



Proposed STR Text Amendments (Version 3)

Exhibit A: Proposed Revisions to Article 53

Proposed text amendments identified in ~~strikethrough~~ and **bold underline**.
Incorrect numbering and references will be revised in the adopted version.

ARTICLE 53 - HOME OCCUPATIONS, SHORT-TERM RENTALS & MARIJUANA BUSINESSES

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Section 53.10 - Purpose & Intent

The purpose of this Home Occupation Ordinance shall be to prescribe procedures under which a home occupation may be permitted outright or as a conditional use in the County. The intent of the Home Occupation Ordinance is to recognize and provide opportunities for small-scale commercial uses operated out of an existing dwelling or accessory building by a resident of a lot or parcel that do not unreasonably interfere with other permitted uses occurring on adjacent lands.

Section 53.15 - Definitions

- A. Home Occupation is defined in Article 1.
- B. Home occupations proposed inside the City of Hood River's Urban Growth Boundary shall comply with Article 17 (Section 17.04.100).

Section 53.20 - Permitted Uses

- A. Home occupations are permitted in the following zones pursuant to compliance with provisions in the zones in which the use is proposed: Commercial Zone (C-1), Mt. Hood Unincorporated Community Commercial Zone (MH-C1), Industrial Zone (M-1), and Light Industrial Zone (M-2).
- B. Short-term rental home occupation uses are subject to the provision contained in Section ~~53.30 and 53.40 et seq.~~ **and not Section 53.30.**

//Staff comment: This modification is proposed to eliminate redundancies and to confine the STR criteria to its defined section of this Article (Section 54.40 thru 53.68), similar to marijuana businesses. Some of the standards (or portions of) from Section 53.30 were moved into the STR section.

- C. Marijuana businesses are subject to the provisions contained in Section 53.70 et seq. and not Section 53.30.
- D. An in-home commercial activity is not considered a home occupation and may not require a land use or conditional use permit where all of the following criteria can be met. (Coordination and permits with other agencies may be required.)
 - 1. Is conducted within a dwelling only by residents of the dwelling.
 - 2. Does not occupy more than 25-percent of the combined floor area of the dwelling.
 - 3. Does not serve clients or customers on-site or allow on-site retail sales.
 - 4. Does not include the on-site advertisement or display, other than vehicle or trailer

- signage.
5. Does not generate additional traffic or parking beyond what normally occurs in the applicable zoning district.
 6. No materials or mechanical equipment are used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
 7. Does not include the outside storage of materials, equipment or products.
 8. Complies with federal or state guidelines, rules and regulations.
 9. If complaints are received that the activity unreasonably interferes with other uses permitted in the zone in which the property is located, per the discretion of the Planning Director a land use or conditional use permit may be required.

Section 53.25 - Conditional Uses

- A. The following conditional uses are required to comply with provisions in Article 72 – Planning Director's Review Procedure – and Section 53.30:
 1. A home occupation proposed in the following zones in an existing dwelling or pre-existing building on the same lot or parcel as the resident's dwelling: Residential Zone (R-1), Rural Residential Zone (RR), and Rural Center Zone (RC).
 2. Expansion or change in use of home occupations or one or two person businesses existing prior to the adoption date of this Ordinance (see Section 53.35 Non-conforming Use).
- B. Home occupations in the Forest Zones (F-1 and F-2) and Exclusive Farm Use (EFU) Zone are subject to Section 53.30 and respective Conditional Use Review Criteria contained in Articles 3 and 4 (Sections 3.05 and 4.05).

Section 53.30 - Home Occupation Standards

A home occupation shall comply with the following requirements:

- A. The use shall be operated as a home occupation by a resident of the property on which the home occupation is located and employs on the site no more than five full-time or part-time persons at any given time. A home occupation shall be operated substantially in:
 1. The dwelling; or
 2. Other buildings normally associated with uses permitted in the zone in which the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or **short-term** rental units unless they are legal residences **and applicable residency requirements are met.**

//Staff comment: This modification is proposed to clarify that just because a parcel has a second legal dwelling does not mean that it will automatically qualify to be used as a B&Bs and STRs since these uses have specific residency requirements. For instance, an STR may only be operated out of a primary dwelling and a B&B may only be operated out of the operator's residence.//

A home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located, and is a secondary use, incidental, accessory or subordinate to the residential uses or the existing building.

