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 1. February 1, 2022, Meeting Audio
 2. March 1, 2022, Meeting Audio
 3. April 5, 2022, Meeting Audio
 4. May 3, 2022, Meeting Audio
 5. June 7, 2022, Meeting Audio
 6. July 12, 2022, Meeting Audio
 7. August 2, 2022, Meeting Audio
 8. September 13, 2022, Meeting Audio
 9. October 4, 2022, Meeting Audio
 10. November 8, 2022, Meeting Audio
 11. December 13, 2022, Meeting Audio
- II. Short Term Rental Advisory Committee Meetings for Year 2023
 1. January 10, 2023, Meeting Audio
 2. February 14, 2023, Meeting Audio
 3. March 14, 2023, Meeting Audio
 4. April 3, 2023, Meeting Audio
 5. April 18, 2023, Meeting Audio
 6. May 9, 2023, Meeting Audio
- III. Board of County Commissioner Meetings
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 2. April 27, 2022, Part 2, Meeting Audio
 3. May 30, 2023, Hearing Audio
 4. July 6, 2023, Hearing Audio
 5. July 19, 2023, Hearing Audio

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Establishing Limits on	)	ORDER
the Number of Short-Term Rental	)	23- <u>054</u>
(STR) Licenses that may be Issued in)	
21 Geographic Subareas in)	
Unincorporated Tillamook County)	

This matter came before the Tillamook County Board of Commissioners on August 2, 2023, at the request of Sarah Absher, Director, Department of Community Development. The Board of Commissioners, being fully apprised of the records and files herein, adopts the following findings:

1. Tillamook County regulates the licensing and operation of STRs through Ordinance 84, as amended.
2. The Board adopted Amendment #2 to Ordinance #84 on July 19, 2023. The new STR regulations in Amendment #2, among other things, established 21 geographic subareas in unincorporated Tillamook for purposes of regulating STR licenses ("STR Subareas").
3. Amendment #2 also authorizes the Board to establish by Board Order limitations on the number of STR licenses that can be issued or exist at any one time in each of the STR Subareas.
4. The Board wishes to exercise the authority granted in Amendment #2 and set limits on the number of STR licenses that can be issued or exist in each of the following geographic STR Subareas in unincorporated Tillamook County:

Neahkahnie	Cloverdale
Mohler	Tierra del Mar
Barview/Twin	Pacific City/Woods
Rocks/Watseco	Neskowin
Idaville	Manzanita UGB
Siskeyville	Nehalem UGB
Cape Meares	Wheeler UGB
Oceanside	Rockaway UGB
Netarts	Garibaldi UGB
Beaver	Bay City UGB
Hebo	Tillamook UGB

5. The Community Development Director provided a spreadsheet, attached hereto and incorporated herein as Exhibit A, that lists the current number of STR licenses in each of the 21 geographic STR Subareas, the total number of dwellings in each subarea, the most recent number of STRs in each subarea, and the number of STRs that would exist if the Board imposed a cap equal to the current number of STR licenses plus an additional 1% in each Subarea.

6. On June 21, 2023, the Board adopted Order #23-035, which authorized the creation of a waitlist of people wishing to obtain a STR license who were actively in the process of constructing new homes in 2022 when the County paused accepting, processing, or approving new STR licenses with the adoption of Board Order #22-033 (May 25, 2022).
7. The Board desires to determine the current number of STRs in each of the 21 STR Subareas, including those recently added to the STR pool through the waitlist created by Order #23-035.
8. The Board further desires to establish a maximum limit or "Cap" on the number of STRs allowed to operate in each of the 21 STR Subareas equal to the current STR pool size in each Subarea plus an additional 1% in each. These data are displayed on Exhibit A.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

9. **Process Waitlist Applicants:**
All qualified applicants on the STR license waitlist compiled by the Community Development Director and established by Order 23-035 are hereby invited to submit a complete STR license application. The Community Development Director shall accept, process in the normal course, and approve all such STR applications that meet the current STR license requirements set forth in Amendment #2.
10. **Cap on STRs in Subareas:**
There shall be a maximum limit on the number of STRs allowed in each of the 21 geographic STR Subareas established by Amendment #2 ("Subarea Cap"). Each Subarea Cap shall be equal to the current number of STRs in each Subarea (a number that includes the currently licensed STRs plus those on the waitlist in each Subarea) plus an additional 1% as shown in Exhibit A. The Community Development Director shall not approve any STR license in any Subarea in excess of the Subarea Cap established herein for that Subarea.
11. **End of the Pause and Acceptance of STR License Applications:**
The pause on County acceptance, processing and approval of new STR licenses established in Order #22-033 and amended by Order #23-035 is due to expire by its own terms on August 31, 2023. Beginning September 1, 2023 and continuing to September 29, 2023 at 4:30 p.m., the Community Development Director shall accept new STR license applications in accordance with Amendment #2 and this Order for the Program Resumption Lottery. The initial window from September 1 to September 29, during which the Community Development Director accepts STR license applications, shall not require an application fee unless the application is selected for processing as part of the Program Resumption Lottery.
12. **Program Resumption Lottery:**
The resumption of the STR licensing program will begin with a lottery held October 10, 2023 to randomly select applications from among those submitted between September 1 and September 29, 2023 for each Subarea until the

Subarea Cap is reached. Those applications so selected, up to the Subarea Cap, will be given 21 days to pay the application fee and make the application fully complete. All applications selected after Subarea Caps are reached will be placed on a waiting list in the order of their selection and shall pay a \$100 waitlist fee.

13. STR Licensing After the Program Resumption Lottery:
Following the Program Resumption Lottery, the Community Development Director will select applicants from the STR waiting list in the order they were selected from the Lottery and thereafter in the order that applications are submitted. Over time, as room under each applicable Subarea Cap becomes available, the Community Development Director shall notify each applicant on the Subarea waitlist in chronological order (based on date stamp received) that a STR license is available. Each such applicant will then have 3 weeks (21 days) to accept the available STR license, pay the application fee, and make the application complete. If an applicant from the STR waitlist accepts the invitation, pays the application fee and makes the application complete within 21 days of notification, the Community Development Director shall process and approve the STR license if it qualifies under the then-applicable STR license criteria. If the applicant either refuses the invitation, fails to pay the application fee or make the application complete within 21 days of notification of an available license, or fails to qualify for STR license approval, the Community Development Director will offer the available STR license to the next person on the STR waitlist in the same manner until the invitation is accepted and a license approved.
14. This order shall be effective upon approval by the Board.

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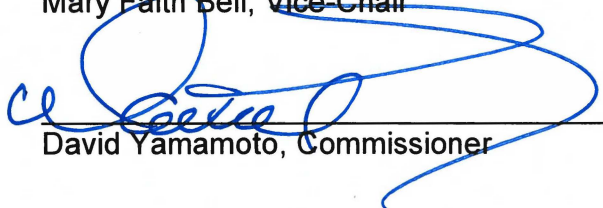
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Approved this 2nd day of August 2023.


THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON


Erin D. Skaar, Chair


Mary Faith Bell, Vice-Chair



David Yamamoto, Commissioner

ATTEST: Tassi O'Neil, County Clerk

By: 
Special Deputy

Aye	Nay	Abstain/Absent
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APPROVED AS TO FORM:


William K. Sargent, County Counsel



EXHIBIT A

Subarea	Dwellings in Subarea ^a	Number of STRs in Subarea ^b	Number of STRs plus 1% ^c
Neahkahnie	409	82 (20%)	86 (21%)
Manzanita UGB	362	42 (12%)	47 (13%)
Mohler	8	0 (0%)	1 (1%)
Nehalem UGB	493	16 (3%)	20 (4%)
Wheeler UGB	1	0 (0%)	0 (4%)
Rockaway Beach	482	80 (17%)	87 (18%)
Barview/Twin Rocks/Watseco	254	40 (16%)	43 (17%)
Garibaldi UGB	3	0 (0%)	1 (1%)
Bay City UGB	39	0 (0%)	0 (1%)
Idaville	84	0 (0%)	1 (1%)
Tillamook UGB	179	0 (0%)	2 (1%)
Siskeyville	48	0 (0%)	1 (1%)
Cape Meares	237	32 (14%)	36 (15%)
Oceanside	693	129 (19%)	139 (20%)
Netarts	766	104 (14%)	115 (15%)
Beaver	83	2 (2%)	2 (3%)
Hebo	70	0 (0%)	1 (1%)
Cloverdale	113	0 (0%)	1 (1%)
Tierra Del Mar	235	53 (23%)	56 (24%)
Pacific City/Woods	1392	323 (23%)	334 (24%)
Neskowin	908	180 (20%)	191 (21%)

a - According to the November 2022 certified property tax roll, includes individual dwelling units in multi-family structures.

b - Includes licensed STRs plus qualified waitlist applicants in process.

c - All dwelling numbers rounded to nearest whole unit.



TILLAMOOK COUNTY BOARD OF COMMISSIONERS NOTICE OF MEETING AGENDAS

BOARD OF COMMISSIONERS

Erin D. Skaar, Chair
eskaar@co.tillamook.or.us

Mary Faith Bell, Vice-Chair
mfbell@co.tillamook.or.us

David Yamamoto, Commissioner
dyamamoto@co.tillamook.or.us

CONTACT

Tillamook County Courthouse
201 Laurel Avenue
Tillamook, Oregon 97141
503.842.3403
www.co.tillamook.or.us

COMMUNITY UPDATE MEETING

Tuesday, August 1, 2023 at 8:00 a.m.
Teleconference and KTIL-FM at 95.9

BOARD MEETING

Wednesday, August 2, 2023 at 9:00 a.m.
Board of Commissioners' Meeting Room 106
County Courthouse, Teleconference, and Live Video at tctvonline.com

JOIN THE BOARD OF COMMISSIONERS' MEETINGS

The board is committed to community participation and provides opportunity for public attendance during meetings via in-person and teleconference.

- **Community Update Meetings: Tuesdays at 8:00 a.m.**
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Radio: KTIL-FM at 95.9
- **Board Meetings: Wednesdays at 9:00 a.m.**
 - County Courthouse: Board of Commissioners' Meeting Room 106, 201 Laurel Avenue, Tillamook
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Live Video: tctvonline.com

MEETING INFORMATION AND RULES

- Matters for discussion and consideration by the board shall be placed on an agenda prepared by the staff and approved by the board chair. Any commissioner may request items on the agenda.
- Public hearings are formal proceedings publicized through a special public notice issued to media and others. Public hearings held by the board are to provide the board an opportunity to hear from the public about a specific topic. Public hearings are therefore different regarding audience participation at board meetings.
- Commissioners shall be addressed by their title followed by their last name.
- Commissioners shall obtain approval from the chair before speaking or asking questions of staff, presenters, and public. As a courtesy, the chair shall allow an opportunity, by the commissioner who has the floor, to ask immediate follow-up questions.
- A majority of the board shall constitute a quorum and be necessary for the transaction of business.
- All board meeting notices are publicized in accordance with public meeting laws.
- All board meetings shall commence with the Pledge of Allegiance.
- The chair will utilize the gavel as needed to maintain order, commence and adjourn meetings, and signal approval of motions.
- The board reserves the right to recess to executive session as may be required at any time during these meetings, pursuant to ORS 192.660(1).
- The courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing visual, or manual impairments who wish to participate in the meeting, contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

PUBLIC COMMENT

- Providing public comment is an opportunity for constituents to be heard and express their views to the board.
- The board allows public comment at board meetings during the public comment period designated on the agenda.
- Comments are limited to one per person and per agenda item.
- Comments must be related to the agenda item(s) previously registered to comment on.
- The allotted time for public comments is two minutes per person; this time may not be allotted to another speaker. The chair may, at their sole discretion, further limit or expand the amount of time.
- The public comment opportunity is not a discussion, debate, or dialogue between the speaker and the board, which may or may not respond.
- Members of the public do not have the right to disrupt the meeting; the board may prohibit demonstrations such as booing, hissing, or clapping.
- Remarks containing hate speech, profanity, obscenity, name calling or personal attacks, defamation to a person, people, or organization, or other remarks the board deems inappropriate will not be allowed.
- Failure to follow all rules and procedures may result in not being able to provide public comment and/or being removed from the meeting.

In-Person Procedures

- Sign in before the meeting begins and indicate your desire to provide public comment and which agenda item you would like to comment on. When your name is announced, please come forward to the table placed in front of the dais and for the record, first identify yourself, area of residence, and organization represented, if any.

Virtual Procedures

- Register by sending an email to publiccomments@co.tillamook.or.us by 12:00 p.m. on the Tuesday prior to the board meeting. The email must contain all of the following information:
 - Full name, area of residence, and phone number.
 - Agenda item(s), you wish to comment on.
- Once registered, and before the start of the meeting, board staff will email a Microsoft Teams meeting link.
- When logged in to the meeting you must remain muted with your camera off until your name is called, then you unmute and turn on your camera.
- The chair may require those providing virtual comment to turn on their camera while providing comment or testimony.

Written Procedures

- Written comments may be mailed to 201 Laurel Avenue, Tillamook, Oregon 97141 or emailed to: publiccomments@co.tillamook.or.us.
- Written comments received by 12:00 p.m. on the Tuesday prior to the board meeting will be distributed to the board and posted online. All written comments submitted become part of the permanent public meeting record.

AGENDAS

COMMUNITY UPDATE

CALL TO ORDER: Tuesday, August 1, 2023 8:00 a.m.

1. Welcome and Board of Commissioners' Roll Call
2. Adventist Health Tillamook
3. Coastal Caucus
4. Tillamook County Community Health Center
5. Nehalem Bay Health Center & Pharmacy
6. Tillamook Family Counseling Center
7. Sheriff's Office
8. Emergency Management
9. Oregon Department of Transportation
10. Board of Commissioners
11. Cities
 - a. Manzanita
 - b. Nehalem
 - c. Wheeler
 - d. Rockaway Beach
 - e. Garibaldi
 - f. Bay City
 - g. Tillamook
 - h. South County

ADJOURN

MEETING

CALL TO ORDER: Wednesday, August 2, 2023 9:00 a.m.

1. Welcome & Request to Sign Guest List
2. Pledge of Allegiance
3. Public Comment
4. Non-Agenda Items

LEGISLATIVE – ADMINISTRATIVE

5. Discussion and Consideration of [Modification #2 to Professional Services Agreement #6051](#) with Northwest Medical Foundation of Tillamook dba Adventist Health Tillamook for Inmate Healthcare Services/Matt Kelly, Undersheriff, Sheriff's Office
6. Discussion and Consideration of [a Resolution in the Matter of Proclaiming Hangar B](#) as an Official Historical Landmark in Tillamook County/Julie Hurliman; Gene Kyniston, Friends of Tillamook Air Museum
7. Discussion and Consideration of a [Ninth Amendment to Oregon Health Authority Intergovernmental Agreement #173148](#) for the Financing of Community Mental Health, Addiction Treatment, Recovery, and Prevention, and Problem Gambling Services/Frank Hanna-Williams, Executive Director, Tillamook County Family Counseling Center
8. Discussion and Consideration of [Intergovernmental Agreement #180832](#) with Oregon Health Authority for Tort Liability Coverage as a Provider for Psychiatric Security Review Board/Frank Hanna-Williams, Executive Director, Tillamook County Family Counseling Center
9. Discussion and Consideration of a Prevailing Wage Rate [Contract for Construction with Bayview Asphalt Inc. for the Neah-Kah-Nie-Paving Project](#) 2023/Chris Laity, Director, Public Works
10. Discussion and Consideration of a Prevailing Wage Rate [Contract for Construction with K & B Quality Excavating, LLC for the Fairview Road](#) Hughey Creek Culvert Construction Project/Chris Laity, Director, Public Works
11. Discussion and Consideration of a Prevailing Wage Rate Contract for [Construction with Road & Driveway Co. for the Slab Creek Road](#) South Paving Project 2023/Chris Laity, Director, Public Works
12. Discussion and Consideration of an [Out-of-State Travel Request for Sarah Absher](#) to Attend the Northwest Regional Floodplain Association 2023 Annual Conference in Spokane, Washington 9/18-9/22/2023/Sarah Absher, Director, Department of Community Development
13. Discussion and Consideration of an [Out-of-State Travel Request for Melissa Jenck](#) to Attend the Northwest Regional Floodplain Association 2023 Annual Conference in Spokane, Washington 9/18-9/22/2023/Sarah Absher, Director, Department of Community Development

14. Discussion and Consideration of an [Order in the Matter of Establishing Limits on the Number of Short-Term Rental Licenses](#) that may be Issued in 21 Geographic Areas in Unincorporated Tillamook County/Sarah Absher, Director, Department of Community Development
15. Discussion and Consideration of an [American Rescue Plan Act Subrecipient Agreement](#) with Consejo Hispano for Latinx Access in Tillamook County/Rachel Hagerty, Chief of Staff
16. Board Concerns
17. Board Announcements

ADJOURN

OTHER MEETINGS AND ANNOUNCEMENTS

The Commissioners will hold a Board Briefing on **Wednesday, August 2, 2023** at **2:00 p.m.** to discuss weekly Commissioner updates. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

There is **NO** Board meeting or Board Briefing scheduled for **Wednesday, August 9, 2023**. The Commissioners will be attending and participating in events at the Tillamook County Fair.

The Commissioners will attend a Forest Trust Land Advisory Committee meeting on **Friday, August 11, 2023** at **10:00 a.m.** The teleconference number is 1-669-900-6833, Conference ID: 987 458 389 63#.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Regulating Short-Term)	
Rentals, Establishing Standards and	)	ORDINANCE #84
Fees, Providing for a License, and	)	AMENDMENT #2
Creating Penalties for Violations of this)	
Ordinance)	

010 Title
020 Purpose and Scope
030 Definitions
040 Annual Short-Term Rental License Required, Basic Requirements for a License,
No Nonconforming Use Status Conferred
050 Application and Fees
060 Term of Annual License and Renewal
070 Application Required and Burden for License Approval and Renewal
080 Operational Requirements and Standards for Short-Term Rentals
090 Additional Inspections Required
100 Additional Requirements and Prohibitions
110 Implementation of this Ordinance and Application to Short-Term Rentals
Licensed and Operating on the Date of its Adoption
120 Violations
130 Penalties
140 Appeals of County Decisions Regarding Short-Term Rentals
150 Severability
160 Effective Date

The Board of Commissioners for Tillamook County ORDAINS as follows:

.010 Title. The provisions contained in this Ordinance are intended to authorize and regulate the short-term rental use of residential dwelling units on properties 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 and 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 licensing 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. Recognize the need to regulate short-term rentals within neighborhoods to ensure compatibility with, and livability of 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.
 5. Protect the character of the County's established neighborhoods by regulating the number, concentration, and scale of full-time short-term rentals in residential neighborhoods.
 6. Provide funding support for County housing development initiatives to address local affordable and workforce housing needs and increase availability of housing for people who want to live/work in Tillamook County.
- 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 license is revocable permission to operate a short-term rental, but only as provided in this Ordinance. A license 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 procedures 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 procedures and regulations shall be on file in the Office of the County Clerk 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 License.
- 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).
 - An emergency escape and rescue opening (ORSC R310).

- A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
 - A smoke alarm (ORSC R314.3) where required.
 - A carbon monoxide detector (ORSC R315.3) where required.
 - 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 the owner's designated agent for the Short-Term Rental, authorized to act for the owner on their behalf.
- G. "Contiguous" means adjoining, abutting, bordering or adjacent. For notification purposes contained in Section .050(7), adjacent also means directly across a road right-of-way.
- H. "County" means Tillamook County, Oregon.
- I. "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.
- J. "Daytime" means between the hours of 7:00 am to 10:00 pm.
- K. "Daytime Occupancy" means the hours between 7:00 am and 10:00 pm.
"Daytime occupants" means the guests who may occupy a short-term rental during a daytime occupancy.
- L. "Department" means the Tillamook County Department of Community Development.
- M. "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. For purposes of this Ordinance, "dwelling unit" does not include an accessory dwelling unit (ADU), yurt, recreational vehicle or similar mobile structure, or motorized vehicle designed and built for temporary vacation use.
- N. "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.

- O. "Estate Home" means a single-family dwelling with five (5) or more bedrooms.
- P. "Family Member" means any of the following: Your spouse or domestic partner, your child (biological, adopted, stepchild, or foster child), your spouse or domestic partner's child, or the child's spouse or domestic partner.
- Q. "Good Cause" for the purposes of denial, suspension, revocation, imposition of conditions, renewal and reinstatement of a Short-Term Rental License 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 License; 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.
- R. "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.
- S. "Hosted Homeshare" means the transient rental of a portion of a dwelling while the homeowner is present.
- T. "License" is the written certificate issued by Tillamook County acknowledging compliance with the applicable requirements of this Ordinance and granting permission to engage in the short-term rental of a dwelling unit pursuant to the terms of the license and this Ordinance. A "license" under this Ordinance also includes all permits that the County issued under previous versions of Ordinance 84 granting permission to operate an STR in unincorporated Tillamook County. As so defined, "License" under this and previous versions of Ordinance 84 is not a land use "permit" as defined in ORS 215.402(4) or a "land use decision" under ORS 197.015(10) and does not impart any property rights to the licensee. A License under this Ordinance is personal to the licensee and may only be transferred to another licensee in accordance with Section .060(C).
- U. "Nighttime Occupancy" means overnight occupancy between the hours of 10:00 pm and 7:00 am the next day. "Nighttime occupants" means the guests who may occupy a short-term rental overnight.
- V. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.
- W. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.

- X. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.
- Y. "Overnight" means between the hours of 10:00 pm to 7:00 am the following day.
- Z. "Owner" and "ownership" means one or more natural persons, a partnership, corporation or trust that owns and holds legal, equitable or beneficial title to the property as shown on the recorded title to the property. Any person or entity holding any ownership, equitable or beneficial interest in real property shall be considered an "owner" for purposes of this Ordinance. Officers, shareholders and members of corporations and LLCs that hold title to real property where an STR is located shall each be considered "owners" of that property. A change in corporate officers, shareholders or LLC members constitutes a change in ownership when the LLC or corporation holds title to the STR property.
- AA. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental License.
- BB. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".
- CC. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).
- DD. "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".
- EE. "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.
- FF. "Short-Term Rental" or "STR" means the transient rental of a dwelling unit in its entirety to any person on a day-to-day basis for a period of fewer than 30 days; includes advertising, offering, operating, renting, or otherwise making available or allowing any other person to make a dwelling unit available for occupancy or use as a transient dwelling unit. Short-Term Rental 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.
- GG. "Short-Term Rental License" means the annual license required by Section .040, described in this Ordinance, and referred to as a "license."

- HH. “Short-Term Rental 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.
- II. “Subarea” means those properties located within Tillamook County Unincorporated Communities and Incorporated City Urban Growth Boundaries (UGBs).
- JJ. “Subject Property” means the property on which the short-term rental is located.
- KK. “Transfer” means any change in ownership of the real property on which a dwelling licensed as a Short-Term Rental is located. A “transfer” occurs when there is any change in the owner(s) shown on title to the property reflected in the Tillamook County real property deed records or a change in the ownership of a corporation that holds title to the property.
- LL. “Transient rental” means to rent a dwelling unit for compensation on a less than a month-to-month basis.
- MM. “Unincorporated Communities” means those properties located within the Tillamook County Unincorporated Communities of Neahkahnie, Mohler, Barview/Twin Rocks/Watseco, Idaville, Cape Meares, Oceanside, Netarts, Siskeyville, Beaver, Hebo, Cloverdale, Tierra Del Mar, Pacific City/Woods, and Neskowin. (See Maps included in “Exhibit A”.)

.040 Annual Short-Term Rental License Required, Basic Requirements for a License, 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 License. “Advertise or offer” includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.

- A. *License Must Be Obtained and Maintained.* A Short-Term Rental License shall be obtained, maintained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. A Short-Term Rental License in unincorporated Tillamook County may be revoked for failure to operate a short-term rental in accordance with all requirements of the license 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 license.
- B. *Limitation of One (1) STR License per Licensee.* The County shall issue a maximum of one (1) short-term rental license for each qualified licensee. For purposes of this subsection, a “licensee” is one or more natural persons, a

partnership, corporation or trust seeking a short-term license, and to qualify as a separate, qualified “licensee” under this subsection, there can be no overlap of partners, LLC members, trustees, trust beneficiaries, corporate officers or shareholders with any other licensee. This provision applies only to applications for new STR licenses submitted after the effective date of this 2023 provision, not renewals or lawfully transferred licenses.

- C. *No Nonconforming Status Conferred.* The fact that an owner of property or other entity may hold a license 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 license.

- D. *Cap on Number of STR Licenses In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries.* The County shall establish, through Board Order, and may amend from time to time, a limit (“cap”) on the number of STR Licenses that can be issued for each of the following residential subareas in unincorporated Tillamook County (“subareas” as depicted in “Exhibit A”):
 - 1. Neahkahnie
 - 2. Mohler
 - 3. Barview/Twin Rocks/Watseco
 - 4. Idaville
 - 5. Siskeyville
 - 6. Cape Meares
 - 7. Oceanside
 - 8. Netarts
 - 9. Beaver
 - 10. Hebo
 - 11. Cloverdale
 - 12. Tierra del Mar
 - 13. Pacific City/Woods
 - 14. Neskowin
 - 15. Manzanita UGB
 - 16. Nehalem UGB
 - 17. Wheeler UGB
 - 18. Rockaway UGB
 - 19. Garibaldi UGB
 - 20. Bay City UGB
 - 21. Tillamook UGB

The County shall accept and may grant STR licenses up to the cap established in each subarea, after which it shall not issue any new licenses. For subareas where the cap has been reached, the County may still

grant renewals of existing STR licenses. If, at the time of application for a new STR license, there is not room within the applicable subarea cap to accommodate a new STR license, the County will return the application and place the applicant's name on a waitlist in the order the application was received. The County will contact applicants in their order on the waitlist as space for a new STR license comes available, and each will be allowed an opportunity to submit an application for a new STR license. The STR license application fee shall not be due or collected from applicants on a waitlist until an invited license applicant submits an application; however, the County shall charge a \$100 fee to place an applicant on a waitlist.

- E. *Density Limits outside of Subareas.* Unincorporated areas of Tillamook County that are outside of the 21 residential subareas listed in Subsection 040(D) shall be subject to a density limitation on the issuance of STR licenses. In unincorporated areas outside of the 21 subareas, no STR license application shall be accepted or approved where there is an existing STR license on a contiguous property. This density limitation applies only to applications for new STR licenses, not renewals, that are submitted after the effective date of this 2023 provision.
- F. *Renewal Eligibility.* A STR license must be actively used to be eligible for renewal. To be eligible for renewal, all STR licenses shall be actively used by short-term renting the dwelling a minimum of 30 days in the preceding year (12 months). If, at the time of renewal, the dwelling has not been short-term rented at least 30 days in the preceding year (12 months), the renewal shall be denied, and the dwelling not used as a STR unless the owner obtains a new license. This provision applies only to STR annual renewal applications submitted after January 1, 2025; however, the 30-day requirement may be waived for one year if the STR structure is damaged or destroyed by fire or other disaster or is actively being renovated pursuant to a valid building permit and cannot be short-term rented.

.050 License 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 transfer or alteration of an existing STR License:
 - 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 the contact person (authorized agent) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section .070.

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 notice of use of a property as a short-term rental to owners of neighboring properties contiguous to the rental property. Notification can be completed by mail or distributed by hand and shall contain the address of the rental property, 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. A written statement confirming notice to neighbors has been completed shall be submitted to the Department prior to issuance of a Short-Term Rental License.

Upon issuance of a new Short-Term Rental License or upon receipt of notification of change of the name of the contact person and/or representative responsible for the rental, the Department of Community Development shall provide notice to all properties within 150-feet of the rental property within 30 days of issuance of a new or updated license.

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 *receipt of* an application for a Short-Term Rental License or 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 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 and the County's Civil Enforcement procedures.
- C. *Incomplete Application.* If a short-term rental 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 null and void.
- D. *Licensing Fees.* The fee for application for a Short-Term Rental License, license renewal *or alteration of an existing license* shall be as established by Board Order.

.060 Term of Annual License and Renewal

- A. *Term.* A Short-Term Rental License is valid for one year (12 months) and shall be renewed annually by the last day of the month of the anniversary date of each ensuing year. Billing notice will be sent to the owner in the month prior to the license renewal date. Payment shall be due by the last business day of the anniversary month. If the payment is not received by the renewal date, a notice that the Department intends to terminate the license shall be sent to the contact person (if applicable) and the owner. This notice shall allow an additional thirty (30) days to comply with the renewal provisions and shall specify that failure to submit renewal payment will result in expiration of the license by the last business day of that month.

- B. If the contact person (authorized agent) changes during the 12-month period, the property owner or authorized agent shall notify the County in writing of the change within thirty (30) days of the change and provide all new contact and tax payment information. Change of contact person necessitating need for issuance of an updated license is an alteration to an existing Short-Term Rental License and shall be subject to a fee established by Board Order.
- C. *Transferability of STR Licenses.* Any STR License existing at the time of adoption of this 2023 Ordinance is eligible for one (1) transfer to another licensee who does not already have an STR license, after which, any new owner of the property is obligated to apply for a new license in its own name under the requirements that apply at that time. For purposes of this subsection, a “licensee” is one or more natural persons, a partnership, an LLC, corporation or trust holding title to or owning a short-term rental property. Thus, preexisting STR licenses on the date of adoption of this 2023 Ordinance may be transferred once from one such licensee to another, who does not already have an STR license, with a transfer of ownership of the property, after which all new owners must apply for a new STR license in their own name under the then-applicable requirements. This limitation on STR license transfers as property ownership transfers does not apply to ownership transfers within families, among family members (as defined herein), to a family trust, or among the members of an LLC consisting solely of family members. Such STR license transfers, as property is transferred between and among family members, a family trust, or a family LLC may occur without limitation, and the STR license will transfer with ownership of the property. All STR license holders shall notify the STR Administrator of any and all changes in property ownership within sixty (60) days of such changes. All new/initial STR Licenses issued after the adoption of this 2023 Ordinance shall not transfer when property ownership changes, in which case a transfer of ownership shall terminate the license, and the new owner must apply for a new STR license in their own name under the then-applicable requirements.

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

- A. *Application Required.* Applications for a Short-Term Rental License 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 applicable requirements for initial approval or annual renewal of the Short-Term Rental License. The applicable requirements 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 Section .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 (1) all-weather travel surface parking space shall be provided for every bedroom in the dwelling unit. 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 renewal to show the garage is available and large enough for vehicle parking. All required parking shall be on-site (off-street) except as follows:
 - a. 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 License. Off-site parking is subject to the requirements of Subsection .080(E).
 - b. Up to two (2) required parking spaces may be satisfied with on-street parking provided on-street parking is within 100-feet of the subject property boundaries and authorized by the Tillamook County Public Works Department. On-street parking spaces shall be a minimum size of 8-feet by 20-feet each, or a lesser dimension authorized by the Tillamook County Public Works Director. On-street parking proposals shall be reviewed by the Tillamook County Public Works Department. Written authorization of the parking spaces shall be submitted to the Department at the time of application submittal.
 - c. Designated parking is available for guests within a private development where authorization for use of parking in conjunction with a STR has been granted by the development Homeowner's Association (HOA). Written authorization from the HOA confirming use of off-site parking shall be submitted to the Department at the time of application submittal. The number and location of parking spaces authorized to be utilized in conjunction with the STR shall be included in the written authorization.
 2. Each off-street parking space shall be a minimum of 8-feet by 16-feet and configured in a manner that ensures parking spaces are accommodated within the property boundaries.
 3. No STR property shall have more than six (6) parking spaces total for overnight guests. Two (2) additional parking spaces may be allowed for

daytime guests. Parking shall not, under any circumstances, hinder the path of any emergency vehicle.

4. Access to approved parking spaces shall be designed to limit access onto the property through the defined road approach. Alterations to the road approach for purposes of off-street parking is subject to review and approval by the local road authority.
 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 direct renters to the parking diagram for the rental property to ensure use of off-street parking are prioritized 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. *License Approval and Annual Renewal Standards.* To receive approval, license renewal, or maintain a license, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the requirements and standards in Section .080 are satisfied.
- G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental License following adoption of this 2023 Ordinance and within 90 days of renewal every third year thereafter, the applicant must obtain and provide to the County evidence of compliance with the satisfactory inspections described in Section .090.

.080 Operational Requirements and Standards for Short-Term Rentals. To qualify to obtain or retain a license, 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 License.

- A. *Maximum Occupancy.* The maximum nighttime 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 nighttime occupancy of six (6) people plus up to three (3) 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 license renewal and upon physical inspection of the short-term rental.

- B. Regardless of the number of bedrooms, the maximum nighttime occupancy of an STR shall not exceed 10 (ten) persons plus three (3) children aged twelve (12) and under.
- C. The owner of an Estate Home shall be exempt from subsection (B) of this section and is allowed a maximum nighttime occupancy of up to fourteen (14) persons plus up to three (3) children, age 12 or under, to occupy the short-term rental.
- D. The maximum daytime occupancy for any short-term rental shall be limited to the nighttime maximum occupancy plus six (6) additional people. For example, a two-bedroom dwelling unit is permitted for 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 a 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 accommodate no more than two (2) parking spaces to satisfy this requirement. Where licensing 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 License.
- F. *Quiet Hours.* The hours of 10:00 pm to 7:00am the following day are quiet hours, and there shall be no amplified music or other noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property. The owner or contact person shall respond to all noise complaints during quiet hours within 30 minutes of when the County's STR complaint dispatch center sends a message about a received complaint regarding the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.
- G. *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.

- H. *No unpermitted improvements or bedrooms.* All electrical, structural, plumbing, venting, mechanical and other improvements made to a licensed short-term rental shall be fully permitted. Any sleeping area used as a bedroom shall be inspected and permitted in accordance with the requirements 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 be utilized as part of the short-term rental. Areas not approved for use as a bedroom shall not be included in the maximum occupancy calculation for the short-term rental. The contact person shall notify every renter, in writing, that the non-compliant bedroom may not be used for sleeping.
- I. *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 30 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 licensing, but only by revising the license 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 30 minutes of being summoned shall be a violation of this Ordinance.
- J. *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 license application and renewal. The contact person shall be responsible for completing the fire safety checklist as part of the renewal process to ensure continued compliance. A copy of the signed fire safety checklist shall be submitted to the Department at the time of application for a new STR License and at the time of renewal of an existing Short-Term Rental License 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. Smoke detectors shall be placed and maintained in each bedroom, outside each bedroom in its immediate vicinity and in each additional story and basement without a bedroom.
6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom and 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 handrail.
9. All interior and exterior guardrails, such as deck railings, shall be able to withstand a 200-pound impact force.
10. 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.
11. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties.
12. The house number shall be prominently displayed and maintained, and be visible from the road right-of-way.

K. 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 shall be 5.7 square feet. Minimum net clear height is 24 inches and net clear width is 20 inches. The Building Official may allow 5 square feet net clear opening at grade floor openings or below grade.
2. For all dwelling units constructed prior to the adoption of this Ordinance, every bedroom 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 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 garbage containers with securable covers in compliance with franchise requirements that ensure the collected solid waste is not susceptible to wildlife intrusion and weather elements. 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. *Interior Mandatory Postings.* Mandatory postings 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. Mandatory postings include the following:
1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration. The license shall include the following information:
 - a. The number of bedrooms and maximum occupancy permitted for the short-term rental;
 - b. The number of approved parking spaces;
 - c. Any required information and conditions specific to the Short-Term Rental License; and
 - d. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental.
 2. For those properties located within a tsunami inundation zone, a copy of an Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Evacuation Brochure shall be posted in a visible location as close as possible to the main entrance of the short-term rental. The brochure shall be furnished by the Tillamook County Department of Community Development at the time of Short-Term Rental License issuance and renewal.
 3. Good Neighbor Policy and Guidelines. The property owner and contact person shall acknowledge the County's Good Neighbor Policy, and shall post them in every short-term rental.

- O. *Exterior Mandatory Posting.* Exterior signage shall be installed outside of the dwelling unit and shall be of adequate size so that the following required information on the exterior sign is easily read from the road right-of-way:
1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County;
 2. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental;
 3. The property address;
 4. The name of the contact person (or entity) and a telephone number (optional).
- P. No recreational vehicle, yurt, travel trailer, tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including a recreational vehicle is permitted in conjunction with a short-term rental.
- Q. 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.

.090 Additional Inspections Required. To merit approval of an initial (first year) Short-Term Rental License 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:

- A. *Inspection Required.* The owner of the short-term rental dwelling unit shall obtain an inspection by the County Building Inspector to inspect the dwelling unit and determine 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 owner or contact person shall contact the Department within thirty (30) days of applying for the license to schedule the required inspection by the County Building Inspector and ensure that entry to the dwelling can be granted by a person eighteen (18) years of age or above.

The inspection and certification shall include compliance with electrical, structural, and ventilation requirements. A Short-Term Rental License shall not be issued until the short-term rental passes inspection by the County Building Inspector.

- B. *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 application shall be denied, 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 (*septic 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. Demonstration of system adequacy is required at the time of STR application submittal.
1. If the system was installed more than five (5) years from the time of STR application submittal, 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 five (5) years of the date of the Short-Term Rental 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 review of an ESER or AN, or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. A Short-Term Rental License shall not be issued 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, the Short-Term Rental application shall be denied.
 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, 2024. 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 License. The Onsite

Wastewater Division is the delegated authority to determine 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 Unincorporated Tillamook County.

- A. *Advertising and Short-Term Rental License 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 thirty (30) 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 determined by the STR Administrator to be a violation of this Ordinance shall be subject to Section .130.
 - 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 License, 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.* Events and activities that exceed maximum overnight or daytime occupancy limits.
 2. Events and activities for which a Temporary Use Permit is required and has not been issued.
 3. Unattended barking dogs.
 4. Activities that exceed noise limitations contained in this Ordinance.

.110 Implementation of this Ordinance and Application to Short-Term Rentals

Licensed on the Date of its Adoption. All Short-Term Rentals and their owners who obtain their first/initial License after the adoption of this 2023 Ordinance shall comply with, or otherwise implement, all provisions in this Ordinance at the time of licensing and each renewal thereafter. Preexisting valid licensees existing on the date of adoption of this 2023 Ordinance shall comply with, or otherwise implement, the requirements of Section .070 (Application Required and Burden for Application Approval and License Renewal) and Section .080 (Operational Requirements and Standards for Short-Term Rentals) beginning with their first renewal after January 1, 2024, and every year thereafter. Preexisting valid licensees existing on the date of adoption of this 2023 Ordinance shall comply with, or otherwise implement, the requirements of Section .090 (Additional Inspections Required) beginning with their first third-year renewal after January 1, 2024, and every three years thereafter.

.120 Violations. In addition to complaints related to nuisance and noise and other violations of Tillamook County Ordinances, 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 License.
- 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 License 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 License.

.130 Penalties.

- 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 License and cessation of use of the dwelling unit for short-term tenancy:
 - 1. Failure to renew a Short-Term Rental License as required by Section .060 while continuing to operate a short-term rental.
 - 2. Three (3) or more verified violations of any local ordinance, state or federal regulation within a 12-month period.
 - 3. The discovery of material misstatements or that the license application included false information for a Short-Term Rental License or renewal shall be grounds for immediate revocation of the license.
 - 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 license.
 - 5. Upon an emergency suspension or revocation of a Short-Term Rental License 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 License 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, revoking or sanctioning a Short-Term Rental License may be challenged, if at all, only pursuant to this section.

- A. *Filing Requirements – Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental License.
- 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 license application, license 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 Board Order, a fee for filing an appeal, 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, and complaints about the short-term rental or property.

- 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 License, 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 License, operation of the short-term rental may continue under the Short-Term Rental License.
- 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.

.160 Effective Date. The Board of Commissioners finds that the enactment of this Ordinance is necessary for the public health, safety and general welfare, that an emergency exists, and this Ordinance shall take effect immediately upon passage by the Board of County Commissioners on the date of its adoption.

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Date of First Reading: May 30, 2023.
Date of Second Reading: June 13, 2023.
Date of Third Reading: July 6, 2023.

ADOPTED this 19th day of July, 2023.


BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON


Erin D. Skaar, Chair



Mary Faith Bell, Vice-Chair


David Yamamoto, Commissioner


ATTEST: Tassi O'Neil, County Clerk

By: 
Debra Garland, Special Deputy

Aye	Nay	Abstain/Absent
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APPROVED AS TO FORM:


William K. Sargent, County Counsel

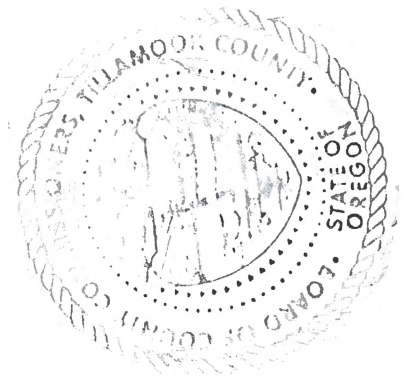
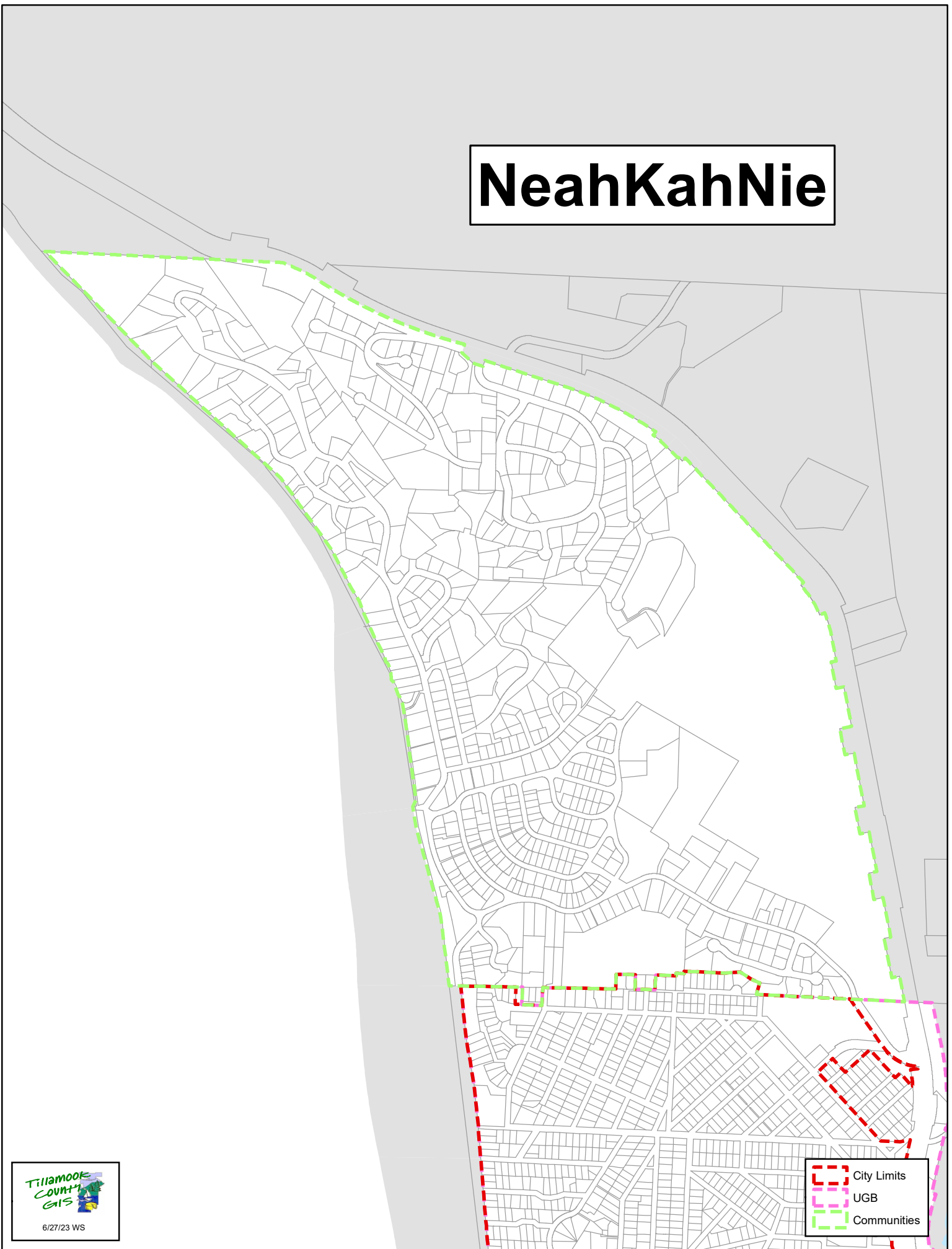


EXHIBIT A

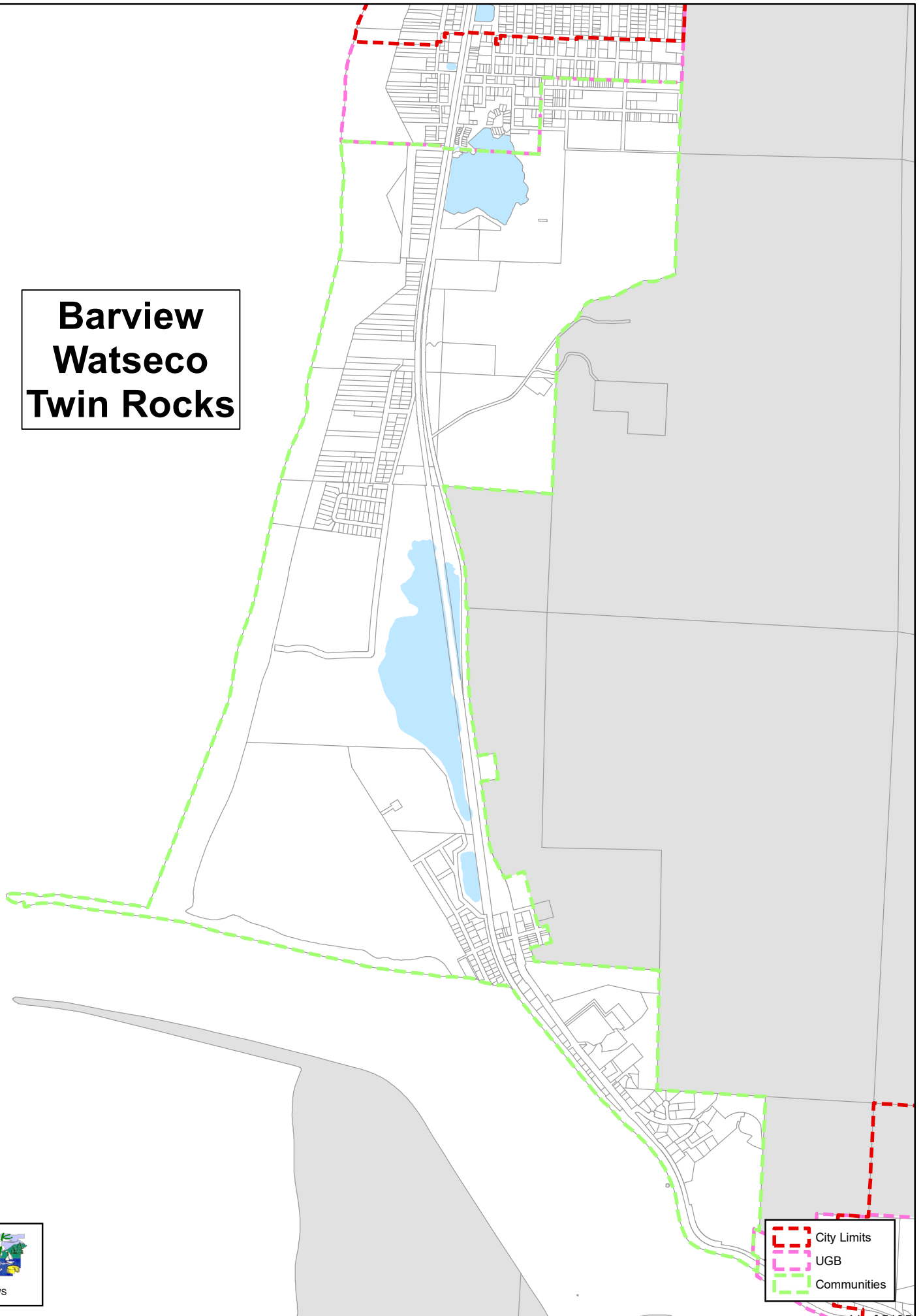
Residential Subareas in Unincorporated Tillamook County

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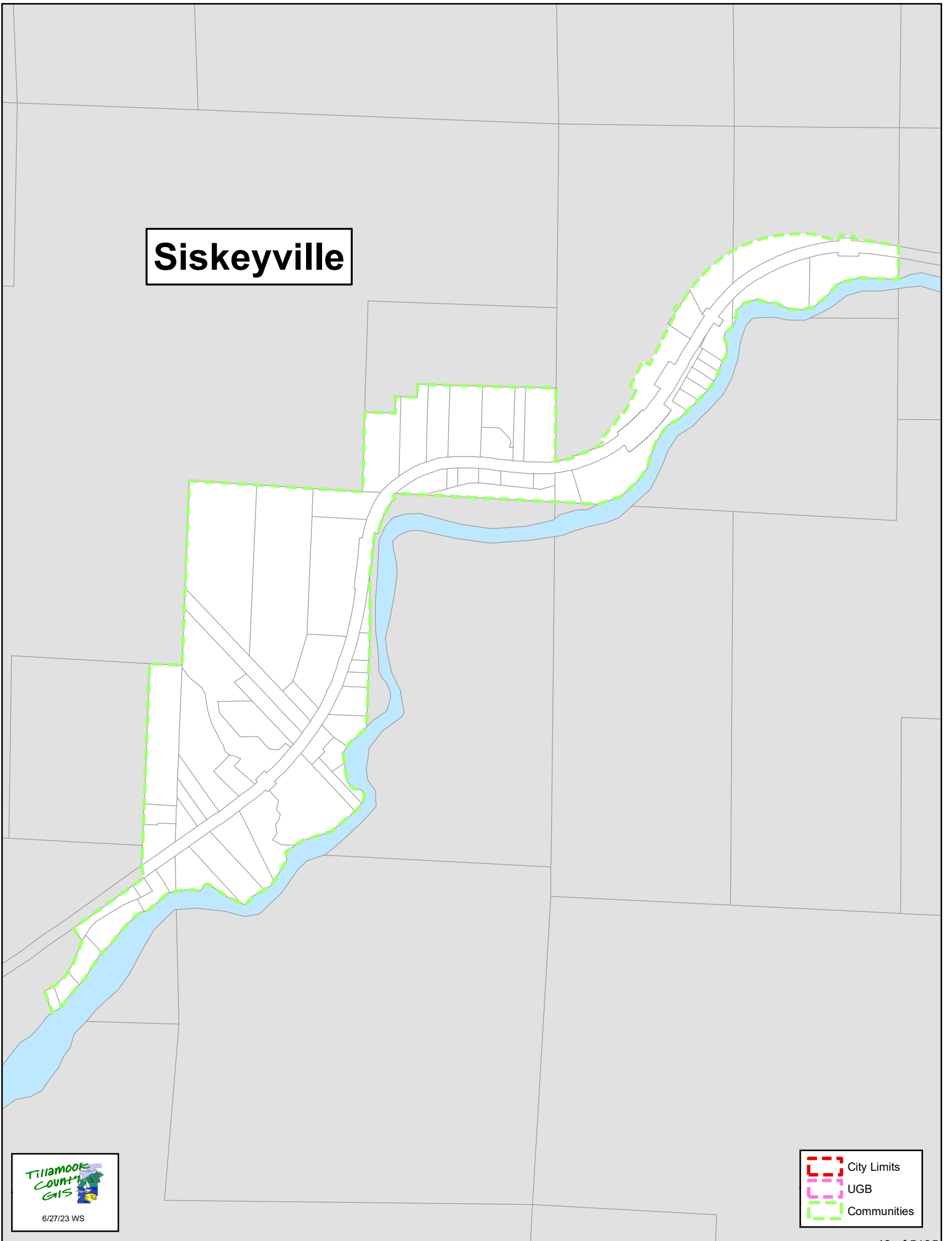
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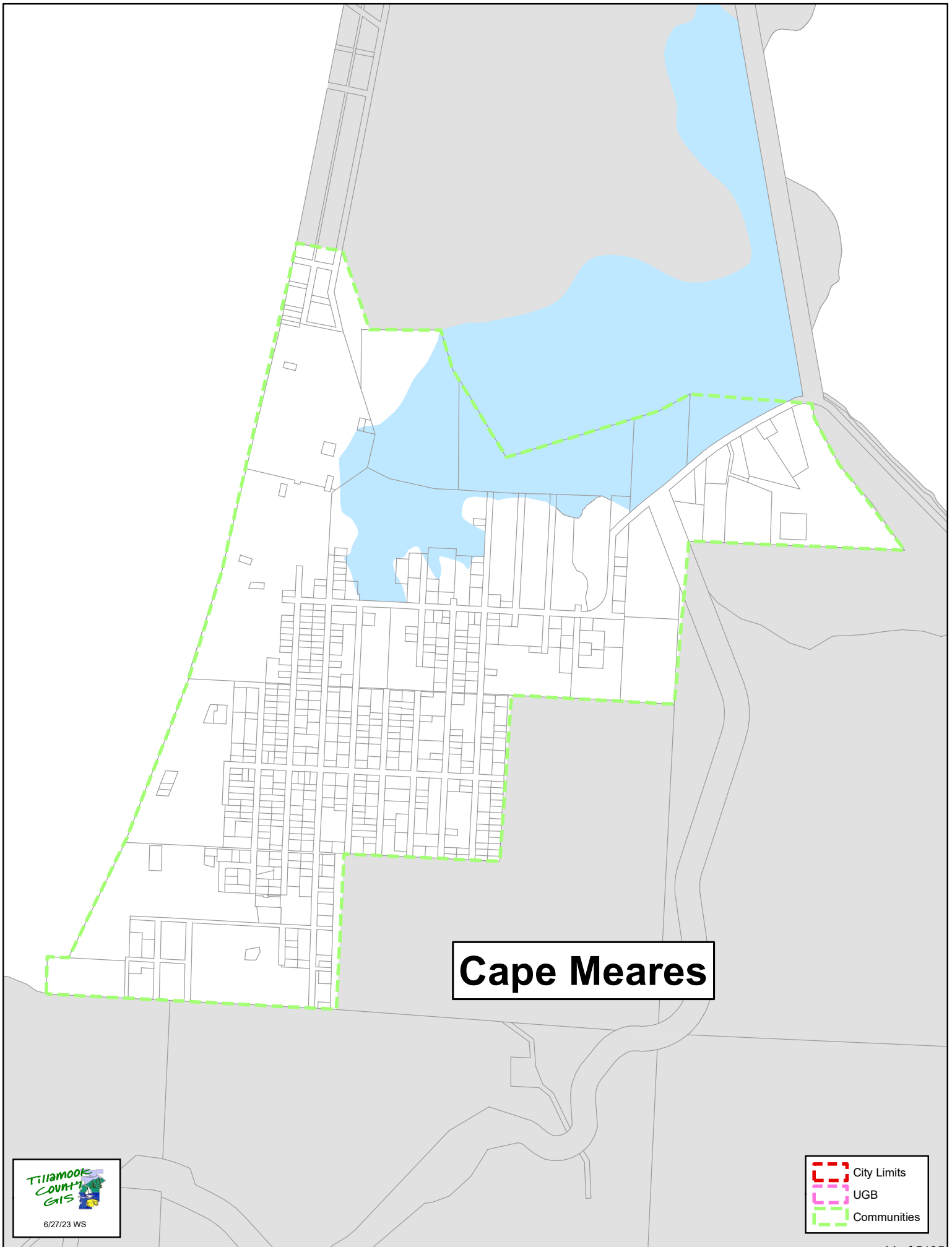
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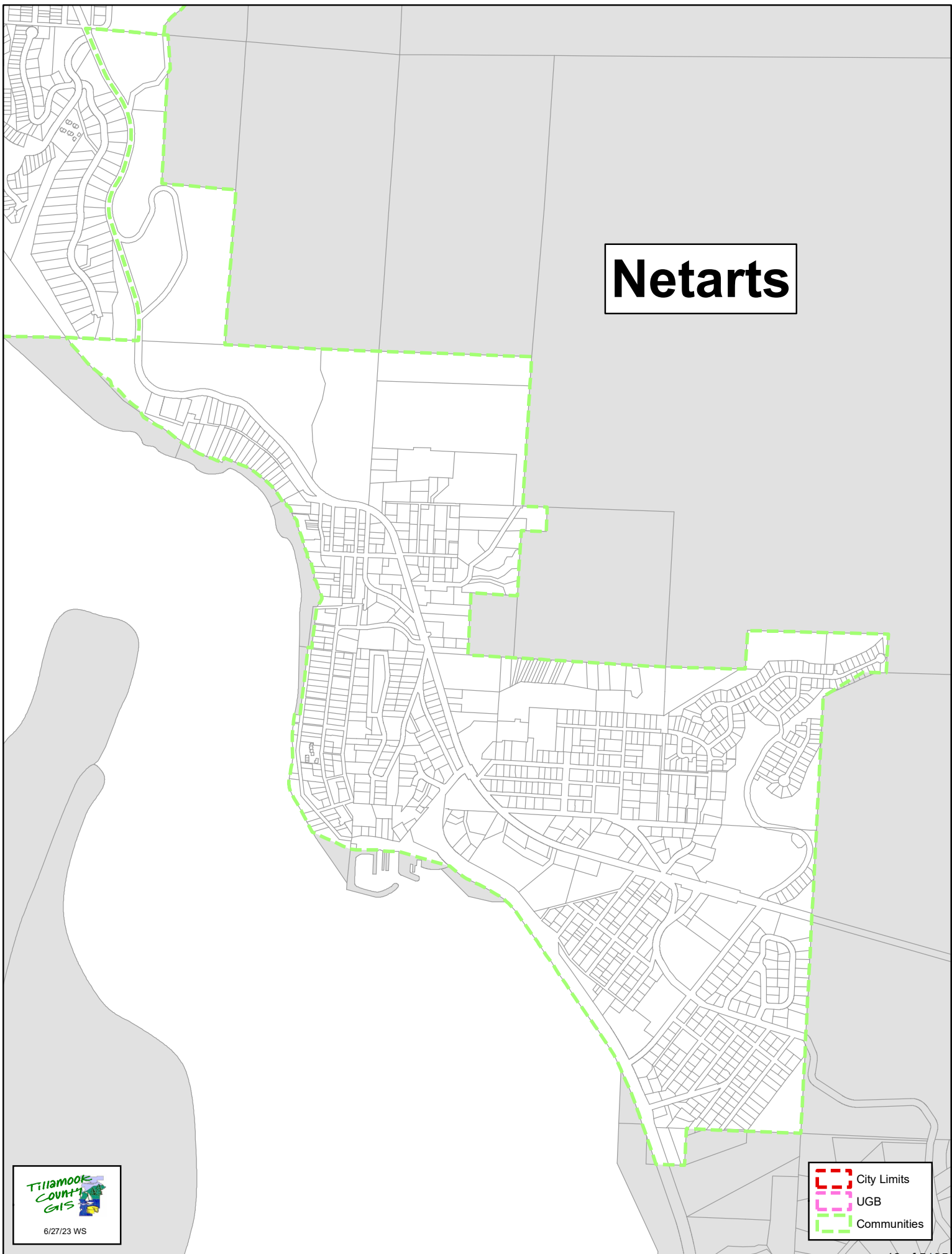




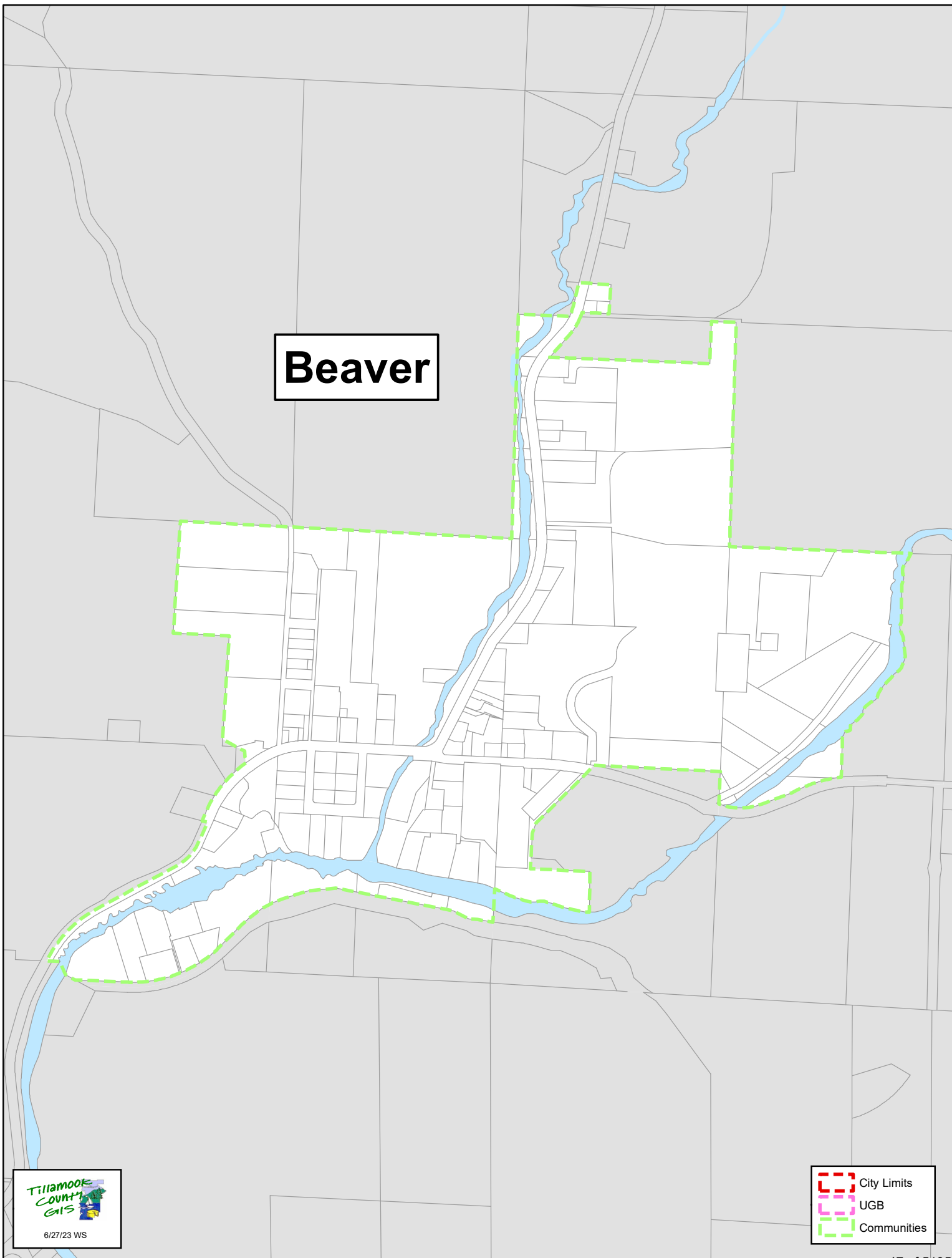
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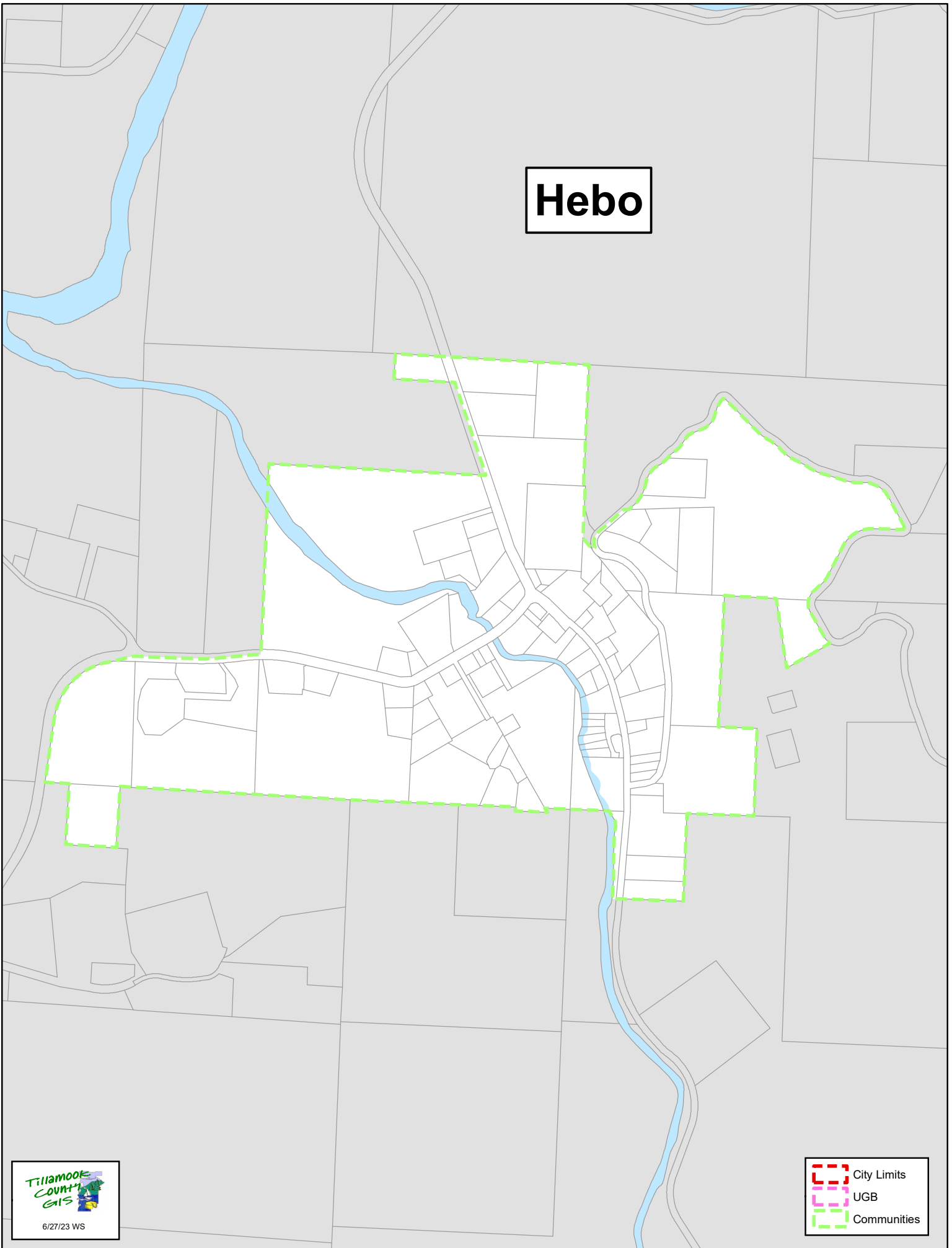
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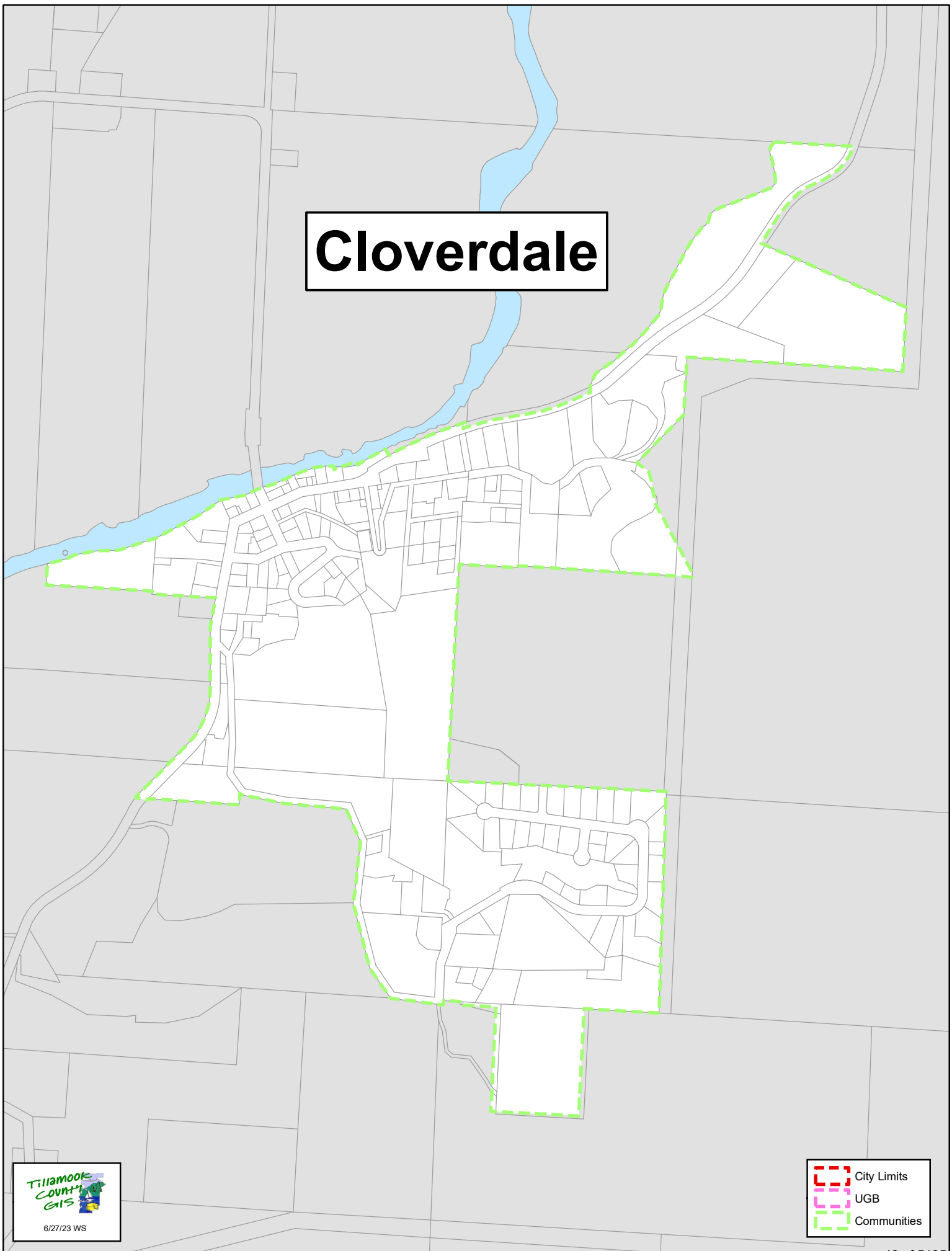
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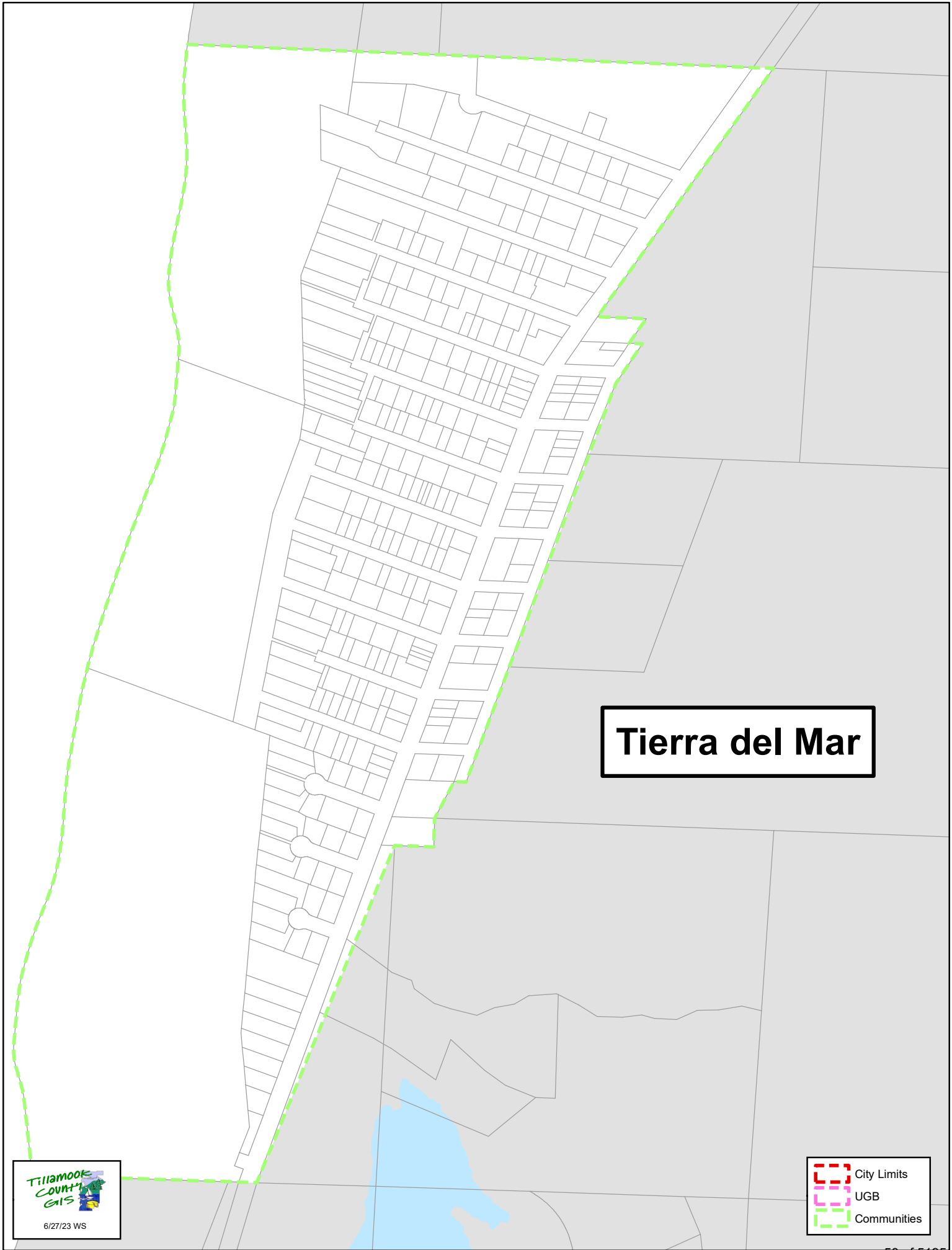


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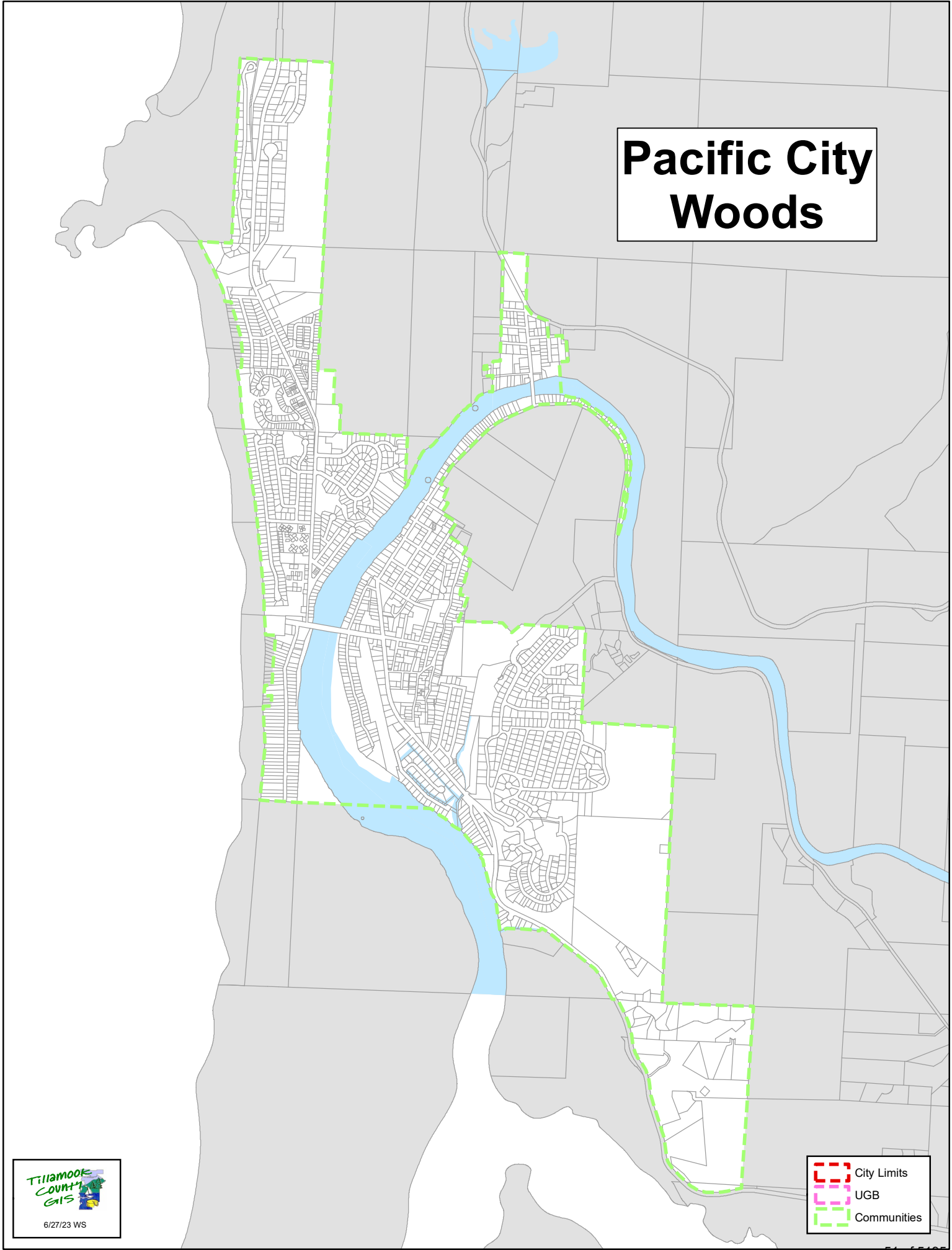
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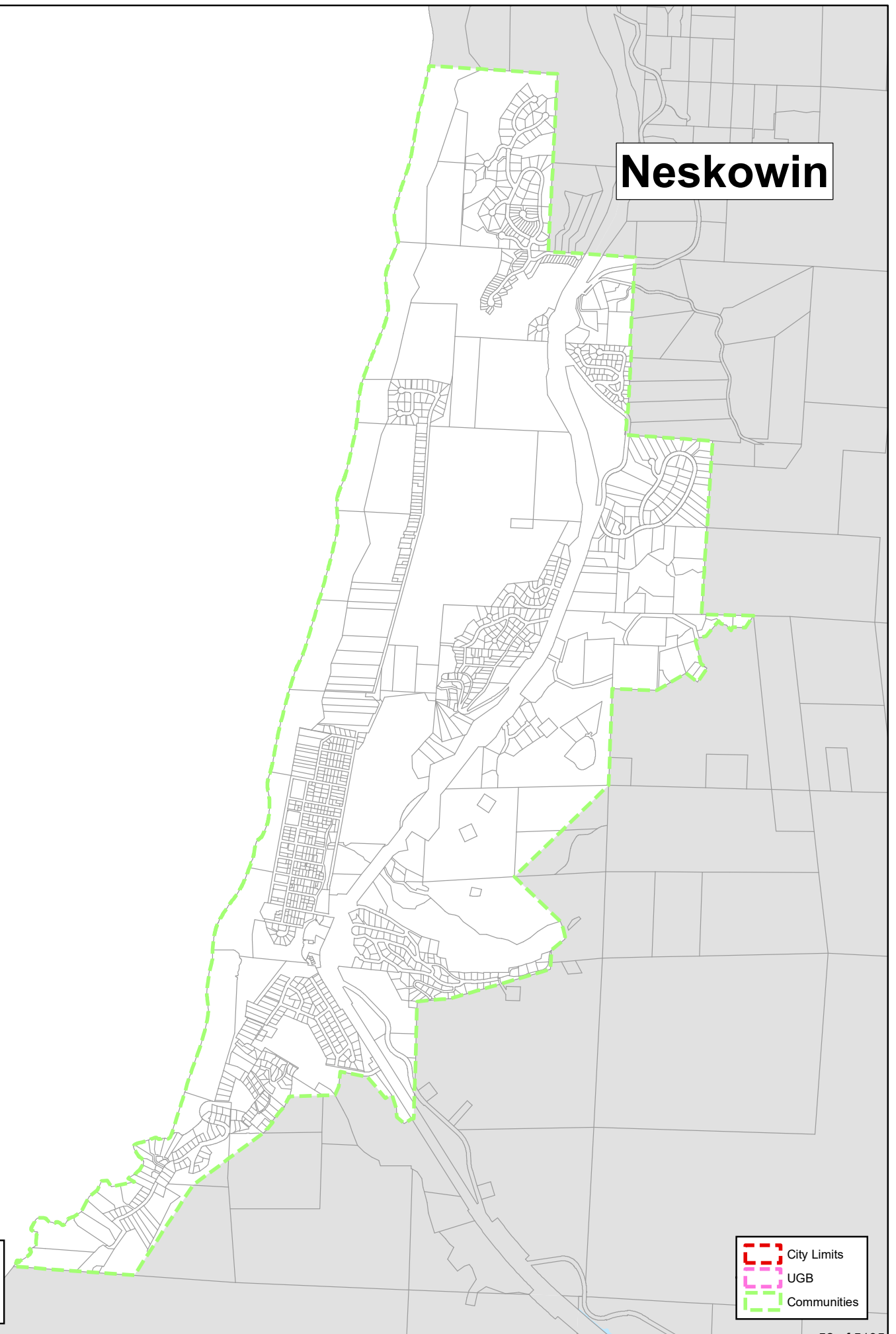


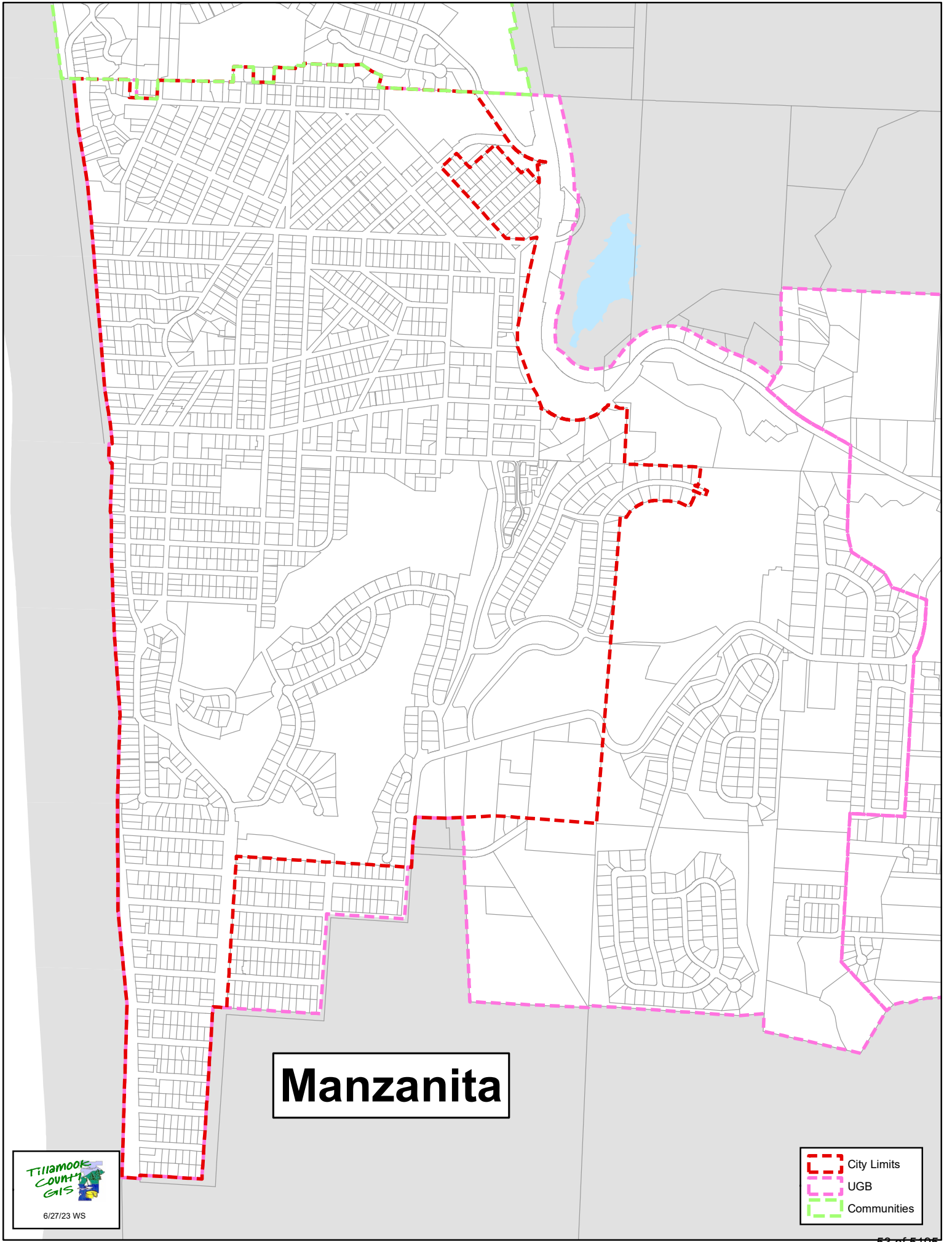
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Pacific City Woods



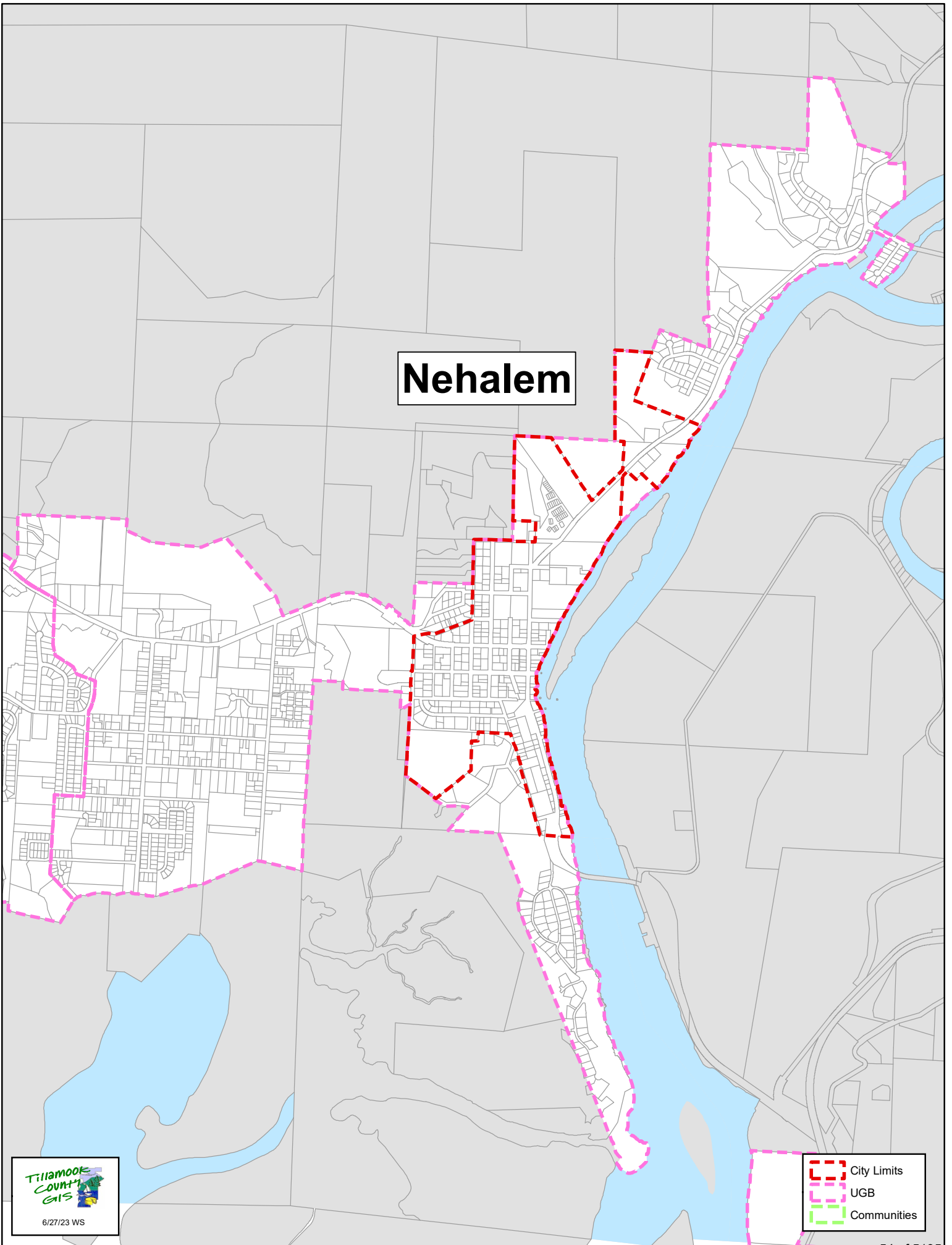
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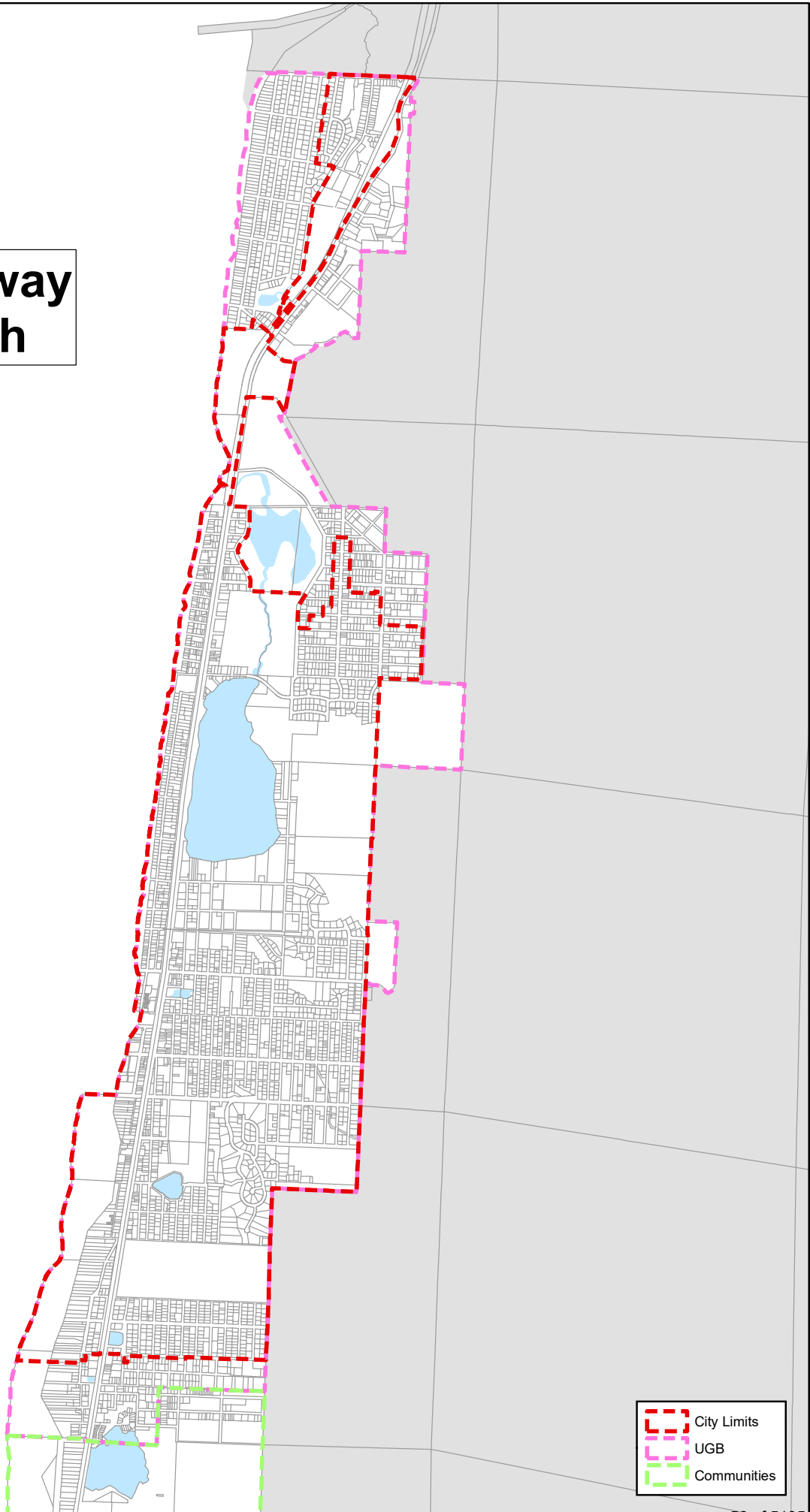
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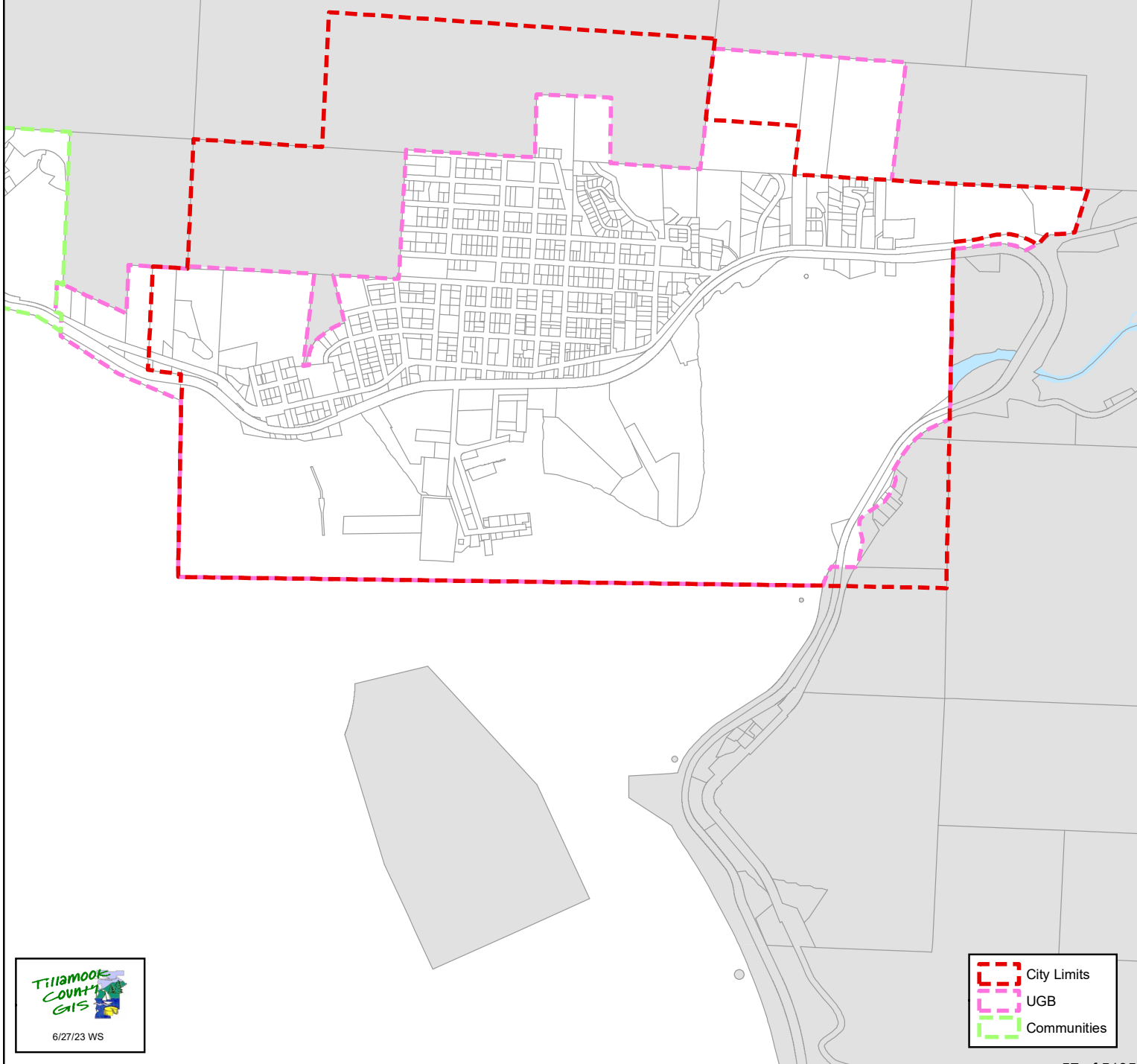


