

Lynn Tone

From: Michael Cook <mikerusts@gmail.com>
Sent: Monday, September 12, 2022 12:09 PM
To: Lynn Tone
Cc: Neah Kahnle
Subject: EXTERNAL: Fwd: Important Short-Term Rental Advisory Committee Meeting 9/13/22 at 9:30 am

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Director Absher and Commissioner Erin Skaar

I appreciate necessary pause in STR licensing and all the attention that the county is now giving to the STR/TLT along with the support of our CAC. I'm sorry to be missing this meeting, but wanted to add to my earlier testimony below to comment on the welcome introduction of ORLA's participation. In addition to emphasizing the most challenging threat of "illegal hotels" their entry into the discussion provides an opportunity facilitate discussion on the impact of their own STR properties.

In your deliberations please consider the following:

- the need for disclosure of permitted properties to assist in local planning and enforcement
- the impacts of all STR's on emergency preparedness and related costs in order to better inform visitors, prepare properties, and provide emergency supplies via licensing requirements, fees, TLT reapportionment.
- the relationship between workforce housing planning and STR impacts by requiring periods of affordable long term rentals in the equation.

Respectfully,
Mike

Mike Cook
37335 First St.
Nehalem (Neahkahnie) 97131
503-368-3048

Subject: May 24 Board of Commissioners meeting

Date: Fri, 20 May 2022 19:39:18 -0700

From: Michael Cook <mikerusts@gmail.com>

To: publiccomments@co.tillamook.or.us

Commissioners, I'm writing to urge an immediate pause in further STR licensing to allow time for the STR advisory committee and our communities time to develop an updated process that can better address the increasing impacts of STRs. My wife and I are residents of Neahkahnie of some 20 years and been working on community emergency preparations on our street and with our adjoining neighborhoods for half that time. And, I've participated in previous Neahkahnie calls for STR restrictions urging a managed approach. I appreciate the county's original attempts at managing the impacts of rentals. But, the wave of new STR's is now a serious concern - stressing public services and our ability to meet emergency needs in a disaster. Over 1/2 of our cluster of neighborhoods here are in the inundation zone - mostly STRs and part-timers. It's important your committee have time to develop a plan with rules and charges based on cost benefit analysis that better addresses not just ongoing and emerging impacts and benefits, but the county's share of responsibility for lives in this very certain and devastating disaster.

Respectfully,
Mike

Mike Cook
37335 First St.
Nehalem (Neahkahnie) 97131
503-368-3048

Subject: May 24 Board of Commissioners meeting

Date: Fri, 20 May 2022 19:39:18 -0700

From: Michael Cook <mikerusts@gmail.com>

To: publiccomments@co.tillamook.or.us

Lynn Tone

From: Jill Carter <jcarter1217@gmail.com>
Sent: Sunday, September 11, 2022 6:41 PM
To: Sarah Absher; Lynn Tone
Subject: EXTERNAL: Short term rental ordinance / Comments

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September 11, 2022

To: Ms. Sarah Absher

From: Darryl Carter / Neahkahnie

As you are aware, I have been on occasion heavily involved with the short term rental issue in Tillamook County. The situation is as I see it has gotten continually worse for the families living in the unincorporated areas of the county. The obvious reason is that the county has allowed the single-family zoning to No longer be meaningful. The Current situation allows any home in the Unincorporated communities to become a defacto motel. Homes in this program are no longer managed by the owner. It is now done by professional managers employed by corporations. Thanks to the Internet, reservations are taken and there's little or no vetting of the users. Families have no clue who is residing 12 feet from their home. This is unnerving and shouldn't be allowed in a single family zoned community. Tillamook County has commercial zoning and that is where this activity belongs.

This commercial activity also puts undue stress on Community water and sewer systems designed to accommodate Single families as they use significantly more of these resources. One remodeled home in Neahkahnie will now sleep 20. An architect friend advised me that a new client of his bought a home in Neahkahnie and wanted it redesigned get the maximum number of beds. This couple is from California and want to receive maximum revenue to pay for this commercial investment. Our local realtors use this is a big selling point when trying to move a very expensive beach property.

I think the following changes should be made to the ordinance:

1. Severely limit the percentage of homes in a community that can be in the program. I think no more than 10% of a communities homes Would lessen the impact of this activity. Manzanita has a cap of 17%. I think this is too high but it's better than no cap at all as we currently have.
2. Make the approval process for obtaining a rental license exactly the same as a conditional use application for a bed and breakfast. As you know, the bed-and-breakfast application also involves community input. The bed-and-breakfast also requires an on-site manager and no more than two bedrooms dedicated to the rental program. Why should short-term rentals be allowed virtually without public input or onsite management? Why should the neighbors not have a say in what goes on in their neighborhood?
3. No longer allow applications for multiple ownership. Let those currently licensed expire at the end of the new ordinance and not be renewable. This has turned into a purely commercial enterprise as opposed to families trying to recoup a mortgage payment which was the original intent.

4. These rental homes have become public accommodations. Make them subject to the disabled American disabilities act. They will be required to bring structures up to higher standards making it safer for the public to use them.

5. Raise the licensing fee very significantly so that a full-time manager and staff can be Added to your staff to manage this activity. This is a very significant business and it takes In hundreds of thousands of dollars annually. The owners should be required to pay for the staff necessary to regulate their activities.

I would further ask you to review the activities of Lincoln County in dealing with short term rentals. They have become more restrictive and in fact tried to Sunset rentals per se. I understand The court has sent this case to Luba.

I am hopeful that the commission We'll take actions that Will benefit the residents of Tillamook County as opposed to the commercial interests.

Best regards,

Darryl Carter

Lynn Tone

From: Sarah Absher
Sent: Monday, September 5, 2022 10:15 AM
To: Lynn Tone
Subject: STR PARKING COMPLAINTS

Please make copies for the STR meeting next week.

Thank You,



Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3317
sabsher@co.tillamook.or.us

From: Gus Meyer <gusmeyer9@gmail.com>
Sent: Saturday, September 3, 2022 9:15 PM
To: Erin Skaar <eskaar@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Cc: Nan TLT <nan@tillamookcoast.com>; Chris Laity <claity@co.tillamook.or.us>
Subject: EXTERNAL: STR PARKING COMPLAINTS

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Tillamook County STR Commissioner Liaison; Erin Skarr
Tillamook County CD Director; Sarah Absher

Regards: STR Related Parking Problems

My son, whom works on STR hot tubs, reaffirms my community reviews of Tillamook Unincorporated parking problems on his usual STR rounds of Central and North Tillamook County.

A number of these parking problems are caused by diminished beach accesses, wherever the ocean is within easy walking distance with limited beach access parking space .

I've noticed dogs in attendance going to the beaches from some poorly parked vehicles, most likely misidentified as STR complaints.

Thereby "*Beach Access*" is once again on the Tillamook County complaint docket.

Recall Kiwanda parking problems, as well as Cape Meares, Oceanside, Netarts, and other ocean access problems in most of Tillamook County Beach areas, including Short Sands Beach.

Life is compounded and complicated at our beaches.

Gus Meyer,
STR Committee Member

WHAT'S THE DIFFERENCE BETWEEN A HOTEL AND A COMMERCIAL SHORT TERM RENTAL (STR)?

ONE BIG THING...

CHARACTERISTICS	HOTELS	COMMERCIAL STR
Provide lodging on a nightly basis	Yes	Yes
Objective is net profit, not cost reimbursement	Yes	Yes
Accept reservations and credit card payments online	Yes	Yes
Provide housekeeping.	Yes	Yes
Advertise their businesses as “resorts”	Yes	Yes
Pay state and county transient lodging taxes	Yes	Yes
Operate in single family neighborhoods	No	Yes



Position Statement - Reining in “Illegal Hotels”

Background

Across the State of Oregon, there is growing concern that some Home Sharing Platforms, such as Airbnb, HomeAway and Flipkey, are enabling the proliferation of “illegal hotels,” where commercial operators list multiple units in the same region of the state or list units for extended periods of time without consideration for both local and state law. In some instances, commercial operators or investors are buying rental properties with no intention of living there but solely for the purpose of renting them out to short-term visitors, just like a hotel. This unregulated commercial activity often compromises consumer safety, impacts affordable housing supply across Oregon and endangers the character and security of residential neighborhoods.

Illegal Hotels are Adversely Impacting the Fabric of Neighborhoods and Reducing Affordable Housing Stock throughout Oregon’s Communities

Commercial activity in homes meant for working families is running amok across the state. Advancements in technology have launched a new industry which operates outside the intent and purpose of carefully crafted zoning and land use laws in local economies across Oregon. ORLA is aware of occupations whereby professionals are buying up multi-use housing complexes for the sole purpose of daily rental income. The untamed and ‘enforcement light’ approach to short-term rental regulation is creating a free for all amongst ambitious entrepreneurs who are thriving on skirting rules and regulations in place which lack strong enforcement protocols. In summary, the use of homes in residential areas as de-facto hotels is inconsistent with the intent of residential zoning and Oregon’s land use planning system.

ORLA Welcomes Competition on a Level and Legal Playing Field

ORLA’s active membership includes several vacation rental companies overseeing short-term rentals in vacation destinations across our state. For decades, vacation rental dwellings have served as a part of the fabric of local communities. These companies are examples of welcome competition and are ensuring their clients are paying all applicable transient lodging taxes while safely accommodating guests and following all local government ordinances. In addition, ORLA supports the following important principles:

- We continue to support the rights of property owners to occasionally rent their homes to earn extra income, following all local, state and federal rules and regulations.
- Competition thrives when everyone plays by the same set of rules.

However, we have seen a proliferation of unregulated commercial operators running multi-unit, full-time lodging businesses in partnership with Home Sharing Platforms like Airbnb, with a significant portion of rental revenue driven by this type of commercial activity. Technological advances have resulted in a matchmaking of underground commercial activity in residential and multiuse neighborhoods with interested travelers. These commercial operators gain an unfair and significant competitive advantage by running these multi-unit, full-time lodging businesses without oversight. Of particular concern is the non-compliance with public health and safety rules, which are in place to keep Oregon residents and visitors safe from harm.

Unregulated Hotels Operating in Residential or Mixed-Use Zones are Disruptive to Communities and Pose Serious Safety Concerns for Guests, Communities, and Neighborhoods

Guests staying in unregulated short-term rentals have no way of verifying whether these properties are compliant with basic health and safety standards, like smoke and monoxide detectors, fire escapes and wheelchair ramps. In addition, neighbors in many cases have no way of knowing who is listing the properties in their area, much less renting them, and can face chronic problems like excessive noise, unruly behavior, and a revolving door of strangers next door. By flouting zoning laws, unregulated businesses are disrupting communities across Oregon and reducing the supply of homes available to workers. Unregulated commercial activity in residential and mixed-use zones is having a direct impact on rent rates across Oregon and is making it harder for working families to stay in their homes.

State and Local Governments Should Double Down on Their Efforts to Protect Their Communities by Closing Illegal Hotel Loopholes

Home Sharing Platforms like Airbnb need to assist local and state government in cracking down on illegal hotels facilitated by their online platforms. The following simple steps should be taken in Oregon to rein in illegal hotels:

- Prevent properties prohibited from operating in a community from posting on short-term rental websites.
- Provide full transparency to state and local authorities (like all other lodging properties) including host contact and address information as well as which hosts have multiple or full-time units for rent.

