

# ATTACHMENT N

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

The following text adds *Curry County Zoning Ordinance* ARTICLE IV - Section 4.300.

Added text is in **bold**;

### Section 4.300 **Short-Term Rentals (STRs)**

#### Section 4.310 **Purpose**

The purpose of this section is to regulate short term rentals to enhance public safety and livability within the unincorporated areas of Curry County. This section addresses public safety issues, compatibility with surrounding areas through compliance utilizing clear and objective standards and enforcement of violations of these standards.

#### Section 4.320 **Definitions**

1. **Short term rental (STR)** – a lawfully established dwelling unit, or portion of a dwelling unit, that is rented to any person or entity for lodging or residential purposes, for a period of up to thirty (30) consecutive nights. It can include an accessory dwelling unit or a guest house or cottage. It **does not** include outbuildings: such as agricultural buildings, storage units, cargo containers, farm worker housing, or an accessory farm dwelling. Further, it does not include or allow a recreational vehicle, travel trailer, tent, parked vehicle, or other temporary shelter to be used as a short-term rental or occupied in conjunction with a short-term rental.
2. **Revocable permit** – a permit that can be cancelled for failure to comply.
3. **Contact person** – the owner, or if designated on the application for a land use permit, the agent of the owner, authorized to act for the owner.

#### Section 4.330 **Standards**

All short-term rentals shall comply at all times with the following standards. Failure to comply with these standards may result in revocation of the land use authorization for a short-term rental.

1. **Contact Person.** The name and active phone number of the contact person responsible for the short-term rental shall be identified in the short-term rental application and permit. It shall be posted on site of the short-term rental so that it is visible from the outside front entrance of the short-term rental. The name and phone number of a property management business or

other non-identifying person cannot be used in place of a contact person and that person's phone number.

2. **Dwelling Unit.** The short-term rental must be operated within a legally established, permanent dwelling unit. Each legal dwelling unit on a parcel that is rented separately at any time shall require a short-term rental land use permit.
3. **Appearance and Identification.** The exterior of the short-term rental building shall retain a residential appearance with house numbers maintained on the front of the building and clearly visible from the street or road.
4. **Occupancy Limits.** The maximum overnight occupancy for each short-term rental shall be calculated on the basis of two (2) persons per bedroom, plus two (2) additional overnight occupants. Temporary bed areas (rollouts, couches, etc.) shall not be considered "bedrooms" but could accommodate the two additional occupants. In no case shall occupancy exceed fifteen persons. Maximum overnight occupancy shall be posted in the short-term rental, any advertising, and within the rental agreement.
5. **Parking.** The short-term rental shall have one (1) onsite parking space per each bedroom unit and one (1) additional onsite parking space that meets the minimum parking space standards of a rectangle not less than 18 feet long and 9 feet wide. Street or driveway parking is prohibited. The driveway is the drive path used for ingress and egress. Garage (inside) parking cannot be included to meet the required parking standard. All required parking spaces shall be provided on the parcel where the short-term rental is operated. If the short-term rental cannot meet the parking requirement based on the number of bedrooms, a reduced overnight occupancy can be required. In no case shall the short-term rental owner/operator advertise for, or rent to, more persons than are authorized under the reduced overnight occupancy total. In no event shall vehicles block access for emergency vehicles to the short-term rental or to a neighbor's property. Violation of this section of the ordinance subjects the offending vehicle(s) to immediate tow pursuant to ORS 98.853.
6. **Access.** Road access shall meet the minimum county road standards that were applicable when the STR structure was originally built. Roads and driveways shall have an unobstructed horizontal clearance of not less than sixteen (16) feet and an unobstructed vertical clearance of not less than twelve (12) feet to meet fire safety standards.
7. **Garbage.** All garbage and recyclables shall be legally removed at least once per week during any week, or portion thereof, in which the short-term rental

is occupied. All outdoor receptacles shall be covered and secured from wind in a fly tight container. Containers shall not block access to the property or dwelling unit.