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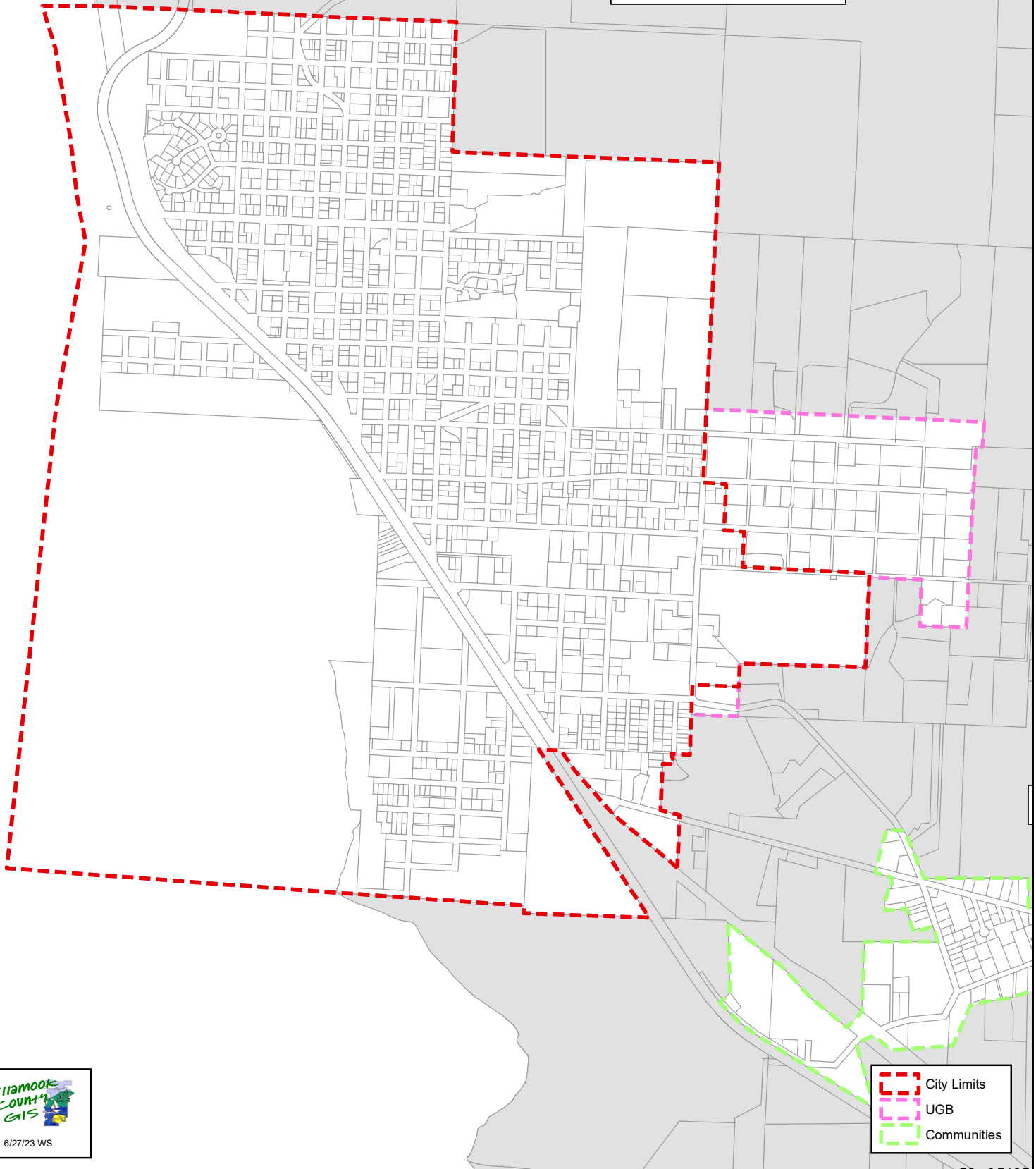
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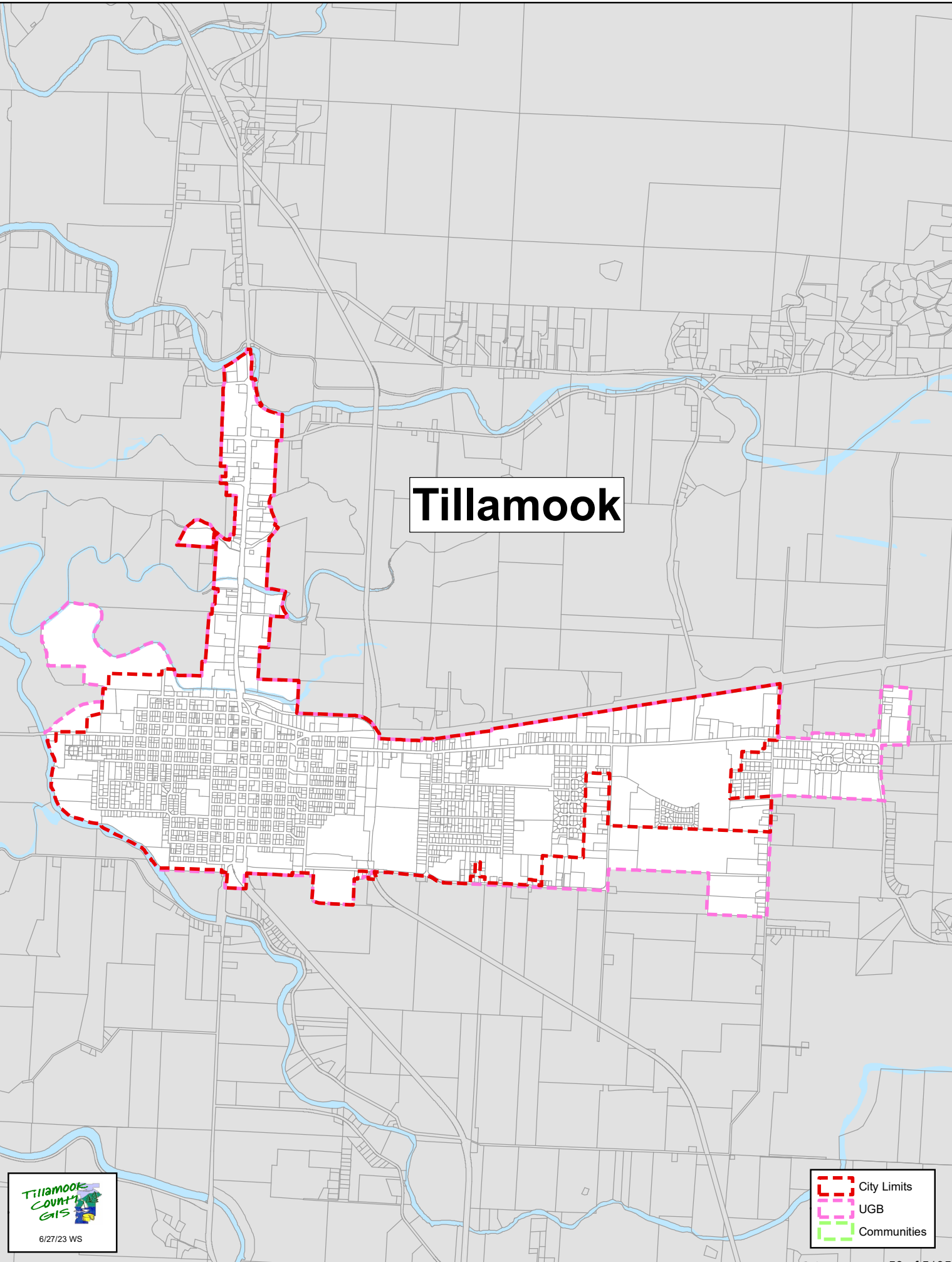
Garibaldi



Bay City



Tillamook



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Amending the Short-	)	ORDER
Term Rental Program Fee Schedule	)	#23- <u>049</u>
for the Department of Community)	
Development)	

This matter came before the Tillamook County Board of Commissioners on July 19, 2023, at the request of Sarah Absher, Director, Department of Community Development. The Board of Commissioners, being fully apprised of the records and files herein, finds as follows:

1. The current fee schedule set forth in this order has not been revised since adoption of Ordinance 84, Amendment #1 on April 17, 2019.
2. The current fee schedule does not accurately reflect the current costs of administration of the County's Short-Term Rental Program, providing desirable levels of service to the residents and property owners of Tillamook County.
3. The fees for administration of the County's Short-Term Rental Program need to be increased to improve cost recovery for the provision of necessary and required services to process and issue permits.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

4. The fee schedule shall be revised as set forth in the attached Exhibit A, which is incorporated herein by reference as though set forth in full.
5. This order shall become effective July 19, 2023.

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DATED THIS 19th day of July, 2023.

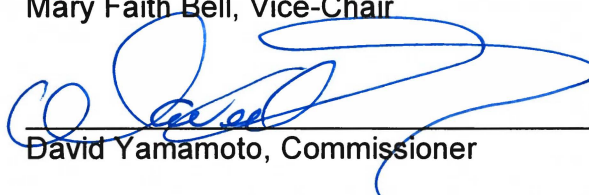
THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON


Erin D. Skaar, Chair

Aye	Nay	Abstain/Absent
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Mary Faith Bell, Vice-Chair

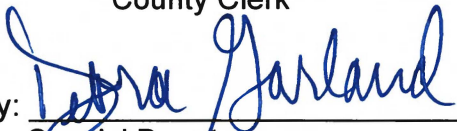
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David Yamamoto, Commissioner

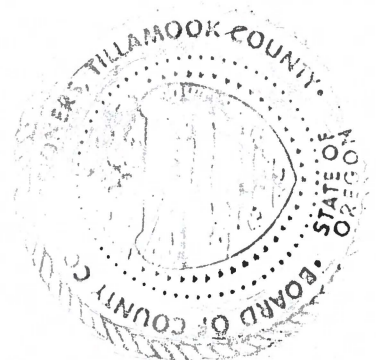
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ATTEST: Tassi O'Neil
County Clerk

APPROVED AS TO FORM:

By: 
Special Deputy


William K. Sargent, County Counsel



“EXHIBIT A”

STR Licensing Fees. The fee for application for a Short-Term Rental License, license renewal or alteration of an existing license shall be as follows:

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. A 3-year inspection fee of \$100.
4. 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.
5. Any alteration to an existing Short-Term Rental License related to change of contact person or agent, or any other alteration necessitating need for issuance of an updated license shall be subject to a review fee of \$100. Alterations to an existing STR License requiring a reinspection of the STR shall also be subject to a \$100 reinspection fee.

STR Waitlist Fee. The applicant shall pay a \$100 fee to be placed on the subarea waitlist in accordance with the provisions of Subsection .040(D).

Fee for Appeal. The fee for filing an appeal of a decision by the County approving, denying, revoking or sanctioning a Short-Term Rental License shall be \$500.



TILLAMOOK COUNTY BOARD OF COMMISSIONERS NOTICE OF MEETING AGENDAS

BOARD OF COMMISSIONERS

Erin D. Skaar, Chair
eskaar@co.tillamook.or.us

Mary Faith Bell, Vice-Chair
mfbell@co.tillamook.or.us

David Yamamoto, Commissioner
dyamamoto@co.tillamook.or.us

CONTACT

Tillamook County Courthouse
201 Laurel Avenue
Tillamook, Oregon 97141
503.842.3403
www.co.tillamook.or.us

COMMUNITY UPDATE MEETING

Tuesday, July 18, 2023 at 8:00 a.m.

Teleconference and KTIL-FM at 95.9

BOARD MEETING

Wednesday, July 19, 2023 at 9:00 a.m.

Board of Commissioners' Meeting Room 106

County Courthouse, Teleconference, and Live Video at tctvonline.com

JOIN THE BOARD OF COMMISSIONERS' MEETINGS

The board is committed to community participation and provides opportunity for public attendance during meetings via in-person and teleconference.

- **Community Update Meetings: Tuesdays at 8:00 a.m.**
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Radio: KTIL-FM at 95.9
- **Board Meetings: Wednesdays at 9:00 a.m.**
 - County Courthouse: Board of Commissioners' Meeting Room 106, 201 Laurel Avenue, Tillamook
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Live Video: tctvonline.com

MEETING INFORMATION AND RULES

- Matters for discussion and consideration by the board shall be placed on an agenda prepared by the staff and approved by the board chair. Any commissioner may request items on the agenda.
- Public hearings are formal proceedings publicized through a special public notice issued to media and others. Public hearings held by the board are to provide the board an opportunity to hear from the public about a specific topic. Public hearings are therefore different regarding audience participation at board meetings.
- Commissioners shall be addressed by their title followed by their last name.
- Commissioners shall obtain approval from the chair before speaking or asking questions of staff, presenters, and public. As a courtesy, the chair shall allow an opportunity, by the commissioner who has the floor, to ask immediate follow-up questions.
- A majority of the board shall constitute a quorum and be necessary for the transaction of business.
- All board meeting notices are publicized in accordance with public meeting laws.
- All board meetings shall commence with the Pledge of Allegiance.
- The chair will utilize the gavel as needed to maintain order, commence and adjourn meetings, and signal approval of motions.
- The board reserves the right to recess to executive session as may be required at any time during these meetings, pursuant to ORS 192.660(1).
- The courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing visual, or manual impairments who wish to participate in the meeting, contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

PUBLIC COMMENT

- Providing public comment is an opportunity for constituents to be heard and express their views to the board.
- The board allows public comment at board meetings during the public comment period designated on the agenda.
- Comments are limited to one per person and per agenda item.
- Comments must be related to the agenda item(s) previously registered to comment on.
- The allotted time for public comments is two minutes per person; this time may not be allotted to another speaker. The chair may, at their sole discretion, further limit or expand the amount of time.
- The public comment opportunity is not a discussion, debate, or dialogue between the speaker and the board, which may or may not respond.
- Members of the public do not have the right to disrupt the meeting; the board may prohibit demonstrations such as booing, hissing, or clapping.
- Remarks containing hate speech, profanity, obscenity, name calling or personal attacks, defamation to a person, people, or organization, or other remarks the board deems inappropriate will not be allowed.
- Failure to follow all rules and procedures may result in not being able to provide public comment and/or being removed from the meeting.

In-Person Procedures

- Sign in before the meeting begins and indicate your desire to provide public comment and which agenda item you would like to comment on. When your name is announced, please come forward to the table placed in front of the dais and for the record, first identify yourself, area of residence, and organization represented, if any.

Virtual Procedures

- Register by sending an email to publiccomments@co.tillamook.or.us by 12:00 p.m. on the Tuesday prior to the board meeting. The email must contain all of the following information:
 - Full name, area of residence, and phone number.
 - Agenda item(s), you wish to comment on.
- Once registered, and before the start of the meeting, board staff will email a Microsoft Teams meeting link.
- When logged in to the meeting you must remain muted with your camera off until your name is called, then you unmute and turn on your camera.
- The chair may require those providing virtual comment to turn on their camera while providing comment or testimony.

Written Procedures

- Written comments may be mailed to 201 Laurel Avenue, Tillamook, Oregon 97141 or emailed to: publiccomments@co.tillamook.or.us.
- Written comments received by 12:00 p.m. on the Tuesday prior to the board meeting will be distributed to the board and posted online. All written comments submitted become part of the permanent public meeting record.

AGENDAS

COMMUNITY UPDATE

CALL TO ORDER: Tuesday, July 18, 2023 8:00 a.m.

1. Welcome and Board of Commissioners' Roll Call
2. Adventist Health Tillamook
3. Coastal Caucus
4. Tillamook County Community Health Center
5. Nehalem Bay Health Center & Pharmacy
6. Tillamook Family Counseling Center
7. Sheriff's Office
8. Emergency Management
9. Board of Commissioners
10. Cities
 - a. Manzanita
 - b. Nehalem
 - c. Wheeler
 - d. Rockaway Beach
 - e. Garibaldi
 - f. Bay City
 - g. Tillamook
 - h. South County

ADJOURN

MEETING

CALL TO ORDER: Wednesday, July 19, 2023 9:00 a.m.

1. Welcome & Request to Sign Guest List
2. Pledge of Allegiance
3. Public Comment
4. Non-Agenda Items

LEGISLATIVE – ADMINISTRATIVE

5. Discussion and Consideration of an [Application](#) for an Oregon Emergency Management Performance Cost-Share Grant (EMPG)/Randy Thorpe, Director, Emergency Management
6. Discussion and Consideration of a [Memorandum of Understanding](#) with Oregon Department of Human Services Office of Resilience and Emergency Management for Placement of Industrial Air Scrubbers in Tillamook County/Randy Thorpe, Director, Emergency Management
7. Discussion and Consideration of [Professional Services Agreement](#) #23/24-001 with Tillamook Family Dentistry for Federally Qualified Health Center (FQHC) Oregon Health Plan Medicaid and Non-Insured Dental Services/Marlene Putman, Administrator, Health and Human Services
8. Discussion and Consideration of an [Order in the Matter of the Appointment](#) of a Member to the Northwest Area Commission on Transportation/Commissioner Erin Skaar
9. Discussion and Consideration of a [Letter of Support](#) to the Department of Land Conservation and Development for the City of Manzanita's Application for a Senate Bill 406 Housing Planning Assistance Grant/Commissioner Erin Skaar
10. Discussion and Consideration [of Amendment #2 to Ordinance #84 in the Matter of Regulating Short-Term Rentals](#), Establishing Standards and Fees, Providing for a License, and Creating Penalties for Violations of this Ordinance/Sarah Absher, Director, Community Development
11. Discussion and Consideration of an [Order in the Matter of Amending the Short-Term Rental Program Fee Schedule](#) for the Department of Community Development/Sarah Absher, Director, Community Development
12. Discussion Concerning Implementation of a Cap on Short-Term Rentals in Unincorporated Tillamook County/Sarah Absher, Director, Community Development

13. Board Concerns
14. Board Announcements

ADJOURN

OTHER MEETINGS AND ANNOUNCEMENTS

The Local Public Safety Coordinating Council (LPSCC) teleconference will be held on **Monday, July 17, 2023** at **12:00 p.m.** The teleconference number is 1-971-254-3149, Conference ID: 155 859 952#.

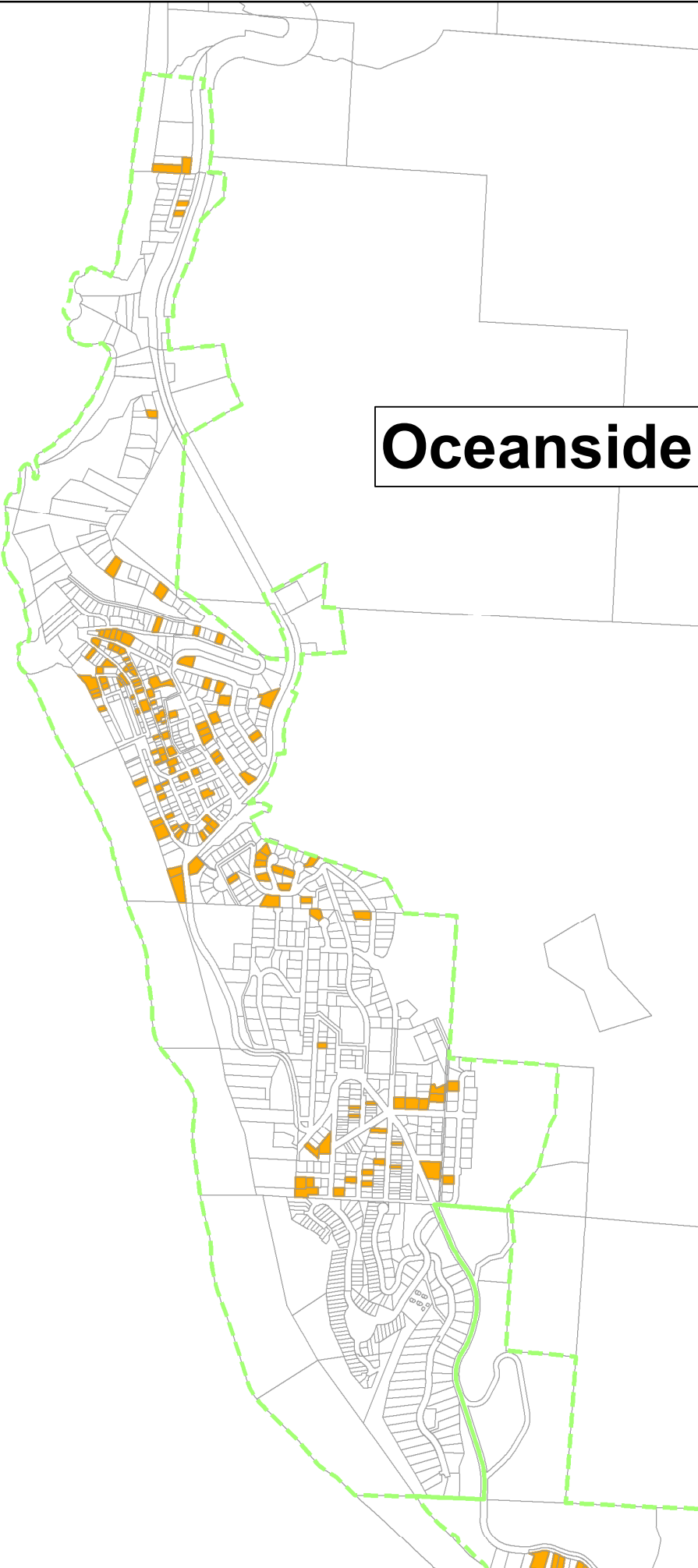
The Commissioners will hold a Board Briefing on **Wednesday, July 19, 2023** at **2:00 p.m.** to discuss weekly Commissioner updates. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

SUBAREA	DWELLING UNITS	STR LICENSE 2023	JULY 2023 %	<u>NEW STR WAITLIST</u>	<u>ADJUSTED %</u>	1%	1.5%	2%
NEAHKAHNIE	409	82	20%	0	20%	86 4	88 6	90 8
BARVIEW/TWIN ROCKS/WATSECO	254	39	15%	1	16%	43 3	44 4	46 6
CAPE MEARES	237	31	13%	1	14%	36 4	37 5	38 6
OCEANSIDE	693	129	19%	0	19% (18.6%)	139 10	142 13	146 16
NETARTS	766	102	13%	2	14%	115 11	119 15	123 19
TIERRA DEL MAR	235	51	22%	2	23%	56 3	58 5	59 6
PACIFIC CITY/WOODS	1392	316	23%	7	23%	334 11	341 18	348 25
NESKOWIN	908	179	20%	1	20%	191 11	195 15	200 20
MANZANITA UGB	362	41	11%	1	12%	47 5	49 7	51 9
NEHALEM UGB	493	16	3%	0	3%	20 4	22 6	25 9
WHEELER UGB	1	0	0%	0	0%	1	1	1
ROCKAWAY BEACH UGB	482	78	16%	2	17%	87 7	89 9	92 12
GARIBALDI UGB	3	0	0%	0	0%	1	1	1

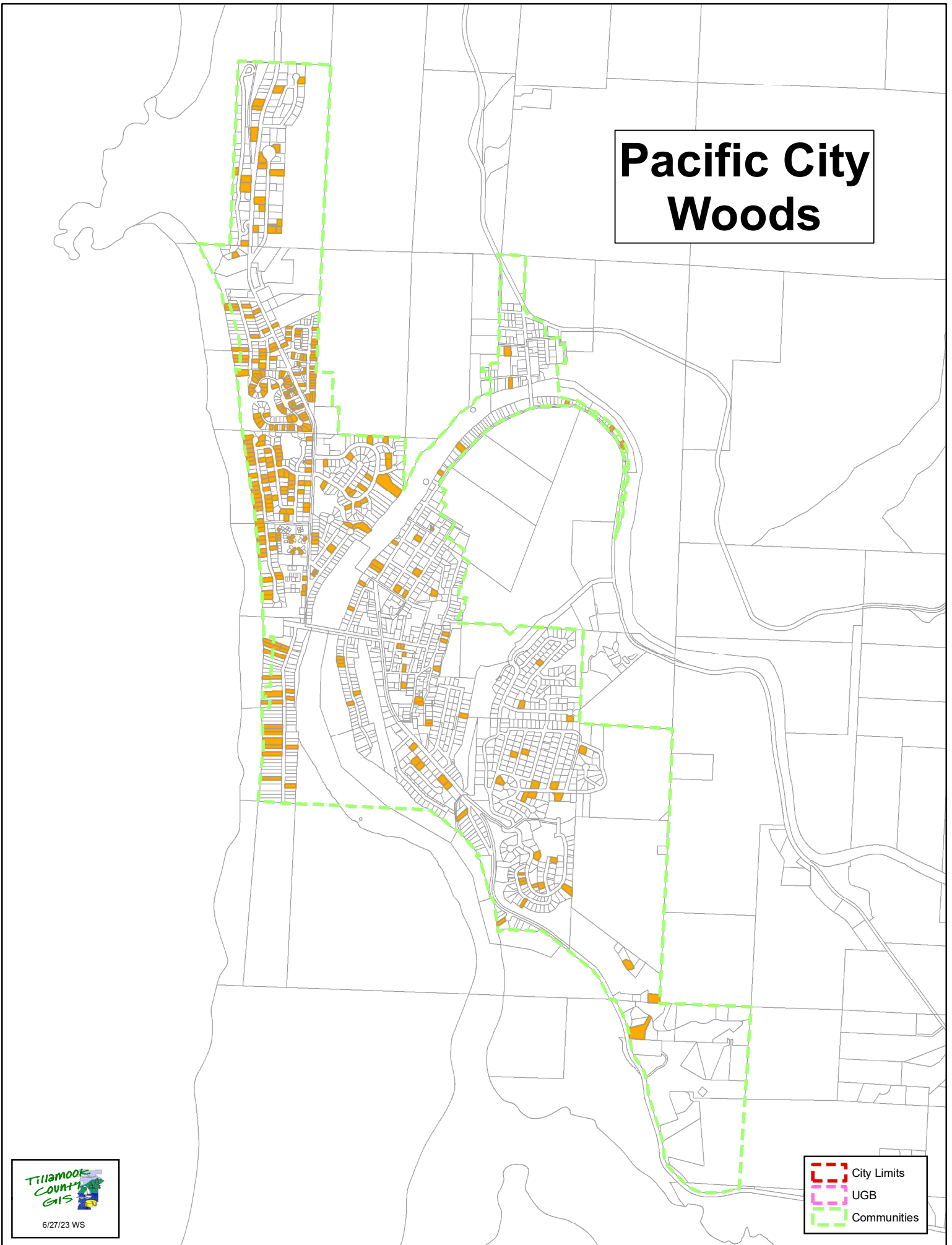
SUBAREA	DWELLING UNITS	STR LICENSE 2023	JULY 2023 %	<u>NEW STR WAITLIST</u>	<u>ADJUSTED %</u>	1%	1.5%	2%
BAY CITY UGB	39	0	0%	<i>0</i>	<i>0%</i>	1	1	1
TILLAMOOK UGB	179	0	0%	<i>0</i>	<i>0%</i>	2	3	4
MOHLER	8	0	0%	<i>0</i>	<i>0%</i>	1	1	2
IDAVILLE	84	0	0%	<i>0</i>	<i>0%</i>	1	1	2
SISKEYVILLE	48	0	0%	<i>0</i>	<i>0%</i>	1	1	1
BEAVER	83	2	2%	<i>0</i>	<i>2%</i>	N/C	3	N/C
HEBO	70	0	0%	<i>0</i>	<i>0%</i>	1	1	1
CLOVERDALE	113	0	0%	<i>0</i>	<i>0%</i>	1	2	2
TOTALS		1,066		<i>17</i>				

COMMUNITY	STR LICENSE 2018	STR LICENSE 2021	STR LICENSE 2022	STR LICENSE 2023	OCT. 2022 %	JULY 2023 %
NEAHKAHNIE	NA	69	84	82	22%	20%
BARVIEW/TWIN ROCKS/WATSECO	NA	37	39	41	15%	15%
CAPE MEARES	NA	27	34	31	15%	13%
OCEANSIDE	95	109	132	129	19%	19%
NETARTS	65	75	103	102	14%	13%
TIERRA DEL MAR	NA	NA	53	51	23%	22%
PACIFIC CITY/WOODS	226	278	328	317	24%	23%
NESKOWIN	103	138	184	179	20%	20%

