

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Planning Session Worksheet

**Presentation Date:** 10/22/2019   **Approx. Start Time:** 11:00 a.m.   **Approx. Length:** 30 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; Dan Johnson DTD Director

**Other Invitees:** Nate Boderman, County Counsel; Danielle Cowan, Tourism Director; Jim Austin, Tourism Coordinator; Kevin Ko, Housing & Community Development Manager; Stephen McMurtrey, HACCC 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

### **WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

Board direction to move into a public comment period and subsequent public hearing relating to potential adoption of County Code amendments to establish a Short-Term Rental (STR) program. See ***Chapter 8.10 Short Term Rentals (Attachment 2)***.

### **EXECUTIVE SUMMARY:**

The purpose of this policy session is to move forward discussions about draft regulations for short-term (or vacation) rentals in legal dwellings in unincorporated areas of the county. These regulations would be housed in the County Code, and enforced through a registration obtained as outlined in the County Code.

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 March 13, 2019; June 11, 2019; August 6, 2019; and September 25, 2019, County Staff and the BCC had policy/planning sessions about the topic of STRs. At these meetings, we had robust discussions around:

- The opportunities and challenges with allowing and regulating short-term rentals (STRs);
- What elements may be the most appropriate to regulate related to STRs, if the county is to move forward in that way;
- What Staff learned through the extensive public outreach efforts made in the spring of this year;
- Specific regulations for the use of a dwelling as a STR, including – garbage removal, maximum occupancy, parking, noise, building and fire safety, and other elements;

- Administration of the STR program through the Finance Department;
- Enforcement of other regulations that are not currently under the sheriff's department purview (noise ordinance, illegal parking, etc.) by the County's Code Enforcement staff;
- What potential impact that allowing and/or regulating STRs may have on neighborhoods and to the supply of housing, specifically affordable housing;
- Whether it may be appropriate to regulate different areas of the county differently – either through a registration “cap” or through a “primary residence” model (similar to Lake Oswego), understanding that both those methods may be difficult to administer and enforce; and
- Whether the county can afford a STR program given the program would require some start-up costs before the registration fees could result in “full cost recovery” for the program.

### **Staff proposal and remaining issues**

Staff from DTD and County Counsel's office have worked together to generate a draft of amendments to the County Code to create a STR registration program: **Section 8.10 Short-Term Rentals** (*Attachment 2*). Highlights of this draft include:

1. Process to apply for a STR registration with the Finance Division; registration would be valid for two years, renewable upon expiration.
2. Processes for the Code Enforcement Division to enforce violations of regulations.
3. Summary of specific regulations:
  - a. Maximum overnight occupancy: two (2) persons per bedroom/sleeping area plus two (2) additional persons (exempts children under two years of age), not to exceed 15 persons total
  - b. Off-street parking: one space per 2 sleeping areas (minimum of one space)
  - c. Building/life/fire safety: verified via *Self-Inspection Form*
  - d. Notice to renters: Placard with emergency contact information, registration number, and maximum occupancy posted on the interior of STR unit
  - e. Notice to neighbors: Mailed notice to neighbors, which would include 24-hour contact information of STR operator/owner
  - f. Noise: compliance with County noise ordinances and post quiet hours
  - g. Other: must register to pay County Transient Lodging Taxes (TLT); maintain garbage removal; have proof of insurance for the STR

It is important to note that, as drafted, an STR would be allowed in any legal dwelling and the same regulations would apply to STRs, regardless of location. Staff drafted the program this way to respond to requests both from the public and from several Commissioners to keep the program as simple as possible.

As was discussed at the last planning session, there are concerns around the potential impacts of this use on neighborhoods and on housing supply, particularly in the urban area. It was understood that the Mt. Hood area is the County's main tourist destination and the communities on Mt Hood already contain a relatively large number of STRs, many of which have been operating for several decades. As a result, the Board wanted to continue the STR conversation to further discuss the concept of having different regulations in the urban area, versus the rural area, versus “the mountain”.

However, as noted by staff at the last policy session, there is not a natural “cutoff” for properties to be considered on “the mountain.” Rather than draw a somewhat artificial “line” on a map,

Staff recommends that, if the Board is inclined to have different allowances and/or regulations in different areas, that the areas simply be (1) urban unincorporated (inside the Portland Metro urban growth boundary(UGB)) and (2) rural unincorporated (outside a UGB), which would include properties on “the mountain”.

Options to consider for the urban unincorporated areas to potentially minimize housing impacts include:

1. Limiting total number of registrations. The county could attempt to cap the number of STR registrations that would be issued to try to minimize impacts to housing stock. Staff has several concerns about the potential consequences of doing so, including:

- Potentially creating a situation where the value of some homes in a neighborhood are unfairly inflated, particularly if a registration goes with a property (rather than a registrant); and
- Creating an administrative burden, largely because renewals, property transfers and a wait list would need to be more closely tracked.

In addition, it is unclear how many registrations should be allowed. For example, one model could determine the cap based on a percentage of dwelling units in the urban area. In this case, then the question of what is an appropriate number would need to be addressed. Currently STRs may comprise approximately 1.5% - 2% of the county’s housing stock (in gross numbers for both urban and non-urban areas).

2. Having a primary residence requirement. Under this model, a potential STR operator would be required to demonstrate through tax returns, a driver’s license, or some other documentation, that the home is still their “primary residence”, even if the entire home is being used as a STR for a portion of the year. Staff has several concerns about this method as well, including:

- Potentially not being an effective way to mitigate neighborhood impacts. Since the entire home could be rented out for a good portion of the year while the “primary resident” is away, it seems like the neighborhood would experience essentially the same impacts as they would if the home was owned as a second or vacation residence; and
- Creating more administrative and enforcement burden, for what may be very little benefit.

### **Moving forward**

It has been nearly six months since staff introduced this topic to the public and solicited feedback through a survey and a number of large public meetings. A sizeable contingent of the public have been following this process and have become increasingly interested in being able to provide the Board with meaningful feedback and testimony related to the draft regulations that have been available to the public via our webpage.

If the Board agrees, Staff would like to take a draft to the public to solicit feedback on the proposed STR program. This draft could be:

- As drafted in Attachment 2 - **Section 8.10 Short-Term Rentals** ; or
- An amended version of *Attachment 2* that would identify urban versus non-urban areas and would include different regulations and/or processes for urban versus non-urban areas. Such changes would be fairly easy to draft, but Staff would need to know which option

(license cap, primary residence model, or other) the Board would like to advance for further review; or

- An amended version of *Attachment 2* that would include other changes the Board requests.

After the proposed public comment period, there would be public hearings before the Board, at which time the Board would have another opportunity to review and amend, if necessary, any specifics in the proposed regulations and STR program elements.

**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 the previous planning session, 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 full cost recovery for both administration and enforcement of the program once it is up and running. To get to that point, there would need to be an initial investment (“seed money”) to cover costs until such time as the volume of registrants can fully support the program.
- 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.
- It is also important to note that these estimates are based on the program as currently drafted. If the regulations become more complex, or bifurcated to apply different regulations for segmented areas of the County or housing types, both administration and enforcement needs would increase, thus increasing the registration fees.

