



Elizabeth Comfort
Finance Director, Interim

Department of Finance

Public Services Building
2051 Kaen Road, Suite 490 | Oregon City, OR 97045

February 13, 2020

Board of County Commissioners
Clackamas County

Members of the Board:

Public Hearing and Order Regarding Approval to Allow Rose Villa, Inc.
to Issue Revenue Bonds in an Amount Not to Exceed \$85,000,000

Purpose/Outcome	Public Hearing & Order allowing Rose Villa, Inc. to issue bonds.
Dollar Amount and fiscal Impact	None. The County in no way will be obligated to pay, support, guarantee or otherwise be responsible for the debt.
Funding Source	Not Applicable
Duration	One time approval is the only involvement
Previous Board Action/Review	None
Strategic Plan Alignment	Build Public Trust Through Good Government, hold transparent and clear public processes regarding borrowing requests from third parties as required by law
County Counsel Review	This item has been reviewed by County Counsel
Contact Person	Andrew Naylor, Assistant County Counsel, 503-655-4623 Elizabeth Comfort, Interim Finance Director 503-742-5405

BACKGROUND:

Rose Villa, Inc., an Oregon nonprofit corporation ("*Rose Villa*" or "*Borrower*") desires to issue debt to support expansion and improvements of their current facility located in Milwaukie, Oregon, in Clackamas County. This is allowed under existing tax law if certain procedures mandated under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) are followed. First, the Borrower must partner with a Public Finance Authority to issue the debt. Clackamas County has empaneled and empowered the Hospital Facility Authority of Clackamas County, which met on the matter on January 22, 2020. Second, the Internal Revenue Code of 1986's Section 147(f) requires elected officials having jurisdiction over where Rose Villa operates -- in this case, the Board of County Commissioners -- must approve the issuance of the debt. This is done after appropriate notice is published at least 14 days in advance and a public hearing is held on the subject. A draft order allowing issuance of the requested bonds is attached hereto for the Board's consideration.

The hearing and granting approval to allow the issuance of the bonds to go forward is the entire extent of the County's involvement in the proposed debt issuance. The amount borrowed will not be a debt of the County, no taxes will be paid in support of the debt, and no guarantee or assurance or any credit-enhancing activity is being offered. If the Board votes to allow the issuance of the debt, it will be the sole responsibility of Rose Villa. If the Board votes against allowing the issuance, Rose Villa will not be able to issue the debt as currently contemplated.

Representatives of Rose Villa have provided background for inclusion in this report and will attend the hearing to provide public testimony as well. The project consists of finance or reimburse all or a portion of the costs of the construction, acquisition, development, improvement, renovation and equipping of an expansion project and other capital projects with respect to the Borrower's continuing care retirement community located in unincorporated Clackamas County, Oregon.

This Order has been reviewed and approved by County Counsel.

RECOMMENDATION:

Staff recommends the Board hold a public hearing on the subject, weigh the evidence presented thereby, and make a determination on whether or not to allow Borrower to issue the debt as planned. If the Board makes the determination, to allow the Borrower to issue the described debt, it will adopt the draft order attached hereto to effect the same.

Respectfully submitted,

Elizabeth Comfort
Interim Finance Director

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the matter of approving the issuance of Senior Living Revenue Bonds (Rose Villa, Inc. Project), Series 2020 in a maximum aggregate issue price not to exceed \$85,000,000 issued by the Hospital Facility Authority of Clackamas County, Oregon



Order No.

Page 1 of 2

It appearing before the Board of County Commissioners of Clackamas County, Oregon (the “Board”) that the Hospital Facility Authority of Clackamas County, Oregon (the “Authority”), a public authority of the State of Oregon (the “State”) created by virtue of the authority of the Constitution and laws of the State, and particularly Oregon Revised Statutes Sections 441.525 to 441.595, inclusive, as amended, has received a request from Rose Villa, Inc., a nonprofit corporation duly organized and validly existing under the laws of the State (the “Borrower”), to issue senior living revenue bonds, in one or more series pursuant to a plan of finance, in a maximum aggregate issue price not to exceed \$85,000,000 (collectively, the “Bonds”);

The proceeds of the Bonds are expected to be used to finance all or a portion of the costs of the capital construction, development, improvement, renovation and equipping of the second stage of an expansion project and certain other capital improvements and renovations at the Borrower’s continuing care retirement facilities located within the boundaries of Clackamas County, Oregon (the “County”) at 13505 SE River Road, Milwaukie OR 97222 (collectively, the “Projects”);

The Internal Revenue Code of 1986 (the “Code”) authorizes the issuance of revenue bonds for a “qualified 501(c)(3) entity,” such as the Borrower;

Section 147(f) of the Code requires that qualified 501(c)(3) bonds be approved by the applicable elected representatives of the governmental unit (i) having jurisdiction over the area in which the Projects are located and (ii) issuing the Bonds, and the Board of the County are the applicable elected representatives of the governmental unit having jurisdiction over the area in which the Projects being financed with the proceeds of the Bonds are located and are the applicable elected representatives of the governmental unit issuing the Bonds;

On the date of this Order, the Board conducted a public hearing, adequate notice of this hearing having been published pursuant to Section 147(f) of the Code, to provide a reasonable opportunity for members of the public to express their views regarding the issuance of the Bonds and the uses and purposes of the proceeds of the Bonds;

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of approving the issuance of Senior Living Revenue Bonds (Rose Villa, Inc. Project), Series 2020 in a maximum aggregate issue price not to exceed \$85,000,000 issued by the Hospital Facility Authority of Clackamas County, Oregon



Order No.

Page 1 of 2

The principal of and interest on the Bonds will not constitute a debt of the County, nor shall the Bonds be payable from a tax of any nature levied upon any property within the County, nor within any other political subdivision of the State. The Bonds will be special limited obligations of the Authority payable only from revenues and resources provided or arranged by the Borrower pledged to the payment of the Bonds and any credit enhancement arranged for the Borrower;

The Board finds that it would be in the best interest of the County to approve the issuance of the Bonds pursuant to the requirements of Section 147(f) of the Code, and the Board being fully advised;

NOW, THEREFORE, IT IS HEREBY ORDERED:

(1) The Board, as the applicable elected representatives of the governmental unit on behalf of which the Bonds will be issued, and as the applicable elected representatives of the governmental unit having jurisdiction over the area in which the Projects are located, and having concluded that a public hearing was validly held to provide a reasonable opportunity for members of the public to express their views regarding the issuance of the Bonds and the uses and purposes of the proceeds of the Bonds, it does hereby approve the issuance of the Bonds by the Authority for the purpose of financing the Projects, in a maximum aggregate issue price not to exceed \$85,000,000.