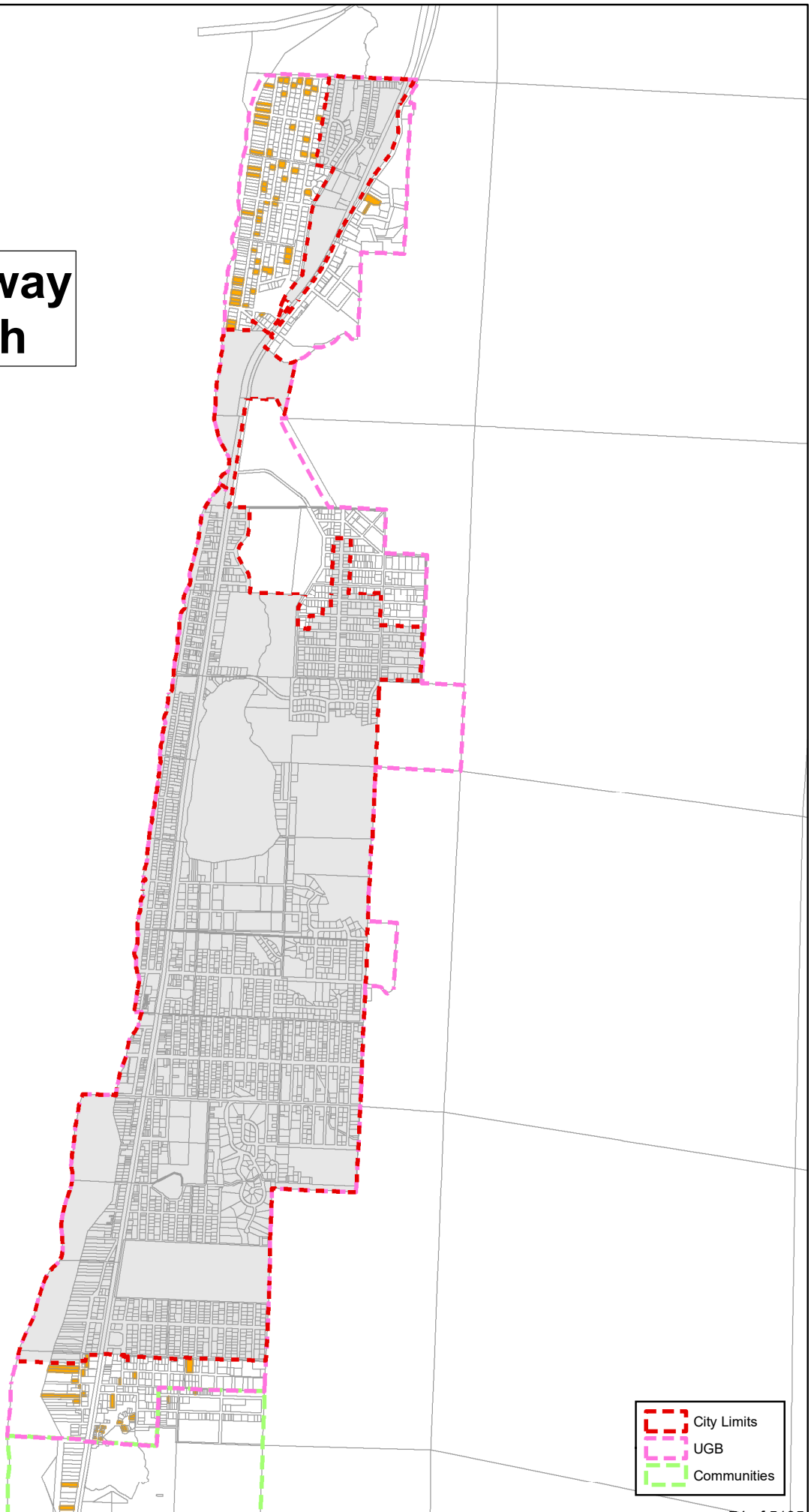
Oceanside



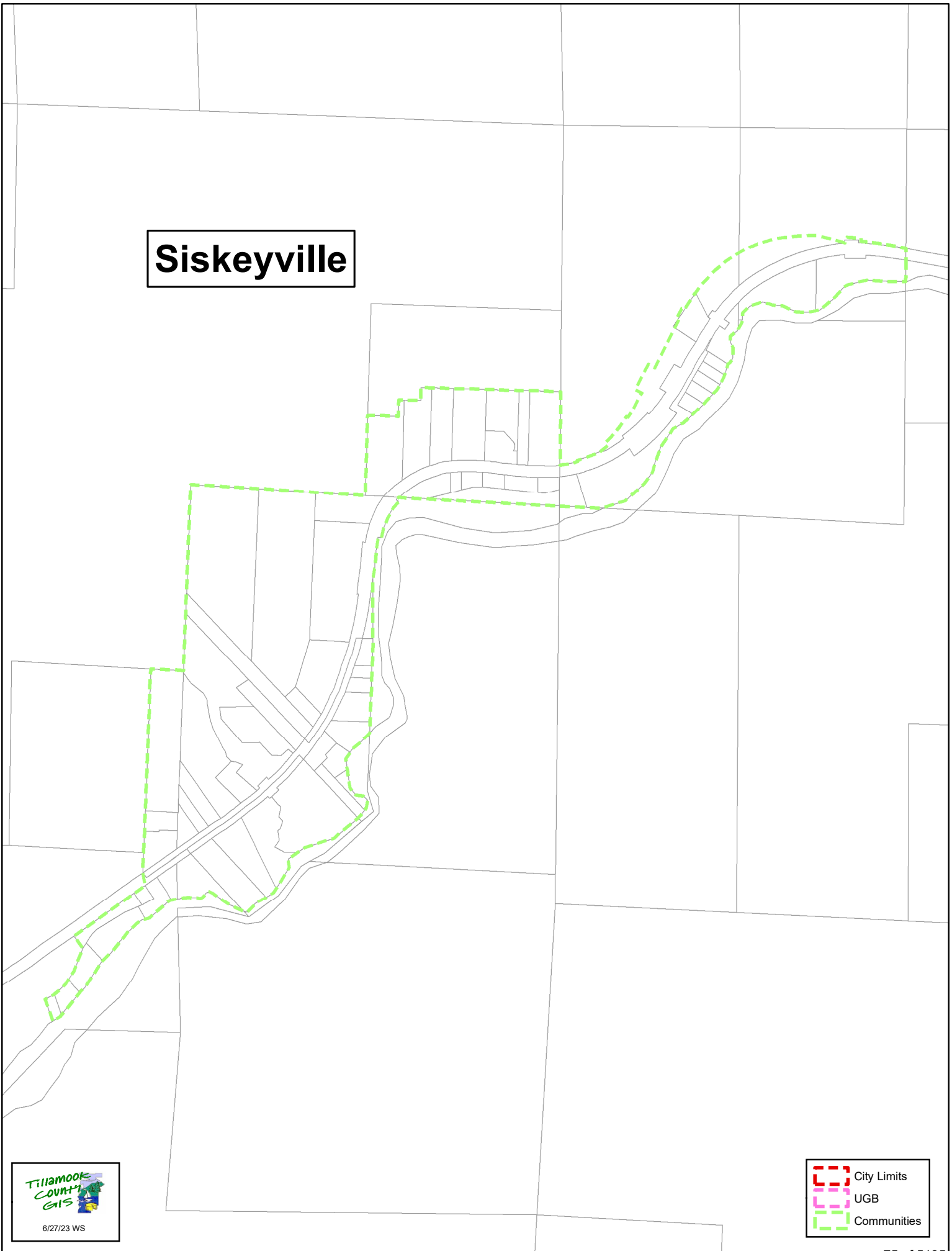
Pacific City Woods

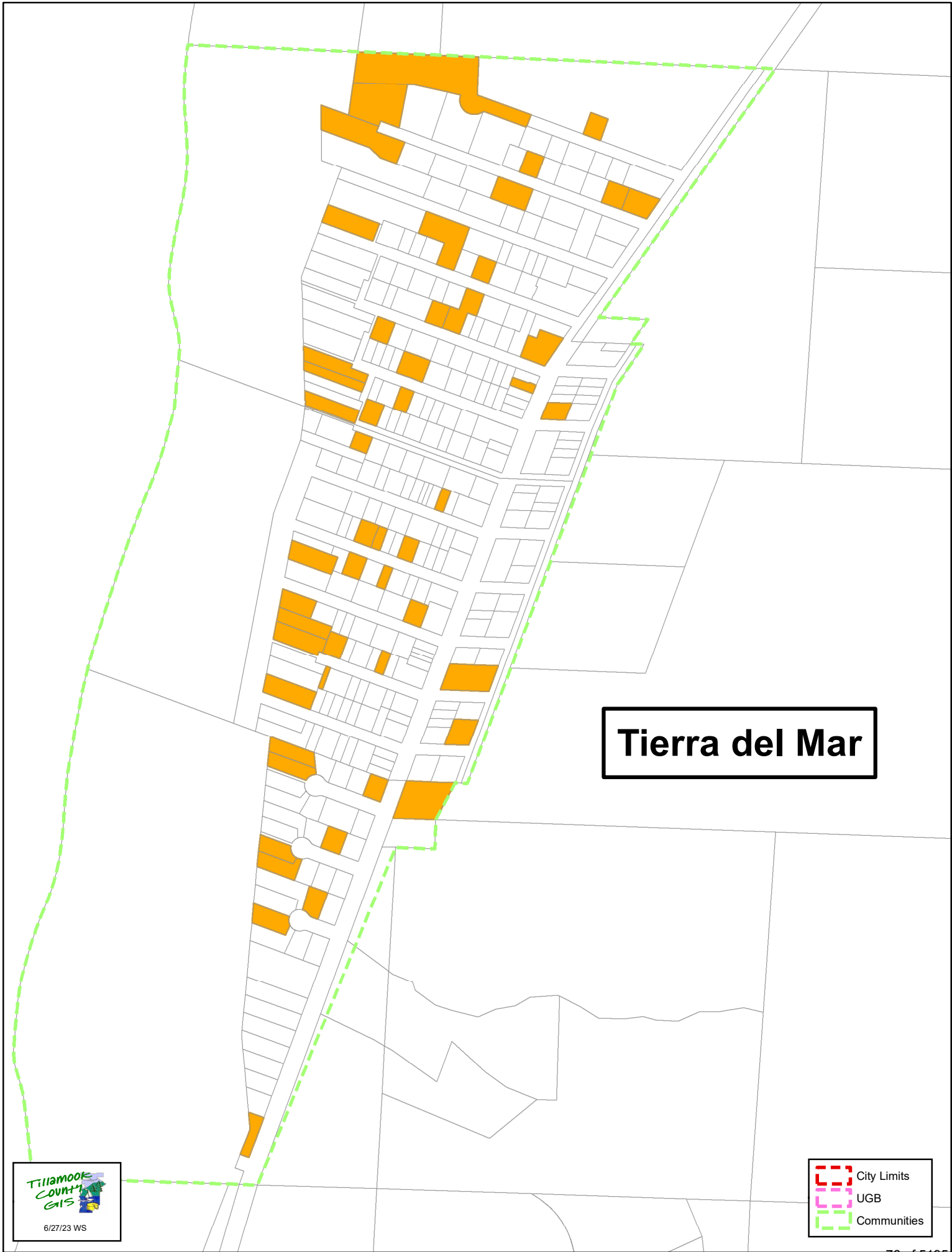


Rockaway Beach



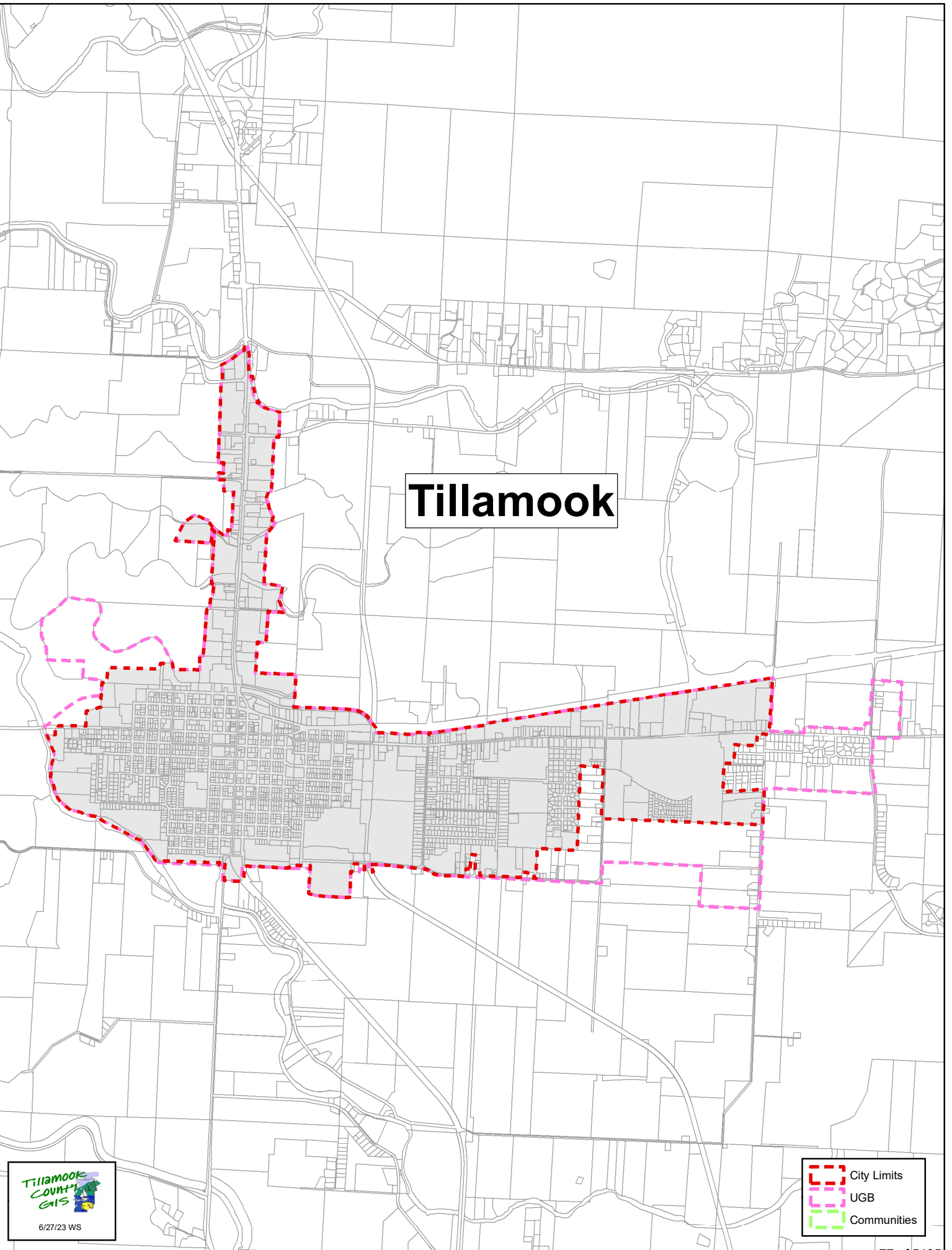
Siskeyville



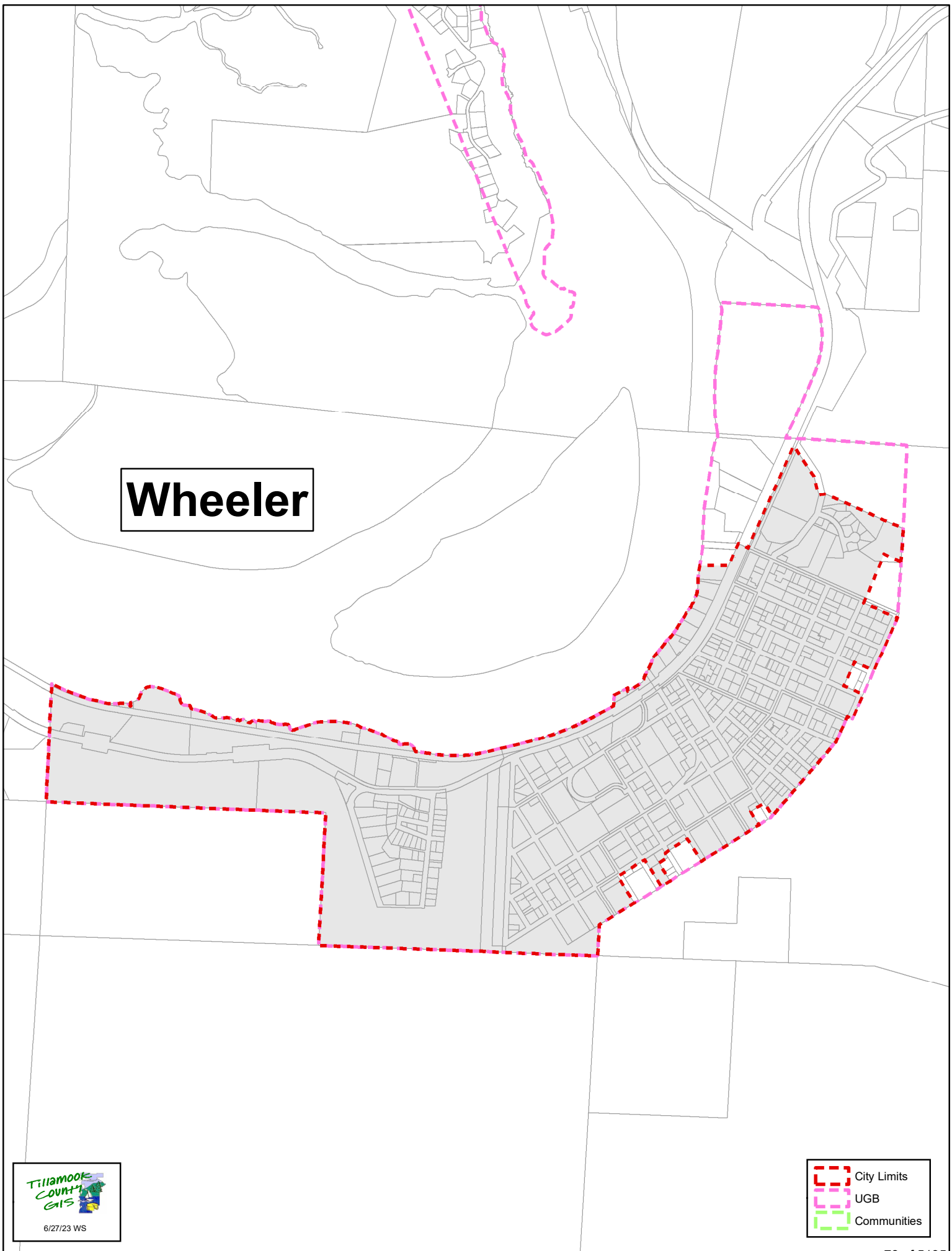


Tierra del Mar

Tillamook



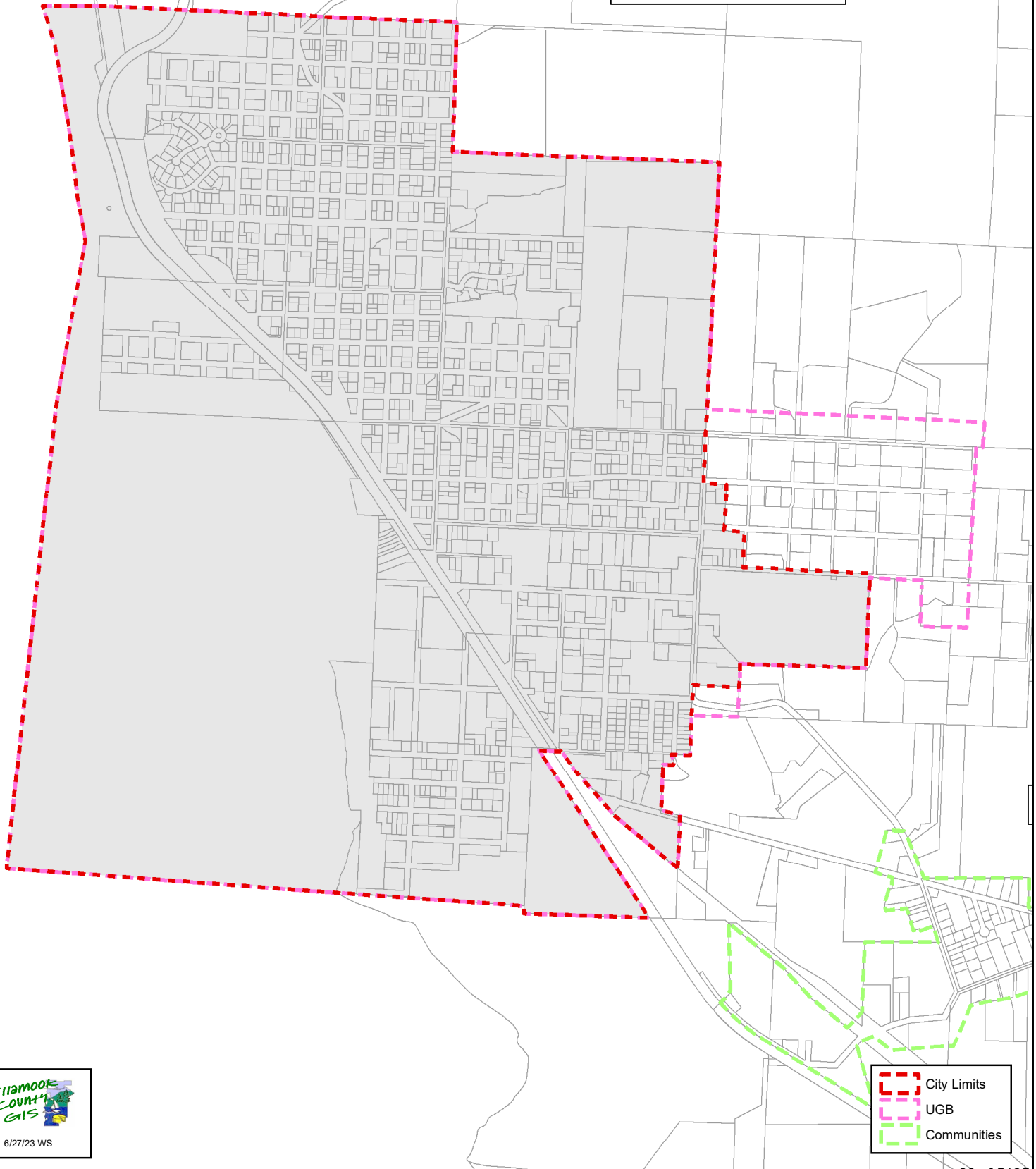
Wheeler



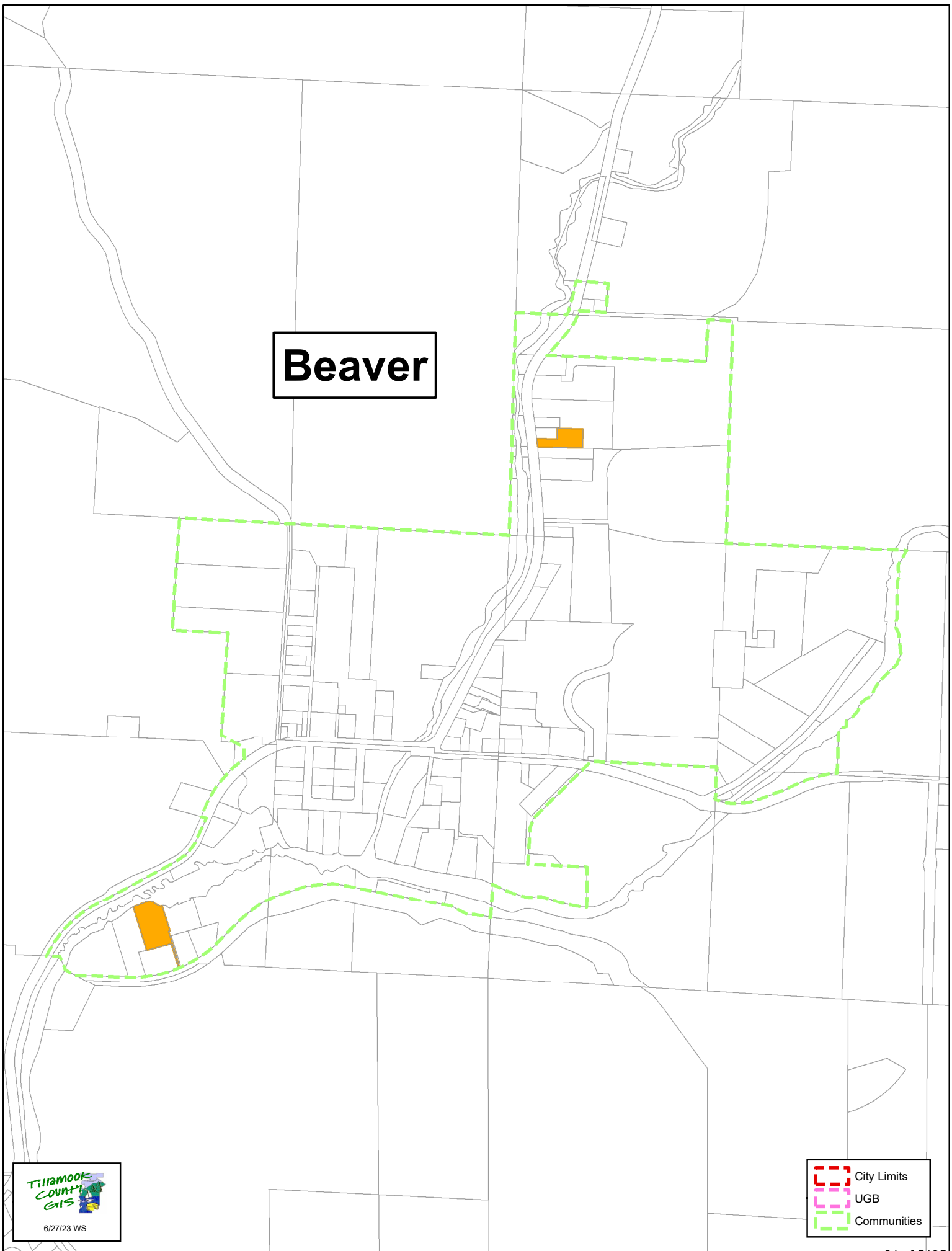
Barview Watseco Twin Rocks

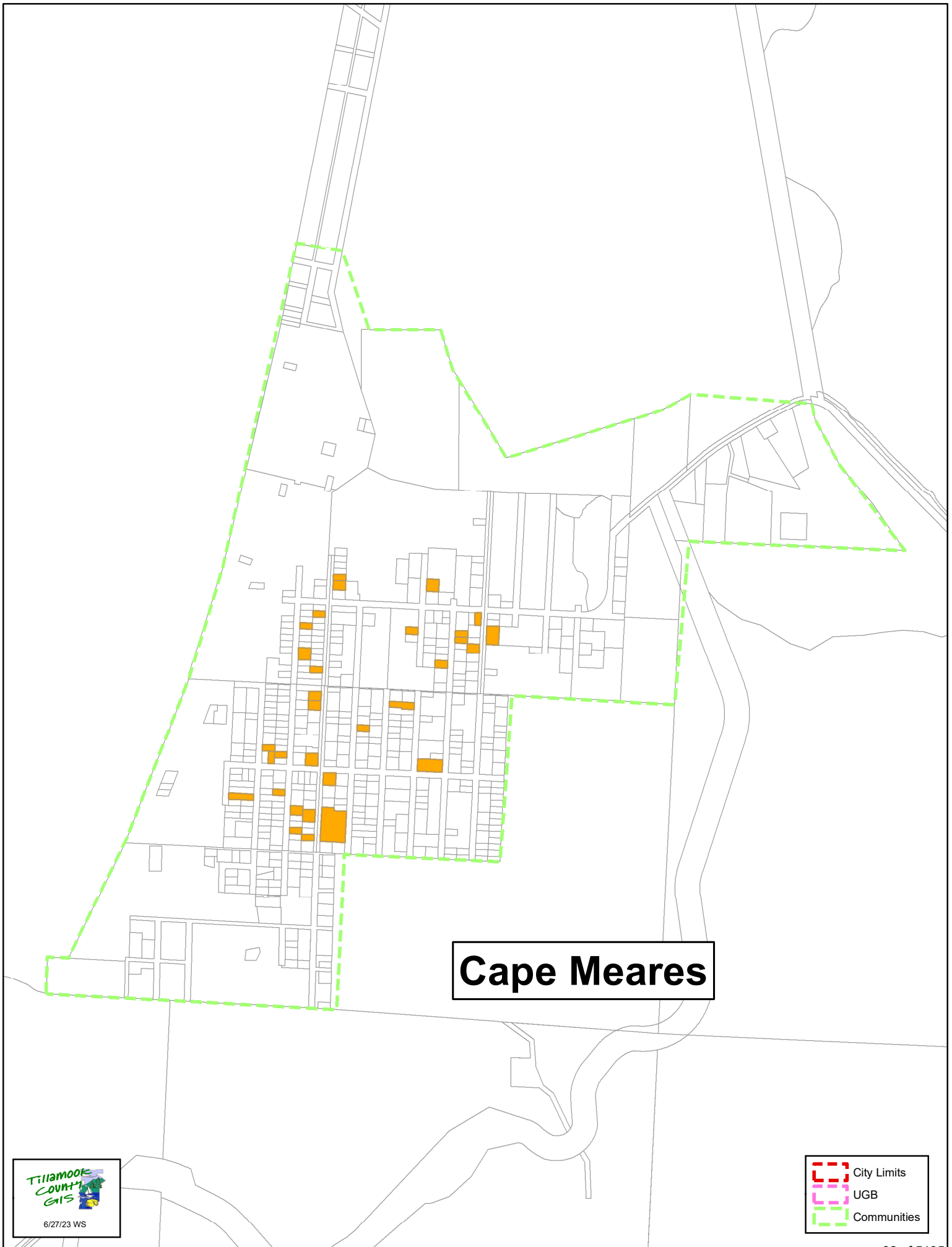


Bay City



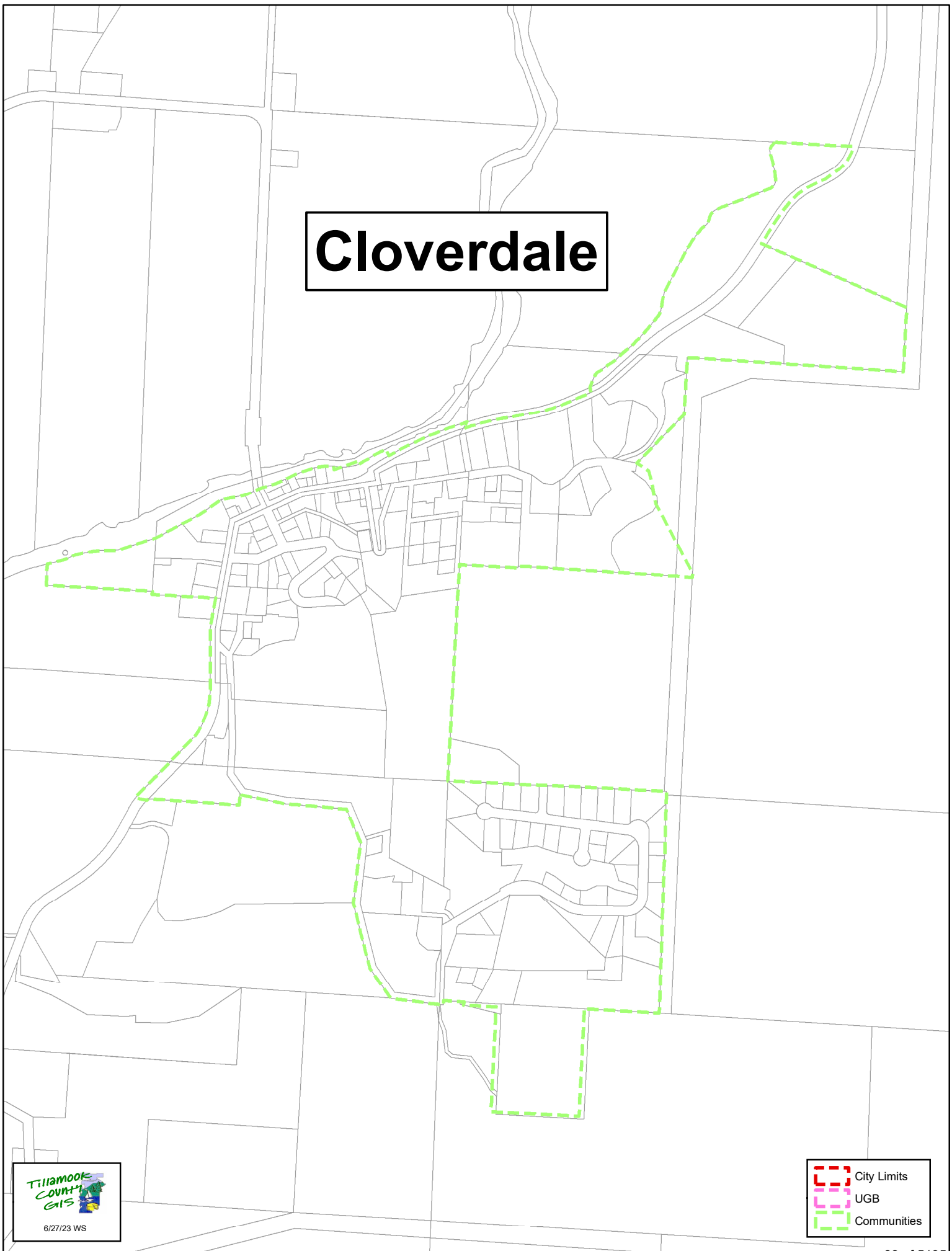
Beaver



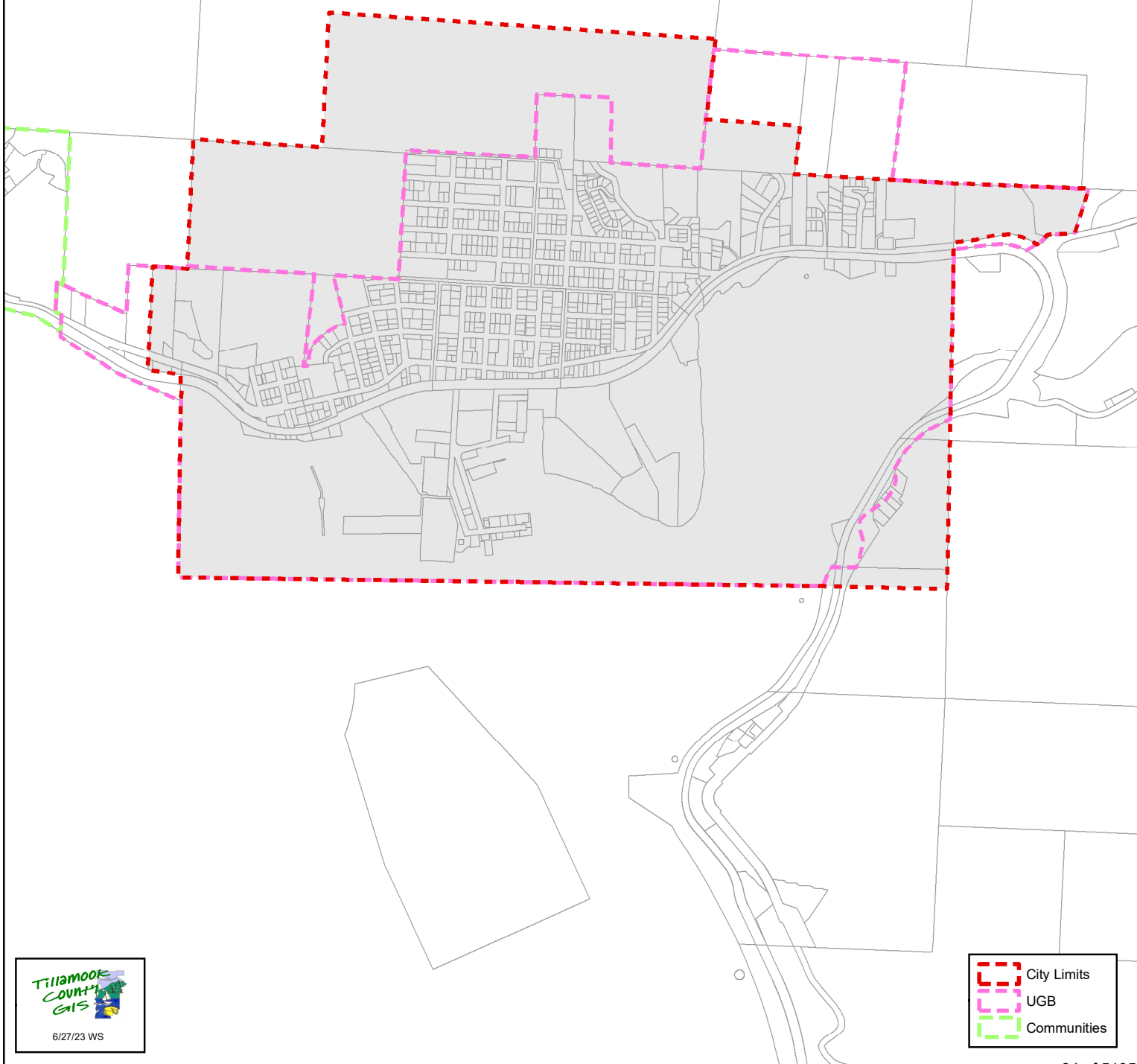


Cape Meares

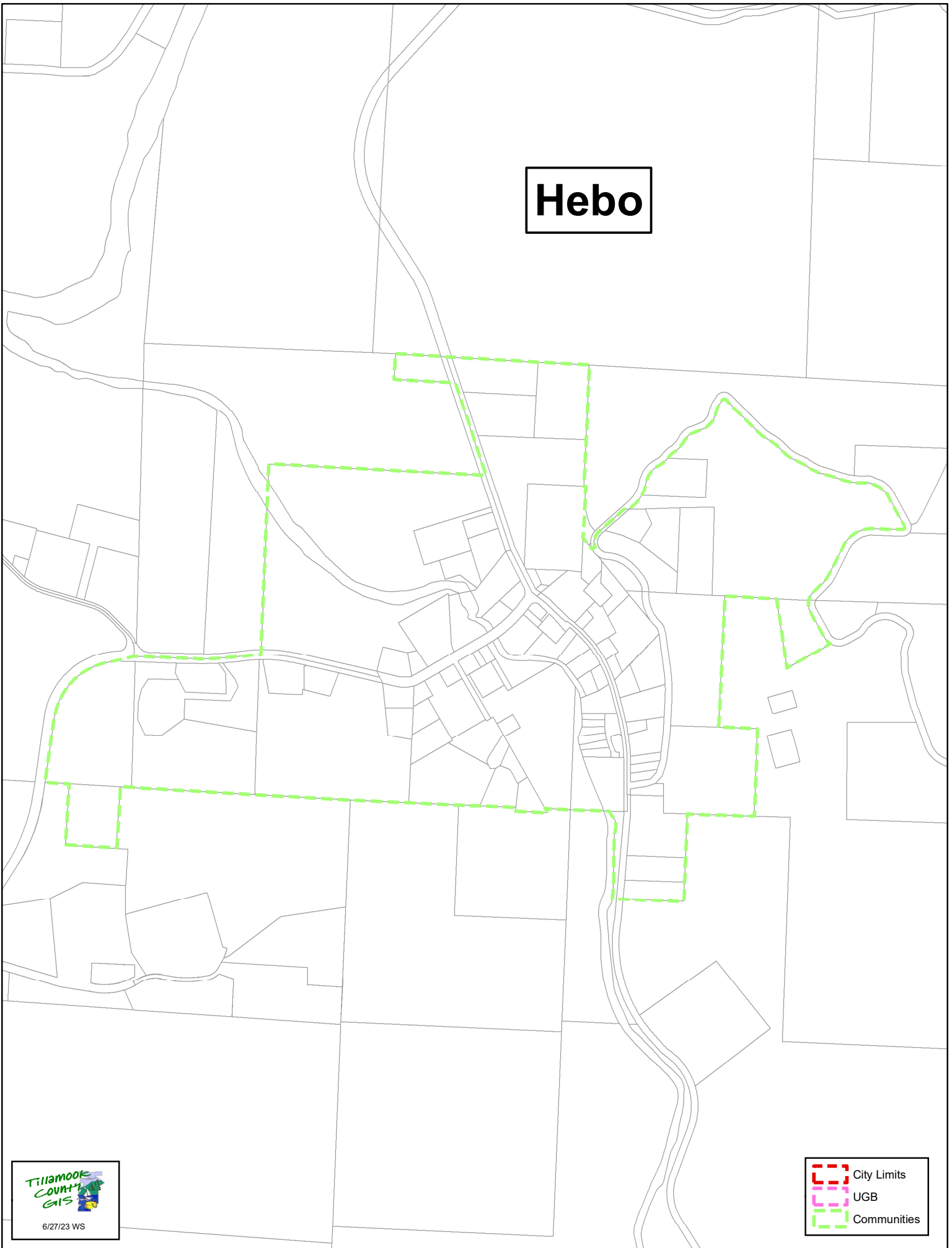
Cloverdale



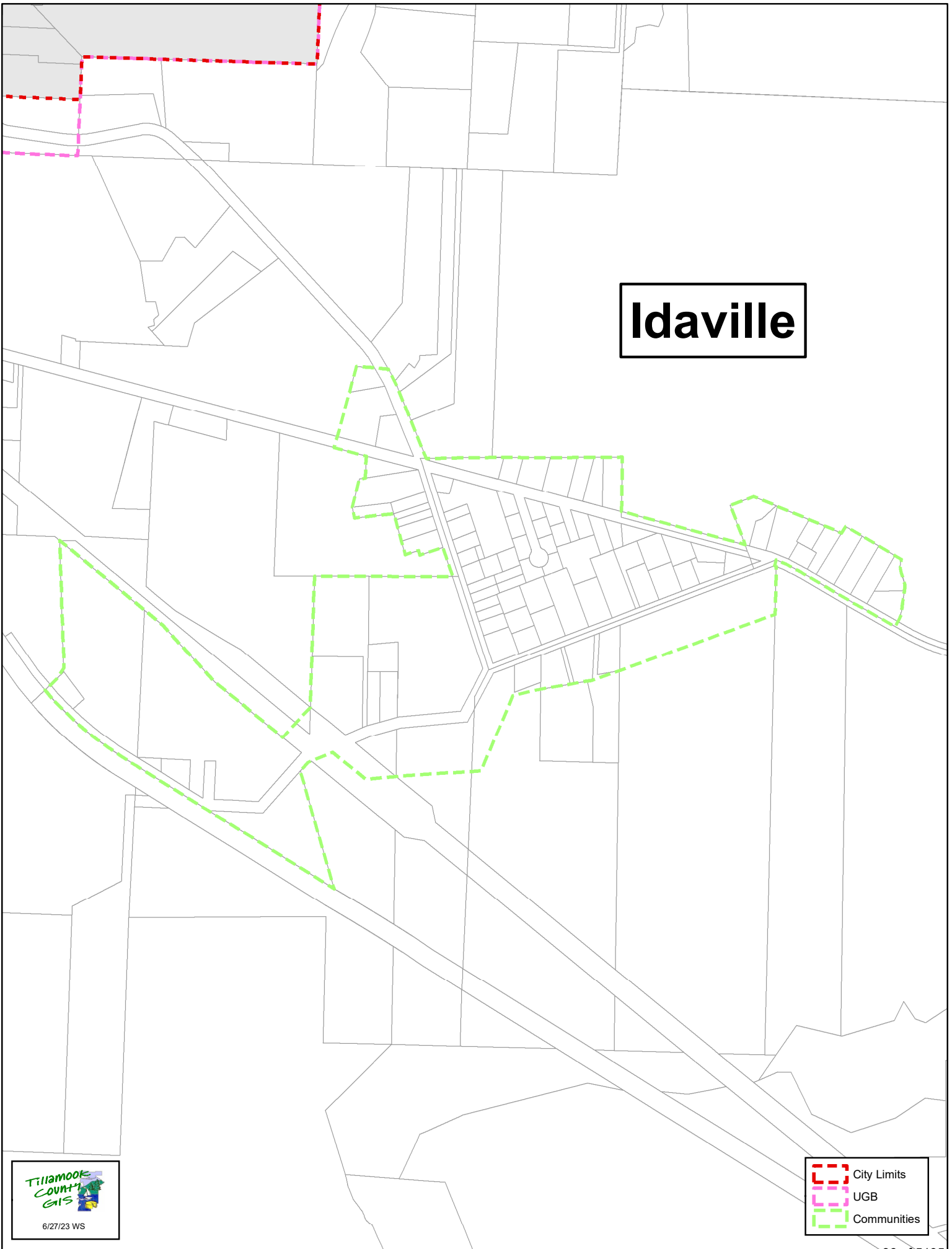
Garibaldi

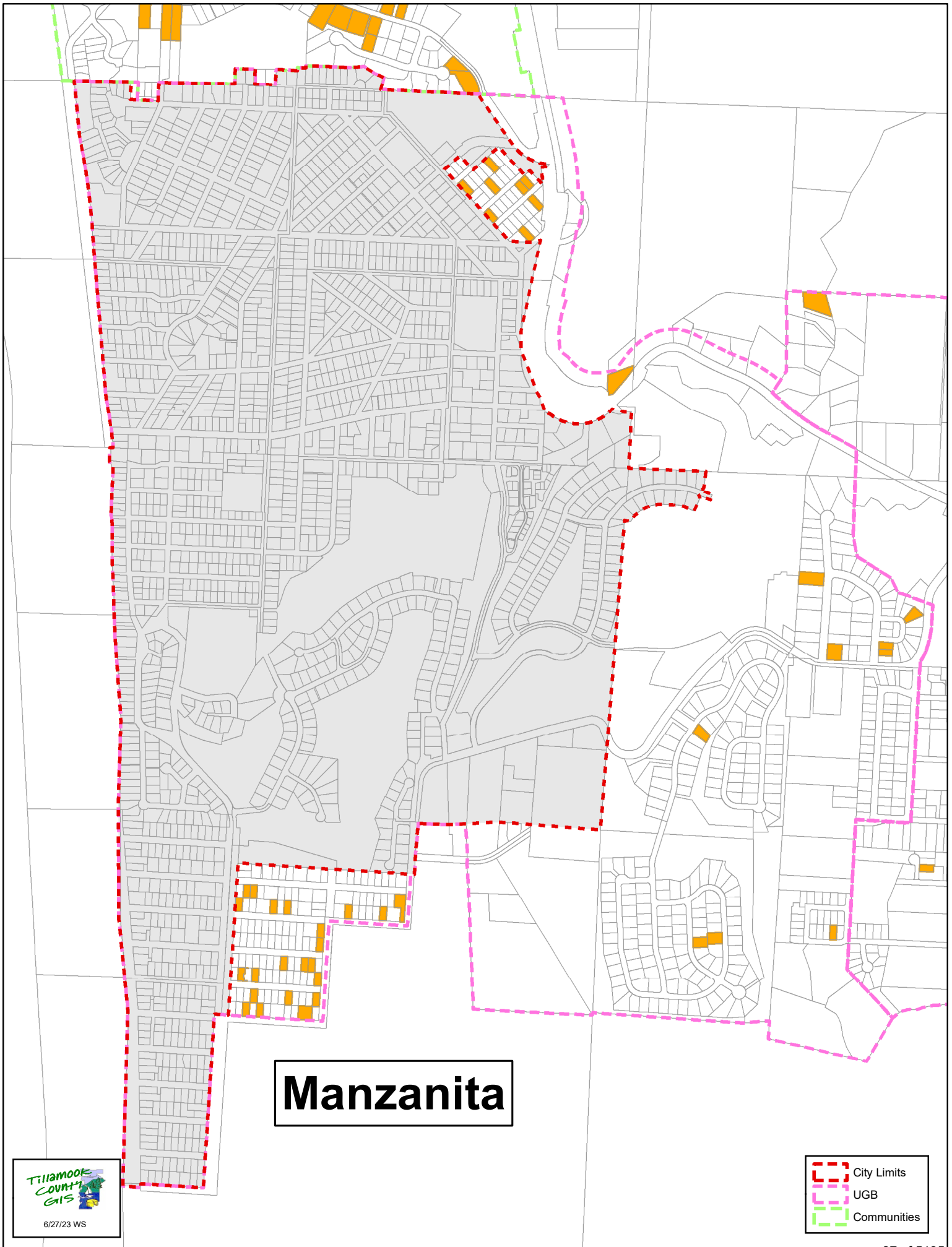


Hebo



Idaville



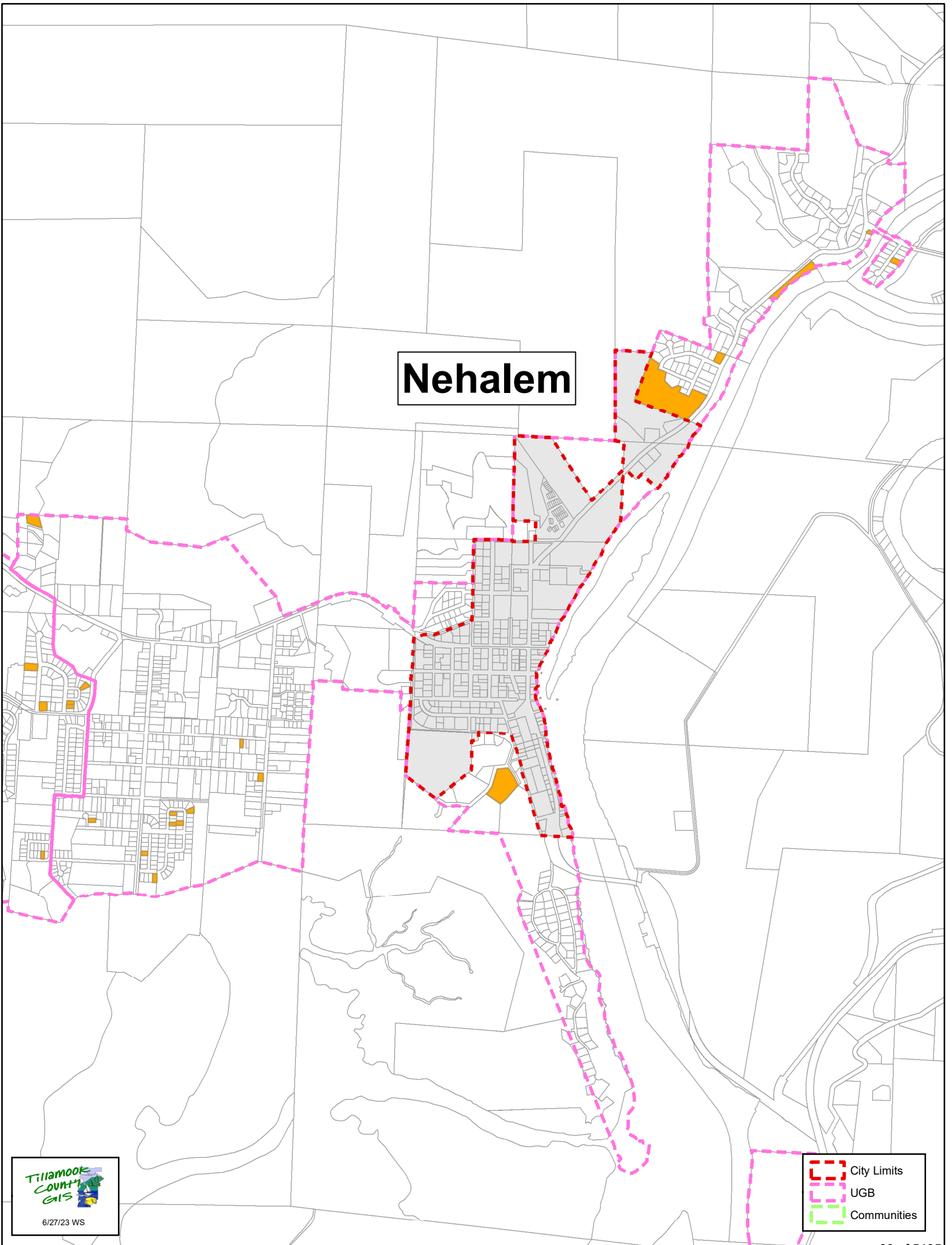


Manzanita

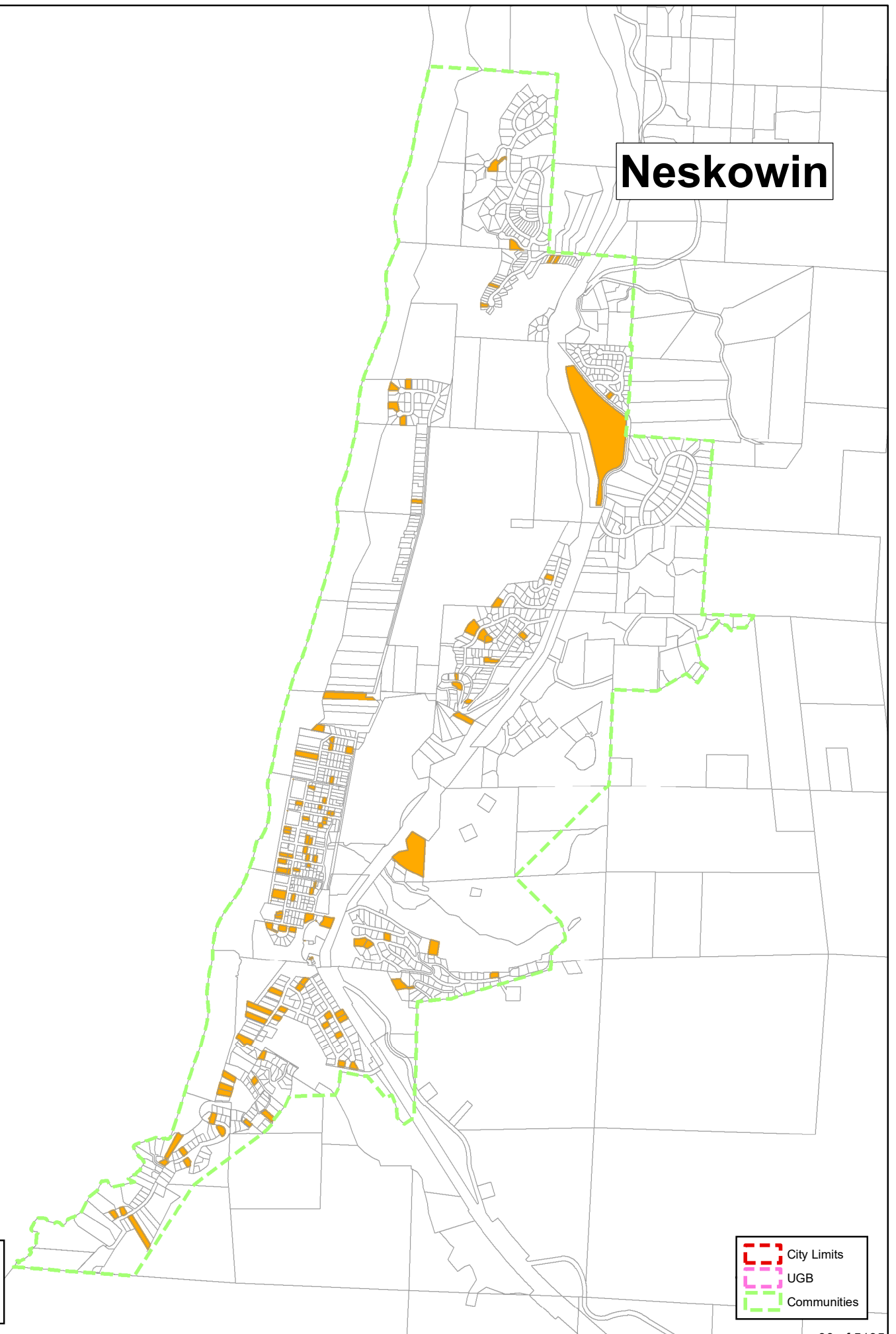
Mohler



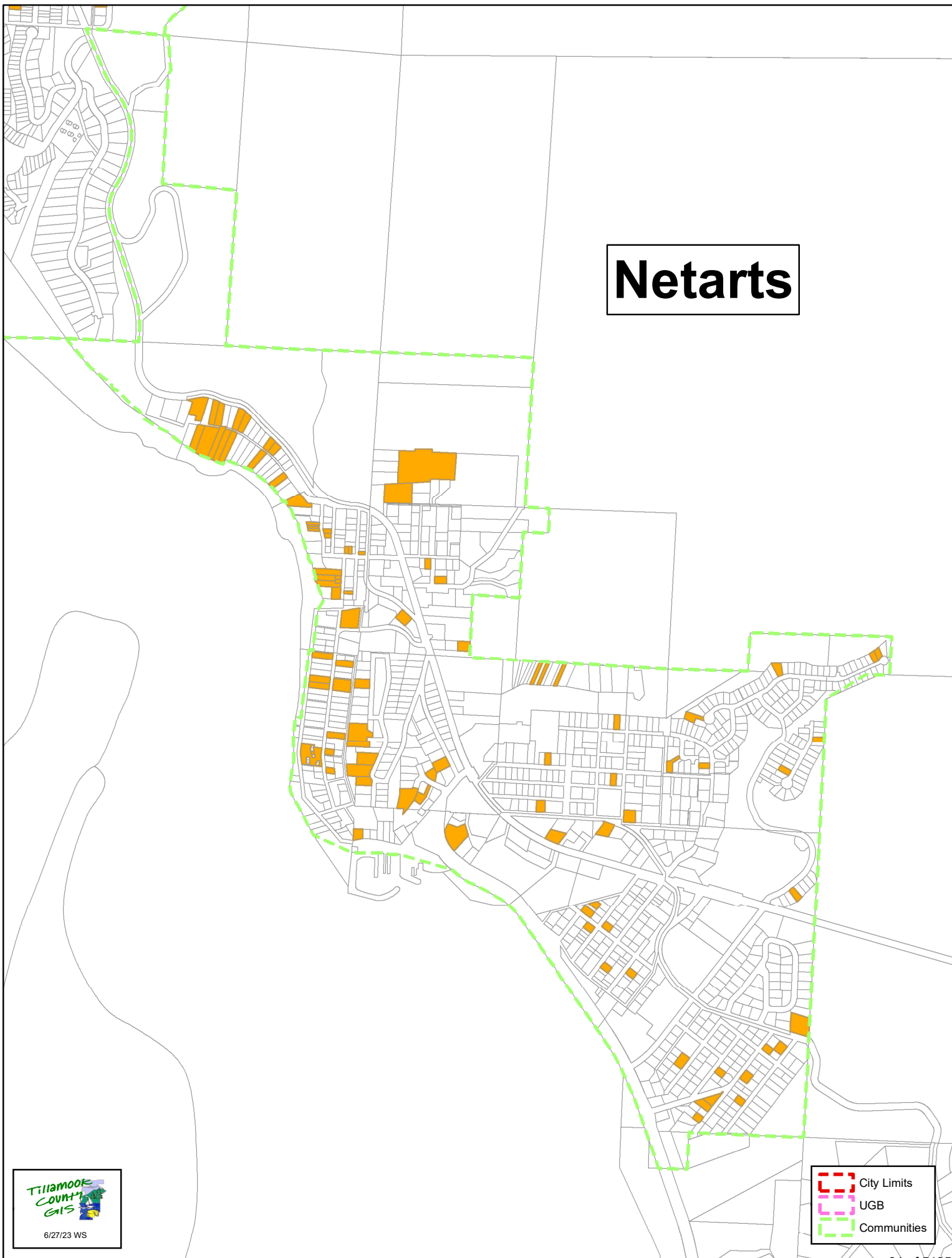
Nehalem



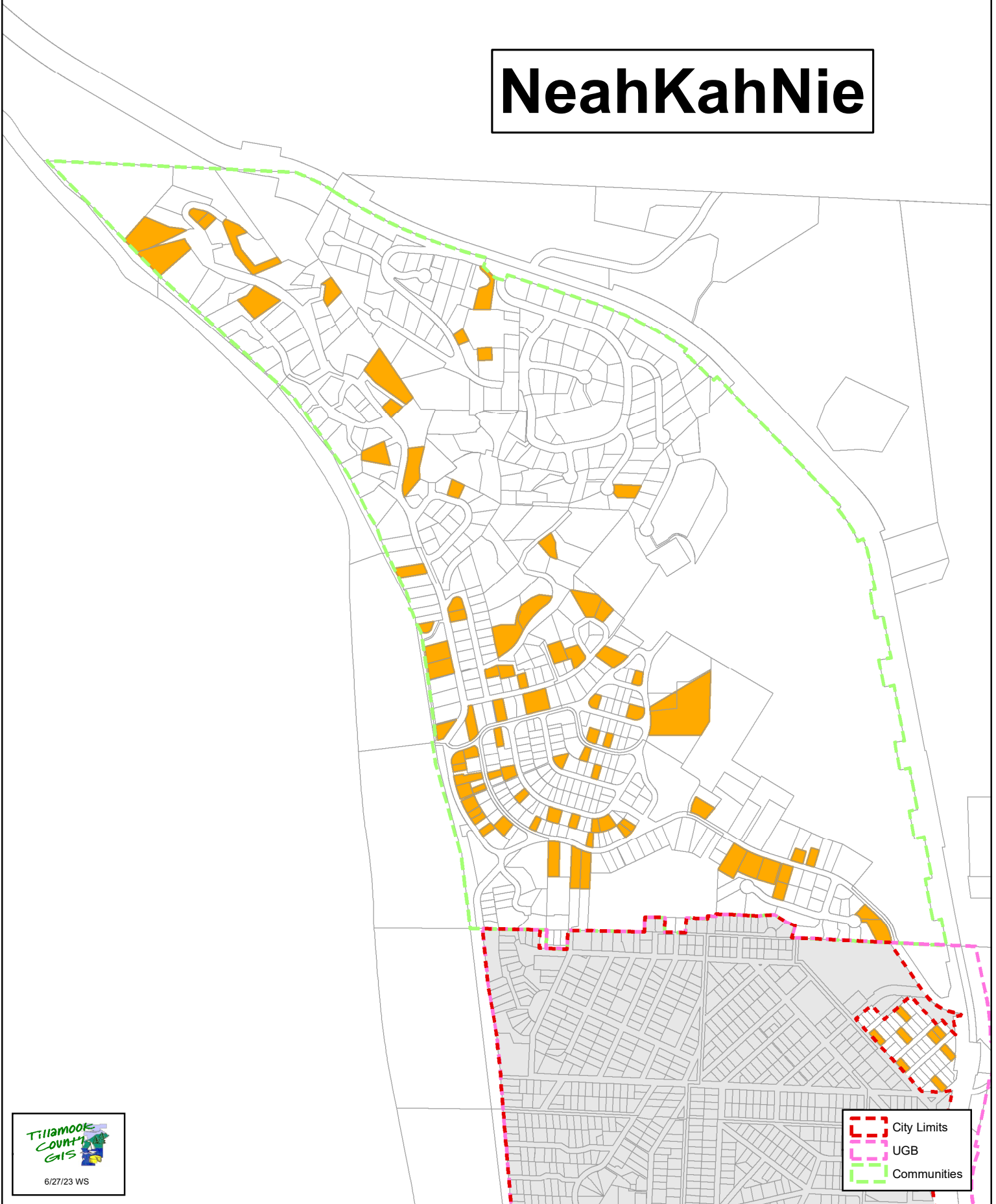
Neskowin



Netarts



NeahKahNie



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Regulating Short-Term)	
Rentals, Establishing Standards and	)	ORDINANCE #84
Fees, Providing for a License, and	)	AMENDMENT #2
Creating Penalties for Violations of this)	
Ordinance)	

- 010. Title
- 020 .Purpose and Scope
- 030 .Definitions
- 040 .Annual Short-Term Rental License Required, Basic Requirements for a License,
No Nonconforming Use Status Conferred
- 050 .Application and Fees
- 060 .Term of Annual License and Renewal
- 070 .Application Required and Burden for License Approval and Renewal
- 080 .Operational Requirements and Standards for Short-Term Rentals
- 090 .Additional Inspections Required
- 100 .Additional Requirements and Prohibitions
- 110 .Implementation of this Ordinance and Application to Short-Term Rentals
Licensed and Operating on the Date of its Adoption
- 120 .Violations
- 130 .Penalties
- 140 .Appeals of County Decisions Regarding Short-Term Rentals
- 150 .Severability
- 160. Effective Date

The Board of Commissioners for Tillamook County ORDAINS as follows:

- .010 Title.** The provisions contained in this Ordinance are intended to authorize and regulate the short-term rental use of residential dwelling units on properties 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 and 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 licensing 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. Recognize the need to regulate short-term rentals within neighborhoods to ensure compatibility with, and livability of 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.
 5. Protect the character of the County's established neighborhoods by regulating the number, concentration, and scale of full-time short-term rentals in residential neighborhoods.
 6. Provide funding support for County housing development initiatives to address local affordable and workforce housing needs and increase availability of housing for people who want to live/work in Tillamook County.
- 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 license is revocable permission to operate a short-term rental, but only as provided in this Ordinance. A license 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 procedures 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 procedures and regulations shall be on file in the Office of the County Clerk 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 License.
- 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).
 - An emergency escape and rescue opening (ORSC R310).