The State of Oregon and all local governments should:

- Develop a comprehensive plan to ensure the proliferation of online booking technology does not result in undue livability burdens in Oregon communities including reductions in housing supply for local workforce needs.
- Partner with technology companies who specialize in Home Sharing Platform rental transparency. Local governments in Oregon are now partnering with technology companies like STR Helper and Host Compliance to assist them in managing the process for identifying short-term hosts within their jurisdiction.
- Ensure short-term rental hosts register their rental property and obtain a business license and other applicable rental permits.
- Track all transient lodging tax payments to ensure all revenues are paid by short-term rental hosts or Home Sharing Platforms like Airbnb when they collect payments for lodging stays on behalf of their host partners.
- Ensure all local and state zoning laws are being followed.
- Ensure basic health, safety, and cleanliness standards are being met.
- Ensure appropriate levels of liability and other applicable insurance plans are in place to protect homeowners, guests, and communities.

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Lynn Tone

From: Sarah Absher
Sent: Wednesday, July 13, 2022 8:54 AM
To: Lynn Tone
Subject: STR Testimony- CONCERNS OVER RECOMMENDATIONS

Please make copies for August meeting.

Thank You!

From: Public Comments <publiccomments@co.tillamook.or.us>
Sent: Tuesday, July 12, 2022 12:45 PM
To: David Yamamoto <dyamamoto@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>; Mary Faith Bell <mfbell@co.tillamook.or.us>; Rachel Hagerty <rhagerty@co.tillamook.or.us>; County Counsel <countycounsel@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Cc: Isabel Gilda <igilda@co.tillamook.or.us>
Subject: FW: EXTERNAL: CONCERNS OVER RECOMMENDATIONS

Good afternoon, Commissioners,

Please see the below public comment that came in yesterday, also regarding STRs in Neskowin.

Thank you,



Debi Garland | Board Assistant
TILLAMOOK COUNTY | BOARD OF COMMISSIONERS
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3400 x3380
dgarland@co.tillamook.or.us

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From: M BARNES-TERRERI <mariasangria@msn.com>
Sent: Monday, July 11, 2022 3:17 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: CONCERNS OVER RECOMMENDATIONS

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To Whom It May Concern,

I would like to express my concerns regarding a consideration to restrict the Neskowin Short Term Rental allowances to 100 days per year.

As a part time resident of Neskowin, I realize that the coastal areas have become more popular than ever, especially in view of the COVID-19 pandemic as more people are able to work from home, have restricted international travel in favor of local vacation destinations.

All recreational areas have experienced an increase in usage, and some visitors, with less than desirable attitudes, It would seem that many residents attribute any issue with visitors, to the Short Term Rental community, which is not always the case. In Neskowin, the community has expressed belief that STR visitors are solely responsible for the: pot-holes and road disrepair, bear problems, garbage left at the state parking area, traffic congestion, excessive noise from social gatherings, etc.

The county benefits from the Transient Lodging Tax, Licensing Fee and increased economic benefits that these visitors bring. The Oregon Coast has been economically depressed for decades, and is dependent upon tourism to support many industries, including restaurants, factory outlet stores, golf courses, art museums, etc. Additionally, many individuals who live at the coast, make earn their income but working at and for these businesses.

There have been numerous meetings in which residents describe the deteriorating quality of life, since Short Term Rentals have become more popular. However, there are mechanisms being put in place to address these concerns, and further actions are being discussed about certain property owners who seem to have invested in a number of larger homes, that appear to have become destination "party rentals" within much of that area.

As a property owner, sharing my home with others, who are implored upon to be good citizens, and as far as I know, are being respectful and conscientious towards my neighbors, and the area, allows me to pay the mortgage, maintain the home, and make improvements. This home has been in our family for generations. The upkeep on a coastal home is arduous and can be overwhelming. I request that you consider this restriction, which I believe would not only have negative consequences for property owners like me, but for the entire coastal community that depends on the revenue that tourism brings.

I respectfully thank you for your consideration.

Maria McGarry-Barnes
5260 Grandview Street
Neskowin, OR 97149

Lynn Tone

From: Sarah Absher
Sent: Wednesday, July 13, 2022 8:59 AM
To: Lynn Tone
Subject: Public Comment STRs in Neskowin

For August Meeting

-----Original Message-----

From: Public Comments <publiccomments@co.tillamook.or.us>
Sent: Monday, July 11, 2022 11:12 AM
To: David Yamamoto <dyamamoto@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>; Mary Faith Bell <mfbell@co.tillamook.or.us>
Cc: Rachel Hagerty <rhagerty@co.tillamook.or.us>; County Counsel <countycounsel@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Subject: FW: EXTERNAL: STRs in Neskowin

Good morning, Commissioners,

Please see below a public comment received on Friday regarding short-term rentals.

Thanks,

Debi Garland | Board Assistant
TILLAMOOK COUNTY | BOARD OF COMMISSIONERS
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3400 x3380
dgarland@co.tillamook.or.us

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-----Original Message-----

From: Mark Everett <hbrain5@comcast.net>
Sent: Friday, July 8, 2022 8:12 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STRs in Neskowin

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Hello,

I'm writing to provide some public testimony regarding the STR issue in Neskowin. We have been STR providers for many years, The Neskowin home is a second/vacation home for us that we also rent short term through AirBnb. Looking back at our records we rent around 50 nights/year. Although 100 nights during 2021, probably an anomaly due to the pandemic. We also use the home for ourselves and our other family members.

I would oppose some of the recommendations of the SON group and I also have some questions. I guess I'd ask that if STRs are a business doesn't that also mean that LTRs are a business as well? I have a question about the term "conditional use", what would that mean if STRs are designated in this way? To me it sounds as if this means the use could be amended at some point? I've seen a number that is around 16% STRs currently in Neskowin. I think the 15% maximum being recommended is too low but understand the concern and would hope a compromise at a bit higher percentage could be determined. I'm totally opposed to limiting the number off STRs per street or neighborhood. Limiting to 12 people or less per day per STR as well as vehicles is something I would support. I do not support limiting the number of days to 100 but understand that concern so hopefully a larger number of days could be agreed to in the end. I think if it's a 100 day limit, all STRs will be booked May to September and very few would be booked the remainder of the year. This would have a negative effect on businesses in Neskowin and surroundings areas as businesses would have to depend on full year residents and day trip visitors or folks like us coming to Neskowin for some period of time but not full time.

I am personally in favor of excluding commercial STR enterprises from putting down stakes in Neskowin by purchasing, building and increasing occupancies of STRs. STR owners have a duty to be good neighbors but also have a right to be able to do short term rental of their properties, within an agreed upon and reasonable structure that is good for the community.

Respectfully submitted
Mark Everett

July 12, 2022 Public Input

Dear STR Committee and Tillamook County Officials,

I am a homeowner in Neskowin and participate in short term rentals. I listened in on the meeting today (July 12) and have a few comments to share. I do have experience both as an STR owner and also as a Community Development Director in a resort community trying to manage STRs. My thoughts include:

1. The surveys that were discussed are misleading. The questions asked are limited to potential issues that the respondents perceive relate to STR users. There is no corresponding survey related to problems created simply by families using their family home, friends of owners, etc... My limited problems with people in Neskowin (beach fires adjacent to our home, fireworks all night, etc...) have all been with people who are not STR users, they are families or guests or owners. The survey did not allow this option. In addition, it is my opinion that most of the time someone is having a problem with someone staying in Neskowin, they don't really know whether or not the problem causer is an STR user or otherwise visiting Neskowin. As worded, the surveys limit problems to only being created by STR users so it is natural to respond as if every problem is caused by an STR user, when we really have no data as to who causes the problems.
2. Neskowin and other similar communities in Oregon have a 100 year history of rentals. We talk about STR rentals since 2018 because Tillamook County has regulated them and collected taxes since then. Short term rentals are not going away and have been around for longer than most or perhaps all of us.
3. There was much discussion about needing to have a "community member" own the home, even a suggestion that a home must be "owner occupied" (full time? Part time? Family members? Friends?) for 2 years before STRs are allowed. Trying to enforce that would be ridiculously difficult. Plus, Neskowin has around 874 properties and anywhere from 79-110 full time residents (depending on which numbers you believe). Assuming a minimum average of 2 people per home, that means at most, 55 of the 874 homes in Neskowin are occupied by full time residents, or what I would call a community member. That is 6%. No matter what happens with STRs, that percentage is likely to go down, not up.
4. As stated above, for 4 years I was the Community Development Director for Summit County Utah, which includes the resort community of Park City. Much of the resort area is in unincorporated areas. Both Park City and Summit County have at times tried to eliminate STRs. It never worked, not even close. The time and effort to monitor who is in every home at all times is daunting and really impossible. Identifying the difference between STR renters, family members, friends, guests, clients, etc... is again basically impossible. While I was at Summit County I saw at least a dozen different ways people legally got around the rules. Both communities now allow STRs, regulate them, and collect taxes from them.

I believe the discussion during today's meeting started to run a little far from reality. Yes, some folks in Neskowin want it to be a simple little community of retirees. The reality is that with home prices these days, particularly those in resort communities, that ship has long since sailed. Neskowin is going to be what it always has been, a beautiful, charming vacation community, with limited full time residents.

I believe the question to ask yourselves is not whether or not you want STRs in communities like Neskowin. That is going to happen no matter what. The question is, does Tillamook County want to

regulate STRs and collect taxes from them. Tillamook County can either collect millions of dollars in STR fees and taxes, use some of that money to regulate and enforce rules relating to STRs and the rest of that money to help the broader community. OR, Tillamook County can collect no STR money and use general fund property tax money to create an extensive enforcement division, with code enforcement and legal staff, to try and stop STR rentals. This endeavor of trying to eliminate or severely restrict STRs is going to cost hundreds of thousands of dollars a year and is really going to accomplish very little. I have seen this first hand in Utah resort communities, talked extensively with leaders in other resort communities, and it is just a fact. You either manage and profit from STRs, or you give up the STR tax income, spend a disproportionate amount of general fund tax dollars trying to enforce rules and restrictions that are so severe they will be ignored, and if the experience of other communities means anything, you will generally fail at limiting STRs.

Understand that severely limiting STRs has the same impact as banning them. Short term rentals do not go away, they just go underground. Imagine trying to enforce how many days a year a home can be used for STRs? Who monitors this? How? Why would the owner not just entirely leave the STR program and watch one of the many Youtube videos which tell owners how to structure their transactions with renters so they are not considered STRs? Or rent 100 days through the STR program, the rest of the year through different legal means. Severely limiting number of guests? Which one of you is going to go everyday into every home being rented in Tillamook County and count the guests? Perhaps even determine who is actually sleeping there versus who is visiting?

Please consider this opinion. Your opportunity is to appropriately regulate STRs and enforce rules and solve problems related to STRs and frankly, to enforce similar rules and solve similar problems for all vacation and owner occupied homes. Eliminating or severely limiting STRs just means the budget to solve problems is severely limited, but it doesn't eliminate the problems. I believe Tillamook County should stay in the business of trying to solve the problems related to users of STRs and users of all vacation and primary homes. A loud party is a loud party and obnoxious whether it is family members staying at their home (or friends of the owners) or at an STR. Teenagers lighting off fireworks at 1 a.m. on the beach is a problem no matter who is doing it (that was my problem, solved by my threatening German Shepard and a shovel I took with me as I stormed onto the beach in my pajamas, where I did confirm they were part of a family that owns a nearby home).

