

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON**

In the Matter of Amending Board Order 22-033 to Extend the Temporary Suspension in the Acceptance, Processing and Issuance of New Short-Term Rental Permits in Unincorporated Tillamook County by an additional 60 days.

BOARD ORDER

23-_____

This matter came before the Tillamook County Board of Commissioners on June 21, 2023 at the request of Sarah Absher, Tillamook County Department of Community Development Director.

The Board of Commissioners, being fully apprised of the representations of the above-named person, and the records and files herein, adopts the following Findings:

- A. The adverse impacts to community livability from short term rentals (STRs) on unincorporated communities within Tillamook County have increased significantly in recent years.
- B. The Board of Commissioners has received input from community members in various parts of unincorporated Tillamook County regarding the health, safety and quality of life concerns related to the operation of STRs.
- C. The Board of Commissioners has also received input from STR owners and operators regarding the role that STRs play in support of the tourism economy in Tillamook County.
- D. The application of existing ordinances, regulations and other applicable laws, most notably Ordinance No. 84, are inadequate to address community concerns and livability issues related to the expansion of STRs and the issuance of new STR permits.
- E. The Board of Commissioners, in response to these issues, adopted Board Order 22-033 on May 25, 2022 to temporarily suspend the issuance of new STR permits and any processing of STR applications for new permits while the County worked to identify strategies to mitigate the livability impacts of STRs in unincorporated areas.
- F. By its terms, Board Order 22-033 automatically terminates on July 1, 2023, unless extended by Board Order.
- G. During the pendency of Board Order 22-033, County staff and the Tillamook County Short Term Rental Advisory Committee have been studying livability issues to address community concerns related to STRs in unincorporated areas and have made recommendations to the Board of Commissioners for the replacement of Ordinance No. 84 with a new regulatory program to address community concerns and mitigate livability issues while allowing properly operated STRs to continue operation.
- H. A possible new STR regulatory program, however, will not be adopted or effective until after the expiration of the pause prescribed in Board Order 22-033, and additional time is needed to adopt the new program before allowing new licensees into the program.

I.

NOW THEREFORE, based on the foregoing Findings, it is hereby Ordered that:

Board Order 22-033, adopted on May 25, 2022, is hereby amended by replacing Paragraph 8 with the following new Paragraph 8:

8. Tillamook County hereby temporarily suspends (a) the issuance of any new short term rental permits and (b) the acceptance and processing of applications for new short term rental permits. This temporary suspension shall take effect on July 1, 2022, and terminate on August 31, 2023 unless further extended by action of the Board of Commissioners or until the County adopts and implements amendments to County Ordinance 84, whichever happens first.

In all other respects, Board Order 22-033 shall remain unchanged and in effect as originally adopted.

Dated this 21st day of June 2023.

FOR THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
<hr/> Erin D. Skaar, Chair	<hr/>	<hr/>	<hr/> /
<hr/> Mary Faith Bell, Vice-Chair	<hr/>	<hr/>	<hr/> /
<hr/> David Yamamoto, Commissioner	<hr/>	<hr/>	<hr/> /

ATTEST: Tassi O'Neil
County Clerk

APPROVED AS TO FORM:

Special Deputy

William K. Sargent, County Counsel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON**

In the Matter of Replacing Board Order 22-033 by Modifying and Extending the Temporary Suspension in the Acceptance, Processing and Issuance of New Short-Term Rental Permits in Unincorporated Tillamook County.

BOARD ORDER

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- C. The Board of Commissioners has also received input from STR owners and operators regarding the role that STRs play in support of the tourism economy in Tillamook County.
- D. The application of existing ordinances, regulations and other applicable laws, most notably Ordinance No. 84, are inadequate to address community concerns and livability issues related to the expansion of STRs and the issuance of new STR permits.
- E. The Board of Commissioners, in response to these issues, adopted Board Order 22-033 on May 25, 2022 to temporarily suspend the issuance of new STR permits and any processing of STR applications for new permits while the County worked to identify strategies to mitigate the livability impacts of STRs in unincorporated areas.
- F. By its terms, Board Order 22-033 automatically terminates on July 1, 2023, unless extended by Board Order.
- G. During the pendency of Board Order 22-033, County staff and the Tillamook County Short Term Rental Advisory Committee have been studying livability issues to address community concerns related to STRs in unincorporated areas and have made recommendations to the Board of Commissioners for the replacement of Ordinance No. 84 with a new regulatory program to address community concerns and mitigate livability issues while allowing properly operated STRs to continue operation.
- H. A possible new STR regulatory program, however, will not be adopted or effective until after the expiration of the pause prescribed in Board Order 22-033, and additional time is needed to adopt the new program before allowing new licensees into the program.

- I. Board Order 22-033 expressly also did not apply to the transfer or renewal of STR permits that existed on July 1, 2022, but the Order did not include a similar exemption for homes that were under construction at that time.
- J. Since the adoption of Board Order 22-033, the Board of Commissioners has heard testimony from the owners of homes that were under construction on July 1, 2022 and have since been completed. Many of these owners state they had intended to short-term rent these new homes, and the Board finds that testimony compelling.
- K. The Board of Commissioners may adopt a new set of STR regulations replacing Ordinance No. 84, but the transition to the new regulatory program will require at least 60 days to implement before the suspension of new STR licenses in Board Order can be lifted; meanwhile, the owners of homes that were under construction as of July 1, 2022, have obtained a Certificate of Occupancy for the home and are ready to seek and obtain STR licenses.

