



OFFICE OF THE SHERIFF

Curtis L. Landers

225 W. Olive Street

Newport, Oregon 97365

Short Term Rental Licensing (541) 265-0675

www.co.lincoln.or.us/sheriff

October 31, 2022

Dear Property Owner(s):

Ordinance #523 was adopted by the Lincoln County Board of Commissioners on October 27, 2021, and it amends Lincoln County Code (Ordinances #487, #490, and #509) Section 4.405 through 4.460 SHORT TERM RENTAL OF DWELLING UNITS. I am including a copy for your review. This ordinance is currently in effect and the following changes are of particular importance.

- 1) The County is in the process of establishing seven (7) geographical subarea boundaries within the unincorporated areas for the short term rental licensing program. Within each subarea, the County will limit the number of licenses that can be issued in that subarea.
- 2) Failure to renew your current short term rental license within thirty (30) days of expiration will result in the automatic revocation of your license. It is the responsibility of the owner to maintain timely renewal of the short term rental license. If your license has expired and you have not submitted a renewal application, you will have 30 days from the date of this letter to submit said application before the automatic revocation of your license.
- 3) For those properties with onsite wastewater treatment systems (septic), enclosed is a letter from the Lincoln County Department of Planning and Development outlining the new requirements adopted by Ordinance #523.
- 4) Occupancy calculations have been modified. The maximum occupancy at all times shall be limited to (2) two persons per sleeping area plus up to two (2) additional persons. Approved sleeping areas may be reduced based on the review of onsite wastewater system records maintained by the Lincoln County Onsite Waste Management Division. Events, such as weddings, rehearsal dinners, and similar activities that exceed maximum occupancy are prohibited.

Please update your websites and advertisements immediately to reflect the new maximum occupancy guidelines noted in section (4) of this letter. Our office will begin enforcing maximum occupancy adopted by Ordinance #523 on May 1, 2023, in an effort to allow you to honor upcoming reservations.

If you have additional questions regarding how this ordinance impacts the short term rental program, please contact the Sheriff's Office at sheriffstrlicensing@co.lincoln.or.us or 541-265-0675.

Sincerely,

Curtis L. Landers, Sheriff

A handwritten signature in cursive script that reads "L Combs".

Lisa Combs, Support Services Director

Copy to: Property Management Companies

Enclosure: Ordinance #523



DEPARTMENT OF PLANNING AND DEVELOPMENT

210 S. W. 2nd ST
Newport, OR 97365
(541) 265-4192
Fax (541) 265-6945

October 31, 2022

RE: Ordinance #523, Short Term Rental of Dwelling Units

Dear Owner(s):

The Lincoln County Board of Commissioners adopted ordinance #523, on October 27, 2021, to address necessary changes to the code relating to subsurface sewage regulation and oversight of Short-Term Rental (STR) licensees.

Below are requirements from the ordinance:

- Each owner shall be required to obtain an Oregon Department of Environmental Quality (DEQ) authorized Existing System Evaluation Report (ESER) from a qualified professional who shall evaluate the condition of the system prior to licensing the STR. The specific requirements to perform the ESER and what the evaluation must include can be found in the Oregon Administrative Rules (OAR), Chapter 340, Division 071, and 077, OAR 340-071-0155.
- ESERs meeting the above said standards and conducted within three years of the date of the license application or renewal may be submitted to comply with this requirement.
- If the ESER identifies any deficiencies in the system, the owner is required to cure the deficiencies within 120 (one hundred twenty) days of the date of the ESER. **Failure to cure the deficiencies within the time required will result in license revocation.**
- The initial ESER for existing STRs is required in accordance with the phasing plan development and adopted by the County, but no later than December 31, 2023.
- After the initial ESER is obtained, the owner shall thereafter be required to conduct periodic maintenance of the system, undertaken by a DEQ authorized contractor, which at minimum shall include inspection of the system (and as needed pumping or repairs) prior to relicensing the unit. The Onsite Waste Division is delegated authority to adopt 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, licensees 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 relicense the property.

The periodic maintenance requirements are under development by the Lincoln County Onsite Waste Division and, upon completion, will be provided to all STR owners.

A complete list of DEQ authorized ESER evaluators can be found on DEQ's website.

If you have questions, please call 541-265-4192 or email us at:
lincolncountybldgdiv@co.lincoln.or.us

Sincerely,



Brian Crawford, R.E.H.S.