- A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
 - A smoke alarm (ORSC R314.3) where required.
 - A carbon monoxide detector (ORSC R315.3) where required.
 - 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 the owner's designated agent for the Short-Term Rental, authorized to act for the owner on their behalf.
- G. "Contiguous" means adjoining, abutting, bordering or adjacent. For notification purposes contained in Section .050(7), adjacent also means directly across a road right-of-way.
- H. "County" means Tillamook County, Oregon.
- I. "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.
- J. "Daytime" means between the hours of 7:00 am to 10:00 pm.
- K. "Daytime Occupancy" means the hours between 7:00 am and 10:00 pm.
"Daytime occupants" means the guests who may occupy a short-term rental during a daytime occupancy.
- L. "Department" means the Tillamook County Department of Community Development.
- M. "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. For purposes of this Ordinance, "dwelling unit" does not include an accessory dwelling unit (ADU), yurt, recreational vehicle or similar mobile structure, or motorized vehicle designed and built for temporary vacation use.
- N. "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.

- O. "Estate Home" means a single-family dwelling with five (5) or more bedrooms.
- P. "Family Member" means any of the following: Your spouse or domestic partner, your child (biological, adopted, stepchild, or foster child), your spouse or domestic partner's child, or the child's spouse or domestic partner.
- Q. "Good Cause" for the purposes of denial, suspension, revocation, imposition of conditions, renewal and reinstatement of a Short-Term Rental License 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 License; 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.
- R. "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.
- S. "Hosted Homeshare" means the transient rental of a portion of a dwelling while the homeowner is present.
- T. "License" is the written certificate issued by Tillamook County acknowledging compliance with the applicable requirements of this Ordinance and granting permission to engage in the short-term rental of a dwelling unit pursuant to the terms of the license and this Ordinance. A "license" under this Ordinance also includes all permits that the County issued under previous versions of Ordinance 84 granting permission to operate an STR in unincorporated Tillamook County. As so defined, "License" under this and previous versions of Ordinance 84 is not a land use "permit" as defined in ORS 215.402(4) or a "land use decision" under ORS 197.015(10) and does not impart any property rights to the licensee. A License under this Ordinance is personal to the licensee and may only be transferred to another licensee in accordance with Section .060(C).
- U. "Nighttime Occupancy" means overnight occupancy between the hours of 10:00 pm and 7:00 am the next day. "Nighttime occupants" means the guests who may occupy a short-term rental overnight.
- V. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.
- W. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.

- X. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.
- Y. "Overnight" means between the hours of 10:00 pm to 7:00 am the following day.
- Z. "Owner" and "ownership" means one or more natural persons, a partnership, corporation or trust that owns and holds legal, equitable or beneficial title to the property as shown on the recorded title to the property. Any person or entity holding any ownership, equitable or beneficial interest in real property shall be considered an "owner" for purposes of this Ordinance. Officers, shareholders and members of corporations and LLCs that hold title to real property where an STR is located shall each be considered "owners" of that property. A change in corporate officers, shareholders or LLC members constitutes a change in ownership when the LLC or corporation holds title to the STR property.
- AA. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental License.
- BB. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".
- CC. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).
- DD. "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".
- EE. "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.
- FF. "Short-Term Rental" or "STR" means the transient rental of a dwelling unit in its entirety to any person on a day-to-day basis for a period of fewer than 30 days; includes advertising, offering, operating, renting, or otherwise making available or allowing any other person to make a dwelling unit available for occupancy or use as a transient dwelling unit. Short-Term Rental 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.
- GG. "Short-Term Rental License" means the annual license required by Section .040, described in this Ordinance, and referred to as a "license."

- HH. “Short-Term Rental 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.
- II. “Subarea” means those properties located within Tillamook County Unincorporated Communities and Incorporated City Urban Growth Boundaries (UGBs).
- JJ. “Subject Property” means the property on which the short-term rental is located.
- KK. “Transfer” means any change in ownership of the real property on which a dwelling licensed as a Short-Term Rental is located. A “transfer” occurs when there is any change in the owner(s) shown on title to the property reflected in the Tillamook County real property deed records or a change in the ownership of a corporation that holds title to the property.
- LL. “Transient rental” means to rent a dwelling unit for compensation on a less than a month-to-month basis.
- MM. “Unincorporated Communities” means those properties located within the Tillamook County Unincorporated Communities of Neahkahnie, Mohler, Barview/Twin Rocks/Watseco, Idaville, Cape Meares, Oceanside, Netarts, Siskeyville, Beaver, Hebo, Cloverdale, Tierra Del Mar, Pacific City/Woods, and Neskowin. (See Maps included in “Exhibit A”.)

.040 Annual Short-Term Rental License Required, Basic Requirements for a License, 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 License. “Advertise or offer” includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.

- A. *License Must Be Obtained and Maintained.* A Short-Term Rental License shall be obtained, maintained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. A Short-Term Rental License in unincorporated Tillamook County may be revoked for failure to operate a short-term rental in accordance with all requirements of the license 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 license.
- B. *Limitation of One (1) STR License per Licensee.* The County shall issue a maximum of one (1) short-term rental license for each qualified licensee. For purposes of this subsection, a “licensee” is one or more natural persons, a

partnership, corporation or trust seeking a short-term license, and to qualify as a separate, qualified “licensee” under this subsection, there can be no overlap of partners, LLC members, trustees, trust beneficiaries, corporate officers or shareholders with any other licensee. This provision applies only to applications for new STR licenses submitted after the effective date of this 2023 provision, not renewals or lawfully transferred licenses.

- C. *No Nonconforming Status Conferred.* The fact that an owner of property or other entity may hold a license 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 license.

- D. *Cap on Number of STR Licenses In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries.* The County shall establish, through Board Order, and may amend from time to time, a limit (“cap”) on the number of STR Licenses that can be issued for each of the following residential subareas in unincorporated Tillamook County (“subareas” as depicted in “Exhibit A”):
 - 1. Neahkahnie
 - 2. Mohler
 - 3. Barview/Twin Rocks/Watseco
 - 4. Idaville
 - 5. Siskeyville
 - 6. Cape Meares
 - 7. Oceanside
 - 8. Netarts
 - 9. Beaver
 - 10. Hebo
 - 11. Cloverdale
 - 12. Tierra del Mar
 - 13. Pacific City/Woods
 - 14. Neskowin
 - 15. Manzanita UGB
 - 16. Nehalem UGB
 - 17. Wheeler UGB
 - 18. Rockaway UGB
 - 19. Garibaldi UGB
 - 20. Bay City UGB
 - 21. Tillamook UGB

The County shall accept and may grant STR licenses up to the cap established in each subarea, after which it shall not issue any new licenses. For subareas where the cap has been reached, the County may still

grant renewals of existing STR licenses. If, at the time of application for a new STR license, there is not room within the applicable subarea cap to accommodate a new STR license, the County will return the application and place the applicant's name on a waitlist in the order the application was received. The County will contact applicants in their order on the waitlist as space for a new STR license comes available, and each will be allowed an opportunity to submit an application for a new STR license. The STR license application fee shall not be due or collected from applicants on a waitlist until an invited license applicant submits an application; however, the County shall charge a \$100 fee to place an applicant on a waitlist.

- E. *Density Limits outside of Subareas.* Unincorporated areas of Tillamook County that are outside of the 21 residential subareas listed in Subsection 040(D) shall be subject to a density limitation on the issuance of STR licenses. In unincorporated areas outside of the 21 subareas, no STR license application shall be accepted or approved where there is an existing STR license on a contiguous property. This density limitation applies only to applications for new STR licenses, not renewals, that are submitted after the effective date of this 2023 provision.
- F. *Renewal Eligibility.* A STR license must be actively used to be eligible for renewal. To be eligible for renewal, all STR licenses shall be actively used by short-term renting the dwelling a minimum of 30 days in the preceding year (12 months). If, at the time of renewal, the dwelling has not been short-term rented at least 30 days in the preceding year (12 months), the renewal shall be denied, and the dwelling not used as a STR unless the owner obtains a new license. This provision applies only to STR annual renewal applications submitted after January 1, 2025; however, the 30-day requirement may be waived for one year if the STR structure is damaged or destroyed by fire or other disaster or is actively being renovated pursuant to a valid building permit and cannot be short-term rented.

.050 License 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 transfer or alteration of an existing STR License:
 - 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 the contact person (authorized agent) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section .070.

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 notice of use of a property as a short-term rental to owners of neighboring properties contiguous to the rental property. Notification can be completed by mail or distributed by hand and shall contain the address of the rental property, 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. A written statement confirming notice to neighbors has been completed shall be submitted to the Department prior to issuance of a Short-Term Rental License.

Upon issuance of a new Short-Term Rental License or upon receipt of notification of change of the name of the contact person and/or representative responsible for the rental, the Department of Community Development shall provide notice to all properties within 150-feet of the rental property within 30 days of issuance of a new or updated license.

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 *receipt of* an application for a Short-Term Rental License or 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 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 and the County's Civil Enforcement procedures.
- C. *Incomplete Application.* If a short-term rental 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 null and void.
- D. *Licensing Fees.* The fee for application for a Short-Term Rental License, license renewal *or alteration of an existing license* shall be as established by Board Order.

.060 Term of Annual License and Renewal

- A. *Term.* A Short-Term Rental License is valid for one year (12 months) and shall be renewed annually by the last day of the month of the anniversary date of each ensuing year. Billing notice will be sent to the owner in the month prior to the license renewal date. Payment shall be due by the last business day of the anniversary month. If the payment is not received by the renewal date, a notice that the Department intends to terminate the license shall be sent to the contact person (if applicable) and the owner. This notice shall allow an additional thirty (30) days to comply with the renewal provisions and shall specify that failure to submit renewal payment will result in expiration of the license by the last business day of that month.

- B. If the contact person (authorized agent) changes during the 12-month period, the property owner or authorized agent shall notify the County in writing of the change within thirty (30) days of the change and provide all new contact and tax payment information. Change of contact person necessitating need for issuance of an updated license is an alteration to an existing Short-Term Rental License and shall be subject to a fee established by Board Order.
- C. *Transferability of STR Licenses.* Any STR License existing at the time of adoption of this 2023 Ordinance is eligible for one (1) transfer to another licensee who does not already have an STR license, after which, any new owner of the property is obligated to apply for a new license in its own name under the requirements that apply at that time. For purposes of this subsection, a “licensee” is one or more natural persons, a partnership, an LLC, corporation or trust holding title to or owning a short-term rental property. Thus, preexisting STR licenses on the date of adoption of this 2023 Ordinance may be transferred once from one such licensee to another, who does not already have an STR license, with a transfer of ownership of the property, after which all new owners must apply for a new STR license in their own name under the then-applicable requirements. This limitation on STR license transfers as property ownership transfers does not apply to ownership transfers within families, among family members (as defined herein), to a family trust, or among the members of an LLC consisting solely of family members. Such STR license transfers, as property is transferred between and among family members, a family trust, or a family LLC may occur without limitation, and the STR license will transfer with ownership of the property. All STR license holders shall notify the STR Administrator of any and all changes in property ownership within sixty (60) days of such changes. All new/initial STR Licenses issued after the adoption of this 2023 Ordinance shall not transfer when property ownership changes, in which case a transfer of ownership shall terminate the license, and the new owner must apply for a new STR license in their own name under the then-applicable requirements.

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

- A. *Application Required.* Applications for a Short-Term Rental License 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 applicable requirements for initial approval or annual renewal of the Short-Term Rental License. The applicable requirements 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 Section .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 (1) all-weather travel surface parking space shall be provided for every bedroom in the dwelling unit. 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 renewal to show the garage is available and large enough for vehicle parking. All required parking shall be on-site (off-street) except as follows:
 - a. 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 License. Off-site parking is subject to the requirements of Subsection .080(E).
 - b. Up to two (2) required parking spaces may be satisfied with on-street parking provided on-street parking is within 100-feet of the subject property boundaries and authorized by the Tillamook County Public Works Department. On-street parking spaces shall be a minimum size of 8-feet by 20-feet each, or a lesser dimension authorized by the Tillamook County Public Works Director. On-street parking proposals shall be reviewed by the Tillamook County Public Works Department. Written authorization of the parking spaces shall be submitted to the Department at the time of application submittal.
 - c. Designated parking is available for guests within a private development where authorization for use of parking in conjunction with a STR has been granted by the development Homeowner's Association (HOA). Written authorization from the HOA confirming use of off-site parking shall be submitted to the Department at the time of application submittal. The number and location of parking spaces authorized to be utilized in conjunction with the STR shall be included in the written authorization.
 2. Each off-street parking space shall be a minimum of 8-feet by 16-feet and configured in a manner that ensures parking spaces are accommodated within the property boundaries.
 3. No STR property shall have more than six (6) parking spaces total for overnight guests. Two (2) additional parking spaces may be allowed for

daytime guests. Parking shall not, under any circumstances, hinder the path of any emergency vehicle.

4. Access to approved parking spaces shall be designed to limit access onto the property through the defined road approach. Alterations to the road approach for purposes of off-street parking is subject to review and approval by the local road authority.
 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 direct renters to the parking diagram for the rental property to ensure use of off-street parking are prioritized 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. *License Approval and Annual Renewal Standards.* To receive approval, license renewal, or maintain a license, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the requirements and standards in Section .080 are satisfied.
- G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental License following adoption of this 2023 Ordinance and within 90 days of renewal every third year thereafter, the applicant must obtain and provide to the County evidence of compliance with the satisfactory inspections described in Section .090.

.080 Operational Requirements and Standards for Short-Term Rentals. To qualify to obtain or retain a license, 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 License.

- A. *Maximum Occupancy.* The maximum nighttime 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 nighttime occupancy of six (6) people plus up to three (3) 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 license renewal and upon physical inspection of the short-term rental.

- B. Regardless of the number of bedrooms, the maximum nighttime occupancy of an STR shall not exceed 10 (ten) persons plus three (3) children aged twelve (12) and under.
- C. The owner of an Estate Home shall be exempt from subsection (B) of this section and is allowed a maximum nighttime occupancy of up to fourteen (14) persons plus up to three (3) children, age 12 or under, to occupy the short-term rental.
- D. The maximum daytime occupancy for any short-term rental shall be limited to the nighttime maximum occupancy plus six (6) additional people. For example, a two-bedroom dwelling unit is permitted for 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 a 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 accommodate no more than two (2) parking spaces to satisfy this requirement. Where licensing 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 License.
- F. *Quiet Hours.* The hours of 10:00 pm to 7:00am the following day are quiet hours, and there shall be no amplified music or other noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property. The owner or contact person shall respond to all noise complaints during quiet hours within 30 minutes of when the County's STR complaint dispatch center sends a message about a received complaint regarding the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.
- G. *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.

- H. *No unpermitted improvements or bedrooms.* All electrical, structural, plumbing, venting, mechanical and other improvements made to a licensed short-term rental shall be fully permitted. Any sleeping area used as a bedroom shall be inspected and permitted in accordance with the requirements 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 be utilized as part of the short-term rental. Areas not approved for use as a bedroom shall not be included in the maximum occupancy calculation for the short-term rental. The contact person shall notify every renter, in writing, that the non-compliant bedroom may not be used for sleeping.
- I. *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 30 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 licensing, but only by revising the license 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 30 minutes of being summoned shall be a violation of this Ordinance.
- J. *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 license application and renewal. The contact person shall be responsible for completing the fire safety checklist as part of the renewal process to ensure continued compliance. A copy of the signed fire safety checklist shall be submitted to the Department at the time of application for a new STR License and at the time of renewal of an existing Short-Term Rental License 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. Smoke detectors shall be placed and maintained in each bedroom, outside each bedroom in its immediate vicinity and in each additional story and basement without a bedroom.
6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom and 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 handrail.
9. All interior and exterior guardrails, such as deck railings, shall be able to withstand a 200-pound impact force.
10. 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.
11. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties.
12. The house number shall be prominently displayed and maintained, and be visible from the road right-of-way.

K. 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 shall be 5.7 square feet. Minimum net clear height is 24 inches and net clear width is 20 inches. The Building Official may allow 5 square feet net clear opening at grade floor openings or below grade.
2. For all dwelling units constructed prior to the adoption of this Ordinance, every bedroom 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 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 garbage containers with securable covers in compliance with franchise requirements that ensure the collected solid waste is not susceptible to wildlife intrusion and weather elements. 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. *Interior Mandatory Postings.* Mandatory postings 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. Mandatory postings include the following:
1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration. The license shall include the following information:
 - a. The number of bedrooms and maximum occupancy permitted for the short-term rental;
 - b. The number of approved parking spaces;
 - c. Any required information and conditions specific to the Short-Term Rental License; and
 - d. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental.
 2. For those properties located within a tsunami inundation zone, a copy of an Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Evacuation Brochure shall be posted in a visible location as close as possible to the main entrance of the short-term rental. The brochure shall be furnished by the Tillamook County Department of Community Development at the time of Short-Term Rental License issuance and renewal.
 3. Good Neighbor Policy and Guidelines. The property owner and contact person shall acknowledge the County's Good Neighbor Policy, and shall post them in every short-term rental.

- O. *Exterior Mandatory Posting.* Exterior signage shall be installed outside of the dwelling unit and shall be of adequate size so that the following required information on the exterior sign is easily read from the road right-of-way:
1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County;
 2. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental;
 3. The property address;
 4. The name of the contact person (or entity) and a telephone number (optional).
- P. No recreational vehicle, yurt, travel trailer, tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including a recreational vehicle is permitted in conjunction with a short-term rental.
- Q. 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.

.090 Additional Inspections Required. To merit approval of an initial (first year) Short-Term Rental License 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:

- A. *Inspection Required.* The owner of the short-term rental dwelling unit shall obtain an inspection by the County Building Inspector to inspect the dwelling unit and determine 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 owner or contact person shall contact the Department within thirty (30) days of applying for the license to schedule the required inspection by the County Building Inspector and ensure that entry to the dwelling can be granted by a person eighteen (18) years of age or above.

The inspection and certification shall include compliance with electrical, structural, and ventilation requirements. A Short-Term Rental License shall not be issued until the short-term rental passes inspection by the County Building Inspector.

- B. *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 application shall be denied, 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 (*septic 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. Demonstration of system adequacy is required at the time of STR application submittal.
1. If the system was installed more than five (5) years from the time of STR application submittal, 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 five (5) years of the date of the Short-Term Rental 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 review of an ESER or AN, or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. A Short-Term Rental License shall not be issued 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, the Short-Term Rental application shall be denied.
 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, 2024. 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 License. The Onsite

Wastewater Division is the delegated authority to determine 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 Unincorporated Tillamook County.

- A. *Advertising and Short-Term Rental License 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 thirty (30) minutes to complaints from or through the Hotline and shall respond in-person within thirty (30) minutes to any additional or successive complains regarding the condition, operation, or conduct of occupants of the short-term rental. Unresolved complaints determined by the STR Administrator to be a violation of this Ordinance shall be subject to Section .130.
 - 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 License, 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.* Events and activities that exceed maximum overnight or daytime occupancy limits.
 2. Events and activities for which a Temporary Use Permit is required and has not been issued.
 3. Unattended barking dogs.
 4. Activities that exceed noise limitations contained in this Ordinance.

.110 Implementation of this Ordinance and Application to Short-Term Rentals

Licensed on the Date of its Adoption. All Short-Term Rentals and their owners who obtain their first/initial License after the adoption of this 2023 Ordinance shall comply with, or otherwise implement, all provisions in this Ordinance at the time of licensing and each renewal thereafter. Preexisting valid licensees existing on the date of adoption of this 2023 Ordinance shall comply with, or otherwise implement, the requirements of Section .070 (Application Required and Burden for Application Approval and License Renewal) and Section .080 (Operational Requirements and Standards for Short-Term Rentals) beginning with their first renewal after January 1, 2024, and every year thereafter. Preexisting valid licensees existing on the date of adoption of this 2023 Ordinance shall comply with, or otherwise implement, the requirements of Section .090 (Additional Inspections Required) beginning with their first third-year renewal after January 1, 2024, and every three years thereafter.

.120 Violations. In addition to complaints related to nuisance and noise and other violations of Tillamook County Ordinances, 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 License.
- 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 License 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 License.

.130 Penalties.

- 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 License and cessation of use of the dwelling unit for short-term tenancy:
 - 1. Failure to renew a Short-Term Rental License as required by Section .060 while continuing to operate a short-term rental.
 - 2. Three (3) or more verified violations of any local ordinance, state or federal regulation within a 12-month period.
 - 3. The discovery of material misstatements or that the license application included false information for a Short-Term Rental License or renewal shall be grounds for immediate revocation of the license.
 - 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 license.
 - 5. Upon an emergency suspension or revocation of a Short-Term Rental License 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 License 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, revoking or sanctioning a Short-Term Rental License may be challenged, if at all, only pursuant to this section.

- A. *Filing Requirements – Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental License.
- 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 license application, license 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 Board Order, a fee for filing an appeal, 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, and complaints about the short-term rental or property.

- 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 License, 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 License, operation of the short-term rental may continue under the Short-Term Rental License.
- 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.

.160 Effective Date. The Board of Commissioners finds that the enactment of this Ordinance is necessary for the public health, safety and general welfare, that an emergency exists, and this Ordinance shall take effect immediately upon passage by the Board of County Commissioners on the date of its adoption.

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Date of First Reading: May 30, 2023.
Date of Second Reading: June 13, 2023.
Date of Third Reading: July 6, 2023.

ADOPTED this 19th day of July, 2023.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

Erin D. Skaar, Chair

____ ____ ____/____

Mary Faith Bell, Vice Chair

____ ____ ____/____

David Yamamoto, Commissioner

____ ____ ____/____

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By: _____
Debra Garland, Special Deputy

William K. Sargent, County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

In the Matter of Regulating Short-Term)
Rentals, Establishing Standards and) ORDINANCE #84
Fees, Providing for a License,) AMENDMENT #2
And Creating Penalties for Violations of)
This Ordinance)

010Title
020Purpose and Scope
030Definitions
040Annual Short-term Rental License Required, Basic Requirements for a License,
No Nonconforming Use Status Conferred
050Application and Fees
060Term of Annual License and Renewal
070Application Required and Burden for License Approval and Renewal
080Operational Requirements and Standards for Short-Term Rentals
090Additional Inspections Required
100Additional Requirements and Prohibitions
110Implementation of this Ordinance and Application to Short-Term Rentals
Licensed and Operating on the Date of its Adoption
120Violations
130Penalties
140Appeals of County Decisions Regarding Short-Term Rentals
150Severability
160*Effective Date*

The Board of Commissioners for Tillamook County ORDAINS as follows:

.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~~ properties 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 and 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 licensing 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. Recognize the need to regulate short-term rentals within neighborhoods to ensure compatibility with, and livability of 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.
 - 5. Protect the character of the County's established neighborhoods by regulating the number, concentration, and scale of full-time short-term rentals in residential neighborhoods.
 - 6. Provide funding support for County housing development initiatives to address local affordable and workforce housing needs and increase availability of housing for people who want to live/work in Tillamook County.
- 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 license is revocable permission to operate a short-term rental, but only as provided in this Ordinance. A license 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 procedures 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 procedures and regulations shall be on file in the Office of the County Clerk 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 License.
- 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).
 - An emergency escape and rescue opening (ORSC R310)

- A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
 - A smoke alarm (ORSC R314.3) where required.
 - A carbon monoxide detector (ORSC R315.3) where required.
 - 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 the owner's designated agent for the Short-Term Rental, authorized to act for the owner on their behalf.
- G. "Contiguous" means adjoining, abutting, bordering or adjacent. For notification purposes contained in Section .050(7), adjacent also means directly across a road right-of-way.
- H. "County" means Tillamook County, Oregon.
- I. "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.
- J. "Daytime" means between the hours of 7:00 am to 10:00 pm.
- K. "Daytime Occupancy" means the hours between 7:00am and 10:00pm. "Daytime occupants" mean the guests who may occupy a short-term rental during a daytime occupancy.
- L. "Department" means the Tillamook County Department of Community Development.
- M. "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. For purposes of this Ordinance, "dwelling unit" does not include an accessory dwelling unit (ADU), yurt, recreational vehicle or similar mobile structure, or motorized vehicle designed and built for temporary vacation use.
- N. "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.

- O. "Estate Home" means a single-family dwelling with five (5) or more bedrooms.
- P. *"Family Member" means any of the following: Your spouse or domestic partner, your child (biological, adopted, stepchild, or foster child), your spouse or domestic partner's child, or the child's spouse or domestic partner.*
- Q. "Good Cause" for the purposes of denial, suspension, revocation, imposition of conditions, renewal and reinstatement of a Short-Term Rental License 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 License; 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.
- R. "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.
- S. "Hosted Homeshare" means the transient rental of a portion of a dwelling while the homeowner is present.
- T. *"License" is the written certificate issued by Tillamook County acknowledging compliance with the applicable requirements of this Ordinance and granting permission to engage in the short-term rental of a dwelling unit pursuant to the terms of the license and this Ordinance. A "license" under this Ordinance also includes all permits that the County issued under previous versions of Ordinance 84 granting permission to operate an STR in unincorporated Tillamook County. As so defined, "License" under this and previous versions of Ordinance 84 is not a land use "permit" as defined in ORS 215.402(4) or a "land use decision" under ORS 197.015(10) and does not impart any property rights to the licensee. A License under this Ordinance is personal to the licensee and may only be transferred to another licensee in accordance with Section .060(C).*
- U. "Nighttime Occupancy" means overnight occupancy between the hours of 10:00pm and 7:00am the next day. "Nighttime occupants" means the guests who may occupy a short-term rental overnight.
- V. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.
- W. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.

- X. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.
- Y. "Overnight" means between the hours of 10:00 pm to 7:00 am the following day.
- Z. *"Owner" means one or more natural persons, a partnership, corporation or trust that owns and holds legal or equitable title to the property as shown on the recorded title to the property and "ownership" means one or more natural persons, a partnership, corporation or trust that owns and holds legal, equitable or beneficial title to the property as shown on the recorded title to the property. Any person or entity holding any ownership, equitable or beneficial interest in real property shall be considered an "owner" for purposes of this Ordinance. Officers, shareholders and members of corporations and LLCs that hold title to real property where an STR is located shall each be considered "owners" of that property. A change in corporate officers, shareholders or LLC members constitutes a change in ownership when the LLC or corporation holds title to the STR property.*
- AA. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental License.
- BB. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".
- CC. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).
- DD. "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".
- EE. "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.
- FF. "Short-Term Rental" or "STR" means the transient rental of a dwelling unit in its entirety to any person on a day-to-day basis for a period of fewer than 30 days; includes advertising, offering, operating, renting, or otherwise making available or allowing any other person to make a dwelling unit available for occupancy or use as a transient dwelling unit. Short-Term Rental 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.
- GG. "Short-Term Rental License" means the annual license required by Section .040, described in this Ordinance, and referred to as a "license."

HH. “Short-Term Rental 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.

II. “Subarea” means those properties located within Tillamook County Unincorporated Communities and Incorporated City Urban Growth Boundaries (UGBs).

JJ. “Subject Property” means the property on which the short-term rental is located.

KK. “Transfer” means a change in ownership of the property where the dwelling licensed as a Short-Term Rental is located that occurs after the effective date of this ordinance. A change in ownership does not include a change in owners on title resulting from death, divorce, marriage or inheritance. means any change in ownership of the real property on which a dwelling licensed as a Short-Term Rental is located. A “transfer” occurs when there is any change in the owner(s) shown on title to the property reflected in the Tillamook County real property deed records or a change in the ownership of a corporation that holds title to the property.

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

MM. “Unincorporated Communities” means those properties located within the Tillamook County Unincorporated Communities of Neahkahnie, Mohler, Barview/Twin Rocks/Watseco, Idaville, Cape Meares, Oceanside, Netarts, Siskeyville, Beaver, Hebo, Cloverdale, Tierra Del Mar, Pacific City/Woods, and Neskowin. (See Maps included in “Exhibit A”.)

.040 Annual Short-Term Rental License Required, Basic Requirements for a License, 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 License. “Advertise or offer” includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.

A. *License Must Be Obtained and Maintained.* A Short-Term Rental License shall be obtained, maintained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. A Short-Term Rental License in unincorporated Tillamook County may be revoked for failure to operate a short-term rental in accordance with all requirements of the license 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 license.

B. *Limitation of STR One (1) License per Licensee.* ~~The County shall issue a maximum of one (1) short-term rental license for each qualified licensee. For~~

~~purposes of this subsection, a “licensee” is one or more natural persons, a partnership, corporation or trust seeking a short-term license, and to qualify as a separate, qualified “licensee” under this subsection, there can be no overlap of partners, trustees, trust beneficiaries, corporate officers or shareholders with any other licensee. This provision applies only to applications for new STR licenses, not renewals, that are submitted after the effective date of this 2023 provision. The County shall issue a maximum of one (1) short-term rental license for each qualified licensee. For purposes of this subsection, a “licensee” is one or more natural persons, a partnership, corporation or trust seeking a short-term license, and to qualify as a separate, qualified “licensee” under this subsection, there can be no overlap of partners, LLC members, trustees, trust beneficiaries, corporate officers or shareholders with any other licensee. This provision applies only to applications for new STR licenses submitted after the effective date of this 2023 provision, not renewals or lawfully transferred licenses.~~

- C. *No Nonconforming Status Conferred.* The fact that an owner of property or other entity may hold a license 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 license.
- D. *Cap on Number of STR Licenses In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries.* The County ~~has~~ shall establish through Board Order, and may amend from time to time, a limit (a “cap”) on the number of STR Licenses that can be issued for each of the following residential subareas in unincorporated Tillamook County (“subareas” as depicted in “Exhibit A”):
1. Neahkahnie
 2. Mohler
 3. Barview/Twin Rocks/Watseco
 4. Idaville
 5. Siskeyville
 6. Cape Meares
 7. Oceanside
 8. Netarts
 9. Beaver
 10. Hebo
 11. Cloverdale
 12. Tierra del Mar
 13. Pacific City/Woods
 14. Neskowin
 15. Manzanita UGB
 16. Nehalem UGB
 17. Wheeler UGB
 18. Rockaway UGB
 19. Garibaldi UGB

- 20. Bay City UGB
- 21. Tillamook UGB

The County shall accept and may grant STR licenses up to the cap established in each subarea, after which it shall not issue any new licenses. For subareas where the cap has been reached, the County may still grant renewals of existing STR licenses. If, at the time of application for a new STR license, there is not room within the applicable subarea cap to accommodate a new STR license, the County will return the application and place the applicant's name on a waitlist in the order the application was received. The County will contact applicants in their order on the waitlist as space for a new STR license comes available, and each will be allowed an opportunity to submit an application for a new STR license. The STR license application fee shall not be due or collected from applicants on a waitlist until an invited license applicant submits an application; however, the County shall charge a \$100 fee to place an applicant on a waitlist.

E. Density Limits outside of Subareas. Unincorporated areas of Tillamook County that are outside of the 21 residential subareas listed in Subsection 040(D) shall be subject to a density limitation on the issuance of STR licenses. In unincorporated areas outside of the 21 subareas, no STR license application shall be accepted or approved where there is an existing STR license on a contiguous property. This density limitation applies only to applications for new STR licenses, not renewals, that are submitted after the effective date of this 2023 provision.

~~F. Renewal Eligibility. A STR license must be actively used to be eligible for renewal. To be eligible for renewal, all STR licenses shall be actively used by short-term renting the dwelling a minimum of 30 days in the preceding year (12 months). If, at the time of renewal, the dwelling has not been short-term rented at least 30 days in the preceding year (12 months), the renewal shall be denied, and the dwelling not used as a STR unless the owner obtains a new license. This provision applies only to STR annual renewal applications submitted after January 1, 2024. A STR license must be actively used to be eligible for renewal. To be eligible for renewal, all STR licenses shall be actively used by short-term renting the dwelling a minimum of 30 days in the preceding year (12 months). If, at the time of renewal, the dwelling has not been short-term rented at least 30 days in the preceding year (12 months), the renewal shall be denied, and the dwelling not used as a STR unless the owner obtains a new license. This provision applies only to STR annual renewal applications submitted after January 1, 2025; however, the 30-day requirement may be waived for one year if the STR structure is damaged or destroyed by fire or other disaster or is actively being renovated pursuant to a valid building permit and cannot be short-term rented.~~

.050 License 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 transfer or alteration of an existing STR License:

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 the contact person (authorized agent) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section .070.
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 notice of use of a property as a short-term rental to owners of neighboring properties contiguous to the rental property. Notification can be completed by mail or distributed by hand and shall contain the address of the rental property, 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. A written statement confirming notice to neighbors has been completed shall be submitted to the Department prior to issuance of a Short-Term Rental License.

Upon issuance of a new Short-Term Rental License or upon receipt of notification of change of the name of the contact person and/or representative responsible for the rental, the Department of Community Development shall provide notice to all properties within 150-feet of the rental property within 30 days of issuance of a new or updated license.

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 *receipt of* an application for a Short-Term Rental License or 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 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 and the County's Civil Enforcement procedures.

C. *Incomplete Application.* If a short-term rental 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 null and void.

Licensing Fees. The fee for application for a Short-Term Rental License, ~~or~~ license renewal *or alteration of an existing license* shall be as established by Board Order.

.060 Term of Annual License and Renewal

- A. *Term.* A Short-Term Rental License is valid for one year (12 months) and shall be renewed annually by the last day of the month of the anniversary date of each ensuing year. Billing notice will be sent to the owner in the month prior to the license renewal date. Payment shall be due by the last business day of the anniversary month. If the payment is not received by the renewal date, a notice that the Department intends to terminate the license shall be sent to the contact person (if applicable) and the owner. This notice shall allow an additional thirty (30) days to comply with the renewal provisions and shall specify that failure to submit renewal payment will result in expiration of the license by the last business day of that month.
- B. If the contact person (authorized agent) changes during the 12-month period, the property owner or authorized agent shall notify the County in writing of the change within thirty (30) days of the change and provide all new contact and tax payment information. Change of contact person necessitating need for issuance of an updated license is an alteration to an existing Short-Term Rental License and shall be subject to a fee established by Board Order.
- C. *Transferability of STR Licenses.* ~~Any STR License existing at the time of adoption of this Ordinance is eligible for one (1) transfer to another person or entity. The current license holder or authorized agent shall notify the STR Administrator of the change in property ownership within sixty (60) days of the change. All subsequent changes in property ownership shall require a new STR License subject to then-current ordinance provisions. STR Licenses issued after the adoption of this Ordinance are not transferable when property ownership changes.~~

Any STR License existing at the time of adoption of this 2023 Ordinance is eligible for one (1) transfer to another licensee who does not already have an STR license, after which, any new owner of the property is obligated to apply for a new license in its own name under the requirements that apply at that time. For purposes of this subsection, a "licensee" is one or more natural persons, a partnership, an LLC, corporation or trust holding title to or owning a short-term rental property. Thus, preexisting STR licenses on the date of adoption of this 2023 Ordinance may be transferred once from one such licensee to another, who does not already have an STR license, with a transfer of ownership of the property, after which all new owners must apply for a new STR license in their own name under the then-applicable requirements. This limitation on STR license transfers as property ownership transfers does not apply to ownership transfers within families, among family members (as defined herein), to a family trust, or among the members of an LLC consisting solely of family members. Such STR license transfers, as property is transferred between and among family members, a family trust, or a family LLC may occur without limitation, and the STR license will transfer with ownership of the property. All STR license holders shall notify the STR Administrator of any and all changes in property ownership within sixty (60) days of such changes. All new/initial STR Licenses issued after the adoption of this 2023 Ordinance shall not transfer when property

ownership changes, in which case a transfer of ownership shall terminate the license, and the new owner must apply for a new STR license in their own name under the then-applicable requirements.

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

- A. *Application Required.* Applications for a Short-Term Rental License 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~~ *requirements* for initial approval or annual renewal of the Short-Term Rental License. The ~~approval criteria~~ *applicable requirements* 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 Section .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 (1) all-weather travel surface parking space shall be provided for every bedroom in the dwelling unit. 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 renewal to show the garage is available and large enough for vehicle parking. All required parking shall be on-site (off-street) except as follows:
 - a. 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 License. Off-site parking is subject to the requirements of Subsection .080(E).
 - b. Up to two (2) required parking spaces may be satisfied with on-street parking provided on-street parking is within 100-feet of the subject property boundaries and authorized by the Tillamook County Public Works Department. On-street parking spaces shall be a minimum size of 8-feet by 20-feet each, *or a lesser dimension authorized by the Tillamook County Public Works Director.* On-street parking proposals

shall be reviewed by the Tillamook County Public Works Department. Written authorization of the parking spaces shall be submitted to the Department at the time of application submittal.

- c. Designated parking is available for guests within a private development where authorization for use of parking in conjunction with a STR has been granted by the development Homeowner's Association (HOA). Written authorization from the HOA confirming use of off-site parking shall be submitted to the Department at the time of application submittal. The number and location of parking spaces authorized to be utilized in conjunction with the STR shall be included in the written authorization.
- 2. Each off-street parking space shall be a minimum of 8-feet by 16-feet and configured in a manner that ensures parking spaces are accommodated within the property boundaries.
- 3. No STR property shall have more than six (6) parking spaces total for overnight guests. Two (2) additional parking spaces may be allowed for daytime guests. Parking shall not, under any circumstances, hinder the path of any emergency vehicle.
- 4. Access to approved parking spaces shall be designed to limit access onto the property through the defined road approach. Alterations to the road approach for purposes of off-street parking is subject to review and approval by the local road authority.
- 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 direct renters to the parking diagram for the rental property to ensure use of off-street parking are prioritized 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. *License Approval and Annual Renewal Standards.* To receive approval, license renewal, or maintain a license, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the requirements and standards in Section .080 are satisfied.
- G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental License following adoption of this 2023 Ordinance and within 90 days of renewal every third year thereafter, the applicant must

obtain and provide to the County evidence of compliance with the satisfactory inspections described in Section .090.

.080 Operational Requirements and Standards for Short-Term Rentals. To qualify to obtain or retain a license, 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 License.

- A. *Maximum Occupancy.* The maximum nighttime 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 nighttime occupancy of six (6) people plus up to three (3) 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 license renewal and upon physical inspection of the short-term rental.
- B. Regardless of the number of bedrooms, the maximum nighttime occupancy of an STR shall not exceed 10 (ten) persons plus three (3) children aged twelve (12) and under.
- C. The owner of an Estate Home shall be exempt from subsection (B) of this section and is allowed a maximum nighttime occupancy of up to fourteen (14) persons plus up to three (3) children, age 12 or under, to occupy the short-term rental.
- D. The maximum daytime occupancy for any short-term rental shall be limited to the nighttime maximum occupancy plus six (6) additional people. For example, a two-bedroom dwelling unit is permitted for 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 a 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 accommodate no more than two (2) parking spaces to satisfy this requirement. Where licensing 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 License.
- F. *Quiet Hours.* The hours of 10:00pm to 7:00am the following day are quiet hours, and there shall be no amplified music or other noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property. The owner or contact person shall respond to all noise complaints during quiet hours

within 30 minutes of when the County's STR complaint dispatch center sends a message about a received complaint regarding the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.

- G. *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.
- H. *No unpermitted improvements or bedrooms.* All electrical, structural, plumbing, venting, mechanical and other improvements made to a licensed short-term rental shall be fully permitted. Any sleeping area used as a bedroom shall be inspected and permitted in accordance with the requirements 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 be utilized as part of the short-term rental. Areas not approved for use as a bedroom shall not be included in the maximum occupancy calculation for the short-term rental. The contact person shall notify every renter, in writing, that the non-compliant bedroom may not be used for sleeping.
- I. *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 30 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 licensing, but only by revising the license 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 30 minutes of being summoned shall be a violation of this Ordinance.
- J. *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 license application and renewal. The contact person shall be responsible for completing the fire safety checklist as part of the renewal process to ensure continued compliance. A copy of the signed fire safety checklist shall be submitted to the Department at the time of application for a new

STR License and at the time of renewal of an existing Short-Term Rental License 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. Smoke detectors shall be placed and maintained in each bedroom, outside each bedroom in its immediate vicinity and in each additional story and basement without a bedroom.
6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom and 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 handrail.
9. All interior and exterior guardrails, such as deck railings, shall be able to withstand a 200-pound impact force.
10. 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.
11. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties.
12. The house number shall be prominently displayed and maintained, and be visible from the road right-of-way.