I am a private property rights fan. I would love to tell you who can and cannot stay at your home. Your grandkids who light fireworks are definitely out, your daughter with the barking dog is not welcome, your tradition of making a fire on the beach blows terrible smoke into my home, your friends with the dog who runs wild on the beach are not allowed, your sister-in-law that talks loud as she walks is obnoxious and not allowed, your grandkids disturb my serenity on the beach, and you trying to feed the birds is part of what is attracting bears to my garbage! (maybe) Please don't invite uncle Larry back because he drives too fast, as does your teenage grandson. But, instead of me telling you WHO you can invite to use your home, I would rather have us agree on what behavior is appropriate for our guests, what behavior is not appropriate, and how we deal with an inappropriate guest. We are really on the same page here and that is where I believe the STR committee should focus.

As responsible owners, we do not rent our place for parties, weddings, or other large events and we communicate regularly with our neighbors. Yes, our garbage can was repeatedly destroyed by a bear this year and yes we have solved that. Our experience is that we rent out to families to celebrate Dad's

90th birthday, for a last weekend with a brother sick with cancer, for a book club, for wine connoisseurs, for families wanting to participate in the 4th of July celebration, and for winter storm watchers and families that just like walking the beach. That is Neskowin to me and it is the same Neskowin that has been around for 100 years.

Thank you for your time. Attached is a short article discussing other communities' efforts to control STRs and I believe it is informative.

David Allen

[Back To Blog](#)

Short-Term Vacation Rental Bans Gone Wrong

With the short-term rental market exploding in the last several years and showing no signs of abating, many local governments are facing the rapid expansion head on — by banning these rentals entirely. But is a ban on companies like Airbnb, Homeaway, VRBO and others enforceable or even desirable?

While your local government may feel that a full ban is the best tactic, keep in mind that a ban is hard to enforce, as it forces these rentals underground, and it may intensify the debate about homeowner rights, leading to civil strife in the community. Moreover, a ban on short-term vacation rental properties can deprive your community of possible benefits, such as an increase in tourism revenue, tax revenues, and spending from homeowners with greater income streams as a result of their rental income.

Another key consideration is the legality of a ban. Cities and local governments are charting new waters as they interact with companies like Airbnb and Flipkey; it's important to keep in mind that, without a strong legal foundation, a ban could be met with a lawsuit. In fact, here are many examples of short-term rental bans that resulted in legal action:

1. New York

New York City is Airbnb's biggest market in the US — so it came as an unexpected blow to the platform and its renters when New York's Governor, Andrew Cuomo, signed a law prohibiting "illegal" listings on the platform in October 2016. The move by Cuomo called back to a 2010 law prohibiting the rental of an entire apartment for less than 30 days (allowing landlords to keep rentals off the market and also circumvent hotel taxes and zoning changes), and fines could reach \$7,500 (after multiple warnings). Airbnb filed a lawsuit in December of the same year, contending that Cuomo's law violated the First Amendment and the Communications Decency Act. The city was able to settle with Airbnb when the city agreed to prosecute the renters and not Airbnb itself for rentals that violated the new law. Now, Airbnb hosts must make sure they are in compliance with the law before renting out their homes, by triple checking their lease agreements and zoning laws, collecting hotel taxes and ensuring that a host is present when the home is rented so as not to violate the New York State Multiple Dwelling Law. Of course, without access to an updated list of rentals and insight into the goings on at each renter, the city's enforcement of the law has been lacking. As a result there are currently more than 40,000 short-term rentals in New York and it can therefore be argued that the ban has been far from successful in achieving its goals.



California's coastline, with its sprawling beaches, is a big tourist draw — so it's no wonder that short-term vacation rentals would proliferate there. To address this, the City of Santa Monica placed a ban on short-term vacation rentals in 2015, after complaints from "irritated neighbors, affordable housing advocates and the hotel industry." Santa Monica's law featured stringent requirements for hosts and subjected online platforms to review before being allowed to post host information. Both hosts and the online rental websites were held liable and subject to both civil and criminal liability. Airbnb retaliated with a lawsuit, claiming that Santa Monica violated their First and Fourth Amendment rights. In 2017, Santa Monica amended their law, although it remains one of the strictest in the nation, and the legal battles continue on. As in New York it is also clear that the law isn't fully working as intended. In fact, a recent search of the City showed ~1,400 short-term rental listings across 22 different short-term rental platforms.



3. Anaheim

The rest of California is not without its short-term rental controversy and the City of Anaheim provides a prime example. Anaheim is home to Disneyland, making it an ideal location for short-term vacation rentals; however, with the explosive growth of this new market, existing homeowners raised concerns about the influx of tourists into residential neighborhoods. In 2014, the city adopted an ordinance requiring all short-term rental hosts get a permit and pay their taxes, but as the market continued to explode, the City changed policy and issued a moratorium on new permits. The 2016 moratorium and ban on new rentals gave existing short-term renters 18 months to phase out their businesses. The change in policy was immediately faced with lawsuits from Airbnb, HomeAway and the Anaheim Rental Alliance. Facing these costly lawsuits, the City changed direction again and eased some of the restrictions and sought a legal settlement. As part of the settlement the City also removed the language from its ordinance that holds the web platforms accountable for unlicensed rentals in the city.

Conclusion

These are just a few examples of city governments that have dealt with legal battles as a result of the short-term rental market's explosion online and subsequent bans; there are many other cities that have dealt with similar costly and high-profile lawsuits (like San Francisco). Rather than turning first to a full out bans, local governments should consider if it may make more sense to put in place compromise regulatory frameworks that allow short-term rentals that meet certain requirements while protecting the interests of the broader community. By doing so, communities can harvest the benefits of this new industry and avoid exposing themselves to expensive and time-consuming legal battles.



With the advancements in big-data technology it is now possible to enforce such policies, and identify addresses of short-term rentals to bring them into compliance with local rules. Many innovative municipalities including Placer County, California; Durango, Colorado; Asheville, North Carolina; and Islamorada, Florida, already use such tools and have seen double-digit improvements in compliance and revenue. This allows these cities and counties to double down on enforcement to further ensure that short-term rental operators stay within the designated zones, pay their fair share of taxes, and are accountable and respectful of neighbors.

If you are looking to implement and enforce effective short-term vacation rental regulations in your community, Host Compliance offers a comprehensive suite of solutions used by over 80 local governments. You can learn about our short-term rental related consulting services, compliance monitoring and enforcement solutions and [request a complimentary short-term rentals assessment here](#).

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Contact Us

Lynn Tone

From: Sarah Absher
Sent: Wednesday, July 13, 2022 9:02 AM
To: Lynn Tone
Subject: STR Public Comments Neskowin STR Rules Public Comment

Also for STR Advisory Committee Meeting for August.

From: Public Comments <publiccomments@co.tillamook.or.us>
Sent: Tuesday, July 12, 2022 4:09 PM
To: David Yamamoto <dyamamoto@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>; Mary Faith Bell <mfbell@co.tillamook.or.us>; Rachel Hagerty <rhagerty@co.tillamook.or.us>; County Counsel <countycounsel@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Subject: FW: EXTERNAL: Neskowin STR Rules Public Comment

Good afternoon, Commissioners,

Below is another public comment RE: STR rentals in Neskowin.

Thanks,



Debi Garland | Board Assistant
TILLAMOOK COUNTY | BOARD OF COMMISSIONERS
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3400 x3380
dgarland@co.tillamook.or.us

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From: Peter <peter@sym-agro.com>
Sent: Tuesday, July 12, 2022 2:56 PM
To: Public Comments <Publiccomments@co.tillamook.or.us>
Cc: Lori Bierma <lbierma@centurylink.net>
Subject: EXTERNAL: Neskowin STR Rules Public Comment

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Tillamook County – Neskowin STR Input

We have owned a home in Neskowin for the past 18 years, this home is our considered our "beach house". We purchased in Neskowin because of it small community feel, and limited public parking & access which limits the amount

of day use. Over the past 17 years and many walks through town during different seasons, it is clear that Neskowin is predominantly a second home / beach house community with very few full time resident. This is supported by the census data recording 200 persons who consider Neskowin as their full time residence. This makes Neskowin pretty unique as far as coastal communities. It truly is a second home / beach house community with very few permanent residents. It seems pretty obvious, that the town is a vacation town and anyone who owns or buys a home in Neskowin should be or is aware of that.

For the past 13 years we have allowed our home to be rented, as a means to offset the high cost of taxes, and property maintenance. It was not our intention to rent the home when we bought it, but as our children got older, into sports and activities, we were limited on how much we could use it and decided to allow short term rentals. The property currently under management by Meredith Lodging who is doing an exceptional job ensuring the tenants are respectful and abide but our house rules and the local regulations. I believe this is the situation for many owners, there are cycles when the homes will be rented and cycles in life when they will not be rented. The idea of adding new layers of rules and restrictions to a "second home" personal asset under the guise of "STR" seems very overbearing especially when there seems to be little substantiate evidence that they are creating issues in the town.

We strongly oppose and disagree with identifying STR's as a business or investment activity. There is simply no basis for this or data to support how many homes are operated as a business. This proposed action does provide any evidence on who it will benefit or what actual purpose it will serve. It is extremely broad and unsubstantiated without any cost benefit discussion and will effect many second home owners who happen to rent their homes to offset overhead and maintenance cost. There would need to be very specific conditions met for an STR to be considered a business or investment activity such as the sole purpose & intention of buying the property is for it to be an STR for profit. It seems extremely arbitrary to broad state that "all" STR's are business's. Some basis or parameters need to be set for this condition.

We strongly feel that the new proposed STR rules, limitations are currently unsubstantiated by any evidence, the concerns seem to be broad and general. Without having actual data and evidence of the true validated issues, making new rules and regulations could be completely off target and impose rules on others which have no real value. While other Coastal communities have imposed new rules based on their local needs, using them as templates or examples for Neskowin makes no sense unless you have the data to contrast the type of community.

We also strongly appose setting annual rental limitations this is completely arbitrary, the nights rented does not effect that disturbance level unless you consider any visitor a disturbance. This also consolidates more visit into the busiest time of the year so the STR owner could maximize revenue from the limited days allowed. Lastly beach rentals undulate due to weather and economics, we have had as low as 40 days rental per year and as high as 115 days per year, and putting an annual cap would create an undue hardship on property owners use the funds for overhead and improvement costs

We suggest that any new rules for restrictions and STR be deferred for at least two years until there is substantiating evidence and data to support what it is these rules are intended to accomplish and who they will benefit.

This data should include

- How many STR's are currently in Neskowin
- How many permanent residents reside in Neskowin
- How many new or existing homes in Neskowin are bought for the sole purpose of being an STR
- How many STR complaints are generated in a year
- Are there specific STR homes / properties creating these complaints
- Are there non STR home also causing disruptions
- Are the complaints coming from specific communities / areas within Neskowin
- How many homes are under professional management
- Which companies are active in Neskowin
- Are the management companies enforcing the rules
- Are there more complaint from management companies or private rentals

- Inventory the sleeping capacity limit of all STR's in Neskowin
 - Is there a trend for more trouble with specific capacity homes or just high capacity homes
- Look at STR rentals of the past 10-15 years in Neskowin
 - What the cycles of renters – does this tie into “ COVID”, economic recessions, weather
 - What is a true and accurate estimate for STR or beach visits over the next 10-20 years
 - Does the population growth of Oregon correlate to the increased beach visits
- Look at data on STR's how many are added, how many are active and how many are pulled off over 5 years
- Look at the home inventory in Neskowin –
 - How many are long term family owned
 - How many sell frequently
 - What is the average ownership period in Neskowin
 - This will help determine what the potential is for “New STR’ s over time and provide a basis for rule making
- Establish a profitability model of owning an STR in Neskowin
 - This would help determine the actual investor market appetite for buying a home in Neskowin for the exclusive purpose of being and STR
 - Tier this estimate by home value to identify how many homes could actually produce a profit being an STR
- Review Neskowin real estate values over time
 - Beach property values undulate over time with economics
 - Are they a sound reliable investor opportunity

From our reading of the rules, it sounds like there may be some local issues that need to be addressed. To implement broad conditions and new rules on a community to solve local or specific isolated problems that may only relate to certain properties seems very premature. We highly recommend a 2 year moratorium on any STR changes until there is substantial data to support what the actual issues are instead of leaping forward new rules. Take the two year period to study and evaluate the severity and compile data to substantiate what new rules are needed and on which type of homes. In addition provide some clear information on what actual problem are being solved, and how new rules benefit the Neskowin community as a whole.

