



MEMO

Date: January 9, 2023
To: Tillamook County Short-Term Rental Advisory Committee
From: Sarah Absher, CFM, Director *(Signature)*
Subject: Draft Ordinance 84 Revisions

Attached to this memorandum is an updated draft Ordinance for your review and consideration. The proposed language reflected in this draft Ordinance largely reflects the goals and priorities of the committee. These goals and priorities include ways to enhance community livability, strengthen the County’s enforcement part of the program, and address public safety concerns.

Included in the language revisions are two examples of language implementing two of the regulatory tools discussed last month to address growth of short-term rentals in community. These examples are reflected in the gray-shaded text portions of the Ordinance draft. It is recognized that these two regulatory tool options have not been completely vetted by the committee and are included to provide a comprehensive scope of what implementation of one or more of these regulatory tools could look like embedded in the Ordinance.

Mr. Kearns and I recognize there is still work to be done with this Ordinance that will be guided by committee feedback and recommendations that we look forward to receiving starting at tomorrow’s Short-Term Rental Advisory Committee meeting.

To update the committee on the regulatory tool option discussions that took place last month, I am pleased to share that Department staff have been working with the Tillamook County Visitor’s Association to better understand revenue and economic impacts to various programs supported by TLT revenue if one or more of the regulatory tools are recommended by the committee. Work is still underway. A presentation of our findings is tentatively scheduled for the February 2023 meeting.

Short-Term Rental Ordinance

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.010 Title. The provisions contained in this Ordinance are intended to authorize and regulate the short-term rental use of residential dwelling units on all property in unincorporated Tillamook County and shall be known as the Tillamook County Short Term Rental Ordinance.

- A. Repeal. Tillamook County Ordinance 84, Amendment 1 (adopted April 19, 2019) (Tillamook County Short Term Rental Ordinance) is hereby repealed in its entirety.
- B. Adoption. The following sections are hereby adopted shall be entitled the “Tillamook County Short-Term Rental Ordinance,” as set forth herein, and are collectively referred to as “this Ordinance.”

.020 Purpose and Scope.

- A. This Ordinance provides reasonable and necessary regulations for the registration of short-term rental use of residential dwelling units, the purposes of which are to:
 - 1. Protect the health, safety and welfare of short-term and long-term renters, property owners, and neighboring property owners throughout Tillamook County.
 - 2. Balance the legitimate livability concerns of residential neighbors with the rights of property owners to use their property as they choose.
 - 3. Provide visitors to Tillamook County with reasonable opportunities and a range of short-term rental and vacation occupancy options.

4. Provide long-term residential options for those people who want to live and work in Tillamook County.
 5. Recognize the need to limit short-term rentals within neighborhoods to ensure compatibility with, and livability of, established owner-occupied neighborhoods, while recognizing the benefits of short-term rentals in providing recreation and employment opportunities, as well as transitional housing and business or hospital related short stays.
 6. Help maintain the County's supply of housing available for long-term residential use.
 7. Protect the character of the County's established neighborhoods by limiting the number, concentration, and scale of full-time short-term rentals in residential neighborhoods.
- B. With the adoption of these regulations, the County finds that the transient rental of dwelling units has the potential to be incompatible with the residential neighborhoods in which they are situated and to have a damaging impact on the livability of those neighborhoods. Therefore, special regulation of dwelling units used for short-term rental, transient or vacation occupancy, is necessary to ensure these uses will be compatible with surrounding residential neighborhoods and will not materially alter the livability of the neighborhoods in which they are located.
- C. A short-term rental registration certificate is revocable permission to operate a short-term rental, but only as provided in this Ordinance. An registration certificate may be terminated, revoked or not renewed if the standards of this Ordinance are not met. This Ordinance provides the administrative framework for certification and the operation of short-term rentals and provides a process by which owners can appeal County decisions related to short-term rentals.
- D. The regulations in this Ordinance are not intended to permit any violation of the provisions of any other law or regulation. Any exemptions allowed by this Ordinance shall not exempt the short-term rental from any other applicable requirement, regulation or ordinance adopted by Tillamook County.
- E. The requirements of this Ordinance are not "land use regulations" as defined in ORS 197.015 or 195.300(14). The regulations contained in this Ordinance are not intended to, nor do they, implement the Tillamook County Comprehensive Plan, the Tillamook County Land Use Ordinance, nor do they implement any of the State-wide Planning Goals.
- F. The short-term rental use of a dwelling unit does not, in itself, require a home occupation permit.

G. *Administrative Rules.* The County’s STR Administrator shall have the authority to establish administrative rules and regulations consistent with the provisions of this Ordinance for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this Ordinance. A copy of such administrative rules and regulations shall be on file in the Office of the County Recorder and shall be posted on the County’s website. Any such administrative rules and regulations shall be binding upon any owner, operator or registrant of a short-term rental and upon the Hearings Officer under Section .140.

.030 Definitions. The following definitions shall apply to this Ordinance, its interpretation, application and enforcement; otherwise, ordinary dictionary definitions shall apply unless the context indicates otherwise.