(2) This Order is effective immediately upon passage.

DATED this 13th day of February 2020.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
 2051 KAEN ROAD | OREGON CITY, OR 97045

Stephen L. Madkour
 County Counsel

Kathleen Rastetter
Scott C. Ciecko
Amanda Keller
Nathan K. Boderman
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
 Assistants

February 13, 2020

Board of County Commissioners
 Clackamas County

Members of the Board:

First Reading of Ordinance No. _____, Adding Clackamas County Code Chapter 8.10, *Short-Term Rentals* to the Clackamas County Code, and Amending Clackamas County Code Chapter 2.07, Compliance Hearings Officer

Purpose/Outcomes	<i>To add a new section to County Code implementing regulations related to short-term rentals, together with corresponding conforming amendments.</i>
Dollar Amount and Fiscal Impact	<i>Implementation of this program would require up to two additional full time employees (FTE), plus additional time for the code enforcement Hearing's Officer. Based on cost estimates from DTD and the Finance Department, the total cost to run the STR program annually will be approximately \$320,000.</i>
Funding Source	<i>Revenue generated from newly adopted registration fees, potential seed money from the Tourism and Cultural Affairs Department.</i>
Duration	<i>Indefinite.</i>
Previous Board Action	<i>Policy Sessions: March 13, 2019; June 11, 2019; August 6, 2019; September 25, 2019; October 22, 2019; January 14, 2020; and February 4, 2020. Public Hearing: January 30, 2020.</i>
Strategic Plan Alignment	<i>Ensure safe, healthy and secure communities. Build public trust through good government.</i>
Contact Person	<i>Martha Fritzie– 503-742-4529; Nate Boderman – 503-655-8364</i>
Contract No.	<i>N/A</i>

BACKGROUND:

The Board of County Commissioners held a public hearing to take testimony on the proposed short-term rental ordinance on January 30, 2020. At that hearing, the Board voted to continue the first reading of the proposed ordinance to give the Board an opportunity to consider changes to the ordinance in response to the written and oral testimony provided by the public.

The Board held a Policy Session on February 4, 2020 and directed staff to make the following changes to the draft ordinance that was presented at the January 30, 2020 public hearing:

- To specifically allow guest houses to be used as short-term rentals, on the condition that those structures have indoor restroom facilities;
- To expand the proposed occupancy limits so that the total structure occupancy would be calculated by multiplying 2 occupants by the number of sleeping areas and adding an additional 4 occupants. For example, in a two bedroom dwelling unit, the maximum occupancy allowed by the ordinance would now be 8 (2 occupants x 2 sleeping areas + 4 additional occupants = 8 total occupants); and
- To revise the primary residence requirement in the Metro UGB to allow an owner to rent a short-term rental on a lot or parcel adjacent to their primary dwelling.

At the policy session, the majority of the Board also directed staff to implement fees to support the program, at a rate between \$800-\$900 every 2 years per registration, and to implement a fine structure that was generally consistent with other general code enforcement actions. Because fees and fines are adopted by resolution, a resolution will be prepared for adoption in the event this ordinance moves forward to a second reading.

Staff also made minor adjustments to the version of the ordinance that staff presented at the January 30, 2020 public hearing. Staff propose these changes primarily for purposes of consistency with other chapters in the County Code, particularly related to code compliance hearings and those procedures set out in County Code Chapter 2.07.

RECOMMENDATION:

Staff respectfully requests that the BCC hold this public hearing and schedule a second reading and public hearing of this ordinance on February 27, 2019, at 10 a.m., and to direct staff to draft a resolution establishing a registration fee, and establishing fine amounts for noncompliance with program requirements.

Respectfully submitted,



Nate Boderman

Assistant County Counsel

Attachments:

- A. ORDINANCE NO. _____, An Ordinance Adding Clackamas County Code Chapter 8.10, *Short-Term Rentals* to the Clackamas County Code, and Amending Clackamas County Code Chapter 2.07, *Compliance Hearings Officer*
- B. Draft Ordinance Redlined Against Version Presented at January 30, 2020 Hearing
- C. Additional Public Comment Received Since January 30, 2020 Hearing
- D. January 30, 2020 Staff Report, Including Public Outreach and Comments

ORDINANCE NO. _____

**An Ordinance Adding
Clackamas County Code Chapter 8.10, *Short-Term Rentals*
and Amending Clackamas County Code Chapter 2.07, *Compliance
Hearings Officer***

WHEREAS, the Board of Commissioners of Clackamas County finds that a property owner’s short-term rental of a dwelling unit is an acceptable activity within the unincorporated areas of Clackamas County; and

WHEREAS, the Board finds that it is in the public’s interest to regulate short-term rentals in order to enhance public safety and livability; and

WHEREAS, the Board finds that the short-term rental of dwelling units could have negative impacts on the cost of housing in Clackamas County, and therefore wish to limit those impacts by requiring those short-term rentals located within the Portland Metropolitan Urban Growth Boundary to be located on the same tract as the owner’s primary residence,

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

Section 1: Chapter 8.10, as shown on Exhibit “A”, which is attached hereto and incorporated herein by this reference, is hereby added to the Clackamas County Code.

Section 2: Chapter 2.07 is hereby amended to add a reference to Chapter 8.10, *Short-Term Rentals*, in the second paragraph of Section 2.07.010 for purposes of clarifying that enforcement of the *Short-Term Rental* Chapter shall be processed under the provisions of Chapter 2.07.

Section 2: Effective Date. This Ordinance shall be effective on July 1, 2020.

ADOPTED this _____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Ordinance No. _____