NOW THEREFORE, based on the foregoing Findings, it is hereby Ordered that:

Section 1. Board Order 22-033 is hereby repealed and shall be replaced by this Board Order and the temporary suspension as set forth herein.

Section 2. Tillamook County hereby temporarily suspends the following for 60 days from the date of this Order: (a) the acceptance and processing of applications for new short term rental permits and (b) the issuance of any new short term rental permits. This temporary suspension shall be effective upon adoption of this June 21, 2023 Order, and shall automatically terminate on August 21, 2023, unless terminated earlier or further extended by Board Order. This temporary suspension is intended to allow the County time to consider adoption of a new STR regulatory program by Ordinance and provide for an orderly transition to the new STR regulatory program.

Section 3. This temporary suspension of new short term rental permits and applications shall apply to all areas of unincorporated Tillamook County and within the Urban Growth Boundaries, but shall not apply within the boundaries of any incorporated city.

Section 4. This temporary suspension does not apply to renewals or transfers of existing short term rental permits.

Section 5. This temporary suspension shall not apply to dwellings that were under construction pursuant to a valid building permit issued on or before July 1, 2022, that are lawfully occupied pursuant to issuance of a Certificate of Occupancy as of the date of this Board Order (June 21, 2023), and where the owner applies for a STR license within 3 weeks following adoption of this Board Order. For such dwellings, the current owner shall submit a fully complete STR license application to Tillamook County no later than 4:00p.m. July 12, 2023 (3 weeks hence). The County shall accept, process and may approve any such STR application that is received by 4:00p.m. July 12, 2023. All STR applications submitted on or after June 21, 2023 shall comply with, and be subject to, the STR regulations in effect on the date a fully complete STR application is submitted (or the date on which an incomplete STR application is deemed complete).

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- D. The application of existing ordinances, regulations and other applicable laws, most notably Ordinance No. 84, are inadequate to address community concerns and livability issues related to the expansion of STRs and the issuance of new STR permits.
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- I. Board Order 22-033 expressly also did not apply to the transfer or renewal of STR permits that existed on July 1, 2022, but the Order did not include a similar exemption for homes that were under construction at that time.
- J. Since the adoption of Board Order 22-033, the Board of Commissioners has heard testimony from the owners of homes that were under construction on July 1, 2022 and have since been completed. Many of these owners state they had intended to short-term rent these new homes, and the Board finds that testimony compelling.
- K. The Board of Commissioners may adopt a new set of STR regulations replacing Ordinance No. 84, but the transition to the new regulatory program will require at least 60 days to implement before the suspension of new STR licenses in Board Order can be lifted; meanwhile, the owners of homes that were under construction as of July 1, 2022, have obtained a Certificate of Occupancy for the home and are ready to seek and obtain STR licenses.

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Section 3. This temporary suspension of new short term rental permits and applications shall apply to all areas of unincorporated Tillamook County and within the Urban Growth Boundaries, but shall not apply within the boundaries of any incorporated city.

Section 4. This temporary suspension does not apply to renewals or transfers of existing short term rental permits.

Section 5. Tillamook County hereby creates a Waiting List of those people who wish to obtain a new short-term rental license, which shall be known as the "New STR License Waiting List." During the pendency of this temporary suspension, Tillamook County will accept written requests for the New STR License Waiting List from owners of dwellings that were under construction pursuant to a valid building permit issued on or before July 1, 2022, and that are lawfully occupied pursuant to issuance of a Certificate of Occupancy as of the date of this Board Order (June 21, 2023). Beginning with the adoption of this Board Order and continuing for 21 days (3 weeks) until 4:00 p.m. on July 12, 2023, the County will accept written requests for the New STR License Waiting List from such property owners, after which the County will close the Waiting List and accept no further requests. The request shall be made on a form furnished by the Department of Community Development, consisting of the applicant's name, contact information and the address of the single-family dwelling where the short-term rental is proposed. The County will time and date stamp each written request as it is physically received at the Department of Community Development. If and when the County resumes acceptance and processing of short-term rental license applications, those people/entities who submitted timely requests and are on the New STR License Waiting List will be contacted in order of

receipt and invited to submit an application and obtain a new STR license. When so contacted, each applicant will have two weeks from the date of invitation to submit a fully complete STR license application to the Department of Community Development. All such STR license applications received within the 2-week period will be processed under, and subject to, the County's STR licensing requirements as they exist on the date the fully complete application is accepted by the County (or the date on which an incomplete application is made complete), but in no event later than two weeks following the invitation date.

Dated this 21st day of June 2023.

FOR THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
<hr/> Erin D. Skaar, Chair	<hr/>	<hr/>	<hr/> /
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ATTEST: Tassi O'Neil
County Clerk

APPROVED AS TO FORM:

Special Deputy

William K. Sargent, County Counsel

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