

IN THE BOARD OF COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

ORDINANCE NO. 03-13

(AN ORDINANCE AMENDING THE
(CLATSOP COUNTY LAND AND WATER
(AND DEVELOPMENT AND USE
(ORDINANCE (80-14) and STANDARDS
(ADOPTING THE ARCH CAPE SHORT
(TERM RENTAL ORDINANCE AND
(ADOPTING CERTAIN FINDINGS

The Board of County Commissioners of Clatsop County, Oregon ordains as follows:

SECTION 1. SHORT TITLE.

This ordinance shall be known as the Arch Cape Short Term Rental Ordinance.

SECTION 2.

The Board of County Commissioners of Clatsop County, Oregon recognizes the need to amend the Clatsop County Land and Water and Development and Use Ordinance (80-14) and Standards Document, in the interest of the health, safety and welfare of the citizens of Clatsop County and pursuant to State law, the Board of Commissioners hereby determines a need to approve this request and to adopt certain findings.

The Board of County Commissioners determines and takes notice that the adoption procedure for this ordinance complies with all Statewide Planning Goals, the Clatsop County Comprehensive Plan, and the Land and Water and Development Use Ordinance (80-14).

SECTION 3. CONFORMITY WITH THE LAW.

This ordinance shall not substitute for nor eliminate the need to conform with 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 the Clatsop County Land and Water Development and Use Ordinance, as amended, or any other ordinance or regulation made by Clatsop County.

SECTION 5. SEPARABILITY.

If any portion of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effective on May 12, 2004.

SECTION 7. ADOPTION CLAUSE.

The Board of Commissioners hereby adopts Arch Cape Short Term Rental Ordinance set forth in Exhibits "A"; and the findings and conclusions set forth in Exhibit "B".

Approved this 11th day of February, 2004

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By 
Helen Westbrook, Chair

By 
Recording Secretary

Effective Date: May 12, 2004

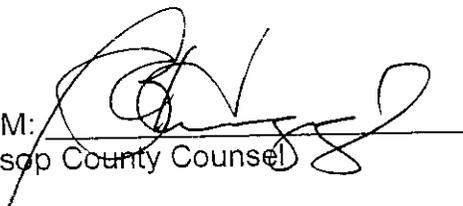
APPROVED AS TO FORM: 
Clatsop County Counsel

EXHIBIT "A"

Ordinance No. 03-13 Amending the LWDUO and Standards Document

Enacted 90-days following adoption.

S3.470 Short Term (Vacation) Rentals

This section regulates the short-term rental of dwelling units within the Arch Cape Rural Community. For the purposes of this section, "Short Term Rental" means 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 thirty (30) consecutive nights. In addition for the purposes of this ordinance, "Rental" means an agreement granting the use and possession of a residence to a person or single group, not to exceed the maximum occupancy of the residence as set forth in Section S3.474 of this ordinance; the term "Rented" means that their use and possession of a residence is granted to one or more persons in exchange for consideration valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction; and the term "Cooking facilities" includes stoves, ovens or other equipments designed to prepare hot meals, but does not include a single hot plate, microwave or toaster. Rentals of a short-term dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

S3.471 Purpose

The purpose of this section is to regulate short term rentals to enhance livability and safety in the Arch Cape residential neighborhoods.

S3.472 Permit Required

An owner shall obtain a revocable short-term rental permit whenever a dwelling unit (as defined in S3.470) is to be used for short-term rental purposes and shall comply with the requirements of the County's transient room tax ordinance (No. 90-7).

1. A short-term rental permit shall be obtained prior to using the unit as a short-term rental. .

2. The initial short-term rental permit shall be valid until July 1, 2005 and shall be renewed annually by July 1 thereafter.
3. The short-term rental permit is transferable to a new owner, so long as to the owner registers with the County to transfer the short-term rental permit, pays the registration fee (same as a development permit fee), updates the short-term rental permit application and agrees in writing to comply with the requirements of the short-term rental permit and these regulations.
4. The short-term rental permit does not relieve the owner of the obligation to pay county room taxes.
5. If the terms of the short-term rental permit are not met, the short-term rental permit may be revoked and the owner subject to penalties per Section 3.476.

S3.473 Short Term Rental Permit Application Requirements

An application for a short-term rental permit shall be completed on the form provided by the County and shall provide the following information:

1. A list of all the property owners of the short-term rental including names, addresses and telephone numbers. Property ownership, for the purposes of this section, shall consist of those individuals who are listed on the Clatsop County Assessor's tax records.
2. Proof of registration for county room tax purposes.
3. Completion of the inspection section of the application form by an Oregon Certified Home Inspector as defined by ORS 701.005(4), based on a visual inspection to certify the following:
 - a. Compliance with the following standards:
 - i. There shall be one functioning smoke detector in each sleeping room, with a minimum of two functioning smoke detectors in each dwelling unit. There shall also be one functioning fire extinguisher at each exit;
 - ii. Exterior doors shall be operational. All passageways to exterior doors shall be clear and unobstructed.
 - iii. Electrical systems shall be serviceable with no visual defects or unsafe conditions.