K. 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 shall be 5.7 square feet. Minimum net clear height is 24 inches and net clear width is 20 inches. The Building Official may allow 5 square feet net clear opening at grade floor openings or below grade.

2. For all dwelling units constructed prior to the adoption of this Ordinance, every bedroom 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 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 garbage containers with securable covers in compliance with franchise requirements that ensure the collected solid waste is not susceptible to wildlife intrusion and weather elements. 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. Interior Mandatory Postings. Mandatory postings 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. Mandatory postings include the following:

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration. The license shall include the following information:
 - a. The number of bedrooms and maximum occupancy permitted for the short-term rental;
 - b. The number of approved parking spaces;
 - c. Any required information and conditions specific to the Short-Term Rental License;
 - d. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental.
2. For those properties located within a tsunami inundation zone, a copy of an Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Evacuation Brochure shall be posted in a visible location as close as possible to the main entrance of the short-term rental. The brochure shall be furnished

by the Tillamook County Department of Community Development at the time of Short-Term Rental License issuance and renewal.

3. Good Neighbor Policy and Guidelines. The property owner and contact person shall acknowledge the County's Good Neighbor Policy, and shall post them in every short-term rental.

O. *Exterior Mandatory Posting.* Exterior signage shall be installed outside of the dwelling unit and shall be of adequate size so that the following required information on the exterior sign is easily read from the road right-of-way:

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, ~~with the date of expiration;~~
2. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental;
3. The property address;
4. The name of the contact person (or entity) and a telephone number (optional).

P. No recreational vehicle, yurt, travel trailer, tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including a recreational vehicle is permitted in conjunction with a short-term rental.

Q. 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.

.090 Additional Inspections Required. To merit approval of an initial (first year) Short-Term Rental License 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:

- A. *Inspection Required.* The owner of the short-term rental dwelling unit shall obtain an inspection by the County Building Inspector to inspect the dwelling unit and determine 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 owner or contact person shall contact the Department within thirty (30) days of applying for the license to schedule the required inspection by the County Building Inspector and ensure that entry to the dwelling can be granted by a person eighteen (18) years of age or above.

The inspection and certification shall include compliance with electrical, structural, and ventilation requirements. A Short-Term Rental License shall be not issued until the short-term rental passes inspection by the County Building Inspector.

- B. *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 application shall be denied, 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 (*septic 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. Demonstration of system adequacy is required at the time of STR application submittal.
1. If the system was installed more than five (5) years from the time of STR application submittal, 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 five (5) years of the date of the Short-Term Rental 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 review of an ESER or AN, or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. A Short-Term Rental License shall not be issued 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, the Short-Term Rental application shall be denied.
 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, 2024. 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 License. The Onsite Wastewater Division is the delegated authority to determine 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 Unincorporated Tillamook County.

- A. *Advertising and Short-Term Rental License 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 thirty (30) minutes to complaints from or through the Hotline and shall respond in-person within thirty (30) minutes to any additional or successive complains regarding the condition, operation, or conduct of occupants of the short-term rental. Unresolved complaints determined by the STR Administrator to be a violation of this Ordinance shall be subject to Section .130.
 - 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 License, 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.* Events and activities that exceed maximum overnight or daytime occupancy limits.
2. Events and activities for which a Temporary Use Permit is required and has not been issued.
3. Unattended barking dogs.
4. Activities that exceed noise limitations contained in this Ordinance.

.110 Implementation of this Ordinance and Application to Short-Term Rentals Licensed on the Date of its Adoption. All Short-Term Rentals and their owners who obtain their first/initial License after the adoption of this 2023 Ordinance shall comply with, or otherwise implement, all provisions in this Ordinance at the time of licensing and each renewal thereafter. Preexisting valid licensees existing on the date of adoption of this 2023 Ordinance shall comply with, or otherwise implement, the requirements of Section .070 (Application Required and Burden for Application Approval and License Renewal) and Section .080 (Operational Requirements and Standards for Short-Term Rentals) beginning with their first renewal after January 1, 2024, and every year thereafter. Preexisting valid licensees existing on the date of adoption of this 2023 Ordinance shall comply with, or otherwise implement, the requirements of Section .090 (Additional Inspections Required) beginning with their first third-year renewal after January 1, 2024, and every three years thereafter.

.120 Violations. In addition to complaints related to nuisance and noise and other violations of Tillamook County Ordinances, 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 License.

- 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 License 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 License.

.130 Penalties.

- 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 License and cessation of use of the dwelling unit for short-term tenancy:
 - 1. Failure to renew a Short-Term Rental License as required by Section .060 while continuing to operate a short-term rental.
 - 2. Three (3) or more verified violations of any local ordinance, state or federal regulation within a 12-month period.
 - 3. The discovery of material misstatements or that the license application included false information for a Short-Term Rental License or renewal shall be grounds for immediate revocation of the license.
 - 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 license.

5. Upon an emergency suspension or revocation of a Short-Term Rental License 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 License 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, revoking or sanctioning a Short-Term Rental License may be challenged, if at all, only pursuant to this section.

- A. *Filing Requirements – Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental License.
- 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 license application, license 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 Board Order, a fee for filing an appeal, 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, and complaints about the short-term rental or property.

- 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 License, 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 License, operation of the short-term rental may continue under the Short-Term Rental License.
- 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.

.160 Effective Date. The Board of Commissioners finds that the enactment of this Ordinance is necessary for the public health, safety and general welfare, that an emergency exists, and this Ordinance shall take effect immediately upon passage by the Board of County Commissioners on the date of its adoption.

Date of First Reading: May 30, 2023.

Date of Second Reading: June 13, 2023.

Date of Third Reading: July 6, 2023.

ADOPTED this ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

Erin D. Skaar, Chair

____ / _____

Mary Faith Bell, Vice Chair

____ / _____

David Yamamoto, Commissioner

____ / _____

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By _____
Special Deputy

William K. Sargent, County Counsel

Dan -

LLCs aren't
corporations - with shareholders

They are "limited liability companies"
with directors

Just exclude them.

LLCs

Dan -

LLCs are not corporations.
They are distinct in the law.
All of your current corporation
language works.

Just address LLCs ~~distinctly~~
discretely.

Jerry Keene



TILLAMOOK COUNTY BOARD OF COMMISSIONERS NOTICE OF MEETING AGENDAS

BOARD OF COMMISSIONERS

Erin D. Skaar, Chair
eskaar@co.tillamook.or.us

Mary Faith Bell, Vice-Chair
mfbell@co.tillamook.or.us

David Yamamoto, Commissioner
dyamamoto@co.tillamook.or.us

CONTACT

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Tillamook, Oregon 97141
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www.co.tillamook.or.us

COMMUNITY UPDATE MEETING

Tuesday, July 4, 2023 - CANCELLED

BOARD MEETING

Wednesday, July 5, 2023 at 9:00 a.m.

Board of Commissioners' Meeting Room 106

County Courthouse, Teleconference, and Live Video at tctvonline.com

JOIN THE BOARD OF COMMISSIONERS' MEETINGS

The board is committed to community participation and provides opportunity for public attendance during meetings via in-person and teleconference.

- **Community Update Meetings: Tuesdays at 8:00 a.m.**
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Radio: KTIL-FM at 95.9
- **Board Meetings: Wednesdays at 9:00 a.m.**
 - County Courthouse: Board of Commissioners' Meeting Room 106, 201 Laurel Avenue, Tillamook
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Live Video: tctvonline.com

MEETING INFORMATION AND RULES

- Matters for discussion and consideration by the board shall be placed on an agenda prepared by the staff and approved by the board chair. Any commissioner may request items on the agenda.
- Public hearings are formal proceedings publicized through a special public notice issued to media and others. Public hearings held by the board are to provide the board an opportunity to hear from the public about a specific topic. Public hearings are therefore different regarding audience participation at board meetings.
- Commissioners shall be addressed by their title followed by their last name.
- Commissioners shall obtain approval from the chair before speaking or asking questions of staff, presenters, and public. As a courtesy, the chair shall allow an opportunity, by the commissioner who has the floor, to ask immediate follow-up questions.
- A majority of the board shall constitute a quorum and be necessary for the transaction of business.
- All board meeting notices are publicized in accordance with public meeting laws.
- All board meetings shall commence with the Pledge of Allegiance.
- The chair will utilize the gavel as needed to maintain order, commence and adjourn meetings, and signal approval of motions.
- The board reserves the right to recess to executive session as may be required at any time during these meetings, pursuant to ORS 192.660(1).
- The courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing visual, or manual impairments who wish to participate in the meeting, contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

PUBLIC COMMENT

- Providing public comment is an opportunity for constituents to be heard and express their views to the board.
- The board allows public comment at board meetings during the public comment period designated on the agenda.
- Comments are limited to one per person and per agenda item.
- Comments must be related to the agenda item(s) previously registered to comment on.
- The allotted time for public comments is two minutes per person; this time may not be allotted to another speaker. The chair may, at their sole discretion, further limit or expand the amount of time.
- The public comment opportunity is not a discussion, debate, or dialogue between the speaker and the board, which may or may not respond.
- Members of the public do not have the right to disrupt the meeting; the board may prohibit demonstrations such as booing, hissing, or clapping.
- Remarks containing hate speech, profanity, obscenity, name calling or personal attacks, defamation to a person, people, or organization, or other remarks the board deems inappropriate will not be allowed.
- Failure to follow all rules and procedures may result in not being able to provide public comment and/or being removed from the meeting.

In-Person Procedures

- Sign in before the meeting begins and indicate your desire to provide public comment and which agenda item you would like to comment on. When your name is announced, please come forward to the table placed in front of the dais and for the record, first identify yourself, area of residence, and organization represented, if any.

Virtual Procedures

- Register by sending an email to publiccomments@co.tillamook.or.us by 12:00 p.m. on the Tuesday prior to the board meeting. The email must contain all of the following information:
 - Full name, area of residence, and phone number.
 - Agenda item(s), you wish to comment on.
- Once registered, and before the start of the meeting, board staff will email a Microsoft Teams meeting link.
- When logged in to the meeting you must remain muted with your camera off until your name is called, then you unmute and turn on your camera.
- The chair may require those providing virtual comment to turn on their camera while providing comment or testimony.

Written Procedures

- Written comments may be mailed to 201 Laurel Avenue, Tillamook, Oregon 97141 or emailed to: publiccomments@co.tillamook.or.us.
- Written comments received by 12:00 p.m. on the Tuesday prior to the board meeting will be distributed to the board and posted online. All written comments submitted become part of the permanent public meeting record.

AGENDA

MEETING

CALL TO ORDER: Wednesday, July 5, 2023 9:00 a.m.

1. Welcome & Request to Sign Guest List
2. Pledge of Allegiance
3. Public Comment
4. Non-Agenda Items

LEGISLATIVE – ADMINISTRATIVE

5. Discussion and Consideration of an [Agreement with Oregon Accreditation Alliance](#) to Assess the Tillamook County Sheriff's Office Eligibility for Accreditation/Matt Kelly, Undersheriff, Sheriff's Office
6. Discussion and Consideration of a [Memorandum of Agreement with Trout Unlimited](#) for Project and Grant Management of the Salmon SuperHwy Projects/Chris Laity, Director, Public Works
7. Discussion and Consideration of an [Order in the Matter of the Vacation of a Portion of R. O. Richards Road West](#), Township 3 South, Range 10 West, Section 2A, in Beaver, Tillamook County, Oregon/Jasper Lind, Engineering Technician, Public Works
8. Discussion and Consideration of a [Stormwater Drainage Easement with A. Robert Taylor](#) Along Spring Street, Township 4 South, Range 10 West, Section 19CC, in an Area of a Dedicated Public Right of Way Between Blocks 16 and 17 in Pacific City, Tillamook County, Oregon/Jasper Lind, Engineering Technician, Public Works
9. Discussion and Consideration of an [Order in the Matter of the Vacation of a Portion of Spring Street](#), Township 4 South, Range 10 West, Section 19CC, in an Area of Dedicated Public Right of Way Between Blocks 16 and 17 in Pacific City, Tillamook County, Oregon/Jasper Lind, Engineering Technician, Public Works
10. Discussion and Consideration of an [Order in the Matter of the Vacation of a Portion of 19th Street](#) in the Manzanita Urban Growth Boundary, in an Area of Dedicated Public Right of Way in Township 3 North, 0Range 10 West, Section 29AA, Between Lot 1 of Block 50 and Lot 1 of Block 53 in Tillamook County, Oregon/Jasper Lind, Engineering Technician, Public Works
11. Discussion and Consideration of a [Memorandum of Agreement with the Department of Homeland Security](#) Federal Emergency Management Agency for Preparation of an Environmental Impact Statement (EIS) for the National Flood Insurance Program (NFIP) – Endangered Species Act (ESA) Integration in Oregon Plan/Sarah Absher, Director, Department of Community Development
12. Discussion and Consideration of [Change Order #2 to Contract #5026 Contract for General Services with Lovett, Inc.](#) for the Facilities Plumbing Maintenance Services Project/Kevin Jolly, Maintenance Supervisor

13. Discussion and Consideration of [Amendment #5 to Grant Agreement Number 5012 with Tillamook Coast Visitors Association](#) for Destination Management and Communication Services/Rachel Hagerty, Chief of Staff
14. Discussion and Consideration of a [Professional Services Agreement with PAE Consulting Engineers, Inc.](#) for the Tillamook County Fairgrounds Electrical Service Upgrade Project/Rachel Hagerty, Chief of Staff
15. Board Concerns
16. Board Announcements

ADJOURN

OTHER MEETINGS AND ANNOUNCEMENTS

Independence Day is an observed holiday for the County and the Oregon State Circuit Court. All County offices in the Tillamook County Courthouse and the Tillamook County Library, administrative offices in the Jail and Justice Facility, Public Works Department, Department of Community Development, Surveyor's Office, and the Health and Human Services Department and clinics, and the State Circuit Court, will be **CLOSED** on **Tuesday, July 4, 2023**.

The Community Update teleconference scheduled for **Tuesday, July 4, 2023** is cancelled.

The Commissioners will hold a Board Briefing on **Wednesday, July 5, 2023** at **2:00 p.m.** to discuss weekly Commissioner updates. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

The Commissioners will attend the continuation of a June 13, 2023 public hearing on **Thursday, July 6, 2023** at **5:30 p.m.** to consider proposed amendments to Tillamook County Ordinance #84 for the regulation of short-term rentals in Unincorporated Tillamook County. The public hearing will be held at the Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 887 242 77#.

The Commissioners will hold an executive session on **Monday, July 10, 2023** at **1:00 p.m.** pursuant to ORS 192.660(2)(i) to conduct a performance evaluation. The executive session will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The executive session is not open to the public.

The Commissioners will hold an executive session on **Monday, July 10, 2023** at **2:00 p.m.** pursuant to ORS 192.660(2)(i) to conduct a performance evaluation. The executive session will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The executive session is not open to the public.

PUBLIC COMMENT SIGN UP
PLEASE PRINT FULL NAME

PLEASE PRINT FULL NAME

~~DATE~~

Lynn Tone

From: Scott Hohensee <hohenseescott@gmail.com>
Sent: Saturday, July 1, 2023 8:50 AM
To: Lynn Tone
Subject: EXTERNAL: Ordinance 84 replacement comments

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Tillamook County Commission
STR Comments
7/1/23

Erin Skaar
Mary Faith Bell
David Yamamoto

My wife and I decided to invest in Tillamook County after reviewing the rules regarding short term rentals (Ordinance 84) and locating a community that was designed specifically for vacation homes/STRs (Kiwanda Shores in Pacific City). We found Ordinance 84 to be a fair and thoughtful approach to managing STRs. The proposed replacement ordinance is divisive, burdensome and designed to make individual STR owners fail. The original ordinance made us feel we were partnered with the community. The revisions make us feel like we are at war with the county. Please reject the proposed ordinance in favor of the original and continue our partnership.

Regards,

Scott Hohensee

Lynn Tone

From: Public Comments
Sent: Monday, July 3, 2023 7:31 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: County regulation of short term rentals

From: topsoil_grip0i@icloud.com <topsoil_grip0i@icloud.com>
Sent: Saturday, July 1, 2023 3:35 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: County regulation of short term rentals

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Greetings, Tillamook county commissioners,

I'd like to make a comment about short term rental regulations that you are considering eminently for the county. I live in the urban growth boundary area of Rockaway Beach, where I pay a mortgage on the one house I own and permanently reside in.

I am very concerned about the recent appearance of a highly coordinated and well funded public response by the real estate industry and short term rental owners to limitations that you may place on the number/percentage of short term rentals and their license conveyance with property sales in county unincorporated areas. (See photos attached)

I sincerely hope you will not be swayed by this purposeful lobbying by those in the STR industry. This lobbying has generated a great deal of back-and-forth commentary on various community Facebook pages, filled with a great deal of misinformation and fear-mongering. The industry is clearly concerned that their limitless profitability might be curtailed if you place any limits on STR's are determined that they can no longer be perpetually associated with a property after its sale to another owner.

In response to industry lobbying, many ordinary residents have raised the key issue of the lack of available workforce housing in the county. There are complex reasons for this shortage, as you know, but foremost among them is the conversion of enormous numbers of former residences into profitable STR's catering to tourism during the past several years.

The crux of the issue turns on housing as a residency versus housing as a financial investment. Recent emphasis on the latter is an index of burgeoning inequality in our country, in which some people can afford to own more than one or many houses, and others increasingly have trouble finding even one place to call home, whether as a renter or an owner. This shift has depleted some of our towns of full-time residents and the emotional commitment they invest in our communities. Tourism is important to the economy, but when it leads to the displacement of locals residents in the face of the housing shortage, and turns our communities into winter ghost towns, we are in trouble.

The balance is out of whack. Please restore some sense of balance between residential properties and businesses, which is precisely what STR's are. Please come up with some mechanism for limiting the number or percentage of STR's in the county. Cities like Rockaway, whose largest portion of its budget comes from STR license fees, seem greedily intent on giving away to tourism most of their residential properties. Don't let this tendency overflow into the unincorporated areas.

Be sure too, to limit existing STR licenses beyond the sale of a home. Without this limit, property prices will continue to inflate well beyond a home's residential value. Just as new business owners occupying a former business's location would have to apply for a new business permit, new property owners hoping to continue as a short term rental should be expected to apply for a new rental license, and to wait their turn if necessary.

Thank you for your attention and your hard work on this complicated issue.

Sincerely,
Kristin Koptiuch
9670 Scenic View Drive
Rockaway Beach, OR 97136
Koptiuch@gmail.com

ADLIGHT HERALD 6-27-23

TELL THE

Keep

Open

The Tillamook County

This general



Rockaway Beach Community



Janell Dixon · 4d · 



SHORT-TERM RENTALS OPERATOR LICENSE FEES

CONGRATS TO KINGFISHER APARTMENTS IN
PACIFIC CITY FOR BEING AWARDED A
\$250,000 GRANT TO SUPPORT WORKFORCE
HOUSING FUNDED BY STRS

 Like

 Comment

 Share

Rules

To: Tillamook Board of County Commissioners
Tillamook County Community Development
publiccomments@co.tillamook.or.us
mfbell@co.tillamook.or.us
dyamamoto@co.tillamook.or.us
eskaar@co.tillamook.or.us
sabsher@co.tillamook.or.us

From: Shelly Lefore
5395 Netarts-Oceanside Hwy
Short Term Rental Owner

Re: Support for all comments and legal concerns submitted by Oregon Coast Hosts

My name is Shelly Lefore and I am a Short Term Rental Owner. I am a Tillamook county voter. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

My family has owned this property since 1995. Our house is a generational property and we enjoy many family gatherings there and lots of memories of my husband's parents who built the home and are no longer with us. We are currently not in a position to live in the house full time and enjoy sharing our beautiful location with others.

These are my top 3 general concerns:

- Replacement of current permits with licenses
- Property owners cannot lose property rights solely based on conduct of someone else.
- No evidence to support restrictive new regulations - only 9 violations in 4+ years

These are my top 3 operational specific concerns:

- 24/7 Contact Person - The immediate response requirement is unreasonable; even first-responders (Fire, Sheriff and Ambulance) cannot respond that quickly every time. \$100 charge to change contact person will discourage frequent changes, which are necessary due to 24/7 requirements. An online registration which allows owners or property managers to login and update the contact person in real time is an ideal solution that can be integrated with Granicus.
- Exterior Signs - Requiring expiration dates on exterior signage is wasteful as it will necessitate new signage annually, may violate HOA rules, may invite vandalism and trespassing, especially in places where the home is not visible at all from the public right of way.
- Revocation for 3 or more verified violations of ANY local ordinance, state or federal regulation within a 12-month period

I support fair and balanced STR regulations. Balancing the historic seasonal home ownership of our community with property rights and livability can be done with evidence-based regulations and enforcement. To truly impact livability, the rules regarding top nuisance concerns need to apply equally to all homeowners and residents.

Sincerely,

Shelly Lefore

Lynn Tone

From: Public Comments
Sent: Monday, July 3, 2023 7:32 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Comments regarding replacement of Ordinance 84

From: Scott Hohensee <hohenseescott@gmail.com>
Sent: Saturday, July 1, 2023 8:48 AM
To: Public Comments <publiccomments@co.tillamook.or.us>; ltone@tillamook.or.us
Subject: EXTERNAL: Comments regarding replacement of Ordinance 84

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Tillamook County Commission
STR Comments
7/1/23

Erin Skaar
Mary Faith Bell
David Yamamoto

My wife and I decided to invest in Tillamook County after reviewing the rules regarding short term rentals (Ordinance 84) and locating a community that was designed specifically for vacation homes/STRs (Kiwanda Shores in Pacific City). We found Ordinance 84 to be a fair and thoughtful approach to managing STRs. The proposed replacement ordinance is divisive, burdensome and designed to make individual STR owners fail. The original ordinance made us feel we were partnered with the community. The revisions make us feel like we are at war with the county. Please reject the proposed ordinance in favor of the original and continue our partnership.

Regards,

Scott Hohensee

Ira M. Levin, Ph.D.
49985 Seasand Road
Neskowin, OR 97149
levinconsultnggroup@comcast.net

July 1, 2023

Ms. Sarah Absher, CFM Director
Tillamook County Department of Community Development
1501-B Third Street
Tillamook, OR 97141

Dear Director Absher:

Please accept this letter as my public comments regarding the latest draft of the amended Tillamook County Short Term Rental (STR) Ordinance published June 29, 2023 and to be discussed by the Board of Commissioners at their July 6 meeting.

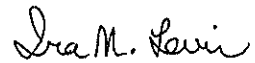
My family and I have owned our property on Seasand Road for over 20 years. During that time, we have witnessed first-hand the expanded development of our small coastal community and witnessed increased numbers of short-term renter vacationers. On Surf Road leading to our property on Seasand now 60% of the properties have been converted into multiple family STRs. As I expressed in prior commentary during this process, my experience has been that owners of short-term rentals have not consistently taken responsibility for ensuring their renters abide by simple rules of decent conduct such as cleaning up the beach areas they use, protecting the fragile local ecosystem, and avoiding becoming a public nuisance late in the evening. This holiday weekend it is those occupying the STRs who are shooting off fireworks late at night that presents not only a noise disturbance, but a fire danger.

In any case, I would like to provide my appreciation and full support for your work and that of the other Commissioners in fashioning this latest revised ordinance draft. I find it to be a marked improvement over earlier versions. For example, adding back in the density/distance requirement is a worthy revision. Although, not including unincorporated areas in this requirement, especially those including beach properties is a notable oversight. I sincerely hope this will be revisited in the future.

Yet, I commend you and the other Commissioners for tackling this contentious issue with fortitude. I believe this latest version has balanced the diverse and somewhat competing interests of the property owners in our community. While I would have liked to see this revised ordinance go further in restricting the proliferation and expansion of short-term rentals and established stronger, substantive accountabilities for STR owners requiring them to manage

more effectively the behavior of their renters, I do believe it has moved significantly in the right direction and I offer my full support for it. Future issues we will need to address include enforcement mechanisms and how to ensure our current infra-structure is not overly taxed by demands placed on it by the increase numbers of short-term renters.

Sincerely,

A handwritten signature in cursive script, reading "Ira M. Levin". The signature is written in black ink on a white background.

Jim Bartels
13390 SW River Rd
Hillsboro OR. 97123
Bartels.jim@gmail.com
503.314.6557

July 4, 2023

Tillamook County Commissioners

RE: Short term rental ordinance

These comments relate to the STR draft ordinance to be discussed at the July 6, 2023 public hearing. As noted often before, my wife and I have owned a house at 7250 Saghalie, Pacific City, for over 20 years. These are in addition to my previous comments.

1. In an effort to improve transparency and confidence in the enforcement process, add to the ordinance that all complaints and reports of violations of the STR rules, the address of the subject STR, the resolution of the complaints or violations, and a brief explanation, must be made public on the Community Development website, and be readily searchable. This would give incentive to the department to actually enforce the rules, give incentive to STR owners and managers to police themselves, and give confidence to affected property owners that the rules mean something, and will be enforced rather than serving as mere window dressing.
2. Bring STR rental managers under the ordinance's rules. They benefit from the STRs, and should be subject to the rules for STRs, and to the penalties (including the loss of the privilege of managing STRs in Tillamook County) if they fail to keep the properties they manage in compliance with the rules.
3. Delete the words "if relevant " from .100B3 (Record of Response to Complaints). The phrase "if relevant" is undefined, and an invitation to endless disagreements. Just require all complaints and responses to be recorded.
4. 4. The "notice" to neighbors required before a license may be given for a STR is better than nothing, but still very inadequate. See my multiple previous comments about this.

Thank you.

Jim Bartels

Lynn Tone

From: Karen Babbitt <wcgarden@gmail.com>
Sent: Thursday, June 29, 2023 8:36 PM
To: Lynn Tone
Subject: EXTERNAL: STR Comment

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Sarah
Commissioners Skaar, Bell and Yamamoto

My name is Karen Babbitt, I was a member of the Tillamook County STR Committee. I represented North County. I started this process trying to be impartial and to understand both sides of the STR dilemma. However, a majority of the people on the committee had STR interests. Sometimes I was the only one voting for the interests of my community.

- 1) lower occupancy in STRs (bedrooms vs sleeping areas)
- 2) less on street parking (none vs 2)
- 3) non-transferability of STRs (why should STR owners have this privilege)
- 4) caps on the growth of STRs (enough should be enough for the county to realize gains in income)
- 5) combined nuisances of noise, garbage, loose dogs, trespassing on private property ... gets old
- 6) concerns for infrastructure usage (roads, water, emergency response) we need financial help with these MAINLY... People inserting their property rights, as second home owners, most of those living in primary homes located in neighborhoods with limitations on STRs, over those living in primary beach residents. (Sorry for run-on sentence).

We have enjoyed STRs, until their numbers have increased along with their demands. Form letters from OCH, plus litigation threats.

We are losing the fabric of our communities by increased property costs (investors can pay more and then demand they can't afford their mortgages), fewer affordable rents, fewer workers, fewer volunteers, fewer neighbors...you can understand this impact.

Please consider us permanent residents in your decisions!

With respect,
Karen Babbitt

Sent from my iPhone

Lynn Tone

From: Public Comments
Sent: Friday, June 30, 2023 7:51 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: public comment again

From: Nicole Ralston <nicoleralston@gmail.com>
Sent: Thursday, June 29, 2023 4:32 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: public comment again

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Tillamook County & Board of Commissioners & Sarah Absher,

I urge you to please listen to your May, 2022 discussion about the "pause" again, and consider how sure you were that this pause would be over within 6 months. Now you are extending it!

You cannot understand how disappointing and financially harmful the past meeting was. We bought our lot in March 2022 and immediately began building. We have already been barely holding on financially without being able to rent our home out, which was finished in December, 2022. Now you are going to extend the pause 60 more days, which pushes us out to September 1 being able to get a permit at the very minimum, while we have been just waiting for July 3. Please listen to that May, 2022 meeting and listen for when you told us we would certainly be able to apply for a permit on July 1, 2023.

We're now on a special "waiting list", which we appreciate, but it's unclear what exactly that means?

If you listen to your May 22, 2022 board meeting, which I highly encourage you to, you will notice your statements about how there is no way this pause would go on this long, and now you are extending it 60 days? Without allowing us a permit? Please listen to Dan Kearns - he stated that those who were in construction should be allowed a permit now. It's hard to believe I'm saying to listen to Dan Kearns, but he's right!

I don't think you understand how much harm you have done to us. You say you don't want to drag this out, but you keep dragging it out.

We clearly should be included in #11 - those that were in escrow at July 1, 2022. We are clearly in that component. Why do you keep intentionally harming us?

Please reconsider.
Nicole Ralston

Lynn Tone

From: Public Comments
Sent: Friday, June 30, 2023 7:51 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Public Comments: STRs & Oregon Coast Hosts as part of the public hearings process Public Hearing #3 - Thursday, July 6

From: Nick Argenti <netartssandcastle@gmail.com>
Sent: Thursday, June 29, 2023 11:10 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Public Comments: STRs & Oregon Coast Hosts as part of the public hearings process Public Hearing #3 - Thursday, July 6

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Dear Tillamook Board of County Commissioners,

We hope you and your families are doing well. We wanted to provide some inputs for the public hearings process to include who we are and thoughts about the opportunity we all have to make Tillamook and the surrounding area an even better place to call home and further enable benefits enabled by STR's/tourism.

- Who we are: We are a solar/sustainability engineer and a nurse/nursing educator/departement chair who have dedicated their careers to helping people, creating innovations that help the world and share our vacation rental with guests that further enhances the community and make the Tillamook area an even better place for everyone to enjoy! We are caring individuals who own, use/enjoy and rent our properties. We are not commercial real estate people but individuals who are a part of the community and give back to the community. We take great care in making our vacation property a place for travelers to create memories that will last a lifetime.

We also have strict rules in place so travelers do not negatively impact the community but truly bring an abundance of benefits to the community, such as the local/state revenue through lodging taxes/fees, supporting a variety of local businesses such as restaurants, stores, gas stations and so many more resulting in the employment and financial benefits to these businesses, cleaners, maintenance personnel, contractors/builders, Tillamook County employees and so much more which in turn enhances the community. Imagine a scenario with no STR's or substantially reduced STR's and what Tillamook's tax revenue would be and how it would negatively impact the spectrum of local jobs, the economic impact on the community and local residents.

There are also other upcoming challenges that the county and community are faced with such as the FEMA national flood insurance plan that could result in financial headwinds to the county itself and the entire community (reference https://www.tillamookheadlightherald.com/news/proposed-fema-flood-insurance-updates-met-with-harsh-criticism/article_e1ca1c5e-d55f-11ed-a6b2-b393536ada70.html). The financial benefits enabled by STR's can help weather unique opportunities like the FEMA activity but equally important enable continuous improvement in the quality of life for the entire community.

- Similar to what other STR owners have shared, we are in favor of enhanced enforcement, permit transferability and no arbitrary limits. Also, being able to transfer the STR permit should not be restricted in any way as it is tied to

land use rights. In addition there should be no limit on the number of nights rented, no proximity/distance limits, no percentage caps and no change in occupancy limits. Additionally, while noise, parking and other rules for STR certainly make sense, it also seems to make sense that everyone within the community should comply with similar rules and be held accountable. After all, we want everyone to be able to peaceably and safely enjoy where they are staying, whether they are a resident or visitor. With this in mind, it seems like equitable rules need to be applied.

- For our STR, we hire local (not commercial out of area) people to do maintenance, cleaning, landscaping, a variety of subs and contractors for electrical/plumbing/HVAC, appliances, furniture and so much more. Hiring local individuals is instrumental in benefiting their families and directly enhances the community.
- We ensure guests do not negatively impact the area, comply with local ordinances and in fact they enhance the community with their presence, bringing a variety of cultures, supporting local businesses and tax revenue and are a joy to be with! What we do to ensure no negative impact to nearby neighbors and the community:
 - We have clearly defined rental agreements that ensure guests know and comply with the rules
 - We post clear rules within the house
 - We send an email and communicate with the guests just prior to check-in to ensure compliance
 - We also are able to monitor the number of vehicles parked at the property
 - We also have a security deposit that also reinforces following the rules, including if the guests were to disturb neighbors or have more than the allowed number of vehicles
 - We are available if there's ever a situation where we need to contact the guest
- Instead of deterring or limiting STRs, it is our belief that Tillamook County should take on an even more supportive role for STR's and see how they can help out the property owners with advertising and coming up with creative ways to enable even higher occupancy rates as this directly feeds back into Tillamook's economy/revenue stream and positively impacts the community. This is already happening to an extent but we believe there are even more ways where we can collaboratively work together to further enhance this vital asset for Tillamook's growth and community improvements, ultimately benefiting everyone who lives full time or visits the area. This is also consistent with what Tillamook published in <https://tillamookcoast.com/wp-content/uploads/2016/03/Tillamook-County-Tourism-2025-Plan-Sept-2014-1.pdf> stating "Tourism has the potential to further diversify the Tillamook County economy and provide important benefits for residents, businesses and visitors. It aims to establish a high quality visitor economy that results in maximum benefits to residents, the environment and visitors. Tourism 2025 draws on months of consultation with hundreds of residents, partners and stakeholders."

On a closing note, if you drive or walk through downtown Tillamook and other towns within Tillamook County, you can visually see how many vacant/distressed buildings/businesses there are, how long they have been on the market/vacant and that we have a long way to go to get our community and downtown where it needs to be. Each week it seems like more businesses continue to reduce their hours and more buildings become vacant which is headed in the wrong direction. We have the basic building blocks and are making progress but we need to encourage and support STR GROWTH to help enable a community where businesses and local residents can thrive. As a personal recent datapoint, we have seen a **35% decrease in revenue in Q1-2023 when compared to Q1-2022**. We know others are seeing similar trends which ultimately impacts the bottom line for TLT funds that go towards critical programs but the lower revenue also means reduced capital to feed back into the community to local businesses (repairs, appliances, cleaners, restaurants, banks, furniture, supplies, groceries and so much more). It's a strong signal that we all need to work together to enhance STR growth which feeds back to the community.

You can see the writing on the wall already with reduced revenue streams, high inflation, and if the county adopts measures that reduce STR revenue growth, this will further reduce the benefits to the community and ultimately

result in layoffs with local businesses, county employees and overall economic distress to the community. You already hear about the layoffs occurring in nearby communities, sheriff/law enforcement, and it's just beginning:

- <https://www.oregonlive.com/silicon-forest/2023/05/intel-plans-fresh-round-of-layoffs-other-cost-cuts.html>
- <https://www.koin.com/local/washington-county/beaverton-facing-10m-shortfall-considers-job-cuts/>

We need to support STR's instead of trying to deter this valuable asset. This IS Tillamook County's nugget of gold. The coastal community is so fortunate to have this valuable asset. Do not make mistakes that later need to be unwound. The community cannot afford this. Again, take a walk throughout Tillamook. There are improvements to celebrate but there are so many vacant buildings and businesses that are barely hanging on.

In a world of record high inflation and pressures of a looming recession, it's so important for communities to have a roadmap for continuous economic growth. The leaders in Tillamook County have the opportunity to be hero's in building a vibrant community but it takes courage, foresight, diligence and the ability to fast forward to seeing that what the county is considering will lead to further economic depression throughout Tillamook County. We have the opportunity to make the right changes that help our community. Use the data to help make these wise decisions. Remember, we are all a team with the same mission to make our community and world an even better place!

Thank you,
Nick & Lynn

Lynn Tone

From: Public Comments
Sent: Wednesday, July 5, 2023 11:27 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: July 6 STR Ord 84 hearing: Object to proposed use it or lose it provision-Augusta Rule Hosts

From: Leslie Kay <leskayvida@gmail.com>
Sent: Wednesday, July 5, 2023 11:00 AM
To: Public Comments <publiccomments@co.tillamook.or.us>; Lynn Tone <ltone@co.tillamook.or.us>; dan@reevekearns.com; David Yamamoto <dyamamoto@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>; Mary Faith Bell <mfbell@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: July 6 STR Ord 84 hearing: Object to proposed use it or lose it provision-Augusta Rule Hosts

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Dear Commissioners Yamamoto, Skaar, Bell and County Counsel Kearns,

We would like to register our objection to the proposed requirement that STR owners rent their property for 30 days per year to maintain their existing permit. This proposed requirement adversely affects homeowners like ourselves who rent no more than 14 days per year in compliance with the so called Federal "Augusta rule".

The rule is contained in the federal Internal Revenue Code at 26 USC 280A (g). The rule allows homeowners to rent out their home for up to 14 days per year without needing to report the rental income on their individual tax return. Correspondingly, no deductions for business expenses are permitted under this tax treatment of revenue from a short term rental. This subgroup of short term rental hosts are not operating their homes as a business but as very occasional short term rentals no more than 14 days per year. (1).

My husband and I have maintained a Tillamook County STR permit for several years paying the permit and operator fees and Tillamook County lodging taxes as required but have opted to rent our home for no more than 14 days per year to comply with Federal tax law. We urge the commissioners to reconsider this proposed 30 day durational rule to be consistent with federal tax law.

We would also like to see a compromise reached regarding the 30 day "use it or lose it" provision and other colorable legal issues raised by existing permit holders to avoid costly litigation related to the future impact of the proposed changes on preexisting rights. Please consider focusing on the aggregate occupancy days and not on the number of existing permits per se as a path forward.

The caps on future permits and other proposed measures to address livability concerns seem to otherwise strike a balance between competing interests. We appreciate how challenging the issues are and appreciate the work so many people have put into the effort to move this forward.

Sincerely,

Leslie Kay

Bob Joondeph
PO Box 253
Oceanside, OR 97134

26 USC 280A(g) (Augusta Rule)

1. Notwithstanding any other provision of this section or section 183, if a dwelling unit is used during the taxable year by the taxpayer as a residence and such dwelling unit is actually rented for less than 15 days during the taxable year, then—

280A(g)(1)

No deduction otherwise allowable under this chapter because of the rental use of such dwelling unit shall be allowed, and

280A(g)(2)

The income derived from such use for the taxable year shall not be included in the gross income of such taxpayer under section 61.

Lynn Tone

From: Daniel Hendrix <911.dan@sbcglobal.net>
Sent: Wednesday, July 5, 2023 1:06 PM
To: Public Comments
Cc: Sarah Absher; Lynn Tone; Erin Skaar; David Yamamoto; Mary Faith Bell
Subject: EXTERNAL: Ref ordinance 84, section .080, sub section M, page 18, Solid Waste Collection - minimum service requirements dated June 29, 2023.

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Requiring STR owners to pay for weekly garbage service should not be a requirement.

In Oceanside, City Sanitary provides an On Call service for garbage pickup at \$14.70 per can. Their requirement is to call for this service by Noon on the Monday prior to the pick up on the following Tuesday. We have been using this service ever since we purchased our home in 2019.

As an STR owner our home is not always occupied by us or a renter EVERY single week! There are many weeks our garbage cans are empty.

Requiring us to have and pay for this service whether we have garbage or not is discriminatory. Are all Oceanside home owners required to have this service? Even the homeowners who are not STR owners? I am aware of some Oceanside homeowners who are not always at their homes but when they are, they take their garbage with them when they leave. We've done the same. Focusing on STR owners only is to discriminate against STR owners and to cause them to suffer a negative financial impact.

If you require STR owners in Oceanside to have this service then every week you may be requiring us to pay \$14.70 to collect an empty can. \$14.70 week after week after week for an EMPTY CAN! That's a minimum of \$765.00 a year! Does this really make any sense to you?

Your requirement should be that if the home is occupied by either the homeowner or an STR renter then the STR owner should make arrangements, such as contacting City Sanitary for Oceanside, to have accumulated garbage properly removed.

This current requirement is absurd!

Sincerely,

Dan & Cathy Hendrix - Oceanside

Lynn Tone

From: Public Comments
Sent: Wednesday, July 5, 2023 2:05 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

From: Mock, Mandy J <mandy.j.mock@intel.com>
Sent: Wednesday, July 5, 2023 12:34 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Cc: MANDY.J.MOCK@GMAIL.COM
Subject: EXTERNAL: Support for STRs

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Hi,

We saw new language has been added to the draft STR ordinance to limit permits to one per owner. We'd like to ask you to reconsider this. In looking at the actual permits issued in Tillamook County, most by far are already single permits. There are only 73 owners who have 2-5 permits, and most of those are for residences that are duplexes or triplexes.

SINGLE PERMITS	2 PERMITS	3 PERMITS	4 PERMITS
1,032 owners	50 owners	18 owners	2 owners
93% owners	5% owners	2% owners	.2% owners

There seems to be a misperception that large corporations are coming in and buying up homes to rent, but as the data shows, this is clearly not the case.

I am writing this because we are the owners of a tri-plex in Oceanside. This home was built in the 1950s and we purchased it as an existing tri-plex. We purposely chose it because we have a large extended family and it offers the convenience of togetherness for the full family as well as privacy by being able to separate into the 3 units. We want to offer the same convenience to other families staying at the coast as well.

I ask you to please reconsider the one license limit and allow families who have multi-unit homes at the coast to be able to obtain licenses for all of the parts of their homes. It seems like it would be easy to set the limit at a higher number, for example 5 permits, in order to allow the families who have multiple units to continue to be able to fully use them, while still preventing any potential for large corporations to come in.

Thank you,
Mandy Mock

Lynn Tone

From: John Meyer <jkm@caretrust.us>
Sent: Wednesday, July 5, 2023 2:10 PM
To: Lynn Tone; Public Comments
Cc: Hillary Gibson; Karen Babbitt
Subject: EXTERNAL: Support for STRs

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Sent Via Email - latone@co.tillamook.or.us; publiccomments@co.tillamook.or.us

July 5, 2023

Dear Tillamook County Board of Commissioners

Regarding the July 6, 2023, hearing on the latest (June 29 draft Ordinance 84, from Sarah Absher) we have the following observations.

1. The legal issues raised by Tonkon Torp/Heater Brann in their June 29, 2023 letter to the Tillamook County Board of Commissioners are serious and the recommendations should be included in the draft ordinance. This process started as a community wide effort to draft updated STR regulations, but that process was derailed when Daniel Kearns, a known anti-STR advocate lawyer, was hired by the County to act as special counsel to draft revisions to the STR Ordinance, revisions clearly intended to strip vacation rental owners of property rights. That process created a great deal of distrust and has led to draft revisions which are replete with an anti-STR bias. This was completely unnecessary, uncalled for, and should be corrected. Legal actions necessitated by and resulting from Mr. Kearns' extreme positions will be very costly and will unnecessarily divide our community and distract all parties from enabling us to move to a better community. We suggest you direct Mr. Kearns to meet with the Tonkon Torp/Brann experts and craft an ordinance that is neutral and protects existing property rights.
2. Many, many hundreds if not thousands of stakeholders and members of the business community have expressed to you in cogent and simple language that there are practical implementation problems with the most recent draft language. We share those concerns, and believe the current draft document still contains language that is excessive and counter-productive. We share all the concerns that have been expressed, and in particular, we favor reducing the profile of commercial signs that will be placed throughout our communities. We also favor adding "night sky" guidelines to the "Good Neighbor Policies" and improved attention to emergency evacuation protocols in our coastal areas.
3. We respectfully request the derogatory language in the draft ordinance related to vacation rental properties be removed. A particularly egregious example: Para .020 (B) "...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." The data simply does not support this gross mischaracterization of our communities. You have received numerous public submissions indicating that the negative impacts of vacation rentals are few and far between, and instead that they have a long and positive history on the Oregon coast that has made a vibrant and significant economic contribution to our communities.

Sincerely,

John and Maria Meyer
8015 Neahkahnie Rd
Nehalem, OR

Lynn Tone

From: LAURIE KOVACK <lkovack@mac.com>
Sent: Wednesday, July 5, 2023 2:54 PM
To: Public Comments
Cc: Erin Skaar; Mary Faith Bell; David Yamamoto; Sarah Absher; Lynn Tone
Subject: EXTERNAL: Goal 5 page 2 of the Proposed Ordinance 84 Update

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Chair Skaar, Vice-Chair Bell, Commissioner Yamamoto, Director Absher

I support the proposed Ordinance 84 revisions, but more needs to be done to address the concentration of Short Term Rentals within the designated communities in the unincorporated areas of the county which are currently experiencing the greatest impact.

Goal 5 on Page 2 of the proposed ordinance states: 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.

My preference would be to have the concentration regulations you have proposed for the areas outside the Subareas on Exhibit A be implemented for all unincorporated areas of the county. (Page 9 Section D .040 Section E Density Limits) This would establish clarity throughout the county.

If you decide not to implement the same standard for all unincorporated areas, I request that a concentration standard for the Unincorporated Communities listed in Exhibit A be established to correlate with the percentage cap implemented for Short Term Rentals in each community.

Since existing Short Term Rental licenses will remain in place, it will take time for concentration regulations to make a change in some areas, but will have an immediate positive impact in others.

Every community will have particular concentration exceptions to discuss where short term rentals were part of the original development, examples are Kiwanda Shores in Pacific City, and Pacific Sands in Neskowin.

In areas of single family homes intended for residential use, straightforward concentration regulations regarding the eligible locations of NEW Short Term Rental permits can be implemented.

A couple of possible approaches would be to have eligible locations determined by the percentage of Short Term Rentals on a street, or within a certain distance radius of a proposed new Short Term Rental property.

Please include a concentration standard in the ordinance for the Communities listed on Exhibit A that will be refined through community process over the coming months.

Laurie Kovack
Homeowner, Neskowin
503-880-8989

Lynn Tone

From: Public Comments
Sent: Wednesday, July 5, 2023 4:03 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

From: Pam Zielinski <pzielinski@bhhsnw.com>
Sent: Wednesday, July 5, 2023 3:40 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

As a REALTOR and a member of the Short Term Advisory Committee I am once again urging the Commissioners to please stop the effort to take away the STR Permits my clients and past clients have relied upon.

