

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Planning Session Worksheet

Presentation Date: 03/11/2020 **Approx. Start Time:** 9:30 a.m. **Approx. Length:** 2 hours

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; Samara Phelps, Tourism Director; Nicole Cross, Planner; Ellen Rogalin, Community Relations Specialist; Cameron Ruen, Community Relations Specialist; Michelle Amend, Code Enforcement Supervisor; Stephen Madkour, County Counsel; Matt Rozzell, Building Codes Administrator; Haley Fish, Finance Dept. Deputy Director; Kathryn Stewart, Finance Dept.; Cheryl Bell, DTD Assistant Director; Dan Johnson, DTD Director

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Board direction on whether and/or how to move forward with potential adoption of County Code amendments to establish a Short-Term Rental (STR) registration program in unincorporated Clackamas County. See **Chapter 8.10 Short-Term Rentals (Attachment 1)**.

EXECUTIVE SUMMARY:

The purpose of this planning session is to discuss Board concerns that remain after the two-part public hearing held on January 30, 2020 and February 13, 2020 for the first reading of the ordinance for the proposed short-term rental registration program and regulations. At the February hearing, the Board voted 3-2 to table the proposed amendments pending future discussion about these remaining issues.

Background

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.

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

1. The County's Zoning & Development Ordinance (ZDO) does not clearly identify STRs as allowed in any homes in the county, and therefore, from a zoning perspective, it is considered a prohibited use of a dwelling. However, there are clearly a number of homes in the County actively being used as short-term rentals and a growing interest among homeowners in pursuing this type of use legally in the county;
2. Several properties in the county operating as short-term rentals have generated enough complaints that it has become apparent that this use can cause unwanted neighborhood impacts; and

3. The Transient Room Tax (TRT) currently applies to STRs, as it does to hotels, motels and other lodging establishments. While there are a number of STRs that are paying the tax as required, there appears to be a large number that are not. Establishing a STR registration program, linking the registration to a requirement to pay the TRT, and funding enforcement of the new regulations could help level the playing field for all lodging establishments, ensuring they are all paying their fair share.

At the January 30 and February 13 public hearings, the Board heard testimony and discussed the proposed program and regulations as presented by staff. The draft was revised between the first and second hearing based on input from the Board. This draft, available on the project webpage (<https://www.clackamas.us/planning/str>) and in **Attachment 1**, is the result of over a year of work that included the following actions:

- Research into STR programs in other jurisdictions;
- Several large public meetings throughout the county in the spring of 2019;
- Extensive public outreach throughout the last year (website, online questionnaires, social media, newsletter articles, news releases and numerous emails to interested parties);
- Seven planning/policy sessions with the Board between March 2019 and February 2020; and
- Feedback on initial drafts from the public, staff from other departments and agencies, and industry professionals.

Key components of the current proposal include the following:

- Regulations would only apply outside of city limits in unincorporated Clackamas County.
- STRs would only be allowed in a legally-established dwelling (either part or all of the dwelling could be rented, including a guest house). This would include allowing for STRs in accessory dwelling units (ADUs), but would not allow STRs in RVs, tents, barns, shops or similar structures.
- All STRs would be subject to the same regulations, except that STR properties *inside the Portland metropolitan urban growth boundary (UGB)* would be required to be the owner's primary residence or located on the same tract as the owner's primary residence. (The owner would not be required to be there when the short-term rental was occupied). This "primary residence" provision was added as requested by the Board at the last policy session held before the January 30 public hearing.
- STRs would have to be registered with the county. In addition to paying a registration fee, which the county would use to cover the costs of administration and enforcement, the short-term rental owner would also be required to provide information at the time of registration, including:
 - Location;
 - Contact information for someone who can respond to complaints;
 - An affidavit of compliance with safety standards;
 - Evidence that all county fees and taxes have been paid, including registration with the county's Transient Room Tax program;
 - Proof of liability insurance, and
 - A site plan and a dwelling unit floor plan.
- Maximum overnight occupancy of two people per sleeping area plus four additional people, not to exceed 15 people.

- One off-street parking spot required for each two sleeping areas.
- Required garbage pick-up at least once a week, with any outdoor garbage containers required to be covered.
- Posted quiet hours from 10 p.m. – 7 a.m. (in accordance with current county noise ordinance).
- Building and fire safety requirements related to smoke and carbon monoxide detectors, emergency escape routes, fire extinguishers, etc. (as established via the affidavit)
- Short-term rental owners who do not comply with the regulations may be subject to enforcement consequences ranging from citations and fines, up to liens and revocation of registration. Enforcement of the regulations will be carried out by either the Sheriff's Office or Code Enforcement, depending on the issue.

While there appeared to be significant agreement on the majority of the proposed regulations and the registration program in general, several issues that came up at the public hearings and through written testimony warrant additional discussion.

Discussion Topics

While staff is prepared to discuss any remaining topics of interest to the Board, staff has identified the following three issues as the most significant based on public testimony and Board feedback during the hearings.

1. ***Limiting (capping) the total number of registrations.*** The Board expressed concern about the potential impact STRs could have on the county's housing stock, particularly on affordable housing, as there has been anecdotal evidence that increased rental income generated from running an STR, in lieu of a traditional long-term rental, may motivate some owners to forego the long-term rental option.

To address this concern, both a cap on the number of registrations and a requirement that a STR be the owner's primary residence were discussed at previous policy sessions. At the request of the Board, the current draft of regulations includes a requirement that if the STR is within the UGB, it must be the owner's primary residence or located on the same tract as the owner's primary residence.

If the Board were to request a cap on the number of licenses permitted county-wide (or in the urban area), the Board should also consider whether to retain the primary residence requirement, which may have the additional effect of reducing negative neighborhood impacts from irresponsible renters (i.e., "party houses").

In addition, when analyzing the degree to which allowing STRs would negatively impact affordable housing, it may be helpful to consider the following facts:

- There are estimated to be approximately 1,000 STRs operating in unincorporated Clackamas County. The majority of these are in the resort areas of Mt. Hood, where a large portion of the housing stock is made up of vacation homes -- not primary residences for owner or long-term renter occupancy;
- Based on the county's 2019 housing needs analysis, there are approximately 62,000 dwelling units in unincorporated areas of the county (both urban and rural), which means that STRs likely comprise approximately 1.5% - 2% of the county's housing stock; and

- These approximately 1,000 STRs are currently operating and have therefore already had an impact (whatever that may be) on the county's housing stock. To the extent that creating a process to allow and register these uses would suddenly create a great influx of new STRs, it could indeed generate impacts to the housing stock. There is, however, no evidence in the research staff has done that would indicate that creating regulations would increase the number of STRs.

Some important considerations when contemplating a registration cap include:

- a. *Whether the registration is transferrable.* Is the registration limited to:
 - a particular dwelling unit (transferable to a new owner),
 - a particular owner (i.e., the owner can move the registration from one dwelling unit to another), or
 - both (i.e., not transferable if the property is conveyed and not able to be moved to a different property by the owner)?

If registration goes with a property, it could create a situation where the value of some homes in a neighborhood is unfairly inflated;

- b. *Whether the proposed fee needs to be increased either because of a reduced number of registrants or because of additional administrative burden.* Fewer registrations would require the base cost of the program to be borne by fewer registrants. However, administration would be more difficult because renewals, property transfers and a wait list would need to be more closely tracked. In addition, if the cap is set at a level lower than the number of existing STRs, enforcement costs for compelling the excess STRs to stop operating would be significant;
- c. *Whether there is a minimum usage required to keep the license active.* Jurisdictions that were consulted with a license cap indicated that people holding onto licenses and not using them has become a problem in some neighborhoods where there are other homeowners who would like to acquire an unused license;
- d. *Whether a registration would be forfeited one day after expiration or if there would be a grace period, and what the system would be for determining who is next in line for the forfeited license.*
- e. *How many registrations should be allowed.* This would include a decision on whether the cap should apply countywide or only in specific area(s), like the urban area and whether it would be set as either a specific number or a percentage of the housing stock. It may be helpful to know that other jurisdictions in the state with a cap on the number of STR licenses have done so to keep the number of STRs *below 20%* of their housing stock. Currently the county's STRs comprise an estimated *1.5%-2.0%* of the housing stock. Staff believes that a percentage would be extremely challenging to administer in a jurisdiction of our size as we do not regularly track the precise number of dwelling units in the unincorporated area.

Options include:

- setting the cap close to the number of STRs estimated to exist currently (although this is just a best guess),
- setting the cap higher than the number estimated to exist to allow for a modest amount of growth, or
- setting the cap lower than the number estimated to exist, thereby creating a potentially contentious situation as existing STRs compete to qualify for the limited number of registrations available.

2. **The fee.** As drafted, implementation of this program is expected to require two additional full-time staff, plus additional time for the Code Enforcement Hearings Officer. Based on cost estimates from DTD and the Finance Department, the annual cost to run the STR program is approximately \$320,000, including overhead. Initial funds would need to come from a source other than registration fees. Ultimately, however, the registration fee is intended to support the program (“full cost recovery”).

As there is no precise way to determine how many STRs currently exist or how many would register in the future, setting an initial fee draws upon many assumptions, resulting in an educated guess, as shown below.

- Number of STRs
 - Up to 1,600 in Clackamas County, including cities
 - Approximately 960-1,100 outside of cities (60-75%)
- Two-year program cost = \$640,000
 - Payment from 75% of 960 STRs = \$888 / STR
 - Payment from 75% of 1,100 STRs = \$775 / STR

Staff has heard two separate concerns from the Board regarding the fee:

1. It is too high for people who only want to rent a room occasionally to supplement their income.
2. It is too high and/or the registration is unnecessary for specific condominium developments in Government Camp.

The fee structure could be set up with two or more tiers to address the above concerns. However, there are some important considerations when contemplating this option:

- a. To maintain full cost recovery, reducing or eliminating fees for some registrations would require increasing the fee for others. The amount of the increase would depend on the number of registrants who qualify for a reduction and the size of the discount.
- b. Because this is a fee, which covers a specific service, adjustments must be tied directly to a difference in cost to administer or enforce for a specific subset of registrants. It is not likely that there will be much, if any, difference in administrative costs for processing different applications. Therefore, the most logical correlation between a reduced fee and actual program costs would be related to the cost of enforcement.
- c. Finally, there are potential consequences of any reduced fees in terms of equity and fairness. For example, we do not want to adopt a fee structure that has the effect of driving business to particular property managers and/or developments at the expense of others.

While tied directly to the regulations and registration program, the registration fee(s) will be adopted separately, by resolution, into the Fee Table in Appendix A of the County Code. This adoption would happen during the second reading of the ordinance for any Code amendments to establish the STR program.

3. **Limiting the total number of people allowed on the premises of a STR.** The Board heard testimony from several people regarding “party houses” and/or STRs being used to host large, often loud, events. To help address this issue, the Board could add a provision

to set a maximum total occupancy, which would include overnight occupants plus a certain number of daytime guests of those occupants.

It is important to keep in mind that when people are on vacation, they do sometimes have people over for a small gathering or dinner, just as one would in their own house, and these small gatherings are generally not causing problems or leading to complaints. A certain number of guests could be authorized in the STR for this type of gathering, but would not be authorized to sleep overnight in the STR. Other jurisdictions have instituted such limits, recognizing that large “events” or parties in STRs can become disruptive to neighbors.

While enforcement of this number could prove to be difficult in many cases, if the number of guests at a party, or the late hour of such a party, is far in excess of the allowance, this type of provision could actually enhance our ability to enforce because it would provide a specific regulation that, with sufficient evidence, could be the sole basis for a code violation.

An added provision into the Code could read as follows (with the *x* being a number defined by the Board):

Maximum number of persons allowed on the premises - including overnight occupants and their non-overnight guests - shall not exceed x times the maximum overnight occupancy.

If added, definitions of “guests” and “overnight” would be added as well:

GUESTS means persons who are the invitees of an occupant on the premises. Guests are not occupants of the short-term rental themselves.

OVERNIGHT means anytime between the hours of 10 p.m. and 7 a.m. on the following day.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the funding source? N/A

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 and departments responsible for implementation and enforcement. Staff proposes this be done through a registration fee that is sufficient to cover administration and enforcement costs.

As noted previously, implementation of this program, as drafted, is anticipated to require two additional full-time staff, plus overhead. Based on personnel cost estimates from DTD and the Finance Department and estimates about the number of STRs in the county from industry professionals, our initial estimate is that the baseline fee for the two-year registration would need to be approximately \$775 - \$888 in order to cover the ongoing costs of 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 to cover costs until the volume of registrants can fully support the program.

We are talking with the Tourism Department about that department's ability to provide an initial investment.

- At a previous policy session, the BCC requested an incentive be created at the start of the program to encourage STR owners 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 would be a part of the initial program fee structure.

STRATEGIC PLAN ALIGNMENT:

- **How does this item align with your Department's Strategic Business Plan goals?**
The proposal 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 individuals, 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.***
Analysis: The result of this option is that the Zoning & Development Ordinance (ZDO) will remain silent on whether STRs are permitted in the unincorporated county and there will be no permitting process for STRs. The status quo makes it difficult to communicate a consistent public policy on STRs. On the one hand, staff tells people STRs are not permitted by the ZDO, but on the other hand, there are hundreds of existing STRs, no enforcement efforts to close them down, and a County Code requirement that STRs pay the Transient Room Tax.
- 2) ***Direct staff to proceed with the adoption process to allow STRs in legal dwellings by amending the ZDO, but do not include a registration process or any regulations.***
Analysis: This option would address the ZDO inconsistencies noted in Option 1 above, and would result in less financial impact as there would not be a registration program, or

additional requirements requiring code enforcement. It should also be noted that enforcement of complaints related to noise and parking are under the purview of the Sheriff's Office, so regulation of these activities remains with that office regardless if we have, or do not have, a STR registration program. In considering this option, the Board should be advised that during our public outreach, a significant amount of public input has favored regulating this use to mitigate neighborhood impacts, and while a ZDO amendment to allow a STR in any legal dwelling would remedy the inconsistencies described in Option 1, it will not add enforcement measures supported by public outreach.

- 3) **Direct staff to proceed with adoption of a STR registration program and regulations**, which would include:
- a. Proceeding with the first and second readings of an ordinance to amend the County Code:
 - i. As proposed in *Attachment 1*; or
 - ii. As modified based on Board direction.
 - b. Drafting a resolution to amend the Fee Schedule to include a fee(s) for the administration and enforcement of the program to consist of:
 - i. One fee - set at \$775 (or some other amount) for a two-year registration, with fee to be reviewed after one year;
 - ii. Some other fee structure, as identified by the Board.

RECOMMENDATION:

Staff recommends Options 3)a.i. and 3)b.i.- Direct staff to proceed with adoption of a STR registration program and regulations, which would include:

- Proceeding with the first and second readings of an ordinance to amend the County Code, as proposed in *Attachment 1*; and
- Drafting a resolution to amend the Fee Schedule to include a fee(s) for the administration and enforcement of the program to consist of one fee - set at \$775 (or some other amount) for a two-year registration, with fee to be reviewed after one year

ATTACHMENTS

- 1. Draft amendments to County Code, **Chapter 8.10 Short-Term Rentals** (3/2/2020 draft)
- 2. Public comments received after February 13, 2020 hearing

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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Chapter 8.10

8.10 SHORT-TERM RENTALS

8.10.010 Purpose

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

8.10.020 Definitions

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

- A. ADMINISTRATOR means the County Administrator of Clackamas County or his/her designee.
- B. DWELLING UNIT is a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.. For the purposes of this chapter only, a guest house is considered to be part of the dwelling unit to which it is accessory, even though it is a separate structure. Guest house shall have the meaning given to that term in Section 202 of the Clackamas County Zoning and Development Ordinance.
- C. OCCUPANTS means persons who are authorized to stay overnight within a short-term rental.
- D. OWNER is the owner or owners of a dwelling unit used as a short-term rental.
- G. PREMISES means the short term rental and the lot on which it is located.
- H. 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.
- I. 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.
- J. REGISTRATION means a short-term rental registration.
- K. 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.
- L. SLEEPING AREA means a room or other space within a dwelling unit designed and intended primarily for sleeping.