- A. “Adoption of this Ordinance” means the date on which this Ordinance takes effect after adoption by the Board of County Commissioners.
- B. “Applicant” means an owner of a dwelling unit who applies to the County for a short-term rental registration certificate.
- C. “Authorized agent” is a property management company or other entity or person who has been designated by the property owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.
- D. “Bedroom” means a room intended and permitted to be used for sleeping purposes (ORSC R202) that has all of the following attributes:
- Light, ventilation, and heating (ORSC R303.1)
 - A minimum of 70 square feet of floor space and not less than 7 feet in any horizontal dimension (ORSC R304.1). If the room is intended for overnight occupancy by more than one person, it must have at least 50 square feet of floor area per person
 - Consists of four walls to the ceiling, at least one of which is located along an exterior wall with a window
 - A minimum ceiling height of not less than 7 feet (ORSC R305.1)
 - An emergency escape and rescue opening (ORSC R310)
 - A built-in closet
 - A smoke alarm (ORSC R314.3 item 1)
 - A carbon monoxide detector (ORSC R315.3)
 - All sleeping areas used as a bedroom in a short-term rental must be permitted for that use, and no areas may be converted to a bedroom without demonstration of compliance with this Ordinance.
- E. “Change of Property Ownership” means the transfer of title from one person to another.
- F. “Contact Person” means the owner or if designated on the registration application, the authorized agent of the owner, authorized to act for the owner of the rental.

- G. "County" means Tillamook County, Oregon.
- H. County STR Administrator means the Director of the Department of Community Development vested with authority to administer, interpret and enforce the provisions of this Ordinance, or that person's designee.
- I. "Daytime Occupancy" means the hours between 10:00am and 10:00pm. "Daytime occupants" mean the guests who may occupy a short-term rental during a daytime occupancy.
- J. "Department" means the Tillamook County Department of Community Development.
- K. "Dwelling unit" means a lawfully established single unit that provides complete independent living facilities for one or more people including permanent provisions for living, sleeping, eating, sanitation and one cooking area. "Dwelling unit" includes a single-family dwelling and a factory-built or manufactured dwelling that bears a valid certification of compliance with applicable manufactured dwelling standards. "Dwelling unit" does not include a recreational vehicle or similar mobile structure, or motorized vehicle designed and built for temporary vacation use.
- L. "Enforcement Officer" means the Director of the Department of Community Development, County Building Official or their designee authorized to administer and enforce the County's civil ordinances and permits. Officer also includes the Tillamook County Sheriff, and the deputies and authorized representatives of these officials.
- M. "Estate Home" means a single-family dwelling with five (5) or more bedrooms.
- N. "Good Cause" for the purposes of denial, suspension, revocation, imposition of conditions, renewal and reinstatement of a Short-Term Rental Registration Certificate, means (1) the Applicant, Owner or Contact Person has failed to comply with any of the terms, conditions, or provisions of this Ordinance or any relevant provision of a County code, State law, or any other rule or regulation promulgated thereunder; (2) the Applicant, Owner or Contact Person has failed to comply with any special conditions placed upon the Short-Term Rental Registration Certificate; or (3) the Short-Term Rental has been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the Short-Term Rental is located.
- O. "Good Neighbor Policy" means a policy furnished by the County STR Administrator that summarizes general rules of conduct, consideration and respect, and includes without limitation provisions of this Ordinance applicable to or expected of guests occupying the Short-Term Rental.
- P. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.
- Q. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.

- R. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.
- S. "Owner" means the natural person or legal entity that owns and holds legal or equitable title to the property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership, trust or similar entity, all persons who own an interest in that business shall be considered an owner for purposes of this Ordinance.
- T. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental Registration Certificate.
- U. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".
- V. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).
- W. "Road Right-of-Way" means a public or private way that is created to provide ingress or egress for persons to one or more properties. The terms "street", "access drive" and "highway" for the purposes of this Ordinance shall be synonymous with the term "road right-of-way".
- X. "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.
- Y. "Short-Term Rental" or "STR" means the transient rental of a dwelling unit for a period of 30 or fewer nights per calendar year but does not include a Hosted Homeshare, a bed and breakfast enterprise, hotel, motel or other types of traveler's accommodations for which a state license has been granted under Oregon Administrative Rule, Chapter 333, Division 29. Short-term rental includes advertising, offering, operating, renting, or otherwise making available or allowing any other person to make a dwelling unit available for occupancy or use a dwelling unit for a rental period of 30 or fewer nights. Short-term rental use is a type of "vacation occupancy" as defined in ORS 90.100.
- Z. "Short-Term Rental Registration Certificate" means the annual registration certificate required by Section .040, described in this Ordinance, and referred to as a "registration certificate."
- AA. "STR Hearings Officer" means the impartial judicial decision maker appointed by the Board of County Commissioners to hear and decide any alleged civil infraction under this ordinance and to render the County's final decision in any civil enforcement matter.
- BB. "Subject Property" means the property on which the short-term rental is located.

CC. “Transfer” means the addition or substitution of owners not included on the original registration application, whether or not there is consideration. If multiple owners are listed on a registration certificate, individual owners may be removed from the certificate without constituting a transfer.

DD. “Transient rental” means to rent a dwelling unit for compensation on a less than a month-to-month basis.

EE. “Vacation Home Rental” means the transient rental of an entire dwelling unit.

FF. “Daytime” means between the hours of 7:00 am to 10:00 pm.

GG. “Overnight” means between the hours of 10:00 pm to 7:00 am the following day.

.040 Annual Short-Term Rental Registration Certificate Required, Basic Requirements for Registration, No Nonconforming Use Status Conferred. No owner of property in unincorporated Tillamook County may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a Short-Term Rental Registration Certificate. “Advertise or offer” includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.