- B. A submitted application shall contain, at minimum, 1) a detailed site plan and floor plan, 2) specificity on the nature of the use, and 3) narrative addressing how the standards below are met.
- C. The use will not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature. There shall be no visible evidence of conduct of a home occupation from any road or adjacent property, except for one sign, up to 12 square feet may be permitted.
- D. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
- E. All off-street parking must be provided on the subject parcel where the home occupation is operated.
- F. Only limited retail sales and sales accessory to services associated with the home occupation are permitted.
- G. The existence of a home occupation shall not be justification for a plan and zone change to commercial or industrial use.
- H. Approval is personal to the applicant and shall not run with the land or another individual.
- I. There is only a minor increase, if any, in traffic traveling to and from the dwelling unit or other building.
- J. Compliance with applicable requirements of the zone in which the use is located.
- K. Pre-existing building must be located on the same parcel or lot as the dwelling in which the persons engaged in the home occupation reside.

- L. No more than one home occupation shall be permitted in conjunction with any dwelling or parcel, except as allowed under Article 56 (B&B Facilities) and Article 73 (Home Occupations to Host Weddings and Related Events).
- M. Any unauthorized change or departure in the use of an approved home occupation shall require additional review by the County Planning Department and may be grounds for revocation.
- N. Complies with Federal, State and Local laws. Non-compliance with any of these laws can result in the home occupation being terminated.

Section 53.35 - Nonconforming Use

Any proposed expansion or change in use of either a home occupation or one or two person business in operation prior to the adoption date of this Ordinance shall be subject to the requirements of this Ordinance, **including** Article 65 (Non-Conforming Use), and ~~require~~ a **Type II review conditional use permit**. In the event of a denial of such application, the home occupation or one or two person business shall be allowed to continue as originally approved, as a nonconforming use, **unless the use has been discontinued for 1 year or more.**

//Staff comment: These minor modifications are proposed for clarification purposes only.//

SHORT-TERM RENTALS

Section 53.40 Purpose

The purpose of this section is to regulate short-term rentals, to protect the integrity of resource lands, to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rentals, and to protect the public health, safety and general welfare of individuals and the community at large.

Section 53.44 Use Table

Short-term rentals are permitted as **home occupations as** specified for each of the different zoning districts, subject to the following review Type and regulations:

- A. Type I (Ministerial Action) and Type II (Non-Ministerial or Administrative Action) are review types defined in Article 1 - Definitions.
- B. “C” means the use is a Conditional Use, approval of which is subject to Section 3.05 or 4.05, Conditional Use Review and other listed criteria.
- C. “P” means the use is prohibited.
- D. “Subject To” column identifies provisions in this Ordinance to which the use is subject.

- E. **In addition to the provisions listed under the “Subject To” column below, all permitted and conditionally permitted uses are also subject to the applicable short-term rental provisions (Sections 53.4548 - 53.5568) and other applicable Articles of the Hood River County Zoning Ordinance.**

Table 53.4044 Summary of Use Table for Short-Term Rentals

Zoning	Review Type¹	Subject To²
Forest		
Forest Zone (F-1)	C (Type II)	Article 4; Section 4.05 <u>Section 53.60(A)</u>
Primary Forest Zones (F-2)	P	
Exclusive Farm Use (EFU); High Value	C (Type II)	Article 3; Section 3.05 <u>Section 53.60(A)</u>
Exclusive Farm Use (EFU); Non-High Value	C (Type II)	Article 3; Section 3.05 <u>Section 53.60(A)</u>
Residential (R-1)	Type I	
Rural Residential (RR)	Type I	
Hood River Urban Growth Area (UGA)		Article 17
Commercial (C-1)	Type I	
Rural Center (RC)	Type I	
Rural Unincorporated Community (RUC-1)	Type I	
Mt. Hood Unincorporated Community Commercial (MH-C1)	Type I	
Industrial (M-1)	P	
Industrial (M-2)	P	
Airport Development (AD)	P	
Natural Area (NA)	P	
Overlays: SPO, EP, FP, GH, HHO	P	
National Scenic Area		Article 75