8.10.030 Applicability

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

8.10.040 Short-Term Rental Registration Requirements and Fee

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

- E. A registration is transferable to a new registrant, so long as the new registrant submits notification to the administrator, signed by the original registrant, of the transfer and agrees in writing to comply with the requirements of this chapter. A change of registrant notification form will be available at County offices.
- F. No short-term rental may be publicly advertised for rent unless it has been registered with the County

8.10.050 Registration Termination – Renewal – Fee

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

8.10.060 Standards and Conditions

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

- A. Dwelling Unit. The short-term rental must be operated within a legally-established, permanent dwelling unit.
 - 1. The dwelling unit associated with a short-term rental shall not have been established through a land use approval or other approval process that specifically limited the use of the dwelling unit, the occupancy of the dwelling unit, or the duration of the existence of the dwelling unit. Examples of non-qualifying dwellings include those approved as an accessory farmworker dwelling, a caretaker dwelling, or a temporary dwelling for care.
 - 2. Guest houses may only be used as a short-term rental where a registrant can demonstrate that the structure is equipped with indoor plumbing equipped with a water closet, lavatory, shower, bathtub or combination bath/shower.
 - 3. Temporary sleeping accommodations such as tents and recreational vehicles are not considered to be dwelling units under the county's zoning and development ordinance and may not be used as a short-term rental.
- B. Maximum Overnight Occupancy. The number of overnight occupants in the short-term rental shall not exceed the number of occupants authorized in the registration. The maximum overnight occupancy shall be clearly posted in the short-term rental, disclosed in any advertising of the availability of the short-term rental, and included in any rental agreement with tenants. The maximum overnight occupancy authorized in the registration for the short-term rental shall be calculated as follows:
 - 1. Two occupants per sleeping area, plus four additional occupants.

2. Roll-out beds, fold-out couches, or other similar temporary beds shall not be considered a “sleeping areas” for the purposes of calculating maximum allowed occupancy, but could accommodate the four additional occupants.
 3. In no case shall more than 15 occupants be authorized by a short-term rental registration. If only a portion of a dwelling unit is used as a short-term rental, all occupants, including those occupying the portion of the dwelling unit not used as a short-term rental, shall be counted toward the 15-occupant maximum.
- C. Noise. Notice shall be clearly posted in the short-term rental that identifies and informs occupants of their obligation to abide by the County’s current noise control ordinance standards (Clackamas County Code Chapter 6.05).
- D. Parking. One off-street motor vehicle parking space per two sleeping areas is required. Garage space may be used to meet required parking standards if evidence is provided that there is sufficient cleared garage space to fit a vehicle(s). All required parking spaces must be available for occupants to use.
1. If the short-term rental contains only one sleeping area, one off-street parking space is required.
 2. If the short-term rental cannot provide the required number of parking spaces based on sleeping areas, the registrant may request a reduced maximum overnight occupancy based on available parking. In no case shall the registrant advertise for, or rent to, more persons than are authorized under the reduced maximum occupancy total.
 3. 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 by the Oregon Residential Specialty Code.
 2. Two (2) working fire extinguishers shall be provided in the unit, with one of the extinguishers placed within the kitchen 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 clear working space of at least 30 inches wide in front of the panel, and a clear space 78 inches high in front of the panel. All circuit breakers and/or fuses shall be clearly labeled in the event the power needs to be shut off to a certain area or appliance.
 8. All restrictions and prohibitions for burning as determined by the local Fire District shall be observed. All wood-burning fire pits and fireplaces shall be covered or made otherwise unavailable during burn prohibition periods. Contact information for the local Fire District shall be clearly posted in the short-term rental.
 9. The dwelling shall have no open building or zoning code violations.
- H. For any short-term rental located within the Portland Metropolitan Urban Growth Boundary, the dwelling unit to be used as a short-term rental must be located on the same tract as the owner's primary residence. However, the owner is not required to be present on the tract when the short-term rental is occupied. Tract shall be defined as set forth in Section 202 the County's Zoning and Development Ordinance.

8.10.70 Registration Review

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

8.10.080 Examination of Books, Records and Premises

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

8.10.090 Emergency Revocation

- A. In the sole determination of the Clackamas County Building Official, when a violation of the building code or applicable county ordinance exists at a short-term rental that presents an immediate serious fire or life safety risk, the Clackamas County Building Official may immediately revoke the short-term rental registration as a fire or life safety risk. The

Clackamas County Building Official shall provide written documentation of the violation, and notification of the owner's right to appeal, as provided in 8.10.100.

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

8.10.100 Administration and Enforcement

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

- A. For acts of noncompliance, the Code Enforcement Program of the Department of Transportation and Development shall administer, supervise, and perform all acts necessary to enforce this chapter or any other chapters of the Clackamas County Code applicable to short-term rentals, except as otherwise provided for in state law or in the Clackamas County Code, including those regulations for which the Clackamas County Sheriff's Office has been vested with enforcement authority.
- B. Except as otherwise provided in this chapter, Chapter 2.07 of the Clackamas County Code shall govern the process for enforcement of this chapter, including but not limited to the notice and procedures associated with any compliance hearing.
- C. An owner that operates a short-term rental without an approved registration, or fails to pay the fees prescribed herein, shall be subject to immediate citation. Additionally, an owner that fails to pay the fees prescribed herein may have their short-term rental registration immediately revoked.
- D. A person who receives a citation for violation of this chapter shall respond within fourteen (14) days of the issuance of the citation by payment of any penalties established under this chapter, or by requesting a hearing as provided in this section.
- E. In addition to citation, the Code Enforcement Program of the Department of Transportation and Development may require an inspection of the premises.
- F. In addition to citation, the Hearings Officer may:
 - 1. Suspend the short-term rental registration until the short-term rental is in compliance with the standards and conditions set forth in Section 8.10.060; or
 - 2. Revoke the short-term rental registration if there have been three separate violations of this chapter related to the same short-term rental within the applicable two-year registration period.
- G. Alleged acts of noncompliance must be based on either:
 - 1. The personal observation of the Sheriff or designee, code enforcement officer, or Clackamas County Department of Finance staff; or;

2. A determination by the Sheriff or designee, code enforcement officer, or Clackamas County Department of Finance staff that there are reasonable grounds to conclude that the alleged acts of noncompliance did, in fact, occur, after either an investigation or following a sworn statement of a person who personally witnessed the alleged incident.

8.10.110 Penalties

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

DRAFT

Fritzie, Martha

From: Roberta Thissell <rthissell@yahoo.com>
Sent: Sunday, March 1, 2020 1:14 PM
To: Fritzie, Martha
Subject: Short-term rental housing regulations
Attachments: Cabana 1920 oak shore lane mel hignell.docx

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning Mrs. Fritzie,

I am writing to you in response to the upcoming regulations that Clackamas county has on the table. We are a quiet neighborhood who watches out for each other. The demographic ranges from new families to residents such as ourselves who have lived here more than 30 years.

We are heartened to see this regulation pass in our neighborhood for the following reasons: 1920 SE Oak Shore Lane until recently had been a quiet residence. The former owner David Sherrett passed away from a brain tumor. The home was sold to a couple in November 2017. You can check the Clackamas County Sheriff logs, for complaints since the owners moved in.

The current owner Mel Hignell is the owner of White Spider PDX or AKA White Spider Rental Concierge.

After talking to Gary Risley a 6th generation Risley. He was kind enough to canvas the neighborhood to inform all of us that the transition from a family home at 1920 SE Oak Shore Lane, in now a listing on White Spider PDX AIRBNB.

The listing is:

Cabana: An Adult Only Playground: Pool! Hot Tub!* 1920 SE OAK SHORE LANE!

So, the house has had occupants in and out since the end of November 2019. Are they registered to do this? If not this needs to be addressed.

Our concerns are great considering this is a family neighborhood.

This is the information that was forwarded to me by Gary Risley.

https://www.airbnb.com/rooms/40914478?source_impression_id=p3_1579732704_jGWW/xcGJd%2BKD1rq&fbclid=IwAR03karb9r-PbJn6EAmdr6AZ6FSpqVRVWYkDpKCzglrUBC4QOjDIOW8Y5h0

Respectfully,
Roberta Thissell
Michael Thissell

Spam Email
Phishing Email

https://www.airbnb.com/rooms/40914478?source_impression_id=p3_1579732704_jGWW/xcGJd%2BKD1rq&fbclid=IwAR03karb9r-PbJn6EAmdr6AZ6FSpqVRVWYkDpKCzglrUBC4QQjDIOW8Y5h0

* Cabana: An Adult Only Playground: Pool! Hot Tub! * 1920 SE OAK SHORE LANE

White Spider PDX

Milwaukie



Mel

10 guests

4 bedrooms

6 beds

3 baths



Entire home

You'll have the house to yourself.



Great location

100% of recent guests gave the location a 5-star rating.



Great check-in experience

100% of recent guests gave the check-in process a 5-star rating.



Great communication

100% of recent guests rated Mel 5-star in communication.

Calling all adults who like to let loose and have a respectful good time in a house you'll never experience again. Welcome to Cabana: an Adult-Only Playground! My house has a bit of everything and things you've never thought of, too. From the saltwater pool (available April to October) to the 7-person hot tub to the two fireplaces, all the way to the flogging cross and vintage condom dispenser, I'm serious when I say this house is one-of-a-kind and designed for fun. Not for the easily offended!

The space

IMPORTANT: This is an ADULT-ONLY home and we require proof of age of every occupant. This home is set up as the ultimate party house, but keep in mind it is NOT for the easily offended. This isn't the place to bring Grandma Ethel, y'all. I have designed my home to be the type of place where all of your friends will want to live, and where consensual fun can be had by all members of your party. Yes, we are available for non-wedding events, too. Inquire within.

Hey, y'all, I don't mean to brag or anything, but it's gonna be mighty hard to find a better home than this one. I have been hosting guests in San Francisco, New Orleans and Portland since Airbnb became a thing, and I've had over two thousand ☆☆☆☆☆ reviews for my homes. Why? Because I provide the MOST EPIC spaces, ever.

Aptly named Cabana, this dog-friendly house has everything you'd need to have the best vacation of your life: You will head home the most relaxed you've ever been!

It would be hard to list every amenity this home has, so I'm going to include some of the ones Ryan and I appreciate the most. I hope you add to this list in your review; I love knowing what "speaks" to our guests in each of our homes!

HIGHLIGHTS:

- * Massive, heated, saltwater pool: 2.5' in the shallow end, 11' in the deep end (open April-October)
- * Diving board!
- * 7-person hot tub
- * Outdoor bathroom; no need to go inside
- * Floaties galore, including our mascot, the Unicorn
- * A 1/2 acre of private outdoor space filled w/ seating areas, firepits & room to roam.
- * Four private bedrooms with King Beds:
 - Master Bedroom: King Bed: Main Floor: with TV
 - Guest Bedroom: King Bed: Main Floor: with TV
 - Guest Bedroom: King Bed: Lower Floor: with TV
 - Guest Bedroom: King Bed: Lower Floor: with TV
- Multiple Bathrooms:
 - Master Bath: Shower/tub combo: Main Floor
 - Powder Room: Main Floor
 - Guest Bath: Shower: Lower Floor
 - Powder Room: Outside, in the Cabana
- * Chef's Kitchen with everything you could need, including a daiquiri machine!
- * Two Living Rooms:
 - Living Room on main level has views of the pool. Note: No TV
 - Living Room on lower level has views of the pool and a big screen TV
- * Covered outdoor dining area for meals outside
- * Formal dining area inside, for colder nights
- * Multiple outdoor seating areas for guests
- * AC throughout the house
- * BBQ
- * Dogs welcome with \$250 non-refundable pet fee.

NOTE: Our home sits in an unincorporated area of Portland, which means you won't pay the Multnomah County And State of Oregon taxes at this house, which saves you 14.5%!

Guest access

Everything, from the coffee to the parking to the laundry unit, we want you to feel that this is your home away from home.

Other things to note

- There is a guest minimum of six for all weekends and holidays. This may be negotiable during the Low Season.
- There is a nightly minimum of four nights for high-season weekends from April to September.
- Please note this is an ADULT ONLY home and we will be asking for identification of all occupants to ensure everyone is 21 or over.
- Please note the pool is available for use from April-October.
- This home is pet-friendly with a non-refundable \$250 pet fee. Please do not attempt to sneak in pets and please ensure you pick up after your pets and do not leave them unattended in the home or yard.
- This house is NOT for the easily offended. When asking to rent please let us know you understand this and are not offended by things such as flogging crosses, condom machines and general irreverence with anti-religious undertones.

Things to keep in mind

Check-in: After 5:00 PM

Checkout: 12:00 PM

House Rules

-

Not suitable for children and infants

-

No smoking

-

Pets are allowed

-

Parties and events are allowed

You must also acknowledge

-

Must climb stairs - This home has 2 levels

-

Security deposit - if you damage the home, you may be charged up to \$1000

-

Surveillance or recording devices on property - There are exterior cameras throughout the property for security purposes, which are monitored 24 hours a day. No interior cameras.

Additional rules

HOUSE RULES:

-- Most importantly: Please let us know you've taken the time to read through and agree to our rules at the time you inquire about

our house. We can not rent to people who have not assured us they will take amazing care of our amazing home. Each of these rules has been put in place due to experiences with past guests - please don't take offense to them; each is for the protection of our guests and home. Thank you.

-- Only adults over the age of 21 are permitted at this home. We reserve the right to ask for identification verifying age per our insurance at any time, and absolutely nobody under the age of 21 is allowed on the premises, ever. There are exterior cameras at the home, with the exception of around the pool and guest gathering areas, so please do not attempt to sneak anyone in. If we see any underage people entering the premises it will be immediate eviction.

-- This is 100% not a party house, and is for the most respectful and well-traveled of guests, only.

-- We reserve the right to cancel all reservations that do not meet our clearly defined night/guest minimums and requirements.

-- A late check-out fee of \$50/hour will be added to the reservation in the event of such. If more than three hours late, we will also charge the cost of another night, as well as the late fee. If an arriving guest has to be rehomed due to a late check-out, a re-booking fee of \$200 will be applied to the reservation. Additional costs (hotels, cleaning fees) may apply.

-- Please lock all doors and windows when in/out of the home.

-- Please turn off all heat/AC when leaving for the day.

-- This is a strict non-smoking house. There are ashtrays outside for your convenience. Please dispose of all butts appropriately. Evidence of smoking in the house carries a \$500 fine.