Best Regards

Peter & Lori Bierma
Home Owner Neskowin Oregon

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July 2022—The following summary was widely distributed to Neskowin neighbors in January 2022. With the benefit of continuing supporter and community discussions, *Save Our Neighborhoods* is currently refining and updating the proposals; however, this document and the referenced 10-page proposal on the *Save Our Neighborhoods*' website provide the general contours of our plan.

Save Our Neighborhoods' Proposals to Amend Short-Term Rental Regulations in Neskowin

Why amend short-term rental regulations?

A balance of full-time residents, part-time residents, and vacationers, some of whom stay at short-term rentals (STRs), are essential elements in sustaining the vibrant sense of community in Neskowin. Regulations governing STRs in Tillamook County were first enacted in 2009 and revised most recently in 2019; however, these rules have not kept pace with the rapid evolution and spread of STRs in Neskowin and other coastal communities. In the beginning, STRs were predominantly created from existing family homes offered infrequently as vacation rentals. More recently, existing residences and undeveloped properties are being transformed into exclusively commercial enterprises and investment opportunities with no limits on their availability as rentals. Such STRs are businesses. *Save Our Neighborhoods* holds that these STRs should be subject to the same zoning and business regulations as similar for-profit establishments in our community and should be strictly limited in Neskowin's residential neighborhoods.

Left unchecked, the increased numbers of STRs and guests will adversely affect the quality of life in Neskowin with increased traffic congestion, illegal parking, noise, garbage, use of water and sewer capacity, road maintenance, and reduced availability of long-term rental housing. Many of Neskowin's neighboring communities have recently amended their STR regulations or are in the process of doing so. The time is **NOW** for the residents of Neskowin to decide the future of STRs in our community.

What regulations should be amended, and what are the proposed revisions?

Save Our Neighborhoods will propose to the STR subcommittee of the Neskowin Citizen Advisory Committee (NCAC) that the Tillamook County STR Ordinances and/or Land Use Ordinances pertaining to Neskowin be revised to:

1. Define STRs as businesses
2. List STRs as a "Conditional Use" for properties in residential zones
3. Limit the total number of STRs to a percentage not to exceed 15% of existing dwellings (NeskR-1 zone) to 20% of existing dwellings (NeskR-3 zone)
4. Limit the concentration of STRs on any one street or neighborhood in Neskowin
5. Establish a maximum occupancy of 12 people per day per STR throughout the rental period; limit the number of vehicles to no more than the number of allotted spaces for the STR, not to exceed six vehicles per day per STR throughout the rental period; and limit the number of days that an STR can be rented to 100 days per year

IMPORTANT: When adopted, Proposals 1-4 will apply only to new (not continuing) STR permit applications submitted after July 1, 2022. Existing licensed STRs as of July 1, 2022 would be subject to these provisions only when the property is sold, if ownership is transferred to anyone but a family member, or if the STR permit lapses or is revoked. Nevertheless, for the purposes of determining the total number and concentration of STRs in Neskowin as described in Proposals 3 and 4, all licensed STRs will be included in the calculations. Proposal 5 will apply to all existing licensed STRs as of July 1, 2022, as well as those STRs licensed after that date.

What is the value in amending the short-term rental regulations?

Without these amendments, Neskowin will become a village dominated by tourist housing. Homes and undeveloped lots are currently being marketed and sold in Neskowin as either full-time or part-time STRs. Commercial enterprises are increasingly being drawn to Neskowin and neighboring communities for the sole purpose of developing STRs as an investment opportunity and profit generator. The failure to amend Neskowin STR-related regulations as soon as possible will lead to further adverse effects on the quality of life in Neskowin and will lead to deleterious impacts on Neskowin's infrastructure.

What can you do?

Visit the *Save Our Neighborhoods* website at <https://Save-Our-Neighborhoods.org> to view a document that provides more background about this issue and the actions to be proposed to the NCAC subcommittee on short-term rentals. **If you support our plan, please authorize us to include your name as a supporter of this proposal by selecting the appropriate option on our website or by contacting one of our working group members.** Also, register for and attend virtual NCAC meetings on the second Saturday of even-numbered months to discuss this issue with other community-minded citizens. To receive reminders about NCAC meetings, see their website at <https://www.neskowincac.org>.

(July 2022 Op ED)

More Than a Neighborly Imposition...Much More

OK. I admit it. We impose on our neighbors.

When we're gone, we've asked Joanie to feed our cat and Christi to water our flowers. We reciprocate when they ask for our help. And frankly, we have rather noisy family gatherings over the July 4th holiday. It happens once a year. I hope our impositions are "neighborly".

But when a neighbor decides to turn a residence into a full-time short-term rental, that becomes an imposition that's not very neighborly. For one thing, the owner is hardly ever present so they won't feed your cat or water your plants. But more importantly, they often have a rapid turnover of guests, who generally are on vacation and are often noisier with more people, cars, garbage and dogs than a full-time neighbor or a vacation home used by one family.

A neighbor in Neskowin who has full-time short-term rentals on both sides describes his experience as follows: "We have owned our single-family home in the South Beach area of Neskowin for thirty-five years. The recent aggressive acquisition of homes in the area for use solely as short-term rentals, many by a single owner with multiple properties, has entirely changed the nature of our community with an adverse effect on safety and livability. Our family-friendly environment is sometimes threatened by renters with little understanding of or consideration for the neighbors. Normal civility can go out the window when short term tenants feel entitled to an anonymous vacation blowout."

The message is clear from recent community surveys: a significant number of our neighbors feel they are losing the tranquility and livability of their neighborhoods. And by allowing unrestricted growth of STRs, the County has unwittingly facilitated this decline. The role of the County's STR Advisory Committee is to determine how to stop this decline and help restore livability.

I believe we can begin to rectify the problem by limiting the number of nights an STR can be rented annually to be sure its primary use is personal, rather than business.

To do otherwise, is to further facilitate more than neighborly impositions on our neighbors...much more.

Dave Benneth
Neskowin
July 2022

Public Comments to Tillamook County STR Advisory Committee on July 12, 2022

Thank you. I'm Dave Benneth. I'm a full-time resident of Neskowin.

As we've seen, the effects on livability range from no effects to extreme effects.

An example of the extreme effects of STRs on livability comes from a 35-year property owner in Neskowin whose beach front home sits between two full-time STRs. When asked about livability he said the growth of STRs in his neighborhood has "entirely changed the nature of our community, with an adverse effect on safety and livability." The full quote is in the Op Ed piece that was handed out to each of you.

I believe most would agree that maintaining livability is paramount and more important than business profits. Maintaining livability is more important than TLT funding. Neighborhoods should not be expected to be job creators. Neighborhoods should not be expected to allow their safety and tranquility to be monetized. That's what business zones are for. Not neighborhoods. To ask neighborhoods to bear the burden of creating jobs or generating business profits can only result in diminished livability. And diminishing the livability of anyone's neighborhood should be an unacceptable cost. Like the gentlemen who lives between two full-time STR and provided the quote above. Yet we've asked some of our

neighbors to accept these costs and that isn't right. So, what do we do?

I believe a good first step is to focus on limiting full-time STRs. Full-time STRs are not the sole problem but the large numbers of guests they attract and the continual guest turnover is a major contributing factor. So, how could we do this? How could we limit full-time STRs.?

Our existing Land Use Ordinance utilizes the term “**used primarily**” as a criterion to define the nature of a business. We could use this criterion so that if a residence is **used primarily** for personal purposes, we could determine that part-time use as an STR is appropriate. But if a residence is **used primarily** as an STR, we could determine that it's a business activity and is not appropriate in a neighborhood zone.

I hope you will consider recommending the amendment of Ordinance #84 to allow STRs in residences that are used primarily for personal purposes but not allow STR's in residences used primarily for that purpose.

By not allowing full-time STRs, I believe we will have taken an important step in maintaining livability.

Thank you for your time and for your service.

Lynn Tone

From: Sarah Absher
Sent: Tuesday, July 19, 2022 8:21 AM
To: Lynn Tone
Subject: Public Comments STR Limitations

From: Public Comments <publiccomments@co.tillamook.or.us>
Sent: Friday, July 15, 2022 2:07 PM
To: David Yamamoto <dyamamoto@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>; Mary Faith Bell <mfbell@co.tillamook.or.us>; Rachel Hagerty <rhagerty@co.tillamook.or.us>; County Counsel <countycounsel@co.tillamook.or.us>
Cc: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: FW: EXTERNAL: STR Limitations

Here's another public comment regarding SRTs.

Thanks,



Debi Garland | Board Assistant
TILLAMOOK COUNTY | BOARD OF COMMISSIONERS
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3400 x3380
dgarland@co.tillamook.or.us

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From: Scott Manning <scottjasonmanning@gmail.com>
Sent: Wednesday, July 13, 2022 5:42 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR Limitations

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Hello,

Having been a visitor to Neskowin for over 30-years and from being a home owner in the village for several years now, I consider myself lucky to be apart of the community. I think it's important to consider how any proposed ordinance would affect every community member, so I wanted to take a few minutes to specifically address the Save Our Neighborhoods proposal as I've been told it will be addressed at the county level very soon. The old adage the squeaky wheel gets the grease seems to hold true here. I would just ask that any committee/entity does a thorough job eliciting feedback from all community members.

The SON proposal contains a lot of assumptions and opinions, while at the same time lacks any substantive facts, or proof the proposals within would benefit Neskowin as a whole when considering all community members (full/part time-residents, local businesses, local employees, STR owners, and visitors).

While the proposal does cite other municipalities that have either tried or have implemented new STR ordinances, it fails to prove that when implemented those rules have positively benefited those communities. Conversely, should the proposals be enacted there is no question tax revenues, which support everyone in the community (and disproportionately benefit full-time residents) would be negatively impacted.

It seems to me most STR owners and those behind SON have more in common than not. If there are issues or behaviors with STRs, simply limiting the number of STRs, the number of nights, or the distances between STRs will not eliminate these issues. Especially if there are current STR owners that are of concern. It is unclear how limiting property rights accomplishes any of the issues within the proposal. If there are issues affecting anyone enjoyment and liveability with the community, those issues should be addressed directly by all parties affected. Placing limits on and or eliminating certain property owner rights does nothing to eliminate the concerns addressed within the proposal. We should all be working together to create rules/ordinances/practices as a means to keep the community safe and enjoyable for everyone.

Kind regards,

Scott Manning

Yikes! I think there are motels in our neighborhood!

My wife tells me I'm not very observant. Maybe she's right because after years living in Neskowin, I just realized there may be motels in our neighborhood disguised as short-term rentals. (I thought there was something different about them.)

They're not illegal. They're known as "STR's" and have permits from the County like they should. But maybe the full-time ones **used primarily** or solely as STR's are say ... "misclassified"?

