



City of Port Orford Workshop By Hybrid Meeting

MEETING AGENDA

Subject: Short Term Vacation Rentals

Date: January 4, 2022

Time: 4:30 p.m.

Purpose of the

Meeting: Short Term Vacation Rentals

In Attendance:

- _____ Pat Cox, Mayor
- _____ Tim Pogwizd, President
- _____ Lorin Kessler, Councilor
- _____ Carolyn LaRoche, Councilor
- _____ Gary Burns, Councilor
- _____ Greg Tidey, Councilor
- _____ James Garratt, Councilor
- _____ Jessica Ginsburg, City Admin

Guests/Others:

Meeting Agenda

- Hear the issues/language changes
- Discuss the suggested changes to the code
- Finalize for Next Council Meeting/Special Session

Planning/Council Workshop Vacation Rentals

Tuesday, Jan. 4, 2022 4:30 PM - 6:30 PM (PDT)

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City of Port Orford

WORKSHOP AGENDA DOCUMENTATION

Date: 01/04/2022

SUBJECT: Vacation Rentals

ITEM NO: 8.

Previous Council Meeting:

A motion was passed by City Council for the Planning Commission to start the process of reviewing/researching rules and regulations of Short Term Vacation Rentals in Residential zones.

Information supplied in the workshop packet:

I have gathered information from various jurisdictions all around Oregon on the rules and regulations for Short Term Vacation Rentals.

Attachement 1- City of Coos Bay Planning Commission Packet from October 2021 Meeting and draft Ordinance. (PG. 3-11)

Attachement 2- City of Bend Good Neighbor Guidelines, and Short Term Rental Owner Information Sheet. (Pg.12-15)

Attachement 3- County of Clatsop Ordinance and Guide for Short Term Rental (Pg. 16-45)

Attachment 4- Gold Beach Zoning Ordinance for Vacation Rental Dwelling (Pg.46-47)

Attachement 5- City of Brookings Short Term Rental Registration and Municipal Code for Short Term Rentals (Pg.48-51)

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

CITY OF COOS BAY PLANNING COMMISSION**Agenda Staff Report**

MEETING DATE October 12, 2021	AGENDA ITEM 4.A:	PROJECT NUMBER: 187-19-000051 ADDRESS: CITYWIDE
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APPLICANT/APPLICANT REPRESENTATIVE: City of Coos Bay/Carolyn Johnson, Community Development Administrator

FROM: Carolyn Johnson, Community Development Administrator

APPROVED BY: Carolyn Johnson, Community Development Administrator

SUBJECT:

Public hearing for review of potential amendment to Coos Bay Municipal Code (CBMC) Title 17 regarding Vacation Rentals with the addition of Section 17.370 – Vacation Rentals.

Vacation rentals are defined in the Development Code as: *A residential structure being rented for compensation for less than 30 days without concurrent occupation by the owner/operator.*

The City Council implemented a moratorium on vacation rental land use applications citywide with the exception of commercial districts on August 3, 2021 and asked for the Planning Commission to hold a public hearing and forward a recommendation to Council.

RECOMMENDATION/MOTION:

Planning Commission review is recommended as follows:

- receipt of a brief report from staff;
- public hearing and opportunity to ask questions of speakers;
- upon conclusion of public comments, continue the public hearing to Monday, October 25 at 6 PM with the following motion at the conclusion of the last public comment:

"I move to continue the public hearing to Monday, October 25, 2021 at 6 PM ."

BACKGROUND AND SUMMARY:

The City Council discussed draft vacation rental regulations at their October 22, 2019 work session. Council review was a result of an October 8, 2019 Planning Commission unanimous recommendation for adoption of vacation rental standards and regulations as a follow up to the definition of vacation rentals adopted by Ordinance 518. After hearing public testimony on October 22, Council reached consensus for Planning Commission to again review the draft regulations and also look at vacation regulations of other municipalities.

In April of 2021, 2SI Investment applied for a land use permit for a vacation rental at 850 Prefontaine. Consistent with the CBMC, neighboring property owners were notified of the land use application. The 2SI application received many objections from the neighboring residents, the land use application was withdrawn and citizens asked Council for City review of the vacation rental regulations. As earlier noted, the Council August 3 response resulted in a moratorium on accepting land use applications for vacation rentals in residential areas.

August 4, September 17 and October 8, 2021 City's newsletters provided information on the vacation rental matter; subsequently a good deal of written communication has been received from the public for Commission review and is attached.

ISSUES:

Issues are identified in Supplemental Report.

ATTACHMENTS:

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[Supplemental Report](#)
[Public comments](#)

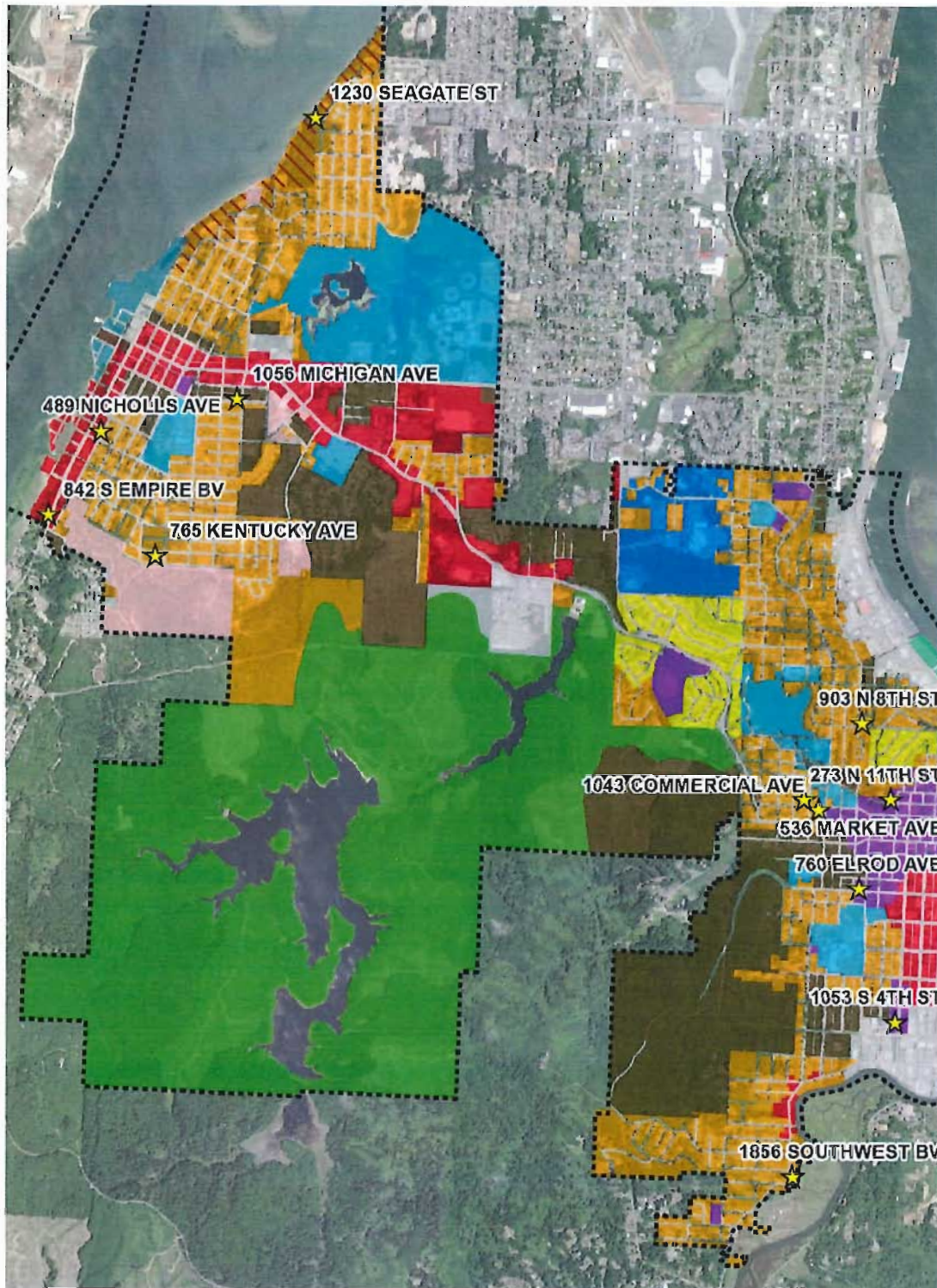
ATTACHMENT 1
Supplemental staff report

I. Vacation Rentals in Coos Bay. The Development Code defines a Vacation rental as: *A residential structure being rented for compensation for less than 30 days without concurrent occupation by the owner/operator.*

A. Authorized rentals. The chart below identifies known vacation rental authorized land use applications, business licenses and registration for Transient room tax. Totaling eleven, four are located in commercial zones, six are located in low density residential zones, and one is located in a medium density residential zone. A four-unit apartment complex in the commercial zone is pending approval and was not subject to the moratorium. A map identifying the City's zoning districts and locations of city authorized vacation rentals can be found on page 2.

LDR – low density residential Density residential zones.	C and MX – commercial zones	MDR – Medium Density residential zones.
Property address/Property zoning	Year of application/authorization	
1856 Southwest Blvd/LDR	2012	
489 Nicholls Ave/C		
903 N 8th St/LDR		
273 N 11th St/LDR		
1230 Seagate Ave LDR overlay		
1043 Commercial Ave LDR		
842 S Empire Blvd/C		
765 Kentucky Ave/LDR	2019 2020	
536 Market/MX		
1056 Michigan/MDR	2020	
1053 S 4th St/MX		
760 Elrod Ave/C (4 apartments)	pending	

B. Unauthorized Rentals. The number of unauthorized rentals in the City is unknown, however efforts; however, information on this topic was gathered from Granicus, an online government service provider of a variety of services, including but not limited to website design, digital communication strategies, public meeting and records management. Granicus provided information estimating 60-70 vacation rental units in the City after an assessment of multiple on-line rental platforms.



Legend

- ★ Address Points
- City Limits
- /// LDR Zoning Overlay

Zoning	
 C	 MP
 HP	 MX
 I-C	 SLR
 LDR	 TL
 UP	 W
	 W-H
	 W-I



1 inch = 1,750 feet

C. Current Coos Bay and Oregon vacation rental requirements.

A. Type 2 land use permit. A Type 2 land use permit requires a \$350 application fee, a land use application describing the vacation rental use and a written notice of the application to property owners within 150' of the application site twenty days prior to an administrative decision on the application. The project applicant is provided with any comments on the application. Within seven calendar days after issuing a decision, the city mails the notice of decision to property owners within 150 feet of the subject application area. Unless there is an appeal of the decision within fifteen calendar days of the decision being issued, the project is approved by City staff. Alternatively, the Director has the authority to require review of the application beyond the 150' noted in the regulations or transmit the application to the Planning Commission for a Type 3 land use review and action.