-- We love our neighbors, and try never to impede on their right to a quiet home. Please quiet down by 9pm on the weekdays and 10pm on the weekends. If applicable, this is especially important when using the patio! Neighbor complaints will be handled as follows: *This is not a true statement. Please check police complaints dating back to when they bought this home. All the neighbors called the police on their inconsiderate behavior for the years.*

- 1st complaint: \$250 fine and call to Airbnb. Mandatory walk-through.
- 2nd complaint: \$500 fine, case started with Airbnb, negative review left. Mandatory walk-through.
- 3rd complaint: \$500 fine and immediate eviction.
- Due to back-to-back guests, I'm sorry, but we can not accommodate early check-ins nor late check outs. Nor can we allow for luggage to be dropped off, as we have limited time to flip the house between guests. This is a FIRM (and imperative!) rule.
- Please take all perishable items with you. They beckon bugs and critters!
- Spring and summer is sugar ant season in Portland - please do not leave food on the counters for long.
- Upon departure, please take the trash to the master bins. Please also make sure the house is in good order: dishes washed etc. We will take care of everything else! Failure to leave the house in good order will result in an Airbnb investigation and additional fines.
- No guest-packages are to be delivered to the house. If you have a package delivered anyway, please note we are not responsible for the well-being of your package, nor are we available to help you track it down. Amazon Locker is a great way to have packages safely delivered!
- Absolutely no commercial photography or video shoots are to be conducted in the home. Violation of this rule will result in a \$1000 fine, a case opened with Airbnb, and immediate eviction from the home. Yes, this has happened, and yes, we have caught the people when they chose to violate our rules. Please don't do this!

Hide rules

Cancellations

Free cancellation for 48 hours

After that, cancel up to 7 days before check-in and get a 50% refund, minus the service fee.

Reservation confirmed

48 hours later

7 days before check-in

Check-in

Full refund if check-in is at least 14 days away

50% refund, minus the service fee

Refund of only the cleaning fee

[Get full details](#)

Hide policies

Fritzie, Martha

From: Carol <genseeker4@yahoo.com>
Sent: Friday, February 28, 2020 9:29 AM
To: Fritzie, Martha
Subject: Short Term Rental Housing Regulations - Issues & regulations proposed

Dear Martha, and Board of County Commissioners:

Please accept my Comments regarding Proposed Regulations for Short-term rental housing regulations

I offer the following regarding proposed Regulations for the above. Please note my comments are in red as each item is addressed.

I support the County for their time & efforts to Draft regulations for short-term/vacation rentals in unincorporated Clackamas County, including registration and enforcement and encouraging to see a proactive stance on bringing this current with today's market.

Overview

The draft regulations include provisions for short-term rental owners to register with the county every two years and pay a fee to help cover the costs of administration and enforcement. The exact fee amount will be approved by the Board of County Commissioners in spring 2020. At this time it is expected to be in the range of \$800 to \$900 for each two-year registration.

While I support an every 2 year registration fee, I feel that the \$800-900 fee is exceptionally high especially since the majority of STRH's aren't receiving income where such fees will be affordable as most rent only a 1 or 2 room periodically, and are not fully rented throughout the year enough to be able to cover the cost of those fees, especially since income from them is utilized to help offset utilities, mtg, and costs associated with maintaining said properties.

Additionally, it was stated that these fees go toward administration and code enforcement - Until history has been obtained to validate such high fees caused from such, and since there are more domestic violence, and residential police actions required for standard, non Air bnb residences, I ask that fees be more reasonable (in the \$400 range) until proven necessary. The majority of Air bnb (or similar) hosts with an on-site owner/manager generally never have to utilize enforcement services like other non-Air bnb residential customers use and abuse. What is the county's history with such Air bnb vs. non-Air bnb residential.

The fees should be based on number of rooms rented (listed for rent on Air bnb (or similar) site) at each location, and potential revenue. That is because some owners do not live on property, have converted say a 3 bdrm home to a 5 bdrm home in order to generate more revenue, and utilize more of county services as well as generally do not always meet codes or community standards when converting properties or adding units. Many of those conversions are done with out permits.

The majority of Air bnb hosts are on site owners who maintain and take care of their properties, and are always available to assure guests are respectful and quiet.

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

Key components of the proposed regulations include the following:

- **Agree:** Regulations would only apply outside of city limits in unincorporated Clackamas County.
- **Agree:** All short-term rentals would be subject to the same regulations, except that short-term rental 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 or adjacent to that lot. (**Disagree:** The owner would not be required to be there when the short-term rental was

occupied. The owner should be required to in residence during any short-term rental. It should be treated similar to requirements for a hotel or motel wherein there is always a manager on duty (on property), & available in order to assure guests do not use drugs, excessive alcohol, or do illegal action, or bring in any unregistered guests to the property without notice to owners) Personal safety is also a valid issue because if there is no on-site owner/manager, & a non-registered person is brought in it puts other guests personal safety at risk.

- Suggest that there be various classifications & fee structures relative to STR's i.e. Regulations for STR's with 2-3 bedrooms to rent; 4-6 bedrooms to rent, 7-10 bedrooms to rent, and those that rent small homes and how many they have on their property to rent which could be a combination of say 3 bedrooms in their main house, with 2 small homes outside on their property to rent, and with a limit on occupancy per beds. By layering such it would help meet your anticipated revenue for permit costs. That way those with more bedrooms would pay a higher fee leaving the one with only 1-2 bedrooms to pay a more reasonable permit cost & be more fair.
- Agree (with consideration from above items & items of concern noted below) Short-term rentals 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
 - **Primary & Secondary** Contact information for someone who can respond to complaints, issues, etc
 - An affidavit of compliance with safety standards (**On-site inspection for each property required as I have stayed at some that do not have either or both a smoke detector & CO detector, & store chemicals or flammables around water heater units, nor provide emergency exit procedures/escape routes either posted or in a handbook, do not have hot water regulators on plumbing, window screens, accessible or any fire extinguishers, or have black mold in bathrooms.**

- Evidence that all county fees and taxes have been paid (**& is current**), including registration with the county's Transient Lodging Tax program
- Proof of liability insurance (**that is current & copy kept on file, updated yearly**)
- A site plan and a dwelling unit floor plan (**that includes emergency exit paths & emergency shut off locations should such me needed when host is unavailable**)
- Maximum overnight occupancy of two people per sleeping area plus four additional people, not to exceed 15 people regardless of the number of sleeping areas. (**Highly recommend HUD 2 people per bedroom standards. And guidelines for bedroom & bathroom occupancy should mirror standards set in the hotel industry. And complying with basic residential housing for cars per lot.**)
- One off-street parking spot required for each two sleeping areas (**One off-street parking spot for each bedroom because that is how it would be should a non-Air bnb residence say have 2 people per bedroom, and in a 3 bdrm house, that could mean 2 cars (1 per bedroom) with the owner or 3rd bdrm utilizing their garage or driveway. Sleeping areas could be living room or family room sofas as some Air bnb hosts also rent those SO sleeping areas should be defined as bedroom, not sleeping area. Some hosts also rent RV's stored on their property so it is important to be as specific as possible. Bedroom should be clearly defined to meet definition of such i.e. with a window, closet, and minimum sq. ft.**)
- Garbage pick-up at least once a week, with any outdoor garbage containers required to be covered (**Property should be maintained with no hazardous substances nor garbage nor litter in any and all outside area**)
- 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. (**Part of safety compliance check-off list with physical testing of each, & expiration date of fire extinguishers noted**)

- 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.
- Allow guest houses to be used as short-term rentals (with on-site owner/manager in main building)
- Set fines for violation of short-term rental regulations similar to those for many other code enforcement violations -- \$250 for first citation, \$500 for second violation, \$75/month administrative fee while the case is open, and additional charges for each day the violation continues

If approved, the new regulations are expected to become effective July 1, 2020.

Thank you for your time.

Carol VanderMiller

925-963-2234

Happy Valley, OR 97086

[Spam Email](#)

[Phishing Email](#)

Fritzie, Martha

From: John Ingersoll <john@highcascade.com>
Sent: Wednesday, February 26, 2020 3:42 PM
To: Fritzie, Martha
Cc: Rogalin, Ellen; BCCMail
Subject: Re: STR and Government camp specific

Martha

Thanks for the quick responses. And detail .. I'll call tomorrow

Kind regards
John Ingersoll

Sent from my iPhone

On Feb 26, 2020, at 10:09 AM, Fritzie, Martha <MFritzie@clackamas.us> wrote:

Hi John. I did look into the notice issue and it appears that there is a typo in your email address in the list I received from the department that collects the transient taxes, so you would not have received the email notices sent out in the fall. I have asked that department to correct the typo in their records. In addition, the postcards that were sent out regarding the public meetings last the spring were sent to property owners/taxpayers and it appears that the property you manage is owned by an entity with a Bend mailing address - they would have received that notice.

That said - thank you for reaching out and providing your comments and questions. I think I have addressed each of your questions below. If not, you can reach me at 503-742-4529.

Martha

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

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

From: John Ingersoll [mailto:john@highcascade.com]
Sent: Tuesday, February 25, 2020 4:10 PM
To: Rogalin, Ellen <EllenRog@clackamas.us>

Cc: Fritzie, Martha <MFritzie@clackamas.us>; BCCMail <BCCMail@clackamas.us>
 Subject: Re: STR and Government camp specific

3.11.2020 BCC Policy Session
 ZDO-273: Short-Term Rentals

Martha and Ellen,

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

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

A few things:

- The proposed changes , specifically 8.10.060 to “4 additional” from 2 additional helps RTC" Resort accommodation” buildings.
- RTC Resort Accommodation buildings are commercial buildings . I see my 1999 approved Design Review application for resort Accommodations and it is clear it is for large groups. Summer and non summer. *[Fritzie, Martha]* Yes – all multi-family developments must go through design review and are considered commercial building. Our zoning code does not have a definition of “resort accommodations” and since multi-family dwellings are not listed as specifically allowed in the RTC zone, “resort accommodations” has been fairly liberally interpreted in the past to allow for all types of multifamily dwellings to be built (either for rent or ownership) and even allows for a higher density than most urban multi-family districts in the metro UGB. If we hadn’t made this interpretation, the only dwellings that would have been explicitly allowed in the RTC zone would be single-family dwellings (and then, only under certain circumstances).

On another note – the MRR zone found in Govt. Camp and other areas on the mountain, is actually a residential zone (not a commercial zone) and allows for a wide range of dwelling types – from single-family to plexes to multi-family – and all of these dwelling types are found in various locations in this zoning district.

- My building is a 5 (really 6) unit building and i only rent out the entire lodge . and have done so for over 18 years . With the minim of 15 per application, I would have to submit multiple application for one building. I think i can do that? Can I? and then advertise the entire building as ONE ??*[Fritzie, Martha]* One application would need to be submitted for each dwelling unit within the building. You may advertise and rent them separately or all at the same time – we would not regulate that.
- i still think the STR regulations were designed for STR in Residential areas.
- I have paid transient taxes diligently , \$4760.00 in 2019 alone. I do no propose to be exempt from that .. With a few minor adjustments, i think the regulations and related fees could work for the RTC / “Resort Accommodation” buildings past and future builds .. *[Fritzie, Martha]* We certainly appreciate that you are paying the transient taxes (currently we have a pretty low compliance rate for STRs). Our hope is that this program will provide a tool to ensure more STR operators are actually paying these taxes and

therefore create a more level playing field for all STR operators and hotel/motel operators.

- how about a clause in the regulations stating something like ‘buildings that don’t fit into the regulations, but meet the intent , a case by case evaluation of such buildings / properties will be considered for approval. ?*[Fritzie, Martha]* We currently do not have an exceptions written into the proposed regulations. If we were to do so, it would need to include a specific process and criteria that were fairly narrowly defined and contain objective criteria.

ANYWAY,

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

Kind Regards,

<image001.png>

John Ingersoll Owner and Manager

t: 503.501.7500

e: john@highcascade.com

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

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

Ellen,

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

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

The proposed STR regulations would restrict future Resort accommodation buildings.. Single family residences are no longer allowed IN RTC .. hence no conflict. **The proposed Clackamas STR is for residential zoned neighborhoods** .. If you pass the regulations as proposed and don't exempt the Govt camp RTC, it will be a big oversight that will have to be corrected ; AGAIN, it is an oversight. A comparison is approving a hotel / motel and then having regulations overlaid restricting the number of rooms the hotel can rent out.

I also think the Commercial MRR zone in Government camp should be looked at and possibly also be exempt. 3.11.2020 BCC Policy Session
ZDO-273: Short-Term Rentals

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

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

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

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

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

- 1) In the Mt Hood comprehensive plan, unincorporated Govt camp is a high density community: Unlike Welches (medium), Rhododendron (low).
- 2) Govt. Camp is unlike all other Clackamas Rural communities.. It is a tourist and resort area.
- 3) **The RTC commercial area is not addressed as a special zone (or exempt) .. "Resort Accommodation" is not addressed specifically and there are at least 6 buildings in RTC that don't fit into the regulations; ie maximum capacity for example. Single family houses are not allowed in the RTC. "Resort Accommodations" in the commercial RTC zone can be a building with units like a hotel / motel without being a hotel / motel. Hotels / motels are proposed as exempt in the STR regulations. Resort Accommodations should also be exempt IN 8.10.030**
- 4) MRR is a special commercial zone (collins lake resort) and is not addressed.
- 5) I am not exactly sure of STR in the Govy Residential zones. We are a tourist community and special regulations should apply.
- 6) GOVT Camp Chalet and building Capacities was addressed long ago by the fire marshall and targeted many of the STR at the time .. the formula was 1 person for every 200 Sq. Feet of a building. it was a big deal and is enforced.
- 7) the Government camp sewer district charges extra SDC's and Edu's When the number of vacation renters increases .. hence it is a restraint on number of occupants.

kind Regards

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

John Ingersoll Owner and Manager

t: 503.501.7500
e: john@highcascade.com

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

Ellen and Martha

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

Thanks for asking.

Ellen Rogalin, Community Relations Specialist
503-742-4274
Office hours: 9 am – 6 pm, Monday-Friday

From: Blane S <blaneskowhede@hotmail.com>
Sent: Thursday, February 20, 2020 5:40 AM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Subject: Re: Clackamas Board to discuss short-term rental regulations on March 11

Hello Ellen,

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

Thank you,
Blane Skowhede

From: Rogalin, Ellen <EllenRog@clackamas.us>
Sent: Tuesday, February 18, 2020 5:31 PM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Cc: Fritzie, Martha <MFritzie@clackamas.us>
Subject: Clackamas Board to discuss short-term rental regulations on March 11

Good afternoon,

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

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

Thank you for your interest.

Ellen Rogalin, Community Relations Specialist
Clackamas County Public & Government Affairs
Transportation & Development | Business & Community Services
503-742-4274 | 150 Beaver Creek Road, Oregon City, OR 97045
Office hours: 9 am – 6 pm, Monday-Friday

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

Fritzie, Martha

From: John Ingersoll <john@highcascade.com>
Sent: Friday, February 21, 2020 2:59 PM
To: Rogalin, Ellen
Cc: Fritzie, Martha
Subject: STR and Government camp specific

Ellen,

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

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

The proposed STR regulations would restrict future Resort accommodation buildings.. Single family residences are no longer allowed IN RTC .. hence no conflict. **The proposed Clackamas STR is for residential zoned neighborhoods** .. If you pass the regulations as proposed and don't exempt the Govt camp RTC, it will be a big oversight that will have to be corrected ; AGAIN, it is an oversight. A comparison is approving a hotel / motel and then having regulations overlayed restricting the number of rooms the hotel can rent out.

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

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

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

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

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

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

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

- 5) I am not exactly sure of STR in the Govy Residential zones. We are a tourist community and special regulations should apply.
- 6) GOVT Camp Chalet and building Capacities was addressed long ago by the fire marshall and targeted many of the STR at the time .. the formula was 1 person for every 200 Sq. Feet of a building. it was a big deal and is enforced.
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BOARDWALK
= LODGE =
Mt Hood Resort Lodging LLC

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Thanks for asking.