Section 53.48 Short-Term Rental Grandfathering Provisions

An existing short-term rental shall be considered exempt from the requirements of Sections 53.60(A) (Farm/Forest Tax Deferral Requirement) and 53.52(A) (Residency Requirement), subject to the following:

- A. **Documentation is provided confirming that the short-term rental is currently in operation and complies with one of the following:**

1. **Prior to August 20, 2018, the existing short-term rental was registered with the County Department of Budget and Finance for Transient Room Tax (TRT) certification; or**
2. **Prior to August 20, 2018, the property owner made an application with the County for a short-term rental permit, which was either under County review, approved by the County but appealed, or voluntarily withdrawn prior to a decision being made; or**
3. **Prior to August 20, 2018, the existing short-term rental was being assessed by the County Department of Records and Assessment and paying additional Personal Property tax as a result of their short-term rental business.**

//Staff comment: This provision is in response to the Board's direction to include all three categories of potential grandfathering candidates identified in the October 5, 2018 staff report. However, it is staff's recommendation that only the first two categories of operators (Registered TRTs and STRs under review/appealed/withdrawn) be eligible for grandfathering based on the owners being proactive and making a good faith effort to comply with some or all of the County's regulations concerning STR, and not just getting "discovered" by County Records and Assessment as an STR operator.//

B. A short-term rental that is deemed grandfathered pursuant to the provisions of Subsection (A) above shall be allowed to continue to operate for an additional 7 years from the effective date of this amended Ordinance, subject to following:

1. **Submitting an application for a Type I permit pursuant to the provisions of this amended Ordinance within 90 days of it becoming effective; and**
2. **Failure to submit an application within the timeframe provided under Subsection (B)(1) above will result in the existing short-term rental losing its right to be considered a grandfathered use, unless otherwise allowed by the County Planning Director based on extraordinary circumstances, subject to a Type II review.**

//Staff comment: Subsection B.1. is proposed to encourage prospective grandfathering recipients to pursue a permit in a timely manner. The 90 day timeframe is suggested as a starting point. It is envisioned that notice to all potential grandfathering candidates will be sent a letter to ensure that they are made aware of this requirement.//

Section 53.4552 Permit Required

An owner shall obtain a revocable short-term rental permit prior to using a **or allowing another person to use the** dwelling unit as a short-term rental and shall comply with the following requirements:

- A. ~~No more than 100 short-term rental permits shall be issued by the county at any one time; no more than 25 of the 100 permits issued shall be on resource zoned land.~~ **The short-term rental shall be operated by a resident of the property and out of the dwelling that serves as the operator's domicile, as defined in Article 1 of this Ordinance. To demonstrate proof of residency, the operator shall provide a copy of at least two of the following documents:**
- 1. Federal income tax return from the most recent tax year (page 1 only with financial data redacted);**
 - 2. Current voter registration;**
 - 3. Current Oregon driver's license;**
 - 4. Hood River County Community Identification Card.**

//Staff comment: When meeting with City staff, they cautioned us on some of the challenges that they had experienced with proof of residency. They utilize a standard similar to the one proposed above (minus the HRC Community ID). They indicated that the federal income tax return document is the most reliable form of identification. They also indicated that driver's licenses are less reliable because individuals can put more than one address on their license. Staff also assumes that the HRC Community ID will be fairly easy to obtain without much in the way of verifiable proof of residency and, therefore, will likely be the least reliable of all of the above listed forms of ID. One suggestion that may be worth considering is to require the person's federal income tax return in every instance, but then accept one of the other three forms of ID as their second proof of residency. Other potential forms of identification that could also be used that seem reliable would be operator's vehicle registration and/or dependent's school registration.

It should also be noted that staff is unaware of the current status of the HRC Community ID cards and how a person actually obtains one.

