

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 )

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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County Ordinance 84, Amendment 1 (adopted April 19, 2019) (Tillamook County Short-Term Rental Ordinance) is hereby repealed in its entirety.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

Aye    Nay    Abstain/Absent

\_\_\_\_\_  
Erin D. Skaar, Chair

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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: \_\_\_\_\_  
Debra Garland, Special Deputy

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William K. Sargent, County Counsel