This might not seem like a big deal except that our neighborhood (like many others in Tillamook County) is zoned as "low-density single-family residential development". This zoning allows certain businesses like home occupations, foster family homes, golf courses and swimming pools, aquaculture facilities, cottage industries and bed and breakfast businesses (if the owner is present). But not motels, or hotels, or resorts.

Tillamook County's Land Use Ordinance defines a motel as: *"A building or group of buildings used for transient residential purposes that contains guest rooms or dwelling units, and which is designed, intended or **used primarily** for the accommodation of transient automobile travelers."* (Hmm...sounds like some rentals in my neighborhood; "**used primarily...**" could be the key.)

Maybe the STR classification is too broad. For example, a family that occasionally rents out the beach house they inherited from Grandma to help offset property taxes and insurance, should in my opinion, qualify as an STR because it's **used primarily** as a personal residence. But what about the investment syndicate that might purchase five beach front residences in Pacific City's "low density, single family" zone, obtains

permits to operate them as STR's and then advertises them as "resorts" offering daily housekeeping. Should this business be allowed to operate as a group of STR's or is this **used primarily** (I hope you get the theme I'm developing here) as a motel operation? I think it is, in substance, a motel and it should be operated in the appropriate commercial zone. Other motel and resort owners have to operate in commercial zones. Isn't this unfair competition? What do you think?

Whatever you think, let your thoughts be known at the monthly County STR Advisory Committee meetings which reserve time for public comments. The next meeting is on July 12 at 9:30 am and you can participate in person or remotely. For more details, go to the Tillamook Community Development website and click on the Short-Term Rental Advisory Committee button on the left side of the screen.

(Psst...the topic of discussion will be about how STR's affect community "livability". It might be a good one.)

Dave Benneth
Neskowin Resident
June 2022

Tillamook County's Ordinance #84 has Two Unique Aspects that Should be Clarified

The current pause in the issuance of STR permits is a good time for the Committee to consider two unique aspects of the Ordinance that are noteworthy and should be clarified.

Ordinance #84 Currently Takes Precedence Over All Zoning Ordinances

The first item is that Ordinance #84 has been interpreted by the County to have precedence over all zoning ordinances. As a result, **STR's are allowed in all land use zones in the County, which is unique.** Generally speaking, land use zones take precedence over business ordinances. For example, Ordinance #13 provides for the licensing and regulating of dog kennels states: *"Issuance of a kennel license shall not constitute approval of the land use, nor be evidence of compliance with any land use restrictions or regulations which may apply to the kennel operation."* (Section 6)

Should all STR's be allowed to operate in all zones?

Ordinance #84 Does Not Apply to "Travelers Accommodations"

The second item is Section 4 of the Ordinance which states: *"This Ordinance does not apply to Bed and Breakfasts or **travelers accommodations** for which a state license has been granted under Oregon Administrative Rule, Chapter 333, Division 29."*

Oregon Revised Statute 446.310 defines "Travelers Accommodation" as *.. **any establishment, which is not a hostel, having rooms, apartments or sleeping facilities rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities.***

Concurrently, Section 11.030 of the County's Land Use Ordinance defines a motel as follows, *"**MOTEL: A building or group of buildings used for transient residential purposes that contains guest rooms or dwelling units, and which is designed, intended or used primarily for the accommodation of transient automobile travelers. MOTEL includes groups designated as auto cabins, motor courts, motor hotels and similar designations.**"*

It's likely that STR's, particularly full-time STR's, qualify as travelers' accommodations and/or motels and therefore are exempt from regulation under Ordinance #84 and instead fall under the auspices of the Public Health Division of the Oregon Health Authority.

A clarification is needed to determine when a rental is an STR and when is it a travelers' accommodation or a motel.

A Proposed Solution

A clarifying solution might be to differentiate part-time STR's, whose use is primarily personal, from full-time STR's, whose primary or sole use is business. **This differentiation would help us determine the appropriate zoning and licensing requirements for rentals of personal residences that qualify as STR's versus those rentals that do not qualify as STR's because they are, in substance, travelers' accommodations or motels.**

Thank you for considering these comments.

Dave Benneth
Neskowin, Oregon
June 4, 2022
541-401-3157

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

In the Matter of Temporarily)
Suspending the Processing and) ORDER
Issuance of New Short Term Rental) #22- 033
Permits in Unincorporated Tillamook)
County)

This matter came before the Tillamook County Board of Commissioners on May 25, 2022 at the request of Sarah Absher, Tillamook County Department of Community Development Director.

The Board of Commissioners being fully apprised of the representations of the above-named person, and the records and files herein, finds as follows:

1. The community livability impacts from short term rentals (STRs) on unincorporated communities within Tillamook County have increased significantly in recent years.
2. The Board of Commissioners has received input from community members in various parts of unincorporated Tillamook County regarding the health, safety and quality of life concerns related to the operation of STRs.
3. The Board of Commissioners has also received input from STR owners and operators regarding the role that STRs play in support of the tourism economy in Tillamook County.
4. The application of exiting ordinances, regulations and other applicable laws are inadequate to address community concerns and livability issues related to new STR permitting.
5. County staff and the Tillamook County Short Term Rental Advisory Committee are prepared to study livability issues to address community concerns related to STRs in unincorporated areas and make recommendations to the Board of Commissioners for ordinance #84 amendments to address community concerns and mitigate livability issues.
6. The Board of Commissioners desires to temporarily suspend the issuance of new short term rental permits and any processing of short term rental applications for new permits while the County works to identify strategies to mitigate the livability impacts of STRs in unincorporated areas.

7. This temporary suspension of new short term rental permits and applications would apply to all areas of unincorporated Tillamook County and the Urban Growth Boundaries, but shall not apply within the boundaries of any incorporated city.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

8. Tillamook County hereby temporarily suspends (a) the issuance of any new short term rental permits and (b) the acceptance and processing of applications for new short term rental permits. This temporary suspension shall take effect on July 1, 2022, and terminate on July 1, 2023 unless further extended by action of the Board of Commissioners or until the County adopts and implements amendments to County Ordinance 84, whichever happens first.
9. This temporary suspension of new short term rental permits and applications shall apply to all areas of unincorporated Tillamook County and the Urban Growth Boundaries, but shall not apply within the boundaries of any incorporated city.
10. This temporary suspension does not apply to renewals or transfers of existing short term rental permits, or to short term rental permit applications filed with Tillamook County Community Development before July 1, 2022.
11. This temporary suspension does not apply to real properties that are pending sale and in escrow on July 1, 2022. For said properties, once the buyer has become the legal owner, they may file an application for a new short term rental permit and Tillamook County Department of Community Development may process said application in the normal course of business.
12. County staff and the Tillamook County Short Term Rental Advisory Committee shall study livability issues to address community concerns related to STRs in unincorporated areas and make recommendations to the Board of Commissioners for ordinance amendments to address community concerns and mitigate livability issues.

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Dated this 25th day of May, 2022.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent



David Yamamoto, Chair

 P /



Erin D. Skaar, Vice-Chair

 ✓ /


 MF Bell

Mary Faith Bell, Commissioner

 0 /

ATTEST: Tassi O'Neil
County Clerk

APPROVED AS TO FORM:

By: 

Special Deputy



William K. Sargent, County Counsel



July 2022—The following summary was widely distributed to Neskowin neighbors in January 2022. With the benefit of continuing supporter and community discussions, *Save Our Neighborhoods* is currently refining and updating the proposals; however, this document and the referenced 10-page proposal on the *Save Our Neighborhoods*' website provide the general contours of our plan.

Save Our Neighborhoods' Proposals to Amend Short-Term Rental Regulations in Neskowin

Why amend short-term rental regulations?

A balance of full-time residents, part-time residents, and vacationers, some of whom stay at short-term rentals (STRs), are essential elements in sustaining the vibrant sense of community in Neskowin. Regulations governing STRs in Tillamook County were first enacted in 2009 and revised most recently in 2019; however, these rules have not kept pace with the rapid evolution and spread of STRs in Neskowin and other coastal communities. In the beginning, STRs were predominantly created from existing family homes offered infrequently as vacation rentals. More recently, existing residences and undeveloped properties are being transformed into exclusively commercial enterprises and investment opportunities with no limits on their availability as rentals. Such STRs are businesses. *Save Our Neighborhoods* holds that these STRs should be subject to the same zoning and business regulations as similar for-profit establishments in our community and should be strictly limited in Neskowin's residential neighborhoods.

Left unchecked, the increased numbers of STRs and guests will adversely affect the quality of life in Neskowin with increased traffic congestion, illegal parking, noise, garbage, use of water and sewer capacity, road maintenance, and reduced availability of long-term rental housing. Many of Neskowin's neighboring communities have recently amended their STR regulations or are in the process of doing so. The time is **NOW** for the residents of Neskowin to decide the future of STRs in our community.

What regulations should be amended, and what are the proposed revisions?

Save Our Neighborhoods will propose to the STR subcommittee of the Neskowin Citizen Advisory Committee (NCAC) that the Tillamook County STR Ordinances and/or Land Use Ordinances pertaining to Neskowin be revised to:

1. Define STRs as businesses
2. List STRs as a "Conditional Use" for properties in residential zones
3. Limit the total number of STRs to a percentage not to exceed 15% of existing dwellings (NeskR-1 zone) to 20% of existing dwellings (NeskR-3 zone)
4. Limit the concentration of STRs on any one street or neighborhood in Neskowin
5. Establish a maximum occupancy of 12 people per day per STR throughout the rental period; limit the number of vehicles to no more than the number of allotted spaces for the STR, not to exceed six vehicles per day per STR throughout the rental period; and limit the number of days that an STR can be rented to 100 days per year

IMPORTANT: When adopted, Proposals 1-4 will apply only to new (not continuing) STR permit applications submitted after July 1, 2022. Existing licensed STRs as of July 1, 2022 would be subject to these provisions only when the property is sold, if ownership is transferred to anyone but a family member, or if the STR permit lapses or is revoked. Nevertheless, for the purposes of determining the total number and concentration of STRs in Neskowin as described in Proposals 3 and 4, all licensed STRs will be included in the calculations. Proposal 5 will apply to all existing licensed STRs as of July 1, 2022, as well as those STRs licensed after that date.

What is the value in amending the short-term rental regulations?

Without these amendments, Neskowin will become a village dominated by tourist housing. Homes and undeveloped lots are currently being marketed and sold in Neskowin as either full-time or part-time STRs. Commercial enterprises are increasingly being drawn to Neskowin and neighboring communities for the sole purpose of developing STRs as an investment opportunity and profit generator. The failure to amend Neskowin STR-related regulations as soon as possible will lead to further adverse effects on the quality of life in Neskowin and will lead to deleterious impacts on Neskowin's infrastructure.

What can you do?

Visit the *Save Our Neighborhoods* website at <https://Save-Our-Neighborhoods.org> to view a document that provides more background about this issue and the actions to be proposed to the NCAC subcommittee on short-term rentals. **If you support our plan, please authorize us to include your name as a supporter of this proposal by selecting the appropriate option on our website or by contacting one of our working group members.** Also, register for and attend virtual NCAC meetings on the second Saturday of even-numbered months to discuss this issue with other community-minded citizens. To receive reminders about NCAC meetings, see their website at <https://www.neskowincac.org>.

Sarah Absher

From: Gus Meyer <gusmeyer9@gmail.com>
Sent: Saturday, June 25, 2022 8:53 PM
To: Erin Skaar; Sarah Absher
Cc: Chris Laity; Mary Faith Bell; David Yamamoto; Nan TLT
Subject: EXTERNAL: STR ONE CULTURE

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Tillamook County STR Commissioner Liaison; Erin Skarr
Tillamook County Director; Sarah Absher

May I present a "White Paper" on STR "One Culture" suggestion from 400 feet elevation (drone level).