Regardless of the regulations established, Staff recommends creating some sort of incentive at the start of the program in order to encourage owners of STRs to register (e.g. a discounted fee for an initial period of time, or for STR owners who are already paying the TRT, if they register within a specific amount of time).

## **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:**

- (1) Discontinue the project and maintain the status quo. The result is that the Zoning & Development Ordinance (ZDO) will remain silent on whether STRs are permitted anywhere in the unincorporated county and there will be no permitting process for STRs.
- (2) Direct Staff to move forward into a public comment period and then all necessary public hearings to proceed with the adoption process for allowing, regulating, and registering STRs in legal dwellings in unincorporated areas of the county, with:
  - a. the regulations as proposed in *Attachment 2*;
  - b. the regulations as proposed in *Attachment 2*, as amended to include certain specified changes for all unincorporated areas in the county; or
  - c. the regulations as proposed in *Attachment 2*, as amended to include certain specified changes for the urban and/or rural unincorporated areas in the county.
- (3) Direct Staff to proceed with the adoption process for allowing STRs in legal dwellings, but do not include a registration process or any regulations. This Option would include drafting any necessary amendments to the county's Zoning & Development Ordinance (ZDO) to specifically allow for the use of dwellings as STRs.

- (4) Direct Staff to proceed with the adoption process for allowing STRs in legal dwellings and include a registration process but with no regulations. This Option would potentially include a minimal fee for the registration, with the intent of using it largely to create and maintain a database of registrants and would not likely require any additional staffing.

**RECOMMENDATION:**

Staff respectfully recommends Option (2a). Direct Staff to move forward into a public comment period and then all necessary public hearings to proceed with the adoption process for allowing, regulating, and registering STRs in legal dwellings in unincorporated areas of the county, with:  
a. the regulations as proposed in *Attachment 2*;

**ATTACHMENTS**

1. Staff PowerPoint presentation for 10/22/2019 policy session
2. Draft amendments to County Code, ***Chapter 8.10 Short-Term Rentals***
3. Public comments received by Staff (since September 17, 2019)

**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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# Short-term Rentals

Draft Regulations: File No. ZDO-273

Board of Commissioners Policy Session  
October 22, 2019



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## Definition

- A short-term, 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



**ATTACHMENT 1**

**ZDO-273: SHORT TERM RENTALS  
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## Current status

- Zoning & Development Ordinance (ZDO) does not specifically allow short-term rentals in any homes
  - From a zoning perspective, short-term rentals are prohibited
  - Regardless, there are hundreds of short-term rentals in the county and interest is growing
- Several short-term rental properties have generated major complaints
- Many short-term rental owners are not paying required Transient Room Tax (TRT)



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## Process

- **March 2019:** Direction from Board to reach out to the public
  - 7 public meetings, social media, website, informal survey in person and online
  - Strong public support for allowing and regulating short-term rentals
  - Significant variations in level and types of regulations
- **June 2019:** Direction from Board to draft regulations
- **August 2019:** Direction from Board to return with ideas on...
  - The possibility of limiting the number of short-term rentals
  - Different requirements within and outside the Mt. Hood area
  - Potential impacts of short-term rentals on affordable housing
- **Sept 2019:** Direction from Board to return with ideas on caps and zones



ATTACHMENT 1

**ZDO-273: SHORT TERM RENTALS**  
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## Proposed regulations

- STRs allowed in any legal dwelling in unincorporated ClackCo
- Same regulations for all STRs regardless of location
- 2-year STR registrations available through Finance Department
- Enforce: Sheriff's Office (noise, parking); Code Enforcement



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## Specific requirements

- **Maximum overnight occupancy:** 2/bedroom/sleeping area + 2, up to 15
- **Parking:** off-street, 1 space/2 sleeping areas
- **Building/life/fire safety:** verified through self-inspection form
- **Posted notice to renters:** emergency contact, registration #, max. occupancy
- **Mailed notice to neighbors:** 24-hour contact info of operator/owner
- **Noise:** compliance with noise ordinance and posted quiet hours
- **Other**
  - Register to pay transient lodging taxes
  - Maintain garbage removal
  - Proof of insurance



**ATTACHMENT 1**

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## Consensus

- 1) Keep it simple, effective and enforceable...
- 2) Minimize housing impacts
- 3) Protect neighborhoods/livability/safety
- 4) Full cost recovery
- 5) Enforcement



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## 1) Keep it simple, effective, enforceable

- County Code, not ZDO
- Registration
- Same requirements throughout the county or split as follows:
  - *Urban* unincorporated –inside Portland Metro urban growth boundary (UGB)
  - *Rural* unincorporated - outside the UGB



**ATTACHMENT 1**

**ZDO-273: SHORT TERM RENTALS  
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## 2) Minimize housing impacts

- Issue
  - Concern about removing dwelling units from availability to long-term residents (renters or owners), particularly affordable housing
- Existing STRs in unincorporated Clackamas County
  - Dwelling units = ~62,000 (source: 2019 Housing Needs Analysis)
  - Estimated STRs = ~1,200 (source: Host Compliance)
  - Housing stock used as STRs = ~1.9%



## 3) Protect neighborhoods/livability/safety

- Issue
  - Concern about negative impacts like noise, traffic, irresponsible renters
- Affidavit
  - Building and fire safety
  - Garbage service requirements
  - Fire pit requirements
  - Sending notice, with contact to neighbors
  - Enforcement



## Issues/ Other Methods to Mitigate Impacts

- **Limit total number of registrations (not recommended)**
  - Could result in unfair inflation of the value of homes in some neighborhoods
  - Increase administrative costs, to track renewals, property transfers, wait list
  - How would we determine what the limit should be?
- **Include a primary residence requirement (not recommended)**
  - Probably not effective in mitigating neighborhood impacts since entire home could be rented for a major portion of the year while primary resident is away
  - Create more administrative and enforcement tasks



## 4) Full cost recovery

- Finance / DTD – not proposing cuts to implement this
- FY 20/21 – Work with Tourism to allocate start-up costs
- Require fees to cover expenditures
  - \$800 - \$900 / 2-year registration
  - Assumed compliance, 75%
  - 2.0 FTE (Finance, Code Enforcement)



## 4) Enforcement

- Failure to register – Finance Dept.
- Failure to perform – Code Enforcement
- Citable misdemeanor – Sheriff's Office
- Noise, parking, garbage, etc.
  - Notice with caretaker/operator
  - File complaint with county



## Recommended next steps

- Establish a public comment period to solicit public feedback on updated draft regulations
- Schedule public hearings to be held before the Board of Commissioners after the public comment period is over
- Board makes final amendments and takes action



*NOTE: Additions and deletions shown in mark-up format in this document represent amendments from the first draft of Chapter 8.10, presented to the Board on August 6, 2019.*

## **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. Guest houses or other similar structures without a legal kitchen are not dwelling units and may not be used as a short-term rental.
- C. OCCUPANTS means persons who are authorized to stay overnight in a designated sleeping area within a dwelling unit.
- D. OWNER is the owner or owners of a dwelling unit used as a short-term rental.
- E. PREMISES means the area identified in a registration for use as a short-term rental.
- F. 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.
- G. REGISTRATION means a short-term rental registration.
- H. 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.
- I. SLEEPING AREA means a room or other space within a dwelling unit designed and intended primarily for sleeping. Roll-out beds, fold-out couches, or other temporary sleeping accommodations such as tents and recreational vehicles shall not be considered a sleeping area, and may not be used to increase the allowed occupancy of a short-term rental as provided in Section 8.10.060(B).