Please do not implement the proposed density caps and radius limits which can in no way be fairly administered.

Please take the time to notify all affected parties of your intent to apply stricter rules for operating STRs and allow them to provide you with specific feedback about how your proposed rules will affect their lives.

Please listen to the advice of the STR Advisory Committee and do your homework before taking action to throttle the long-standing system which will damage hundreds, if not thousands of Tillamook County property owners, business owners, and certainly visitors.

Pam Zielinski, Principal Broker
Berkshire Hathaway Home Services
Northwest Real Estate
Desk: 503-906-4903
Cell: 503-880-8034

Lynn Tone

From: Public Comments
Sent: Wednesday, July 5, 2023 4:16 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Comments

From: Anna Bananna <ajcolaric@aol.com>
Sent: Wednesday, July 5, 2023 4:03 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR Comments

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

To: Tillamook Board of County Commissioners
Tillamook County Community Development
publiccomments@co.tillamook.or.us
mfbell@co.tillamook.or.us
dyamamoto@co.tillamook.or.us
eskaar@co.tillamook.or.us
sabsher@co.tillamook.or.us

From: Anna Colaric
1280 Pearl Street West, Netarts
Short Term Rental Owner

Re: Support for all comments and legal concerns submitted by Oregon Coast Hosts

My name is Anna Colaric and I am a Short Term Rental Owner. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

My family has owned this property since 2015. Our home is only 2 miles from my Mother, who is over 90. Renting our home when our kids aren't visiting, makes it possible to spend more time with Mom and help cover the costs of owning a second home..

These are my top 3 general concerns:

- Any classification of STRs as commercial or business use is not accurate - STRs are residential use.
- Replacement of current permits with licenses
- No evidence to support restrictive new regulations - only 9 violations in 4+ years

These are my top 3 operational specific concerns:

- Noise: Tillamook County needs a noise ordinance. Prohibiting "other noise" during quiet hours beyond property boundaries is unreasonable and inequitably punitive. Examples: AC unit running, car pulling into a driveway, a guest sneezing, a baby crying, etc. Reasonable decibel guidelines are needed so that the regulations are clear and fair.

- Revocation for 3 or more verified violations of ANY local ordinance, state or federal regulation within a 12-month period
- Provision is needed to protect STRs from harassment via unfounded complaints.

I support fair and balanced STR regulations. Balancing the historic seasonal home ownership of our community with property rights and livability can be done with evidence-based regulations and enforcement. To truly impact livability, the rules regarding top nuisance concerns need to apply equally to all homeowners and residents.

Sincerely,

Anna Colaric

Lynn Tone

From: ROY ZURBRUGG <shark109@comcast.net>
Sent: Wednesday, July 5, 2023 5:18 PM
To: Lynn Tone
Subject: EXTERNAL: str use it or lose it

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

I would like to talk to the council about the use it or lose it part of the proposed ordinance. This concerns the time used to remodel the building. Building address is 26355 Geneva Ave NeDonna Beach



July 4, 2023

Tillamook County Board of Commissioners,

Thank you for the opportunity to provide comment on the amendment and review process of Ordinance #84 to help identify and address impacts of short-term vacation rentals (STRs) in our residential communities. It is appreciated that the Board of Commissioners is seeking ways to achieve a balanced approach for community livability and future permitting of STRs.

Like other coastal communities in Tillamook County, Tierra Del Mar (TDM) is an active and involved community and home to many full-time, part-time, and seasonal residents. TDM, along with neighboring communities, exist today because generations of families spent decades building and developing a "community". Over the years, a handful of families may have rented out their beach properties in some manner or other, a practice that is part of the history for many coastal towns and communities, including TDM. However, the sharp increase in the number of properties being permitted and those being built specifically as full-time STRs, coupled with the increase of large capacity rentals and LLC organizations purchasing multiple properties, is new in the last few years, and understandably concerning for any community.

In TDM, and as a direct result of the STR permit moratorium adopted in July 2022, we watched the number of permitted STRs rise from 40 to 53. This increase means that 23% of homes in TDM are STRs, translating to approximately 1 in 4 homes, although the STR density varies from street to street.

In a recent survey of Tierra Del Mar Community Association members, 67% of respondents indicated they were concerned about the unregulated growth of STRs and 55% were in favor of a cap limit within the community. Our survey also showed that the number one concern for residents was community livability, followed closely by emergency response services (Sheriff's Office & Fire Dept), emergency preparedness (Tsunami evacuation, wildfires), and water resources/availability (TDM is serviced by a private water company). Adequate County resources for meaningful enforcement of STR regulations, emergency response services/preparedness, and water availability have been long-standing concerns for TDM property owners, and the number of STRs in our community directly impacts each of those concerns. Speeding and parking on our small narrow gravel roads were concerns also shared.

It is our hope that during the Ordinance #84 review discussion, the Board of Commissioners develop an approach that establishes growth management tools for STRs within each community. Growth management tools will help our residential neighborhoods continue to thrive and be places where people want to buy homes and live by ensuring that community livability is encouraged and preserved.

Furthermore, it is our understanding that as part of the ordinance review process, there may be proposals to begin working within the unincorporated communities to establish individual community caps on STRs. The Tierra Del Mar Community Association respectfully requests to be included in all outreach efforts from the County that allows an opportunity to invite TDM residents and property owners to discuss and share their input further.

Sincerely,

TIERRA DEL MAR COMMUNITY ASSOCIATION

www.tdmca.org

Tierra Del Mar Community Association P.O. Box 344 Pacific City, OR 97135

Lynn Tone

From: Public Comments
Sent: Thursday, July 6, 2023 7:34 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Vacation rentals

-----Original Message-----

From: Tiffany Brown <tdbrown1820@gmail.com>
Sent: Wednesday, July 5, 2023 8:43 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Vacation rentals

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good Evening,

We purchased a second home as a short term rental. Without the income we can't afford the mortgage of the home and without it being available as a short term rental we would not be able to sell it for what we bought it for.

We bought out home in June 2022 and called the county to check that we would be able to use it as a short term rental and was told if we chose to sell it there would be any issues with a new owner. This home is our first short term rental and we were nervous about jumping into a large investment and learning about the limitations Lincoln City put on their short term rentals. Tillamook county should have informed us they were in the process of making changes. We feel mislead and the new changes could cause us to loose our second home.

I understand making changes or limitations for new permit holders but existing permit holders should not be put in a situation that could cause them to lose their homes.

Tiffany Brown

Sent from my iPhone

Lynn Tone

From: Public Comments
Sent: Thursday, July 6, 2023 7:35 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

-----Original Message-----

From: Kristie <kristie.carter.m@gmail.com>
Sent: Wednesday, July 5, 2023 4:36 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello,

Respectfully I'd like to put forth a public comment for STRs. I purchased land in Oceanside in July 2021 and worked toward obtaining a permit which I received December 2022. In the time between, I spent time designing and obtaining architecture plans, geo tech, geo survey and found a local building crew (awaited availability on their schedule) with intent to build. We had plans to use as a partial vacation home for our family and short term to provide a space for others to enjoy our home, and nearby beach.

We knew there would be risk once we heard of the pause that we might not be able to obtain a permit, however with the current consideration to those that received a building permit by July 2022, I'd like that you consider those that purchased land prior to July 2022 and are in the current phase of building to submit for permit as well.

We have expected occupancy November 2023.

Appreciate your time,

Kristie Carter

Lynn Tone

From: Public Comments
Sent: Thursday, July 6, 2023 11:12 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Ordinance #84 limiting short term rentals

From: Gary / Carla Albright <cgalbright@yahoo.com>
Sent: Thursday, July 6, 2023 10:28 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Ordinance #84 limiting short term rentals

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Dear Commissioners,

I am all in favor of limiting short term rentals! As someone who has several in our neighborhood, I would even like a complete moratorium on new licenses. We have had countless problems with parking, noise levels, too many people in a unit, too much garbage all over the streets, and unruly dogs and children. People drive much too fast on our dead-end road which is also concerning.

The Board of Realtors would like you to think STR are no problem and should be granted to anyone wanting a license. From personal experience, I can tell you this is not so. Please keep in mind that the Realtors want to sell properties that are too expensive to hold as a single owner occupied second home.

Thank you.

Carla Albright
15510 Lakeside Drive
Rockaway Beach OR 97136

Lynn Tone

From: Sarah Absher
Sent: Thursday, July 6, 2023 2:11 PM
To: Lynn Tone
Subject: Support for Ordinance 84 revisions

From: Candice & Gregory Miller <gandcm@gmail.com>
Sent: Monday, July 3, 2023 10:45 AM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Support for Ordinance 84 revisions

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

My husband and I totally reject the comments submitted by the Tonkon Corporation and it's supporters. Please do not give in to their litigation lawsuit threats. This last ditch effort to intimidate the County and full-time residents is appalling and ridiculous. Why should absentee owners dictate how our communities are maintained and developed?

They appear to be placing all their arguments under the "land use" hat. We give the County and Commissioners our full support to approve the revised ordinance with better regulations, and hopefully, future cap limits on licenses.

Sincerely,

Candice & Gregory Miller
Neskowin, OR

--

Sent from Gmail Mobile

Lynn Tone

From: Public Comments
Sent: Thursday, July 6, 2023 2:31 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

-----Original Message-----

From: Lisa Briand <lbriand@gmail.com>
Sent: Thursday, July 6, 2023 12:20 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

We have sent comments in throughout this process. With this being the final hearing, please know we love our Netarts home and the ability to share the beauty of the Oregon coast with other families. We want to coexist. We want to be respectful. We want people to be neighborly. We want to pay our taxes and fees. We want to support local businesses. And we can do all of these things without the new proposals that make it very hard to own a STR in Tillamook county.

Respectfully,

Lisa and Alain Briand

Lisa Briand
Sent from my iPhone

Lynn Tone

From: Leslie Kay <leskayvida@gmail.com>
Sent: Wednesday, July 5, 2023 11:00 AM
To: Public Comments; Lynn Tone; dan@reevekearns.com; David Yamamoto; Erin Skaar; Mary Faith Bell; Sarah Absher
Subject: EXTERNAL: July 6 STR Ord 84 hearing: Object to proposed use it or lose it provision-Augusta Rule Hosts

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Dear Commissioners Yamamoto, Skaar, Bell and County Counsel Kearns,

We would like to register our objection to the proposed requirement that STR owners rent their property for 30 days per year to maintain their existing permit. This proposed requirement adversely affects homeowners like ourselves who rent no more than 14 days per year in compliance with the so called Federal "Augusta rule".

The rule is contained in the federal Internal Revenue Code at 26 USC 280A (g). The rule allows homeowners to rent out their home for up to 14 days per year without needing to report the rental income on their individual tax return. Correspondingly, no deductions for business expenses are permitted under this tax treatment of revenue from a short term rental. This subgroup of short term rental hosts are not operating their homes as a business but as very occasional short term rentals no more than 14 days per year. (1).

My husband and I have maintained a Tillamook County STR permit for several years paying the permit and operator fees and Tillamook County lodging taxes as required but have opted to rent our home for no more than 14 days per year to comply with Federal tax law. We urge the commissioners to reconsider this proposed 30 day durational rule to be consistent with federal tax law.

We would also like to see a compromise reached regarding the 30 day "use it or lose it" provision and other colorable legal issues raised by existing permit holders to avoid costly litigation related to the future impact of the proposed changes on preexisting rights. Please consider focusing on the aggregate occupancy days and not on the number of existing permits per se as a path forward.

The caps on future permits and other proposed measures to address livability concerns seem to otherwise strike a balance between competing interests. We appreciate how challenging the issues are and appreciate the work so many people have put into the effort to move this forward.

Sincerely,

Leslie Kay
Bob Joondeph
PO Box 253
Oceanside, OR 97134

26 USC 280A(g) (Augusta Rule)

1. Notwithstanding any other provision of this section or section 183, if a dwelling unit is used during the taxable year by the taxpayer as a residence and such dwelling unit is actually rented for less than 15 days during the taxable year, then—

280A(g)(1)

No deduction otherwise allowable under this chapter because of the rental use of such dwelling unit shall be allowed, and

280A(g)(2)

The income derived from such use for the taxable year shall not be included in the gross income of such taxpayer under section 61.



Land of Cheese, Trees and Ocean Breeze

MEMO

Date: June 29, 2023
To: Tillamook County Board of Commissioners
From: Sarah Absher, CFM, Director
Subject: July 6, 2023, Public Hearing Materials for Third Reading of Ordinance 84

Included with this memorandum are two copies of Ordinance 84 with amendments that reflect direction given by the Board to staff at the June 13, 2023, public hearing regarding language that limits ownership of properties with a STR License; establishes distance and density limitations for properties outside of “subareas”; establishes compliance timelines and minimum renting requirements for annual renewal eligibility; and removes noise regulations during daytime hours. “Exhibit A” as now referenced in the updated Ordinance draft consists of maps depicting the boundaries of unincorporated “subareas” as defined in Ordinance 84 for purposes of establishing caps within these areas.

Amendment updates are highlighted in yellow. Omissions are represented in ~~strike-through~~ text. New language for Board consideration is *italicized*. A “no-markup” version of the Ordinance draft is also included.

Staff will be prepared to discuss the proposed amendments at the July 6, 2023, public hearing where the third reading of Ordinance 84 will take place.

Public comments received by the Department following the June 13, 2023, public hearing are included with this memorandum. Copies of testimony received after today will be presented to the Board at the July 6, 2023, public hearing. Copies of testimony received will also be posted on the Community Development homepage and STR Advisory Committee Page (links below).

The July 6, 2023, public hearing and third reading of proposed amendments to Ordinance 84 will begin at 5:30pm at the Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook, Oregon.

Virtual Link for Public Meetings

Microsoft Teams is utilized for this public hearing for those who wish to participate virtually. To access this link, please visit: <https://www.co.tillamook.or.us/commdev>

Call in: 1-971-254-3149, Conference ID: 887 242 77#

Public testimony will be taken at the July 6, 2023, public hearing and is limited to 2-minutes per person. Please email Lynn Tone, DCD Office Specialist, if you would like to provide public testimony at the July 6, 2023, public hearing.

Email: ltone@co.tillamook.or.us.

Public comments can be emailed to publiccomments@co.tillamook.or.us or ltone@co.tillamook.or.us.

Access to STR Advisory Committee Page & Hearing Materials:

<https://www.co.tillamook.or.us/commdev/page/short-term-rental-advisory-committee>

The Port of Tillamook Bay Conference Center is accessible to citizens with disabilities. If special accommodations are needed for persons with hearing, visual, or manual impairments that wish to participate in the meeting, please contact 1-800-488-8280 x3423 at least 24 hours prior to the meeting so that appropriate communications assistance can be arranged.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Regulating Short Term)
Rentals, Establishing Standards and) ORDINANCE #84
Fees, Providing for a Permit License,) AMENDMENT #2
And Creating Penalties for Violations of)
This Ordinance)

010.... Title
020.... Purpose and Scope
030.... Definitions
040.... Annual Short-term Rental License Required, Basic Requirements for a License,
 No Nonconforming Use Status Conferred
050.... Application and Fees
060.... Term of Annual License and Renewal
070.... Application Required and Burden for License Approval and Renewal
080.... Operational Requirements and Standards for Short-Term Rentals
090.... Additional Inspections Required
100.... Additional Requirements and Prohibitions
110.... Implementation of this Ordinance and Application to Short-Term Rentals
 Licensed and Operating on the Date of its Adoption
120.... Violations
130.... Penalties
140.... Appeals of County Decisions Regarding Short-Term Rentals
150.... Severability
160.... *Effective Date*

The Board of Commissioners for Tillamook County ORDAINS as follows:

.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 properties 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 and 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 licensing 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. Recognize the need to regulate 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.
 5. Protect the character of the County's established neighborhoods by regulating the number, concentration, and scale of full-time short-term rentals in residential neighborhoods.
 6. Provide funding support for County housing development initiatives to address local affordable and workforce housing needs and increase availability of housing for people who want to live/work in Tillamook County.
- 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 license is revocable permission to operate a short-term rental, but only as provided in this Ordinance. A license 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 procedures 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 procedures and regulations shall be on file in the Office of the County Clerk 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 License.
- 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).
 - An emergency escape and rescue opening (ORSC R310)

- A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
 - A smoke alarm (ORSC R314.3) where required.
 - A carbon monoxide detector (ORSC R315.3) where required.
 - 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 the owner's designated agent for the Short-Term Rental, authorized to act for the owner on their behalf.
- G. *"Contiguous" means adjoining, abutting, bordering or adjacent. For notification purposes contained in Section .050(7), adjacent also means directly across a road right-of-way.*
- H. "County" means Tillamook County, Oregon.
- I. "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.
- J. *"Daytime" means between the hours of 7:00 am to 10:00 pm.*
- K. "Daytime Occupancy" means the hours between 7:00am and 10:00pm. "Daytime occupants" mean the guests who may occupy a short-term rental during a daytime occupancy.
- L. "Department" means the Tillamook County Department of Community Development.
- M. "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. For purposes of this Ordinance, "dwelling unit" does not include an accessory dwelling unit (ADU), yurt, recreational vehicle or similar mobile structure, or motorized vehicle designed and built for temporary vacation use.
- N. "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.

- O. "Estate Home" means a single-family dwelling with five (5) or more bedrooms.
- P. "Good Cause" for the purposes of denial, suspension, revocation, imposition of conditions, renewal and reinstatement of a Short-Term Rental License 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 License; 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.
- Q. "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.
- R. *"Hosted Homeshare" means the transient rental of a portion of a dwelling while the homeowner is present.*
- S. "Nighttime Occupancy" means overnight occupancy between the hours of 10:00pm and 7:00am the next day. "Nighttime occupants" means the guests who may occupy a short-term rental overnight.
- T. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.
- U. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.
- V. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.
- W. *"Overnight" means between the hours of 10:00 pm to 7:00 am the following day.*
- X. ~~"Owner" means the natural person or legal entity that owns and holds legal or equitable title to the property.~~ *means one or more natural persons, a partnership, corporation or trust that owns and holds legal or equitable title to the property as shown on the recorded title to the property.*
- Y. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental License.
- Z. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".

- AA. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).
- BB. "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".
- CC. "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.
- DD. "Short-Term Rental" or "STR" means ~~the transient rental of a dwelling unit in its entirety to any person on a day to day basis for a consecutive period of less than 30 or fewer nights days per month 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.~~ *the transient rental of a dwelling unit in its entirety to any person on a day-to-day basis for a period of fewer than 30 days; includes advertising, offering, operating, renting, or otherwise making available or allowing any other person to make a dwelling unit available for occupancy or use as a transient dwelling unit. Short-Term Rental 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.*
- EE. "Short-Term Rental License" means the annual license required by Section .040, described in this Ordinance, and referred to as a "license."
- FF. "Short-Term Rental 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.
- GG. *"Subarea" means those properties located within Tillamook County Unincorporated Communities and Incorporated City Urban Growth Boundaries (UGBs).*
- HH. "Subject Property" means the property on which the short-term rental is located.
- II. "Transfer" means a change in ownership of the property where the dwelling licensed as a Short-Term Rental is located that occurs after the effective date of

this ordinance. A change in ownership does not include a change in owners on title resulting from death, divorce, marriage or inheritance.

JJ. "Transient rental" means to rent a dwelling unit for compensation on a less than a month-to-month basis.

KK. "Unincorporated Communities" means those properties located within the Tillamook County Unincorporated Communities of Neahkahnie, Mohler, Barview/Twin Rocks/Watseco, Idaville, Cape Meares, Oceanside, Netarts, Siskeyville, Beaver, Hebo, Cloverdale, Tierra Del Mar, Pacific City/Woods, and Neskowin. (See Maps included in "Exhibit A".)

LL. ~~"Daytime" means between the hours of 7:00 am to 10:00 pm.~~

MM. ~~"Overnight" means between the hours of 10:00 pm to 7:00 am the following day.~~

.040 Annual Short-Term Rental License Required, Basic Requirements for a License, 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 License. "Advertise or offer" includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.

A. *License Must Be Obtained and Maintained.* A Short-Term Rental License shall be obtained, maintained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. A Short-Term Rental License in unincorporated Tillamook County may be revoked for failure to operate a short-term rental in accordance with all requirements of the license 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 license.

B. *Limitation of STR License per Licensee.* The County shall issue a maximum of one (1) short-term rental license for each qualified licensee. For purposes of this subsection, a "licensee" is one or more natural persons, a partnership, corporation or trust seeking a short-term license, and to qualify as a separate, qualified "licensee" under this subsection, there can be no overlap of partners, trustees, trust beneficiaries, corporate officers or shareholders with any other licensee. This provision applies only to applications for new STR licenses, not renewals, that are submitted after the effective date of this 2023 provision.

C. *No Nonconforming Status Conferred.* The fact that an owner of property or other entity may hold a license 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 license.

D. *Cap on Number of STR Licenses In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries.* The County has shall established through Board Order, and may amend from time to time, a limit (a “cap”) on the number of STR Licenses that can be issued for each of the following residential subareas in unincorporated Tillamook County (“subareas” as depicted in “Exhibit A”):

1. Neahkahnie
2. Mohler
3. Barview/Twin Rocks/Watseco
4. Idaville
5. Siskeyville
6. Cape Meares
7. Oceanside
8. Netarts
9. Beaver
10. Hebo
11. Cloverdale
12. Tierra del Mar
13. Pacific City/Woods
14. Neskowin
15. Manzanita UGB
16. Nehalem UGB
17. Wheeler UGB
18. Rockaway UGB
19. Garibaldi UGB
20. Bay City UGB
21. Tillamook UGB

The County shall accept and may grant STR licenses up to the cap established in each subarea, after which it shall not issue any new licenses. For subareas where the cap has been reached, the County may still grant renewals of existing STR licenses. If, at the time of application for a new STR license, there is not room within the applicable subarea cap to accommodate a new STR license, the County will return the application and place the applicant’s name on a waitlist in the order the application was received. The County will contact applicants in their order on the waitlist as space for a new STR license comes available, and each will be allowed an opportunity to submit an application for a new STR license. The STR license application fee shall not be due or collected from applicants on a waitlist until an invited license applicant submits an application; however, the County shall charge a \$100 fee to place an applicant on a waitlist.

~~in effect at any one time for defined residential subareas within unincorporated Tillamook County and shall establish those caps by Board Order. If at the time of STR application for a new STR license there is not room within the applicable subarea cap to accommodate the new STR license, the applicant County will~~

~~return the application and be placed the applicant's name on a waiting list in order of application. After that, and will be contacted by the County STR Administrator will contact each STR applicant on the waiting list in order as soon as there is room within the applicable subarea cap to review the admit a new STR application. The STR license application fee shall not be collected if there is not room within the applicable cap to accommodate the STR; at this time, however, the applicant shall pay a \$100 fee for the County to place the applicant on a waitlist to be placed on a waiting list.~~

E. Density Limits outside of Subareas. Unincorporated areas of Tillamook County that are outside of the 21 residential subareas listed in Subsection 040(D) shall be subject to a density limitation on the issuance of STR licenses. In unincorporated areas outside of the 21 subareas, no STR license application shall be accepted or approved where there is an existing STR license on a contiguous property. This density limitation applies only to applications for new STR licenses, not renewals, that are submitted after the effective date of this 2023 provision.

F. Renewal Eligibility. A STR license must be actively used to be eligible for renewal. To be eligible for renewal, all STR licenses shall be actively used by short-term renting the dwelling a minimum of 30 days in the preceding year (12 months). If, at the time of renewal, the dwelling has not been short-term rented at least 30 days in the preceding year (12 months), the renewal shall be denied, and the dwelling not used as a STR unless the owner obtains a new license. This provision applies only to STR annual renewal applications submitted after January 1, 2024.

.050 License 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 transfer or alteration of an existing STR License and upon annual renewal of a Short-Term Rental License 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 the contact person (authorized agent) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section .070.
 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 notice of use of a property as a short-term rental to owners of neighboring properties adjacent **contiguous** to the rental property. Notification can be completed by mail or distributed by hand and shall contain the address of the rental property, 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. A written statement confirming notice to neighbors has been completed shall be submitted to the Department prior to issuance of a Short-Term Rental License.

Upon issuance of a new Short-Term Rental License or upon receipt of notification of change of the name of the contact person and/or representative responsible for the rental, the Department of Community Development shall provide notice to all properties within 150-feet of the rental property within 30 days of issuance of a new or updated license.

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 *receipt of an application* for a Short-Term Rental License or 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 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 *and the County's Civil Enforcement procedures.*
- C. *Incomplete Application.* If a short-term rental 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 null and void.
- D. *Licensing Fees.* The fee for application for a Short-Term Rental License, ~~or license renewal or alteration of an existing license~~ shall be as established by Board Order., ~~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. Any alteration to an existing Short-Term Rental License shall be subject to a review fee of not less than \$100. Alterations requiring a reinspection of the STR shall also be subject to a \$100 reinspection fee.~~

.060 Term of Annual License and Renewal

- A. *Term.* ~~A Short-Term Rental License is valid for one year (12 months) and shall automatically expire if not renewed on or before the last day of the month of the anniversary date of each ensuing year. If the contact person (authorized agent) changes during the 12-month period, the property owner or authorized agent shall notify the County in writing of the change within thirty (30) days of the change and provide all new contact and tax payment information. Change of contact person is an alteration to an existing Short-Term Rental License and shall be subject to a fee of not less than \$100 established by Board Order.~~ **A Short-Term Rental License is valid for one year (12 months) and shall be renewed annually by the last day of the month of the anniversary date of each ensuing year. Billing notice will be sent to the owner in the month prior to the license renewal date. Payment shall be due by the last business day of the anniversary month. If the payment is not received by the renewal date, a notice that the Department intends to terminate the license shall be sent to the contact person (if applicable) and the owner. This notice shall allow an additional thirty (30) days to comply with the renewal provisions and shall specify that failure to submit renewal payment will result in expiration of the license by the last business day of that month.**
- B. If the contact person (authorized agent) changes during the 12-month period, the property owner or authorized agent shall notify the County in writing of the change within thirty (30) days of the change and provide all new contact and tax payment information. **Change of contact person necessitating need for issuance of an updated license is an alteration to an existing Short-Term Rental License and shall be subject to a fee of not less than \$100 established by Board Order.**
- C. *Transferability of STR Licenses.* Any STR License existing at the time of adoption of this Ordinance is eligible for one (1) transfer to another person or entity. The current license holder or authorized agent shall notify the STR Administrator of the change in property ownership within sixty (60) days of the change. All subsequent changes in property ownership shall require a new STR License subject to then-current ordinance provisions. STR Licenses issued after the adoption of this Ordinance are not transferable when property ownership changes.

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

- A. *Application Required.* Applications for a Short-Term Rental License 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 ~~requirements~~ for initial approval or annual renewal of the Short-Term Rental License. ~~The approval criteria~~

applicable requirements 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 **Section 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 (1) all-weather travel surface parking space shall be provided for every bedroom in the dwelling unit. 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 renewal to show the garage is available and large enough for vehicle parking. All required parking shall be on-site (off-street) except as follows:
 - a. 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 License. *Off-site parking is subject to the requirements of **Subsection .080(E)**.*
 - b. Up to two (2) required parking spaces may be satisfied with on-street parking provided on-street parking is within 100-feet of the subject property boundaries and authorized by the Tillamook County Public Works Department. On-street parking spaces shall be a minimum size of 8-feet by 20-feet each, *or a lesser dimension authorized by the Tillamook County Public Works Director*. On-street parking proposals shall be reviewed by the Tillamook County Public Works Department. Written authorization of the parking spaces shall be submitted to the Department at the time of application submittal.
 - c. Designated parking is available for guests within a private development where authorization for use of parking in conjunction with a STR has been granted by the development Homeowner's Association (HOA). Written authorization from the HOA confirming use of off-site parking shall be submitted to the Department at the time of application submittal. The number and location of parking spaces authorized to be utilized in conjunction with the STR shall be included in the written authorization.

2. Each off-street parking space shall be a minimum of 8-feet by 16-feet and configured in a manner that ensures parking spaces are accommodated within the property boundaries.
 3. No STR property shall have more than six (6) parking spaces total for overnight guests. Two (2) additional parking spaces may be allowed for daytime guests. Parking shall not, under any circumstances, hinder the path of any emergency vehicle.
 4. Access to approved parking spaces shall be designed to limit access onto the property through the defined road approach. Alterations to the road approach for purposes of off-street parking is subject to review and approval by the local road authority.
 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 direct renters to the parking diagram for the rental property to ensure use of off-street parking are prioritized 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. *License Approval and Annual Renewal Standards.* To receive approval, license renewal, or maintain a license, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the requirements and standards in Section .080 are satisfied.
- G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental License following adoption of this 2023 Ordinance and within 90 days of renewal at the time of renewal request every third year thereafter, the applicant must obtain and provide to the County evidence of compliance with the satisfactory inspections described in Section .090.

.080 Operational Requirements and Standards for Short-Term Rentals. To qualify to obtain or retain a license, 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 License.

- A. *Maximum Occupancy.* The maximum nighttime 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 nighttime occupancy of six (6) people plus up to three (3) 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 license renewal and upon physical inspection of the short-term rental.

- B. Regardless of the number of bedrooms, the maximum nighttime occupancy of an STR shall not exceed 10 (ten) persons plus three (3) children aged twelve (12) and under.
- C. The owner of an Estate Home shall be exempt from subsection (B) of this section and is allowed a maximum nighttime occupancy of up to fourteen (14) persons plus up to three (3) children, age 12 or under, to occupy the short-term rental.
- D. The maximum daytime occupancy for any short-term rental shall be limited to the nighttime maximum occupancy plus six (6) additional people. For example, a two-bedroom dwelling unit is permitted for 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 a 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 accommodate no more than two (2) parking spaces to satisfy this requirement. Where licensing 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 License.
- F. *Noise.* Use of any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or device for the producing or reproducing of sound shall be done in a manner that does not result in unreasonable or unreasonably sustained noise beyond the property lines of the subject property where the short-term rental is located. Complaints of unreasonable or unreasonably sustained noise shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section .130.
- G. *Quiet Hours.* The hours of 10:00pm to 7:00am the following day are quiet hours, and there shall be no amplified music or *other unreasonable* noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property. *The owner or contact person shall respond to all noise complaints during quiet hours within 30 minutes of when the County's STR complaint dispatch center sends a message about a received complaint regarding the short-term rental.* ~~Noise complaints during quiet hours shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-~~

~~term rental.~~ Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.

- 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 licensed short-term rental shall be fully permitted. ~~Electrical work shall be performed by a State or Oregon licensed electrician.~~ Any sleeping area used as a bedroom shall be inspected and permitted in accordance with the ~~provisions~~ requirements 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 be utilized as part of the short-term rental. Areas not approved for use as a bedroom shall not be included in the maximum occupancy calculation for the short-term rental. The contact person shall notify every renter, in writing, that the non-compliant bedroom may not be used for sleeping.
- 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 30 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 licensing, but only by revising the license 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 30 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 license application and renewal. The contact person shall be responsible for completing the fire safety checklist as part of the renewal process to ensure continued compliance. A copy of the signed fire safety checklist shall be submitted to the Department prior to issuance at the time of application for a new STR License and ~~or at the time of renewal of an existing~~

renewal of a Short-Term Rental License 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. Smoke detectors shall be placed and maintained in each bedroom, outside each bedroom in its immediate vicinity and in each additional story and basement without a bedroom.
6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom and 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 handrail.
9. All interior and exterior guardrails, such as deck railings, shall be able to withstand a 200-pound impact force.
10. 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.
11. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties.
12. The house number shall be prominently displayed and maintained, and be visible from the ~~street~~ *road right-of-way*.

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 shall be 5.7 square feet.

~~Minimum 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. The Building Official may allow 5 square feet net clear opening at grade floor openings or below grade.

2. For all dwelling units constructed prior to the adoption of this Ordinance, every bedroom 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 garbage containers with securable covers in compliance with franchise requirements that ensure the collected solid waste is not susceptible to wildlife intrusion and weather elements. 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. Interior Mandatory Postings. Mandatory postings 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. Mandatory postings include the following:

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration. The license shall include the following information:
 - a. The number of bedrooms and maximum occupancy permitted for the short-term rental;
 - b. The number of approved parking spaces;
 - c. Any required information and conditions specific to the Short-Term Rental License;
 - d. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental.
2. For those properties located within a tsunami inundation zone, a copy of an Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Evacuation Brochure shall be posted in a visible location as close as possible

to the main entrance of the short-term rental. The brochure shall be furnished by the Tillamook County Department of Community Development at the time of Short-Term Rental License issuance and renewal.

3. Good Neighbor Policy and Guidelines. The property owner and contact person shall acknowledge the County's Good Neighbor Policy, and shall post them in every short-term rental.

O. Exterior Mandatory Posting. Exterior signage shall be installed outside of the dwelling unit and shall be of adequate size so that the following required information on the exterior sign is easily read from the road right-of-way:

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration;
2. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental;
3. The property address;
4. The name of the contact person (or entity) and a telephone number (optional).

P. No recreational vehicle, yurt, travel trailer, tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including a recreational vehicle is permitted in conjunction with a short-term rental.

Q. 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.

.090 Additional Inspections Required. To merit approval of an initial (first year) Short-Term Rental License 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:

- A. Inspection Required.* The owner of the short-term rental dwelling unit shall obtain an inspection by the ~~County Building Inspector~~ 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 owner or contact person shall contact the Department within thirty (30) days of applying for the license to schedule the required inspection by the County Building Inspector*

and ensure that entry to the dwelling can be granted by a person eighteen (18) years of age or above.

The inspection and certification shall include compliance with electrical, structural, and ventilation requirements. A Short-Term Rental License shall be not issued until the short-term rental passes inspection by the County Building Inspector.

- B. *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 application shall be ~~invalidated~~ *denied*, 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 (*septic* 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. Demonstration of system adequacy is required at the time of STR application submittal.
1. If the system was installed more than five (5) years from the time of STR application submittal, 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 five (5) years of the date of the Short-Term Rental 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 review of an ESER or AN, or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. A Short-Term Rental License shall not be issued 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, the Short-Term Rental application shall be denied.

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, 2024. 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 License. The Onsite Wastewater Division is the delegated authority to determine 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 Unincorporated Tillamook County.

- A. *Advertising and Short-Term Rental License 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 thirty (30) minutes to complaints from or through the Hotline and shall respond in-person within thirty (30) minutes to any additional or successive complains regarding the condition, operation, or conduct of occupants of the short-term rental. Unresolved complaints *determined by the STR Administrator to be a violation of this Ordinance* shall ~~be result in an immediate violation subject to Section .130 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 License, 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.* Events and activities that exceed maximum overnight or daytime occupancy limits.
2. Events and activities for which a Temporary Use Permit is required and has not been issued.
3. Unattended barking dogs.
4. Activities that exceed noise limitations contained in this Ordinance.

.110 Implementation of this Ordinance and Application to Short-Term Rentals Licensed on the Date of its Adoption. ~~All new/initial Short-Term Rental Licenses 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, licensed and operating on the date of adoption of this Ordinance (Lawful Pre-Existing Short-Term Rentals).~~ *All Short-Term Rentals and their owners who obtain their first/initial License after the adoption of this 2023 Ordinance shall comply with, or otherwise implement, all provisions in this Ordinance at the time of licensing and each renewal thereafter. Preexisting valid licensees existing on the date of adoption of this 2023 Ordinance shall comply with, or otherwise implement, the requirements of Section .070 (Application Required and Burden for Application Approval and License Renewal) and Section .080 (Operational Requirements and Standards for Short-Term Rentals) beginning with their first renewal after January 1, 2024 and every year thereafter. Preexisting valid licensees existing on the date of adoption of this 2023 Ordinance shall comply with, or otherwise implement, the requirements of*

Section .090 (Additional Inspections Required) beginning with their first third-year renewal after January 1, 2024 and every three years thereafter.

- .120 Violations.** In addition to complaints related to nuisance and noise and other violations of Tillamook County Ordinances, 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 License.
 - 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 License 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 License.

.130 Penalties.

- 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 License and cessation of use of the dwelling unit for short-term tenancy:
 - 1. Failure to renew a Short-Term Rental License as required by Section .060 while continuing to operate a short-term rental.

2. Three (3) or more verified violations of any local ordinance, state or federal regulation within a 12-month period.
3. The discovery of material misstatements or that the license application included false information for a Short-Term Rental License or renewal shall be grounds for immediate revocation of the license.
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 license.
5. Upon an emergency suspension or revocation of a Short-Term Rental License 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 License 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, revoking or sanctioning a Short-Term Rental License may be challenged, if at all, only pursuant to this section.

- A. *Filing Requirements – Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental License.
- 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 license application, license 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 a fee for filing and appeal hearing of not less than \$500 under this section as established by Board Order, 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, and complaints about the short-term rental **or property** 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 License, 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 License, operation of the short-term rental may continue under the Short-Term Rental License.
- 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.

.160 Effective Date

The Board of Commissioners finds that the enactment of this Ordinance is necessary for the public health, safety and general welfare, that an emergency exists and this Ordinance Amendment shall take effect immediately upon passage by the Board of County Commissioners on the date of its adoption.

Date of First Reading: May 30, 2023.

Date of Second Reading: June 13, 2023.

Date of Third Reading: July 6, 2023.

ADOPTED this _____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
_____ Erin D. Skaar, Chair	_____	_____	_____/_____
_____ Mary Faith Bell, Vice Chair	_____	_____	_____/_____
_____ David Yamamoto, Commissioner	_____	_____	_____/_____

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By _____
Special Deputy

William K. Sargent, County Counsel

STR
Ordinance
NO
markup draft

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Regulating Short Term)	
Rentals, Establishing Standards and	)	ORDINANCE #84
Fees, Providing for a License,	)	AMENDMENT #2
And Creating Penalties for Violations of)	
This Ordinance)	

010.... Title
020.... Purpose and Scope
030.... Definitions
040.... Annual Short-term Rental License Required, Basic Requirements for a License,
No Nonconforming Use Status Conferred
050.... Application and Fees
060.... Term of Annual License and Renewal
070.... Application Required and Burden for License Approval and Renewal
080.... Operational Requirements and Standards for Short-Term Rentals
090.... Additional Inspections Required
100.... Additional Requirements and Prohibitions
110.... Implementation of this Ordinance and Application to Short-Term Rentals
Licensed and Operating on the Date of its Adoption
120.... Violations
130.... Penalties
140.... Appeals of County Decisions Regarding Short-Term Rentals
150.... Severability
160.... Effective Date

The Board of Commissioners for Tillamook County ORDAINS as follows:

.010 Title. The provisions contained in this Ordinance are intended to authorize and regulate the short-term rental use of residential dwelling units on properties 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 and 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 licensing 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. Recognize the need to regulate short-term rentals within neighborhoods to ensure compatibility with, and livability of, 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.
 5. Protect the character of the County's established neighborhoods by regulating the number, concentration, and scale of full-time short-term rentals in residential neighborhoods.
 6. Provide funding support for County housing development initiatives to address local affordable and workforce housing needs and increase availability of housing for people who want to live/work in Tillamook County.
- 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 license is revocable permission to operate a short-term rental, but only as provided in this Ordinance. A license 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 procedures 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 procedures and regulations shall be on file in the Office of the County Clerk 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 License.
- 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).
 - An emergency escape and rescue opening (ORSC R310)

- A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
 - A smoke alarm (ORSC R314.3) where required.
 - A carbon monoxide detector (ORSC R315.3) where required.
 - 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 the owner's designated agent for the Short-Term Rental, authorized to act for the owner on their behalf.
- G. "Contiguous" means adjoining, abutting, bordering or adjacent. For notification purposes contained in Section .050(7), adjacent also means directly across a road right-of-way.
- H. "County" means Tillamook County, Oregon.
- I. "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.
- J. "Daytime" means between the hours of 7:00 am to 10:00 pm.
- K. "Daytime Occupancy" means the hours between 7:00am and 10:00pm. "Daytime occupants" mean the guests who may occupy a short-term rental during a daytime occupancy.
- L. "Department" means the Tillamook County Department of Community Development.
- M. "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. For purposes of this Ordinance, "dwelling unit" does not include an accessory dwelling unit (ADU), yurt, recreational vehicle or similar mobile structure, or motorized vehicle designed and built for temporary vacation use.
- N. "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.

- O. "Estate Home" means a single-family dwelling with five (5) or more bedrooms.
- P. "Good Cause" for the purposes of denial, suspension, revocation, imposition of conditions, renewal and reinstatement of a Short-Term Rental License 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 License; 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.
- Q. "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.
- R. "Hosted Homeshare" means the transient rental of a portion of a dwelling while the homeowner is present.
- S. "Nighttime Occupancy" means overnight occupancy between the hours of 10:00pm and 7:00am the next day. "Nighttime occupants" means the guests who may occupy a short-term rental overnight.
- T. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.
- U. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.
- V. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.
- W. "Overnight" means between the hours of 10:00 pm to 7:00 am the following day.
- X. "Owner" means one or more natural persons, a partnership, corporation or trust that owns and holds legal or equitable title to the property as shown on the recorded title to the property.
- Y. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental License.
- Z. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".
- AA. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).

- BB. "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".
- CC. "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.
- DD. "Short-Term Rental" or "STR" means the transient rental of a dwelling unit in its entirety to any person on a day-to-day basis for a period of fewer than 30 days; includes advertising, offering, operating, renting, or otherwise making available or allowing any other person to make a dwelling unit available for occupancy or use as a transient dwelling unit. Short-Term Rental 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.
- EE. "Short-Term Rental License" means the annual license required by Section .040, described in this Ordinance, and referred to as a "license."
- FF. "Short-Term Rental 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.
- GG. "Subarea" means those properties located within Tillamook County Unincorporated Communities and Incorporated City Urban Growth Boundaries (UGBs).
- HH. "Subject Property" means the property on which the short-term rental is located.
- II. "Transfer" means a change in ownership of the property where the dwelling licensed as a Short-Term Rental is located that occurs after the effective date of this ordinance. A change in ownership does not include a change in owners on title resulting from death, divorce, marriage or inheritance.
- JJ. "Transient rental" means to rent a dwelling unit for compensation on a less than a month-to-month basis.
- KK. "Unincorporated Communities" means those properties located within the Tillamook County Unincorporated Communities of Neahkahnie, Mohler, Barview/Twin Rocks/Watseco, Idaville, Cape Meares, Oceanside, Netarts, Siskeyville, Beaver, Hebo, Cloverdale, Tierra Del Mar, Pacific City/Woods, and Neskowin. (See Maps included in "Exhibit A".)

.040 Annual Short-Term Rental License Required, Basic Requirements for a License, 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 License. "Advertise or offer" includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.

- A. *License Must Be Obtained and Maintained.* A Short-Term Rental License shall be obtained, maintained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. A Short-Term Rental License in unincorporated Tillamook County may be revoked for failure to operate a short-term rental in accordance with all requirements of the license 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 license.
- B. *Limitation of STR License per Licensee.* The County shall issue a maximum of one (1) short-term rental license for each qualified licensee. For purposes of this subsection, a "licensee" is one or more natural persons, a partnership, corporation or trust seeking a short-term license, and to qualify as a separate, qualified "licensee" under this subsection, there can be no overlap of partners, trustees, trust beneficiaries, corporate officers or shareholders with any other licensee. This provision applies only to applications for new STR licenses, not renewals, that are submitted after the effective date of this 2023 provision.
- C. *No Nonconforming Status Conferred.* The fact that an owner of property or other entity may hold a license 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 license.
- D. *Cap on Number of STR Licenses In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries.* The County shall establish through Board Order, and may amend from time to time, a limit ("cap") on the number of STR Licenses that can be issued for each of the following residential subareas in unincorporated Tillamook County ("subareas" as depicted in "Exhibit A"):
 - 1. Neahkahnie
 - 2. Mohler
 - 3. Barview/Twin Rocks/Watseco
 - 4. Idaville
 - 5. Siskeyville
 - 6. Cape Meares
 - 7. Oceanside
 - 8. Netarts
 - 9. Beaver
 - 10. Hebo
 - 11. Cloverdale

12. Tierra del Mar
13. Pacific City/Woods
14. Neskowin
15. Manzanita UGB
16. Nehalem UGB
17. Wheeler UGB
18. Rockaway UGB
19. Garibaldi UGB
20. Bay City UGB
21. Tillamook UGB

The County shall accept and may grant STR licenses up to the cap established in each subarea, after which it shall not issue any new licenses. For subareas where the cap has been reached, the County may still grant renewals of existing STR licenses. If, at the time of application for a new STR license, there is not room within the applicable subarea cap to accommodate a new STR license, the County will return the application and place the applicant's name on a waitlist in the order the application was received. The County will contact applicants in their order on the waitlist as space for a new STR license comes available, and each will be allowed an opportunity to submit an application for a new STR license. The STR license application fee shall not be due or collected from applicants on a waitlist until an invited license applicant submits an application; however, the County shall charge a \$100 fee to place an applicant on a waitlist.

E. Density Limits outside of Subareas. Unincorporated areas of Tillamook County that are outside of the 21 residential subareas listed in Subsection .040(D) shall be subject to a density limitation on the issuance of STR licenses. In unincorporated areas outside of the 21 subareas, no STR license application shall be accepted or approved where there is an existing STR license on a contiguous property. This density limitation applies only to applications for new STR licenses, not renewals, that are submitted after the effective date of this 2023 provision.

F. Renewal Eligibility. A STR license must be actively used to be eligible for renewal. To be eligible for renewal, all STR licenses shall be actively used by short-term renting the dwelling a minimum of 30 days in the preceding year (12 months). If, at the time of renewal, the dwelling has not been short-term rented at least 30 days in the preceding year (12 months), the renewal shall be denied, and the dwelling not used as a STR unless the owner obtains a new license. This provision applies only to STR annual renewal applications submitted after January 1, 2024.