On-Site Waste Management Division

Lincoln County Department of Planning & Development

1 **BEFORE THE BOARD OF COMMISSIONERS**
2 **FOR LINCOLN COUNTY, OREGON**

3 ORDINANCE # 523

4
5
6 **Amendment to Lincoln County Code (Ordinances # 487, # 490, and # 509) Section 4.405**
7 **through 4.460 SHORT TERM RENTAL OF DWELLING UNITS**
8

9
10 WHEREAS by Ordinance # 487 adopted August 3, 2016 and made effective December
11 1, 2016 the Board created sections 4.405 through 4.460 SHORT TERM RENTAL OF
12 DWELLING UNITS in the Lincoln County Code (LCC); and
13

14 WHEREAS by Ordinance # 490 adopted November 30, 2016 and Ordinance # 509
15 adopted September 4, 2019 the County amended the code to add new terms relating to onsite
16 waste management, maximum occupancy determinations and to clarify terms and delegate
17 authority under the STR¹ licensing program; and
18

19 WHEREAS after evaluating possible options to modify the program, the Board has
20 determined that additional changes in the code are necessary to address: (1) subsurface sewage
21 regulation and monitoring of STR licensees; (2) code enforcement procedures for violations
22 which will result in establishment of an administrative hearing process as an additional
23 enforcement tool; (3) revised occupancy limits for individual STRs (connected to capacity to
24 handle sewage); and (4) limits or caps on STRs specific to subareas of the county based on
25 percentages of STRs within the subareas. This change precludes the transfer of STR licenses
26 from one owner to the next and establishes delegated authority to establish a qualified pool of
27 eligible applicants to select future STR licensees on a lottery basis.
28

29 WHEREAS these changes will result in further actions by County staff to develop
30 implementation guidelines and rules and to recommend specific limitations on licenses with
31 subareas of the County, subject to periodic review by the staff and Board to determine if
32 additional actions are necessary.
33

34 **NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:**

35
36 **SECTION 1.**

37 Section 2 of this Ordinance is added to and made a part of LCC Chapter 4, Business
38 Regulation to amend LCC 4.405 through 4.460.
39

¹ STR means Short Term Rental.

Note: Matter in **boldfaced** type in an amended section is new; matter in [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 **SECTION 2.**

2 **SHORT TERM RENTAL OF DWELLING UNITS**

3
4 **4.405 Findings and Purpose**

5 (1) The Lincoln County Board of Commissioners finds that:

6 (a) The growth in the number of short term rental of dwelling units within the
7 County has been accompanied by increased problems of excessive noise, spilled garbage,
8 shortages of parking, and overcrowded accommodations;

9 (b) The best way to regulate these impacts is to establish conditions for operation of
10 these rentals and to implement a licensing program by the County to ensure compliance with
11 those standards; and

12 (c) The conditions established herein will allow operation of such rentals in a
13 manner that respects and protects the livability of the neighborhoods in which these rentals
14 are located.

15 (2) The purpose of LCC 4.405 through 4.460 is to provide for the peace, health,
16 safety and livability of residents of, and visitors to, Lincoln County. This is not a land use
17 ordinance and is not made a part of Lincoln County Code Chapter 1, Land Use Planning.
18 [2016 o.487 § 2]
19

20 **4.410 Applicability**

21 LCC 4.405 through 4.460 shall apply to the unincorporated areas of Lincoln County.
22 These provisions shall not apply to Bed and Breakfast Inns, Hotels, Lodges, Motels, Resorts,
23 Recreational Vehicle Parks, Campgrounds, or other similar lodging units which are regulated
24 by LCC Chapter 1. [2016 o.487 § 3]
25

26 **4.415 Definitions**

27 For the purpose of LCC 4.405 through 4.460

28 (1) "Accessory structure or accessory use" means a structure or use incidental and
29 subordinate to the main use of a property and located on the same lot as the main use.

30 (2) "Contact Person" means:

31 (a) The owner(s) of the dwelling unit; or

32 (b) The agent of the owner(s), authorized to act for the owner(s) as designated on the
33 license application.

34 (c) The contact person, whether the owner or an agent, must be located within Lincoln
35 County, and cannot use the dwelling unit(s) licensed under this Chapter as the basis for
36 compliance with this provision unless the owner or agent resides at that location.

37 (3) "Dwelling Unit" means:

38 (a) A single unit providing complete, independent living facilities for one or more
39 persons including permanent provisions for living, sleeping, eating, sanitation and only one
40 cooking area.

