

Tom Prehoditch
50360 S. Beach Rd.
Neskowin, OR 97149

February 8, 2024

Ms. Sarah Absher, Director
Tillamook County, Community Development
1510-B Third Street
Tillamook, Oregon 97141

(Via email: sabsher@co.tillamook.or.us)

Dear Ms. Absher:

I am writing to you on behalf of Save Our Neighborhoods. It is our understanding that at the February 10 NCAC general meeting you will commence the discussion with Neskowin residents and property owners regarding their opinions about the percentage cap for STR licenses in Neskowin. Because we anticipate that there will be little time on February 10 for public discussion on this issue, I am writing you in advance of the meeting to apprise you of the consensus of residents and property owners associated with Save Our Neighborhoods (“SON”) regarding this issue.

As you know, I am one of the principals of SON. Recently, a core group of SON members (approximately 20 people) has been meeting to discuss the STR cap issue. This group includes all ten Intervenor-Respondents from Neskowin who joined the County in defending the challenge to Tillamook County’s STR Ordinance 84, Amendment 2, adopted in July 2023 (the “current STR Ordinance”) in the appeal before the Land Use Board of Appeals (“LUBA”). Our core group also includes other Neskowin residents and property owners who, like the LUBA Intervenor-Respondents, have been and continue to be very involved in the discussions and debates regarding STR regulations at the community and county levels. We have also received input from other Neskowin property owners and residents concerning the STR cap issue.

The consensus this SON core group has reached on the STR cap issue is the following: **We believe that it is in the best interest of the NCAC and Neskowin residents, property owners and groups interested in the STR cap issue to defer this issue for further consideration to at least 2025.** Our reasons are as follows:

First, during the 1 ½ years prior to the adoption in July 2023 of the current STR Ordinance, discussions among Neskowin residents and property owners about amending the ordinance were often heated and divisive. The last six months since the adoption of the current STR Ordinance has been a time of relative peace in Neskowin, which has allowed other important community issues to be (at least thus far) reasonably and civilly discussed without acrimony or division. This observation is reflected in the numerous NCAC general and subcommittee meetings that have occurred since last July and has allowed the community to move forward with other important community issues. These additional issues include, most importantly, discussions by a newly constituted Community Plan Steering Subcommittee about an amended Community Plan to be recommended to the NCAC general membership for its consideration, as well as discussions and drafting by a newly constituted Bylaws Subcommittee of amended NCAC bylaws to be recommended to the NCAC general membership for consideration. Of course, both subcommittees are also consulting with you and through you with county counsel about the matters within their purview. Both subcommittees and the NCAC are also soliciting substantial public input about these issues.

Second, it is clear that there are already issues before the NCAC Community Plan Steering Subcommittee and the Bylaws Subcommittee, and ultimately before the NCAC, about which there are and will be strongly divergent opinions. We know you have recently attended numerous NCAC public meetings and are aware of such emerging disagreements.

Examples of the issues before the NCAC Bylaws Subcommittee include a bylaws amendment concerning the NCAC boundary for membership and bylaws amendments regarding NCAC members' participation and voting rights. Because of community concern and divergent opinions about these matters, the Bylaws Subcommittee will plan specific public meetings devoted to these topics. It is foreseeable that there will be similar issues of concern before the Community Plan Steering Subcommittee. It is imperative that these subcommittees do their work without substantial interference from deliberations about other time-consuming community issues. This is particularly the case for any new Community Plan, the urgency of which is complicated and compounded by impending deadlines provided in Oregon Senate Bill 406. As you know, this bill was recently passed by the state legislature in its 2023 regular session, requiring specific communities in Tillamook County, including Neskowin, to allow and plan for middle housing in residentially zoned lands, to adopt housing production strategies and to accommodate housing needs upon land inventories as buildable lands. Implementation of S.B. 406 is a significant priority for the NCAC, its Community Plan Steering Subcommittee, the Board of County Commissioners, and the Department of Community Development.

In addition, the Community Plan Steering Subcommittee has the substantial responsibility of providing guidance to the Neskowin community in revising its current Community Plan which is now over two decades old. In all reasonable probability, this task will entail robust and time intensive community discussions and debates regarding revising the current Community Plan's statements of values and vision and addressing, at least in general terms, the appropriate mix of housing, tourism, and commercial activity. In our opinion, the discussion and resolution of such Community Plan issues should occur prior to any further discussion and resolution of additional STR issues.