- A. *Certificate Must Be Obtained.* A Short-Term Rental Registration Certificate shall be obtained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. The permission to operate a short-term rental in unincorporated Tillamook County that is embodied in a registration certificate may be revoked for failure to obtain, renew or maintain registration, to operate a short-term rental in accordance with all requirements of the registration certificate, or otherwise comply with the requirements of this Ordinance. It is a violation of this Ordinance to operate a short-term rental without a valid registration certificate.
- B. *No Nonconforming Status Conferred.* The fact that an owner of property or other entity may hold a registration certificate on the date of adoption of this Ordinance, does not confer a property right, land use permit, or nonconforming use status under ORS 215.130 to continue operation of a short-term rental. Operation, advertisement or offering a dwelling unit for short-term rental use, in all cases, requires a valid registration certificate.
- C. *Cap on Number of STR Registration Certificates In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries.* The County has established a limit on the number of STR Registration Certificates that can be in effect at any one time for defined residential subareas within Tillamook County. If at the time of registration application for a new or renewed STR registration certificate, there is not room within the applicable subarea cap to accommodate the new or renewed STR registration certificate, the application will be denied, but the applicant will be placed on a waiting list in order of rejection/non-renewal and will be contacted by the STR Administrator as soon as there is room within (under) the applicable subarea cap to accommodate the new/renewed STR registration certificate.

- D. *Density Limitation on STR Registration Certificates In Locations Outside Unincorporated Community Boundaries and City Urban Growth Boundaries.* The County will not issue or renew a STR registration certificate if, at the time of application, there is a valid and registered STR operating on a property within 250 feet (closest property boundary to closest property boundary) of the applicant's property. Any applicant for a new or renewed STR registration certificate that is barred due to this provision will be placed on a waiting list in order of rejection/non-renewal and will be contacted as soon as the property is no longer within 250 feet of another active STR registered property.

.050 Application and Fees

- A. The applicant or authorized agent shall provide and certify the following information to be true and correct at the time of initial application and upon annual renewal of a Short-Term Rental Registration Certificate thereafter:
1. *Owner/Applicant Information.* Applicant's name, permanent residence address, telephone number, and the short-term rental address and telephone number.
 2. *Representative Information.* The applicant shall provide the name, working telephone number, address and email of a local representative, which can be a person or company – a Qualified Local Contact Person – who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section .070. For the purposes of this requirement, "local" means the representative's is within a 20-minute travel time of the subject property where the short-term rental is located.
 3. *Site plan and floor plan.* The site plan shall be a scale drawing, which can be hand-drawn, showing property boundaries, building footprint, location and dimensions of parking spaces. The floor plan shall show in rough dimensions the locations and dimensions of all bedrooms in the dwelling unit or single-family dwelling.
 4. *Proof of Liability Insurance.*
 5. *Proof of Garbage Service.*
 6. *Proof of Access.* The applicant shall provide proof of an approved road approach for the subject property from the local road authority, where applicable.
 7. *Notice to Neighbors.* The applicant shall provide an annual mailing or distribute by hand, a flier to owners and residents of neighboring properties within 250 feet of the perimeter of the rental property containing the registration certificate number, the number of allowed bedrooms and maximum occupancy, and the name and contact information of the owner or representative who can respond to complaints about operation of the short-term rental.

8. *Documentation of Compliance with Operational Standards.* To be deemed complete, an application shall include documentation that the short-term rental meets the operational standards in Sections .080 and .100.
 9. *Transient Lodging Tax Registration.* Evidence of transient lodging tax registration with the County for the short-term rental.
 10. *Executed Indemnification and Hold Harmless Agreement.* An agreement on a form furnished by the Department of Community Development stating that the property owner agrees to indemnify, save, protect, hold harmless, and defend Tillamook County, individually and collectively, and the County's representatives, officers, officials, employees, agents and volunteers from any and all claims, demands, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising, out of the Owner's actions or inaction in the operation, occupancy, use, and/or maintenance of the property.
 11. Such other information as the County's STR Administrator deems reasonably necessary to administer this Ordinance.
- B. *Inspections.* The applicant shall specifically acknowledge and grant permission for the County's STR Administrator to perform an inspection of the short-term rental.
1. The County's STR Administrator may conduct a site visit upon an application for a short-term rental registration certificate or registration renewal to confirm the number of bedrooms stated on the application, the number, location, availability and usability of off-street parking spaces, and compliance with all other application and operational requirements of this Ordinance. The site visit will be coordinated with the applicant, conducted during the normal business hours, and with reasonable notice.
 2. The County's STR Administrator may visit and inspect the site of a short-term rental at any time during the operation of the short-term rental to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Violations of this Ordinance shall be processed in accordance with Section .120.
- C. *Incomplete Application.* If a short-term rental registration application does not include all required information and documentation, the application will be considered incomplete and the County will notify the applicant, in writing, explaining the deficiencies. If the applicant provides the missing required information within 21 calendar days of the date of the incomplete notice, the application will be reviewed. If the applicant does not provide the required information within 21 days of notice, the application will be deemed withdrawn and the County may refund all or a portion of the application fee.
- D. *Registration Fees.* The fee for application for a short-term rental registration certificate or registration certificate renewal shall be as established by resolution of the Board of Commissioners, but shall not be less than the following amounts:

1. Application fee of not less than \$400, consisting of an application fee and an inspection fee.
2. An annual renewal fee of not less than \$300.
3. If the property fails the initial inspection or fails the required every 3-year inspection, an additional follow-up inspection fee of \$100 is required for each follow-up inspection.
4. After the inspection and the County's STR Administrator has confirmed the number of bedrooms exceeds the number indicated on the application, a fee of not less than \$75 per bedroom shall be due before the County issues the short-term rental registration certificate for the dwelling unit.
5. Any alteration to an existing Short-Term Rental Registration Certificate shall be subject to a registration certificate alteration fee of not less than \$50.