There are currently no specified standards in the City's Development Code for Vacation rentals; however, like any land use, vacation rental projects are required to comply with all City regulations. These include but are not limited to Title 8 Health and Safety Code requirements such as unlawful disposal of solid waste, littering, discarding vehicles, Title 9 Public Peace Morals requirements regarding discharge of weapons, public decency, public peace, noise or inhaling toxic vapors or shooting off fireworks, Title 15, Buildings and Construction, Title 3 regarding Transient Room Tax, and Title 5 regarding Business License registration.

A Type 2 Permit can be revoked by the Director with a 60-day notification by mail to a property owner that the permit requirements are not being satisfied. Notification to surrounding property owners would be provided consistent with the original Type 2 permit to the surrounding neighborhood. The Director can revoke the Type 2 permit the vacation rental use is not consistent with its authorization or the applicant has failed to remedy the alleged violation within 60 calendar days after the Director mails notice of the alleged violation.

B. Building Department review. Before a business license can be issued for a vacation rental, the structure must comply with current applicable building and fire code regulations, including fire and safety regulations in CBMC Chapter 15 (Buildings and Construction). This responsibility to assure compliance falls to the Building department before a change of use permit for the vacation rental occupancy can be authorized.

C. Business license registration. Property owners must comply with CBMC Chapter 5 (Business Licenses and Regulations) and register for a business license annually.

D. Registration and payment of Transient Room Tax. Property owners are required to comply with CBMC Chapter 3.55 (Transient Room Tax). This tax is required of lodging establishment operators at the time the rent is paid.

II. Planning Commission/City Council previously reviewed draft vacation rental regulations. In October of 2019, the Planning Commission the Vacation rental regulations below and recommended City Council approval. Draft vacation rental regulations previously recommended by the Planning Commission are noted at the end of this report.

The City Council reviewed the draft regulations and after receiving public comments, reached consensus for the Planning Commission to further review the proposed regulations and compare them with vacation rental regulations in other municipalities. The chart below identifies key draft regulations components and how they compare to the vacation rental regulations of Warrenton and Bandon.

	Draft regs previously recommended by Planning Commission	City of Warrenton on the Oregon North coast near Astoria	City of Bandon
Location	Residential & commercial zones	Commercial areas	Controlled Development Zone (mixed use) along & adjacent to ocean front; permitted and conditionally permitted.
Authorization	-In residential & commercial zones, not in accessory dwellings. -Type 2 administrative permit w/notification of property owners w/in 150'. Subject to appeal to Planning Commission & revocation for compliance failure w/conditions & city regs.	-Allowed in Commercial areas w/Conditional Use Permit. (Type 3) -Homestays allowed with a Type 2 administrative permit in residential areas. (Homestay definition: A short-term rental in an owner-occupied, single-family detached dwelling unit using up to five bedrooms, including bedrooms in accessory dwellings)	-Unit must be at least 3 years old. Not permitted in Accessory dwellings. -Planning Commission Type 3 Conditional Use Permit Applicant to address the surrounding neighborhood & how rental is appropriate given specific neighborhood characteristics.
Business license & transient room tax registration & payment	Required	Required	Required. Activity ceased > 1 year or fails to be rented > 10 nights/calendar year, (determined by occupancy tax receipts) permit becomes null and void.
Other requirements	(a) building safety inspection safety report prepared by licensed home inspector reviewed & accepted by the Building Official. (b) written notice for conspicuous posting w/ name, address & contact person phone number if owner/operator does not live in the rental, address of the vacation rental, max number of overnight occupants, max number of cars allowed parked on-site, day(s) established for garbage collection, City approved tsunami evacuation map & non-emergency number of the Police Department.	-Post tsunami evacuation map in a visible location. -A NOAA weather radio with alert capabilities, shall be permanently displayed in a visible location.	Tsunami map required in unit.
Annual verification or contact information.	Annual verification of name, address, phone number contact if owner does not live in the rental.	If change in the designated representative property owner must submit new name to City.	Annual report to Planning Dept showing conditions & ordinance compliance Failure to provide results in permit revocation.

	Draft regs previously recommended by Planning Commission	City of Warrenton on the Oregon North coast near Astoria	City of Bandon
Compliance with all City codes and requirements.	Includes but not limited to Title 8, Health & Safety; Title 9, Peace, Morals & Welfare; Title 15, Buildings & Construction; all environmental health regulations.	-Building code references for compliance: GFCI rated electrical outlets in kitchen or bathroom, label Circuit breaker box, bedroom emergency egress, handrails shall comply with state building code, Garbage & recycling service is required -No permit without onsite inspection & all outstanding code violations on record & any visible violations are recorded and mitigated.	-No more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor is emitted from the rental than a normal neighborhood dwelling. - maintenance of property at or above level of surrounding homes, including landscaping and exterior maintenance. -evidence provided ensuring regular garbage removal. -smoke detectors required.
Contact requirements	If property owner/ operator doesn't live in rental, contact person/entity w/in 15-minute drive of property required & available by phone 24/7 for response within 3 hours between 7 AM and 9 PM & within a half hour from 9 PM-7 AM.	Owner or representative available by phone 24/7 & response w/in 30 minutes, & if requested must respond.	Owner/designated local manager immediately available to handle complaints 24/7 basis by phone & respond to complaints within a reasonable time period.
Advertising on site	Prohibited.	Not addressed	Not addressed.
Occupant limit	2 persons/ bedroom & two additional persons. bedroom to meet the min. size requirements defined in CBMC Title 15 (Building Code).	Not addressed	3 people/ bedroom up to a max of 10 people. Occupancy may be determined by bedrooms, parking, overall home floor plan and site plan and other neighborhood characteristics. Occupancy authorized may be less than the maximum allowed.
Location limit	Vacation rental cannot be closer than three hundred (300) feet of an existing vacation rental.	Not addressed	< 30% of the single unit detached dwellings within 250' of property and located in zone where vacation rentals are allowed, are vacation rentals.

	Draft regs previously recommended by Planning Commission	City of Warrenton on the Oregon North coast near Astoria	City of Bandon
Parking requirement	1 hard surfaced off-street space/ guest room exclusive of 2-space requirement for property owner should s/he be on site during vacation rental period. Parking areas not to be located in front yard but may be located on the property's paved driveway. If owner/operator lives on site, required residential parking shall not be displaced by the vacation rental.	Provide 1 off-street parking space/guest bedroom. Parking diagram to be posted on site & made available for renters. Parking size to comply with city regulations.	1 off-street space/each bedroom but no < than 2 spaces. Approved off-street parking areas to be available to accommodate full occupancy without use of on-street parking.
Other		<ul style="list-style-type: none"> -Install carbon monoxide (CO) and smoke detector devices in each bedroom for rent. -Address numbers visible from the street -Homeowners are required to maintain a complaint registry and report problems to Community Development Director. 	<ul style="list-style-type: none"> - Permit is not tied to the property but to the individual who secured permit. sale or transfer to another entity invalidates permits. - If a joint access is to be used, all other property owners using the same private access must agree to the VRB use.

DRAFT

17.370. VACATION RENTALS

Sections:

17.370.010 Purpose and Intent.

17.370.020 Applicability.

17.370.030 Performance Standards and Requirements for Vacation Rentals.

17.370.040 Violations

17.370.010 Purpose and Intent. The purpose of these regulations is to ensure that vacation rentals conform to and are compatible with the existing character of the area in which they are located and do not create an adverse impact on adjacent properties.

17.370.020 Applicability. Vacation rentals may be permitted in the LDR-6 and LDR-8 zoning districts and in existing residential structures in the C, MX and I-C and WH zoning districts in compliance with underlying zoning district development and use standards and subsection 17.370.030.

17.370.030 Performance Standards and Requirements for Vacation Rentals.

1) Authorization. A Vacation Rental is a City authorized residential structure being rented for compensation for less than thirty (30) days. Recreational vehicles, travel trailers, tents, other temporary shelters, garages used to comply with City parking requirements, accessory structures (including Accessory dwelling units) are not permitted for use as vacation rentals

2) Licensing and Taxes. Owners and Operators of vacation rentals are required to obtain a business license pursuant to the requirements of CBMC Chapter 5.05 and the payment of Transient Lodging taxes pursuant to the requirements of CBMC Section 3.55.

3) Additional Requirements. Each vacation rental owner/operator must submit with their business license application the following:

(a) A building safety inspection safety report prepared by a licensed home inspector for Building Official review and approval;

(b) For Director approval a written notice that will be conspicuously posted inside each vacation rental unit setting forth the name, address and telephone number of the contact person required in 17.370.030(6) if the property owner/operator does not live in the residential structure utilized as a vacation rental. The notice shall also set forth the address of the vacation rental, the maximum number of occupants permitted to stay overnight in the unit, the maximum number of vehicles allowed to be parked on-site, the day(s) established for garbage collection, a City approved tsunami evacuation map and a non-emergency number of the Coos Bay Police Department.

4) Annual verification of contact information. The owner/operator of the vacation rental shall annually, at the time of renewal of the business license, verify the name, address and telephone number of the contact person required in 17.370.030(6) if the property owner or his/her operator does not live in the residential structure utilized as a vacation rental.

5) Coos Bay Municipal Code Compliance. Compliance is required with all CBMC regulations, including, but not limited to Title 8, Health and Safety; Title 9, Peace, Morals and Welfare; and Title 15, Buildings and Construction. All environmental health regulations shall be met.

6) Contact Requirements. If the property owner and/or his/her operator does not live in the residential structure utilized as a vacation rental, the owner and/or operator shall, at all times while the property is being used as a vacation rental, maintain a contact person/entity within a fifteen-minute drive of the property. The contact person or entity must be available via telephone twenty-four (24) hours a day, seven days a week, to respond to complaints regarding the use of the vacation rental. The contact person or entity shall respond, either in person or by return telephone call, with a proposed resolution to the complaint within three hours between seven a.m. and nine p.m., and within thirty (30) minutes between nine p.m. and seven a.m.

7) Advertising. On-site advertising of the vacation rental is prohibited.

8) Limit of Occupants. The number of overnight occupants shall be limited to two persons per bedroom and two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons. A bedroom shall meet the minimum size requirements as defined in CBMC Title 15 (Building Code).

9) Location limit. Establishment of a vacation rental within three hundred (300) feet of an existing vacation rental shall not be permitted.

10) Parking Requirement. One (1) hard surfaced off-street parking space shall be provided for every guest room exclusive of the two-parking space requirement for the property owner should s/he be on site during the vacation rental period. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard but may be located on the property's paved driveway. If the vacation rental property owner/operator lives on site, the required residential parking shall not be displaced by the vacation rental.

17.370.040 Violations.

Violation of the requirements specified in Section 17.370.030 shall constitute grounds for revocation of the Type II permit required for a vacation rental pursuant to Section 17.130.150.



Memorandum

To: Bend City Council
From: Good Neighbor Guidelines Subcommittee
Subject: Draft Good Neighbor Guidelines & Short Term Rental (STR) Owner Information Sheet
Date: 3/16/15

- The Good Neighbor Guidelines Subcommittee is pleased to forward to you the attached recommended Good Neighbor Guidelines & Short Term Rental (STR) Operating License Owner Information Sheet. The Good Neighbor Guidelines were created to educate STR owners and tenants/guest about the importance of being a good neighbor, and are referenced in the following section of the proposed revisions to the Bend Code.