#### **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, ~~unless except that they are rented for fewer than 30 total nights in a calendar year~~ 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 premises 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 listed life, fire and safety standards, and all applicable requirements in Section 8.10.060(D-~~GF~~).
  5. Evidence that all current taxes and fees owed to Clackamas County have been paid.
  6. Evidence that a Transient Lodging 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 other requirements of this chapter.
  10. ~~A s~~ A ~~s~~ Site ~~p~~ Plan that identifies, at a minimum, all structures on the property, driveway(s), off-street parking spaces, and garbage receptacles.
  11. ~~A d~~ A ~~D~~ Dwelling unit floor plan that identifies, at a minimum, all sleeping areas, other rooms in the dwelling unit and exterior exits.



- 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 a new ownership/management change application 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 shall be provided by the administrator.

**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 ~~renewal~~ application is approved obtained by the owner.
- B. ~~A registration renewal application shall include information similar in nature to that Registrants wishing to continue uninterrupted operation of a short-term rental shall provided on the registrant’s initial registration application and must be submit a new application~~ ed to the County prior to expiration of the registration.
- C. At the time of submission of a new short-term rental registration ~~renewal~~ application, the registrant must pay the short-term rental registration ~~renewal~~ 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 ordinance.

**8.10.060 Standards and Conditions**

Any short-term rental must comply with the following requirements 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 that was not have been established through a land use approval or other approval process that specifically limiteds the use of the dwelling unit, theor occupancy of the dwelling unit, or the duration of the existence of the dwelling unit. ; such as an aExamples of non-qualifying dwellings include those approved as an accessory farmworker dwelling, a caretaker dwelling, or a temporary dwelling for care.

A.  
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 stated in the registration shall be calculated as follows:

1. Two occupants per sleeping area, plus two additional occupants.
2. Children under the age of two shall not be counted.
- ~~3.~~ In no case shall more than 15 overnight occupants be authorized by a short-term rental registration.

~~C.~~ 3. Noise. Occupants shall abide by the County's current noise control ordinance (Clackamas County Code Chapter 6.05) and observe quiet hours from 10 p.m. to 7 a.m. the following day. Notice to occupants shall be clearly posted on the premises that identifies the quiet hours and states that unreasonable noise is prohibited.

C. D. Parking. One off-street 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 renters/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, 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 s, subject the offending vehicle to immediate tow pursuant to ORS 98.853.

3. ~~E.~~ Garbage. All garbage from a short-term rental shall be legally removed from the premises by the owner, tenant/occupant or franchised service provider at least once per week maintain weekly garbage pickup service during any week, or portion thereof, in which the short-term rental is occupied. A, and all outdoor garbage receptacles shall be covered. R~~One~~ recycling container(s) that follow service standards shall be available for use by renters.

E. 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 premises is offered to the public for occupancy.

~~F.G.~~ Building and Fire Safety. A short-term rental shall comply with all ordinances that apply to a residential 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 the Oregon Residential Specialty Code, Ssections R314.3 and R315.3, in all sleeping areas and in the kitchen
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 pPool and hot tub barriers shall be present, if applicable
4. ~~All sleeping areas shall have escape and rescue openings with a net clear opening of not less than five square feet. Every sleeping room shall have not less than one operable emergency escape and rescue opening, including basement sleeping rooms. 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. emergency escapes that are clearly accessible and in good working order~~
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 appropriate code-approved covers in place  
~~—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 are clearly labeled in the event the power needs to be shut off to a certain area or appliance.~~
- ~~6.7.~~
7. ~~Fireplaces and flues shall be installed and maintained in accordance with recognized standards and shall be inspected and cleaned on a regular basis.~~
8. All restrictions and prohibitions for burning as determined by the local Fire District shall be observed. ~~In addition, the use of outdoor fire pits and fireplaces shall be prohibited from June 15<sup>th</sup> through September 15<sup>th</sup>, and All wood-burning -fire pits and fireplaces shall be covered or made otherwise unavailable during that burn prohibition periods.~~ Contact information for the local Fire District shall be clearly posted in the short-term rental.
- ~~8.9. The dwelling shall have no open code violations.~~
9. ~~All other requirements listed in the Short-term Rental Self-Inspection Form shall be strictly adhered to.~~
- 10.
- G. ~~Notice of Contact. A notice shall be posted, clearly visible from a public right-of-way, that identifies the name and contact information of a person or entity located within a one hour drive of the short term rental property, that shall be responsible for remedying any violations of required standards in this chapter. The listed representative shall make every reasonable attempt to respond and remedy a violation within 24 hours of being contacted.~~

**8.10.70 8.10.070— Registration Review**

- A. The administrator shall, within ten (10) 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 residents and owners of properties abutting or across the right of way from the short-term rental. 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 ~~a~~Administrator the means, facilities and opportunity for making such examinations and investigations.

#### **8.10.090 ~~Remedies for Noncompliance~~Emergency Revocation, Administrative Appeals and Penalties**

- A. ~~The administrator may deny, suspend, or revoke a registration for failure to comply with this chapter or rules adopted under this chapter, for submitting falsified information to the County, or for noncompliance with any other County ordinances~~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 permit 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.
- B. ~~The remedies provided in this section are not exclusive and shall not prevent the County from exercising any other remedy available under the law~~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 registration has been obtained.
- B-C. ~~At any time following the emergency revocation of a short-term rental permit 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 shall should be to contact the listed-representative associated with the registration, as identified in the approval notice and the required short-term rental posting and as posted on the short-term rental property. In the event that the listed representative does not respond within 24 hours or does not adequately remedy the problem issue, the XXXX Code Enforcement Division of the Department of Transportation and Development for Clackamas County may should be notified.~~

- A. ~~Except as otherwise provided for in state law or in the Clackamas County Code, f~~For acts of noncompliance, the Code Enforcement Division of the Department of Transportation and Development XXXXX Department for Clackamas County 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 ~~person-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 Code Enforcement Division of the Department of Transportation and Development~~XXXXX~~, 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, 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 ~~by the administrator pursuant to Section 8.10.090~~ may request a hearing as provided in this section.
- GF. A person who receives a citation for violation of this chapter may deny all or part of the alleged violation by completing an appropriate response form, attached to the citation, and mailing or delivering it to the Code Enforcement Division of the Department of Transportation and Development~~XXXXX~~, as indicated on the citation. Upon receipt, the Code Enforcement Division of the Department of Transportation and Development~~XXXXX~~ shall forward the form to the office of the hearing officer.
- HG. A person who is denied a short-term rental registration, or who has its registration suspended or revoked ~~by the administrator pursuant to Section 8.10.090~~ may appeal the determination by completing an appropriate appeal form, and mailing or delivering it to Code Enforcement Division of the Department of Transportation and Development~~XXXXX~~, as indicated on the determination. Upon receipt, Code Enforcement Division of the Department of Transportation and Development~~XXXXX~~ shall forward the form to the office of the hearing officer.
- IH. 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 any premises in the unincorporated areas of Clackamas County sooner than one year after the date of revocation.