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

8.10.030 Applicability

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

8.10.040 Short-Term Rental Registration Requirements and Fee

- A. All short-term rentals shall be registered, except that any short-term rental that qualifies for an exemption to the Transient Room Tax under Section 8.02.060(C), as “incidental” use of the property, shall be exempt from the registration requirements set forth herein.
- B. Application forms for a registration for a short-term rental will be available at County offices. Applications for initial and renewal registrations for a short-term rental must be submitted to the County and must be signed under penalty of perjury. The application documents must include at least the following:
1. The location of the premises.
 2. The true names, telephone numbers, and addresses and any aliases of the persons that have, or have had within the preceding year, a financial interest in the premises.
 3. A Land Use Compatibility Statement, signed by a Planning & Zoning Division representative, affirming that the short-term rental has met all applicable requirements in the Clackamas County Zoning and Development Ordinance for a short-term rental and that the dwelling unit complies with Section 8.10.060(A).
 4. Signed affidavit of compliance with all building and fire standards in Section 8.10.060(G), and all applicable requirements in Section 8.10.060(D-F).
 5. Evidence that all current taxes and fees owed to Clackamas County have been paid for the premises.
 6. Evidence that a Transient Room Tax registration form has been submitted to the County.
 7. The name, telephone number, and address of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the short-term rental.
 8. Proof of liability insurance coverage on the short-term rental.
 9. A statement that the registrant of the short-term rental has met and will continue to comply with the standards and requirements of this chapter.
 10. A site plan that identifies, at a minimum, all structures on the property, driveway(s), off-street parking spaces, and garbage receptacles.
 11. A dwelling unit floor plan that identifies, at a minimum, all sleeping areas and other rooms in the dwelling unit.
 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 newly approved registration application is approved by the county.
- B. Registrants wishing to continue uninterrupted operation of a short-term rental shall submit a new application to the County a minimum of 30 days prior to the expiration of the registration.
- C. At the time of submission of a new short-term rental registration application, the registrant must pay the short-term rental registration application fee. The fee amount shall be set by resolution of the Board of County Commissioners.
- D. A short-term rental registration terminates automatically if state statutes, regulations or guidelines are modified or changed to prohibit operation of the short-term rental under this chapter.

8.10.060 Standards and Conditions

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

- A. Dwelling Unit. The short-term rental must be operated within a legally-established, permanent dwelling unit. ~~The dwelling unit associated with a short-term rental shall not have been established through a land use approval or other approval process that specifically limited the use of the dwelling unit, the occupancy of the dwelling unit, or the duration of the existence of the dwelling unit. Examples of non-qualifying dwellings include those approved as an accessory farmworker dwelling, a caretaker dwelling, or a temporary dwelling for care.~~
 - 1. The dwelling unit associated with a short-term rental shall not have been established through a land use approval or other approval process that specifically limited the use of the dwelling unit, the occupancy of the dwelling unit, or the duration of the existence of the dwelling unit. Examples of non-qualifying dwellings include those approved as an accessory farmworker dwelling, a caretaker dwelling, or a temporary dwelling for care.
 - 1.2. ~~Guest houses or other similar structures are not considered to be dwelling units under the county's zoning and development ordinance and may only not 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.

- 2.—Temporary sleeping accommodations such as tents and recreational vehicles are not considered to be dwelling units under the county’s zoning and development ordinance and may not be used as a short-term rental.

B. Maximum Overnight Occupancy. The number of overnight occupants in the short-term rental shall not exceed the number of occupants authorized in the registration. The maximum overnight occupancy shall be clearly posted in the short-term rental, disclosed in any advertising of the availability of the short-term rental, and included in any rental agreement with tenants. The maximum overnight occupancy authorized in the registration for the short-term rental shall be calculated as follows:

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

~~5.3.~~

~~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.C.~~

~~E.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.

~~4.3.~~

~~F.~~—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.

~~G.E.~~

~~H.~~ 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.

~~I.F.~~

Building and Fire Safety. A short-term rental shall comply with all ordinances that apply to a dwelling, and all structural components shall be kept in sound condition and good repair. In addition:

1. Working smoke detectors and carbon monoxide detectors shall be installed and maintained in locations as required ~~in by the~~ Oregon Residential Specialty Code ~~sections R314.3 and R315.3.~~
2. Two (2) working fire extinguishers shall be provided in the unit, with one of the extinguishers placed within the kitchen in an easily accessible location
3. Code-compliant pool and hot tub barriers shall be present, if applicable.
4. Every sleeping area shall have not less than one operable emergency escape and rescue opening, including basement sleeping areas. Emergency escape and rescue openings shall have a net clear opening of not less than 5.0 square feet. The net clear height shall not be less than 24 inches, and the net clear width shall not be less than 20 inches.
5. All exterior building exits shall be clear, operable and available to renters.
6. All electrical wiring shall be covered, and wall outlets, switches and junction boxes shall have code-approved covers in place.
7. Electrical panels shall have a clear ~~working area~~ space of at least 30 inches ~~from each side~~ ~~wide in front of the panel side~~, 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.

~~10.9.~~

For any short-term rental located within the Portland Metropolitan Urban Growth Boundary, the dwelling unit to be used as a short-term rental must be located on the same ~~lot of record tract~~ as the owner's primary residence. However, the owner is not required to be present on the ~~lot of record 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 permit 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 Code Enforcement Division of the Clackamas County Department of Transportation and Development Finance should be notified.

- A. ~~Except as otherwise provided for in state law or in the Clackamas County Code, ff~~ or acts of noncompliance, the Code Enforcement Division Program of the Department of Transportation and Development ~~or the Finance Department, as appropriate,~~ 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 Citation: 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 whenever an owner operates a short-term rental which is found in violation of, or contrary to, any provision of this chapter, that owner may be issued a citation.
- C. Forms of Citation: the form for the citation to be issued under this chapter shall contain the following: a description of the specific violation alleged, the name and address of the person producing or permitting the violation, the time and place of the occurrence of the violation, the name and address of the office of the Code Enforcement Division of the Department of Transportation and Development, a form for admitting or denying the violation, and a schedule of the forfeiture amounts for specific violations. 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, or the transient room tax as prescribed in Chapter 8.02 of the Clackamas County Code, may have their short-term rental registration immediately suspended. ~~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 ~~Division Program~~ of the Department of Transportation and Development may require an inspection of the premises:
1. ~~Require an inspection of the premises;~~
 2. ~~Suspend the short-term rental registration until the short-term rental is in compliance with the standards and conditions set forth in Section 8.10.060; or~~
 3. ~~If there have been three separate violations of this chapter related to the same short-term rental within the applicable two-year registration period, revoke the short-term rental registration.~~
- F. 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.

A person who is denied a short-term rental registration, or who has its registration suspended or revoked may request a hearing as provided in this section.

G. — A person who receives a citation for violation of this chapter may deny all or part of the alleged violation by completing an appropriate response form, attached to the citation, and mailing or delivering it to the Code Enforcement Division of the Department of Transportation and Development or to the Finance Department, as indicated on the citation. Upon receipt, the appropriate County department shall forward the form to the office of the hearing officer.

H. — A person who is denied a short-term rental registration, or who has its registration suspended or revoked may appeal the determination by completing an appropriate appeal form, and mailing or delivering it to the Code Enforcement Division of the Department of Transportation and Development or to the Finance Department, as indicated on the determination. Upon receipt, the appropriate County department shall forward the form to the office of the hearing officer.

I. — 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.

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.