7.16.040 of the proposed Operating License Code. Good Neighbor Guidelines. Acknowledgment of receipt and review of a copy of the good neighbor guidelines. In addition, evidence that the good neighbor guidelines has been effectively relayed to short term rental tenants, by incorporating it into the rental contract, including it in the rental booklet, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.

- The STR Operating License Owner Information Sheet was created as a checklist to assist STR owners with complying with the operating license requirements and to provide guidelines for being an effective and responsible manager of a STR.

DRAFT City of Bend Short Term Rental Good Neighbor Guidelines




Bend has a robust supply of Short Term Rentals. The Good Neighbor Guidelines were created to educate Short Term Rental owners & tenants/guests on the importance of being a good neighbor. Welcome neighbors, BE NICE, YOU'RE IN BEND!





1. **24-Hour Contact Information.** If at any time you have concerns about your stay or in regards to your neighbors, please call the 24-hour contact number listed in the rental lease agreement or posted in the unit. In the event of an emergency, please call 911.
2. **General Respect for Neighbors.** Be friendly, courteous, and treat your neighbors like you want to be treated. Respect your neighbors and their property.
3. **Noise.** Please be considerate of the neighborhood and your neighbor's right to the quiet enjoyment of their home and property, especially after 10:00 p.m.
4. **Maintenance of Property.** Please be sure to pick up after yourself and keep the property clean, presentable, and free of trash.
5. **Garbage Disposal.** Place trash and recycling containers at the appropriate place and time for pickup. Return trash and recycling containers to the designated location within 12 hours after pickup. Cigarette butts should be properly extinguished and disposed of in the garbage.
6. **Parking & Traffic Safety.** Refer to the parking diagram posted in the unit and park on-site whenever possible. Do not park on lawns or park in a manner which blocks driveways, sidewalks, alleys, or mailboxes. Drive slowly through neighborhoods and watch for pedestrians and children playing.
7. **Pets.** PLEASE promptly clean-up after your pets. Prevent excessive and prolonged barking, and keep pets from roaming the neighborhood. Control aggressive pets, and be sure to abide by the local leash laws. Store pet food indoors and in a secure container to reduce the likelihood of unwanted pest problems.
8. **Tenant/Guest Responsibility.** Approved guests and visitors are expected to follow the Good Neighbor Guidelines. Be sure to read your rental agreement for additional terms and restrictions which may include consequences for violating the Good Neighbor Guidelines.

DRAFT Short Term Rental (STR) Operating License Owner Information Sheet



The City of Bend requires all STR owners to obtain an Annual Operating License. The requirements for this license are listed in Bend Code 7.16. The following information is provided to assist STR owners with complying with the license requirements and to provide guidelines for being an effective and responsible manager of a STR. It is intended to supplement, not supersede your rental agreement (MW).

<p><u>Section 1: STR Address 24-Hour Contact Representative</u></p> <ul style="list-style-type: none"> The STR owner must be available or designate a representative to be available by phone (24 hours a day, seven days a week) to ensure a response to complaints regarding the condition, operation, or conduct of the occupants. 	<input type="checkbox"/>
<p><u>Section 2: 24-Hour Contact Information</u></p> <ul style="list-style-type: none"> The STR owner or designated representative's name, email address, and phone number shall be provided to the City upon license application and renewal, and the information shall be kept current at all times. The owner or designated representative must either: (1) provide an annual mailing or otherwise distribute by hand, a flier to neighbors within a 250 foot radius of the short term rental property address containing the operating license number and owner and/or representative contact information, or (2) post a small placard or sign near the adjacent street advising neighbors and tenants of the same information where it can be seen from the public right-of-way. <ol style="list-style-type: none"> Placard must be displayed on or within a sign otherwise permitted by Bend Sign Code 9.5. The following example template can be used for the placard. (create sample placard) For additional information, contact 541-323-8565. 	<input type="checkbox"/> <input type="checkbox"/>
<p><u>Section 3: Timely Response to complaints</u></p> <ul style="list-style-type: none"> It is in the best interest of a STR owner or designated representative to maintain a record of all complaints received which includes the date, time, nature of the complaint, and the action and time the action was taken in response to the complaint. 	
<p><u>Section 4: Parking</u></p> <ul style="list-style-type: none"> The approved off-street parking spaces shall remain available for renters, including garage areas if required. A parking diagram of these approved parking spaces shall be provided to renters and be available in a prominent location within the dwelling for rent. 	<input type="checkbox"/>

<p><u>Section 5: Occupancy</u></p> <ul style="list-style-type: none"> • The maximum occupancy is listed on the Operating License, which shall be posted in a prominent location in the dwelling. • It is recommended that the maximum occupancy be included in the rental agreement/contract. 	<input type="checkbox"/> 
<p><u>Section 6: Good Neighbor Guidelines</u></p> <ul style="list-style-type: none"> • The City has developed Good Neighbor Guidelines which must be conveyed to tenants. • In order to encourage adherence with the guidelines, it is recommended that rental contracts include consequences for violating the guidelines. 	<input type="checkbox"/> 
<p><u>Section 7: Snow Removal (Bend Code 5.35.020)</u></p> <ul style="list-style-type: none"> • The STR owner or designated representative shall remove snow from public sidewalks adjacent to the STR within 24 hours after it has fallen or otherwise accumulated. 	<input type="checkbox"/>
<p><u>Section 8: Fire Safety</u></p> <ul style="list-style-type: none"> • An annual fire self-inspection checklist is required as part of the license application and renewal. • In order to identify any potential fire safety issues, the owner or designated representative may schedule a Fire and Life Safety Home Consultation at http://www.bendoregon.gov/index.aspx?page=1108. • It is recommended that rental contracts include provisions regarding compliance with applicable firework laws and regulations. 	<input type="checkbox"/> 
<p><u>Section 10: Liability Insurance</u></p> <ul style="list-style-type: none"> • STR owners are encouraged to contact their insurance carrier to inquire about obtaining the appropriate insurance coverage for STR use (i.e. Vacation Rental Insurance). 	

Required



Recommended



The owner information sheet is only provided as an overview, please carefully review the Operating License Code requirements set forth in Bend Code 7.16.

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF CLATSOP**

In the Matter of:

An Ordinance adopting amendments to Chapter 5.12, Clatsop County Code, to address processing and application requirements for short-term rentals within unincorporated Clatsop County, excluding Arch Cape

ORDINANCE NO. 19-04

Doc # **RECORDED**

OCT 31 2019

Recording Date# 201910032

RECITALS

WHEREAS, on January 24, 2018, the Clatsop County Board of Commissioners adopted Ordinance 18-01, establishing regulations for short-term rentals in unincorporated Clatsop County, excluding Arch Cape; and

WHEREAS, on December 12, 2018, the Clatsop County Board of Commissioners adopted Ordinance 18-09, amending the processing and application requirements for short-term rentals within unincorporated Clatsop County, excluding Arch Cape; and

WHEREAS, staff from Assessment and Taxation, Community Development, and Public Health were assigned the responsibility of processing application packages; processing complaints and conducting health and safety inspections; and

WHEREAS, during the course of applying short-term rental requirements since the adoption of Ordinance 18-09, staff identified additional procedural and application requirements that were not included in Ordinance 18-01; and

WHEREAS, the proposed revisions are intended to address public health concerns, codify existing procedures and clarify the process for both property owners and staff, resulting in a more efficient experience for all parties;

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:

SECTION 1. ADOPTION

The Board of County Commissioners hereby adopts amendments to Chapter 5.12, Clatsop County Code as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2. SEPARABILITY

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. CONFORMANCE OF STATE LAW

This Ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the state of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS

This Ordinance shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County.

SECTION 5. APPLICABILITY

This Ordinance shall apply within the unincorporated areas of Clatsop County but shall not apply within the boundaries of any incorporated City.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect on the 30th day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(B) of the Home Rule Chapter for the Government of Clatsop County.

Approved this 30 day of October, 2019

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By Sara Nebeker
Sara Nebeker, Chair

Date 10-30-19

By Theresa Dursse
Theresa Dursse, Recording Secretary

First Reading: 10-9-19
Second Reading: 10-30-19
Effective Date 11-30-19

EXHIBIT A**Chapter 5.12
SHORT-TERM RENTALS****Sections:**

- 5.12.010 Short title.**
- 5.12.020 Purpose and findings.**
- 5.12.030 Separability.**
- 5.12.040 Conformance of state law.**
- 5.12.050 Inconsistent provisions.**
- 5.12.060 Applicability.**
- 5.12.070 Definitions.**
- 5.12.080 Standards.**
- 5.12.090 Permits required.**
- 5.12.100 Fees established.**
- 5.12.110 Complaints.**
- 5.12.120 Compliance, revocation and appeals.**

5.12.010 Short title.

This chapter shall be known as the “Clatsop County Short-Term Rental Ordinance” and may be cited and pleaded as such. (Ord. 2018-01 § 1)

5.12.020 Purpose and findings.

- A. The purpose of this chapter is to regulate short-term rentals in order to enhance public safety and livability within Clatsop County.
- B. The findings attached as Exhibit “A” to the ordinance codified in this chapter are incorporated herein by reference. (Ord. 2018-01 § 2)

5.12.030 Separability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this chapter. (Ord. 2018-01 § 3)

5.12.040 Conformance of state law.

This chapter shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County. (Ord. 2018-01 § 4)

5.12.050 Inconsistent provisions.

This chapter shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County except Sections 4.109 to 4.115 of the Clatsop 5.12.060 82-1 (Clatsop County Supp. No. 10, 6-18) County Land and Water Use Ordinance, which will take precedence within the Arch Cape Rural Community Overlay District. (Ord. 2018-01 § 5)

5.12.060 Applicability.

This chapter shall apply within the unincorporated areas of Clatsop County including within urban growth boundaries, but shall not apply within the boundaries of any incorporated city. **Provided, for short term**

rentals located within an urban growth boundary, and subject to an Urban Growth Boundary Management Agreement, the relevant city comprehensive plan and zoning ordinances requirements in the Urban Growth Boundary Management Agreement will apply. This chapter does not apply to hotels, motels, bed and breakfast facilities, hostels, licensed or registered campgrounds or RV parks, or other traveler's accommodation which are inspected and licensed pursuant to Oregon Administrative Rule. (Ord. 2018-01 § 6)

5.12.070 Definitions.

The following definitions apply to this chapter:

“Certified installer” means a person who is certified by DEQ to construct or install or oversee the construction or installation of onsite sewage disposal systems.

“Certified maintenance provider” means a person who is certified by DEQ to inspect, maintain, or certify or supervise maintenance on onsite systems using alternative treatment technologies, recirculating gravel filters, sand filters, or pressurized distribution systems.

“Cesspool” means a lined pit that receives raw sewage, allows separation of solids and liquids, retains the solids, and allows liquids to seep into the surrounding soil through perforations in the lining.

“Contact person” means the owner, or if designated on the application for a permit, the agent of the owner, authorized to act for the owner.