.050 License 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 transfer or alteration of an existing STR License:

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 the contact person (authorized agent) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section .070.
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 notice of use of a property as a short-term rental to owners of neighboring properties contiguous to the rental property. Notification can be completed by mail or distributed by hand and shall contain the address of the rental property, 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. A written statement confirming notice to neighbors has been completed shall be submitted to the Department prior to issuance of a Short-Term Rental License.

Upon issuance of a new Short-Term Rental License or upon receipt of notification of change of the name of the contact person and/or representative responsible for the rental, the Department of Community Development shall provide notice to all properties within 150-feet of the rental property within 30 days of issuance of a new or updated license.

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 *receipt of an* application for a Short-Term Rental License or 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 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 and the County's Civil Enforcement procedures.

C. *Incomplete Application.* If a short-term rental 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 null and void.

D. *Licensing Fees.* The fee for application for a Short-Term Rental License, license renewal or alteration of an existing license shall be as established by Board Order.

.060 Term of Annual License and Renewal

A. *Term.* A Short-Term Rental License is valid for one year (12 months) and shall be renewed annually by the last day of the month of the anniversary date of each

ensuing year. Billing notice will be sent to the owner in the month prior to the license renewal date. Payment shall be due by the last business day of the anniversary month. If the payment is not received by the renewal date, a notice that the Department intends to terminate the license shall be sent to the contact person (if applicable) and the owner. This notice shall allow an additional thirty (30) days to comply with the renewal provisions and shall specify that failure to submit renewal payment will result in expiration of the license by the last business day of that month.

- B. If the contact person (authorized agent) changes during the 12-month period, the property owner or authorized agent shall notify the County in writing of the change within thirty (30) days of the change and provide all new contact and tax payment information. Change of contact person necessitating need for issuance of an updated license is an alteration to an existing Short-Term Rental License and shall be subject to a fee established by Board Order.
- C. *Transferability of STR Licenses.* Any STR License existing at the time of adoption of this Ordinance is eligible for one (1) transfer to another person or entity. The current license holder or authorized agent shall notify the STR Administrator of the change in property ownership within sixty (60) days of the change. All subsequent changes in property ownership shall require a new STR License subject to then-current ordinance provisions. STR Licenses issued after the adoption of this Ordinance are not transferable when property ownership changes.

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

- A. *Application Required.* Applications for a Short-Term Rental License 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 applicable requirements for initial approval or annual renewal of the Short-Term Rental License. The applicable requirements 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 Section .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 (1) all-weather travel surface parking space shall be provided for every bedroom in the dwelling unit. 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 renewal to show the garage is available and large enough for vehicle parking. All required parking shall be on-site (off-street) except as follows:
 - a. 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 License. Off-site parking is subject to the requirements of Subsection .080(E).
 - b. Up to two (2) required parking spaces may be satisfied with on-street parking provided on-street parking is within 100-feet of the subject property boundaries and authorized by the Tillamook County Public Works Department. On-street parking spaces shall be a minimum size of 8-feet by 20-feet each, or a lesser dimension authorized by the Tillamook County Public Works Director. On-street parking proposals shall be reviewed by the Tillamook County Public Works Department. Written authorization of the parking spaces shall be submitted to the Department at the time of application submittal.
 - c. Designated parking is available for guests within a private development where authorization for use of parking in conjunction with a STR has been granted by the development Homeowner's Association (HOA). Written authorization from the HOA confirming use of off-site parking shall be submitted to the Department at the time of application submittal. The number and location of parking spaces authorized to be utilized in conjunction with the STR shall be included in the written authorization.
2. Each off-street parking space shall be a minimum of 8-feet by 16-feet and configured in a manner that ensures parking spaces are accommodated within the property boundaries.
3. No STR property shall have more than six (6) parking spaces total for overnight guests. Two (2) additional parking spaces may be allowed for daytime guests. Parking shall not, under any circumstances, hinder the path of any emergency vehicle.
4. Access to approved parking spaces shall be designed to limit access onto the property through the defined road approach. Alterations to the road approach for purposes of off-street parking is subject to review and approval by the local road authority.

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 direct renters to the parking diagram for the rental property to ensure use of off-street parking are prioritized 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. *License Approval and Annual Renewal Standards.* To receive approval, license renewal, or maintain a license, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the requirements and standards in Section .080 are satisfied.
 - G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental License following adoption of this 2023 Ordinance and within 90 days of renewal every third year thereafter, the applicant must obtain and provide to the County evidence of compliance with the satisfactory inspections described in Section .090.
- .080 Operational Requirements and Standards for Short-Term Rentals.** To qualify to obtain or retain a license, 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 License.
- A. *Maximum Occupancy.* The maximum nighttime 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 nighttime occupancy of six (6) people plus up to three (3) 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 license renewal and upon physical inspection of the short-term rental.
 - B. Regardless of the number of bedrooms, the maximum nighttime occupancy of an STR shall not exceed 10 (ten) persons plus three (3) children aged twelve (12) and under.
 - C. The owner of an Estate Home shall be exempt from subsection (B) of this section and is allowed a maximum nighttime occupancy of up to fourteen (14) persons plus up to three (3) children, age 12 or under, to occupy the short-term rental.
 - D. The maximum daytime occupancy for any short-term rental shall be limited to the nighttime maximum occupancy plus six (6) additional people. For example, a

two-bedroom dwelling unit is permitted for 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 a 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 accommodate no more than two (2) parking spaces to satisfy this requirement. Where licensing 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 License.
- F. *Quiet Hours.* The hours of 10:00pm to 7:00am the following day are quiet hours, and there shall be no amplified music or other noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property. The owner or contact person shall respond to all noise complaints during quiet hours within 30 minutes of when the County's STR complaint dispatch center sends a message about a received complaint regarding the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.
- G. *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.
- H. *No unpermitted improvements or bedrooms.* All electrical, structural, plumbing, venting, mechanical and other improvements made to a licensed short-term rental shall be fully permitted. Any sleeping area used as a bedroom shall be inspected and permitted in accordance with the requirements 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 be utilized as part of the short-term rental. Areas not approved for use as a bedroom shall not be included in the maximum occupancy calculation for the short-term rental. The contact person shall notify every renter, in writing, that the non-compliant bedroom may not be used for sleeping.
- I. *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 30 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 licensing, but only by revising the license 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 30 minutes of being summoned shall be a violation of this Ordinance.

- J. *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 license application and renewal. The contact person shall be responsible for completing the fire safety checklist as part of the renewal process to ensure continued compliance. A copy of the signed fire safety checklist shall be submitted to the Department at the time of application for a new STR License and at the time of renewal of an existing Short-Term Rental License 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 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. Smoke detectors shall be placed and maintained in each bedroom, outside each bedroom in its immediate vicinity and in each additional story and basement without a bedroom.
 6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom and 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 handrail.

9. All interior and exterior guardrails, such as deck railings, shall be able to withstand a 200-pound impact force.
10. 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.
11. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties.
12. The house number shall be prominently displayed and maintained, and be visible from the road right-of-way.

K. 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 shall be 5.7 square feet. Minimum net clear height is 24 inches and net clear width is 20 inches. The Building Official may allow 5 square feet net clear opening at grade floor openings or below grade.
2. For all dwelling units constructed prior to the adoption of this Ordinance, every bedroom 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 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 garbage containers with securable covers in compliance with franchise requirements that ensure the collected solid waste is not susceptible to wildlife intrusion and weather elements. 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. Interior Mandatory Postings. Mandatory postings 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. Mandatory postings include the following:

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration. The license shall include the following information:
 - a. The number of bedrooms and maximum occupancy permitted for the short-term rental;
 - b. The number of approved parking spaces;
 - c. Any required information and conditions specific to the Short-Term Rental License;
 - d. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental.
 2. For those properties located within a tsunami inundation zone, a copy of an Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Evacuation Brochure shall be posted in a visible location as close as possible to the main entrance of the short-term rental. The brochure shall be furnished by the Tillamook County Department of Community Development at the time of Short-Term Rental License issuance and renewal.
 3. Good Neighbor Policy and Guidelines. The property owner and contact person shall acknowledge the County's Good Neighbor Policy, and shall post them in every short-term rental.
- O. Exterior Mandatory Posting.* Exterior signage shall be installed outside of the dwelling unit and shall be of adequate size so that the following required information on the exterior sign is easily read from the road right-of-way:
1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration;
 2. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental;
 3. The property address;
 4. The name of the contact person (or entity) and a telephone number (optional).
- P.* No recreational vehicle, yurt, travel trailer, tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including a recreational vehicle is permitted in conjunction with a short-term rental.

- Q. 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.

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

- A. *Inspection Required.* The owner of the short-term rental dwelling unit shall obtain an inspection by the County Building Inspector to inspect the dwelling unit and determine 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 owner or contact person shall contact the Department within thirty (30) days of applying for the license to schedule the required inspection by the County Building Inspector and ensure that entry to the dwelling can be granted by a person eighteen (18) years of age or above.

The inspection and certification shall include compliance with electrical, structural, and ventilation requirements. A Short-Term Rental License shall be not issued until the short-term rental passes inspection by the County Building Inspector.

- B. *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 application shall be denied, 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 (*septic* 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. Demonstration of system adequacy is required at the time of STR application submittal.

1. If the system was installed more than five (5) years from the time of STR application submittal, 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 five (5) years of the date of the Short-Term Rental 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 review of an ESER or AN, or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. A Short-Term Rental License shall not be issued 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, the Short-Term Rental application shall be denied.
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, 2024. 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 License. The Onsite Wastewater Division is the delegated authority to determine 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 Unincorporated Tillamook County.

- A. *Advertising and Short-Term Rental License 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 thirty (30) minutes to complaints from or through the Hotline and shall respond in-person within thirty (30) minutes to any additional or successive complains regarding the condition, operation, or conduct of occupants of the short-term rental. Unresolved complaints determined by the STR Administrator to be a violation of this Ordinance shall be subject to Section .130.

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 License, 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.* Events and activities that exceed maximum overnight or daytime occupancy limits.
2. Events and activities for which a Temporary Use Permit is required and has not been issued.
3. Unattended barking dogs.
4. Activities that exceed noise limitations contained in this Ordinance.

.110 Implementation of this Ordinance and Application to Short-Term Rentals Licensed on the Date of its Adoption. All Short-Term Rentals and their

owners who obtain their first/initial License after the adoption of this 2023 Ordinance shall comply with, or otherwise implement, all provisions in this Ordinance at the time of licensing and each renewal thereafter. Preexisting valid licensees existing on the date of adoption of this 2023 Ordinance shall comply with, or otherwise implement, the requirements of Section .070 (Application Required and Burden for Application Approval and License Renewal) and Section .080 (Operational Requirements and Standards for Short-Term Rentals) beginning with their first renewal after January 1, 2024 and every year thereafter. Preexisting valid licensees existing on the date of adoption of this 2023 Ordinance shall comply with, or otherwise implement, the requirements of Section .090 (Additional Inspections Required) beginning with their first third-year renewal after January 1, 2024 and every three years thereafter.

.120 Violations. In addition to complaints related to nuisance and noise and other violations of Tillamook County Ordinances, 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 License.
- 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 License 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 License.

.130 Penalties.

- 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 License and cessation of use of the dwelling unit for short-term tenancy:

1. Failure to renew a Short-Term Rental License as required by Section .060 while continuing to operate a short-term rental.
2. Three (3) or more verified violations of any local ordinance, state or federal regulation within a 12-month period.
3. The discovery of material misstatements or that the license application included false information for a Short-Term Rental License or renewal shall be grounds for immediate revocation of the license.
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 license.
5. Upon an emergency suspension or revocation of a Short-Term Rental License 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 License 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, revoking or sanctioning a Short-Term Rental License may be challenged, if at all, only pursuant to this section.

- A. *Filing Requirements – Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental License.
- 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 license application, license 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 a fee for filing an appeal as established by Board Order, 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, and complaints about the short-term rental or property.
 - 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 License, 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 License, operation of the short-term rental may continue under the Short-Term Rental License.
 - 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.

.160 Effective Date

The Board of Commissioners finds that the enactment of this Ordinance is necessary for the public health, safety and general welfare, that an emergency exists, and this Ordinance shall take effect immediately upon passage by the Board of County Commissioners on the date of its adoption.

Date of First Reading: May 30, 2023.

Date of Second Reading: June 13, 2023.

Date of Third Reading: July 6, 2023.

ADOPTED this _____ day of _____, 2023.

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

	Aye	Nay	Abstain/Absent
_____ Erin D. Skaar, Chair	_____	_____	_____/_____
_____ Mary Faith Bell, Vice Chair	_____	_____	_____/_____
_____ David Yamamoto, Commissioner	_____	_____	_____/_____

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

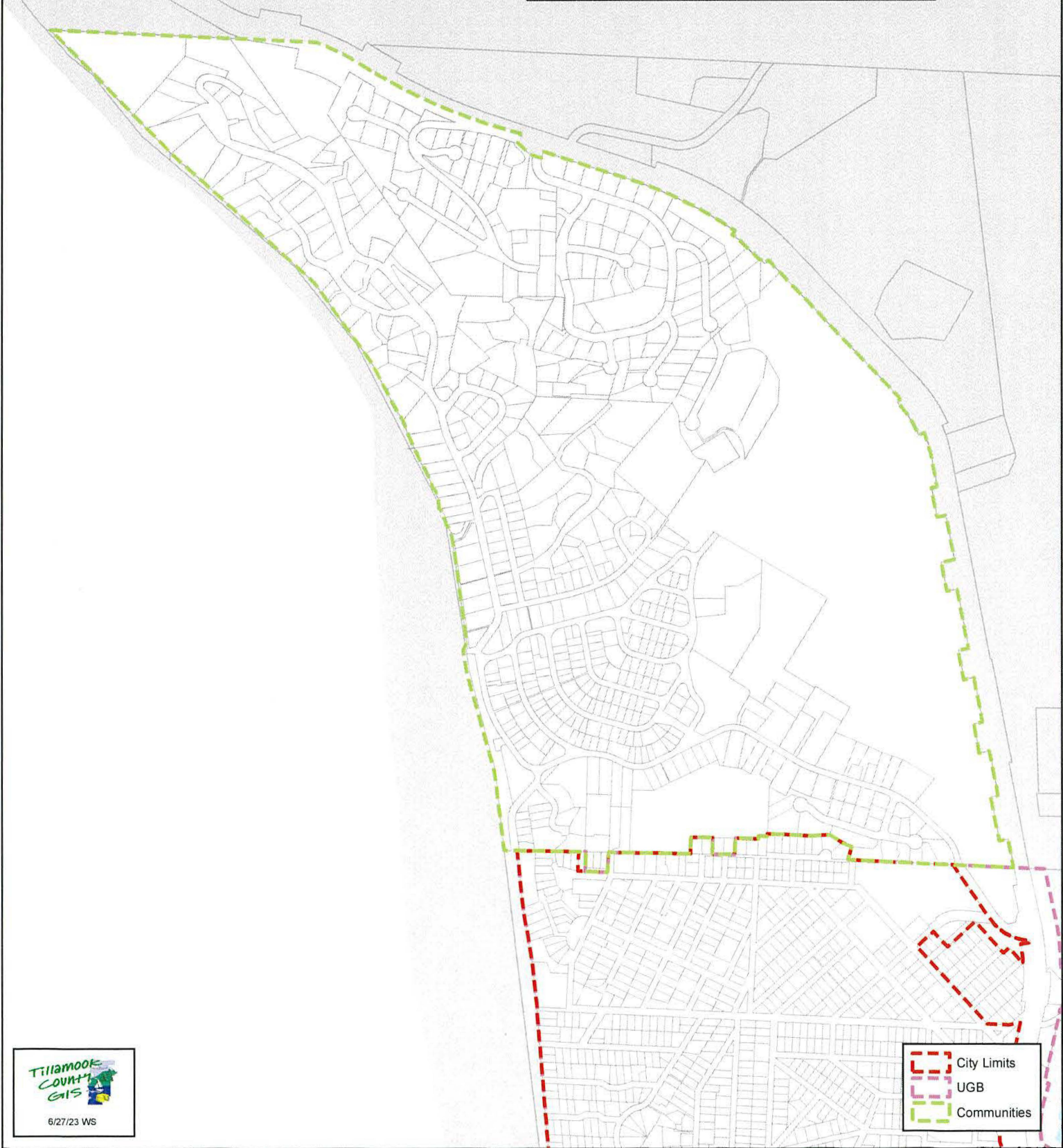
By _____
Special Deputy

William K. Sargent, County Counsel

EXHIBIT

A

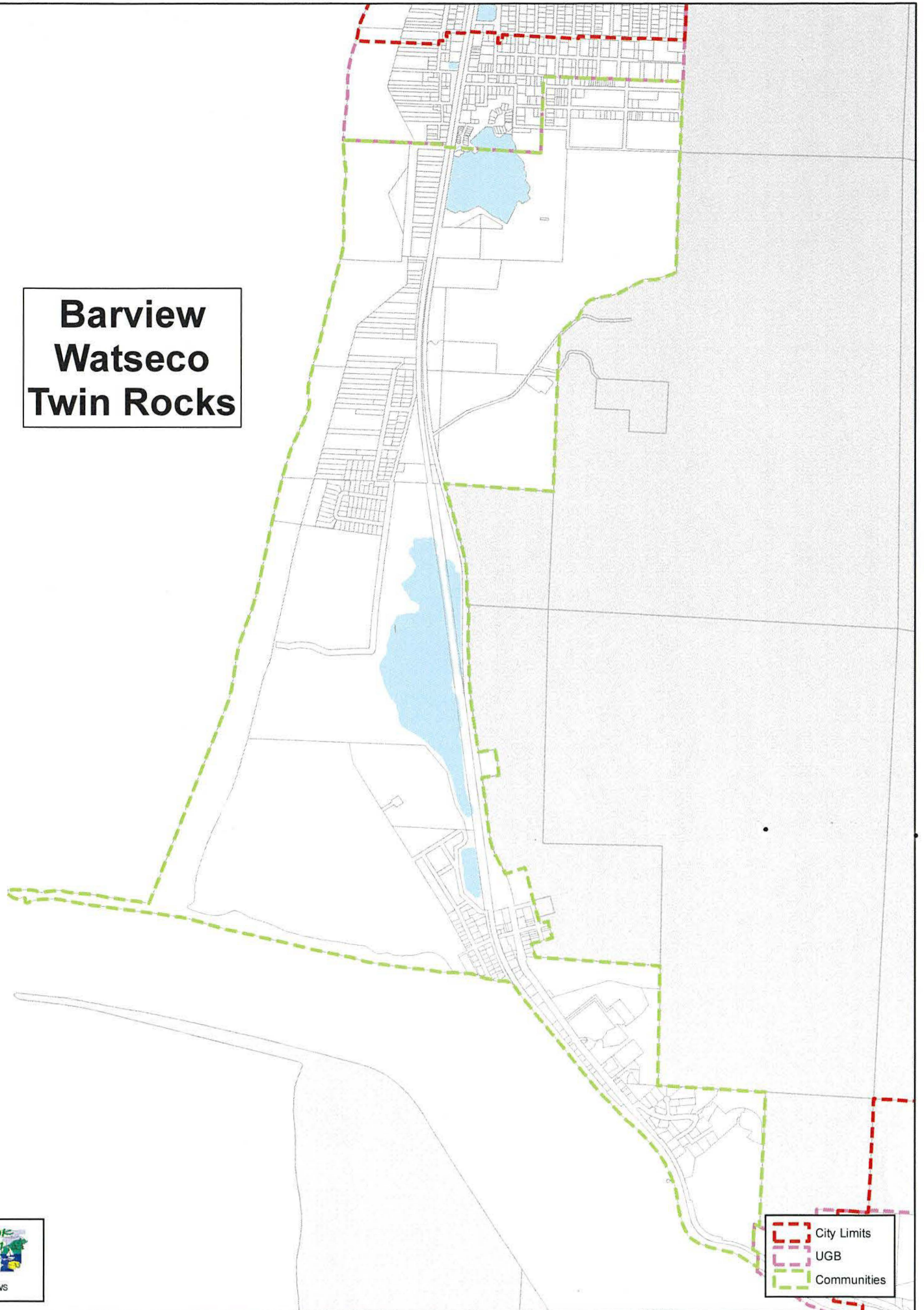
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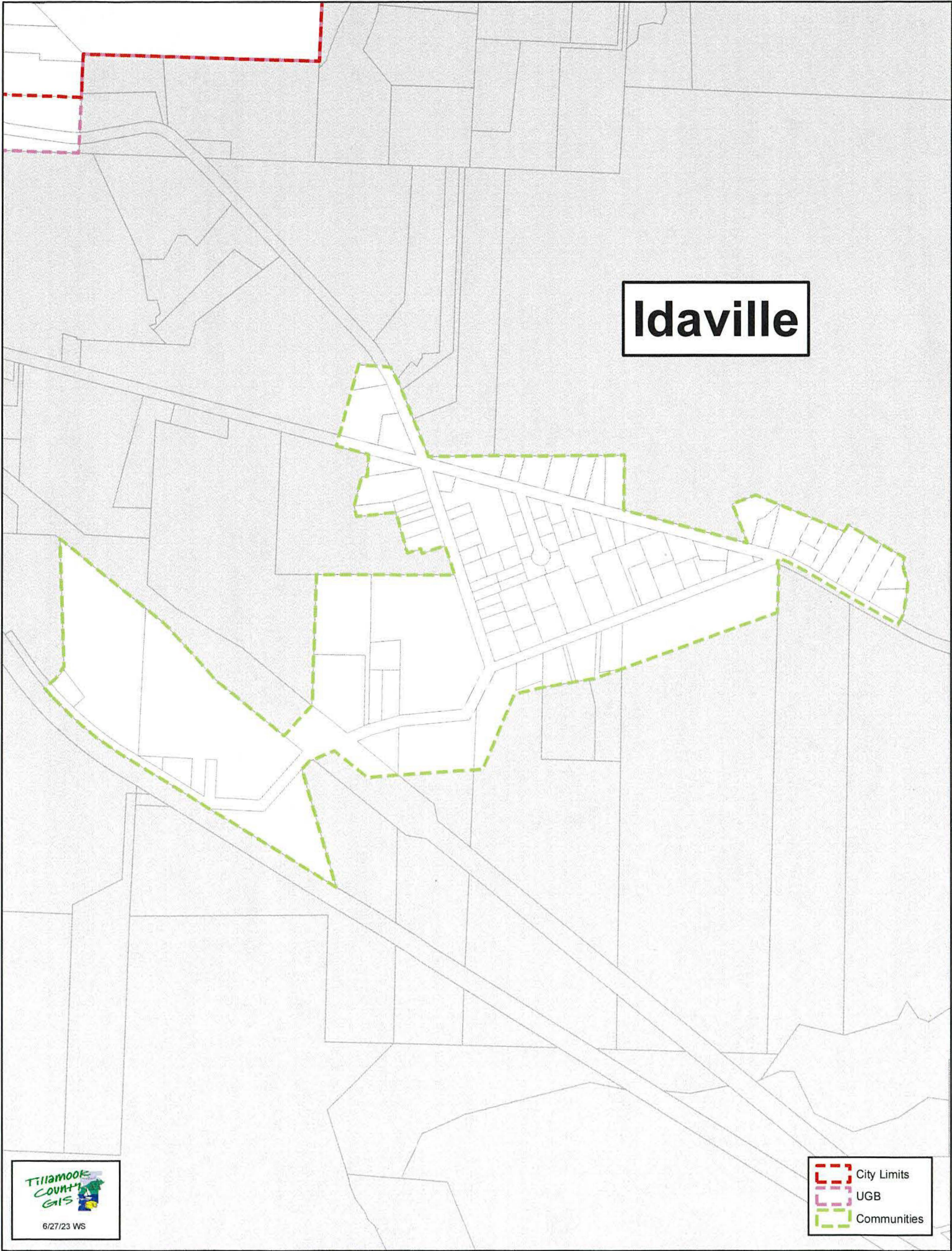
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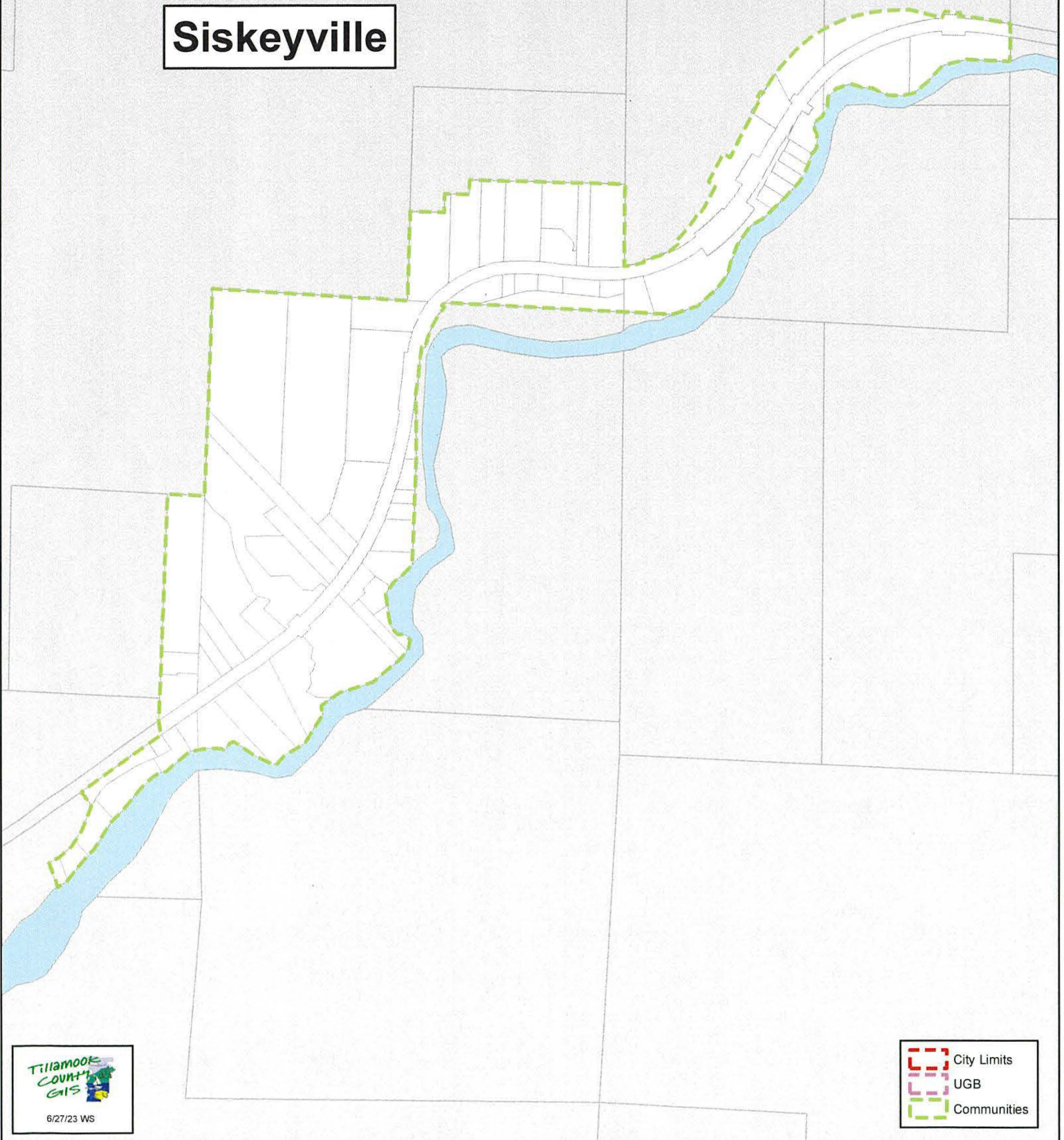
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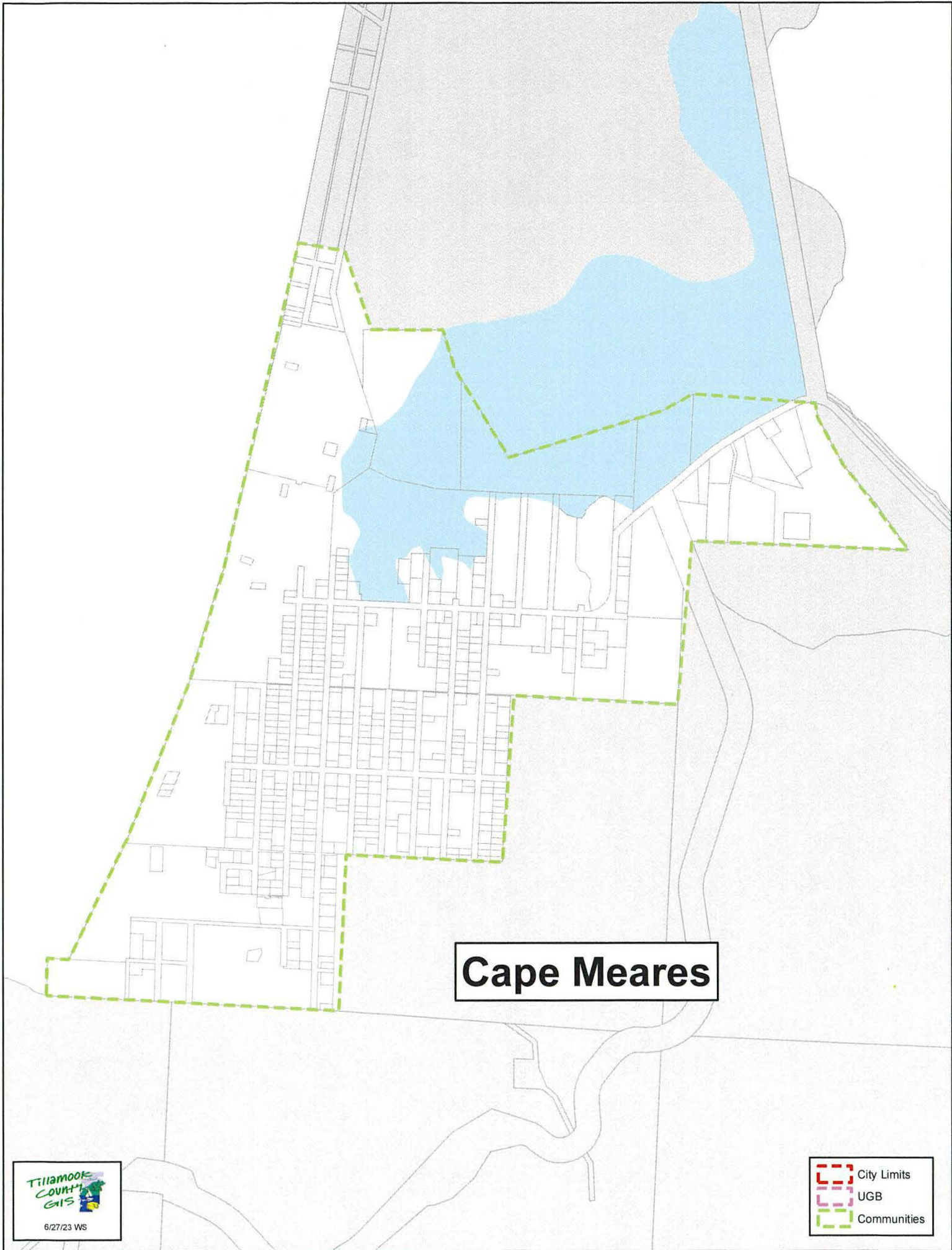


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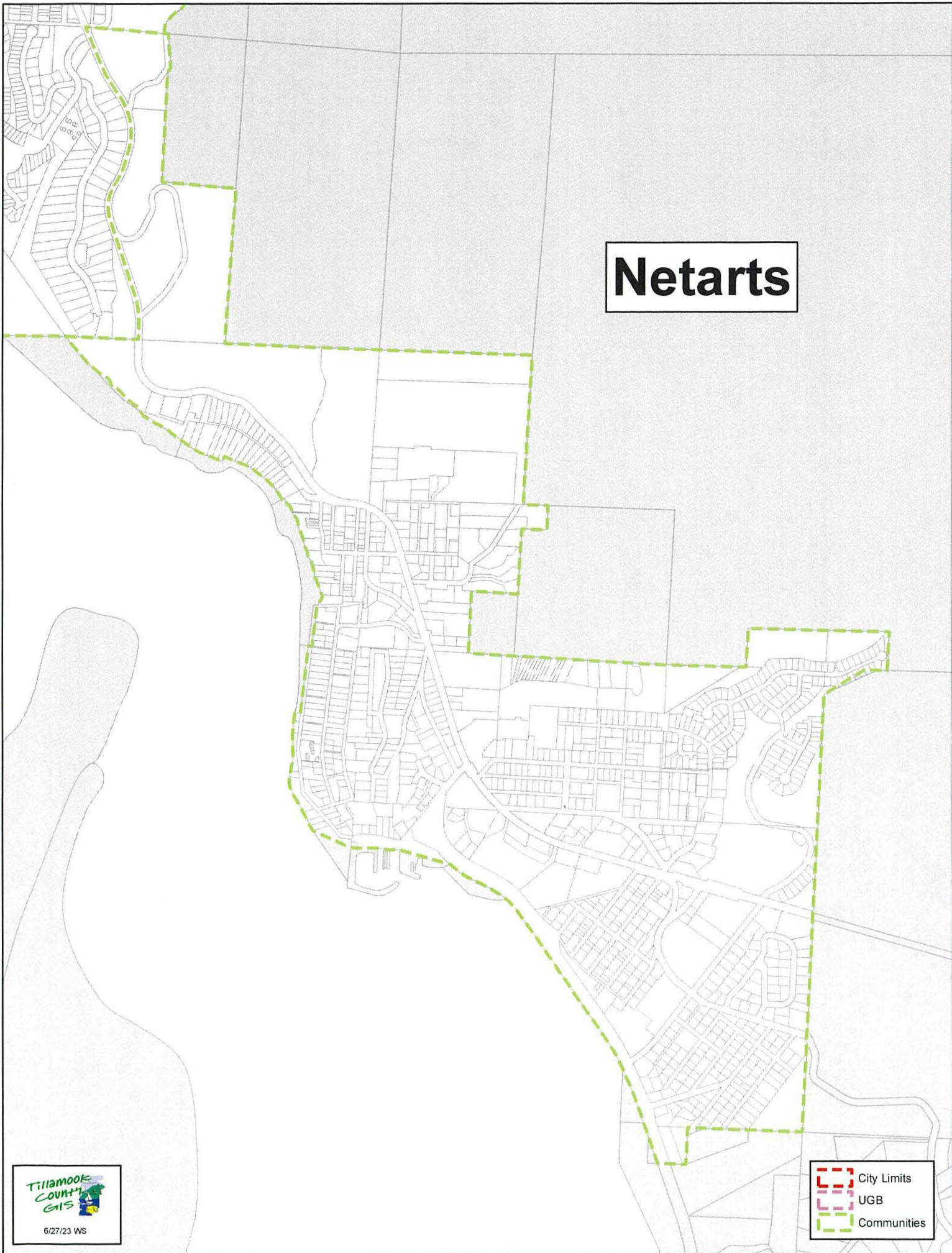


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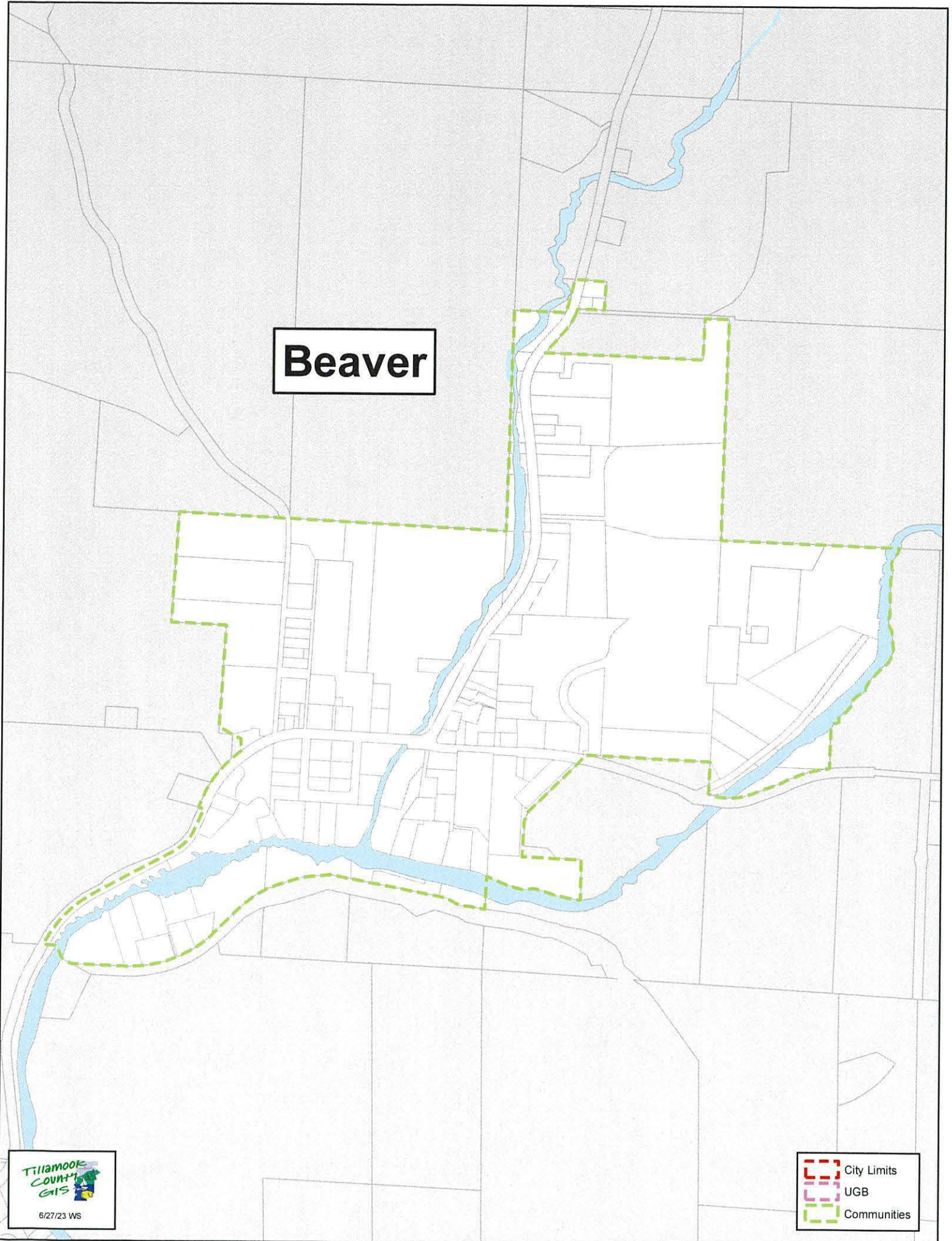
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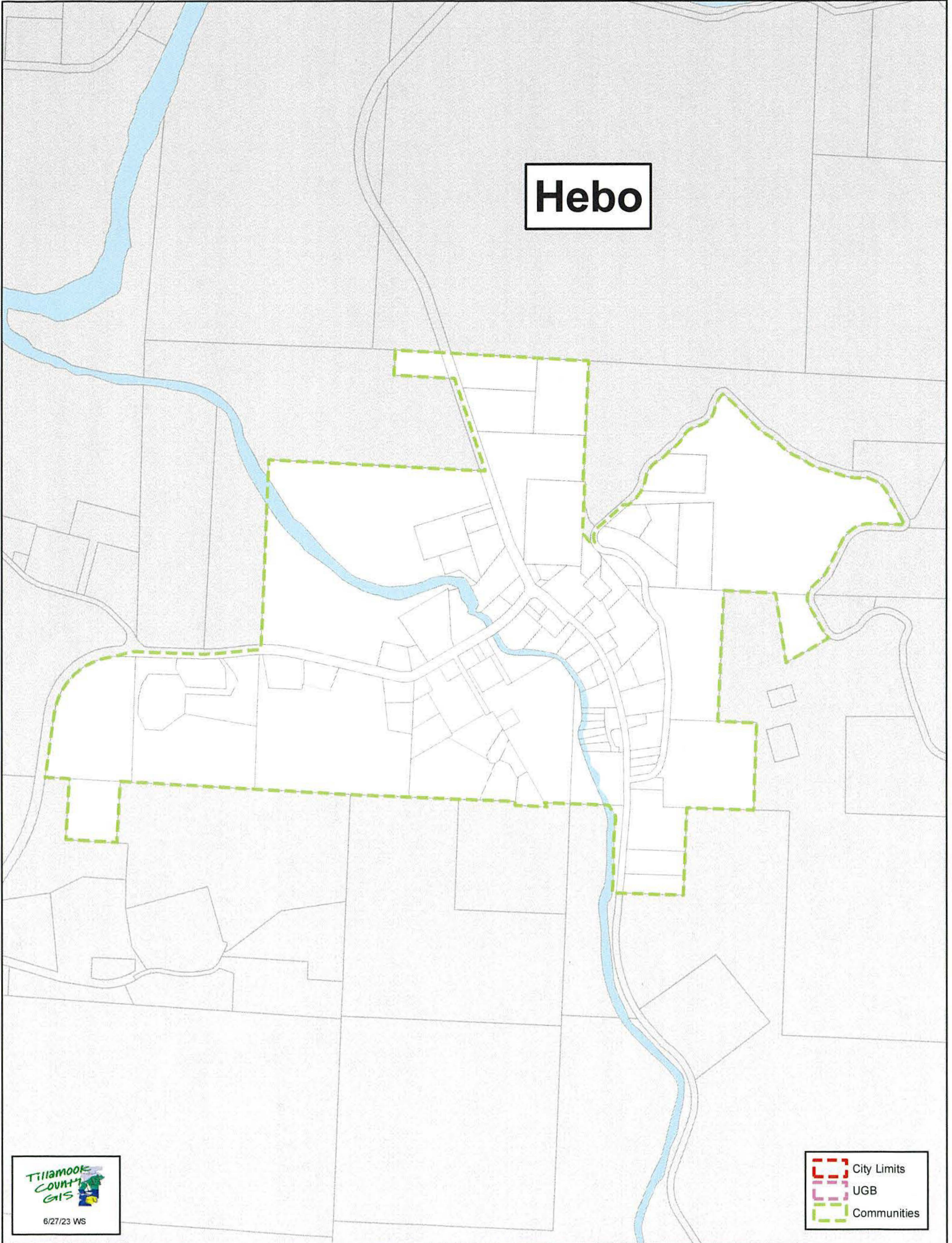
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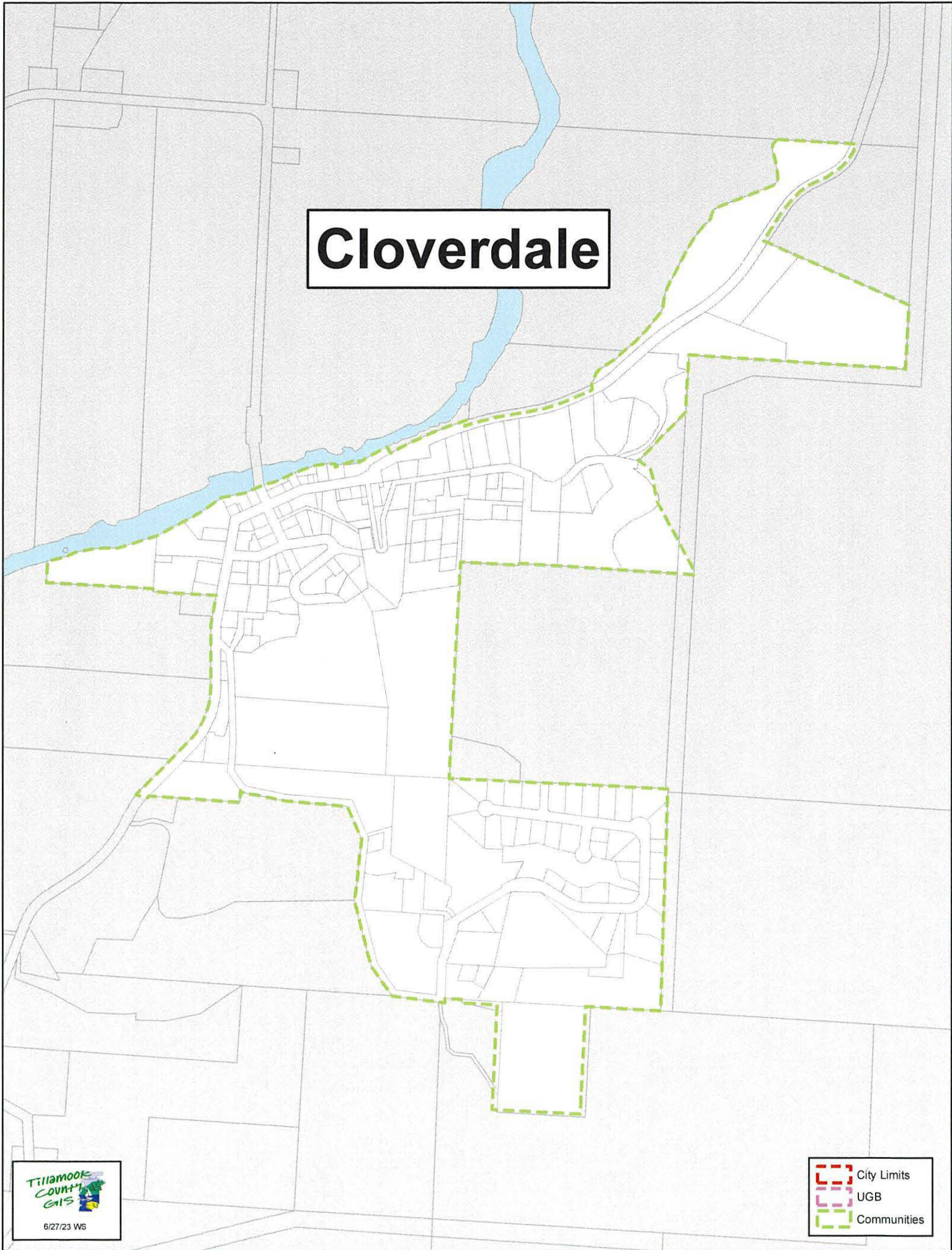
Beaver



Hebo



Cloverdale



Tierra del Mar

Pacific City Woods