.060 Term of Annual Registration Certification and Renewal

- A. *Term.* A short-term rental registration certificate is valid for one year (12 months) and shall automatically expire if not renewed on or before the anniversary date of each ensuing year. If the contact person or property ownership status changes during the 12-month registration certification period, the new property owner shall timely notify the County in writing of the change and provide all new contact and tax payment information.
- B. *Transferability.* The registration certificate shall be issued in the name of the short-term rental property owner(s) and is transferable to another person or entity, but the new owners must still renew the registration certification annually and qualify according to the applicable standards for renewal.

.070 Application Required and Burden for Application Approval and Registration Renewal

- A. *Application Required.* Applications for a Short-Term Rental Registration Certificate shall be on forms provided by the County, demonstrating the application meets the standards required by this Ordinance.
- B. *Burden of Proof.* The applicant has the burden of proof to demonstrate compliance with each applicable criterion for initial approval or annual renewal of the Short-Term Rental Registration Certificate. The approval criteria also operate as continuing code compliance obligations of the owner/contact person. County staff may verify evidence submitted and statements made in support of an application, and the applicant shall cooperate fully in any such inquiries. For the initial application renewal every three years thereafter, the applicant must also comply with the requirements of Subsection .090.

C. *Responsibility.* The applicant shall certify that all information provided is correct and truthful. It is the applicant's responsibility to assure that the short-term rental is and remains in compliance with all applicable codes regarding fire, building, health and safety regulations, and all other relevant laws.

D. *Parking.* Proof of required off-street parking shall be required as follows:

1. One all-weather travel surface off-street parking space shall be provided for every bedroom in the dwelling unit. In calculating the number of spaces required, the total shall be rounded up. If a garage is used to meet the parking requirement, a photo of the interior of the garage shall be submitted at the time of application and registration certificate renewal to show the garage is available and large enough for vehicle parking. Required parking may be permitted on another or different property within 500 feet of the subject property with a legally binding shared parking agreement or proof of legal parking access that remains valid for the length of time the subject property has a Short-Term Rental Registration Certificate.
2. Vegetation removal in the front yard shall be the minimum necessary to create and maintain the required parking spaces.
3. Each parking space shall be a minimum of 8-feet by 20-feet. Parking spaces shall be oriented on the subject property in a manner that ensures maneuverability of vehicles within the property boundaries.
4. No more than one (1) vehicle per bedroom shall be allowed for each STR. Two (2) additional parking spaces may be allowed for daytime guests. On-street parking is prohibited.
5. A parking diagram of the approved parking spaces shall be provided to renters and shall be posted in a prominent location within the short-term rental dwelling unit. The contact person shall require all renters to use the off-street parking when using the short-term rental.

E. *Transient Lodging Tax Compliance.* The property owner shall be in compliance with Tillamook County Transient Lodging Tax Ordinances 74 (as amended) and 75 (as amended) and subject to the Tax Administrator's authority provided therein.

F. *Registration Approval and Annual Renewal Criteria.* To receive approval, registration certificate renewal, or maintain registration certification, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the criteria in Section .080 are satisfied.

G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental Registration Certificate following adoption of this Ordinance and at the time of renewal request every third year thereafter, the applicant must obtain and provide to the County evidence of the satisfactory inspections described in Section .090.

.080 Operational Requirements and Standards for Short-Term Rentals. To qualify to obtain or retain registration certification, the contact person and the short-term rental must comply with the following operational requirements and standards. Failure to comply could be grounds for denial, non-renewal or revocation of a Short-Term Rental Registration Certificate.

- A. *Maximum Occupancy.* The maximum overnight occupancy for a short-term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons. For example, a two-bedroom short-term rental is permitted a maximum overnight occupancy of six (6) people. The contact person may allow up to two (2) minor children, age 12 or under, to occupy the short-term rental in addition to the maximum number of occupants otherwise provided in this Subsection. The number of bedrooms of a short-term rental shall be verified at the time of physical inspection of the short-term rental and using County Assessor and/or Department Building Division records.
- B. Maximum overnight occupancy of a rental shall not exceed 10 (ten) persons within the short-term rental dwelling unit and up to two (2) minors aged twelve (12) and under.
- C. The owner of an “Estate Home” shall be exempt from subsection (B) of this section to allow for up to two (2) additional bedrooms with no more than two (2) persons for each additional bedroom. Exemption shall allow for a maximum overnight occupancy of fourteen (14) persons. The contact person may allow up to two (2) minor children, age 12 or under, to occupy the short-term rental in addition to the maximum number of occupants otherwise provided in this Subsection.
- D. The maximum daytime occupancy for any short-term rental shall be limited to the overnight maximum occupancy plus six (6) additional people. For example, a two-bedroom dwelling unit is permitted a maximum daytime occupancy of twelve (12) people.
- E. *Off-street Parking Spaces Required.* One (1) off-street vehicle parking space is required per bedroom in accordance with Section 070 of this Ordinance. All of the required notices and placards required by this Ordinance shall require the renters to park on-site and to not park on the street, even if on-street parking is otherwise available. The property owner of the short-term rental may contract with owners of other property within 500 feet of the perimeter of the rental property and enter into a shared parking agreement to satisfy this requirement. Where registration certification relies on contractual off-site parking arrangements, the property owner shall provide proof of availability in the form of a legally binding contract for the off-street parking for the duration of time the rental property has a Short-Term Rental Registration Certificate.
- F. *Noise.* Any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the producing or reproducing of any sound shall be conducted within a fully enclosed short-term rental dwelling unit and shall not be audible beyond the property lines of the subject property where the short-term rental is located.