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

From: Blane S <blaneskowhede@hotmail.com>
Sent: Thursday, February 20, 2020 5:40 AM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Subject: Re: Clackamas Board to discuss short-term rental regulations on March 11

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Sent: Tuesday, February 18, 2020 5:31 PM
To: Rogalin, Ellen <EllenRog@clackamas.us>

Cc: Fritzie, Martha <MFritzie@clackamas.us>

3.11.2020 BCC Policy Session

Subject: Clackamas Board to discuss short-term rental regulations on March 11 ZDO-273: Short-Term Rentals

Good afternoon,

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

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Thank you for your interest.

Ellen Rogalin, Community Relations Specialist
Clackamas County Public & Government Affairs
Transportation & Development | Business & Community Services
503-742-4274 | 150 Beaver Creek Road, Oregon City, OR 97045
Office hours: 9 am – 6 pm, Monday-Friday

Spam Email
Phishing Email

Fritzie, Martha

From: DeSantis, Kimberlee
Sent: Wednesday, February 19, 2020 11:22 AM
To: Johnson, Dan; Hughes, Jennifer; Fritzie, Martha
Subject: Palm Springs
Attachments: Palm Springs STR.pdf

Good afternoon all –

I believe Brian Chaffin (sp?) spoke at the business meeting last week about the palm springs str ordinance. He dropped off additional materials to me yesterday and asked that I share them – so here you go! This includes their good neighbor brochure, online information, ordinance, and an article about the success of the program.

Thanks!

Kimberlee DeSantis

Senior Commission Policy Advisor
Clackamas County Board of Commissioners
2051 Kaen Road, Suite 450 | Oregon City, OR 97045
503.742.5913 | kimberleedes@clackamas.us

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/HZPQSCC>

WHAT ELSE SHOULD I KNOW?

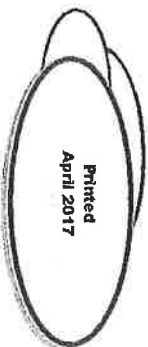
Please keep in mind that you may be cited or fined by the City, or even evicted by the Owner, for creating a disturbance or for violating other provisions of the City's Vacation Rental Ordinance. The surrounding neighbors have been given a 24-hour number to CALL should they need to file a complaint.

The owner or agent you are renting from will be able to answer any questions that you may have.

Enjoy your stay!

Welcoming Owner/Agent Name:

Owner/Agent Phone Number:



**Prepared by:
Department of Vacation Rental
Compliance**

**City of Palm Springs
3200 E. Tahquitz Canyon Way
Po Box 2743
Palm Springs, Ca. 92263-2743
Phone 760.323.8299**

**www.palmspringsca.gov
vacation_rentals@palmspringsca.gov**

Good Neighbor Brochure

For Vacation Rentals



CITY OF PALM SPRINGS



WELCOME TO PALM SPRINGS

Palm Springs is world-famous for its warm welcoming of visitors while on vacation. We are pleased you have chosen to spend your vacation in our City. There is so much to see and do. Or, if you choose, just sit back, relax and do nothing at all.

Like many of our visitors, you have decided to rent a house or a condominium for your own unique experience. That's great. There are many benefits to doing that.

Perhaps the greatest benefit is the pleasure of residing even for a short stay in one of our beautiful residential neighborhoods. You will be among many permanent residents who value the look and feel of a quiet and safe place to live. They, and the City, will look to you for your help in preserving that sense of peace and quiet. In short, being a vacation renter also means being a good neighbor.

WHAT YOU NEED TO KNOW

This brochure is intended to highlight a few ways you can be a good neighbor and to inform you of The City's Vacation Rental guidelines during your stay.

Please do not create excessive noise or disturbances or engage in disorderly conduct. Consider how you would want your neighbors to behave in your own neighborhood back home. Chances are your Palm Springs neighbors will expect the same of you. A little consideration goes a long way. We ask you to please observe the following City of Palm Springs Rules and Regulations for Vacation Rentals.

WHO'S MAKING ALL THAT NOISE?

Amplified MUSIC is not allowed outside of your Vacation Rental unit. Music may not be heard at the property lines at any time of the day (that includes music coming from inside of the home). Please, don't bite the speakers outside and crank up the music, even if you think everyone will enjoy it. If your neighbors can hear music, you are in violation of the City Ordinance.

POOL TIME is one of the most popular activities to enjoy in Palm Springs. Please keep voices and pool activities to a reasonable level. Continued and ongoing screaming for an extended period of time is one way to disturb the neighbors. Please be thoughtful.

NIGHT TIME hours are between 10pm and 10am. Please consider moving indoors after 10pm. If you choose to be outside, please be considerate of the neighbors and use indoor voices. Please remember our neighborhoods are quiet, surrounded by mountains and voices can easily carry.

A CALL from the neighbors to the City will bring the Vacation Rental Compliance Officers to your door. Our officers may issue you a citation if you exceed the allowed noise levels or if another violation is observed. So please, keep the noise down and be considerate of the neighbors. You may be on vacation, but other occupants in homes around your vacation home may not be.

WHOSE CAR IS THAT?

Only ONE vehicle per bedroom is allowed at any given time. Utilize driveway and/or garage when PARKING your vehicle before using street parking. And never block any driveway or street access.

HOW MANY GUESTS IN A HOME?

Please abide by the OCCUPANCY limits in the chart below. Day Time occupancy is between 10am and 10pm.

Number of Bedrooms	Total Overnight Occupants*	Additional Day Time Occupants	Total Daytime Occupancy	Total Vehicles Allowed
Studio/1	2	4	6	1
2	4	4	8	2
3	6	4	10	3
4	8	4	12	4
5 Estate Only	10	4	14	5
5 Estate Only	12	4	16	6

* Plus 2 children age 12 or under

PUPPY LOVE

Palm Springs requires that all dogs be on a LEASH whenever they are outside, except in the City's Dog Park. Also, we expect everyone to pick up after their pet. NEVER leave your pet unattended in a vehicle; it is illegal all year long. And just like at home, a barking or whining dog disturbs the neighbors.

WHOSE TURN IS IT TO TAKE OUT THE TRASH?

Palm Springs residents recycle as much as they can and we hope you will too. If you have a blue recycling cart where you are staying, please use it to recycle metal, paper, glass and plastic products.

Please DO NOT STORE trash and refuse within PUBLIC VIEW, except in proper containers for the purpose of collection. If you are staying in a house, PSDS will pick up your trash and empty your recycling cart on your scheduled collection day(s). Please do not leave trash or recycling at the curb.

Palm Springs Rental Ordinance



Search Rentals

Arriving Departing

2/15/2020

2/18/2020

Check Availability

Bedrooms Guests

All

All

Categories

All

Featured Property



(/vacation-rental-home.asp?PageDataID=104326) COMFORT ABOUNDS IN YOUR PRIVATE DESERT OASIS (vacation-rental-home.asp?PageDataID=104326)

Palm Springs has a strictly enforced vacation rental home city ordinance. These rules govern every vacation rental reservation booked in the city of Palm Springs. These are highlights and major concerns regarding vacation rental homes that the city addresses:

MUSIC

No music outside. Ever. If you are playing music inside, the doors must be closed.

PEOPLE/POOL NOISE

- People Noise during the day is permissible but must be measured and reasonable. Daytime is considered 10:00 am to 9:00 pm*
- After 9:00 pm, start winding down the outdoor activities. If you are outside after 9:00 pm, it should sound as though you are not.
- After 10:00 pm, you should be inside the home with the doors closed. The neighbors expect the usual silence a neighborhood would afford them. Even 2 or 3 people casually talking in the hot tub can be clearly audible to the neighbors and after 10:00 pm, that is not acceptable.

**The city ordinance mandates all pool and people noise must stop at 10:00 pm. However, in an over-abundance of caution and constant goal of the ultimate respect to our homes' neighbors, RELAX PALM SPRINGS chooses to operate with a more conservative noise curfew of 9:00 PM.*

PARKING

The city does limit the number of cars that can be parked at the property at any given time. The number of cars is set based on the number of bedrooms the home you rented offers. Please ask us if you haven't determined what that limit is. Carpool where appropriate.

GUEST COUNT (OVERNIGHT & DAILY)

The city limits the number of guests that may spend the night in each home as well as the number of visitors you may host during the day. Daytime is defined as 10:00 am to 9:00 pm. Both limits are strictly enforced and the maximum number of daytime guests include the overnight guest count. This is the maximum number of guests that may ever be on property at one time during the day. If you have rented a home, the limits are fully disclosed in the rental agreement. If you are considering different homes and have yet to book, feel free to ask us so that we can properly identify the homes to suit your group's needs.

TRASH

Each and every home has large trash and recycling bins. The city will come on property and pull the cans to the street and return them to the property when trash has been collected. The collection schedule is posted in the house. Please remove your trash throughout your stay to make for an efficient collection of debris. Remember that these are residential homes and have limited trash space... when on vacation you can make far more trash in one weekend than you would in every-day life over an entire week. We hope guests consider this when planning their holiday.

 (<https://www.facebook.com/pages/Relax-Palm-Springs/1503210673269176>) 
(<https://twitter.com/RelaxPS>) 
(<https://instagram.com/relaxpalmsprings/>) 
(<https://www.youtube.com/channel/UCxVH9H6sH1R06j1pdVzBY5A>)

VACATION RENTAL ORDINANCE 2.0 DRAFT

The Vacation Rental Ordinance 2.0 draft is being updated and will be available soon.

IMPORTANT REMINDERS

STAKEHOLDER MEETING DATES

Future Meetings:

- **February 11, 2020** **425 N Civic Drive, Palm Springs - 4:00 PM**
- **May 12, 2020** **425 N Civic Drive, Palm Springs - 4:00 PM**
- **August 11, 2020** **425 N Civic Drive, Palm Springs - 4:00 PM**
- **November 10, 2020** **425 N Civic Drive, Palm Springs - 4:00 PM**

Everyone in our community is a Stakeholder and is welcome to attend. We are pleased with the great turnout at the Stakeholder meetings, and all of the collaboration. Thank you!

IMPORTANT UPDATE

On June 5, 2019, The City Council of the City of Palm Springs adopted Resolution No. 24622 modifying certain user fees and charges. Specifically for Vacation Rental and Homeshares, the following fees will be effective on July 5, 2019:

- Vacation Rental - New Registration Fee - \$944.00
- Vacation Rental - Annual Renewal Fee - \$944.00
- Homeshare - New Registration Fee - \$236.00
- Homeshare - Annual Renewal Fee - \$236.00
- Land Use Permit (LUP) Fee for Estate Homes - \$410.00
- Administrative Appeals Board - Appeal Fee - \$802.00

[Click Here for Copy of the Fee Increase Letter](#)

[Click Here to view Comprehensive Fees Schedule](#)

VACATION RENTAL HOTLINE 24/7

If you need to report an active complaint about a Vacation Rental/Homeshare or event house in your neighborhood, please call:

#(760) 322-8383

- Call during the event
- Please do not call the Police in a non emergency situation
- Provide Vacation Rental property address
- Describe the disturbance
- Allowing access to your yard will help us witness any violation
- Let us know if you want a call back with a resolution

Guests need to be good neighbors - to see the Good Neighbor Brochure they receive, click [here](#)

Important Vacation Rental/Homeshare Information

DON'T FORGET TO POST YOUR CITY ID # ON ALL ADVERTISING

(Please Note: Your City ID # is different than your TOT # - TOT # is used for reporting and paying Transient Occupancy Taxes)

See the Good Neighbor Brochure that includes the following:

There is **no outside amplified noise** (i.e., music) allowed at any Vacation Rental or Homeshare property while being rented. Music must be fully contained within the property at all times.

Parking - Total vehicles allowed is based on number of bedrooms at a rental property; anytime of day. See the chart below. Vehicles are allowed to be parked in the garage, driveway or on the street. Vehicles may not block driveways or mailboxes.

Occupancy and parking -Limits are based on the number of bedrooms at property. (2 children age 12 or under are permitted as well and are in addition to Total Overnight Occupants listed in the chart below).

Number of Bedrooms	Total Overnight Occupants	Additional Day Time Occupants	Total Daytime Occupancy	Total Vehicles Allowed
Studio/1	2	4	6	1
2	4	4	8	2
3	6	4	10	3
4	8	4	12	4
5 Estate Only	10	4	14	5
6 Estate Only	12	4	16	6

ORDINANCE NO. 631

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE NUISANCE SECTION OF CHAPTER 6, INCLUDING DEFINITIONS, NOISE, ENFORCEMENT, AND CITATION.

WHEREAS, enforcement procedures for nuisance violations under the current Code include abatement procedures and civil violations, and there is no authority to issue a citation to deter the creation of nuisances and encourage faster abatement; and

WHEREAS, noise regulations under the Wilsonville Code are narrow in scope and do not regulate a broad enough range of disruptive noises that negatively affect the City; and

WHEREAS, it is in the interest of the public's safety, health, and welfare to adopt broader noise regulations for the City and provide the authority to issue citations for violations of Chapter 6 that create a nuisance;

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Wilsonville Code Chapter 6, sections 6.200, Definitions, shall be amended to add the following definitions. All other definitions shall remain unchanged in section 6.200.

6.200 Definitions.

Authorized Officer. The Sheriff, any Sheriffs Deputy, or any other person expressly authorized by the City Manager or Clackamas County Sheriff to issue Noise Ordinance citations, or make determinations of the existence of a Noise Ordinance violation for the purpose of enforcement procedures set forth in Chapter 6.

Farm Area. Any real property which contains a farm, provided that the structure or building is properly zoned, or is legally nonconforming, for farm use in accordance with the terms and maps of the City's zoning ordinance.

Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Commercial Area. Areas zoned Planned Development Commercial (PDC), including PDC-TC (Town Center) in accordance with the terms and maps of the City's zoning ordinance.

Industrial Area. Areas zoned Planned Development Industrial (PDI) in accordance with the terms and maps of the City's zoning ordinance.

Loud or Raucous Noise

- (i) any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the City; or
- (ii) any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

Person. Any individual, firm, association, partnership, joint venture, or corporation.

Plainly Audible. Any sound that can be detected by a reasonable person of ordinary sensitivities using unaided hearing faculties.

Public space. Any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

Residential Area. Areas zoned Residential in accordance with the terms and maps of the City's zoning ordinance or any real property which contains a structure or building in which one or more persons reside, that is legally nonconforming.

Section 2. Wilsonville Code Chapter 6, section 6.204, Noise, shall be repealed and readopted as follows:

6.204 Noise

(1) General Prohibition. No person shall make, continue, or cause to be made or continued any Loud or Raucous Noise.

(a) Factors for determining whether a sound is Loud or Raucous Noise may include, but are not limited to, the following:

- (i) The proximity of the sound to sleeping facilities, whether residential or commercial area;
- (ii) the land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
- (iii) the time of day or night the sound occurs;
- (iv) the duration of the sound;
- (v) whether the sound is recurrent, intermittent or constant;
- (vi) whether the sound has occurred in the past and with what affect; and
- (vii) the practical or exigent justifications for the sound.

(2) Noises Prohibited. The following acts, if done intentionally or permitted knowingly, are declared to be *per se* violations of this Ordinance. This enumeration does not constitute an exclusive list:

(a) Unreasonable Noises. The making of any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally

affect the operators of adjacent places of business are exempted from this provision.