“DEQ” is the Oregon Department of Environmental Quality.

“ Dwelling unit” means one room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and sanitation facilities.

“Enforcement Officer” is the Building Official and/or person designated by the Clatsop County Manager to enforce the provisions of this chapter.

“Holding tank system” means an alternative system consisting of the combination of a holding tank, service riser, and level indicator (alarm), designed to receive and store sewage for intermittent removal for treatment at another location.

“On-site wastewater treatment system” means any existing or proposed subsurface onsite wastewater treatment and dispersal system, including, but not limited to, a standard subsurface, alternative, experimental, or non-water-carried sewage system.

“Owner” is the owner or owners of a short-term rental.

“Permit” means a short-term rental permit.

“Person” means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.

“Rental” means an agreement granting the use of a dwelling unit to a person. Use of a dwelling unit by a recorded owner or other person or persons without monetary consideration shall not be considered to be a rental under this chapter.

“Rented” means the use of a dwelling unit granted to a person in exchange for monetary consideration.

“Renter” is a person who rents a short-term rental.

“Serious fire or life safety risk” means a building code or ordinance violation involving those construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic as well as other considerations that are essential to life safety.

“Sewage disposal provider” means a person with a valid license issued by DEQ to perform those services.

“Short-term rental” is a dwelling unit (including any accessory guest house on the same property) that is rented to any person or entity for a period of up to 30 consecutive nights.

“Sleeping area” is a room or other space within a dwelling unit designed, intended or used for sleeping. Tents and recreational vehicles shall not be considered a sleeping area. (Ord. 2018-01 § 7)

5.12.080 Standards.

All short-term rentals shall comply with the following standards:

- A. No more than one dwelling unit may be rented on a single lot or parcel.
- B. All applicable County transient room taxes shall be paid pursuant to County Code of Regulations Chapter 3.16.
- C. The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time. Renters who violate this standard may be issued a citation and be subject to a fine pursuant to Clatsop County Code Chapter 8.12.
- D. The owner or contact person shall notify every renter, in writing, of the quiet times and that a renter may be fined for violations under this chapter.
- E. The owner or contact person shall attempt to contact a renter by phone or in person within 20 minutes of receiving any complaint concerning the conduct of a renter.
- F. The current short-term rental permit shall be permanently and prominently displayed inside and near the front entrance of the short-term rental and provided to adjacent property owners within 300 feet of the property, and shall list the following:
 1. The name, address and phone number of the owner and designated agent;
 2. The maximum occupancy and vehicle limits for the short-term rental unit;
 3. Identification of the number and location of parking spaces available;
 4. A map showing the property boundaries;
 5. For properties within a tsunami inundation zone, the tsunami evacuation route.
 6. The **property County** shall, within seven (7) calendar days of the issuance of the short-term rental permit, provide a ~~notarized affidavit verifying that a~~ copy of the permit and contact information for the designated agent ~~has been provided to property owners within 300 feet of the subject property. Alternatively, the County may provide the required notice, provided the~~

The property owner shall provide ~~provides~~ the required information and payment, as established by the Clatsop County Board of Commissioners.

- G. The owner shall provide covered garbage containers that can be secured. All garbage must be placed and be kept in secured containers provided for that purpose. Containers shall not block access to the property or dwelling unit. Garbage shall be removed a minimum of one time per week unless the shortterm rental is not rented. Owners shall provide guests with information about recycling opportunities.
- H. At least one functioning fire extinguisher shall be accessibly located on each floor within the dwelling unit.
- I. All plug-ins and light switches shall have face plates.
- J. The electrical panel shall have all circuits labeled.
- K. Ground fault circuit interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
- L. A smoke detector must be provided and maintained in each sleeping area, outside each sleeping area in its immediate vicinity and in each additional story and basement without a sleeping area.
- M. All fireplaces, fireplace inserts and other fuel burning heat sources shall be properly installed and vented.
- N. All interior and exterior stairways with four or more steps and that are attached to the structure, must be equipped with a hand railing.
- O. All interior and exterior guardrails, such as deck railings, must be able to withstand a 200 pound impact force.
- P. Emergency Escape and Rescue Openings.
 1. Sleeping areas in premises rented as a short-term rental shall have at least one operable emergency escape and rescue opening. Sill height shall not be more than 44 inches above the floor. Openings shall open directly into a public way or to a yard or court that opens to a public way.
 2. Minimum net clear opening at grade floor openings shall be five square feet and 5.7 square feet at upper floors. Minimum net clear height is 24 inches and net clear width is 20 inches. If the emergency escape or rescue opening does not meet these standards, then an alternative may be accepted by the Clatsop County Building Official that meets the standards of the Oregon Residential Specialty Code.
 3. A sleeping area in a short-term rental that lacks the required emergency escape opening, shall not be used as a sleeping area. Where equipped with a door, it shall remain locked at all times when the dwelling is being used as a short-term rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation for the short-term rental. The owner or contact person shall notify every renter, in writing, that the non-compliant sleeping area may not be used for sleeping.

- Q. Exterior hot tubs shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub is not available for permissive use.
- R. The maximum occupancy for a short-term rental unit shall be calculated on the basis of an average of three persons per sleeping area plus an additional two persons in the rental unit. For the purpose of maximum occupancy, those under two years of age shall not be counted. Tents and recreational vehicles shall not be used to increase the number of people approved to occupy a short-term rental.
- S. There shall be at least one off-street parking space available for each approved sleeping area in short term rental, plus one additional parking space. If otherwise permitted, trailers for boats and all-terrain vehicles will be allowed in available off-street parking spaces. Parking shall not, under any circumstances, hinder the path of any emergency vehicle. Renters may be cited and fined under existing state law in the event they park illegally.
- T. The owner or contact person shall notify every renter in writing of the required off-street parking and other parking spaces available to serve the short-term rental.
- U. A house number, visible from the street, shall be maintained.
- V. If the property is not connected to a public sewer the on-site wastewater treatment system must be able to handle the capacity of the number of bedrooms of the home and the total number of occupants. The owner must either provide an existing system evaluation report for on-site wastewater systems completed by a DEQ qualified evaluator, or provide current DEQ records showing appropriate capacity. Cesspools are prohibited for use with short-term rentals. A holding tank may be used if the owner has a signed pumping contract with a DEQ licensed sewage disposal service, and an alarm system that meets DEQ requirements. (Ord. 2018-01 § 8)
- W. The owner shall provide annual water sampling results for non-regulated water supplies, including private wells and springs. The results should include bacteria and nitrate levels, results for inorganic materials and volatile organic chemicals.

5.12.090 Permits required.

- A. An owner shall obtain and maintain a current permit whenever a dwelling unit is used as a short term rental.
- B. Within 90 days after the effective date of the ordinance codified in this chapter, the owner of each existing short-term rental shall apply for and pay the appropriate fee for a permit. Following receipt of a completed application, the required permit fee and supporting documents as listed on the application checklist, inspections will be scheduled by Clatsop County Environmental Health and Building Codes Division. Upon final approval Clatsop County Environmental Health and Building Codes Division, a permit shall be issued to the owner which shall be good for five years from the date issued, or such period as provided in subsection G.
- C. Any new short-term rental owner shall obtain a permit prior to using for that purpose.
- D. An application for a short-term rental permit shall be completed and submitted to Clatsop County by the owner of the short-term rental on forms provided by Clatsop County and shall include, or be followed by, the following information:

1. A list of all property owners of the short-term rental including names, address and telephone numbers. Property ownership, for the purposes of this chapter, shall consist of those persons listed on the Clatsop County tax records.
2. An application for certification by the Clatsop County Building Official to verify that the short-term rental complies with standards found in section 5.12.080.
3. A certification by the Clatsop County Planning Department that the proposed use is permitted in the zone where the building is located and that no violations exist on the property.
4. The name, address and telephone numbers of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the short-term rental.
5. Proof of liability insurance coverage on the short-term rental.
6. A statement that the owner of the short-term rental has met and will continue to comply with the standards and other requirements of this chapter.
7. If the proposed short-term rental utilizes a non-public supply for potable water (i.e., well, cistern, etc.) applicant must submit water testing results for both bacteria and nitrates that have been taken within the last 90 days. The water testing results must be from a currently-licensed potable water testing lab in the State of Oregon.

- E. When a certification application is received by the County Building Codes Division, the inspection will be scheduled for the next available regular inspection day. A permit shall not be issued until a short-term rental passes inspection.
- F. The County will have inspection checklists available so that owners can determine what improvements, if any, will be needed before an inspection is scheduled. An owner should ensure that all items on the checklist have been completed prior to calling for an inspection. All re-inspections due to incomplete items will be subject to a re-inspection fee.
- G. All short-term rental permits shall be renewed every five years on their application anniversary date and are subject to a permit fee on renewal. A permitted short-term rental shall be re-inspected every five years of operation. An interim inspection will be required in the following cases:
1. There has been a fire, flood or other event that caused substantial damage to the structure;
 2. The permit was revoked; or
 3. There has been an addition or substantial modification to the structure.
- H. The short-term rental permit is transferable to a new owner, so long as the new owner submits a short term rental permit application and agrees in writing to comply with the requirements of this chapter. (Ord. 2018-01 § 9)

5.12.100 Fees established.

The Board of Commissioners of Clatsop County may, by Board Order, establish fees for applications for permits, licenses, appeals, and services provided for in this chapter. (Ord. 2018-01 § 10)

5.12.110 Complaints.

All complaints shall proceed as follows:

- A. The complaining party shall first attempt to communicate with the contact person designated on the permit and describe the problem.
- B. The contact person shall promptly respond to the complaint and make reasonable efforts to remedy any situation that is out of compliance with this chapter.

- C. If the response is not satisfactory to the complaining party, the complaining party may lodge a complaint with the County by submitting a signed written complaint including the time, date and nature of the alleged violation.
- D. The County may investigate and determine whether a violation of this chapter has occurred. The property owner shall allow the County to inspect any records related to the short-term rental dwelling unit upon request of the County.
- E. If a violation is found to have occurred, the County may take enforcement action or issue a citation for the violation, pursuant to Section 5.12.120. (Ord. 2018-01 § 11)

5.12.120 Compliance, revocation and appeals.

- A. Compliance.
 - 1. Owners of short-term rental units shall comply with this chapter and obey all applicable ordinances and regulations of the County, and shall be subject to the enforcement and penalty proceedings contained in this chapter.
 - 2. If a violation of this chapter is found by the County Enforcement Officer to have occurred, the County may issue a citation pursuant to Clatsop County Code Chapter 1.11, or initiate enforcement action pursuant to Clatsop County Code Chapter 1.12.
 - 3. In addition to any other remedy allowed under Chapters 1.11 and 1.12 of the Clatsop County Code, the County Enforcement Official may: (a) attach conditions to the existing short-term rental permit; (b) require another inspection; (c) suspend the short-term rental permit until conditions are met; or (d) revoke the short-term rental permit.
- B. Revocation of Permit.
 - 1. If there have been three or more separate violations (i.e., occurring on three separate dates) of this chapter related to the same short-term rental within one year, or if the property owner fails to submit required water testing results on an annual basis, the property owner's short term rental permit shall be revoked.
 - 2. Emergency Revocation.
 - a. In the sole discretion of the County Building Official, when a building code or ordinance violation exists at a short-term rental that presents an immediate serious fire or life safety risk, the County Building Official may immediately revoke the short-term rental permit as a fire or life safety risk. The Building Official shall provide written documentation (in layman's terms) of the violation, and notification of a property owner's right to appeal, prior to leaving the inspection site.
 - b. In the sole discretion of the County Public Health Director, when annual water testing results indicate that testing levels may precipitate an acute public hazard, the County Public Health Director may immediately revoke the short-term rental permit as a public safety risk. The Public Health Director shall provide written documentation (in layman's terms) of the hazard, and notification of a property owner's right to appeal.
 - c. Upon an emergency revocation, the short-term rental shall not be rented or used as short term rental unless the revocation is lifted and the permit reinstated or a new short-term rental permit is obtained.
 - d. At any time following the emergency revocation of a short-term rental permit pursuant to this subsection, the County Building Official may reinstate the permit upon a re-inspection by the County Building Official verifying that the subject building code or ordinance violation has been corrected.
 - e. Notice of any conditions, suspension, or revocation established by the Enforcement Official shall be delivered by personal service or certified mail to the address of the

property owner on the permit. The notice shall contain a provision on the appeal rights and date by which an appeal must be filed.