1 (b) A "single family dwelling" means a structure of which all habitable portions thereof
2 are connected structurally and comprise one dwelling unit, including but not limited to factory
3 built dwellings, mobile homes and site built dwellings.

4 (c) A "two family dwelling" means a structure of which all habitable portions thereof
5 are connected structurally and comprise two dwelling units including but not limited to factory
6 built dwellings, mobile homes and site built dwellings.

7 (d) A "multi-family dwelling" means a structure of which all habitable portions thereof
8 are connected structurally and comprise three or more dwelling units, including, but not limited
9 to, factory built dwellings, mobile homes and site built dwellings.

10 (4) "License" means a short term rental license issued by Lincoln County and
11 maintained in good standing by the Owner(s) or agent of the Owner(s) in accordance with the
12 provisions of the Lincoln County Code.

13 (5) "Owner(s)" means the person or people, partnership, corporation, association, or
14 other legally recognized person(s) or entity holding title to the dwelling unit in accordance with
15 law.

16 (6) "Person" includes any natural person(s), firm, partnership, association, social or
17 fraternal organization, corporation, business or any other group or combination acting as a unit.

18 (7) "Rental Agreement" means any agreement, whether or not in writing, granting the
19 use of a dwelling unit to a person. Use of a dwelling unit by a recorded owner or other person
20 or persons without monetary consideration shall not be considered to be a rental under this
21 chapter.

22 (8) "Rent" means the authorization of use of a dwelling unit granted to a person(s) in
23 exchange for monetary consideration.

24 (9) "Renter" is a person who rents a short term rental.

25 (10) "Short Term Rental" means the renting of a dwelling unit (including any accessory
26 guest house on the same property) to any person(s) on a day to day basis or for a period of time
27 of up to thirty (30) consecutive nights.

28 (11) "Sleeping Area" is a room or other space within a dwelling unit designed, intended
29 or used for sleeping. Roll out beds, fold out couches, or other temporary sleeping
30 accommodations including tents and recreational vehicles shall not be considered a sleeping
31 area, and may not be used to increase the allowed occupancy of a short term rental as provided
32 in LCC 4.404 through 4.460. Determinations as to the number of sleeping areas within a
33 dwelling unit are reserved to the Lincoln County Licensing Authority and all determinations
34 are final. The determination of sleeping areas shall not exceed the number of bedrooms
35 authorized in accordance with LCC 4.440(6) for dwellings not served by public sewer. [2016
36 o.487 § 4; 2016 o.490 § 2; 2019 o.509 § 2]

37 38 **4.420 Licenses**

39 (1) It shall be unlawful to rent any dwelling unit as a short term rental without obtaining
40 and maintaining a current license as provided in LCC 4.405 through 4.460. All dwelling unit
41 owners shall obtain a license prior to using the dwelling unit as a short term rental. **Citation for
42 operation without a license shall disqualify dwelling unit owners from obtaining a future
43 license in accordance with this Chapter.**

Page 3 -- ORDINANCE # 523

Note: Matter in **boldfaced** type in an amended section is new; matter in [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 **(2) No owner or operator of a property within the unincorporated limits of**
2 **Lincoln County may advertise, offer, operate, rent or otherwise make available for**
3 **occupancy or use as a short term rental without a business license in accordance with this**
4 **Chapter. Advertise or offer incudes through any media, whether written, electronic,**
5 **web-based, digital, mobile or otherwise.**

6 (23) No license granted under the provisions of LCC 4.405 through 4.460 shall be
7 assignable. If the dwelling unit is sold or transferred by any means, a new license is required of
8 the subsequent owner(s) who desire to continue short term rental operation **in accordance with**
9 **the limitations on the number of licenses in this Chapter.** The subsequent owner(s) will be
10 required to fill out a new application and be placed on the waitlist if a license is not available.
11 [~~2016 o.487 § 5~~]

12 **(4) Limits on Licenses. The County will establish seven (7) geographical subarea**
13 **boundaries for the licensing program. Within each subarea, the County will limit the**
14 **number of licenses that can be issued in that subarea. A “waitlist” of prospective short**
15 **term licensees shall be established by the County under rules which shall be developed by**
16 **the Licensing Authority under LCC 4.456. If that subarea is at capacity, no new property**
17 **shall be eligible for a license in that subarea. If by sale or transfer an of existing licensed**
18 **short term rental, or lapse, revocation, or nonrenewal of the license, a license becomes**
19 **available, a property, chosen by lottery from the waitlist located within that subarea**
20 **under the rules developed by the Licensing Authority under LCC 4.456, will be eligible**
21 **for the available license. This will reduce the concentration of short term rentals in some**
22 **areas and allow spreading of the units to other areas.**