8. **Fire, Life and Safety Compliance.** The short-term rental shall comply at all times with State and local building codes for 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. These shall include:
- a) At least one (1) functioning fire extinguisher shall be accessibly and conspicuously located within the dwelling unit.
  - b) All plug-ins and light switches shall have face plates.
  - c) The electrical panel shall have circuits labeled.
  - d) Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks and within six (6) feet of a water source.
  - e) Smoke detectors shall be placed and maintained in each sleeping area, outside each sleeping area in its immediate vicinity and in each additional story and basement without a sleeping area.
  - f) A combination carbon monoxide/smoke detector device shall be placed and maintained on each floor of a short-term rental and within fifteen (15) feet of each sleeping area.
  - g) All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
  - h) All interior and exterior stairways with four (4) or more steps and that are attached to the structure, must be equipped with a hand railing.
  - i) All interior and exterior guardrails, such as deck railings, must be able to withstand a two-hundred-pound (200#) impact force.
  - j) **Emergency Escape and Rescue Openings:**
    - (1) Every sleeping area shall have at least one (1) operable emergency escape and rescue opening. If no such emergency

escape or rescue opening exists, then an alternative may be accepted by the Building Official pursuant to the currently adopted Oregon Residential Specialty Code. Every sleeping area in a short-term rental that does not comply shall not be used as a sleeping area and shall be equipped with a door that remains locked at all times when the dwelling unit is being used as a short-term rental. Such a noncompliant sleeping area 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 noncompliant sleeping area may not be used for sleeping.

(2) At any time after a land use permit has been granted for a short-term rental, the owner may bring a non-compliant sleeping area into compliance upon a re-inspection.

- k) Exterior hot tubs and pools shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub or pool is not available for permissive use.
- l) Primary occupant egress shall meet all applicable codes from parking facility to egress door.

Compliance with the Fire, Life and Safety standards shall require review and approval by the County Building Official or designee.

9. **Noise.** The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time. Renters and short-term rental owners who violate this standard may be issued a citation (violation) and subject to fines in accordance with Article 6 of the Curry County Code.
10. **Transient Lodging Tax (TLT) and County Business License.** Both the TLT and County Business License registrations shall be current, and all fees paid in full. Proof registration for TLT and a copy of the current paid Business License shall be submitted to the Planning Department within ninety (90) Days of the short-term rental land use permit being approved.
11. **Liability Insurance.** The short-term rental shall have liability insurance coverage commensurate with the provisions of the land use approvals.
12. **Sewage Management.** If the property is not connected to a public sewer the onsite wastewater treatment system must be able to handle the capacity of the number of bedrooms of the home and the total number of occupants. The owner must either provide an existing system evaluation report for the on-site wastewater systems completed by a DEQ qualified evaluator or

provide current DEQ/County records showing appropriate capacity. Cesspools are prohibited for use with short term rentals. A holding tank may be used if the owner has a signed pumping contract with a DEQ licensed sewage disposal service, and an alarm system that meets DEQ requirements.

13. **Tsunami Zones.** All short-term rentals that are within a tsunami zone shall post the applicable evacuation routes inside and near the front entrance of the rental.
14. **Trespass.** A map of the short-term rental property boundaries shall be posted inside and near the front entrance. The map shall include NO TRESPASS noted for adjacent and near-by private properties.
15. **Pets.** Pets shall be secured at all times while on the property. This standard shall be stated in the short-term rental agreement. Nuisance barking by pets or the allowance or escape of pets to adjacent or near-by private properties is prohibited and will result in a citation (violation).

#### **Section 4.340 Short-Term Rental Permit Required**

A land use permit is required for the operation of a short-term rental. The use is permitted as identified in the zoning districts and can be approved by the Planning Director, with public notification, and provided the applicant complies with the standards set forth in each zoning district and the standards within Section 4.300 of this Zoning Ordinance.

1. **Existing Short-Term Rentals.** The owner of a dwelling unit that is used for a short-term rental shall obtain a land use permit. For short term rentals existing prior to the final adoption of the short-term rental provisions in the Curry County Zoning Ordinance (CCZO), a six (6) month grace period shall be allowed for application submittals prior to the existing short-term rental being subject to enforcement action.
2. **New Short-Term Rentals.** No short-term rental shall be allowed to begin advertising or operating prior to obtaining a short-term rental land use permit. Operating a short-term rental without an approved land use permit shall result in an Enforcement Action taken on the owner, the management company, operating agent or all entities involved. An Enforcement Action regarding unauthorized operation of a short-term rental may prohibit the dwelling from being used as a short-term rental for up to one year following the Enforcement Action.
3. **Fire, Life and Safety Inspection.** No short-term rental land use permit shall be approved unless and until the County Building Official or their designee

conducts and approves an on-site inspection of the short-term rental for fire, life and safety compliance.