- f. Should a short-term rental permit be revoked, the owner may not obtain any short-term rental permit sooner than one year after the date of revocation.

C. Appeal.

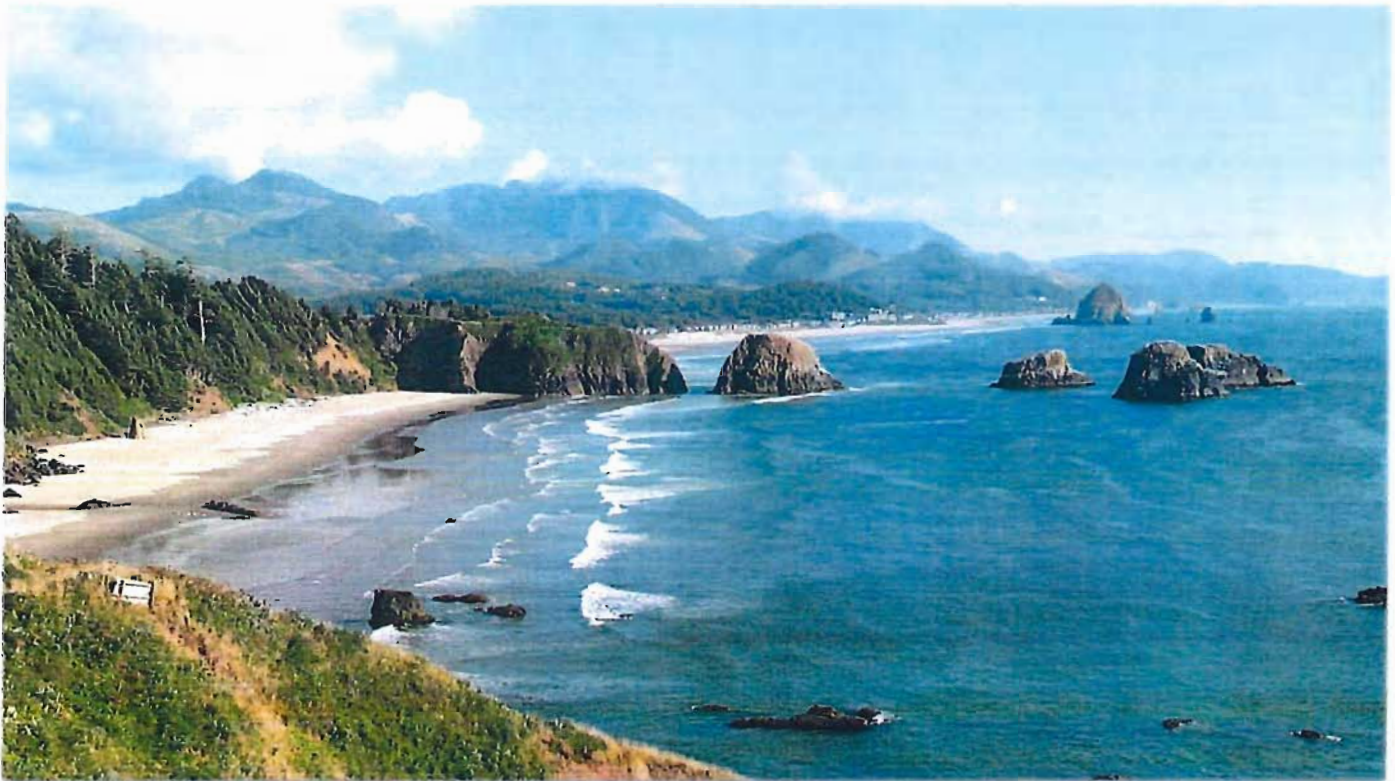
1. If an application for a permit or the renewal of a permit is denied, or an owner disagrees with a decision of the County Enforcement Officer, the owner may appeal the decision to a hearings officer by filing a request with the County Enforcement Officer within 20 days of the date of the notice of conditions, suspension or revocation. The appearance by the property owner, hearing procedure, and decision of the hearings office shall follow the process of Clatsop County Code Sections 1.12.140 through 1.12.160. If an application for a permit or renewal of a permit is denied, or a permit is revoked, the owner may appeal to the Board of County Commissioners by written notice delivered within 30 days of denial or revocation by the hearings officer.
2. Except in cases of an emergency revocation by the Building Official or Public Health Director, a short-term rental may continue to operate unless and until a permit is otherwise revoked in a final decision.

- D. Costs. Any property owner found in violation of the provisions of this chapter shall be required to reimburse the County for its costs of enforcement including reimbursement of staff time, investigation costs, mailings, service fees, mileage and other costs related to the investigation and prosecution of the violation in question.

- E. Additional Remedies. The provisions of this section are in addition to and not in lieu of any other enforcement and penalty remedies contained in this chapter or other County ordinance or State law. (Ord. 2018-01 § 12)



Guide to Clatsop County Short-Term Rentals



CLATSOP COUNTY ASSESSMENT AND TAXATION

820 Exchange Street, Suite 210

Astoria, Oregon 97103

Phone: (503) 325-8522

Fax: (503) 338-3638



CLATSOP COUNTY SHORT TERM RENTAL TABLE OF CONTENTS

QUICK VIEW: Permit Process	1
Checklist	2
Application	4
Applicant Statement	6
Land Use Compatibility Statement	7
Transient Room Tax Registration Form	8
Fee List	9
Land Use and Building Codes - Requirements and Standards	10
Public Health – Septic System Requirements	15
Complaint Process and Form	17



QUICK VIEW

CLATSOP COUNTY

SHORT TERM RENTAL PROCESS

STEP #1

Before submitting an application package, please contact the Clatsop County Community Development Division to verify that the property is zoned for short-term rentals. Land Use Planning staff must sign the Land Use Compatibility Statement (LUCS) included in this packet certifying that the property is zoned for short-term rental use.

STEP #2

Submit completed application, \$550 fee, and all supporting documents, except Certificate of Compliance from Public Health and Home Inspection Checklist from Building Codes. These departments will contact the applicant to schedule an inspection. Applications should be submitted to the Clatsop County Assessment and Taxation Department

STEP #3

County staff will route the application to the Clatsop County Public Health Department. Public Health staff will contact the applicant. After the Public Health Department issues a Certificate of Compliance staff will route the application to Clatsop County Building Codes.

STEP #4

Staff from Clatsop County Building Codes will contact the applicant to schedule a home inspection. After Building Codes issues a Certificate of Compliance the application will be returned to Clatsop County Assessment and Taxation.

STEP #5

Staff from Clatsop County Assessment and Taxation issues a display permit.

STEP #6

Clatsop County will mail required notice to surrounding properties within 300 feet.



CLATSOP COUNTY SHORT TERM RENTAL CHECKLIST

In order for a short-term rental application and/or renewal to be complete, the following documents must be submitted. **If any documents are missing, the application must be returned to the applicant along with a letter outlining the missing elements.**

TO BE PROVIDED BY THE APPLICANT

- \$550 permit fee**
Payment may be made in cash (if in person), credit card, debit card or check payable to Clatsop County Assessment and Taxation Department. Payment must accompany the application.
- Clatsop County Short Term Rental Application (Page 4)**
All property owners and the designated agent (if applicable) must sign the application form. Use additional sheets of paper for more than two owners.
- Signed Applicant Statement (Page 6)**
- Zoning Land Use Compatibility Statement (LUCS) (Page 7)**
Signed documentation from the Clatsop County Planning Division verifying that the proposed use is permitted in the zone
- Map Depicting the Tsunami Evacuation Route (if applicable)**
- Scaled Site Drawing**
The site drawing must show property lines and buildings, including garages parking spaces, driveways and other off-street parking spaces. This sketch does not need to be the quality of a formal "engineering drawing" but does need to be to scale (Example: 1" = 25').
- Floor Plan**
The floor plan must show the location of all sleeping areas, beds, windows and doors.
- Proof of Liability Coverage on the Short-Term Rental**
The insurance must include the address of the short-term rental.
- Information on Renter Notification of Regulations**
Statements describing how renters will be notified in writing regarding regulations, location of parking, quiet hours, garbage removal and recycling.
- Transient Room Tax Registration Form (Page 8)**
All application packets must also include a completed Transient Room Tax Registration Form (as required by the Assessor's Office).
- Bacteria and Nitrate Water Testing (if applicable)**
All applicants with properties that utilize a non-public supply for potable water (i.e. well, cistern, etc.) must submit a Bac-T test from a currently licensed potable water testing lab in the State of Oregon.
- Instructions Regarding Delivery of Permit**
If the permit is to be mailed to someone other than the first owner listed in our records, please provide written delivery instructions.

TO BE PROVIDED BY COUNTY STAFF

- Certificate of Compliance from Clatsop County Public Health Department**
Staff from the County's Public Health Department will contact the applicant to confirm whether records are available for the existing septic system or whether an Evaluation of Existing System (EES) is required. All required repairs and upgrades must be completed prior to a Certificate of Compliance being issued.
- Home Inspection Form completed by the Clatsop County Building Official**
Staff from the County's Building Codes Division will contact the applicant to schedule an inspection time. All repairs/upgrades required to address life safety requirements must be completed prior to final approval from Building Codes.
- Display Permit**
Staff from Assessment and Taxation will issue the final display permit once all County approvals have been acquired. A permit is valid for five (5) years.
- Notification of Surrounding Property Owners**
Clatsop County staff will mail the required notices to surrounding property owners within 300 feet of the short-term rental.