23 **(5) The boundaries of the subareas, and the number of licenses allowed within the**
24 **subareas shall be recommended by the Licensing Authority and approved by the Board**
25 **of Commissioners by Board Order. The boundaries and subarea capacities may be**
26 **reviewed by the Board periodically and adjusted by Board Order.** [2016 o.487 § 5; 2021
27 **o.523 § 2]**
28

29 **4.425 Application for License; Fee**

30 (1) Applications for a license, renewal of a license, or license caused by a change in
31 ownership shall be made upon forms provided by the County.

32 (2) Every license application, renewal license or license caused by a change in
33 ownership shall be accompanied by annual fee(s) in amounts as set, and periodically reviewed
34 and amended, by order of the Board of Commissioners.

35 (3) Every application shall be processed by the Department or Office designated by the
36 Lincoln County Board of Commissioners (hereafter County Licensing Authority). Upon
37 receipt of the completed application the County will review the application and certify that:

38 (a) Based on a viewing of the property, the short term rental complies with standards
39 found in LCC 4.440(1) in posting contact person information and providing that information to
40 the local fire department and Lincoln County Sheriff's Office.

41 (b) Determine the maximum occupancy for the short term rental as defined by LCC
42 4.440(6).

1 (c) Receive and review the certified statement of the owner that the owner of the short
2 term rental has met and will continue to comply with the requirements of this Chapter.

3 (d) Transient Room Tax Compliance Required. Notwithstanding any other provision of
4 this Chapter or the Lincoln County Code, and as a separate stand-alone requirement and criteria
5 for holding a valid license, the owner shall provide a certified statement that the owner will
6 comply with LCC Chapter 5.005 through 5.070 Transient Room Taxes. If the owner cannot
7 demonstrate compliance with Chapter 5 Transient Room Taxes, or the County determines that
8 the owner is not in compliance with the provisions of that Chapter, the license shall not be
9 issued, or may be suspended or revoked, or may be denied upon renewal, until such time as the
10 noncompliance is resolved to County's satisfaction. Compliance includes, but is not limited to,
11 failure to report, improper reporting, failure to collect or failure to remit required transient room
12 taxes. Any of these actions not timely made is also grounds for noncompliance. [2016 o.487 §
13 6]
14

15 **4.430 Issuance of License**

16 (1) Authority to issue licenses rests with the Lincoln County Licensing Authority as
17 designated by the Board of Commissioners. In addition, an issued license is subject to
18 revocation or refusal to renew the license for failure to meet, maintain or operate the short term
19 dwelling in conformance with the requirements of this Chapter and the procedures as provided
20 in LCC 4.425.

21 (2) Within sixty (60) days of receipt of a completed application, the payment of
22 required fees, and the determination or certification of compliance with the requirements of
23 LCC 4.440 (Operational Standards) and LCC 4.425 (Application for License; Fee), a license
24 shall be issued by the Lincoln County Licensing Authority to the owner which shall be good
25 for one (1) year from the date of issuance. Renewals shall be issued for one (1) year from the
26 date of the previous license expiration unless the license is older than twelve (12) months, in
27 which case a new license will be required. **It is the responsibility of the dwelling unit owner
28 to maintain and timely renew the license in accordance with the terms of this Chapter.
29 Except as otherwise provided for in this Chapter, failure to timely renew a license within
30 30 days of its expiration will result in automatic revocation of the license.**

31 (3) If an application for a permit or the renewal of a permit is denied, or a permit is
32 revoked, cancelled or not renewed the owner may appeal denial or revocation or nonrenewal
33 under LCC 4.450. Unless and until a permit is finally revoked or not renewed as provided in
34 this Chapter, a short term rental may continue to operate. [2016 o.487 § 7; 2019 o.509 § 2;
35 **2021 o.523 § 2**]
36

37 **4.440 Operating Standards**

38 As used in LCC 4.405 through 4.460, all short term rentals shall comply with the
39 following operating standards and conditions:

40 (1) Contact Person(s). The name and phone number of the contact person(s) shall be
41 posted, provided and updated in the following manner:

1 (a) Signage clearly displaying the contact person's name and working phone number is
2 required for all short-term rental properties. The sign must be a minimum size of 12"x12" and
3 be visually accessible by the public from the street. Visually accessible means information in a
4 format and size that shall be readable by a person standing in the public area viewing the sign
5 on the property. The signage must be updated immediately with any changes in information.