- (b). Vehicle Horns, Signaling Devices, and Similar Devices. The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the City, for more than ten consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.
- (c). Non-Emergency Signaling Devices. The sounding of any amplified signal from any bell, chime, siren, whistle, or similar device intended primarily for non-emergency purposes, from any place for more than ten consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the City for traffic control purposes are exempt from the operation of this provision.
- (d). Emergency Signaling Devices. The sounding of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (i) and (ii), below.
 - (i) Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. any testing shall use only the minimum cycle test time. In no case shall such test time exceed five minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.
 - (ii) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within fifteen minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the

owner or person responsible for the alarm shall be in violation of this Ordinance.

(e). Radios, Televisions, Boomboxes, Phonographs, Stereos, Electronically/Electrically Amplified Musical Instruments and Similar Devices.
The use or operation of a radio, television, boombox, stereo, electronically/electrically amplified musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by in residential areas, including multi-family or single-family dwellings.

(f). Loudspeakers, Amplifiers, Public Address Systems, and Similar Devices. The unreasonably loud operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays in the following areas:

- (i) Within or adjacent to residential or noise-sensitive areas;
- (ii) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates.

This shall not apply to any public performance, gathering, or parade for which a permit has been obtained from the City.

(g). Yelling, Shouting, and Similar Activities. Yelling, shouting, hooting, whistling, or singing in residential areas or in public places, between the hours of 10:00 pm and 7:00 am, or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities. This section is to be applied only to those situations where the disturbance is not a result of the

content of the communication but due to the volume, duration, location, timing or other factors not based on content.

- (h). Animals. Unreasonably Loud or Raucous Noise emitted by an animal for which a person is responsible. A person is responsible for an animal if the person owns, controls, or otherwise cares for the animal.

- (i). Construction or Repair of Buildings, Excavation of Streets and Highways. The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 9:00 p.m., on weekdays, Pacific Daylight Time, and 9:00 am and 7:00 pm on Saturdays, Pacific Daylight Time, and 7:00 am to 8:00 pm, on weekdays, Pacific Standard Time, and 9:00 am to 6:00 pm, on Saturdays, Pacific Standard time. In cases of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, the City Manager or designee may issue a permit, upon application, if the City Manager or designee determines that the public health and safety, as affected by Loud or Raucous Noise caused by construction or repair of buildings or excavation of streets and highways between above mentioned hours will not be impaired, and if the City Manager or designee further determines that loss or inconvenience would otherwise result. The permit shall grant permission in non-emergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less. In non-emergency situations where application for a permit is not practically possible, an Authorized Officer may, on the above-determinations, find the noise not to be a *per se* violation.

- (j). Blowers, Lawn, Garden, Household Equipment, and Similar Devices. In residential areas, between the hours of 8:00 p.m. and 7:00 a.m., on weekdays, and 8:00 pm and 9:00 am on weekends, the operation of any noise-creating blower, power fan, lawn, garden, or household equipment, or any internal combustion engine, the operation of which causes noise due to electric power or the explosion of operating gases or fluids, provided that the noise is unreasonably Loud or

Raucous and can be heard across the property line of the property from which it emanates.

- (k). Commercial Establishments Adjacent to Residential Property. Unreasonably Loud or Raucous Noise from the premises of any commercial establishment, between the hours of 10:00 p.m. and 7:00 a.m. which is plainly audible at a distance of five feet from within any residential property.
- (3) Exemptions. Sounds caused by the following are exempt from the prohibitions set out in 6.204 and are in addition to the exemptions specifically set forth in Section 6.204(2).
- (a). Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.
 - (b). Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in Section 6.204(2)(d) continues to apply.
 - (c). The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
 - (d). Repairs or excavations of bridges, streets, or highways by or on behalf of the City, the State, or the federal government between the hours of 7:00 p.m. and 7:00 a.m. when the public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.
 - (e). Outdoor School Playground Activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.

- (f). Other Outdoor Events. Outdoor gatherings, public dances, shows, sporting events, and other similar outdoor events, provided that any necessary permit has been obtained from the appropriate permitting authority.
- (g). Normal farm operation taking place in a Farm Area.
- (h). Lawn, garden, or household equipment associated with the normal repair, upkeep or maintenance of property, provided that the prohibition of Section 6.204(2)(j) continues to apply.
- (i). Sounds originating from the loading or unloading of any freight, material or property into or from a railroad car, or the opening, closing or destruction of bales, boxes, crates, or containers in connection therewith during the hours of 8:00 am to 7:00 pm on any day of the week, unless said railroad car is being loaded or unloaded directly into a building immediately adjacent to said railroad car, in which case loading and unloading will be permitted at all hours on any day of the week.
- (j). Sounds originating from the normal cleaning, sweeping, and vacuuming of commercial and industrial facility parking lots during the hours of 10:00pm and 7:00 am.
- (k). Ordinary maintenance and golf club operations occurring at the Charbonneau Golf Course.
- (l). Operations of the Oregon Department of Transportation in constructing or maintaining any state highway.
- (m). Sounds originating from the ordinary loading or unloading of merchandise, materials, equipment or other things at a place of business or industry.

- (4) Exceptions.
- (a). Upon written request from the owner or controller of a noise source, the City Manager or designee may authorize an exception permit as specifically listed in these rules for:
 - (i) Unusual and/or infrequent events;
 - (ii) Industrial or commercial facilities previously established in areas of new development of residential areas;
 - (iii) Those industrial or commercial noise sources whose permitted noise levels are exceeded by any noise source external to the industrial or commercial noise source in question;
 - (b). In establishing exceptions, the City Manager or designee shall consider the protection of health, safety, and welfare of Wilsonville citizens as well as the feasibility and cost of noise abatement; the past, present, and future patterns of land use; the relative timing of land use changes; and other legal constraints. For those exceptions which it authorizes the City Manager or designee shall specify the times during which the noise rules can be exceeded and the quantity and quality of the noise generated, and when appropriate shall specify the increments of progress of the noise source toward meeting the noise rules.
 - (c). A denial of such an exception permit may be appealed to the City Council at the next regularly scheduled meeting of the City Council following the applicant's denial.
- (5) Defense. It is a defense to a prosecution of the person cited in violation of section 6.204(1) or (2) if:
- (a). The noise emissions cited for violating 6.204(1) or (2) can be shown not to have exceeded the noise limits specified in the Oregon Administrative Rules, Chapter 340, Division 35, Department of Environmental Quality Noise Control

Regulations for Industrial and Commercial Noise Source Standards as set forth in Regulations 340-035-0015 and 340-035-0035 including applicable Regulations and Tables referenced therein ("DEQ Regulation"). For the purposes of this chapter, the term "Quiet Area" in the DEQ Regulation is "Residential Area" as defined in this Chapter.

- (b). The City Manager or designee has issued a permit as set forth excepting the noise at issue from the specified violation.

Section 3. Wilsonville Code Chapter 6, sections 6.229, Enforcement, shall be added as follows:

6.229 Enforcement.

The following individuals shall enforce this Ordinance: The City Manager or designee or Authorized Officer has primary responsibility for the enforcement of the nuisance regulations contained this Chapter. Nothing in this Ordinance shall prevent the City Manager or designee, or Authorized Officer from obtaining voluntary compliance by way of warning, notice or education.

Section 4. Wilsonville Code Chapter 6, section 6.252, Citation, shall be added as follows:

6.252 Citation

1. Issuance of Citation and Penalties

- (a). A person who violates sections 6.200 – 6.228 of this Chapter is guilty of a violation punishable upon conviction by a fine not exceeding \$1,000.00.
- (b). City Manager or designee may adopt a schedule of fines for violation of sections 6.200 – 6.228 of this Chapter.
- (c). Each day a violation continues shall constitute a separate violation.
- (d). The issuance of a citation or the imposition of a penalty does not relieve the person from the duty to abate a nuisance.

2. Response to Citations.

- (a). Upon receiving a citation for a violation of this Ordinance, the person(s) shall:

- (i) Within 20 days, deliver to the City of Wilsonville City Hall, the form provided with the citation, admitting the violation(s), forfeiting and paying the amount of the fine(s) indicated on the citation: Forfeiture may be made by mail but must be actually received by the City of Wilsonville City Hall within 20 days from the date of the citation; or
- (ii) Within 20 days, deliver to the City of Wilsonville City Hall the form provided with the citation, denying all or part of the violation(s), and posting bail by paying a refundable deposit equivalent to the amount of fine(s) indicated on the citation. The response may be made by mail, but must be actually received by City of Wilsonville City Hall within 20 days from the date of the citation.
- (iii) Upon receipt of a denial, the City shall inform the Municipal Court, who shall set a hearing within 30 days of the City receipt of the denial and bail, and shall notify the person(s) and any other person who reasonably appears to have an interest in the property; notification of the hearing date, time and place shall be mailed within 15 days of the City's receipt of the denial and bail, or if request for a hearing is waived, respond to the person whether the citation is valid or invalid.

β. Failure to Comply with Citation

- (a). Failure to perform any part of 6.252(2), including failure to respond within 20 days, shall be presumed an admission of the violation(s) cited, and the fine(s) shall be doubled.
- (b). Failure to perform any part of 6.252(2), including failure to respond within 20 days, may result in the municipal court clerk sending to the person or owner of the property, where the noise violation occurred, a letter informing the owner of the violation and commanding the owner to appear in court at a fixed time and a specified place to show cause why the penalty was not paid or to pay the penalty plus increased amount by a fixed time and at a specific place, and warning him or

her that in the event that the letter is disregarded for a period of ten (10) days, a warrant for the arrest of the owner may be issued.

4. Hearing.

- (a). The hearing shall afford a reasonable opportunity for the person(s) requesting it to present evidence that the citation was invalid or unjustified.
- (b). The decision of the Municipal Judge is final.

Section 5. Wilsonville Code Chapter 4, W.C. 4.135(.05)(I) and 4.135.5(.06)(I) are hereby amended with additions shown in **bolded** and underlined text as follows:

W.C. 4.135 PDI – Planned Development Industrial Zone.

(.05) Performance Standards. The following performance standards apply to all industrial properties and sites within the PDI Zone, and are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property.

(I) Noise: Noise generated by the use, with the exception of traffic noises from automobiles, trucks, and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality **and W.C. 6.204** governing noise control in the same or similar locations.

W.C. 4.135.5 Planned Development Industrial – Regionally Significant Industrial Zone.

(.06) Performance Standards. The following performance standards apply to all industrial properties and sites within the PDI-RSIA Zone, and are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property.

(I) Noise: Noise generated by the use, with the exception of traffic noises from automobiles, trucks, and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality and W.C. 6.204 governing noise control in the same or similar locations.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 18th day of June 2007, at the hour of 7 p.m. at the Wilsonville City Hall, submitted for a continuation of first reading on July 16th, 2007, at the hour of 7 p.m. at the Wilsonville City Hall, and scheduled for second reading on August 6th, 2007 commencing at the hour of 7 p.m. at the Wilsonville City Hall.

Starla Schur

Starla Schur, CMC, Deputy City Recorder

ENACTED by the City Council on the 16 day of ^{August} July 2007, by the following votes:

YEAS: 4 NAYS: 0

Starla Schur

Starla Schur, CMC, Deputy City Recorder

DATED and signed by the Council President this 7 day of ^{August} July, 2007.

Alan Kirk

Alan Kirk, Council President

SUMMARY OF VOTES:

Mayor Lehan	Excused
Councilor Kirk	Yes
Councilor Knapp	Yes
Councilor Ripple	Yes
Councilor Núñez	Yes

Is Enforcement of the Palm Springs Vacation Rental Ordinance “Working”? If so, How?

Part 4 in a Series on Vacation Rentals in Palm Springs



Keith Crosley: evillapalmsprings.com and grupz.com [Follow](#)

Dec 20, 2017 · 22 min read

[Updated March 23, 2018 with a note about how Palm Springs Measure C puts enforcement of the ordinance at risk. Updated February 16, 2018 with new information about VRCD’s latest analysis of Hotline calls, and other updates from the department.]

In the previous article in this series, I took a historical look at how the current approach to addressing nuisance complaints about vacation rentals took shape. I also assessed how enforcement of the previous rules was working, so that we’d have a baseline for understanding how things have changed after more than 8 months of enforcement of the new rules.

Now let’s look at what has happened since enforcement of Ordinance N^o1918 began.

Aside: This article is long. In case it puts you in a “too long; didn’t read” mood, let me just summarize it by saying: The new ordinance is working. Citations for violations are being issued at a much higher rate. More properties that have been the subject of complaints are being suspended. Unregistered properties are being identified and cited. The ordinance has also played a role in slowing — and even reversing — growth in the total number of vacation rentals.

Major Changes in On-property Enforcement

Ordinance 1918 represents a significant change in how complaints are handled and how citations are issued. It might best be described this way:

- Vacation Rental Compliance department staff now respond *first* to Vacation Rental Hotline complaint calls. Property managers are not given an opportunity to resolve the call first. There are no “warnings” prior to issuance of a citation. We also see that City responders only call upon managers to respond in cases where the manager’s presence or assistance is absolutely required. (And these situations are fairly rare.)
- Response to complaint calls now has a very different focus: Unlike under the previous ordinance, nuisance resolution is now *simultaneous* with citation issuance. VRCD responders are of course tasked with remediating any nuisance or disturbance, but they also *issue citations* when they find a violation of the ordinance.

For example, if enforcement officials arrive and hear amplified music or establish that music can be heard at the adjacent property line, they advise guests of the violation and write them a citation for music.

If the complaint is about (non-musical) noise, they will take a sound level measurement and, if noise exceeds the levels specified in the City's general noise ordinance, they will issue a citation for noise.

In the case of parking complaints, they identify guest vehicles and will issue a citation if the number of guest vehicles exceeds the permitted number.

Citations and "Strikes"

In the case of music, noise, and vehicles overlimit violations, the citation is usually issued to the responsible guest. However, that citation *also* counts as a "strike" against the property. (And, as a reminder, three "strikes" in a 12 month period can result in the property's vacation rental permit being suspended for 2 years.)

Ⓜ cases where the guests are uncooperative or unresponsive, the citation may be issued to the property owner/manager. Again, this also counts as a "strike" against the property.

Other types of citations, such as those for trash in public view, are typically issued to the property owner/manager.

Aside: The fines for various types of infractions are much higher under Ordinance N^o1918 than in the past.

On-property citations for noise/music/trash are \$500 for a first citation and \$1000 for any following citations. For a short summary of fine schedules, see this Vacation Rental Compliance Department document, "Courtesy Reminder — Violations, Fines and Penalties."

What Effects has this Change in Enforcement Had?

Now that we've had many months of this new approach to enforcement, we can see some clear differences in the time before Ordinance 1918 and the time since. These differences are described below.

Is the ordinance working? In short: If our goal is an increased number of citations and an increased number of permit suspensions, the answer is **yes**.

February 16 2018 Update from the Vacation Rental Compliance Department

As part of the City's impact report on the effects that a vacation rental ban would have on Palm Springs, the VRCD provided an update on enforcement activities since the introduction of the new ordinance through December 31, 2017. They report the following (and I'll note that my own research confirms most of

these facts):

- There has been a 50% increase in administrative citations issued.
- Issued over 165 citations for illegally operating vacation rentals or homeshares.
- 8 Vacation Rental Certificate suspensions and 2 Vacation Rental Certificate revocations.
- Owners of 55 properties deemed permanently ineligible to operate a vacation rental (due to being cited for “Failure to Register”).
- Fines associated with citations total \$585,000.
- A 39% decrease in complaints reported via the Vacation Rental Hotline.
- Average response to resolution time has improved to 23 minutes for complaints via Vacation Rental Hotline, during peak days (Thursday-Sunday).
- Increased positive feedback from residents, stakeholders, vacation rental owners, and vacation rental agents.
- Police Department involvement in vacation rental matters has decreased by 90%.

