



Attention:

Thank you for reaching out to Deschutes County with your questions regarding Short Term or Vacation Rentals of residential properties.

We understand you may be seeking a new license to operate a Short Term or Vacation Rental in the near future or are looking to renew a previous license for Short Term or Vacation Rental use. However, upon further review we have determined the property or properties in question are located within the Exclusive Farm Use Zone or the Forest Use Zone governed by Deschutes County Code (DCC) sections 18.16, 18.36, and 18.40 respectively. Properties within these zoning districts are identified as resource lands under Chapter 215 of the Oregon Revised Statutes. As such, under Oregon's statewide land use planning system, counties have very limited ability to alter or allow uses not specifically listed in ORS 215 within resource zones.

The standards and rules governing land uses in the state of Oregon are subject to change over time based on evolving case law and judicial opinions from parties such as the Land Use Board of Appeals (LUBA) and the Oregon Court of Appeals. A recent Court of Appeals opinion has been issued concerning a proposed Short Term Rental Ordinance within Clackamas County (*1000 Friends of Oregon v. Clackamas County*). A copy of this decision is attached to this letter for additional reference. Deschutes County believes this opinion has a direct bearing on the legality of Short Term or Vacation Rental use of private residences within resource zoned properties and, as a result, has adopted a new policy prohibiting issuance of new licenses and license renewals for Short Term or Vacation Rental Use within the Exclusive Farm Use or Forest Zones.

Until such time as state law changes or additional legal opinions are issued countering the Court of Appeals' decision in this case, Deschutes County will no longer observe Short Term or Vacation Rental Use as allowed outright within the Exclusive Farm Use or Forest Use Zones and will discontinue issuance of licenses for Short Term or Vacation Rental use for properties in those resource zones. If you wish to seek alternatives to establish a Short Term or Vacation Rental on a property within the Exclusive Farm Use or Forest Zones, we suggest you seek legal counsel to advise on other options. This policy change has no effect on uses already allowed outright and identified within the Exclusive Farm Use or Forest Use zoning codes.

You are advised that prior issuance of a license to operate a Short Term or Vacation Rental and the payment of Transient Room and Board Taxes to the Deschutes County Tax Collections Department does not grant any rights to continue operation of a use which is not allowed under state law and county land use regulations. Any such previously issued license will not be renewed and Deschutes County will not accept future payment of Transient Room and Board taxes for Short Term or Vacation Rental use of properties located in resource zones.

Please note the information in this document is an informal statement made in accordance with DCC 22.20.005 and shall not be deemed to constitute final County action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, on any person.