6 (b) In addition, the owner shall provide the contact person's name and phone number in
7 writing to the local fire chief and the Lincoln County Sheriff's Office. The Sheriff's Office
8 shall supply this information to each property owner as shown on the Lincoln County
9 Assessor's records located within two hundred fifty feet (250') of the short term rental property.

10 (c) The owner shall update the posted notice and provide a new written notice to the
11 local fire chief and Lincoln County Sheriff's Office each time there is a change to the name or
12 phone number of the contact person. An additional fee, as set by the Board, shall accompany
13 the new written notice provided to the Sheriff to offset costs of the Sheriff's Office in supplying
14 this new information to property owners in accordance with LCC 4.440(1)(c) above.

15 (d) The owner or contact person shall contact a renter by phone or in person or
16 otherwise respond within a reasonable period of time which shall normally be within one hour,
17 unless circumstances would require a lesser or greater time, upon receiving any complaint from
18 a neighbor, the local fire department or the Sheriff's Office concerning the conduct of a renter.

19 (2) Quiet Time. In accordance with the requirements of LCC 2.2000 through 2.2045,
20 the hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time. Renters who
21 violate this standard may be issued enforcement mechanisms available to the County under
22 LCC 2.2045 and LCC Chapter 10. In addition multiple violations of the quiet time
23 requirements by short term dwelling renters may subject the licensee to revocation or
24 nonrenewal of the license as provided in LCC 4.450. The owner or contact person shall notify
25 every renter, in writing, of the quiet times and that a renter may be subject to sanction and
26 penalties under the County Code.

27 (3) Garbage Service. The owner shall be required to maintain adequate garbage
28 service, with all garbage fitting inside required secure containers, from the franchised waste
29 disposal service company serving its property. The service must be at a level commensurate
30 with the garbage generated at the dwelling, but no less than weekly service when the short term
31 rental is being rented. Owners shall notify all guests of the garbage services and requirements
32 for the dwelling.

33 (4) Parking. The owner must provide one (1) parking space for each approved sleeping
34 area in a short term rental, plus one (1) additional parking space per unit. For dwellings
35 constructed on or after July 1, 2016, all required parking shall be provided off street. For
36 dwellings constructed prior to July 1, 2016, off-street parking must be used if physically
37 available. If a sufficient number of off-street parking spaces are not available for the authorized
38 number of vehicles, then on-street parking may be used unless otherwise prohibited. Parking
39 shall not, under any circumstances, hinder the path of any emergency vehicle. Renters may be
40 cited and fined under existing State or County law in the event they park illegally. Repeated
41 violations of prohibited parking by renters of the short term rental may be grounds for
42 enforcement against the Owners under LCC 4.460. The owner or contact person shall notify

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1 every renter in writing of the required off-street parking and other parking spaces available to
2 serve the short term rental.

3 (5) House Number. A house number, visible from the street, shall be installed and
4 maintained by the Owners.

5 (6) Onsite wastewater treatment system requirements. "Onsite wastewater treatment
6 system (system)" means any existing or proposed subsurface onsite wastewater treatment and
7 dispersal system, including, but not limited to, a standard subsurface, alternative, experimental,
8 or non-water-carried sewage system authorized pursuant to Oregon Administrative Rules, OAR
9 Chapter 340, Division 71.

10 (a) If the property is not connected to a public sewer the onsite wastewater treatment
11 system must be able to handle the capacity of the number of bedrooms of the home and the
12 total number of occupants. *[The determination of the capacity of the system is accomplished*
13 *one of two ways:*

14 (1) *a current valid permit on file with Lincoln County Subsurface Division of the*
15 *Department of Planning and Development (Department), showing the allowed number of*
16 *bedrooms;*