Objective, Impartial Assessment of Nuisance Complaints

Nuisance complaints are assessed in a more objective manner and

the findings of City responders (and the actions they take) are documented in Hotline call summary reports. We no longer have to take the word of local property managers about what was happening at the property.

When citations are issued, we see the reason for the citation. For example: In cases of non-musical noise, responders report a decibel reading for the noise and issue citations only when the level is over proscribed limits.

(It is frustrating that, when music citations are issued, we typically *do not* know the loudness of the music — there's no requirement that music exceed any particular volume level. Reports may sometimes say something about the music being "loud" or they may simply say that music was "heard." Was it barely audible? Below the ambient noise level? Above limits proscribed in the noise ordinance? We don't know. It would be interesting and useful to understand what number of music citations *would not* have been citations had the same observation been made at a non-vacation rental home.)

Weekly Hotline Reports, which summarize all calls to the Hotline, can be found on the VRCD's Weekly Hotline Reports page. (I also maintain my own database of these reports, which power my own mapping and analysis of this data. The latest findings can always be found on my Palm Springs Vacation Rental Hotline Map project page.)

Nuisance Complaints are Declining, According to VRCD

[Added Feb. 15, 2018] In its January 2018 analysis of Hotline calls and other enforcement activity from August through December 2017, the Vacation Rental Compliance Department notes that, compared to the same period in 2016, the number of qualified calls about registered vacation rentals *decreased by 39%*.

This remarkable decrease (from 526 to 307 calls) happened even though the total number of registered vacation rentals *increased* slightly (from 1967 in Dec 2016 to 1986 in Dec 2017 — an increase of slightly less than 1%).

It's unclear what might explain this substantial reduction in complaints, but likely contributing factors include:

1. the hosted check-in/"meet and greet" provisions of Ordinance 1918 may be better educating guests about noise and other issues,
2. more reliable and prompt City-first response may be reducing the need for repeated calls about the same incidents,
3. the number of spurious or knowingly false calls (which are a citeable offense under the new ordinance) may have fallen,
4. other provisions of Ordinance 1918 — such as reduced guest occupancy and vehicle limits, and limits on the number of contracts per year — may have reduced the number of nuisance situations.

It would seem that fewer residents are feeling the need to contact the Vacation Rental Hotline, that neighbors are contacting the Hotline less frequently, and that registered short-term rentals are causing substantially fewer issues (both real and perceived) under the new ordinance.

Citation Rates have Risen by about 50%

As we might expect: With new opportunities for citation issuance and with local property managers relieved of the responsibility to address complaints in advance of City enforcement officials, **the number and frequency of citations has risen.**

Since 4/16 (when enforcement of Ordinance N^o1918 began), the citation rate has steadily risen as enforcement of various provisions of 1918 were rolled out and as new VRCD staff has been hired and trained.

Today, nuisance calls about permitted vacation rental properties result in a citation **roughly 20% of the time** (at present, the exact value is over 18% and varies somewhat, depending upon the time period one looks at). In the period *before* 4/16, the citation rate was under 14%, at best (as described in my previous article in this series). That is, the citation rate is roughly 50% higher today than it was under Ordinance N^o1848.

There are some who might feel that this increase isn't particularly dramatic. And there are some in our community who claim this

illustrates that enforcement is still a “failure.” I don’t think one can seriously make that claim anymore.

I think what this illustrates instead is our failure to *understand* the nature of nuisance and disturbance complaints in general, and against vacation rentals in particular. More on this in a minute.

More Properties are Facing Permit Suspension

The increase in the rate of citation issuance, combined with the “three strikes” rule, is resulting in the suspension of an increasing number of permits. At the time of this writing (12/19/2017), there are 8 properties on the VRCD’s suspension list. (The list of suspended properties can be found on the VRCD’s reports page.)

The suspension list includes both properties that have long been the subject of regular and ongoing nuisance complaints, as well as properties that have only recently been the subject of complaints and citations. (I’ll dive deeper into the issue of homes with a high number of complaint calls in a future article.)

At present, suspension is enforced as follows: The Vacation Rental Compliance Department is suspending permits more-or-less immediately upon the issuance of a “third strike” against the property. While on suspension, which lasts for 24 months, the property is prohibited from being rented short-term.

The immediate suspension of properties upon a third strike has

raised some concerns around due process. For example, some have argued that, since a citation can be appealed, suspension should not occur until any appeal of the third (or even previous) citations has been resolved.

It should be noted that several suspensions have been appealed and all of those suspensions have been upheld on appeal. (The suspension appeals process involves a hearing by the citizen-staffed Palm Springs Administrative Appeals Board. More information on the citation and appeal process can be found on this VRCD page. Meetings and minutes of the Administrative Appeals Board are found here.)

I understand that some suspension cases are being appealed in Riverside County Court. Not every suspension has been appealed to the Administrative Appeals Board and there may be cases where permit holders are taking their suspension appeal directly to County Court.

A Closer Look at Nuisance Citation Rates

At present, about 18% of actionable Hotline calls about permitted vacation rentals result in a citation, while more than 80% do not. Some might feel that this citation rate is surprisingly low. What explains the fact that such a large percentage of calls don't result in a citation?

City-first response to Hotline complaints has shown us something quite clearly:

It has shown us, objectively, that nuisance complaints are simply less reliable than we might expect. This seems to be the nature of nuisance complaints in general — they are very subjective and callers are not always correct about the source of a reported nuisance.

Additionally, we might say that a nuisance report, in and of itself, doesn't always reflect the severity of the situation. A large number of reported nuisances simply do not rise to the level of a citation-worthy offense.

For example: That a caller heard sounds is likely true. That those sounds were above proscribed noise limits is not always the case. (Similarly, it isn't unusual for responders to find that the source of a particular noise is actually coming from somewhere other than the reported address.) That a caller observed cars or parking issues is likely true. That those issues are due to short-term rental guest vehicles in excess of proscribed limits is not always the case.

Further, nearly 9% of calls about permitted short-term rentals result in responders finding that the home is occupied by its owner. When owner occupied, the home is not subject to the more stringent rules that apply to short-term residents.

These are but a few examples of why complaint calls do not result in citations at anywhere near a one-to-one ratio.

Some Interesting Variations in Citation Rates

When we examine calls and responder findings in more detail, we actually see some very interesting variations in citation rates.

While overall, calls about VRs generate citations in about 18% of cases, the citation rate for certain types of calls can be higher or lower.

Here are some interesting examples:

Complaints about music: Vacation rental guests are not allowed to enjoy outdoor amplified music at any volume (and amplified sound or music from indoors must not be audible at the adjacent property line). Does this “zero tolerance” type of regulation increase citation rates? **Yes it does:**

- Between 4/16 and 12/10 there are 351 Hotline call reports about *permitted VR properties* where the caller mentions “music”. 97 of them resulted in a citation. That’s a citation rate of more than 27%, *significantly higher* than the overall average.

It should be noted that, during the same period, there were an additional 47 calls about “music” at properties *that were not* registered as vacation rentals. 22 of those calls were about

addresses that VRCD has determined are *not* being operated as unregistered vacation rentals. 21 of those calls were about addresses where the property *could* possibly be an unregistered vacation rental, but the results of the VRCD's investigation is currently unknown to me. 4 of those calls were about properties (two of them) that VRCD *determined were* unregistered vacation rentals (and both have been issued citations for "Failure to Register").

- Even if we include those 47 calls, we would still find the citation rate is higher than average for complaints specifically about music — roughly 24%.

Homes with a low number of calls: Between 4/16 and 12/10, there were 227 registered VRs that were the subject of just one call. Such calls represented about 29% of actionable call volume during the period.

- 47 of those calls resulted in a citation. That's a citation rate of about 21% — again, *somewhat higher* than the overall average.

Homes with a high number of calls: Between 4/16 and 12/10, there were 35 registered VRs that were the subject of five or more calls. Though these addresses represent only about 1.6% of all registered VRs, they account for about 30% of actionable call volume during the period (slightly more calls than homes with just one call received):

- 33 out of 250 calls resulted in a citation. That's a citation rate of about 13% — *much lower* than the overall average and much lower than the citation rate for homes that appear infrequently.
- These types of calls contribute significantly to bringing down the overall citation rate and could be said to mask the effectiveness of current enforcement efforts.

"Call Quality"

Based on the observations above, I've started to think about citation rate not just as a measure of enforcement activity, but also as a measure of what we might describe as "call quality".

Calls about "music" could be said to have a higher-than-average call quality. Calls about homes that appear *infrequently* in Hotline reports have a slightly higher-than-average call quality. Calls about homes that appear *frequently* in Hotline reports have a dramatically lower call quality.

The common assumption about vacation rentals that are frequently the subject of complaints is that they must be "bad actors" — mismanaged, poorly adhering to rules, a "Party House", etc. While there may be examples of such properties among this group of homes, it would seem that as a group, they are actually *less likely* to be found causing a citeable nuisance in response to any given call.

Call Quality and Homes with a High Number of Calls

What explains the fact that — as a category — homes that are more frequently the subject of Hotline calls are the subject of *low-quality* calls? Though such homes are small in number, this observation isn't a statistical fluke. I've observed this inverse relationship between call frequency and call quality under the prior ordinance as well as under the new ordinance.

Additionally, some of the homes in this category have been the subject of calls from 2016 and earlier (before the time that Hotline reports were published weekly).

I've wondered about this and have investigated this issue in more detail, which I'll describe in a future article. In the meantime, several possible (and *not* mutually-exclusive) explanations come to mind:

- Do these homes have a neighbor (or neighbors) who is hypersensitive to noise or other nuisances? (i.e., do they complain about things that the average neighbor would not consider an issue? Are they more likely to complain about disturbances that do not represent violations?)
- Alternatively, could it be that neighbors of homes that generate a large number of complaints eventually *become* sensitized to noise and other nuisances and, over time, become more likely to call about issues that do not rise to the level of a citeable offense?

- Are some portion of these calls motivated not so much by the actual disturbance itself, but by “activism”? This is not to imply that such calls are *knowingly false*. However, might some of them be made in an effort to “police” various aspects of the vacation rental ordinance? (e.g., “There seem to be a lot of cars around, is a rental near me responsible for this? I’d better make sure.”)
- A related possibility: Are some portion of these calls (while not knowingly false) made, in part, with a goal of making enforcement look lax or ineffective (or in an effort to inflate complaint statistics)? (e.g., “There is noise from next door, it’s not music and it’s not at a level that would generate a citation. But I’m going to register a complaint anyway.”)
- Is it possible that some portion of these calls *are* examples of knowingly false reports or evidence of harassment? (Ordinance N^o1918 makes *knowingly false* reports a citeable offense, but this is very difficult — if not impossible — to enforce.)
- Is it possible that certain homes are targeted or *appear* targeted for other (“non-activist”) reasons? (e.g., “Ugh, kids in the pool again. I hate the sound of kids in the pool.”)

I’ll share more about what we know about high-call volume homes in a future article.

What About Administrative Citations?

Previously, I've been discussing nuisance complaints and "on-property" violations of the vacation rental ordinance. But these are just one type of citation that might be issued to a vacation rental permit holder.

The VRCD has been very active in enforcing the various administrative components of the ordinance, and the following are examples of how those regulations are currently being enforced.

"Failure to Post Permit" Citations

For example, there are rules around advertising a vacation rental. All registered VRs are required to display their "City ID number" in advertising. (The original purpose of this was to assist VRCD in identifying unregistered short-term rentals.) Citations for "Failure to Post Permit" are issued when the VRCD finds vacation rental listings and other types of advertising where the owner or manager neglected to post this information.

The VRCD expended a great deal of effort in the early part of 2017 to ensure compliance with this requirement while also working to identify any unregistered vacation rentals. They reviewed more than 1800 listings and identified several (fewer than 20) unregistered vacation rentals and homeshares. At the same time, they found a greater number of registered properties that had neglected to properly post their permit numbers.

VRCD reports that from 4/16/17 to 12/31/17, they issued more than 165 citations for “Failure to Register” a vacation rental or homeshare. Of these, it would seem that about 55 were for operating a vacation rental without a permit and the rest for unregistered homeshares.

A New Type of Advertising Citation

With increased staffing and resources, VRCD has seemingly been not just maintaining, but increasing their reviews of vacation rental advertising. Evidence for this includes the appearance of a never-before-seen type of advertising violation:

Citations have been issued to permit holders for improperly advertising their maximum occupancy. For example, a home with 3 bedrooms can host a maximum of 6 *adult* guests overnight. Additionally, the rules allow for 2 *children*, ages 12 and younger.

Is the home’s maximum occupancy 6 or 8? And how is an owner or manager to express this on a vacation rental listing site? (Every site has a slightly different interface for such things. Not all of them differentiate between number of adults versus number of children.) If an owner/manager wants to maximize the chances of getting an inquiry, they might set such a value to 8, rather than 6, even if they must at times turn away guests with 7 or 8 adults.

It would seem that some advertisers, on some listing sites, had done just that.

Though there is no explicit requirement or guidance around advertisement of maximum occupancy (nor any explicit *prohibition* on what we might call “soliciting for over-occupancy”), citations have been issued to properties that the VRCD deems to be advertising an incorrect maximum occupancy.

There was no administrative regulation issued in advance, nor any advance guidance from VRCD about this issue. This is somewhat unusual, as the City and VRCD staff has previously been fairly diligent in communicating about changes in interpretations of the Vacation Rental Ordinance and administrative rules changes (see, for example, the various clarifications posted on VRCD’s Governance & Communications page).

At least one citation of this type has been appealed (via arbitration) and the citation was upheld. It may be the subject of further appeals. At any rate, compliance staff continue to actively enforce all parts of Ordinance N^o1918, even to the point of getting a bit creative with some of its provisions.

“Failure to Register” Citations

All of the preceding discussion was about rules and regulations that apply to registered vacation rentals and vacation rental permit holders. While compliance with registration requirements is actually very high, there are some number of homes that are operated as short-term rentals without the required permit. (I’ve

written at length on the issue of how many unregistered vacation rentals there might be in Palm Springs and will soon update that article based on findings published in the VRCD's next quarterly report.)

Under Ordinance N^o1918, "Failure to Register" is a very serious offense that can result in (1) a citation and \$5000 fine and (2) make the owner permanently ineligible to ever be issued a short-term rental permit.

These provisions of the ordinance are being very actively enforced by VRCD staff. We do not yet have information from VRCD on how many "Failure to Register" citations have been issued in recent months, but there have been at least 21 *appeals* of such citations (and the owners' permanent ineligibility to receive a permit) since Ordinance N^o1918 went into effect:

- In the vast majority of those appeals, the citation and ineligibility were upheld.
- In about 5 of those cases, the citation was upheld, but the owners avoided permanent ineligibility for a permit by adhering to a corrective action plan and coming into compliance with registration requirements. (And some of these cases involved homesharing, rather than owner-absent vacation rentals.)
- In just one case, the citation and ineligibility were entirely dismissed because the owner established that it was their *long-*

term rental tenants who had (unbeknownst to the owner) been subletting the home as an unregistered short-term rental.