4. **Fire, Life and Safety Not Approved.** In any case where an inspection is not approved, the Building Official shall allow thirty (30) days for minor repairs or sixty (60) days for major repairs, at the completion of which the owner or agent must call for a re-inspection. If the repairs identified in the original inspection are not rectified at the time of re-inspection, the land use permit application shall be invalidated, and the contact person must reapply and pay the requisite land use application and inspection fees.
5. **Permit Renewals.** All short-term rental land use permit shall be reviewed for compliance every two years. A fire, life and safety inspection is required during a land use renewal if there has been significant changes to the structure such as fire, flood or a major modification. Failure to maintain and renew the short-term rental land use permit shall be considered abandonment of the use.
6. **Transferability.** The short-term rental land use permit is transferrable to a new owner. The new owner shall agree in writing to comply with the requirements set forth in the land use permit. Transferability is a minor modification to the short-term rental land use permit.
7. **Minor Modifications.** Minor modifications to short term rentals that have been approved through the land use process shall require a letter notification to the county for incorporation to the short-term rental file. Minor changes include increasing the structure footprint less than 10% in size; change in ownership; change in the contact person or phone numbers of the responsible party of the short-term rental.
8. **Major Modifications.** Major modifications to short term rentals that have been approved through the land use process shall require review, public notification, and approval consistent with the original land use approval for the short-term rental. Major changes include increasing the size of the structure footprint more than 10% in size or the addition of one or more bedrooms.
9. **Separate Applications.** A separate land use application must be submitted and approved for each short-term rental. Each dwelling unit on a parcel that is rented separately at any time shall require a short-term rental land use permit.

#### **Section 4.350 Complaints, Compliance and Permit Revocation**

Short term rentals are subject to review, consideration of neighborhood impacts and complaint resolution. Failure to acknowledge and actively comply with the standards set forth in this ordinance could result in the following actions and ultimately revocation of a land use permit for a short-term vacation rental.

1. **Complaints.**

- a) The complaining party shall, unless the situation justifies an immediate call to law enforcement, first attempt to communicate with the contact person designated on the permit and visibly posted on the front entrance of the short-term rental.
- b) The contact person shall notify a renter by phone, text message, email or in person within one (1) hour of delivery of any complaint concerning the conduct of a renter and make reasonable efforts to remedy the situation. Record verification shall be maintained documenting the complaint, notification to the renter and resolution of the complaint.
- c) If the contact person fails to respond or take timely action to remedy the complaint, then the complaining party shall report such failure to County Code Enforcement for follow-up.
- d) The County Code Enforcement Officer shall determine if the unresolved complaint warrants further action including the issuance of a citation (violation).

2. **Compliance.**

- a) Owners of short-term rentals shall obey all applicable federal, state and county laws.
- b) Owners of short-term rentals shall comply with all applicable sections of this ordinance. Failure to comply may result in the issuance of a citation (violation) by the County Code Enforcement Officer.

3. **Revocation of Land Use Permit.** The Planning Director may revoke the land use permit for a short-term rental if three or more separate citations (violations) are issued based on non-compliance of this ordinance to the same short-term rental within one (1) year. The Planning Director may also revoke the land use permit for the short-term rental immediately, in writing on the basis of incorrect or misleading information presented to the County. A new land use permit may be applied for after a period of one (1) year.

4. **Emergency Revocation.** When a Building Code or ordinance violation exists at a short-term rental that presents an immediate serious fire, life or safety risk, the County Building Official, Code Enforcement Officer or Planning Director may immediately halt the use of the short-term rental. Reinstatement or use of the short-term rental may be reinstated upon a re-inspection and verification that the safety risk has been corrected.
  
5. **Additional Remedies.** The provisions of this section are in addition to and not in lieu of any other enforcement and penalties contained in other county ordinance or federal or state law.