Third, the importance of the NCAC matters described above should be given preference in community deliberations in 2024. There is only limited time available for such discussions. The NCAC's recent recognition that all NCAC meetings must comply with Oregon Public Meeting Law and its implementation of this requirement, and the limitations that this law places on discussions between committee members, has substantially increased the time and effort now being expended by NCAC officers and subcommittee members in their deliberations, as well as that of all residents and property owners who want to be involved in consideration of those issues before the NCAC and its subcommittees. There are already concerns being raised by some Neskowin residents and property owners about the time and effort necessary to meet the pressing goals of the NCAC, as well as about potential decreasing participation among NCAC members because of citizen exhaustion. This reaction is not surprising given that as conscientious as Neskowinians are regarding community matters, all who serve on the NCAC and its subcommittees, and all who otherwise participate, are unpaid volunteers with other professional and personal responsibilities and obligations. To unnecessarily add the STR cap issue to the mix – an issue that at least has been temporarily resolved by the BOCC's Board Order 23-054 establishing temporary STR caps – is, in our opinion, an unnecessary burden for the Neskowin community and NCAC and will substantially add to the considerable time and effort already being expended by NCAC committee and subcommittee officers, members and participants.

Fourth, in our opinion, to go forward with immediate consideration of the STR issue is unnecessary for other reasons. Among them, the current STR Ordinance is being challenged before LUBA. The Intervenor-Respondents believe that Tillamook County will ultimately prevail in that appeal and any

subsequent challenges. However, as much as one might attempt to predict what LUBA will ultimately find with respect to the ordinance, we are not LUBA, which is the tribunal that will rule on the appeal. It is at least a possibility that LUBA's holding could ultimately impact any deliberations and decisions regarding the STR cap in such a way that all or some of the time that Neskowin residents and property owners immediately expend on the issue will be wasted. This risk is not worth the time and effort given other pressing NCAC matters and should be deferred until at least some legal finality occurs. Similar concerns have led the Lincoln County Commissioners to delay the issuance of any further STR licenses in Lincoln County until all appeals of its recently amended STR Ordinance are finalized. (See Yachats News, February 1, 2024: *Although It Has Rental Licenses East of Hwy 101, Lincoln County Says It Won't Issue Them Until All Appeals Are Exhausted*, <https://yachatsnews.com/lincoln-county-vacation-rental-license-moratorium/>).

Finally, going forward with immediate consideration of the STR issue is unnecessary because the temporary STR cap percentage is not unreasonable whether you are a SON member or a member of Oregon Coast Hosts. Oregon Coast Hosts is the major organization spearheading the LUBA legal challenge and organizing STR owners and managers who oppose the current STR Ordinance. Several of its members who are Neskowin property owners are also among the Petitioners in the LUBA appeal, and two of its five principals, including its President, are Neskowin property owners. On the one hand, some SON members prefer an STR cap, achieved by attrition of existing STR licenses, to be 15%, 10% or even lower. And, as a temporary STR cap, SON members would have preferred no more than the previously existing 20%. On the other hand, some members of Oregon Coast Hosts and others have argued for a 30 to 35% STR cap or even higher. However, the official policy recommendation of Oregon Coast Hosts regarding this issue is that "[i]f a growth management cap is created [which it has been by the current STR Ordinance and the associated Board order], then consider allowing 2% annual STR increase per community with review after 3 years." (See Oregon Coast Hosts' website at <https://www.oregoncoasthosts.com/our-perspective>.) Therefore, SON members would have preferred no more than 20% as an STR cap, and Oregon Coast Hosts would have preferred a cap of 22% for at least one year from October 2023, the date for restarting the issuance of STR licenses. By its board order, the Board of County Commissioners split the difference. The board order establishing temporary STR caps provided an STR cap of 21% for Neskowin.

In addition, it is reasonably foreseeable that if the NCAC immediately begins organizing to undertake substantial efforts to determine a more permanent STR cap in the immediate future, there will be SON members and others who will certainly argue for much less than a 20% STR cap, and Oregon Coast Hosts members and others who will argue for a significantly higher percentage. We can and should avoid this discussion until the aforementioned other pressing matters are finalized or, at the very least, are well on their way to completion. To do otherwise is not worth the time, effort, and risk to the NCAC and the Neskowin community.

Thank you for considering the matters raised in this letter. We also thank you and your department for your continuing hard work on STR matters and your diligent attention to the NCAC and Neskowin.

Sincerely,

A handwritten signature in purple ink that reads "Tom P. Prehoditch". The signature is written in a cursive, flowing style.

Tom Prehoditch

Cc: NCAC Officers and Chairpersons of NCAC Bylaws and Community Plan Steering Subcommittees