Prior to Ordinance N^o1918, VRCD was focused on bringing unregistered rentals into compliance with registration requirements. While owners were cited and fined, they were allowed to take corrective action — including paying previously unremitted Transient Occupancy Tax — to obtain a permit and come into compliance with all requirements of the Vacation Rental Ordinance.

In the early months of 1918 enforcement, the acceptance of corrective action plans seems to have continued. However, I am told that VRCD is no longer entertaining corrective action plans, in the case of traditional (owner-absent) vacation rentals. (The situation with homesharing seems to be different. As registration requirements for homeshares are new, VRCD is focused on bringing homesharing hosts into compliance with registration, rather than making them ineligible to obtain a permit.)

As I mentioned in the second article in this series, VRCD primarily identifies unregistered vacation rentals and homeshares by reviewing listings on the various vacation rental websites. Less frequently, unregistered rentals are identified by Hotline calls or “Requests for Review” submitted to the department.

VRCD staff are looking not just for *obvious* cases of unregistered

vacation rental activity. They are also examining properties that advertise themselves as monthly or seasonal rentals.

Such long-term rentals are, of course, not subject to the vacation rental ordinance. However, if a monthly or seasonal rental property is advertised in such a way as to *imply* that the owner might consider a shorter-duration stay, such properties may be cited.

I've aware of a couple of examples of this so far:

- In one of the Failure to Register appeals cases, the owner of a monthly rental property claimed that he had simply been testing the market for short-term rentals (by making his availability calendar settings less than 28 days) to see if his home might be viable as a short-term rental. He claimed he had never actually rented the home for durations of less than 28 days. The citation and ineligibility for a permit was upheld.
- I was contacted by another owner of a condominium unit located in a complex that does not allow short-term rentals, who had been cited for Failure to Register. That owner explained to me that they do not make that particular property available for rentals of less than 28 days. However, they had set their calendar to allow inquiries for as short as 7 days. I was told that when they received short-term inquiries, they would refer those renters to the management of several timeshare properties the owner has an interest in.

Situations such as these prompted the City to issue an administrative regulation that clarifies what “Operation of a Vacation Rental” means. That regulation reiterates that the act of *advertising* the short-term availability of a property without a permit is prohibited and is the same thing as *operating* a vacation rental. (It also specifically mentions activities such as “testing the market” for short-term rental viability.)

New Data on Failure to Register Citations

[Updated Feb. 15, 2018] In its January 2018 report on Hotline call activity, the VRCD reports that they received 164 calls from August through December 2017 that they marked as “**VRCD to Investigate.**” These are situations where Hotline callers have reported issues at an address that is *not* on the VRCD’s list of registered rentals. This number also seems to include properties that were submitted for review via the “Request for Investigation” page on the VRCD’s website.

Not all of these calls discover unregistered short-term rentals, of course. It seems that sometimes Hotline callers mistakenly use the service as a general noise or code complaint line. (For example, the Hotline received several calls about the “Robolights” holiday display/event house in December. VRCD officers who were on patrol at the time followed up since they were in the area.)

But some percentage of such calls do sometimes discover properties that are being rented short-term without the required

permit. Here's what VRCD found as a result of its investigations:

- 67 calls (41%) were about properties that VRCD confirmed **are not operating as VRs** (either registered or not).
- 16 calls (10%) that had been marked for investigation were confirmed to be about *registered VRs*
- 40 calls (24%) were about properties that have been confirmed to be operating without a permit. VRCD issued **14 “Failure to Register” citations** as a result.
- 41 calls (25%) were about properties that were **still under investigation** by VRCD at the time they issued their report in January 2018.

How has Permit Issuance Changed?

There's one final way in which the new ordinance is having what many would consider to be a positive effect: It seems to be playing a role in reducing the number of net new vacation rental permits being issued.

Over the past several years, the growth in the number of vacation rental permits had been a source of concern for many in Palm Springs. As council members Kors and Roberts put it in November 2016, “The concern is that the rapidly growing vacation rental industry — STRs have doubled to 2,000 since 2009 — is changing the very fabric of our neighborhoods.”

While one could argue whether that apparent “growth” in short-term rentals is accurate — consider that vacation rental registration requirements went into effect in 2008 and by 2009 it’s extremely unlikely that compliance with registration was anywhere near 100% yet — such concerns are valid. Surely we wouldn’t desire for short-term rentals to displace all available rental properties, for example.

Ordinance N^o1918 does not really address the issue of permit growth *directly*. For example: It places no cap on the total number of permits (theoretically, nearly every Palm Springs residential property owner could hold one), nor does it place limits on the density or proximity of permitted properties. (Such provisions were discussed but not adopted for various reasons, not the least of which was a lack of data about what impact such changes might have.)

However, the ordinance does address the issue *indirectly* and changing the rate of permit issuance is clearly one of the intents of the ordinance. This seems to be having the intended effect:

- As of November 2016, there were 1,974 registered vacation rentals. As of November 2017, the number stands at 1,985. (That’s a growth rate of just 0.55% in the past year, far less than we’ve seen in the past.)
- Further, the number of registered properties peaked in April 2017 (when the ordinance went into effect) at 2,135. Since

that time, there has been a net 7% decline in permits (a decline of 150 permits, to a total of 1,985).

- In the 7 months of May through November 2017, the net number of permits declined in all but one month. (The number of permits grew by just 1 —one single permit, not 1% mind you—in October 2017.)

What Components of Ordinance 1918 are Affecting Permit Growth?

Ordinance N^o1918 indirectly limits permit growth in a variety of ways, including:

- It prohibits business entities from holding vacation rental permits. We don't have data yet on how many such properties are effected, but it seems the number of these permits is very small. (And I'll update this information as we learn more.)
- It prohibits apartments (and multi-family dwelling units like duplexes and triplexes) and compound/cluster type vacation rentals from holding vacation rental permits and sunsets existing permits. Many of the properties affected by this change have already exited the vacation rental market, well in advance of the sunset date. The number of permits affected by that change is relatively small (possibly 143 permits associated with 53 properties, based on this City staff report on the issue — which would be about 7% of total permits).
- While nearly any homeowner can obtain a vacation rental

permit, they are limited to just one active permit at a time. ZDC-273a Short Term Rentals

- Limits on the number of contracts per year and some of the other compliance requirements of the ordinance have encouraged some owners to cease renewing their permits.
- Homes that are part of HOAs (such as condominiums) must now provide proof (in the form of a letter from the HOA) that use of the property as a short-term rental does not violate HOA prohibitions when they apply for or renew their vacation rental permits.

Post Script: The Measure C Vacation Rental Ban Puts Effective Vacation Rental Enforcement at Risk

Palm Springs Measure C — a ballot measure which attempts to ban the vast majority of short-term rentals in Palm Springs — is coming to the June 2018 ballot. One of the major problems with Measure C is that, while making nearly all existing Palm Springs vacation rentals illegal, it also would also result in the dismantling of the City's Vacation Rental Compliance Department and enforcement capabilities.

As noted by our Mayor and City Council, bans do not work. *Illegal short-term rentals* will appear or remain, but the City will be without resources to enforce the rules against them. A small number of *legal rentals* will remain, but enforcement resources for

ensuring their ongoing compliance with the ordinance will be severely curtailed.

The City Attorney's impartial analysis of Measure C confirms this, writing, "Measure C passage would leave the City unable to fund vacation rental enforcement at or near present levels, and result in the *termination of the City's Vacation Rental Compliance Department* as it currently operates."

If you share my support for sensible short-term rental regulations and effective enforcement, I encourage you to join me in opposing Measure C. You will find yourself in good company: Our Mayor and City Council, Police and Firefighters, Palm Springs Chamber of Commerce, Main Street Palm Springs, Palm Springs Hospitality Association, PS Resorts, and many others oppose Measure C. Learn more about why we should Vote NO on Palm Springs Measure C at WeLovePalmSprings.org.

For Further Reading

Other articles in this series:

- Part 1: What is a Vacation Rental, Anyway?
- Part 2: The Basics of Vacation Rental Regulations in Palm Springs
- Part 3: Was there a "Failure of Enforcement" Under the

Previous Ordinance?

- **Part 4: Is Enforcement of the Palm Springs Vacation Rental Ordinance “Working”? If so, How?**

As other articles in this series are released, I'll link to them here.

Related Resources

- **City of Palm Springs Staff Report on Economic Impact of a Citizens' Initiative to Ban Single-family Homes as Vacation Rentals**
- **My Palm Springs Vacation Rental Hotline Map and analysis project**
- **My Resources for Vacation Rental Owners in Palm Springs page**

[Airbnb](#) [Vacation Rental](#) [Palm Springs](#) [Regulation](#) [Local Government](#)

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Fritzie, Martha

From: Paul Edgecombe <paul.j.edgecombe@gmail.com>
Sent: Wednesday, February 19, 2020 9:21 AM
To: Fritzie, Martha
Cc: Rogalin, Ellen
Subject: Re: Short-term rentals regulations -- results of Feb. 13 public hearing

Thanks. I saw your note about the March 11th meeting. I will not be able to attend, but I'll look forward to hearing what comes out of that discussion.

I also looked through the email strings in the materials you had assembled for the February 13 meeting. I must say I really empathize with the comments concerning the party houses. It occurs to me that the STR game provides a way to skirt around any number of Clackamas County regulations. For instance, there is a property near me with a 700 square foot cabin listed on Airbnb. The listing says, "We also rent for events," and then shows photos of weddings. If I rent the space, even paying some upcharge for using it for an event, which regulations apply to who? Am I a short term renter who is hosting a single, private event? Or is the property owner in the event space business, and therefore subject to the Clackamas County regulations that govern event space businesses? Youth camps is another one that could easily be gamed. There are some pretty significant regulations around being in the youth camp business, most aimed at ensuring the safety of children. I know someone near me that would love to host youth camps, but there is no way they could comply with the regulations. So why not do a STR and just let the youth campers show up every week?

Thanks for your continued focus and communications on this topic. It has turned into something far more volatile than I would have expected.

On Tue, Feb 18, 2020 at 10:29 AM Fritzie, Martha <MFritzie@clackamas.us> wrote:

Paul - You are correct, although we will be asking the Board later today how/if they want to proceed (<https://www.clackamas.us/meetings/bcc/presentation/2020-02-18>)

If you remind me tomorrow morning, I can let you know if the status has changed.

Martha

Martha Fritzie, Senior Planner

Clackamas County DTD | Planning & Zoning Division

150 Beaver Creek Road | Oregon City, OR 97045

(503) 742-4529

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

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

From: Paul Edgecombe [mailto:paul.j.edgecombe@gmail.com]

Sent: Monday, February 17, 2020 12:59 PM

To: Rogalin, Ellen <EllenRog@clackamas.us>; Fritzie, Martha <MFritzie@clackamas.us>

Subject: Re: Short-term rentals regulations -- results of Feb. 13 public hearing

When you say "tabled", what does that really mean? It sounds like they decided not to decide, but left the door open to talk about it again at some unspecified time in the future. And that sounds like all interested parties are in limbo for now.

On Fri, Feb 14, 2020, 10:46 AM Rogalin, Ellen <EllenRog@clackamas.us> wrote:

Good morning,

The Board of Commissioners continued the first public hearing on draft short-term rental regulations at its business meeting on Feb. 13. After testimony was completed, commissioners had a number of questions and comments, and voted to table the topic rather than go ahead with a second public hearing, as previously planned. You can see the video of the meeting [here](#) and read the most recent [proposed regulations and background information](#) here, beginning on page 5.

We will share information about any additional proposed changes to the regulations and upcoming meetings as they are set. Thank you.

Comments/questions? Check out www.clackamas.us/planning/str or contact Senior Planner Martha Fritzie at mfritzie@clackamas.us or 503-742-4529.

Ellen Rogalin, Community Relations Specialist

Clackamas County Public & Government Affairs

Transportation & Development | Business & Community Services

Fritzie, Martha

From: John Ingersoll <john@highcascade.com>
Sent: Tuesday, February 18, 2020 1:38 PM
To: Fritzie, Martha
Subject: Re: STR requests

Martha,

thanks for including me.. I see the STR was tabled at the last BCC meeting..

it seemed like staff wanted to adopt the regulations.. That is quite disturbing..

If and when the process starts again, i highly suggest a separate public meeting addressing Govt Camp , a resort village for mt hood recreation.

kind regards,



John Ingersoll Owner and Manager

t: 503.501.7500
e: john@highcascade.com

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

On Feb 18, 2020, at 10:53 AM, Fritzie, Martha <MFritzie@clackamas.us> wrote:

John - We received this and you are on our notification list.

Martha

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

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From: John Ingersoll [<mailto:john@highcascade.com>]
Sent: Saturday, February 15, 2020 1:50 PM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Cc: Fritzie, Martha <MFritzie@clackamas.us>
Subject: STR requests

Martha and ellen

CAN I BE INCLUDED ON THE STR EMAIL INFORMATION LIST . i pay and have paid Transient tax to clackamas now for 17 years; John Ingersoll Mt. Hood Resort lodging LLC .. i thought i would have been on the list

MARTHA, YOU RESPONDED 2 DAYS BEFORE THE COMMENT DEADLINE TO A REQUEST I HAD SENT WELL IN ADVANCE ASKING IF THE RTC ZONE WAS EXEMPT IN THE REGULATIONS. I SCRAMBLED TO COMMENT.

HERE IS MORE

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

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

- 1) In the Mt Hood comprehensive plan, unincorporated Govt camp is a high density community: Unlike Welches (medium), Rhododendron (low).
- 2) Govt. Camp is unlike all other Clackamas Rural communities.. It is a tourist and resort area.
- 3) **The RTC commercial area is not addressed as a special zone (or exempt) .. "Resort Accommodation" is not addressed specifically and there are at least 6 buildings in RTC that don't fit into the regulations; ie maximum capacity for example. Single family houses are not allowed in the RTC. "Resort Accommodations" in the commercial RTC zone can be a building with units like a hotel / motel without being a hotel / motel. Hotels / motels are proposed as exempt in the STR regulations. Resort Accommodations should also be exempt IN 8.10.030**
- 4) MRR is a special commercial zone (collins lake resort) and is not addressed.
- 5) I am not exactly sure of STR in the Govy Residential zones. We are a tourist community and special regulations should apply.
- 6) GOIVT Camp Chalet and building Capacities was addressed long ago by the fire marshall and targeted many of the STR at the time .. the formula was 1 person for every 200 Sq. Feet of a building. it was a big deal and is enforced.
- 7) the Government camp sewer district charges extra SDC's and Edu's When the number of vacation renters increases .. hence it is a restraint on number of occupants.

Can you hit me back so i know you received this and know i am in the NOTIFICATION LOOP.

KIND REGARDS,

JOHN INGERSOLL

<image001.png>

John Ingersoll Owner and Manager

t: 503.501.7500
e: john@highcascade.com

I am a confident, vibrant and respectful man. 11/19/94
<image001.png>

John Ingersoll Owner and Manager

t: 503.501.7500
e: john@highcascade.com

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

Spam Email
Phishing Email

Fritzie, Martha

From: Terwilliger, Christina on behalf of BCCMail
Sent: Tuesday, February 18, 2020 8:15 AM
To: Cartasegna, Mary Jo; Hill, Caroline; Klepper, Emily; Moreland, Tracy; DeSantis, Kimberlee
Cc: Hughes, Jennifer; Fritzie, Martha; Boderman, Nathan; Bell, Cheryl
Subject: FW: Government camp Short Term rentals / to Bernard, Schrader, Humberston

FYI

From: John Ingersoll <john@highcascade.com>
Sent: Sunday, February 16, 2020 1:59 PM
To: BCCMail <BCCMail@clackamas.us>
Subject: Fwd: Government camp Short Term rentals / to Bernard, Schrader, Humberston

Jim Bernard, Martha Schrader & Ken Humberston ,

I am a resident of government camp and own a commercial building Used for STR. I know the residential and much about the commercial and residential STR in Govt Camp.

i have diligently paid monthly transient taxes for over 17 years. Somehow , i was and am not included on updates and invites for the STR process?

