Email Address	100.00%	61
Phone Number	62.30%	38

Chapter 8.10

8.10 SHORT-TERM RENTALS

8.10.010 Purpose

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

8.10.020 Definitions

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

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

8.10.030 Applicability

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

8.10.040 Short-Term Rental Registration Requirements and Fee

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

8.10.050 Registration Termination – Renewal – Fee

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

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

8.10.060 Standards and Conditions

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

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

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

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

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

8.10.70 Registration Review

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

8.10.080 Examination of Books, Records and Premises

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

8.10.090 Emergency Revocation

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

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

8.10.100 Administration and Enforcement

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

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

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

- H. A person who is denied a short-term rental registration, or who has its registration suspended or revoked may appeal the determination by completing an appropriate appeal form, and mailing or delivering it to the Code Enforcement Division of the Department of Transportation and Development, as indicated on the determination. Upon receipt, the Code Enforcement Division of the Department of Transportation and Development shall forward the form to the office of the hearing officer.
- I. Chapter 2.07 of the Clackamas County Code shall govern the notice and procedure associated with any compliance hearing.

8.10.110 Penalties

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

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