Archived: Monday, October 14, 2019 3:17:11 PM

From: [Jan Marshall](#)

Sent: Tue, 24 Sep 2019 14:45:32

To: Rogalin, Ellen

Cc: Hughes, Jennifer; Fritzie, Martha

Subject: RE: Board of Commissioners Policy Session on Draft Regulations for Short-term Rentals

Importance: Normal

---

Hi Ellen, I am hoping there will be additional time for public input on these proposed regulations, subsequent to the meeting with the Board of Commissioners. Well intended regulations sometimes have unintended consequences and the more input the better. I appreciate that there was a chance earlier for input. We are also members of a community in Hawaii that has been badly impacted by poorly executed vacation rental provisions, with little benefit for anyone and considerable harm to some of that communities most vulnerable residents. In another County another set of provisions has ending up causing a significant economic pull back. Sincerely, Jan Marshall

---

From: Rogalin, Ellen [mailto:[EllenRog@clackamas.us](mailto:EllenRog@clackamas.us)]

Sent: Tuesday, September 24, 2019 2:59 PM

To: Rogalin, Ellen

Cc: Hughes, Jennifer; Fritzie, Martha

Subject: Board of Commissioners Policy Session on Draft Regulations for Short-term Rentals

Good morning,

The Clackamas County Board of Commissioners is holding a policy session on Wednesday, Sept. 25 to discuss draft regulations for short-term rentals in unincorporated Clackamas County. The meeting is scheduled from 9:30-11 a.m. in the Board Hearing Room on the 4<sup>th</sup> floor of the Public Services Building, 2051 Kaen Rd., Oregon City.

The materials prepared for the meeting by staff, including the draft regulations, are available here: <https://dochub.clackamas.us/documents/drupal/41f33e9e-8da9-420d-9b13-0abb8e81722c>. The purpose of the meeting is for staff and commissioners to discuss next steps related to these draft regulations. The public is welcome to observe, but there will not be an opportunity for public comment. An audio-tape of the meeting will be available later in the week at <https://www.clackamas.us/meetings/bcc/presentation>.

You received this email because you have expressed an interest in this topic. If you wish to be removed from this email list, please let me know. Thank you.

**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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[Spam Email](#)

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**Archived:** Monday, October 14, 2019 3:17:14 PM  
**From:** Tammi P Mitchell  
**Sent:** Tue, 24 Sep 2019 15:11:41  
**To:** Fritzie, Martha  
**Subject:** tomorrow,s short term housing regulations meeting  
**Importance:** Normal

---

Hi Ms. Fritzie,

My husband and I are very concerned about short term/vacation rentals and request strict housing regulations be put into place. Our family has lived in unincorporated Clackamas for over ten years and our immediate neighbors have already begun allowing strangers walk in between our houses— which definitely invades our family's privacy. In addition we now more often than not have strangers vehicles parked on our street next to our property line.

We are also already experiencing heavier than usual on street parking which ruins the aesthetics of our lovely street. We strongly favor tight regulations concerning street parking and unless it is carefully worded, we suspect a loophole would be to park their own vehicles on the street to allow renters to use the driveway. Our neighbors already have demonstrated a lack of concern for our privacy and quality of lives by allowing a large Rv to park in front of our houses for about 3 months.

We also have noticed our neighbors seem to have no qualms having renters stay at their house even when they are out of town so the renters cannot be monitored. We are quite concerned about all of the above and urge Clackamas County to implement very stringent regulations so our family's and friends' wonderful quality of lives are maintained. Lastly we ask that a "complaints department" be put into place as we and our other non renting neighbors are already concerned.

When we moved here in 2009 we couldn't imagine we would be having to deal with basically living next door to a "hotel". This is very disturbing so we implore ClackCo to please put yourselves in our shoes and do whatever is possible to ensure our awesome neighborhood and our safe, quiet, peaceful quality of lives are maintained. Thank you for your time.

Gratefully,  
Tammi P and Kevin R Mitchell and Family  
12448 SE Bluff Drive  
Clackamas 97015

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BEGIN-ANTISPAM-VOTING-LINKS  
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Teach CanIt if this mail (ID 0315ybD9J) is spam:

Spam Email: <https://mhub.clackamas.us/canit/b.php?c=s&i=0315ybD9J&m=b4deaa818c38&rlm=base&t=20190924>

Phishing Email: <https://mhub.clackamas.us/canit/b.php?c=p&i=0315ybD9J&m=b4deaa818c38&rlm=base&t=20190924>

-----  
END-ANTISPAM-VOTING-LINKS



Archived: Monday, October 14, 2019 3:17:17 PM

From: PETER E EBE

Sent: Tue, 24 Sep 2019 1:11:59

To: Fritzie, Martha

Cc: Campbell, Leigh; Bonnie Robb; Chris Roth; Kate Roth; Snoo, Else; Wells, Bob

Subject: Clacamas County short term rentals draft ordinance - comments

Importance: Normal

---

CC: Rosewood CPO Board Members

Hi Martha,

I'm generally in support of this new ordinance

One thing that looked missing to me from the draft ordinance is some sort of penalty process for people who do not abide by the regulations. It's not clear what the punitive damages of a citation might be. This is what it says in 10-110: or by a penalty or fine in an amount set by resolution of the Board of County Commissioners. I think there ought to be a fine amount for first violation say up to \$1,000, and a higher fine or penalty for a subsequent violation, say up to \$5,000. There needs to be more clarity to owners of the seriousness of violating the ordinance.

I'm the Chair of Rosewood CPO, and am speaking privately on this in our CPO. We have had a renter violating the spirit of the program and under this ordinance could be in violation, yet this individual sees no reason to change their business model of using Airbnb. Having a vague penalty beyond saying you can't rent doesn't stop someone from doing so.

Can you please pass this on to the BCC?

Thanks,

Peter Laebe

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Archived: Monday, October 14, 2019 3:17:19 PM

From: Tammi P Mitchell

Sent: Tue, 24 Sep 2019 1:32:23

To: oning nfo; Fritzie, Martha

Subject: time sensitive for tomorrow's board mtg at 9:30 am

Importance: Normal

---

Important comments for tomorrow's board mtg, thank you

Hi Ms Fritzie,

My husband and I are very concerned about short term vacation rentals and request strict housing regulations be put into place. Our family has lived in unincorporated Clacamas for over ten years and our immediate neighbors have already begun allowing strangers to park in between our houses which definitely infringes our family's privacy. In addition, we no longer have strangers' vehicles parked on our street next to our property line.

We are also already experiencing heavier than usual street parking which ruins the aesthetics of our lovely street. We strongly favor tight regulations concerning street parking and unless it is carefully ordered, we suspect a loophole could be to park their own vehicles on the street to allow renters to use the driveway. Our neighbors already have demonstrated a lack of concern for our privacy and quality of life by allowing a large RV to park in front of our houses for about 3 months.

We also have noticed our neighbors seem to have no qualms having renters stay at their houses even when they are out of town so the renters cannot be monitored. We are quite concerned about all of the above and urge Clacamas County to implement very stringent regulations so our families and friends' wonderful quality of life is maintained. Lastly, we ask that a complaints department be put into place as we and our other non-renting neighbors are already concerned.