Fritzie, Martha

From: Rogalin, Ellen
Sent: Wednesday, February 5, 2020 12:39 PM
To: Fritzie, Martha; Hughes, Jennifer; Boderman, Nathan; Rozzell, Matthew; Amend, Michelle
Subject: FW: Short-term rental regulations update

More on the "guest" issue. This has already been sent to the BCC.

Ellen Rogalin, Community Relations Specialist

503-742-4274

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

From: Rob Bruce <rrbruce@outlook.com>
Sent: Wednesday, February 5, 2020 12:30 PM
To: Frances <franmazzara@gmail.com>; Rogalin, Ellen <EllenRog@clackamas.us>
Cc: gracehumberston@yahoo.com; Cowan, Danielle <Danielle@mthoodterritory.com>; BCCMail <BCCMail@clackamas.us>
Subject: RE: Short-term rental regulations update

Hi Ellen,

I'm glad Fran and Joe responded before I did, they were much nicer than I was going to be.

This has hit the out of control point. This has now drug on for YEARS. We have participated, supported where allowed or were able. We have done all that has been asked of us.

Next time we have an "Event" make sure I have your number and I will call you and you can call the Sheriffs office and you can place the call and get yelled at. Please forward your home phone asap so I can call you between 2am and 3am and keep you up for a few hours. This email is fine to send that # to. Ohh, you are not willing to do that?.....but its ok for us to be forced to. No.

Give the Sheriff some teeth or force them to handle it, set some reasonable laws, that's all we are asking and get this done before we all are forced to take further action against the county. Because its coming sooner than you think.

Questions?

Rob Bruce 503-502-1821 rrbruce@outlook.com

Not so patiently waiting your response.

From: Frances <franmazzara@gmail.com>
Sent: Wednesday, February 5, 2020 11:49 AM
To: 'Rogalin, Ellen' <EllenRog@clackamas.us>
Cc: rrbruce@outlook.com; gracehumberston@yahoo.com; danielle@mthoodterritory.com; BCC@clackamas.us
Subject: RE: Short-term rental regulations update

No where in the proposed regulations or suggested changes do the regulations address the issue of someone renting the STR and then using the premise to invite excessive numbers of people to utilize the facility as THEIR GUESTS. This was brought up by more than one person testifying at the meeting on Jan. 30.

As I and others have stated... the owner rents to a couple who in turn invite 25, 50, 75 guests to come party in their rented home. The only County ordinance that applies addresses "noise levels", an issue the police do not have time or equipment to address, get's ignored as soon as the police leave and is like using a fly swatter to deal with a cougar attack. A one-time party...a neighbor hosts a 4th of July party, and anniversary, their daughter's Sweet 16...could be annoying with cars and noise. But we are discussing a weekly event with up to 4 house in our neighborhood.

Often these parties run all night and the partiers are gone by the next day. The registered guests may stay another day..., but they to leave never to be seen again. The management companies declare to the absentee owner who hires them that they checked the home out after a complaint and swear it was only the renters and 1 other couple, yet we have pictures and statements it was a wedding, celebration etc. with over 50 invited. Often we are cursed at and physically threatened.

THESE ARE WEEKLYwhat protects the homeowners who live there? What recourse do we have? We did not knowingly move onto the set of "Animal House". Is our only recourse a lawsuit against the County for causing a depreciation in our property values due to their actions. I know a precedence has been set on this issue. I hate to get nasty..., but we can no longer enjoy our property, especially during the summer months. We no longer have unfettered access to our homes. Emergency vehicles can not safely access our road. Public services such as snow plows, delivery trucks and garbage trucks cannot access our road, denying us the services we pay for. Our sleep is constantly disturbed by the noise and actions of the partiers having a good time (sometimes inebriated, physically ill or fighting). Trash is strewn into our yards and woods.

PLEASE..., we are asking for your understanding and help. So far the remedies offered do not address this issue, *Abuse of the privilege of a short-term rental....* The Sheriff's Dept. tell us there is nothing they can do, yet we are told to call them. The Zoning Dept. is the same. By granting the privilege of Short Term Rentals you are giving rights to only one side in this situation and ignoring the effects it has on the rest of us. This is our home, in a residential neighborhood not an area zoned for business, yet we are now surrounded by businesses under the guise of *innocent people renting their vacation home out temporarily when they are not using it.*

We need a tool to be able to stop these abuses and the "noise" ordinance is not that tool. We realize this is not an easy problem.... many jurisdiction resolve it by banning STR's. (Miami, Oahu, Barcelona, Rome, Paris, London... to name a few of the better known jurisdictions). But the abuses must stop.

Thank You
FRAN & JOE MAZZARA

From: Rogalin, Ellen <EllenRog@clackamas.us>
Sent: Wednesday, February 5, 2020 9:50 AM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Cc: Fritzie, Martha <MFritzie@clackamas.us>
Subject: Short-term rental regulations update

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.)
- 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

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: Rogalin, Ellen
Sent: Wednesday, February 5, 2020 12:16 PM
To: Boderman, Nathan; Hughes, Jennifer; Fritzie, Martha; Rozzell, Matthew; Amend, Michelle
Subject: STR folks who invite guests?
Expires: Monday, August 3, 2020 12:00 AM

Just got the email below from Fran Mazzara. She brings up the point, which I don't think we've discussed, of guests – see below. I don't know that there's anything we can do about this, but thought we should consider it.

Thoughts?

Ellen Rogalin, Community Relations Specialist

503-742-4274

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

From: Frances <franmazzara@gmail.com>
Sent: Wednesday, February 5, 2020 11:49 AM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Cc: rrbruce@outlook.com; gracehumberston@yahoo.com; Cowan, Danielle <Danielle@mthoodterritory.com>; BCCMail <BCCMail@clackamas.us>
Subject: RE: Short-term rental regulations update

No where in the proposed regulations or suggested changes do the regulations address the issue of someone renting the STR and then using the premise to invite excessive numbers of people to utilize the facility as THEIR GUESTS. This was brought up by more than one person testifying at the meeting on Jan. 30.

As I and others have stated... the owner rents to a couple who in turn invite 25, 50, 75 guests to come party in their rented home. The only County ordinance that applies addresses "noise levels", an issue the police do not have time or equipment to address, get's ignored as soon as the police leave and is like using a fly swatter to deal with a cougar attack. A one-time party...a neighbor hosts a 4th of July party, and anniversary, their daughter's Sweet 16...could be annoying with cars and noise. But we are discussing a weekly event with up to 4 house in our neighborhood.