- G. *Quiet Hours.* The hours of 10:00p.m. to 7:00a.m. are quiet hours, and there shall be no amplified music and no loud singing, talking or other audible noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property.
- H. *Zoning Compliance.* The property shall be in compliance with all applicable County zoning requirements and any development permits related to the subject property. If the property owner claims any sort of non-conforming use status for any aspect of the property or structures thereon, the property owner shall obtain a nonconforming use verification for those aspects through an appropriate land use decision making process. In no event shall this Ordinance be construed as a land use or development regulation, nor does prior operation of a short-term rental give rise to a nonconforming use right under the County's land use ordinance.
- I. *No unpermitted improvements or bedrooms.* All electrical, structural, plumbing, venting, mechanical and other improvements made to a registered short-term rental shall be fully permitted and all work completed by a licensed and duly qualified contractor. Any sleeping area used as a bedroom shall be inspected and permitted in accordance with the provisions of this Ordinance. Areas not approved for use as a bedroom shall be locked and secured as deemed appropriate by the STR Administrator, and shall not utilized as part of the short-term rental.
- J. *Contact Information.* Each registrant shall provide the name and contact information of a contact person that will be available to be contacted about use of the short-term rental during and after business hours and on weekends (24 hours a day, 7 days a week). The contact person shall respond/answer immediately to a phone call complaint about operation of the short-term rental and must be able to arrive on site at the short-term rental within 20 minutes if a phone call is not sufficient to remedy all alleged operational problems. The registrant may change the contact person from time to time during the term of registration certification, but only by revising the registration information with the County at least 14 days prior to the change's effective date, except when the failure to do so is beyond the registrant's control. Failure to maintain current and correct contact information for the contact person with the County, failure of the contact person to respond immediately to a telephone call complaint, or failure to arrive at the property within 20 minutes of being summoned shall be a violation of this Ordinance.
- K. *Fire and Life Safety.* A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each annual short-term rental registration application and renewal. The contact person shall be responsible for completing the fire safety checklist and ensuring continued compliance. The County shall verify the information required prior to issuance of a Short-Term Rental Registration Certificate and may require further demonstration or proof for a renewal at the County STR Administrator's discretion.
1. At least one functioning fire extinguisher shall be accessibly located within the short-term rental dwelling unit. Extinguisher must be in a visible and placed in a secured location to ensure it is accessible to renters at all times.

2. All electrical outlets and light switches shall have face plates.
3. The electrical panel shall have all circuits labeled.
4. Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
5. Every bedroom shall have a smoke detector that is interconnected with a smoke detector in an adjacent hallway, common area, or in the immediate area of bedroom. Additionally, an interconnected smoke detector shall be placed on each additional floor and basement without a sleeping area. Interconnected may be via hardwiring or battery-operated wireless interconnectable smoke detectors.
6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom or within 15 feet outside of each bedroom door.
7. All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
8. All interior and exterior stairways with 4 or more steps and that are attached to the structure, shall be equipped with a hand rail.
9. All interior and exterior guardrails, such as deck railings, shall be able to withstand a 200 pound impact force.
10. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties.

L. **Emergency Escape and Rescue Openings for bedrooms:**

1. For all dwelling units constructed after the adoption of this Ordinance, every bedroom 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. Minimum net clear opening at grade floor openings shall be 5 square feet and 5.7 square feet at upper floors. Minimum net clear height is 24 inches and net clear width is 20 inches.
2. For all dwelling units constructed prior to the adoption of this Ordinance, every sleeping area shall have at least one operable emergency escape and rescue opening that has been inspected and approved by the Tillamook County Building Official pursuant to the currently-adopted Oregon Residential Specialty Code.

M. *Solid Waste Collection – minimum service requirements.* The property owner shall subscribe to and pay for weekly solid waste collection service by the local franchise hauler with assisted pick-up provided by the franchise. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway, rolls it out for service, and then places it back in its original location. The owner shall provide covered garbage containers that can be secured in compliance with franchise

requirements. All placards and notices to renters shall include the requirement that renters shall dispose of all household garbage in the containers and keep them covered/secured. Garbage, recycling or any other waste products shall not be placed outside of designated carts/cans.

- N. *Mandatory Postings.* The Short-Term Rental Registration Certificate issued by the County (or a copy thereof) for the short-term rental shall be displayed in a prominent location within the interior of the dwelling unit adjacent to the front door and at the property's boundary at the front of the dwelling unit where it is visible and readable by anyone in the road right-of-way. Additionally, the owner shall post a placard inside the short-term rental dwelling unit at the front door and outside the unit at the property line where it can easily be read by people in the road right-of-way that contains the following information:
1. The registration number that confirms the certificate is issued by Tillamook County, with the date of expiration.
 2. The name of the property owner and the contact person and a telephone number where the contact person may be contacted in case of any problems at, or complaints about, the short-term rental;
 3. The number of approved maximum parking spaces and their location(s);
 4. The number of bedrooms and maximum occupancy permitted for the short-term rental;
 5. Any required information and conditions specific to the Short-Term Rental Registration Certificate;
 6. Day of week of trash pickup;
 7. The property address.
- O. No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles is permitted in conjunction with a short-term rental.
- P. No Accessory Dwelling Unit (ADU) permitted after the date of adoption of this Ordinance shall be used as a short-term rental or in conjunction with a short-term rental.
- Q. *Good Neighbor Policy and Guidelines.* The property owner and contact person shall acknowledge the County's Good Neighbor Policy, shall post them in every short-term rental, and provide copies to all short-term rental renters:

Good Neighbor Policy:

Commitment to Community: We share our Expectations of Conduct with guests in multiple ways: on our website, at time of booking, and upon arrival. These are

enforceable standards required by the local jurisdiction. We think it's good information for residents, too! Here are a few examples:

- Neighbors & Noise - The neighborhood general quiet hours are from 10 pm to 7 am.
- Parking - Parked vehicles may not block driveways or emergency vehicle access lanes; Obstructed access means delays, and delays could cost someone's life. Park smart.
- Speed Limits - Be mindful of posted speed limits. If you're not sure, slow down.
- Garbage - All garbage will be put in the provided secure containers and will be picked up by a local franchised hauler at least once a week. Did you know it is a crime to put garbage into a can that is not for your home?
- RVs - Occupied trailers and tents are not allowed on the premises at any time.
- Pets - Leash your pet unless you are in a clearly defined off leash area. Also, clean up after them. "It's your duty to pick up your pet's waste!"
- Fires - Fires are only allowed in designated areas and should never be left unattended.
- Fireworks - The State Fire Marshall says, "Keep it legal and keep it safe!" Fireworks are illegal in residential areas and prohibited on all of our beaches.
- Drones - Be mindful of where you are flying, and respectful of private property and wildlife.
- Extras during COVID - We ask our guests: "In the last 14 days, has anyone in your party: 1) Been tested for COVID, 2) Tested positive for COVID, and 3) Exhibited symptoms of COVID?" We encourage social distancing and offer contactless check-in & check-out.

.090 Additional Inspections Required. To merit approval of an initial (first year) Short-Term Rental Registration Certificate following adoption of this Ordinance and for renewal every third year thereafter, the applicant shall obtain the following inspections and a satisfactory report for each and pay any fee(s) that may be required to obtain the inspection and report:

- Inspection Required.* The owner of the short-term rental dwelling unit shall obtain an inspection by the local building inspector to inspect the dwelling unit and determine that the dwelling unit meets current requirements of the International Building Code, including compliance with applicable fire and life safety code requirements for occupancy of the dwelling unit as a short-term rental. Inspection shall also confirm there have been no unpermitted improvements, modifications or additions to the dwelling unit. The inspection and certification shall include compliance with electrical, structural, and ventilation requirements. A Short-Term Rental Registration Certificate shall be not issued until the short-term rental passes inspection by the County Building Inspector.
- Reinspection Requirements.* In any case where an inspection is not approved by the County Building Inspector, the County Building Inspector shall allow thirty (30) days for minor repairs or sixty (60) days for major repairs, at the completion of which the owner or authorized agent must call the Tillamook County Department of Community Development for a re-inspection. The re-inspection fee adopted in the Community

Development fee schedule shall apply. If the repairs identified in the original inspection are not rectified at the time of re-inspection and within the specified timeframe, the registration application shall be invalidated, and the property owner must reapply and pay the requisite application and inspection fees.

C. *On-site Septic System Inspection.* Unless the dwelling unit is served by a public or community sanitary sewer system, the existing on-site wastewater treatment system (system) must be capable of handling the wastewater flows expected to be generated based on the allowed number of bedrooms in the dwelling unit and the maximum number of occupants.

1. The property owner shall obtain an Authorization Notice (AN) from the Department Onsite Wastewater Division. Included in the authorization must be information to allow a calculation of the number of allowed bedrooms based on the capacity of the septic system. Final determination of the capacity and suitability of the septic system shall be made by the Onsite Environmental Program Manager (or their designee) and will share the determination with the County STR Administrator. An ESER (Existing System Evaluation Report) meeting these standards and conducted within 3 years of the date of the registration application or renewal may be submitted to fulfill this requirement.
2. If the Onsite Environmental Program Manager identifies any deficiencies in the system, the property owner shall cure/correct the deficiencies within 60 days of the date of the ESER or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. Registration certification shall not be issued or renewed under this section until after repairs are made and approved by the County. If the owner fails to cure the deficiencies within the time required, registration certification shall be revoked.
3. The initial AN or ESER for an existing short-term rental is required in accordance with a phasing plan adopted by the County, but no later than December 31, 2023. After an initial AN or ESER is obtained, the property owner shall thereafter be required to conduct periodic maintenance of the system, undertaken by a DEQ authorized contractor, which at a minimum shall include inspection of the system (and as needed, pumping or repairs) prior to renewal of the Short-Term Rental Registration Certificate. The Onsite Wastewater Division is the delegated authority to adopt the periodic maintenance requirements specific to the types of systems in use, including the intervals at which the maintenance will be required. These requirements shall be made available to the public, registrants/property owners and DEQ authorized contractors. The required report on maintenance shall be provided to the Onsite Waste Division for review in a format as developed by the Division. The report shall be required before the owner can renew certification of the dwelling unit.

.100 Additional Requirements and Prohibitions. The following are on-going requirements for the operation of all STRs in the Unincorporated Tillamook County.

A. *Advertising and Registration Number.* The property owner or contact person shall put the annual registration number on all advertisements for the specific property wherever it is advertised for rent.

B. *Complaints.*

1. *Response to Complaints.* The contact person shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances and shall ensure to the best of their ability that the renters and guests of the short-term rental do not create unreasonable noise disturbances, engage in disorderly conduct, or violate the provisions of local ordinances or any state law.

2. *STR Hotline.* The contact person shall respond by telephone within twenty (20) minutes to complaints from or through the Hotline and shall respond in-person within thirty (30) minutes to any additional or successive complaints regarding the condition, operation, or conduct of occupants of the short-term rental. Unresolved complaints shall result in an immediate violation of this Ordinance.