When we moved here in 2009, we couldn't imagine we would be having to deal with basically living next door to a hotel. This is very disturbing so we implore Clacamas County to please put yourselves in our shoes and do whatever is possible to ensure our awesome neighborhood and our safe, quiet, peaceful quality of life are maintained. Thank you for your time.

Sincerely,

Tammi P and I in R Mitchell and Family

[1244 SE Bluff Drive](#)

[Clacamas 97015](#)

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Archived: Monday, October 14, 2019 3:17:21 PM

From: David Rooksby

Sent: Wednesday, 25 Sep 2019 10:55:55

To: Rogalin, Ellen

Cc: Hughes, Jennifer; Fritzie, Martha

Subject: Re: Board of Commissioners Policy Session on Draft Regulations for Short-term Rentals

Importance: Normal

---

Hi Ellen,

I continue to be incensed that the County is drafting regulations to ALLOW these short term rentals. By your numbers, you are serving the interests of 1.5% of the unincorporated county's homes....AGAINST THE WISHES OF THE 98.5% who for obvious reasons would never want to live next to one.

Clackamas County has not conducted an honest survey of the 62,000 residencies. Most don't know this is happening, and I suspect this is by your design. Advertising this via the "Nextdoor" app is reaching a tiny minority of the residents. On our street alone, all 46 homes are strongly against this, and only 4 were aware of it. I would be happy to bring my entire neighborhood to the meeting so you can learn what an honest survey looks like.

It is WRONG to put the financial desires of 1.5% above the interests of the 98.5%. This is corrupt politics and you ALL know it. I doubt very much that any of the commissioners live next to a short term rental. Neither do the majority of your "hosts", who are the exclusive basis of your "supportive" letters. I guess "do unto others as you would have done to yourself" is out the window in Clack County.

-David Rooksby

**David Rooksby**  
14409 SE Kingston Ave  
Milwaukie

-----Original Message-----

From: Rogalin, Ellen <EllenRog@clackamas.us>

To: Rogalin, Ellen <EllenRog@clackamas.us>

Cc: Hughes, Jennifer <jenniferh@clackamas.us>; Fritzie, Martha <MFritzie@clackamas.us>

Sent: Tue, Sep 24, 2019 12:24 pm

Subject: Board of Commissioners Policy Session on Draft Regulations for Short-term Rentals

Good morning,

The Clackamas County Board of Commissioners is holding a policy session on Wednesday, Sept. 25 to discuss draft regulations for short-term rentals in unincorporated Clackamas County. The meeting is scheduled from 9:30-11 a.m. in the Board Hearing Room on the 4<sup>th</sup> floor of the Public Services Building, 2051 Kaen Rd., Oregon City.

The materials prepared for the meeting by staff, including the draft regulations, are available here: <https://dochub.clackamas.us/documents/drupal/41f33e9e-8da9-420d-9b13-0abb8e81722c>. The purpose of the meeting is for staff and commissioners to discuss next steps related to these draft regulations. The public is welcome to observe, but there will not be an opportunity for public comment. An audio-tape of the meeting will be available later in the week at <https://www.clackamas.us/meetings/bcc/presentation>.

You received this email because you have expressed an interest in this topic. If you wish to be removed from this email list, please let me know. 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

---

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Archived: Monday, October 14, 2019 3:17:23 PM

From: Steve Imlent

Sent: Wednesday, 25 Sep 2019 09:39:32

To: Rogalin, Ellen

Cc: Hughes, Jennifer; Fritzie, Martha; Imlent, Steve

Subject: Re: Board of Commissioners Policy Session on Draft Regulations for Short-term Rentals

Importance: Normal

---

Folks, I'm glad to see that the fewer than 30 total nights in a calendar year exemption has been changed, but the definition of incidental use of the property is unclear.

#### 8.02.060 Exemptions

C. Any person who rents a private home, vacation cabin, or like facility from any owner who personally rents such facilities incidentally to his own use thereof;

How many days is incidental? 29, 31, 60 suggest including a specific number of days, such as 10. If it isn't made clear, some STR owners will adopt their own definition of incidental, and that will lead to problems.

For example, there are 2 STRs on properties adjoining mine, and several others within a few hundred feet of our property line.

Steve Imlent  
2130 E Briarwood Rd  
Rhododendron, OR 97049  
503-22-3033

On Tue, Sep 24, 2019 at 12:10 PM Rogalin, Ellen <[EllenRogalin@clackamas.us](mailto:EllenRogalin@clackamas.us)> wrote:

Good morning,

The Clackamas County Board of Commissioners is holding a policy session on Wednesday, Sept 25 to discuss draft regulations for short-term rentals in unincorporated Clackamas County. The meeting is scheduled from 9:30-11 a.m. in the Board Hearing Room on the 4<sup>th</sup> floor of the Public Services Building, 2051 Maen Rd., Oregon City.

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You received this email because you have expressed an interest in this topic. If you wish to be removed from this email list, please let me know. 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

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**Archived:** Monday, October 14, 2019 3:17:29 PM  
**From:** [Dave Rooksby](#)  
**Sent:** Thu, 26 Sep 2019 16:25:03  
**To:** Fritzie, Martha  
**Subject:** STR Regulations  
**Importance:** Normal

---

Hi Martha.

I have written expressing dismay at the way the county has approached this. 1000 homes or so are violating the acceptable use under current rules, to the chagrin of the 61,000 of us that are not doing this.

Since then, I am learning that almost nobody in our area have any clue you are doing this to them. Your "process" for gathering input was flawed in the extreme. Most residents don't know what "Nextdoor App" is, and most do not read the Clackamas Review.

This incredibly impactful decision should be the decision of the majority, not 1000 households out of 62,000.

Why is the commission not having meetings about the best way to stop this 1.5% of people who are impacting our neighborhoods? It's not just noise and parties, it's opening Pandora's box commercializing our neighborhoods.

Nobody on the commission lives next to one and none of you would want to. I would also bet almost zero "hosts" live next to one.

The excuse that "these hosts need money for \_\_\_\_\_" is an absurd reason to allow these.

You are about to make precedent that if 1.5% of the unincorporated households want to do something that is offensive to the 98.5% of others, you guys are willing to go along with it. What????

Just because there is interest in something doesn't make it right. Virtually no discussion of neighborhood impacts was heard at yesterday's meeting. It was all about licensing, collecting taxes etc.

How about the discomfort felt by people living next to an unoccupied 4 bedroom home that your regulations proposal will allow 12 strangers to check in every day.

Why do you commissioners think it is ok to subject the 98.5% of us to the financial desires of the 1.5%???????

These meetings should be about SHUTTING DOWN these violations of existing code, code that was drafted to avoid this in the first place.

Changing the code to allow 1.5% of households to exploit neighborhoods for profit is as arrogant and corrupt as it gets.

Stand up for the vast majority who are against this, not the tiny minority who only support it because they have a financial interest.