The Board was sent comments via email on November 30, 2018 from Thrive Hood River (aka Hood River Valley Residents Committee) concerning some additional modifications to Article 53. One of the suggestions made included requiring a copy of the person's Oregon income tax return instead of their Federal return as the main proof of residency. This suggestion is based on the opinion of a licensed tax consultant who believes that requiring an Oregon tax return with the STR address on it may be more reliable than a Federal tax return given that Oregon residents tend to pay higher income taxes and, therefore, are less likely to claim a local dwelling as their domicile if they have another dwelling in a different state. Staff is comfortable with this change should the Board agree.//

- B. Only one short-term rental per parcel shall be permitted.
- C. The short-term rental permit shall be renewed every two-years by December 31 thereafter. Failure to maintain and renew the short-term rental permit shall be considered abandonment of use.

- D. The short-term rental permit is not transferable to a new owner **or operator**. If the property is transferred or sold, the new owner will need to re-apply for a short-term rental permit.
- E. The short-term rental permit does not relieve the owner of the obligation to pay County Transient Room Taxes (TRT) and Personal Property tax. Non-compliance will result in revocation of the permit.
- F. ~~No recreational vehicle, travel trailer, or tent, **parked vehicle**, or other temporary shelter shall be used in conjunction with the short term rental. No occupancy of a parked vehicle or trailer in conjunction with the short term rental is permitted.~~

//Staff comment: It is suggested that this provision be reworded by eliminating the second sentence and merging it into the first. It is also suggested that the entire provision be moved to Section 53.60(B) below since it seems to better fit under an STR standard instead of a permit requirement.//

- G. The Planning Director or designee may visit and inspect the site of a short-term rental on a prescribed schedule to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary.
- H. If the terms of the short-term rental permit are not met, the permit may be revoked and the owner subject to enforcement and Class I or Class II penalties per Article 1 or any amendments thereto.
- I. The County will monitor and enforce unpermitted short-term rentals through periodic review and audits. An unpermitted short-term rental is subject to enforcement, and Class I or Class II penalties per Article 1 ~~of this Ordinance~~, Chapter 1.08 (Code Enforcement) **of this Ordinance, and** Chapter 8.08 (Health and Safety) and Chapter 8.12 (Noise Code) of the Hood River County Code.

Section 53.5056 Short-Term Rental Permit Application Requirements

An application for a short-term rental permit shall be completed on the form provided by the County and shall ~~provide~~ **include** the following information:

- A. **Property Owners and Operators** - A list of all the property owners **and, if applicable, operators** of the short-term rental including names, addresses and telephone numbers.

//Staff comment: These modifications are proposed to address situations where the STR is not operated by the owner of the property.//

- B. **Affidavit of Adjacent Property Owner Notification** – The applicant of a short-term rental shall provide, in writing to adjacent neighbors within 250-feet, a local telephone number, name, and address of a property manager who will accept and handle complaints immediately relating to tenant activities. Notice for **conditional use permit** applications in resource zones shall be ~~provided~~ **completed by County Planning** in accordance requirements identified in ORS 215 et seq.

- C. Site Plan - A site plan, drawn to scale, showing the location of buildings, septic systems, **and** required parking, **access, etc.**
- D. Floor Plan - A floor plan identifying **showing the interior layout of the dwelling, including** the number of bedrooms proposed for use **rent.**
- E. Property Management Plan - A property management plan demonstrating how the short-term rental will be managed and how impacts to neighboring properties will be minimized; specifically, nuisances, parking and garbage. The property management plan shall also include the name, address and telephone number of local points of contacts available to respond immediately to complaints and promptly remedy any violation of these standards.
- F. Environmental Health – Issue Authorization Notice to use Existing Septic System per OAR 340-071-0205. Review of Drinking Water source per OAR 333-061 and Travelers’ Accommodation Licensing per ORS 446.320.
- G. Assessor – Proof County Assessor has been notified.
- H. TRT – Proof of registration for County TRT certificate.
- I. Building Safety – Satisfactory completion of an inspection performed by the Hood River County Building Department.