Thanks for attending the last 2/7 CPO meeting . i was unable to attend . i also see at the subsequent 2/13 Meeting the STR was tabled.. I am not sure what that means going forward?

Government Camp is different than all other rural areas in clackamas.. The Commercial RTC and MRR zones were not addressed in the REGULATIONS. Most homes in Govt Camp are second homes and were purchased with STR as an option in mind. It is the village for the mt hood recreation area. Density is encouraged. Below are a few points .

I suggest if STR is picked back up, there be a special meetings addressing Government Camp and a few regulations specific to Govt camp. There are such in the ZDO.

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

I don't think on many of the proposed regulations, as applied to Govt Camp, were considered.

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

- 3.11.2020 BCC Policy Session
ZDO-273: Short-Term Rentals
- 5) I am not exactly sure of STR in the Govy Residential zones. We are a tourist community and special regulations should apply.
 - 6) GOIVT Camp Chalet and building Capacities was addressed long ago by the fire marshall and targeted many of the STR at the time .. the formula was 1 person for every 200 Sq. Feet of a building. it was a big deal and is enforced.
 - 7) the Government camp sewer district charges extra SDC's and Edu's When the number of vacation renters increases .. hence it is a restraint on number of occupants.

Kind Regards

BOARDWALK
- LODGE -

John Ingersoll Owner and Manager

Mt. Hood Resort Lodging LLC

t: 503.501.7500

e: john@highcascade.com

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

Spam Email
Phishing Email

Fritzie, Martha

From: Hollis Wenzel <hollismacwenzel@gmail.com>
Sent: Sunday, February 16, 2020 4:30 PM
To: Rogalin, Ellen
Cc: Fritzie, Martha
Subject: Re: Short-term rental regulations update

Thanks for the update.

I realize why had not received the updates, I had been out of town for 18 days and had yet to catch up on my emails. Thank you so much for all of your hard work on this.

Warm regards,
Hollis

On Wed, Feb 5, 2020 at 10:19 AM Rogalin, Ellen <EllenRog@clackamas.us> wrote:

Good morning,

On January 30, the County Board of Commissioners held its first public hearing on the proposed new regulations on short-term/vacation rentals in unincorporated Clackamas County. Before the meeting the commissioners received the results of the online questionnaire and additional public comments submitted by email.

After hearing testimony from 16 people, the board decided to extend the first public hearing until Thursday, Feb. 13, and asked to meet with staff to discuss the issues at a policy session.

That policy session was held yesterday afternoon. After much discussion, the Board of Commissioners continued to support the draft regulations, but did ask staff to make the following changes:

- Allow guest houses to be used as short-term rentals. (Current county code prohibits guest houses – defined as an adjacent sleeping area without a kitchen or laundry – from being rented.)
- Increase the maximum occupancy per short-term rental to two people multiplied by the number of sleeping areas plus four additional people. (For example, a two-bedroom home would have a maximum occupancy of eight people.) The total maximum occupancy for any short-term rental, even one with six or more sleeping areas, would remain at 15 people.
- Allow owners of short-term rentals in unincorporated Clackamas County inside the Portland urban growth boundary (UGB) to use a dwelling or guest house on a lot adjacent to their primary residence to be used as a short-term rental. (The current proposed language requires

a short-term rental in the UGB to be the owner's primary residence or located on the same lot as the owner's primary residence.)

3.11.2020 BCC Policy Session
ZDO-273: Short-Term Rentals

- Set fines for violation of short-term rental regulations similar to those for many other code enforcement violations -- \$250 for first citation, \$500 for second citation, \$75/month administrative fee while the case is open, and additional charges for each day the violation continues.

The updated draft regulations will be available online at www.clackamas.us/planning/str later this week. As before, people who wish to comment are invited to send an email to Senior Planner Martha Fritzie at mfritzie@clackamas.us or testify in person at the continuation of the first hearing or the second hearing. Both hearings will be in the Board Meeting Room on the 4th floor of the Public Services Building, 2051 Kaen Road, Oregon City.

- Continuation of first public hearing: Board of Commissioners Business Meeting, **10 a.m., Thursday, Feb. 13**
- Second public hearing and Board action: Board of Commissioners Business Meeting, **10 a.m., Thursday, Feb. 27**

Thank you for your continued interest.

Ellen Rogalin, Community Relations Specialist

Clackamas County Public & Government Affairs

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--

Hollis MacLean Wenzel, MS, LMFT

hollismacwenzel@gmail.com

(503) 577-5338 work direct line (confidential mail box)

"Life is ten percent what happens to you and ninety percent how you respond to it." – Lou Holtz

Fritzie, Martha

From: outlook_447F7F7EA7446DEB@outlook.com <michaelpeldred@gmail.com>
Sent: Sunday, February 16, 2020 1:36 PM
To: Fritzie, Martha
Subject: FW: Short-term rental ordinance comment

Hello Ms. Fritzie,

Hope all is well. Did you receive my previous email? In case you didn't, I included it again, along with other issues that I'd like to have considered regarding the proposed short-term rental regulations. Unfortunately, I'm unable to attend the public hearings, but I have been watching the hearings online.

This issue is of particular interest to me because the proposed regulations violate constitutional rights to private property. I understand that there has been concern expressed by neighbors of some short-term rentals. However, these minor irritations already fall under the jurisdiction of existing nuisance laws that simply require proper enforcement. Rather than create new regulation, I propose proper enforcement of existing regulation. If there is no longer a tolerance of the public annoyance, there would be no legitimate reason to regulate the use of private property. And as long as community members are no longer bothered or affected in any way, why go to the great lengths of an additional tax and the imposition of burdensome regulatory action?

I believe that the Founding Fathers would wholeheartedly disagree with Commissioner Fischer's assertion that "having some regulation is better than no regulation". Is this just regulation for the sake of regulation?

Here are some questions that I think should be considered at the review on February 19th:

- How does the ordinance specifically address public nuisance issues associated with long-term rentals and owner occupied homes if that is indeed the main driver of the ordinance?
- Do short-term rentals fall under the Clackamas County ordinance already in place with ZDO - 832 Bed and Breakfast Residences and Inns ?
- Does this commission have the jurisdiction to impose such law that violate recognized federal and state property rights?
- Are you prepared for, and have a budget to compensate for real property, as defined by Oregon State law (Measure 49)? A real estate broker stated in the public hearing that these regulations will greatly reduce the fair market value of my property in Rhododendron. <https://www.oregon.gov/LCD/Measure49/Pages/index.aspx>

195.305 Compensation for restriction of use of real property due to land use regulation. (1) If a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in ORS 195.310 to 195.314. https://www.oregonlegislature.gov/bills_laws/ors/ors195.html

Please confirm receipt of this email.

Respectfully,

Michael Eldred

From: outlook_447F7F7EA7446DEB@outlook.com
Sent: Tuesday, January 28, 2020 9:11 AM
To: mfritzie@clackamas.us <mfritzie@clackamas.us>
Subject: Short-term rental ordinance comment

Hello,

I'd like to submit a public comment regarding the proposed ordinance on short-term rentals in unincorporated Clackamas County. I own property in Clackamas County that I paid for with taxable earned income. This is PRIVATE property that I continue to pay taxes on. Besides the benefit of short-term rentals to the economy of Clackamas County, I contest that the proposed regulations are unconstitutional. The adoption of a short-term rental ordinance authorizes inverse condemnation prohibited by the 5th and 14th amendments to the constitution of the United States.

These proposed ordinances impose a regulatory taking and cause unjust economic injury to the private property owners of Clackamas County. The effect of the regulations would prevent economically viable use of the property which I purchased to use as a short-term rental. Short-term rentals have been available in Clackamas county for many years and suddenly the government is taking an unusual position simply because the internet has provided an efficient way of connecting buyers and sellers. These proposed regulations are unusual and unjust.

There is also recent precedence. On November 7, 2019 the Texas 3rd court of appeals found the City of Ausitn short-term rental ordinance unconstitutional finding that the ordinance "significantly affects property owners substantial interests in well-recognized property rights." (Zaatari v. City of Ausitn). The property owners of Austin successfully proved that the short-term rental regulations violate constitutional rights to privacy, freedom of assembly, due course of law, equal protection, and freedom from unwarranted searches.

I move that the board void any and all proposed restrictions and taxes on short-term rentals in unincorporated Clackamas County.

Kind regards,
Michael Eldred

Fritzie, Martha

From: John Ingersoll <john@highcascade.com>
Sent: Saturday, February 15, 2020 1:47 PM
To: Fritzie, Martha
Subject: Re: STR regulation info and request to be on information list

Follow Up Flag: Follow up
Flag Status: Completed

Martha

CAN I BE INCLUDED ON THE STR EMAIL INFORMATION LIST . i pay and have paid Transient tax to clackamas now for 17 years; John Ingersoll Mt. Hood Resort lodging LLC .. i thought i would have been on the list

YOU RESPONDED 2 DAYS BEFORE THE COMMENT DEADLINE TO A REQUEST I HAD SENT WELL IN ADVANCE ASKING IF THE RTC ZONE WAS EXEMPT IN THE REGULATIONS. I SCRAMBLED TO COMMENT.

HERE IS MORE

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

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

- 1) In the Mt Hood comprehensive plan, unincorporated Govt camp is a high density community: Unlike Welches (medium), Rhododendron (low).
- 2) Govt. Camp is unlike all other Clackamas Rural communities.. It is a tourist and resort area.
- 3) **The RTC commercial area is not addressed as a special zone (or exempt) .. "Resort Accommodation" is not addressed specifically and there are at least 6 buildings in RTC that don't fit into the regulations; ie maximum capacity for example. Single family houses are not allowed in the RTC. "Resort Accommodations" in the commercial RTC zone can be a building with units like a hotel / motel without being a hotel / motel. Hotels / motels are proposed as exempt in the STR regulations. Resort Accommodations should also be exempt IN 8.10.030**
- 4) MRR is a special commercial zone (collins lake resort) and is not addressed.
- 5) I am not exactly sure of STR in the Govy Residential zones. We are a tourist community and special regulations should apply.
- 6) GOIVT Camp Chalet and building Capacities was addressed long ago by the fire marshall and targeted many of the STR at the time .. the formula was 1 person for every 200 Sq. Feet of a building. it was a big deal and is enforced.
- 7) the Government camp sewer district charges extra SDC's and Edu's When the number of vacation renters increases .. hence it is a restraint on number of occupants.

Can you hit me back so i know you received this and know i am in the NOTIFICATION LOOP.

KIND REGARDS,

JOHN INGERSOLL

BOARDWALK
= LODGE =

John Ingersoll Owner and Manager

t: 503.501.7500
e: john@highcascade.com

3.11.2020 BCC Policy Session
ZDO-273: Short-Term Rentals

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

On Jan 8, 2020, at 2:49 PM, John Ingersoll <john@highcascade.com> wrote:

Martha,

'Attached are my comments and requests for STR and how they apply to Government Camp.

Kind Regards,

<STR Clackamas County.docx>

<PastedGraphic-1.png>

John Ingersoll Owner and Manager

t: 503.501.7500
e: john@highcascade.com

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

Spam Email
Phishing Email

Fritzie, Martha

From: Jan Steinbock <jansteinbock@hotmail.com>
Sent: Saturday, February 15, 2020 1:25 PM
To: Fritzie, Martha
Cc: Donnie Graham
Subject: Short term rental comment

Hello,

We have had a bedroom listed as a short-term rental on Airbnb. We rented it for a year and had six renters, none of whom stayed longer than three nights.

Our total income from the six rentals was under \$500.

All of our neighbors knew we would be renting the room and were curious to hear how it worked out.

None of my neighbors knew when we actually had guests because our guests were all quiet and respectful.

We lived on-site during each rental since this is our only residence. All public spaces in our home were shared with our guests.

We do this more for fun than anything. My husband has a progressive terminal illness (ALS) and travel is difficult. Hosting lets us enjoy visiting with guests from all over without leaving our home. Our guests so far have come from China, California, Arizona, Colorado, and New York.

We only rent our room when it makes sense with our personal schedule. We frequently snooze our listing for weeks or months at a time.

Our son, who lives in Multnomah County, only rents his home when he goes on vacation, typically twice a year. The income they receive from hosting helps offset the cost of their own vacation. We find this appealing and hope to do this also. A neighbor would keep an eye on the rental for us while we were away.

I don't mind registering our property or paying taxes or a small fee. But a fee of \$800-900 dollars every two years would be unreasonable for our situation. It might make more sense to make the fee a percentage of the rental rate. That could be reasonable for occasional hosts like us and gain more income for the county from whole house rentals which are frequently run by management companies.

When calculating the fee for hosting properties for short-term rentals please consider that not all rentals are full house and not all rentals are open year-round. Using a flat fee hurts home owners who rent occasionally or only rent part of their home.

Thank you,
Jan Steinbock and Donald Graham

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

[Spam Email](#)

[Phishing Email](#)

Fritzie, Martha

From: Carol Cookson <cookson.carol@gmail.com>
Sent: Friday, February 14, 2020 1:15 PM
To: Fritzie, Martha
Subject: Short-Term-Rental Feedback

I was unable to attend the hearing last night but did view the video. I would like to provide feedback from my perspective.

I have a 27' travel trailer that I have been advertising through Airbnb beginning in July 2018. In 2019 it was rented 92 nights. During that time, I have received a 5-Star rating from my renters. I have zero complaints from my neighbors, and I am able to supplement my retirement income.

At this time, RVs are not allowed under the proposal. That doesn't make sense to me because the RV is designed for short-term living. What is the reasoning that a STR must be a stick built building?

My STR does not take away from the rental housing market in anyway.

The proposed registration fee is too high and not fairly distributed. The proposed fee would take 30% of my profit. That's just not reasonable. A whole house rental would pay the same fee as a single room rental. One has a much higher earning opportunity.

Carol Cookson

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[Phishing Email](#)

Fritzie, Martha

From: Sarah Wart <sarahwart@gmail.com>
Sent: Thursday, February 13, 2020 10:37 PM
To: Fritzie, Martha
Subject: HB 2001 and Short Term Rentals

Follow Up Flag: Follow up
Flag Status: Completed

Dear Commissioners,

Please consider limiting STRs in the urban area to one rental per lot.

The proposed STR code would allow all units of a quadplex to be rented short term as long as one of the units or an adjacent dwelling was the owner's primary residence.

It seems possible that with HB 2001, someone could purchase the 1.22 acre property near me, split it into 4-5 lots, place multiple dwellings on each lot, claim to live in a dwelling in the center and essentially run a boutique hotel in the middle of our R-10 neighborhood. This is an extreme example, of course, but as homeowners have testified STRs are easier and more profitable than long term rentals, so it's not too far fetched.

As you continue to thoughtfully consider the STR ordinance and all its possible consequences, please keep HB 2001 in mind and limit the number of rentals per lot so the intent of HB 2001--to create more long term housing--is not lost.

Thank you,
Sarah

Spam Email
Phishing Email