David

David Rooksby  
GW Distribution LLC

(503)-490-0912  
jazzmandave@aol.com  
[www.pearlriverusa.com](http://www.pearlriverusa.com)

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BEGIN-ANTISPAM-VOTING-LINKS

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Teach CanIt if this mail (ID 0316np19M) is spam:

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Phishing Email: <https://mhub.clackamas.us/canit/b.php?c=p&i=0316np19M&m=7b68116072ba&rlm=base&t=20190926>

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END-ANTISPAM-VOTING-LINKS

Archived: Monday, October 14, 2019 3:17:30 PM

From: Megan

Sent: Thu, 2 Sep 2019 1:53:37

To: Rogalin, Ellen

Cc: Hughes, Jennifer; Fritzie, Martha

Subject: Re: Board of Commissioners Policy Session on Draft Regulations for Short-term Rentals

Importance: Normal

---

Thank you Ellen. When will the public be allowed to comment further? Our neighbors would like to submit a petition to the county and its valued commissioners to prevent STR in our area which is not a tourist destination like Mount Hood or Welches and we do not want a broad brush decision to allow when it has a direct and significant impact on our quality of life, destruction of a senior neighborhood with full-time businesses that has no permanent owner-occupant. We have concerns regarding the way the county considered and the very low numbers of the views of homeowners and feel it has not done due diligence to advise the public appropriately, given the age and diversity of my area. We feel it is appropriate for the commissioners to consider ways for neighborhoods to contest applications of its surrounding neighbors and should not have transferability in any case. There are other areas of concern which will be more formally submitted through a documented process. This is taking away home availability and why would we limit our housing availability in our area?

Thank you for your insight.

Megan Rooksby

On Sep 24, 2019, at 11:58 AM, Rogalin, Ellen [EllenRog@clackamas.us](mailto:EllenRog@clackamas.us) wrote:

Good morning,

The Clackamas County Board of Commissioners is holding a policy session on Wednesday, Sept. 25 to discuss draft regulations for short-term rentals in unincorporated Clackamas County. The meeting is scheduled from 9:30-11 a.m. in the Board Hearing Room on the 4<sup>th</sup> floor of the Public Services Building, 2051 Kaen Rd., Oregon City.

The materials prepared for the meeting by staff, including the draft regulations, are available here: <https://dochub.clackamas.us/documents/drupal/41f33e9e-8da9-420d-9b13-0abb8e81722c>. The purpose of the meeting is for staff and commissioners to discuss next steps related to these draft regulations. The public is welcome to observe, but there will not be an opportunity for public comment. An audio-tape of the meeting will be available later in the week at <https://www.clackamas.us/meetings/bcc/presentation>.

You received this email because you have expressed an interest in this topic. If you wish to be removed from this email list, please let me know. Thank you.

***Ellen Rogalin, Community Relations Specialist***

Clackamas County Public & Government Affairs

Transportation & Development | Business & Community Services

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

---

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**Archived:** Monday, October 14, 2019 3:17:35 PM  
**From:** Terwilliger, Christina  
**Sent:** Mon, 30 Sep 2019 10:33:31  
**To:** Fritzie, Martha  
**Subject:** Fritzie: Clackamas County short term rentals draft ordinance - comments  
**Importance:** Normal

---

Hello Martha,

We received an email for you from Peter Klaebe.

Thanks

Christina Terwilliger  
Administrative Board Assistant  
Clackamas County Board of Commissioners Office  
503 555 5111  
Cterwilliger@clackamas.us

The Office of the County Administrator wants your feedback on our customer service.  
[To help us serve you better, please take our short survey.](#)



Service, Professionalism, Integrity, Respect.  
Individual accountability & Trust

---

**From:** Klepper, Emily EmilyKle@clackamas.us  
**Sent:** Monday, September 30, 2019 8:03 AM  
**To:** [BCCMail](#) BCCMail@clackamas.us  
**Subject:** RE: Clackamas County short term rentals draft ordinance - comments

This is for Martha Fritzie re the short term rental discussion. Please forward this to all BCC members as an FYI.

Thanks,  
Emily

**Emily Klepper**  
Senior Policy Advisor  
503-742-5933  
[emilykle@clackamas.us](mailto:emilykle@clackamas.us)

**Clackamas County Board of Commissioners - 2051 Kaen Road, 4th Floor Oregon City, Oregon 97045**

The Office of the County Administrator would love to get your feedback on our service. Please take a minute to fill out the following 5-question survey.  
[https://www.surveymonkey.com/r/H\\_P\\_SCC](https://www.surveymonkey.com/r/H_P_SCC)

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**From:** Terwilliger, Christina [CTerwilliger@clackamas.us](mailto:CTerwilliger@clackamas.us) On 9/30/2019 7:45 AM  
**Sent:** Thursday, September 27, 2019 7:45 AM  
**To:** Klepper, Emily [EmilyKle@clackamas.us](mailto:EmilyKle@clackamas.us)  
**Subject:** W: Clackamas County short term rentals draft ordinance - comments

for Martha

---

**From:** PETER E K AEBE [pklaebe@comcast.net](mailto:pklaebe@comcast.net)  
**Sent:** Tuesday, September 24, 2019 4:23 PM  
**To:** BCCMail [BCCMail@clackamas.us](mailto:BCCMail@clackamas.us)  
**Subject:** Clackamas County short term rentals draft ordinance - comments

Hi BCC members,

Sending this to you directly since Martha is OOO today...

cheers,

Peter

----- Original Message -----

From: PETER E K AEBE [pklaebe@comcast.net](mailto:pklaebe@comcast.net)

To: [mfritzie@clackamas.us](mailto:mfritzie@clackamas.us)

Cc: Campbell, Leigh [curiousleigh@gmail.com](mailto:curiousleigh@gmail.com), Bonnie Robb [brobb2000@aol.com](mailto:brobb2000@aol.com), Chris Roth [cc\\_group@comcast.net](mailto:cc_group@comcast.net), Kate Roth [ateroth3@gmail.com](mailto:ateroth3@gmail.com), Snoo, Elsey

**ATTACHMENT 3**

**ZDO-273: SHORT TERM RENTALS  
10/22/2019 BCC Planning Session**

**Page 12 of 24**



[elseysnoo@gmail.com](mailto:elseysnoo@gmail.com), cells, Bob [rf\\_ells1@yahoo.com](mailto:rf_ells1@yahoo.com)

Date: September 24, 2019 at 4:1 PM

Subject: Clacamas County short term rentals draft ordinance - comments

CC: Rosewood CPO Board Members

Hi Martha,

I generally am in support of this new ordinance

One thing that looked missing to me from the draft ordinance is some sort of penalty process for people who do not abide by the regulations. It's not clear what the punitive damages of a citation might include. This is what it says in 10-110: or by a penalty or fine in an amount set by resolution of the Board of County Commissioners. I think there ought to be a fine amount for first violation say up to 1,000, and a higher fine or penalty for a subsequent violation, say up to 5,000. There needs to be more clarity to convey the seriousness of violating the ordinance.

I'm the Chair of Rosewood CPO, and am speaking privately on this in our CPO. We have had a renter violating the spirit of the program and under this ordinance would be in violation, yet this individual sees no reason to change their business model of using Airbnb. Having a vague penalty beyond saying you can't rent doesn't stop someone from doing so.

Can you please pass this on to the BCC?