31 CLATSOP COUNTY SHORT TERM RENTAL PERMIT APPLICATION

Clatsop County Assessment and Taxation
820 Exchange Street, Suite 210, Astoria, Oregon 97103
Phone: (503) 325-8522 Fax: (503) 338-3638
assessor@co.clatsop.or.us www.co.clatsop.or.us

FEE: \$550

Effective July 1, 2018, Clatsop County requires approval of a revocable permit for short term (up to 30 consecutive days) rental of residential property in unincorporated areas of Clatsop County, including within urban growth boundaries. In Arch Cape, these rentals are limited to either a minimum period of seven nights or, if fewer than seven nights, then to no more than one rental within a seven (7) night period. These permits are processed and reviewed similar to a Type 1 Development Permit.

INSTRUCTIONS TO APPLICANT – COMPLETE THIS FORM – PLEASE PRINT CLEARLY

REQUIRED ATTACHMENTS:

- Certification from the Clatsop County Planning Division that the proposed use is permitted in the zone
- Scaled drawing showing property lines and, including all buildings, garage spaces, driveways and off street parking.
- Floor plan showing sleeping areas, beds, doors and windows.
- Map depicting the tsunami evacuation route (if applicable)
- Proof of liability coverage on the short term rental (including address of rental property)
- Statement describing how renters will be informed of regulations and location of parking, quiet hours, garbage removal and recycling.
- Completed Transient Room Tax Registration form. Attach a list, with signatures, of all owners if more than two.
- Bacteria and Nitrate Water Testing (if applicable)
- Instructions regarding delivery of permit if it is to be mailed to someone other than the first owner listed in our records.
- Completed application
- Signed Applicant Statement
- \$550 application fee

ALL PROPERTY OWNERS MUST SIGN THIS APPLICATION
INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED OR PROCESSED

Property Address _____

Township _____ Range _____ Section _____ Tax Lot _____

Number of sleeping areas proposed: _____ Property in Arch Cape?: Y _____ N _____

Applicant Name _____ Email _____

Mailing Address _____ City State Zip _____

Phone: Daytime _____ Evening _____ Cell _____

Use additional sheets of paper for more than two property owners. **NOTE: Owner addresses will be displayed on permits.**

¹Owner Name _____ Email _____

Mailing Address _____ City State Zip _____

Phone: Daytime _____ Evening _____ Cell _____

Signature: _____ Date: _____

If the property owner does not sign this application, a letter authorizing signature by the applicant must be attached.

²Owner Name _____ Email _____

Mailing Address _____ City State Zip _____

Phone: Daytime _____ Evening _____ Cell _____

Signature: _____ Date: _____

If the property owner does not sign this application, a letter authorizing signature by the applicant must be attached.

PARTY RESPONSIBLE AND AUTHORIZED TO ACT TO PROMPTLY REMEDY ANY COMPLAINTS:

Agent/Manager Name _____ Email _____

Mailing Address _____ City State Zip _____

Phone: Daytime _____ Evening _____ Cell _____



32 CLATSOP COUNTY SHORT TERM RENTAL PERMIT APPLICATION

Clatsop County Assessment and Taxation
820 Exchange Street, Suite 210, Astoria, Oregon 97103
Phone: (503) 325-8522 Fax: (503) 338-3638
assessor@co.clatsop.or.us www.co.clatsop.or.us

Department Use Only –

Permit No. _____ Date Issued: _____ Authorization: _____

FEE \$550.00 _____

PUBLIC HEALTH APPROVAL

Sleeping Areas Authorized by Public Health: _____

Date of Certificate of Compliance: _____

Public Health Signature: _____

BUILDING CODES APPROVAL

Initial Inspection Date: _____

Requires Re-inspection? Y _____ N _____

Re-inspection date (if applicable): _____

Requires Re-inspection _____? (Additional fee required) Y _____ N _____

FEE \$125.00 _____

Building Codes Approval Date: _____

Building Codes Signature: _____



CLATSOP COUNTY SHORT TERM RENTAL APPLICANT STATEMENT

1. I declare that I am the legal owner of subject property or an authorized agent of the legal owner of record. I will obtain all necessary permits and complete any modifications required renting the subject property for a short term rental. All statements in this application are true and accurate to the best of my knowledge. I understand that if a permit is issued based on false statements, or it is determined that I have failed to fully comply with all requirements that are part of this permit, any permit approval may be revoked.
2. I will at all times fully abide by all State, Federal and local laws, rules and regulations governing my activities conducted or planned pursuant to this permit.
3. As a condition for issuing this Clatsop County Short Term Rental Permit, I agree to hold Clatsop County harmless from and indemnify the county for any liability that might arise from short term rentals of this property and for any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever, which might result from the undersigned's failure to fully abide by any of the requirements in Clatsop County Ordinance No. 03-13 (Arch Cape), Clatsop County Ordinance No. 18-01 (unincorporated Clatsop County, excluding Arch Cape) and/or any other applicable law.
4. **WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD.** The issuance of a short term rental permit by the Clatsop County Assessment and Taxation Director may be appealed within twenty (20) calendar days of the date of the notice of conditions, suspension or revocation. I understand that the issuance of a permit may be reversed on appeal. I further understand that actions taken by me during the appeal period shall be at my own risk. I agree that Clatsop County is not responsible for consequences or damages in the event that the issuance of a permit is reversed in appeal.
5. I am aware that my failure to abide by Clatsop County ordinances may result in revocation of this permit or enforcement action by the County and that enforcement action may result in revocation of this short term rental permit.
6. I understand that a change in use is not authorized under this permit and may require a new Clatsop County Short Term Rental Permit. (Check first with the Clatsop County Community Development Department).
7. I understand that any modifications to the dwelling that require a building permit also require a new inspection by Clatsop County Building Codes and a new Clatsop County Short Term Rental Permit. (Check first with the Clatsop County Community Development Department).

I have read and understand the APPLICANT'S STATEMENT and agree to abide by the terms.

I have met and will continue to comply with the standards under this ordinance.

Applicant Signature _____ Date: _____



Clatsop County
 Community Development
 800 Exchange Street, Suite 100
 Astoria, Oregon 97103
 Phone 503 325-8611 Fax 503 338-3606
comdev@co.clatsop.or.us www.co.clatsop.or.us

Short Term Rental Land Use Compatibility Statement

Property Address: _____

Base Zone: _____ Overlay District(s): _____

Short-Term Rental Location:

T _____ R _____ S _____ TL _____ Acres _____

Applicant Name: _____ Email: _____

Address: _____ City/State/Zip: _____

Phone: _____ Phone: _____

Owner Name: _____ Email: _____

Address: _____ City/State/Zip: _____

Phone: _____ Phone: _____

Other Name: _____ Email: _____

Address: _____ City/State/Zip: _____

Phone: _____ Phone: _____

SIGNATURES:

Applicant: _____ Date: _____

Owner: _____ Date: _____

Agent/Other: _____ Date: _____

Clatsop County Community Development:

Based upon the above zoning, it is determined that Short Term Rental is a use permitted in that zone. Short Term Rentals are subject to the regulations outlined in Ordinance 17-02 and Ordinance 19-04. These ordinances apply to Short Term Rentals located within the unincorporated areas of Clatsop County, including within the urban growth boundaries that are NOT subject to an Urban Growth Boundary Management Agreement.

Authorization: _____ Date: _____



Clatsop County Tax Office
820 Exchange Street, Suite 210
Astoria, OR 97103

Transient Room Tax Registration

Rental Property Address _____ Map and Tax lot Number _____

Owner Information:

¹Owner Name: _____ Email _____

Mailing Address: _____

Phone: Day _____ Evening _____ Cell _____

²Owner Name: _____ Email _____

Mailing Address: _____

Phone: Day _____ Evening _____ Cell _____

Property Manager Information:

Agency Name: _____ Agent Name: _____

Mailing Address: _____

Phone: _____ Email: _____

**** The information above is subject to Public Information request****

Lodging Intermediaries:

List the Intermediaries that will be collecting Transient Room Tax on your behalf i.e. VRBO:

Will you be collecting rents from tenants separately from the Lodging Intermediaries listed above? _____

All Owners and Managers must sign this form in order for it to be considered complete.

Owner Date

Owner Date

Property Manager Date

*** Pursuant to Clatsop County Ordinance 17-01 and 18-01 it is the responsibility of the Property Owner to ensure Transient Room Tax is collected and remitted to the Tax Administrator. ***



Clatsop County
Assessment and Taxation

820 Exchange St., Suite 210
Astoria, OR 97103
(503) 325-8522 phone / (503) 338-3638 fax
www.co.clatsop.or.us

Short-Term Rental Application Fees
Adopted December 12, 2018

Short-term Rental Application.....	\$550
Building Codes Re-inspection Following 2nd Inspection Fee.....	\$125
per additional inspection	
Ownership Transfer Only (no structural changes since issuance of permit.....)	\$50
Ownership Transfer and Re-inspection.....	\$300



LAND USE AND BUILDING CODES REQUIREMENTS AND STANDARDS

PERMIT REQUIRED:

Effective July 1, 2018, Clatsop County began requiring approval of a revocable permit for the short term rental (up to 30 consecutive days) of any residential property in the unincorporated areas of Clatsop County. Owners of short term rentals must also comply with the requirements of the Clatsop County Transient Room Tax Ordinance 17-01.

"Rental" is defined as an agreement granting the use and possession of a dwelling unit to a person. Use of a dwelling unit by a recorded owner or other person or persons without monetary consideration shall not be considered to be a rental under this Ordinance.

"Rented" means the use of a dwelling unit granted to a person in exchange for monetary consideration.

Arch Cape Only: Rental of a short term dwelling unit is limited to either a minimum of seven nights or, if fewer than seven nights, to no more than one rental within a seven-night period.

APPLICATION PROCESS:

STEP #1: Contact the Clatsop County Planning Division to verify that the property is zoned for short-term rentals. Land Use Planning staff must sign the Land Use Compatibility Statement (LUCS) that is included in this packet (Page 7) to certify that the property is zoned for short-term rental use.

STEP #2: Submit a complete application packet, including all documents on the Clatsop County Short Term Rental Checklist to:

Clatsop County Assessment and Taxation
820 Exchange Street, Suite 210, Astoria, Oregon 97103
Phone: (503) 325-8522 Fax: (503) 338-3638

assessor@co.clatsop.or.us www.co.clatsop.or.us

Monday through Friday 8:00 a.m. to 5:00 p.m. (except holidays)

A complete application packet is required for each rental property and may be submitted in person or by mail to the above address. Applications are usually processed within two weeks of receipt, but can take longer, depending upon volume.

STEP #3: Public Health staff will contact the applicant to determine the status of the septic system and verify what documentation may be required from the applicant. If repairs are required, these repairs must be completed prior to Public Health issuing a Certificate of Compliance. Complete information regarding the Public Health Certificate of Compliance process can be found on Page 16.

STEP #4: Building Codes staff will contact the applicant to schedule an inspection. Any repairs or code-related health and safety requirements must be completed before Building Codes can sign off

on the permit application.

STEP #5: Permits are valid for a maximum of five (5) years. Original permits will be mailed to the first owner listed on the application form unless a written request is submitted indicating:

- the permit should be mailed to the agent indicated on the application
- the permit will be picked up in person. Please include contact information so that staff can notify that the permit is ready for pick-up
- other arrangements for delivery of the permit

STEP #6: Clatsop County Staff will mail required notices to surrounding property owners within 300 feet of the short term rental.