STR - One Culture

"Pioneering" Culture

- Livability Prior to Developed Land Use Standards
- Beach Cabins - infringed thereupon by outsider(s)
- "Not In MY Back Yard" Strong Attitude(s)
- A Drag to Economics

"Resilient" Culture

- Second Home(s) and Retirement Home(s)
- Seeking Ideal Retirement – Relocation near Desired Rest Facilities
- Enlighten Livability Standards. Breaking in land use rules.
- Some Economic Growth Within Means

"Escapement" Culture

- Seeking Adventure
- Freedom of Space Restrictions
- Escaping the Urban Rat Races
- A Change of Pace Livability Experience
- STR Living as Optional Experiences
- Escaping Rapid Unstable Economic(s)

"Investment" Culture

- ❖ Investment Growth Better Than 8 % Foreseen
- ❖ Obtain Available Prime Choice Growth Area Land(s)
- ❖ Advantage Innovative Livability Attraction(s)
- ❖ Present and Establish New Area Livability Standards
- ❖ Increased Area Economic Growth - through jobs, materials, supplies, commercial purchasing and taxes

This is a personal and shortened overview relating to "STR One Culture" determination. Wherein a One STR Culture today is established with four Sub-Cultures.

Tillamook County Unincorporated has grown fully into the above Culture Structure, and too fast for many of the "Pioneering and Resilient Cultures" listed above. This is now history as established by related STR complaints.

This is a "White Paper" independent of guest input complaints.

In many, maybe even most, livability complaints are subject to very concerned large economic mitigation costs – parking, lanes into roads, artificial barriers, land title corrections, dual accesses, and some removal thereof to name a few instances. Tsunami Landings and their access are but one such, including survival supplies thereof that really benefit all listed sub-cultures.

I perceive a STR One Culture to be best served with educational stimulation motivations. Tillamook County really does a minuscule outreach of the area beneficial factors of STR management. Locals are unaware of STR tax revenue management realizations, improved county roads, improved livability safety measures, support of services and supplies with cultural growth that benefits all.

I see the ageing livability differential conceptually as an enterprising opportunity for establishing a Tillamook County STR One Culture.

Presented as food for thought to the Tillamook County STR Committee.

A.D. "Gus" Meyer

1715 Skyline Drive,
Tillamook, OR., 97141-9609
Email: gusmeyer9@gmail.com

(July 2022 Op ED)

More Than a Neighborly Imposition...Much More

OK. I admit it. We impose on our neighbors.

When we're gone, we've asked Joanie to feed our cat and Christi to water our flowers. We reciprocate when they ask for our help. And frankly, we have rather noisy family gatherings over the July 4th holiday. It happens once a year. I hope our impositions are "neighborly".

But when a neighbor decides to turn a residence into a full-time short-term rental, that becomes an imposition that's not very neighborly. For one thing, the owner is hardly ever present so they won't feed your cat or water your plants. But more importantly, they often have a rapid turnover of guests, who generally are on vacation and are often noisier with more people, cars, garbage and dogs than a full-time neighbor or a vacation home used by one family.

A neighbor in Neskowin who has full-time short-term rentals on both sides describes his experience as follows: "We have owned our single-family home in the South Beach area of Neskowin for thirty-five years. The recent aggressive acquisition of homes in the area for use solely as short-term rentals, many by a single owner with multiple properties, has entirely changed the nature of our community with an adverse effect on safety and livability. Our family-friendly environment is sometimes threatened by renters with little understanding of or consideration for the neighbors. Normal civility can go out the window when short term tenants feel entitled to an anonymous vacation blowout."

The message is clear from recent community surveys: a significant number of our neighbors feel they are losing the tranquility and livability of their neighborhoods. And by allowing unrestricted growth of STRs, the County has unwittingly facilitated this decline. The role of the County's STR Advisory Committee is to determine how to stop this decline and help restore livability.

I believe we can begin to rectify the problem by limiting the number of nights an STR can be rented annually to be sure its primary use is personal, rather than business.

To do otherwise, is to further facilitate more than neighborly impositions on our neighbors...much more.

Dave Benneth
Neskowin
July 2022

STATUS OF SHORT-TERM RENTALS IN TILLAMOOK COUNTY UNINCORPORATED COMMUNITIES UPDATED OCTOBER 3, 2022

+ ●



○

SARAH ABSHER, CFM, DIRECTOR

TILLAMOOK COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

SCOPE OF STUDY

NEAHKAHIE

BARVIEW/TWIN ROCKS/WATSECO

OCEANSIDE

NETARTS

CAPE MEARES

TIERRA DEL MAR

PACIFIC CITY/WOODS

NESKOWIN





NEAHHKAHNIE

18%

RESIDENTIAL
IMPROVEMENTS AT
VALUE > \$50K

385

SHORT-TERM RENTALS

69

NEAHKAHNIE

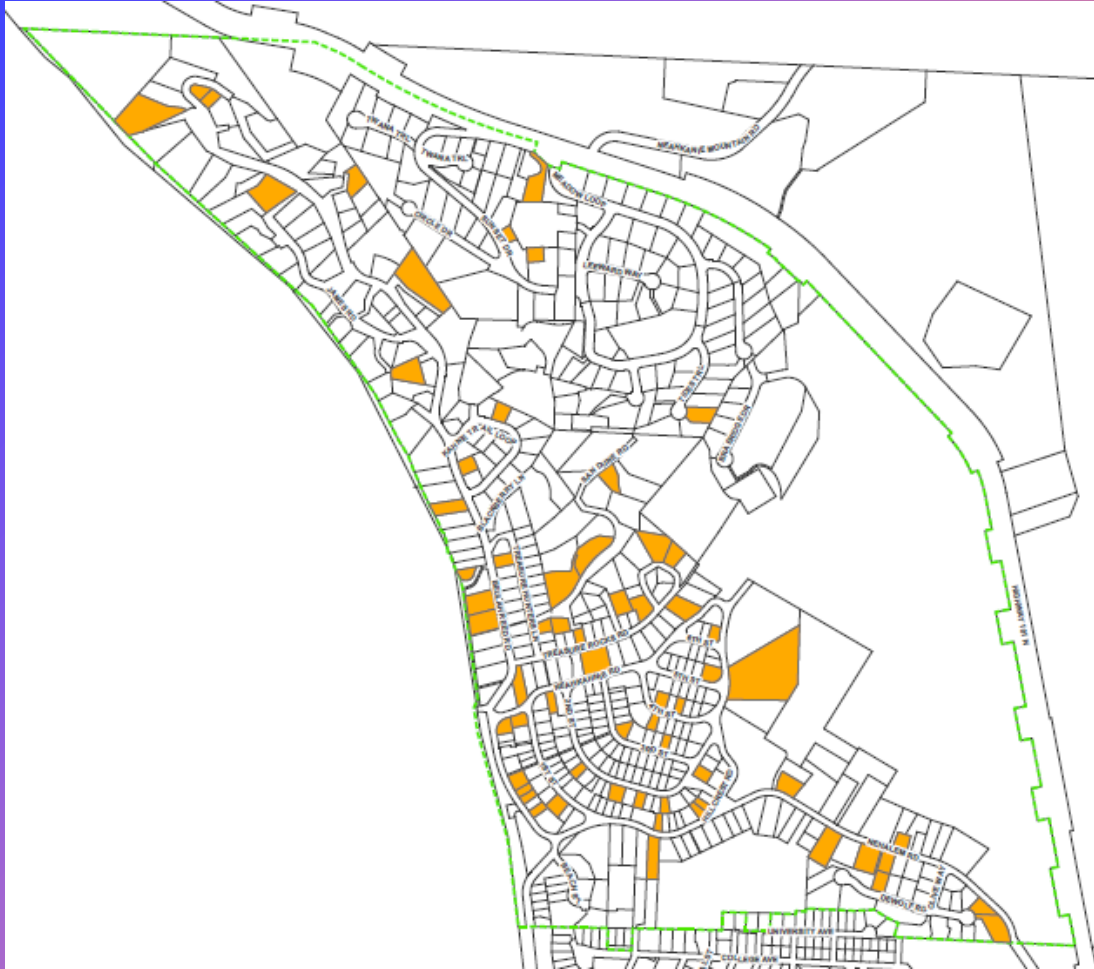
22%

DWELLINGS

409

SHORT-TERM RENTALS

84



BARVIEW TWIN ROCKS WATSECO 16%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

234

SHORT-TERM RENTALS

37





BARVIEW TWIN ROCKS WATSECO

15%

DWELLINGS

254

SHORT-TERM RENTALS

39

OCEANSIDE

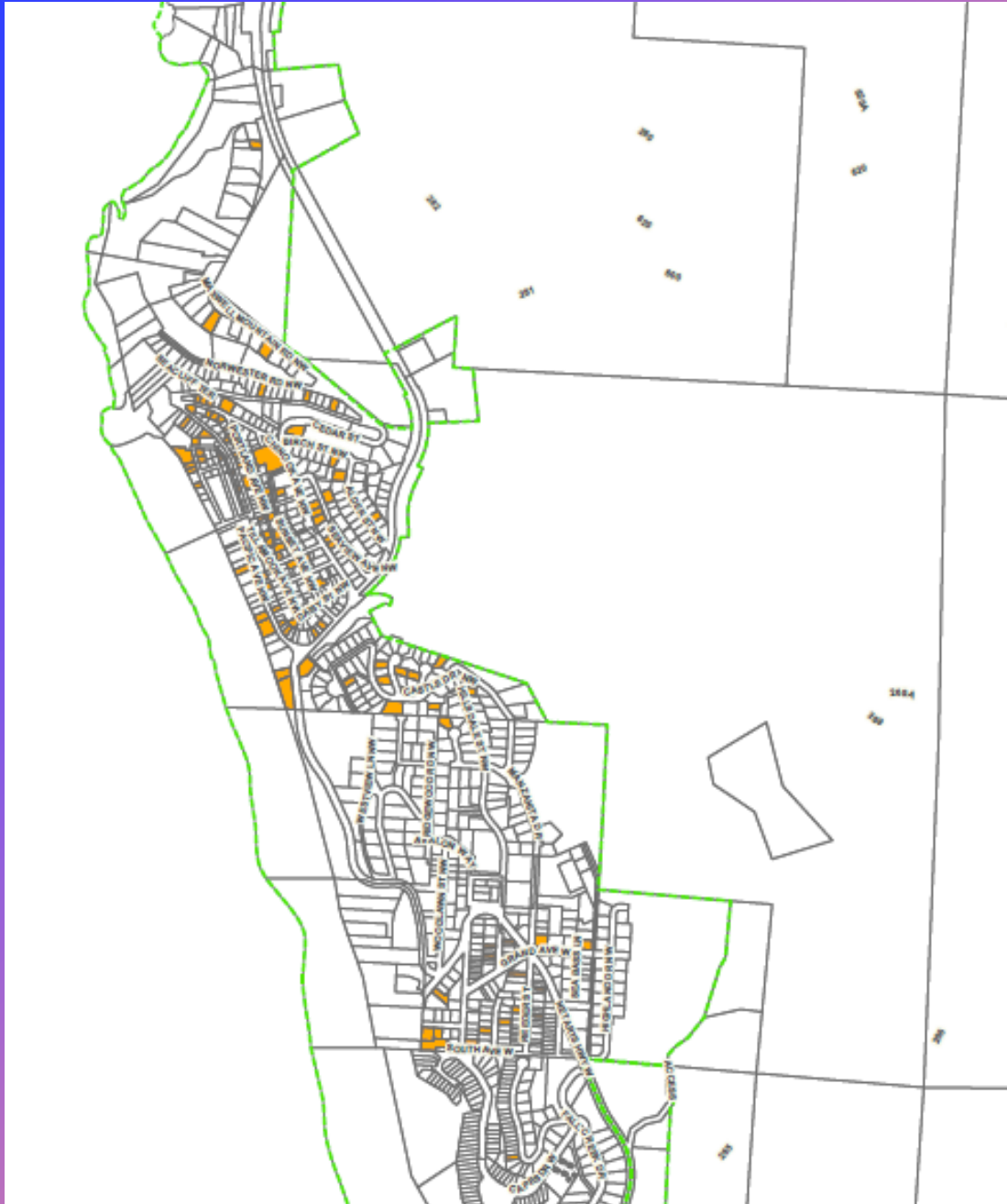
16%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