Thanks,

Peter Laebe

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[Spam Email](#)

[Phishing Email](#)

Archived: Monday, October 14, 2019 3:17:3 PM

From: Blane S

Sent: Mon, 30 Sep 2019 14:24:27

To: Fritzie, Martha

Subject: STR proposed regulations

Importance: Normal

---

Hello Martha,

Thank you for collecting questions and comments regarding the proposed regulations. I would like to contribute a few comments.

Requirement comments:

Electrical code requirements for width of the panel, or 30", whichever is wider. Please consider developing regulations that do not exceed state building code requirements. With the electrical requirements being proposed a new house constructed today may not meet what the County is requiring.

The actual code requirement for width is the width of the panel, or 30", whichever is wider. Please consider developing regulations that do not exceed state building code requirements. With the electrical requirements being proposed a new house constructed today may not meet what the County is requiring.

Additional code requirements for burn prevention. A no-burn requirement on an indoor fireplace for fire hazard reasons.

When the most recent edit was made did you intentionally leave out outdoor? I have never seen a no-burn requirement on an indoor fireplace for fire hazard reasons.

Emergency room requirements. Emergency room requirements. Emergency room requirements.

All legally constructed houses meet Oregon's Residential Structural Specialty Code even when aspects of their design do not meet current standards. This is because all legally constructed houses are only required to meet the building code at the time of their construction. They are not required to be updated unless there is a change in use or there are structural changes. Additionally, when a house is designed there is not a building code difference between a house that is intended to be owner occupied or one that is a short or long-term rental they are all considered a Group R-3 occupancy.

When the County planning department proposes to require upgrades to a house when there are no structural changes planned and there is not a change in use (changing from an owner occupied or long-term rental to a short-term rental) they are placing requirements on a citizen that not even the State Building Code Division requires. Please consider developing regulations that do not exceed state building code requirements. The exception to the above is when a homeowner converts a non-habitable space into a habitable space such as an attic, basement, or garage into a living area. When this occurs nearly all of the current building code requirements for those spaces need to be met.

General Comments:

Commissioner Fischer has stated the property owner is responsible to vet the guests. She is correct of course but unfortunately this process has been taken away from the homeowners by the two companies that share a monopoly on the STR listing business (RBO and AirBnB). A homeowner is not given the guest contact information until after the reservation has been made. If at that time the homeowner investigates the guest and finds they have a bad apple and decides they should cancel the reservation the listing company will penalize the homeowner by lowering the visibility/ranking of the homeowner's listing. Because of this many homeowners don't cancel a guest and instead hope for the best.

There is a system to rate the guests (1 to 5 stars) but the rating system is a sham. The homeowner's listing visibility is reliant on the number of 5 star ratings they receive. In hopes of getting a 5 star rating from the guest the homeowner will more often than not first give the guest a 5 star rating regardless of any problems the guest may have created. u8203 To combat this I would like to see the County require all online rental listing companies provide contact information of guests making inquiries like they used to do. This legislation could occur when the County requires the same online rental listing companies to pay the transient room tax as they are required to do by the State and by hundreds of other local municipalities across the SA.

If you have any questions regarding any of my comments please contact me.

Thanks again,  
Blane Skowhede

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**Archived:** Monday, October 14, 2019 3:17:41 PM

**From:** [sue@suevican.com](mailto:sue@suevican.com)

**Sent:** Tue, 1 Oct 2019 11:21:29

**To:** Fritzie, Martha

**Subject:** STR Proposed Regulations

**Importance:** Normal

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Hello M Fritzie,

I am a property owner in Government Camp with a small cabin that has been responsibly rented out for years through Vacasa, providing much needed vacation accommodations to people who want to enjoy the mountain, an activity that benefits the economy of Clackamas County. I pay property taxes to Clackamas County and am one of your constituents. Vacasa collects and remits lodging taxes to the County. These proposed regulations will not benefit me in any way and will just increase my cost of doing business...new fees and regulations to comply with. I want to voice my opposition to adding a whole new layer of regulations and expanded government. I also object to government telling me what I can do with my property (short-term vs. long-term rental....long-term rental means we aren't able to use the property when we want to use it) when I pay property taxes.

My property is managed by Vacasa and doesn't bother anyone, it all works fine without government regulation. This property is not a big money maker, we have lots of expenses and the rental income enables us to keep this cabin in the family. Our expenses include property taxes, insurance, sewer (for which we pay more than year round users), water, electric, propane, maintenance, property management fees, linens, garbage, property management fees, LLC annual registration, tax prep fees, banking fees, etc etc etc.....anything left at the end of all this just gets saved for the next major maintenance requirement....cabins in the snow need a lot of work....

What I am trying to convey is that we don't need another large expense to reduce our bottom line, and that is all these regulations would do for us.... Looks like you are planning to impose a very large STR registration fee. Maybe \$800 - \$1,000 per year fee every 2 years doesn't sound like much to you, but like I said, our property is not generating a lot of spare cash, and when you find that this fee doesn't cover the expenses of running your program, then we may see large increases in the fee, that's how it always happens.

Thank you for your consideration of my concerns.

Susan W. Vican

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**Archived:** Monday, October 14, 2019 3:17:43 PM

**From:** [Megan](#)

**Sent:** Mon, 7 Oct 2019 13:00:12

**To:** Fritzie, Martha; Cartasegna, Mary Jo; Moreland, Tracy

**Subject:** For your consideration as STR continues to raise rents and limit single family home availability around the country

**Importance:** Normal

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Dear Martha & Sonya & Paul,

Please allow me to share an example of how other cities who are struggling with high rent and limited single family home inventory are dealing with the impact on commercialization of its neighborhoods through non owner occupied STR's. I will be sending you some additional support documents to help paint a picture of why STR is a cancer to areas not designated as tourism or vacation zones and how we can manage both. Thank you for considering this article and the rules that may be a guide for our region as well.

Megan Rooksby  
503-850-6992

DC Short Term Rental Laws: What's Changing In October 2019 | Nomadic Real Estate

<https://markets.businessinsider.com/news/stocks/dc-short-term-rental-laws-what-s-changing-in-october-2019-nomadic-real-estate-1028578319>

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Archived: Monday, October 14, 2019 3:17:44 PM

From: Scott Cater

Sent: Tue, Oct 2019 17:47:53

To: Fritzie, Martha

Subject: Short term rental input

Importance: Normal

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Hi Martha,

I listened to most of the Board's last meeting and found it interesting. I wanted to make a few points. Full disclosure, I am an Airbnb operator. I have a single guest cottage and live directly next door. I heard some on the board comment about how lucrative a money maker STRs are. They need to know that the expenses and labor involved are much higher. Many of the things that regular tenants pay for are covered by the owner on an STR: all utilities, insurance, laundry service, amenities, not to mention the cleaning expense or the time cleaning if you do it yourself. Through the lodging tax, income tax, etc. and my \$5 a night fee is lucky to clear \$25 and that's not counting the hourly taxes to clean it.

It sounds like the board is heading toward about a 5% regulation fee on top of the lodging tax. I urge caution in not creating an expensive and unnecessarily cumbersome bureaucracy.

Are there not already rules in place and compliance enforcers in the hotel/motel network that could be used with STRs as well? I know that there are problem properties and problem guests, but I can't believe that they are that big of a percentage.