Minimum required standards for short term rentals are listed in the table below. Complete copies of Ordinance 17-02 (Arch Cape) and 19-04 (Unincorporated Clatsop County, excluding Arch Cape) are available upon request.

<p style="text-align: center;">AREA SPECIFIC SHORT TERM RENTAL REQUIREMENTS (short term rentals must meet these standards based upon the location of the property)</p>		
REQUIREMENT	ARCH CAPE ONLY	UNINCORPORATED CLATSOP COUNTY (EXCLUDING ARCH CAPE)
Maximum Number of Short Term Rental Units per Lot	One rental per lot or parcel, excluding a caretaker residing in the Residence or ADU	One dwelling unit per single lot or parcel
Length of Rental	Minimum of seven (7) nights, or if fewer than seven (7) nights, no more than one rental within a seven (7) night period	Not to exceed thirty (30) consecutive nights
Parking	County staff will determine the number of parking spaces based on information in the approved Building Codes checklist. On-street parking may be used only if off-street parking spaces are not physically available. If on-street parking must be used, the renter is required to use the parking along the frontage of the rental unit.	One (1) off-street parking space for each approved sleeping area, plus one (1) additional parking space. Trailers for boats and all-terrain vehicles may be allowed in available off-street parking spaces
Maximum Occupancy	Two (2) people per sleeping room, plus an additional four people, up to a maximum of 14 people.	Three (3) persons per sleeping area, plus an additional two (2) persons in the rental unit. Those under two (2) years of age shall not be counted. Tents and recreational vehicles shall not be used to increase the number of people approved to occupy a short term rental.

UNINCORPORATED COUNTY-WIDE SHORT TERM RENTAL REQUIREMENTS (ALL short term rentals in unincorporated Clatsop County, including Arch Cape, must meet these standards)	
# of Sleeping Rooms	Each sleeping room must be a fully enclosed habitable space with a heat source and an exterior exit that opens directly to the outside or an emergency escape/rescue window. Building Codes staff will determine the number of qualified sleeping rooms.
Payment of Transient Room Tax	All applicable county room taxes shall be paid pursuant to County Code Chapter 3.16
Home Inspection	Clatsop County Building Codes approval of the home inspection. Required inspection items are detailed on Building Codes Checklist included in this packet.
Parking	Parking shall not, under any circumstances, hinder the path of any emergency vehicle. Renters may be cited and fined under existing State law in the event they park illegally.
Garbage Removal	The owner or contact person shall notify every renter in writing of the required off-street parking and other parking spaces available to serve the short term rental. The owner shall provide covered garbage containers that can be secured. All garbage must be placed and be kept in secured containers provided for that purpose. Containers shall not block access to the property or dwelling unit. Garbage shall be removed a minimum of one (1) time per week unless the short term rental is not rented. Owners shall provide guests with information about recycling opportunities.
Quiet Hours	The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time. Renters who violate this standard may be issued a citation and be subject to a fine pursuant to Clatsop County Code §8.12.
Complaints	The owner or contact person shall notify every renter, in writing, of the quiet times and that a renter may be fined for violations under this ordinance. The owner or contact person shall attempt to contact a renter by phone or in person within twenty (20) minutes of receiving any complaint concerning the conduct of a renter.
On-Site Wastewater Treatment	If the property is not connected to a public sewer the on-site wastewater treatment system must be able to handle the capacity of the number of bedrooms of the home and the total number of occupants. Specific information regarding the certification process is provided in the Public Health – FAQs Sheet, included in this packet.



Clatsop County

Community Development – Building Codes

800 Exchange St., Suite 100
Astoria, OR 97103
(503) 338-3697 phone
(503) 338-3666 fax
www.co.clatsop.or.us

Building Code Requirements:

1. House numbers clearly visible from the street.
2. The current short term rental permit permanently and prominently displayed inside and near the front entrance of the short term rental.
3. At least one off street parking space available for each approved sleeping area plus one additional parking space. On street parking is not allowed.
4. Dwelling equipped with adequate and secured garbage storage containers. Weekly service required when dwelling is occupied.
5. At least one functioning fire extinguisher accessibly located within each floor of the dwelling. Fire extinguisher has a minimum rating of 2-A:10-B:C. The extinguisher is mounted on a wall with the handle between 3-4 feet above the floor.
6. Smoke alarms installed in all sleeping rooms, outside all sleeping areas, and on each floor.
7. Carbon monoxide alarms installed inside each sleeping room or within 15' of each sleeping area.
8. All stairways with four or more risers equipped with an approved handrail.
9. All guardrails able to withstand a 200 hundred pound lateral impact force.
10. All sleeping rooms/areas have windows or doors designed to emergency egress requirements. Rooms that do not meet the required egress standards are locked at all times when the dwelling is used as a short term rental. The sills of required egress windows do not exceed 44" above the floor. The minimum net clear opening of grade floor egress windows at least 5.0 square feet; the net clear opening of upper floor egress windows at least 5.7 square feet. All required egress windows have minimum clear width of at least 20" and minimum height of 24".
11. Exterior hot tub has adequate structural support and a locking cover or other barrier to adequately protect against potential drowning when the hot tub is not available for permissive use.
12. No broken windows or damaged doors.
13. Doors have working locks openable from the inside without a key or special knowledge.
14. All plug-ins and light switches have face plates.
15. The electrical panel has all circuits labeled and is accessible to the tenants.
16. Ground Fault Circuit Interrupter (GFCIs) protected receptacles provided at all outdoor locations, kitchen and bathroom sinks.
17. Il fireplaces, fireplace inserts and other fuel burning appliances or heat sources properly installed and vented.
19. If the fireplace, fireplace insert or other fuel burning appliance does not have a chimney or flue in compliance with the code and the manufacturer's installation requirements the appliance must be permanently secured and signed "NOT FOR USE".



CLATSOP COUNTY ENVIRONMENTAL HEALTH FAQs

Q: What is the first step in the certification process for assuring my septic system is adequate for complying with the short-term rental ordinance?

A: The first step is to determine whether Clatsop County Public Health has records on your septic system. This can be accomplished by coming into the Public Health office located at 820 Exchange Street in Astoria, Oregon, or by calling 503-325-9302. You will need to have a site address and the Section, Township and Range of the property to help us find the records.

Q: What is needed to receive a Certificate of Compliance from Clatsop County Public Health?

A: There are several routes to receive a Certificate of Compliance. Here are the most likely scenarios:

- If records of the septic system are available for a given property and the septic system is less than 10 years old, is not in a state of failure, and the system is not pressurized, the owner would receive a certificate of Compliance from Clatsop County Public Health.
- If records of the septic system are available, and the septic system is 10 years old or older, **OR** if a property **does not** have septic system records, an Evaluation of Existing System (EES) is required. If the EES indicates that the system is functioning properly, no repairs will be required on the system.
- If the EES indicates that the system is **not** operating properly, a letter of non-compliance will be provided to the owner outlining the problems with the system that must be addressed. Owners will have 60 days to correct the problems noted on the EES. **Please note that a repair permit issued by Clatsop County Public Health is required for all septic system repairs.**
- **Pressurized Systems:** In addition to the items above, if the system is pressurized, an Operation and Maintenance contract with a third party provider will be required. Once the Operation and Maintenance contract has been submitted to Clatsop County Public Health, the owner would receive a Certificate of Compliance.
- If the EES finds that a cesspool, drywell or similar system that is inadequate for treating residential strength sewage is the type of septic system serving the property, the owner will receive a letter of noncompliance. The owner would be required to abandon that system and install a new (repaired) system within 60 days. Once the system has been properly repaired, and an Operation and Maintenance contract has been submitted to Clatsop County Public Health, the owner would receive a Certificate of Compliance.

Q: Where do I find the list of providers who can perform an Evaluation of Existing System and/or repair a septic system?

A: You can find the list of licensed providers who can perform EES's here:

http://www.co.clatsop.or.us/sites/default/files/fileattachments/public_health/page/2971/licensed_septic_disposal_services.pdf

Q: Where would I find a list of providers who can perform Operation and Maintenance?

A: You can find the list of licensed Operation and Maintenance providers who can perform repairs here:

http://www.co.clatsop.or.us/sites/default/files/fileattachments/public_health/page/1776/maintenance_providers_om_list_1.pdf

Q: Where are the forms I need to submit to repair a system?

A: All the forms you will need for this process are located here:

<http://www.co.clatsop.or.us/publichealth/page/onsite-septic-sewer-program-applications-and-forms>

Q: What is the fee for this process?

A: The fee for determining compliance is included in the \$550 short term rental application fee. **Please be advised that other fees may be required if a repair is necessary to receive a Certificate of Compliance.**

Q: How do I go about testing my well/drinking water supply?

A: You will need to contact a certified laboratory. You can find them using your web browser and the key words, "certified water testing labs near me." Once you have selected a company to work with, ask them for the supplies and instructions to test your water supply for bacteria and nitrates.

After receiving the results, submit them to Clatsop County Public Health for review. If the results indicate your water is free of bacteria and nitrates, no further testing will be required. If the results indicate the presence of bacteria or nitrates, your application will not move forward until the contaminant is eliminated from the water supply. The certified lab you choose to work with can assist you through a re-sampling process.

Q: If I have questions about this process, who should I contact?

A: You should contact the On-site Septic System Program at Clatsop County Public Health at 503-325-9302 or by email at health@co.clatsop.or.us.



CLATSOP COUNTY SHORT TERM RENTAL COMPLAINT PROCESS & FORM

COMPLIANCE, INVESTIGATIONS, HEARINGS AND PENALTIES:

- Owners of short term rental units must obey all applicable ordinances and regulations of Clatsop County and are subject to the enforcement and penalty proceedings contained in the applicable County Ordinances.
- Any property owner who operates a short term rental in violation of this section is subject to the abatement and penalty provisions of ORS 203.065, 203.810, and ordinances adopted under the Clatsop County Charter. The enforcement provisions of Clatsop County Code, Chapter 1 also apply, except where modified by this section

If there is a problem, these are the steps:

- The complaining party notifies the contact person designated on the permit of the alleged violation and outlines the desired remedy.
- The contact person promptly responds and fixes any situation or problem.
- If the response is not satisfactory, the complaining party can file a complaint with Clatsop County. Complaints must be submitted in writing and include a description of the alleged violation as well as the time, date and nature of the alleged violation.
- The property owner must allow the County to inspect any records related to the short term rental dwelling unit upon request. The County can initiate enforcement under Chapter 1 of the Clatsop County Code. After conducting its investigation, the County options may:
 - Take no action on the request for the revocation of the short-term rental permit
 - Attach conditions to the existing short-term rental permit
 - Require a new inspection
 - Suspend the short-term rental permit until conditions are met
 - Revoke the short-term rental permit

Anyone dissatisfied with the County's enforcement decision may appeal and seek a hearing in front of the Clatsop County Hearings Officer.

If a permit is revoked, the owner cannot obtain a short term rental permit prior to one year from the date of revocation.