3. *Record of Response.* The property owner or contact person shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. This record shall be made available for County inspection upon request to investigate all complaints.

C. *Inspection.* Upon application for a Short-Term Rental Registration Certificate, all short-term rentals shall be subject to inspection by the County STR Administrator for compliance with this section.

1. The County's STR Administrator may conduct a site visit upon an application for operation of a short-term rental to confirm the number of bedrooms (as defined by this Ordinance) stated on the application and the number, location and availability and usability of off-street parking spaces. The site visit will be coordinated with the applicant or contact person, shall be conducted during the normal business hours, and with reasonable notice.

2. The County's STR Administrator may visit and inspect the site of a short-term rental to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations shall be processed in accordance with Section .120 and the County's Civil Enforcement procedures.

D. *Specific Prohibitions.* The following activities are prohibited on the premises of a short-term rental during periods of transient rental:

1. *Events.* Examples of events include, but are not limited to, organizational meetings, company retreats, wedding ceremonies, rehearsal dinners, family reunions, anniversary or birthday parties etc. Events where an approved Temporary Use Permit

has been issued by the Department of Community Development are exempt from this prohibition.

2. Unattended barking dogs.
3. Activities that exceed noise limitations contained in this Ordinance.

.110 Implementation of this Ordinance and Application to Short-Term Rentals Registered and Certified on the Date of its Adoption. All new/initial Short-Term Rental Registration Certificates issued after the date this Ordinance is adopted shall implement and comply with all provisions in this Ordinance. This section shall govern the implementation and applicability of this Ordinance to short-term rentals that are lawfully established, registered and operating on the date of adoption of this Ordinance (Lawful Pre-Existing Short-Term Rentals).

A. *Lawful Pre-existing Short-Term Rentals.* To qualify as a Lawful Pre-Existing Short-Term Rental, the property owner must be able to demonstrate the following with credible evidence to the satisfaction of the County's STR Administrator:

1. The short-term rental operator had a County-issued registration certificate during the 12 months preceding adoption of this Ordinance.
2. Proof the short-term rental has been rented during the 12 months preceding adoption of this Ordinance for a verifiable number of nights.
3. The short-term rental owner paid the County's Transient Room Tax during the 12 months preceding adoption of this Ordinance for a verifiable number of nights.
4. The short-term rental owner paid the County's Short-Term Rental Operator License Fee during the 12 months preceding adoption of this Ordinance.

B. *Deferred Compliance with Some STR Requirements for Renewal of Lawful Pre-existing STRs.* Lawful Pre-existing STRs, as defined in this section, shall be subject to and comply with all of the operational requirements in this Ordinance except for the following:

1. *New application or renewal precluded due to the subarea Cap.* The subarea caps limitation in Section .040(C) shall not apply to the first 5 registration renewals for Lawful Pre-Existing STR following adoption of this Ordinance. Registrants must still renew their registration annually but will not be denied due to the subarea cap during the first 5 renewals. Thereafter, all applicants for a new or renewed STR registration shall be subject to the applicable subarea cap.
2. *New application or renewal precluded due to 250-foot density limit.* The 250-foot minimum separation density requirement in Section .040(D) shall not apply to the first 5 registration renewals for a Lawful Pre-Existing STR following adoption of this Ordinance. Registrants must still renew their registration annually but will not be denied due to there being an active registered STR property within 250 feet the applicant's property. Thereafter, all applicants for a new or renewed STR registration shall be subject to the applicable 250-foot minimum separation distance between registered STRs.

C. *Compensation for Reasonable Investment in a Dwelling Unit as a Short-Term Rental.*
When the operation of a short-term rental must be curtailed or eliminated as a result of this Ordinance.

1. The 5-year deferred compliance (amortization period) provided for in this section for Lawful Pre-existing Short-Term Rentals shall be deemed just compensation for any reasonable investment that the property owners may have made in the dwelling unit for its use as a short-term rental that cannot otherwise be recouped, through use of the dwelling unit for long-term residential tenancy. In the event that an owner deems the amortization period provided for herein to be insufficient compensation to recoup his or her reasonable investment in the property's actual use as a lawful short-term rental (*i.e.*, hosted homeshare or vacation home rental) or imposition of these regulations results in a demonstrable reduction in the property's fair market value, such a property owner shall apply for additional compensation from the County pursuant to this section.
2. To seek additional compensation, the property owner shall submit a written claim for additional compensation with the County's STR Administrator within 90 days after the adoption of this Ordinance. In such claim, the property owner shall provide documentation of the owner's reasonable investments in the property exclusively for its use as a transient rental that exceed the value that can be recouped from continued transient rental use of the property for the amortization period and which cannot be put to any other economically viable use of the property. The property owner's burden of proof requires credible evidence that this Ordinance caused a reduction in fair market value of the property as a lawful short-term transient rental as compared to use of the property for long-term tenancy that cannot be recouped by the amortization period provided in this section. For purposes of this section, "credible evidence" means a professional real estate appraisal of the property's value with and without the regulations in this Ordinance, less the rental value derived from the 5-year amortization period for herein. If the property owner is able to demonstrate that application of this Ordinance resulted in a loss in property value that cannot be recouped through the amortization period provided for herein, the County STR Administrator may provide additional compensation in a form and amount of the Administrator's choosing based upon the evidence.
3. The property owner may appeal any such final determination pursuant to Section .140.