Often these parties run all night and the partiers are gone by the next day. The registered guests may stay another day..., but they to leave never to be seen again. The management companies declare to the absentee owner who hires them that they checked the home out after a complaint and swear it was only the renters and 1 other couple, yet we have pictures and statements it was a wedding, celebration etc. with over 50 invited. Often we are cursed at and physically threatened.

THESE ARE WEEKLYwhat protects the homeowners who live there? What recourse do we have? We did not knowingly move onto the set of "Animal House". Is our only recourse a lawsuit against the County for causing a depreciation in our property values due to their actions. I know a precedence has been set on this issue. I hate to get nasty..., but we can no longer enjoy our property, especially during the summer months. We no longer have unfettered access to our homes. Emergency vehicles can not safely access our road. Public services such as snow plows, delivery trucks and garbage trucks cannot access our road, denying us the services we pay for. Our sleep is constantly disturbed by the noise and actions of the partiers having a good time (sometimes inebriated, physically ill or fighting). Trash is strewn into our yards and woods.

PLEASE..., we are asking for your understanding and help. So far the remedies offered do not address this issue, *Abuse of the privilege of a short-term rental....* The Sheriff's Dept. tell us there is nothing they can do, yet we are told to call them. The Zoning Dept. is the same. By granting the privilege of Short Term Rentals you are giving rights to only one side in this situation and ignoring the effects it has on the rest of us. This is our home, in a residential neighborhood not an area zoned for business, yet we are now surrounded by businesses under the guise of *innocent people renting their vacation home out temporarily when they are not using it.*

We need a tool to be able to stop these abuses and the "noise" ordinance is not that tool. We realize this is not an easy problem.... many jurisdiction resolve it by banning STR's. (Miami, Oahu, Barcelona, Rome, Paris, London... to name a few of the better known jurisdictions). But the abuses must stop.

Thank You
FRAN & JOE MAZZARA

From: Rogalin, Ellen <EllenRog@clackamas.us>
Sent: Wednesday, February 5, 2020 9:50 AM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Cc: Fritzie, Martha <MFritzie@clackamas.us>
Subject: Short-term rental regulations update

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.)
- 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

Transportation & Development | Business & Community Services

503-742-4274 | 150 Beavercreek Road, Oregon City, OR 97045

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

Spam Email

Phishing Email

Fritzie, Martha

From: Mac Barger <MacB@richardsonsports.com>
Sent: Wednesday, February 5, 2020 11:24 AM
To: Rogalin, Ellen
Cc: Fritzie, Martha
Subject: RE: Short-term rental regulations update

Thanks so much here Ellen,

I appreciate the communication and overall effort to make this work for all residents and owners ☺

While I am *against* capping the number of maximum occupants I think the old language is better than the new language below with reference to the calculation of max occupancy. Right now real-estate values on Mt. Hood are being driven by the rental value and number of occupants. This supersedes traditional valuations like dollar per square foot etc. Yes, these STR rules the county are going to have a MAJOR impact on real-estate values and thus taxation. See Hood River and Gearhart where poor STR decisions made home values plummet and micro business economies take major blows.

That said, if we **MUST** have a max number of occupants the new language is going to create an environment where almost all of the current STR's (on Airbnb/VRBO) will make a claim of 12+ occupants. We all know some of these cabins are NOT equipped to hold that number of guests. There are all kinds of cabins with sleeping areas not up to code (window egress etc.) and that cannot accommodate parking, water usage, etc. Take a 1,200 sq foot cabin in Govey for example. They will claim they have two bedrooms and three "additional sleeping areas." They will make a claim to then have max occupancy of 14. On the other end of the spectrum if you have a 6k sq foot home with 7 bedrooms they will be capped with 15 occupants. This will confuse potential renters when marketed on the big sites. Part of the county responsibility (from a health perspective) should be helping travelers correctly identify what places can accommodate the given group size.

- 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.

Thanks again for all your efforts,

Mac Barger
 Sales Director | Captuer
 Ext. 130



RICHARDSON

T: 541-687-1818
 F: 541-687-1130

RichardsonSports.com
 WEAR THE BEST

From: Rogalin, Ellen <EllenRog@clackamas.us>
Sent: Wednesday, February 5, 2020 9:50 AM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Cc: Fritzie, Martha <MFritzie@clackamas.us>
Subject: Short-term rental regulations update

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.)
- 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

Transportation & Development | Business & Community Services

503-742-4274 | 150 Beavercreek Road, Oregon City, OR 97045

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

Spam Email

Phishing Email

Fritzie, Martha

From: Rogalin, Ellen
Sent: Wednesday, February 5, 2020 11:18 AM
To: Fritzie, Martha
Subject: FW: Short-term rental regulations update

Comments to share with the BCC...

Ellen Rogalin, Community Relations Specialist

503-742-4274

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

From: rickseven007@gmail.com <rickseven007@gmail.com>
Sent: Wednesday, February 5, 2020 10:20 AM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Subject: RE: Short-term rental regulations update

Thank you for the update Ellen. I continue to be in harsh disagreement of any such regulations. What a person wants and needs to do with their home should not rest in the hands of people who do not pay the bills of the homeowner. In addition, fines levied against any American when there is no witness of that person damaging the person or the property of another is a violation of the "Law of the Land" in this country. This wrecks of tyranny and as an American I just don't like it at all.

I don't have skin in this game as I don't own a short term rental but am really disgusted at this entire code creation.

I hope my opinion is considered.

Sincerely,

Rick Seven

From: Rogalin, Ellen <EllenRog@clackamas.us>
Sent: Wednesday, February 5, 2020 9:50 AM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Cc: Fritzie, Martha <MFritzie@clackamas.us>
Subject: Short-term rental regulations update

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.)
- 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

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: FScott Farleigh <fscottfarleigh@icloud.com>
Sent: Tuesday, February 4, 2020 11:43 AM
To: Fritzie, Martha
Cc: Milt Johnson; Ed Rogers
Subject: Pending Regulations for Short-Term Rental Regulations

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Martha: I have left you two voice mails requesting the status of the proposed Short-Term Rental regulations and the public hearing on January 30. I am President of the Alpenglade Park HOA in Government Camp, Oregon, and we generally support the proposed regulations to the extent they are consistent with our own rental regulations which have been duly recorded with Clackamas County for many years. We have an owners meeting coming up this month; and therefore, I would greatly appreciate a status report on the County's proposed regulations. Thanks for your help. My cell number is 503-680-5838.