- iv. All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.
- v. Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.
- b. The number of sleeping rooms within the short term rental, as defined in Section 3.474(3).
- c. The number of parking spaces on the subject property that meet the standards of Section 3.474(4).
- d. Inspection certifications shall be valid for a period of five years or whenever dwelling unit modifications requiring a building permit are made, at which point a new inspection certificate shall be required.
- 4. A site plan, drawn to scale, showing the location of buildings and required parking.
- 5. The name, address and telephone number of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards. The contact person may be the owner or the designated agent who shall serve as a contact person.
- 6. Statement that the applicant has met and will continue to comply with the standards in this section.
- 7. Other information as requested by the County.

S3.474 Short Term Rental Standards

All short term rentals shall meet the following standards:

- 1. A Short Term Rental dwelling unit shall be rented for no more than one rental in a consecutive seven (7) night period.
- 2. All applicable County room taxes shall be paid pursuant to County Code Chapter 39.
- 3. The maximum occupancy for each short term rental unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons, up to a maximum of fourteen (14) persons. For this purpose, a sleeping room is defined as fully-enclosed habitable space with a heat source, and an emergency escape or rescue opening.
- 4. Off-street parking shall be used if physically available and comply with S2.200-S2.210 applicable to single family or two family dwellings. On-street parking shall be used only

when off-street parking spaces are not physically available. Parking is "physically available" when a garage or driveway can be emptied or materials removed so as to allow for the parking. The owner shall notify every renter in writing of these requirements and shall advise the renter where the off-street parking spaces to serve the unit are located. If on-street parking must be used, the renter shall use the parking along the frontage of the rental unit.

5. A house number visible from the street shall be maintained.
6. Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or littering and placed where they are not clearly visible from the street except between 5 am on the day prior to pickup and 5 pm on the day of pickup.

S3.475 Conformity Required; Display of Permits

1. The issuance of the short term rental permit shall be subject to the continued compliance with the requirements of this section.
2. 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 100 feet of the property, and shall list the following:
 - a. The name, address and phone number of the owner and designated agent;
 - b. The maximum occupancy and vehicle limits for the short-term rental unit;
 - c. Identification of the number and location of parking spaces available;
 - d. A statement regarding how the parking standards under S3.474(4) are to be met;
 - e. A statement that it is illegal to leave litter on the beach (OAR 736-021-0090(4));
 - f. A statement that all fires on the beach must be extinguished before leaving the site of the fire (OAR 736-021-0120(4));
 - g. A statement that the short term rental permit may be revoked for violations;
 - h. A statement regarding how the garbage removal standards under S3.474(6) are to be met; and
 - i. Such other information as may be required by the County.
3. The owners are responsible to ensure that current and accurate information is provided to the County.

S3.476 Compliance, Hearings and Penalties

Owners of Short Term Rental Units shall obey all applicable ordinances and regulations of the County and shall be 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 may be 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 Compliance Ordinance, Section 38 of the Clatsop County Code shall also apply, except where modified by this section. The following process shall be followed in the event of a complaint alleging a violation of this section or a permit issued under this section:

1. The complaining party shall first attempt to contact the contact person designated on the permit and the notice posted on the Short Term Rental, describe the problem and indicate the desired remedy.
2. The contact person shall promptly respond to the complaint and remedy any situation that is out of compliance with this section or permit.
3. If the response is not satisfactory to the complaining party, the complaining party may lodge a complaint with the County by submitting a written complaint including the time, date and nature of the alleged violation. The property owner shall allow the County to inspect any records related to the short term rental dwelling unit upon request of the County.
4. The County may initiate enforcement under Section 38 of the Clatsop County Code.
5. In addition to any other remedy allow under Section 38 of the Clatsop County Code, the hearings body may do any of the following:
 - a. Take no action on the request for the revocation of the short-term rental permit;
 - b. Attach conditions to the existing short-term rental permit;
 - c. Require a new home inspection under S3.473.3;
 - d. Suspend the short-term rental permit;
 - e. Revoke the short-term rental permit; and/or

- f. Prohibit an owner from obtaining a short term rental permit for a period of up to five (5) years.
6. Should a permit be revoked, the owner may not obtain any short term rental permit sooner than one year after the date of revocation.
7. Any property owner found in violation of the provisions of this ordinance 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.

The following amends LWDUO Section 1.030 Definitions:

Cooking Facility -- includes stoves, ovens or other equipment designed to prepare hot meals, but does not include a single hot plate, microwave or toaster.

The following amends LWDUO Section 3.064 Development and Use Permitted.

Subsection 13. Short term rental subject to the provisions of Section S3.470- S.3.476.