//Staff comment: Items H and I are proposed to be relocated to Section 53.60(N) and (O) below because they better align with current review process. After the original ordinance was adopted, it was determined that obtaining the above information prior to obtaining tentative approval did not work very well with the affected agencies. The way it works now is TRT registration and dwelling inspections occur either within 60 days of approval for an STR already in operation or prior to operation in other instances.//

- J. Proof of Insurance – Include certification of insurance coverage.
- K. Certify Accuracy - Certification of the accuracy of the information submitted and agreement to comply with the conditions of the permit.
- L. Other - Other information as requested by the County.

Section 53.5560 Short-Term Rental Standards

All short-term rentals shall meet the following standards:

- A. Resource Lands (EFU and F-1 Forest zones) – ~~Short term rentals shall be operated within the primary dwelling of the subject property. It shall be occupied and operated by a resident of that dwelling. The primary use of the dwelling will remain residential and shall not be rented out a predominance (i.e., more than 180 days) of the year. Outbuildings, including agricultural buildings, farm worker housing and other lawful dwellings on the property, shall not be converted to short term rentals. The STR shall not unreasonably interfere with other uses permitted in the zone in which the property is located.~~ **A short-term rental may only be permitted to operate in the EFU and F-1 zones on a parcel not receiving farm or forest deferral from the County.**

//Staff comment: This provision was added based on the Board's direction during its October 15, 2018 work session.//

- B. Accessory Buildings – Short-term rentals shall be operated within the primary dwelling of the subject property only. Outbuildings, including agricultural buildings, farm worker housing, accessory dwelling units, tiny homes, and other lawful dwellings on the property, shall not be used or converted for use as a short-term rental. Additionally, no recreational vehicle, travel trailer, tent, parked vehicle, or other temporary shelter shall be used and/or occupied in conjunction with the short-term rental.**

//Staff comment: This provision comes from merging Subsection A and Section 53.52(F) above.//

- C. Incidental and Subordinate – The primary use of the dwelling proposed for use as a short-term rental shall remain residential and shall not be rented out a predominance (i.e., more than 180 days) of the year. This standard shall not apply to parcels zoned Commercial (C-1), Rural Unincorporated Community Commercial (RUC-1), or Mt. Hood Unincorporated Community Commercial (MH-C1).**

//Staff comment: This provision is an existing standard from Subsection A above that only applies to property zoned EFU or F-1. Staff is unsure why this provision would only apply in the resource zones when STRs are intended to be an accessory use to a residence (i.e. incidental and subordinate). By allowing an STR to operate year-round, especially in cases where the entire dwelling is being rented, then the commercial aspect of the dwelling would become the primary use. For these reasons, staff would recommend that this standard apply to all zones where STRs are permitted, except for the C-1, RUC-1, or MH-C1 zones where commercial uses are allowed outright. However, some further exemption or other relief may be warranted for those STRs where the operator is only renting out a portion of the dwelling and maintaining the rest of the building for their occupancy, similar to how a B&B operates. Additional discussions may be necessary regarding this aspect.//

- B.D. Appearance and Identification** - The exterior of the building shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or road. ~~No junk or garbage shall be allowed to accumulate in any yards and all vehicles shall park in designated parking areas.~~

//Staff comment: The last sentence in this provision is suggested for removal because it is redundant with Subsections F and H below.//

- C.E. Occupancy Limits** - The maximum occupancy for each short-term rental unit shall be calculated on the basis of two (2) persons per bedroom, plus two additional overnight occupants. ~~On properties containing both a residential dwelling and an~~

accessory residential dwelling, only one residential structure may be rented out as a short term rental, but not both.

//Staff comment: The last sentence in this provision is suggested for removal because it is redundant with Subsection B above.

Something the Board may want to consider is establishing a maximum occupancy requirement, similar to the B&B ordinance, which limits the number of bedrooms to five and occupants to ten.//

D.F. Parking - The short-term rental shall have one onsite parking space per each bedroom unit with a minimum of two parking spaces required. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. The garage shall continually be available for guest parking as long as the short-term rental permit is valid. All required parking spaces shall be provided on the parcel where the short-term rental is operated.

//Staff comment: The additional requirement was moved from Section 53.30(E).//

E.G. Access - Road access to the short-term rental shall meet minimum County **and/or local fire district** road standards and shall be adequately maintained and remain clear of obstructions, including illegally parked cars, recreational vehicles, boats, trailers, junk, etc., to ensure the unimpeded passage of emergency vehicles and other vehicular traffic.