Any property owner found in violation of the provisions of this ordinance will be required to reimburse Clatsop County for the costs of enforcement including reimbursement of staff time, investigation costs, mailings, service fees, mileage and other costs related to the investigation and prosecution of the violation in question.



Clatsop County

Community Development

800 Exchange Street, Suite 100
Astoria, Oregon 97103
Phone: 503 325-8611
Fax: 503 338-3606
comdev@co.clatsop.or.us
www.co.clatsop.or.us

COMPLAINT FORM

Subject Property Address: _____

Location: Please describe using landmarks and mileposts. Be as detailed as possible.

Legal Description: T _____ R _____ S _____ TL(s) _____

Zoning: _____ Overlay Districts: _____

Owner: _____ Email: _____

Address: _____ City/State/Zip: _____

Phone: _____ Phone: _____

Violator: _____ Email: _____

Address: _____ City/State/Zip: _____

Phone: _____ Phone: _____

Have you contacted the violating party? Yes No _____

Complaint filed as follows:

Complainant: _____ Email: _____

Address: _____ City/State/Zip: _____

Phone: _____ Phone: _____

Signature: _____ Date: _____

- (f) Transmission towers, poles, overhead wires, pumping stations, and similar facilities shall be so located, designed, and installed as to minimize their conflict with adjacent uses.

2. Mobile home or manufactured dwelling park.

A mobile home or manufactured dwelling park may be permitted as a conditional use subject to compliance with local building code requirements. In addition, the following minimum standards shall apply:

- a) Parking space requirement shall comply with Section 3.032.
- b) All roadways shall have a paved surface and shall be properly drained as determined by the City Engineer.

3. Bed & Breakfast Establishments.

Where permitted as a conditional use, bed and breakfast establishments, defined as dwellings where travelers are lodged for sleeping purposes with a morning meal provided for compensation, shall meet the following development standards.

- a) Bed and breakfast establishments shall be owner occupied residences.
- b) The length of stay for any guest shall not exceed 15 consecutive nights.
- c) Bed and Breakfast shall also comply with the standards for Vacation Rental dwellings a) through f).

4. Vacation Rental Dwelling.

The procedure to apply for approval of a vacation rental dwelling is set forth in Section 6.050. The following standards are required for issuance of a conditional use permit for a vacation rental dwelling:

- a) No offensive noise, smoke, dust, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental dwelling.
- b) The use shall not adversely affect the residential character of the neighborhood.
- c) There shall not be an excessive generation of traffic created by the vacation rental dwelling.
- d) One off-street parking space will be provided for each bedroom in the unit, but in no event shall less than two spaces be provided.

- e) The dwelling must maintain the residential nature of the front and side yards. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.
- f) The permittee must agree to comply with the requirements of the Transient Room Tax Ordinance (See Ordinance 369) and the Business License Fee Ordinance (See Ordinance No. 442).
- g) The permittee must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the vacation rental dwelling.
- h) When the owner of the dwelling is a non-permanent resident of City of Gold Beach, or is absent during the rental period, the Planning Commission shall require proof of a local property agent that has the authority to act on behalf of the owner for issues related to the rental process.

5. Hardship Dwelling.

The following criteria and conditions shall be applied to the use of a hardship dwelling on a lot or parcel where there is an existing dwelling:

- a) the hardship dwelling shall be a manufactured or mobile home that can be removed from the site once the hardship need has ended;
- b) the hardship dwelling shall use the same on-site sewage disposal system as the existing dwelling if public sewage disposal service is not available;
- c) the need for the hardship dwelling shall be verified by a medical doctor by a written certification explaining the reasons why the resident of the hardship dwelling has to be located in close proximity to the existing dwelling;
- d) the applicant shall provide the city a new written certification from a doctor as to the continuing need for the hardship dwelling every year after the initial approval of the conditional use permit;
- e) the city will provide notice as per Section 2.070 each time renewal of the hardship is requested and public comment received will be considered in the decision regarding the renewal of the permit; and
- f) the applicant shall sign an agreement to remove the hardship dwelling once the resident of the hardship dwelling no longer has the need to reside in close proximity to the existing dwelling.

6. Marine Activity.

The following criteria and conditions are applied to specific uses and activities in the Marine Activity (6-MA) zone:



City of Brookings

898 Elk Drive, Brookings, OR 97415
(541) 469-1135 Fax (541) 469-3650
TTY (800) 735-1232
www.brookings.or.us

Short-Term Rental Registration

To be submitted upon approval of Conditional Use Permit

Any existing dwelling in any of the residential zones and in the General Commercial (C-3) zone can be used for short-term rental purposes as set forth in that zone, pursuant to certain regulations as stated in City of Brookings Ordinance No. 08-0-616. *Any change to the following information must be reported to the City.*

By signing this form, applicant agrees to the following:

1. The dwelling at _____ will be used as a short-term rental.
2. The dwelling is located in an _____ zone and it's use as a short-term rental is permitted by Conditional Use Permit Number: _____
3. I have applied for a City business license or have a current one for the dwellings use as a short-term rental. Business License Number: _____
4. I acknowledge receipt of transient occupancy tax (TOT) information and will submit monthly payments as required by the transient room tax ordinance. (Forms obtained from Finance Dept.)
5. The following person is my local representative with the authority to make or have repairs made, resolve disputes and/or terminate occupancy if necessary:
 - a. Name: _____
Address: _____
(must be within the Brookings Urban Growth boundary)
Phone: _____ Cell: _____
Email: _____
6. The above representative's name and telephone number are posted within the dwelling.
7. I subscribe to a scheduled waste collection service and trash receptacles are on the property.

Property Owner's Name: _____

Mailing address: _____

Phone: _____ Fax: _____

Email: _____

Signature: _____ Date: _____

City Use Only:	Checked & Approved by:	Date:
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streets. Said setback area shall be appropriately landscaped and maintained and a sight-obscuring fence, hedge or wall of not less than six feet in height shall be located at least 10 feet within the required setback area. Except for the area abutting public streets as described above, the park shall be screened on all other sides by a sight-obscuring fence, hedge or wall of not less than six feet in height and said fence, hedge or wall may be located on the property line. [Ord. 08-O-616 § 2; Ord. 89-O-446 § 1.]

17.124.160 Manufactured home parks.

Manufactured home parks are regulated by the Department of Commerce/building code provisions which contain rules establishing minimum safety standards for the design and construction of manufactured home parks. The following additional standards shall also apply:

A. Each space for a manufactured home shall contain not less than 3,000 square feet, exclusive of space provided for the common use of tenants, such as roadways, general use structures, guest parking, walkways and areas for recreation and landscaping purposes.

B. Roadways, other than dedicated, public rights-of-way, shall not be less than 36 feet in width if parking is permitted on the margin of the roadway, or less than 28 feet in width if parking is not permitted on the edge of the roadway, shall be paved with asphaltic concrete, Portland cement concrete or similar impervious surface and designed to permit easy access to each mobile home space. The roadway widths may be reduced for one-way travel lanes to a standard approved by the site plan committee.

C. The manufactured home park shall maintain a minimum 20-foot setback from any abutting public streets. Said setback area shall be appropriately landscaped and maintained and a sight-obscuring fence, hedge or wall of not less than six feet in height shall be located at least 10 feet within the required setback area. Except for the area abutting public streets as described above, the park shall be screened on all other sides by a sight-obscuring fence, hedge or wall of not less than six feet in height and said fence, hedge or wall may be located on the property line.

D. Each manufactured home situated within the manufactured home park shall be required to install and maintain rodent-proof skirting around the unit within 30 days of first locating within the park.

E. Two parking spaces must be provided for each space. [Ord. 08-O-616 § 2; Ord. 89-O-446 § 1.]

17.124.170 Short-term rentals.

Any existing dwelling in any of the residential zones and in the general commercial (C-3) zone can

be used for short-term rental purposes as set forth in that zone and pursuant to certain regulations as follows:

A. The property owner or holder shall obtain a business license from the city of Brookings and register the dwelling on a separate form.

B. A transient room tax will be applied pursuant to Chapter [3.10](#) BMC.

C. The property owner shall provide the name, address and telephone number of a local representative, either a property management business or an individual living within the Brookings urban growth boundary, who has the authority to make or have repairs made, resolve disputes and/or terminate occupancy if necessary.

D. Representative's name and telephone number shall be posted within the dwelling.

E. Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property.

F. Short-term rental conditional use permits are specific to the owner of the dwelling unit and shall not run with the land. To continue with the use, within six months of the sale of the property, the new owner shall submit an minor change application pursuant to BMC [17.116.090](#) to address the criteria in this section. If the minor change is not approved by the planning commission or no application is submitted, the approval shall terminate. [Ord. 16-O-766 § 2; Ord. 08-O-616 § 2; Ord. 01-O-446.MM.]

17.124.180 Dwelling groups.

Dwelling groups shall be allowed on lots that cannot otherwise be divided and are less than four acres in size, subject to the following standards:

A. Density. The number of dwelling units allowed shall be established by dividing the total lot area by the minimum lot area of the underlying zone.

1. All residential buildings shall be the type of dwelling unit as allowed in the underlying zone.
2. Buildings may be clustered on the lot.

B. Setbacks. The distance between any principal buildings and the property line shall be not less than established in the zone in which the dwelling group is located. The minimum distance between residential buildings shall be twice the minimum side yard setback that would be required for the

4. Establishing new streets, increasing the right-of-way or roadway width of existing streets, and, in general, improving the traffic circulation system;
5. Number of parking spaces;
6. Number, size, location, and lighting of signs;
7. Designating sites for open space and recreational development;
8. Additional fencing, screening, and landscaping. [Ord. 12-O-694 § 2; Ord. 09-O-636 § 2; Ord. 89-O-446 § 1. Formerly 17.116.070.]

17.116.080 Violation of conditions.

Components of the development, subsequent to the completion of the infrastructure and the recording of the plat, if proposed, shall be included in the covenants, conditions, and restrictions (CC&Rs) to be enforced by the homeowners' association. Ongoing maintenance for the components stated above shall be enforced by the homeowners' association. Violations of any uses authorized by the final order will be resolved pursuant to Chapter [17.160](#) BMC. [Ord. 09-O-636 § 2; Ord. 89-O-446 § 1. Formerly 17.116.100.]

17.116.090 Minor change.

The applicant may apply to the planning commission for a minor change to the site plan and/or conditions of approval of an approved planned community. The planning commission will hold a public hearing to consider the nature of the requested change, impacts the change may have on surrounding properties and/or on the remaining portion of the project, and the impact on the city's services and facilities. The commission may approve or deny the minor change. If the change is approved it may be incorporated into the project. If it is denied the project remains as originally approved and the change cannot be incorporated. Applications for a minor change must be submitted with the following:

- A. A filing fee in an amount established by general resolution of the city council. No part of the fee is refundable.
- B. A site plan or revised subdivision map showing the proposed changes and how they compare to the originally approved project. If the change does not include the physical site plan of the project, a text explaining the desired change must be submitted.
- C. A statement explaining how the proposed change relates to the approved project and any