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: Ben McCune <benamccune@gmail.com>
Sent: Monday, February 3, 2020 11:23 AM
To: Fritzie, Martha
Cc: Karin McCune
Subject: Short Term Rental Housing Unincorporated Clackamas EFU

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Martha. Ben and Karin McCune here. It was nice to briefly meet you after the public hearing Thursday evening. First off, we would like to thank you for your thoughtful diligence in these difficult and potentially divisive planning matters. I would also like to introduce ourselves and our situation: We are newlyweds living on an EFU 80 zoned farm just outside of Oregon City in unincorporated Clackamas County. Our farm is home to a menagerie of critters from pigs, to sheep, chickens, cattle and horses. We have, in our opinion, a lovely piece of land which we love sharing with our friends and family. Our city friends love to learn about the animals; how to care for them and how we raise them. We often take them on walks through the fields, forests and riparian areas sharing our constantly evolving understanding of these environments. There are substantial stands of old Oregon White Oak and Doug Fir. The old homestead is surrounded by several historic outbuildings. In short, the place is considered by some as idyllic. Unfortunately, it's difficult to make ends meet as a farmer these days and we are searching for ways to supplement our farming income. Which is what brought us to your public hearing on Thursday.

My wife and I would like to sustainably and on a small scale, offer short term rentals in our farmhouse (possibly in historic outbuildings if that's ever an option). We are concerned that the regulations as currently written paint all properties with the same brush. We are quite isolated from our neighbors, have ample parking, and plenty of room in our home for large families. As such, we would request a higher occupancy rating per bedroom be considered especially for larger properties away from neighbors. In addition, please consider a farmstay option on EFU zoned properties as you include agritourism regulations as part of the Clackamas County economy. We love our property and sharing it and our knowledge with folks whom are no longer connected to this way of life or the countryside.

All in all we are very pleased with you efforts and would like to thank you for your diligence in these difficult matters.

Sincerely,

Ben & Karin McCune

Spam Email
Phishing Email

Fritzie, Martha

From: Colleen Hankins <colleenhaha1@gmail.com>
Sent: Thursday, January 30, 2020 3:50 PM
To: Alltitude Chalet, LLC
Cc: Fritzie, Martha; Callie Elliott; Anderson566@gmail.com; Anderson, Violet (Tokareff) (VJTO); Peter Dodd; Sally Neidermeyer; Kris Deane; komorebihouse515@gmail.com; Eastlake1888@yahoo.com; Brian Bogatin
Subject: Re: Letter To County Commissioners For 01/30/2020 Public Hearing on The Regulations Impacting Short-Term Rental In Rural Clackamas County

Follow Up Flag: Follow up
Flag Status: Flagged

I am Colleen Cook and a short term renter in Government Camp and support the opinions written in this letter. If these fees are implemented, this will cause rental fees to elevate to unreasonable amounts. We do spend time cleaning up after others, hand carry our trash off the mountain and hand shovel in order to fit our cars in our parking area. Please review the data and reconsider your decision. Sincerely, Colleen Cook

On Thu, Jan 30, 2020, 2:58 PM Alltitude Chalet, LLC <alltitudeskichalet@gmail.com> wrote:
 Alltitude Ski Chalet LLC (Physical Address)
 30765 East Meldrum Street
 Government Camp, Oregon 97028
 January 30, 2020

Good Evening County Commissioners:

This letter is to be read at the meeting note for The Board of Commissioners will hold for a public hearing on the regulations at the Board business meeting at 6 p.m., Thursday, Jan. 30, on the 4th floor of the Public Services Building, 2051 Kaen Road, Oregon City. It has been written in response to the proposed regulations at <https://www.clackamas.us/planning/str>

My wife and I have many concerns about the proposed regulations for the Vacation Rentals in Government Camp, Oregon (unincorporated Clackamas County). We have owned and ran Alltitude Ski Chalet LLC since 2007 and have a Five-Star rating on Vacation Rental By Owner <https://www.vrbo.com/194606>. We have regularly utilized services from Carol's Cleaning, Extreme Cleaning LLC, Jenna McClure, and Callie Elliot to provide cleaning and property management services to our property and thus, have a strong local presence. And, we regularly maintain and service our property in person and address issues promptly as they arise. We have a 12-1/2 year history of obtaining garbage and plowing services from the only providers in Government Camp. We provide written rules to both our Long-Term Leases and Short-Term Vacation Rental Guests.

We are of the opinion that a few less involved landlords and/or short-term vacation rental owners who may NOT be: properly screening guests, charging low damage waivers, part of the CCTRT system, etc. are at the heart of this issue. The draft regulations and the proposed actions to address this issue are unfair to actively involved and responsible owners. The regulations do not take into account historical precedents in unincorporated Clackamas County and appear to be an attempt to generate county income based on urban Portland standards.

If there is a problem with some landlords, then why has Clackamas county not examined what the owners have done on an annual basis? For example, collecting graduated fees in arrears vs a flat fee based on the following, and subjecting non-complying landlords to further inspection based on:

- Proof of an operating plan for the home (ie Guestbook, Operating Agreement, EIN, etc...)
- Proof of "Courtesy Home Inspection" by Scott Klein Hoodland Fire (This could be fee based to subsidize the current inadequacies and local fire department)

- Proof of receipt for fire extinguisher maintenance services (Annual inspection is required)
- Proof of short term days rented, long term days rented and empty days (CCRT, Leases, VRBO Reports)
- Proof of payment for plowing, garbage, and utility services
- Proof of payment for CCRT

We find fault with the way the current proposed Clackamas regulations are written in the following areas and are requesting further analysis, coordination with other County Agencies, and more Community Planning Organization discussions:

1) Enforcement of number of spaces and garbage pickup in a snow zone is difficult at best.

The proposed regulations do nothing to address issues with Bliss Sanitary Service. This company acts like a monopoly and provides service at certain times of the year and not at others. Bliss has refused to service our home on East Meldrum during the winter. It was not until recently, the last 7 years, that they would even come down Meldrum to pick up trash at a cost \$207.00 a month. The worst problem we have with garbage is picking up trash generated by winter-spring day trip visitors who don't stay overnight. We have to pick up debris in snow or melting snow piles, up and down our street. They leave broken sleds, trash and debris everywhere. We once picked up 5 full garbage bags of plastic sled parts. Our seasonal renters and most of our short term folks are not the cause of that problem.

We have one plowing Service in Government Camp and that is Government Camp Snow Removal. I have room for 6 cars in front of my home, and what I would consider the best parking situation in Government Camp. However, it is a struggle for them to keep up being the only business in town when the snow hits. When that happens I am in contact with both the neighbors and tenants to communicate and address parking concerns.

The County could also request proof of garbage service receipts and payment for plowing as a part of tax report so you could examine who is paying and who is not paying for necessary services. In fact, there are many Long-Term residents who do not pay and benefit from plowing generated by Short-Term rentals.