17 (2) *if there is no record of a valid permit or the permit does not indicate the number of*
18 *bedrooms allowed, then the property owner must obtain an Existing System Evaluation Report*
19 *(ESER) developed in accordance with OAR 340-071-0155 by a professional so authorized to*
20 *conduct the evaluation as required by those rules. Included in the report must be a calculation*
21 *of the number of allowed bedrooms based on the capacity of the system as it exists. Final*
22 *determination of the capacity and suitability of the septic system from the report shall be made*
23 *by the County Subsurface Division of the Department of Planning and Development upon*
24 *review of the report. Current licensees subject to the requirements under this section shall*
25 *receive notification of the requirement to obtain an ESER from the County and shall have 120*
26 *days from the date of mailing of the notice to obtain the ESER and submit it to the Department.*
27 *The Department will issue its final determination no later than 30 days after receipt of the*
28 *ESER. If no ESER is received within 120 days, the property may not be operated as a short*
29 *term rental until the report is provided and a final determination by the Department is made.*
30 *For future licensees, no license shall be issued until the ESER is completed and the Department*
31 *makes a final determination.*

32 (3) *If the ESER indicates the system is not operating properly or needs upgrades or*
33 *repairs, a letter of non-compliance will be provided to the owner outlining the problems with*
34 *the system that must be addressed. The owner will have sixty (60) days to correct the problems*
35 *as noted in the ESER. If not repaired within that timeframe the license granted under this*
36 *Chapter will be suspended. A repair permit issued by County Subsurface Division of the*
37 *Department of Planning and Development is required for all onsite sewage system repairs.*
38 *Until the repairs are made and approved in accordance with County and State law*
39 *requirements, the property may not be operated as a short term rental].*

40 (b) **Each owner shall be required to obtain an Oregon Department of**
41 **Environmental Quality (DEQ) authorized Existing System Evaluation Report (ESER)**
42 **from a qualified professional who shall evaluate the condition of the system prior to**
43 **licensing of the STR. Included in the report must be information to allow a calculation of**

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1 the number of allowed bedrooms based on the capacity of the system as it exists. The
2 report shall be supplied to and reviewed by Lincoln County's Onsite Waste Management
3 Division of the Department of Planning and Development (Onsite Waste Division). Final
4 determination of the capacity and suitability of the septic system from the report shall be
5 made by the Onsite Waste Division upon review of the report. The Onsite Waste Division
6 will share its determination with the Lincoln County Licensing Authority. An ESER
7 meeting these standards and conducted within three years of the date of the license
8 application or renewal may be submitted to comply with this requirement.

9 (c) If the ESER identifies any deficiencies in the system, the owner is required to
10 cure the deficiencies within 120 (one hundred twenty) days of the date of the ESER,
11 unless extended by the Licensing Authority; no license under this chapter shall be issued
12 until after the repairs are made and approved by the County. If the owner fails to cure
13 the deficiency within the time required, the license shall be revoked.

14 (d) The initial ESER for existing STRs is required in accordance with a phasing
15 plan developed and adopted by the County, but no later than December 31, 2023. After
16 an initial ESER is obtained, the owner shall thereafter be required to conduct periodic
17 maintenance of the system, undertaken by a DEQ authorized contractor, which at
18 minimum shall include inspection of the system (and as needed pumping or repairs) prior
19 to relicensing the unit. The Onsite Waste Division is delegated authority to adopt the
20 periodic maintenance requirements specific to the types of systems in use, including the
21 intervals at which the maintenance will be required. These requirements shall be made
22 available to the public, licensees and DEQ authorized contractors. The required report
23 on maintenance shall be provided to the Onsite Waste Division for review in a format as
24 developed by the Division. The report shall be required before the owner can relicense
25 the property.

26 (7) Limits on Occupancy. The maximum occupancy for a short term rental unit shall
27 be calculated on the lesser of the following calculations:

28 (a) the request of the applicant for a license;

29 (b) *[three (3)]* **two (2)** persons per sleeping area plus two (2) additional persons. **The**
30 **maximum occupancy at all times shall be limited to two persons per sleeping area plus up**
31 **to two (2) additional persons. Events, such as weddings, rehearsal dinners, and similar**
32 **activities are prohibited.** For the purpose of maximum occupancy, those under two (2) years
33 of age shall not be counted. Accessory structures, tents and recreational vehicles and similar
34 sleeping arrangements shall not be used to increase the number of people approved to occupy a
35 short term rental. *[For purposes of this calculation the number of sleeping areas is the number*
36 *of bedrooms contained in either the valid onsite wastewater treatment system permit or the*
37 *ESER, LCC 4.440(6), for dwellings subject to those requirements. The County shall*
38 *recalculate occupancy for existing licensees, where appropriate, based on the requirements of*
39 *this section and shall issue new maximum occupancies to begin January 6, 2020.*