672

SHORT-TERM RENTALS

109



OCEANSIDE

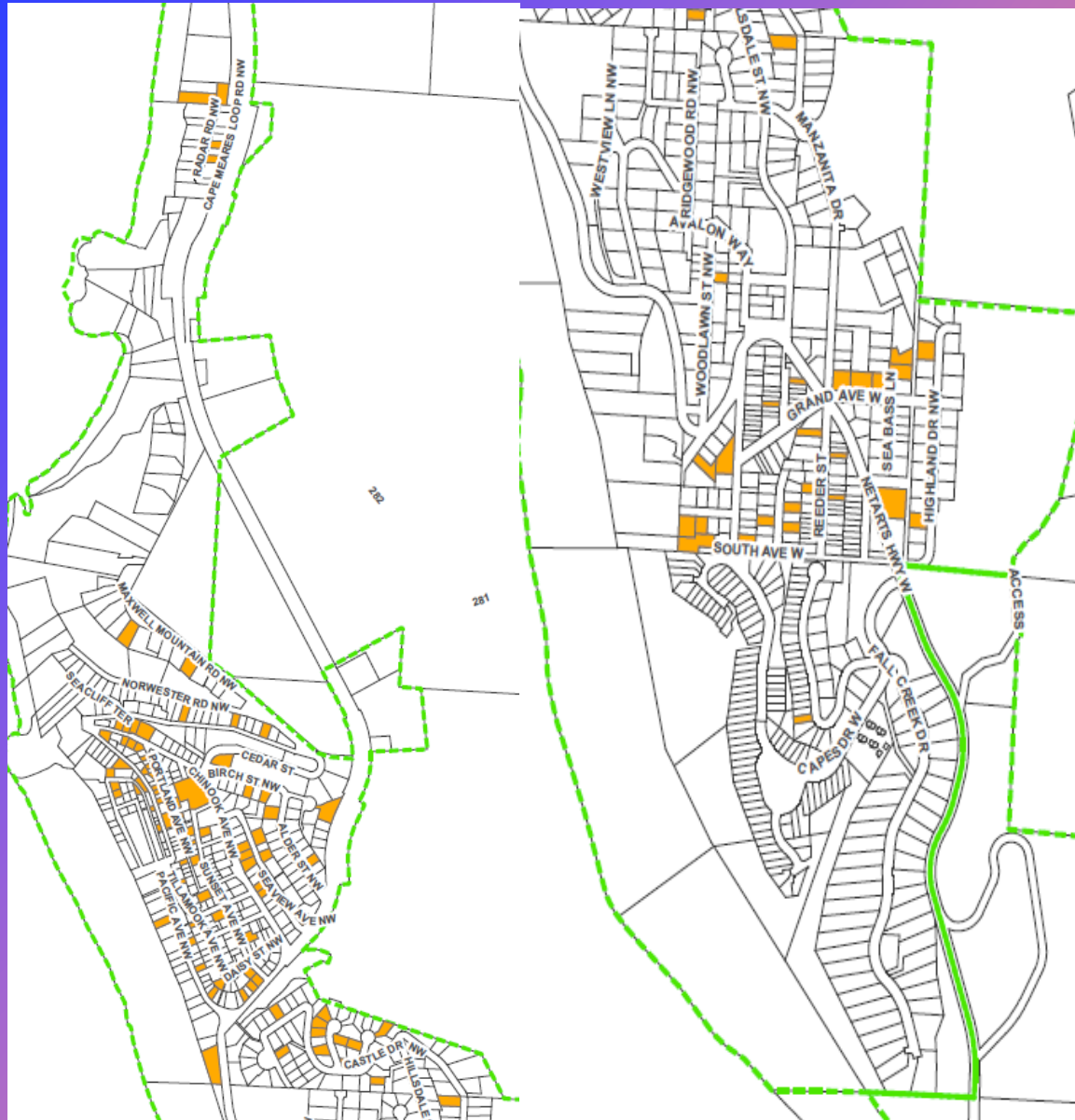
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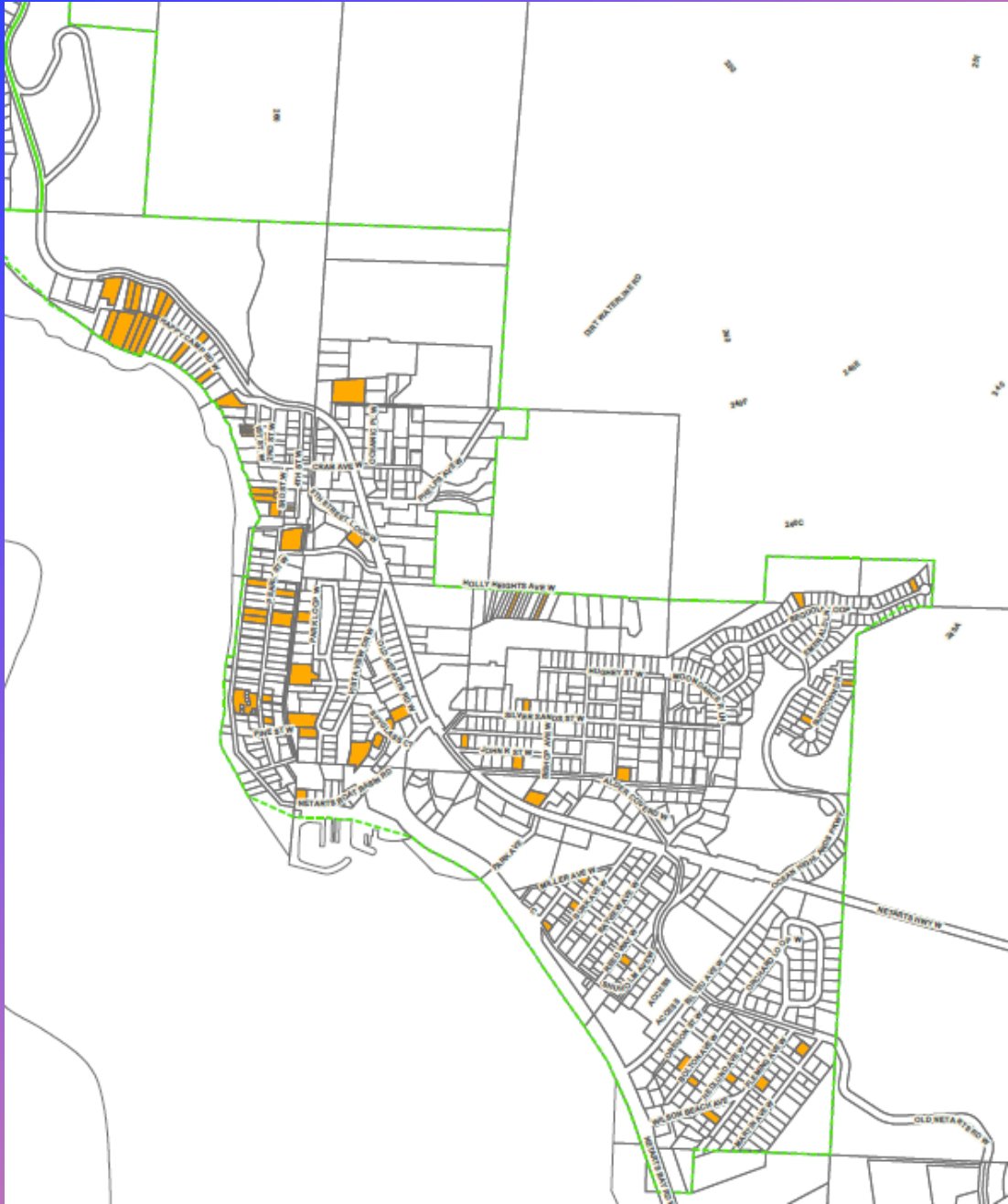
DWELLINGS

692

SHORT-TERM RENTALS

132





NETARTS

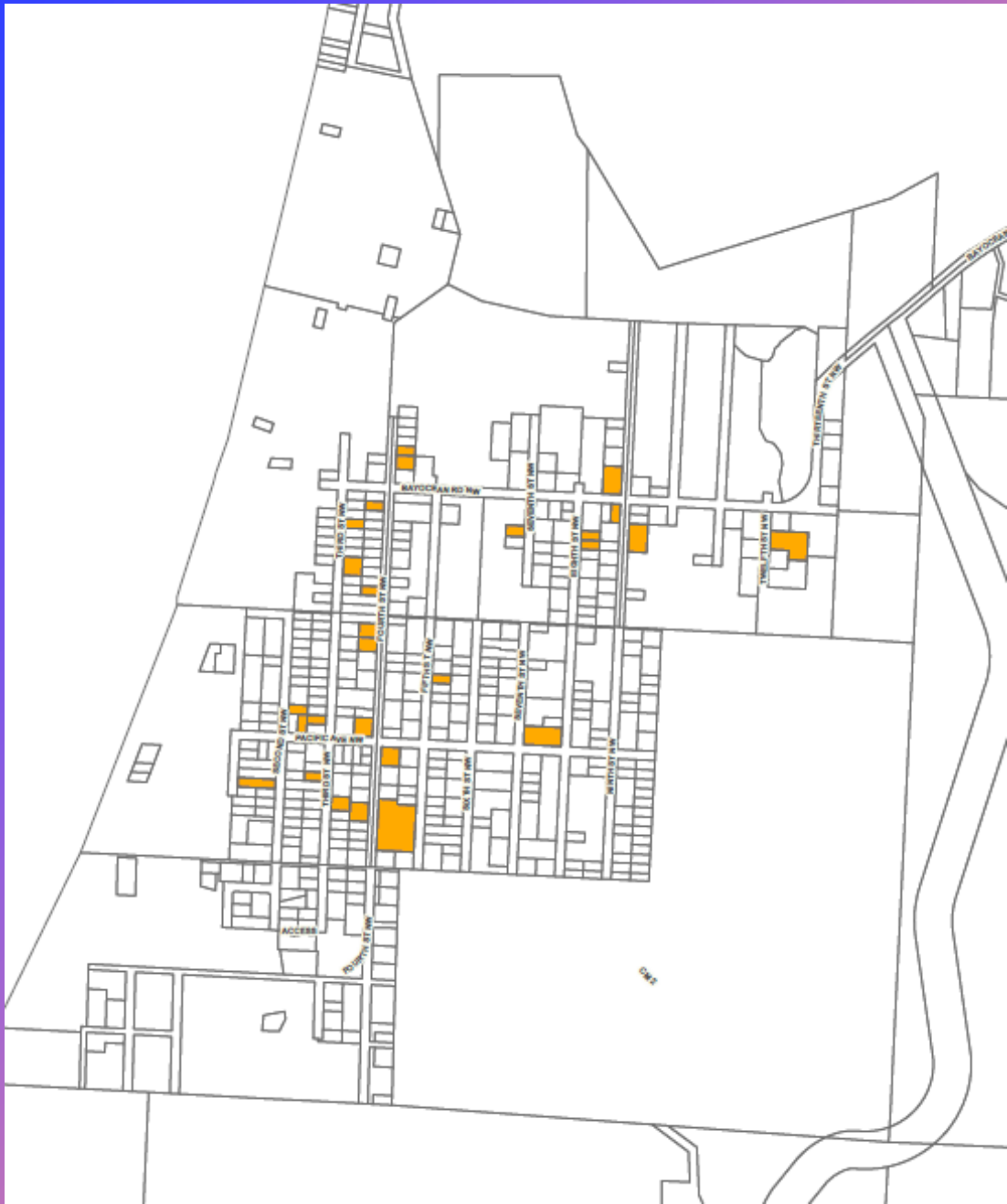
12%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