F.H. Nuisances and Garbage - The short-term rental shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including, but not limited to: loud music and noises, excessive traffic, junk/debris accumulation in the yards, garbage removal, trespassing, or excess vehicles, boats or recreational vehicles parked **on the property or along adjacent roadways** ~~in the streets in front of the rental~~. Said provisions shall be documented in the Property Management Plan.

G.I. Pets - Pets shall be secured at all times while on the property and nuisance barking by pets is prohibited.

H.J. Signage - No on or off-premise signage advertising the short-term rental is permitted.

I.K. License and Permit Requirements - The short-term rental permit and permit number issued by Hood River County shall be prominently and permanently displayed inside the unit near the front entrance of the rental and shall list the name, address and phone numbers of the property owner **and/or operator, and, if applicable,** ~~or~~ the designated local contact. The permit number shall also be displayed in all advertising.

L. Employees – A short-term rental operator may utilize up to five outside

employees, such as housekeepers, property managers, landscapers, etc., to assist in operating the facility.

//Staff comment: Item L comes from Section 53.30(A), but has been amended to align better with STR operations. It is proposed to clarify that using outside employees to operate and manage a persons' STR is appropriate to a certain extent.//

J.M. Federal, State & Local Laws - The short-term rental shall meet all applicable State and local health, safety laws and building codes.

K. ~~Other~~—Other conditions may be imposed, such as additional parking, improved access, fencing, landscaping, or minimum screening to ensure the proposed use is compatible with the surrounding residential character.

//Staff comment: Item K is recommended to be eliminated because it creates discretion. As a Type I decision, the approval criteria must be clear and objective.//

N. **Transient Room Tax –Proof of registration for County TRT certification shall be provided to County Planning prior to operating a short-term rental or within 90 days of issuance of a final short-term rental permit for those already in operation.**

O. **Building Safety – Proof of satisfactory completion of an inspection performed by the Hood River County Building Department shall be provided to County Planning prior to operating a short-term rental or within 90 days of issuance of a final short-term rental permit for those already in operation.**

//Staff comment: Items N and O were previously located under amended Section 53.56 above. The ninety day requirement is added to ensure prompt completion, especially for those already operating an STR. //

P. **No weddings or commercial related events shall occur in conjunction with operating an approved short-term rental.**

//Staff comment: This new standard is recommended to ensure that STR operators are aware of this limitation.//

Q. **No alternation or expansions of an existing dwelling may occur to accommodate the use of the building as a short-term rental.**

//Staff comment: This new standard is recommended to ensure that STR operators are aware of this limitation.//

Section 53.604 Compliance

All complaints shall proceed as follows:

- A. The complaining party shall first attempt to communicate with the **owner/operator and/or** local contact person designated on the permit and property management plan, describe the problem and leave a contact phone number for call back information;
- B. The contact person shall respond promptly to the complaint, regardless of time of day, and make reasonable efforts to remedy any situation that is out of compliance with the permit;
- C. If the response is not satisfactory to the complaining party, then the complaining party may next provide a written complaint to the County Planning Department and Code Compliance program, which complaint shall identify and be signed by the complaining party. The complaint shall include a description of the informal attempts to resolve the complaint. A copy of the written complaint shall be provided to the owner and contact person by the County; and
- D. The County Planning Department/Code Compliance program shall attempt to resolve the complaint. If so required, the owner or local contact person shall provide a written response to the complaint with the anticipated corrective action within 10 days. A copy of the complaint will be filed with the short-term rental permit.
- E. A permitted short-term rental is subject to enforcement, and Class I or Class II penalties per Article 1 of this Ordinance, Chapter 1.08 (Code Enforcement), Chapter 8.08 (Health and Safety) and Chapter 8.12 (Noise Code) of the Hood River County Code.

Section 53.658 Revocation

A permit for a short-term rental may be revoked subject to the procedures identified Article 1 Section 1.140 Extensions, Enforcement/Revocation. The Planning Director may immediately revoke all short-term rental permits from the owner upon three (3) violations of the permit or this Article.

(***)