2) Lack of "Grandfather Clauses" for previous purchases/owner investment on items the county has previously collected tax on and benefited from.

As Small Business Owner, I am obliged to complete and pay Oregon Confidential Personal Property Tax which the State of Oregon has the ability to collect funds on equipment used to house 12 persons in my 5 bedroom home. For example, in our bunk room, we have sleeping capacity for up to 4 unrelated persons and on the very rare occasion it is needed, the room could sleep 7. I do not believe it has ever slept 7, and I certainly would not ever allow it any routine basis. Other homes in Government Camp have dormitory style bunk rooms and spaces. The proposed plans eliminate placing people in these rooms and provides no "Grandfather Clause" allowing use for equipment bedding, furniture, and architecture that promotes intended use for Ski Camps and International Teams. The County and State are the very institutions who have collected tax on these items. The proposed rules lack consideration for historical use, abuse our time and monetary investment in the community, and make the investment in property on Mt. Hood a questionable venture.

Additionally, the Fire Marshall has set policy and historically fire code has dictated policy on occupancy. Homes that have dormitory style sleeping arrangements typically have invested thousands of dollars in Sprinkler Systems and can sleep more than 15. These homes must have a "Grandfather Clause," because they have already made the investment. Homes that have paid additional Sewer Development Charges would also be negatively impacted by the proposed rules. Charging homeowners and additional \$500 - \$900 for something they are already doing and then taking away the ability to use their investment to generate that income is not in anyone's best interest. It is worth consideration that many homeowners have over \$500,000 invested in these properties, significant time investments, and the ROI may be better spent outside something that is exposed to diminished returns. We have 12 years worth of records on what we spend on meals, maintenance, housecleaning, plowing, and investing in the skiing community and it is significant. Plus, we have a mortgage and have never made a profit due to all the costs to own and run this 1 property. Thus, more fees and restrictions are not what we need.

3) Inappropriate fee structure not based on graduated tax system.

The proposed fee structure to implement the plan is flawed. We already pay Clackamas County Transient Room Tax on our Short-Term Rental which generates X number of days or approximately 60 of days. We also have a large number of days where we rent to the same responsible Winter Tenants for up to Y days (typically, 180 days under a lease). Then we have a large number of completely vacant days Z in the low mud season (September, October, and November). The suggested flat rate of \$500 to \$900 every two years is unfair, especially given all our other expenses and mortgage! It does nothing to address the fact that most of the year, we do not fall under the Short-Term rental mode of operation. It is extremely unfair and puts a huge tax burden on me and my business all for the "benefit" of renting in a Short-Term mode. I would strongly suggest it is the responsibility of Clackamas County revisit their fee structure and

graduate it using an equation that includes number of days rented in Short-Term mode X, number of Long-Term Days rented mode Y, and number of Empty Days Z, to create a more fair, proportional, and graduated fee structure.

In conclusion, as a small business owner, we want to provide a Five-Star service that benefits the community and supports the local economy. The proposed rules do not support landlords ability to provide that service. We suggest the county table the current implementation date of July 2020 and revisit their proposal to address these concerns mentioned.

Respectfully,

Jeff and Brenda Ackerson, Owners
Allitude Ski Chalet LLC
23294 Chisholm Trail
Bend, Oregon 97702

Spam Email

Phishing Email

Fritzie, Martha

From: Allitude Chalet, LLC <allitudeskichalet@gmail.com>
Sent: Thursday, January 30, 2020 2:58 PM
To: Fritzie, Martha; Callie Elliott; Anderson566@gmail.com
Cc: Anderson, Violet (Tokareff) (VJTO); Peter Dodd; Sally Neidermeyer; Kris Deane; komorebihouse515@gmail.com; Eastlake1888@yahoo.com; Brian Bogatin
Subject: Letter To County Commissioners For 01/30/2020 Public Hearing on The Regulations Impacting Short-Term Rental In Rural Clackamas County

Follow Up Flag: Follow up
Flag Status: Flagged

Allitude Ski Chalet LLC (Physical Address)
 30765 East Meldrum Street
 Government Camp, Oregon 97028
 January 30, 2020

Good Evening County Commissioners:

This letter is to be read at the meeting note for The Board of Commissioners will hold for a public hearing on the regulations at the Board business meeting at 6 p.m., Thursday, Jan. 30, on the 4th floor of the Public Services Building, 2051 Kaen Road, Oregon City. It has been written in response to the proposed regulations at <https://www.clackamas.us/planning/str>

My wife and I have many concerns about the proposed regulations for the Vacation Rentals in Government Camp, Oregon (unincorporated Clackamas County). We have owned and ran Allitude Ski Chalet LLC since 2007 and have a Five-Star rating on Vacation Rental By Owner <https://www.vrbo.com/194606>. We have regularly utilized services from Carol's Cleaning, Extreme Cleaning LLC, Jenna McClure, and Callie Elliot to provide cleaning and property management services to our property and thus, have a strong local presence. And, we regularly maintain and service our property in person and address issues promptly as they arise. We have a 12-1/2 year history of obtaining garbage and plowing services from the only providers in Government Camp. We provide written rules to both our Long-Term Leases and Short-Term Vacation Rental Guests.

We are of the opinion that a few less involved landlords and/or short-term vacation rental owners who may NOT be: properly screening guests, charging low damage waivers, part of the CCTRT system, etc. are at the heart of this issue. The draft regulations and the proposed actions to address this issue are unfair to actively involved and responsible owners. The regulations do not take into account historical precedents in unincorporated Clackamas County and appear to be an attempt to generate county income based on urban Portland standards.

If there is a problem with some landlords, then why has Clackamas county not examined what the owners have done on an annual basis? For example, collecting graduated fees in arrears vs a flat fee based on the following, and subjecting non-complying landlords to further inspection based on:

- Proof of an operating plan for the home (ie Guestbook, Operating Agreement, EIN, etc...)
- Proof of "Courtesy Home Inspection" by Scott Klein Hoodland Fire (This could be fee based to subsidize the current inadequacies and local fire department)
- Proof of receipt for fire extinguisher maintenance services (Annual inspection is required)
- Proof of short term days rented, long term days rented and empty days (CCRT, Leases, VRBO Reports)
- Proof of payment for plowing, garbage, and utility services
- Proof of payment for CCTRT

We find fault with the way the current proposed Clackamas regulations are written in the following areas and are requesting further analysis, coordination with other County Agencies, and more Community Planning Organization discussions:

1) Enforcement of number of spaces and garbage pickup in a snow zone is difficult at best.