For problem properties, I would suggest a fine system similar to the residential alarm penalties. Each call out to an STR property which requires a patrol response and which is validated by the officer results in a \$70 fine. Airbnb hosts rate their guests at the end of their stay so that future hosts know if they have been good or bad guests. Believe me, hosts do not want bad guests, problems with neighbors, etc. They try to weed them out.

Anyway, I'll close for now and let you know if I have any more brilliant ideas.

Thanks

Scott Cater



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**Archived:** Monday, October 14, 2019 3:17:4 PM

**From:** [Fran mazzara](#)

**Sent:** Tue, Oct 2019 1 :42:42

**To:** Fritzie, Martha

**Subject:** hat others are doing

**Importance:** Normal

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: <https://www.civilbeat.org/2019/08/tourists-scramble-as-oahu-vacation-rentals-disappear-under-new-law/>

ran Joe Ma ara  
25901 E. Highview rive  
Welches, Or 970 7  
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971.227. 223  
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**Archived:** Monday, October 14, 2019 3:17:50 PM

**From:** David S Bateman

**Sent:** Tue, Oct 2019 19:32:0

**To:** Fritzie, Martha

**Subject:** Short Term Rentals

**Importance:** Normal

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Hello Martha,

My name is David Bateman My wife and I bought two properties in Rhododendron to use as vacation rentals and create a retirement income for us we invested a lot of money in them as well as renovations have been following this discussion since it became an issue a few months ago realize there are some owners that do not seem to follow protocol and feel they should be dealt with on an individual basis Owners like us who rent mostly to families and couples should not be penalized due to the few bad apples we hire contractors ,gardeners, house keepers, painters etc some who make all or part of their income off people like us Also, we promote the restaurants and attractions in the Mount Hood area to all our guests

don't see any problem with some of the suggestions such as at least registering with the county but the fees should be reasonable Also, we should not be limited on the amount of days a year we can rent out our properties The 30 day recommendation will destroy our airbnb business we hope that the County is reasonable about this subject we love the area and enjoy sharing our properties with amazing people from all over the world

Thank you

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Archived: Monday, October 14, 2019 3:17:52 PM

From: [le Mahan](#)

Sent: Wed, 9 Oct 2019 09:25:23

To: Fritzie, Martha

Subject: Short term rental regulations

Importance: Normal

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Hi Martha,

Just a spot of feedback re: Clacamas County short term rentals. My wife and I own a vacation cabin in Igou Gap, and when we're not there we rent it out on Airbnb. While we're supportive of the majority of the proposed regulations and we'd also support a small yearly fee for the county to administer those regulations, the trash service regulation would put us in a real bind.

The problem: when we first got the cabin, we signed up with Bliss Sanitary out of Boring for our trash and recycling service. It seems like they're the only trash service available here our cabin is. Their service, to be frank, is absolutely terrible. They're inconsistent with pickup, their customer service is basically non-existent, and when we got a bear-proof trash bin because bears like to get into garbage, they refused to pick up the trash because the bin was too big. It's not that big, but yes, it's bigger than a normal trash can. In short, we had to cancel the service because they weren't taking the trash anyway.

Normally, either us or our excellent housekeeper takes the trash and recycling to the Sandy dump in a timely fashion, before the bin fills up. This is actually better than having the substandard service that Bliss Sanitary offers in our area. Being forced to use a service that literally refuses to pick up our trash would be a non-starter.

Thanks for listening to our feedback and we hope you'll consider an exemption to the trash rule for people who are responsible and take care of their own garbage.

- le Mahan  
503-555-724

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Archived: Monday, October 14, 2019 3:17:54 PM

From: [Don Hart](#)

Sent: ed, 9 Oct 2019 09:41:5

To: Fritzie, Martha

Subject: Short term rentals

Importance: Normal

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Hello:

I, and my wife attended the meeting held in Happy alley. What seemed to be the primary issue creating neighborhood problems was no oversight by owners managers of a property, and thus careless guests and the owners who rent to them, have no one but police to answer to. As an owner of a simple 2 bed BnB Inn, on 2 acres, we only have off street parking, and are even surrounded, on three sides, by an 11 acre nature park. We always have 1-4 adults here, and such oversight needs to be taken into consideration before making limits on responsible owners. If owners are absent, there is no way to solve problems, except by calling the police, which I can see would be a problem for most neighbors. Renting homes for single night parties even seems to be the greater problem, particularly with nearby neighbors. Set back limits for homes, such as ours should be a consideration, as even a loud party here which we've never had would be far away from other homes. A handful of careless owners make short term rentals difficult for both their neighbors, and responsible owners such as ourselves.

Thank you

Don Hart

Mary Shirvastian

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**Archived:** Monday, October 14, 2019 3:17:57 PM  
**From:** Heather Schiffe  
**Sent:** Fri, 11 Oct 2019 09:39:22  
**To:** Fritzie, Martha  
**Subject:** Feedback on Short-Term Rental Regulations  
**Importance:** Normal

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Hello Martha,

I'm writing to express my opinion about the short-term rental regulations being considered for unincorporated Clatsop County. I operate a short-term rental on my property and believe that it benefits not only myself, but also my neighbors and the local community. The additional income generated has allowed me to make many improvements to my property that I could not have been able to afford otherwise. These include removing invasive plants, purchasing large quantities of native plants and improving the habitat for wildlife.

Our guests are nearly always quiet and courteous. I have never had a complaint from a neighbor. By choosing to stay with us, guests contribute to the local economy—supporting local stores and restaurants. They also pay a significant amount in lodging taxes to the County each month, which again goes back to support the community. None of this would be happening if short-term rentals were prohibited or if regulations were too burdensome.

The regulations as drafted seem reasonable. I am not opposed to registering my rental or making sure that safety precautions are in place. I just hope that whatever regulations are adopted don't infringe on my ability to continue doing what I see as a win-win for both me and the community. This was also the overwhelming majority sentiment at the public meeting I attended early on in this process.

Thank you for your time,  
Heather Schiffe

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**Archived:** Monday, October 14, 2019 3:17:59 PM  
**From:** [Barbara Smith](#)  
**Sent:** Fri, 11 Oct 2019 15:01:58  
**To:** Fritzie, Martha  
**Subject:** short term rentals  
**Importance:** Normal

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Please consider reducing the number of rental nights required to fall within the new regulations.

The new regulations will go a long way in helping with chronic issues of noise, parking, and garbage with which neighbors must contend. In our neighborhood, one owner of a two bedroom home advertised it would accommodate up to 25 people. Renters blocked driveways and played loud music that could be heard several blocks away. This went on throughout the season. Under the current proposal the number of rental nights required to fall under the regulations would allow this same owner to continue renting for most of the season, unregulated in any way. It seems to me that both neighbors and local business offering overnight accommodations would benefit from a reduction in short term rentals in neighborhoods not designed to accommodate these unregulated rentals.

As currently proposed, the regulations would not impact most of the short term rentals that create issues in my neighborhood in Rhododendron. Please reduce the number of nights that bring an owner under the new proposed regulations.

Barbara Smith  
Rhododendron

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&m=cc3597860bcd&rlm=base&t=20191010](https://mhub.clackamas.us/canit/b.php?c=p&i=031bUvuV1&m=cc3597860bcd&rlm=base&t=20191010)

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