.120 Violations. In addition to complaints related to nuisance and noise and other violations of ordinances the Tillamook County Code, the following conduct constitutes a violation of this Ordinance and is a civil infraction:

- A. The discovery of material misstatements or providing of false information in the application or renewal process for a Short-term Rental Registration Certificate.

- B. Representing, advertising or holding-out a dwelling unit as available for occupancy or rent as a short-term rental where the owner does not hold a valid Short-Term Rental Registration Certificate issued under this Ordinance.
- C. Advertising or renting a short-term rental in a manner that does not comply with the standards of this Ordinance.
- D. Failure to comply with the substantive or operational standards in Sections .080, .090, .100 or any conditions attached to a particular Short-Term Rental Registration Certificate.

.130 Penalties. Xx

- A. In addition to the fines and revocation procedures described in this Ordinance, any person or property owner who uses, or allows the use of, or advertises, the property in violation of this Ordinance is subject to the enforcement authority of the STR Administrator.
- B. Each 24-hour period in which a dwelling unit is used, or advertised, in violation of this Ordinance or any other requirement or prohibition of the Tillamook County Code shall be considered a separate occurrence and separate violation for calculation of the following fines:
 1. The first occurrence of one or more violation(s) will incur a warning with no monetary penalty.
 2. A second occurrence of one or more violation(s) within a 12-month period is subject to a fine up to \$250 per violation.
 3. A third occurrence and all subsequent occurrences of violation(s) within a 12-month period shall be subject to a fine up to \$500 per violation.
- C. *Revocation & Suspension.* The following actions are grounds for immediate revocation or suspension of a Short-Term Rental Registration Certificate and cessation of use of the dwelling unit for short-term tenancy:
 1. Failure to renew a Short-Term Rental Registration Certificate as required by Section .060 while continuing to operate a short-term rental.
 2. Receipt by the County of 3 or more unresolved complaints about the short-term rental within a 12-month period alleging violations of the requirements of this Ordinance.
 3. The discovery of material misstatements or that the registration application included false information for a Short-Term Rental Registration Certificate or renewal shall be grounds for immediate revocation of the certificate.
 4. Such other violations of this Ordinance of sufficient severity in the reasonable judgment of the STR Administrator, so as to provide reasonable grounds for immediate revocation of the certificate.

5. Upon an emergency suspension or revocation of a Short-Term Rental Registration Certificate deemed necessary by the STR Administrator for public health and/or safety reasons, short-term rental activity shall cease immediately. If suspended, the short-term rental shall not be rented or used as a short-term rental until the emergency that exists has been resolved to the satisfaction of the STR Administrator.

D. *Notice of Decision, Appeal/Stay.* If the property owner is fined or a Short-Term Rental Registration Certificate is revoked as provided in this section, the STR Administrator shall send written notice of such action to the property owner stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The property owner may appeal the STR Administrator's decision under the procedures in Section .140.

.140 Appeals of County Decisions Regarding Short-Term Rentals. Any decision by the County approving, denying or revoking a Short-Term Rental Registration Certificate may be challenged, if at all, only pursuant to this section. This includes a decision by the County's STR Administrator made pursuant to Section .110 regarding a Lawful Pre-Existing Short-Term Rental.

A. *Filing Requirements – Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental Registration Certificate, including any decision related to a Lawful Pre-Existing Short-Term Rentals under Section .110.

B. *Authority to Decide Appeal.* The STR Hearings Officer shall be responsible for deciding all appeals under this Ordinance.

C. *Time for Filing.* A property owner or authorized agent shall file a written notice of appeal, including a written description of the legal basis for the appeal, no later than 14 calendar days after the registration application, registration renewal or other determination being appealed was issued. This requirement is jurisdictional, and late filings shall not be accepted.

D. *Fee for Appeal.* The County shall establish by resolution a fee for filing an appeal under this section, payment of which shall be a jurisdictional requirement.

E. *Procedures.* The County's STR Administrator may establish administrative procedures to implement the appeal process provided in this section, including any required forms. The STR Administrator may adopt procedures for hearings not in conflict with this section, including but not limited to time limitations on oral testimony and on written argument.

F. *Hearing.* Within 35 days of receiving the notice of appeal, the STR Administrator shall schedule a hearing on the appeal before the STR Hearings Officer. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant.

G. *The Record on Appeal.* The STR Hearings Officer's decision shall be based upon the record, which shall include all written documents associated with the file that is the

subject of the appeal, including all Transient Lodging Tax records, complaints about the short-term rental operation.

- H. *Standard of Review and Decision.* The STR Hearings Officer shall determine whether the County's decision was based on a preponderance of the evidence or the correct interpretation of the requirements of this Ordinance. A decision of the STR Hearings Officer shall be based on the evidence in the record and be issued in writing within 30 days after the record closes. The STR Hearings Officer may uphold the County's decision, uphold the decision with modifications or reverse the County's decision. If the STR Hearings Officer upholds a decision to revoke the Short-Term Rental Registration Certificate, the Hearings Officer shall order the property owner to discontinue operation of the dwelling unit as a short-term rental immediately. If the Hearings Officer reverses a decision to revoke the Short-Term Rental Registration Certificate, operation of the short-term rental may continue under the Short-Term Rental Registration Certificate.
- I. *Finality.* The STR Hearings Officer's decision shall be final on the date the decision is mailed to the appellant. The STR Hearings Officer's decision is the County's final decision on the matter and is appealable only by writ of review to Tillamook County Circuit Court.

.150 Severability. If any section, subsection or provision of this Ordinance is declared by a court of competent jurisdiction to be unlawful, preempted or unenforceable, that declaration shall not affect the validity and enforceability of the remaining sections.