The proposed regulations do nothing to address issues with Bliss Sanitary Service. This company acts like a monopoly and provides service at certain times of the year and not at others. Bliss has refused to service our home on East Meldrum during the winter. It was not until recently, the last 7 years, that they would even come down Meldrum to pick up trash at a cost \$207.00 a month. The worst problem we have with garbage is picking up trash generated by winter-spring day trip visitors who don't stay overnight. We have to pick up debris in snow or melting snow piles, up and down our street. They leave broken sleds, trash and debris everywhere. We once picked up 5 full garbage bags of plastic sled parts. Our seasonal renters and most of our short term folks are not the cause of that problem.

We have one plowing Service in Government Camp and that is Government Camp Snow Removal. I have room for 6 cars in front of my home, and what I would consider the best parking situation in Government Camp. However, it is a struggle for them to keep up being the only business in town when the snow hits. When that happens I am in contact with both the neighbors and tenants to communicate and address parking concerns.

The County could also request proof of garbage service receipts and payment for plowing as a part of tax report so you could examine who is paying and who is not paying for necessary services. In fact, there are many Long-Term residents who do not pay and benefit from plowing generated by Short-Term rentals.

2) Lack of "Grandfather Clauses" for previous purchases/owner investment on items the county has previously collected tax on and benefited from.

As Small Business Owner, I am obliged to complete and pay Oregon Confidential Personal Property Tax which the State of Oregon has the ability to collect funds on equipment used to house 12 persons in my 5 bedroom home. For example, in our bunk room, we have sleeping capacity for up to 4 unrelated persons and on the very rare occasion it is needed, the room could sleep 7. I do not believe it has ever slept 7, and I certainly would not ever allow it any routine basis. Other homes in Government Camp have dormitory style bunk rooms and spaces. The proposed plans eliminate placing people in these rooms and provides no "Grandfather Clause" allowing use for equipment bedding, furniture, and architecture that promotes intended use for Ski Camps and International Teams. The County and State are the very institutions who have collected tax on these items. The proposed rules lack consideration for historical use, abuse our time and monetary investment in the community, and make the investment in property on Mt. Hood a questionable venture.

Additionally, the Fire Marshall has set policy and historically fire code has dictated policy on occupancy. Homes that have dormitory style sleeping arrangements typically have invested thousands of dollars in Sprinkler Systems and can sleep more than 15. These homes must have a "Grandfather Clause," because they have already made the investment. Homes that have paid additional Sewer Development Charges would also be negatively impacted by the proposed rules. Charging homeowners and additional \$500 - \$900 for something they are already doing and then taking away the ability to use their investment to generate that income is not in anyone's best interest. It is worth consideration that many homeowners have over \$500,000 invested in these properties, significant time investments, and the ROI may be better spent outside something that is exposed to diminished returns. We have 12 years worth of records on what we spend on meals, maintenance, housecleaning, plowing, and investing in the skiing community and it is significant. Plus, we have a mortgage and have never made a profit due to all the costs to own and run this 1 property. Thus, more fees and restrictions are not what we need.

3) Inappropriate fee structure not based on graduated tax system.

The proposed fee structure to implement the plan is flawed. We already pay Clackamas County Transient Room Tax on our Short-Term Rental which generates X number of days or approximately 60 of days. We also have a large number of days where we rent to the same responsible Winter Tenants for up to Y days (typically, 180 days under a lease). Then we have a large number of completely vacant days Z in the low mud season (September, October, and November). The suggested flat rate of \$500 to \$900 every two years is unfair, especially given all our other expenses and mortgage! It does nothing to address the fact that most of the year, we do not fall under the Short-Term rental mode of operation. It is extremely unfair and puts a huge tax burden on me and my business all for the "benefit" of renting in a Short-Term mode. I would strongly suggest it is the responsibility of Clackamas County revisit their fee structure and graduate it using an equation that includes number of days rented in Short-Term mode X, number of Long-Term Days rented mode Y, and number of Empty Days Z, to create a more fair, proportional, and graduated fee structure.

In conclusion, as a small business owner, we want to provide a Five-Star service that benefits the community and supports the local economy. The proposed rules do not support landlords ability to provide that service. We suggest the county table the current implementation date of July 2020 and revisit their proposal to address these concerns mentioned.

Respectfully,

Jeff and Brenda Ackerson, Owners
Allitude Ski Chalet LLC
23294 Chisholm Trail
Bend, Oregon 97702

Spam Email
Phishing Email

who get cited put that in their online reviews and create an incentive for owners to improve their behavior. **If the Sheriff has access to the full database of STR properties they can tailor their behavior appropriately on their callouts.**

- iii. **24 hours seems like a long time to wait for a response from the responsible person** ("In the event that the listed representative does not respond within 24 hours or does not adequately remedy the issue, the Code Enforcement Division of the Department of Transportation and Development should be notified"). I mean, if "guests" are out making a racket at 2 in the morning what good is a call back the next day going to do? Seems like similar sets of regulations specify a *much* shorter response time; Palm Springs enforces **a 30 minute response time** to bring the responsible person to the property to correct the violation.
 1. Noise is a big issue. With a 24 hour response time there is no way to address it except to call the sheriff.
 2. An **on-call code enforcement official would be beneficial** when problems arise, and specifying that that **manager/responsible person has to arrive at the property to correct each violation within 30 minutes** is desirable.
- d. Violations:
 - i. I agree with some of the commissioners that **stiff fines (8.10.100 B.) will improve behavior**; it has to hurt or it's meaningless. Some of these guys are getting \$500/night for their units; small fines will just be the cost of doing business.
 1. Three violations in two years for cancelation seems like too many but if fines are levied early and often that's probably ok. Good operators won't have any violations, and the bad ones don't care so let's start taking their money and using it to pay for the program as soon as possible. Let's say there's a violation. I would think the first one, unless egregious or committed by a known serial offender, would be free. First fines should start at \$500 (this has precedence in California), and double it for the nest and any subsequent violations in each registration period.
 - a. Can you please write into the regs that the first fine in each registration period will be \$500, and all subsequent fines \$1000?
 - e. **There should be a provision for banning the worst operators**, permanently. Otherwise they will turn into zombies and they will never go away.
 - i. Make people register. Palm Springs fines unregistered operators \$5,000 and bans them forever, and if they keep doing it it's \$10,000. Compliance in Palm Springs is extremely high, which leads to a great program and adequate county funding. Great idea, let's do it.

Always happy to answer any questions. Thanks for your help!

Best,

Mark

Mark W. Skinner, Ph.D.
Skinner and Associates
1275 SE River Forest Rd.
Milwaukie, OR 97267
971-337-7132

Spam Email
Phishing Email