40 (c) *Notwithstanding the forgoing, no more than 16 persons shall occupy the short term*
41 *rental unit at any one time.*

42 *Notwithstanding the foregoing limits, a dwelling built and operated as a short term*
43 *rental unit on July 1, 2016, may be grandfathered in at a higher maximum occupancy level, not*

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1 to exceed 3 persons per sleeping area plus 2 additional persons, under the following
2 conditions:

3 (a) The owner applies for a higher occupancy limit in the initial application for a short
4 term rental license, which application must be received no later than December 31, 2016. No
5 dwelling will be allowed a higher occupancy limit unless the owner applies and qualifies
6 during this application period.

7 (b) The owner provides proof (rental agreements, ads, or other reasonable evidence)
8 that the unit has historically been rented and occupied by more than 16 persons.

9 (c) The property on which the dwelling unit is located can provide, within all applicable
10 laws, off-street parking as required under LCC 4.440(4) above. That requirement is one
11 parking space per sleeping area, plus one more.

12 (d) For illustrative purposes, a dwelling with six sleeping areas may be allowed a
13 maximum of 20 persons (three per sleeping area, plus two more) if a total of seven (7) lawful
14 off-street parking spaces are provided.]

15 (e) **the occupancy capacity as determined by Onsite Waste Management from**
16 **review of the ESER required in this section.**

17 (d) Notwithstanding the forgoing, no more than 16 persons shall occupy the short term
18 rental unit at any one time **except for grandfathered occupancies established under**
19 **Ordinance # 487.**

20 (e) Grandfathered occupancies cannot exceed the capacity of the onsite wastewater
21 system under an Existing System Evaluation Report **and a determination made by the Onsite**
22 **Waste Management Division.** [This may reduce the higher occupancy allowed effective
23 January 6, 2020.]

24 (7) Notices to Renters. The owner must provide to each renter and post in a prominent
25 location in the dwelling, a list of rules including, but not limited to, rules on required quiet
26 times, available garbage service, parking locations and limitations on occupancy. [2016 o.487 §
27 8; 2019 o.509 §2; **2021 o.523 §2**]

28 29 **4.445 Complaint Procedure**

30 All complaints will initially proceed through the informal resolution process
31 provided herein. If the complaint is unresolved, then the more formal process shall be
32 utilized as set forth below:

33 (1) Step One. The complaining party shall attempt to communicate with the contact
34 person designated on the license, communicated in writing to the neighbor, and posted at the
35 short term dwelling. The complainant shall describe the problem and the requested
36 resolution.

37 (2) Step Two. The contact person shall promptly respond to the complainant and
38 make reasonable efforts to remedy any situation that is out of compliance with the
39 provisions of this Chapter. If that resolves the matter, the complaint process terminates.

40 (3) **Step Three: Administrative Hearing. If the response from the contact person**
41 **is not satisfactory, the complaining party may use the County's online complaint**
42 **system at the county website to lodge a formal complaint or submit a complaint in**
43 **writing to the Licensing Authority. The complaint shall be investigated by the**

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1 **Licensing Authority. If the Licensing Authority finds there is information, evidence**
2 **and belief provided by the complainant or otherwise found by the Licensing Authority**
3 **sufficient to proceed with a determination of a violation of this Chapter, the Licensing**
4 **Authority may issue a written report and cite the STR owner to appear before a**
5 **Hearings Officer designated by the County within 30 days of the complaint to**
6 **determine if a violation of this Chapter has indeed occurred. If the Licensing**
7 **Authority does not proceed with the complaint, the matter shall be considered**
8 **terminated.**

9 **The Hearings Officer, shall hold an informal hearing on the matter and issue a**
10 **final written decision on whether or not a violation has occurred and what action**
11 **should be taken if there is a violation. Authority is specifically delegated to County**
12 **Counsel's Office to adopt administrative procedures for the hearing, including report**
13 **requirements, fees, hearing procedures and notice, evidentiary requirements, standard**
14 **of review and decision, and enforcement options for this administrative process. A**
15 **copy of this administrative process shall be posted on the County website.**

16 **Nothing in this administrative procedure precludes** the County and the Licensing
17 Authority from utilizing other enforcement actions as authorized in this Chapter and LCC
18 Chapter 10.

19 **(4) Appeals from a decision of the Hearings Officer are made to Circuit Court.**

20 (5) This procedure is separate from but complimentary with the procedures used to
21 revoke, cancel or deny renewal of a license, LCC, 4.450. [2016 o.487 § 9; 2021 o.523 §2]

22 23 **4.450 Denial, Revocation or Nonrenewal of a License; Hearing**

24 Owners of short term rental units who hold a valid license under this Chapter are
25 required to comply with all applicable provisions of this Chapter and the Lincoln County
26 Code. In addition to the penalties for violation of any provision of LCC 4.405 through 4.460
27 punishable pursuant to LCC Chapter 10, failure to comply may subject the owner to
28 revocation or nonrenewal of a License as provided for in this section. Appeal of denial of a
29 license is also governed under these provisions.

30 (1) The following shall be grounds for considering revocation or nonrenewal of the
31 license:

32 (a) Three or more violations of this chapter or other provisions of the Lincoln
33 County Code related to the same short term rental within one (1) year. Violations include,
34 but are not limited to, complaints identified in LCC 4.445 which reached step 3 and a final
35 determination of violation was made **by the Hearings Officer, no matter what the**
36 **enforcement sanction imposed.** Violations may also be determined by the Licensing
37 Authority for noncompliance with the provisions of this Chapter or other provisions of the
38 Lincoln County Code.

39 (2) Denial of a license may be appealed under the procedures set forth below.

40 (3) The County shall conduct a hearing if it wishes to consider the revocation or
41 nonrenewal of a short term rental license. The County will also hold a hearing if an owner
42 appeals denial of a license. All hearings will be conducted by the Board of Commissioners
43 or its designee. The County shall give thirty (30) days written notice to all relevant parties

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1 of the time, date and place of the hearing, that the short term rental permit may be revoked
2 as a result of the hearing and of the allegations and violations upon which revocation will be
3 considered. At the hearing, each party shall have an opportunity to be heard and present
4 such witnesses, testimony and other evidence as that party deems relevant to the issues. The
5 procedure will be informal and no cross examination will be allowed. The hearing may be
6 continued at the discretion of the County. At the conclusion of the hearing process, the
7 Board of Commissioners or its designee shall consider the evidence and issue a written order
8 revoking the license, or not renewing it, or denying the application as the situation warrants.
9 [2016 o.487 § 10; **2021 o.523 §2**]

10
11 **4.455 Nonliability of County**

12 Neither the County nor any official or employee of the County, including the Lincoln
13 County Licensing Authority shall be liable for any damages, claims from any owner or third
14 party relating to enforcement of any provision of LCC 4.405 through 4.460. [2016 o.487 §
15 11]
16

17 **4.456 Delegation of Authority and Establishment of Fees**

18 The Lincoln County Licensing Authority is, **and County Counsel's Office and the**
19 **Onsite Waste Management Division of the Department of Planning and Development**
20 **as specifically authorized in the Chapter are**, delegated the authority and responsibility to
21 adopt rules, **requirements**, procedures, forms and practices consistent with the overall intent
22 of this Chapter, to implement, administer, and operate the licensing program for the County.
23 **All fees associated with the program shall be set by separate Order of the Board of**
24 **Commissioners.** [2016 o.490 §3; **2021 o.523 §2**]
25

26 **4.460 Severability**

27 Each section, sentence, clause, and phrase hereto is declared severable. If any
28 section, sentence, clause, or phrase of this chapter is adjudged by a court of competent
29 jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions
30 of this Chapter. [2016 o.487 §12]
31
32
33
34

35 ///

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37 ///

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1 **SECTION 3**

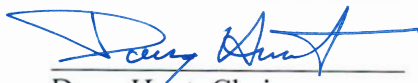
2 **Effective date**

3 This Ordinance was first read on October 13, 2021 and a second reading was made
4 on October 27, 2021. The Ordinance shall take effect ninety (90) days from the date of
5 adoption.

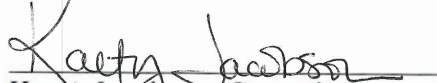
6
7

Adopted this 27th day of October, 2021.

LINCOLN COUNTY BOARD OF COMMISSIONERS



Doug Hunt, Chair




Kaety Jacobson, Commissioner



Claire Hall, Commissioner

ATTESTED TO:



Kristi Peter, Recorder

APPROVED AS TO FORM:



Wayne Belmont, Assistant County Counsel

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