609

SHORT-TERM RENTALS

75



CAPE MEARES 13%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

205

SHORT-TERM RENTALS

27



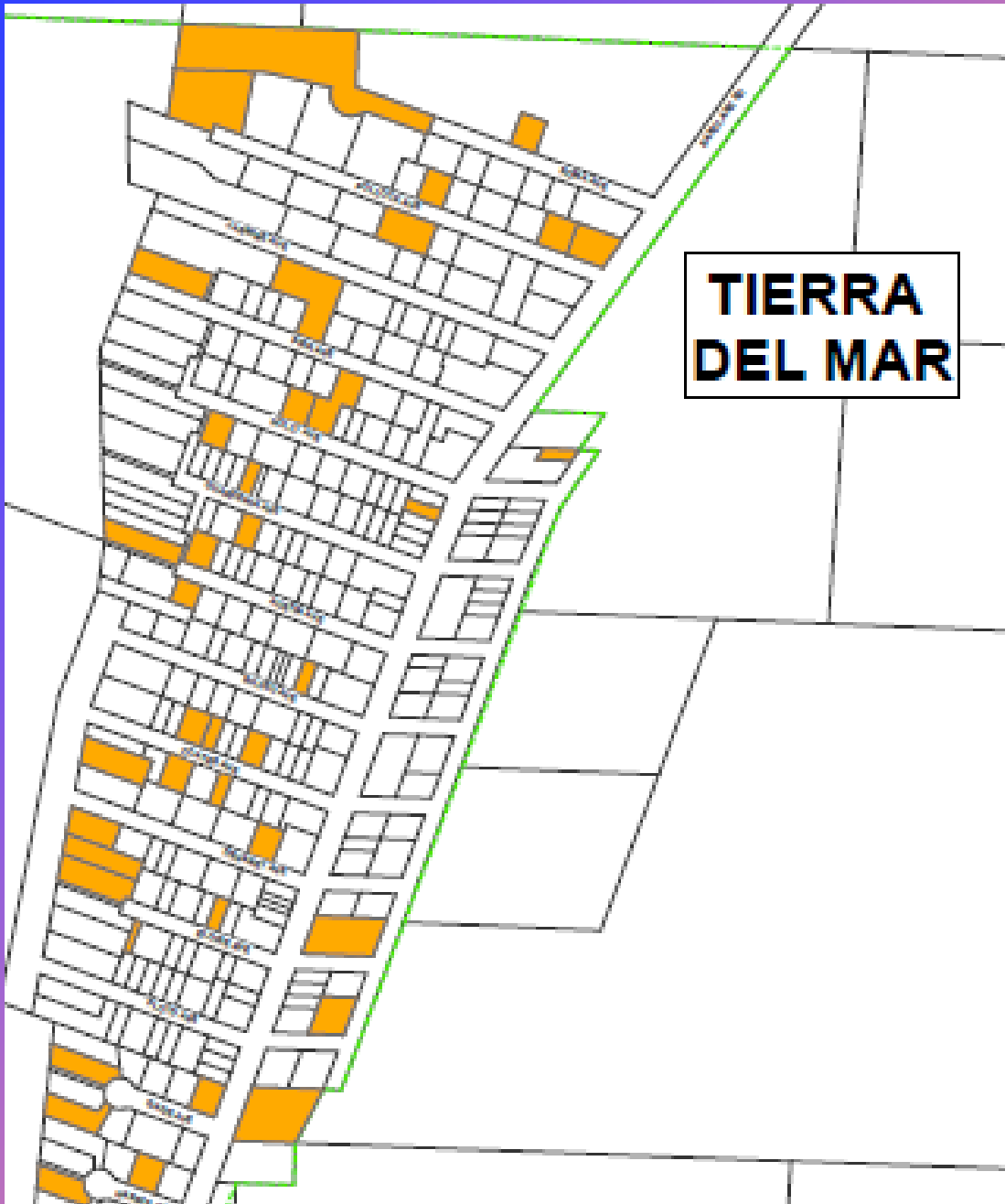
CAPE MEARES 15%

DWELLINGS

234

SHORT-TERM RENTALS

34



TIERRA DEL MAR

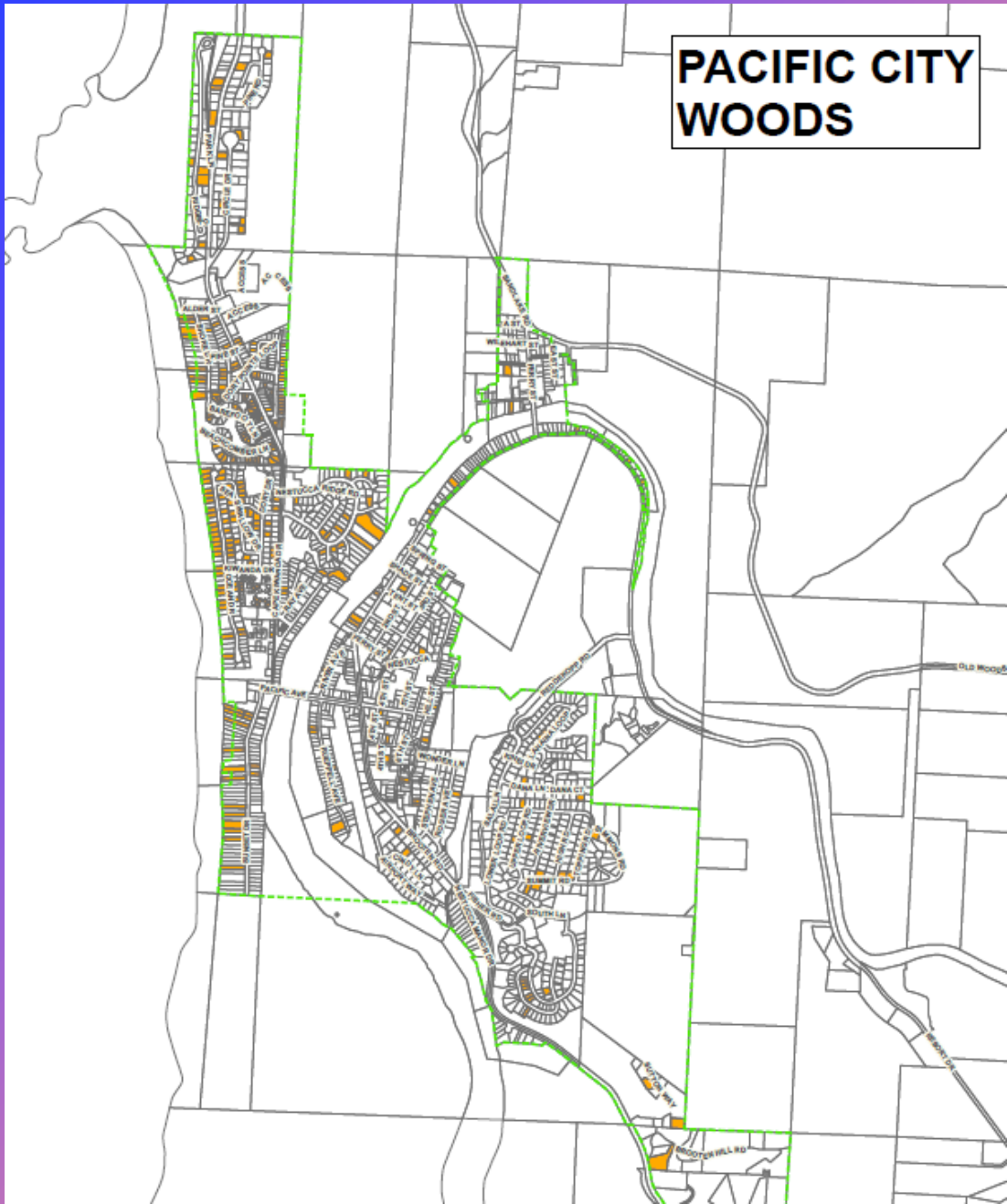
23%

DWELLINGS

235

SHORT-TERM RENTALS

53



PACIFIC CITY/WOODS


22%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

1288

SHORT-TERM RENTALS

278



**PACIFIC CITY
WOODS**

PACIFIC CITY/WOODS

24%

DWELLINGS

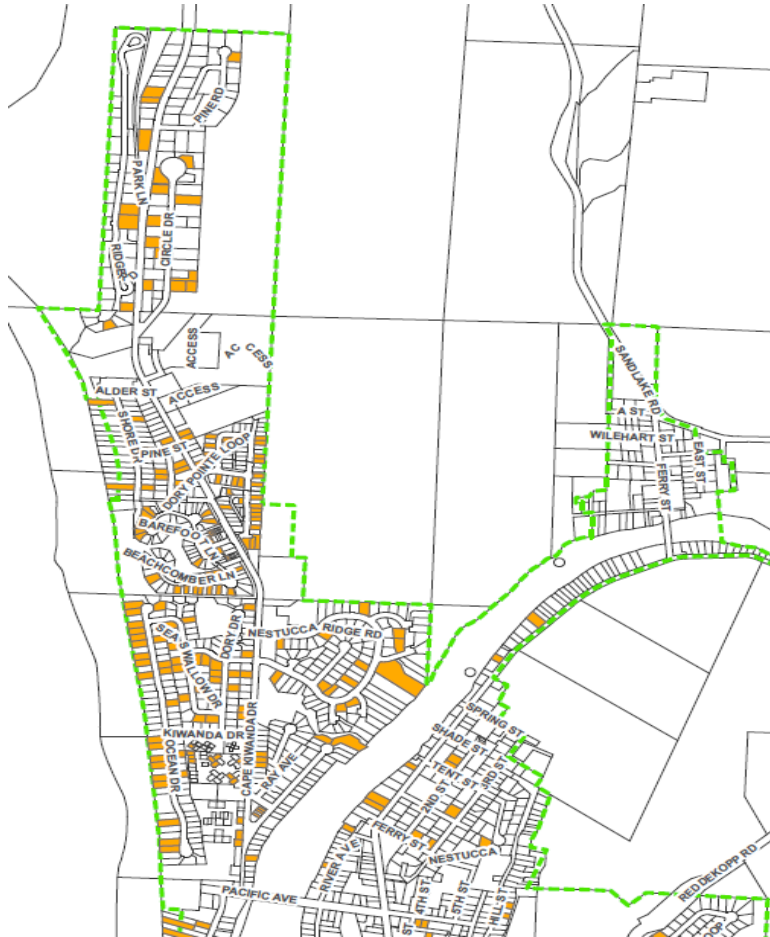
1392

SHORT-TERM RENTALS

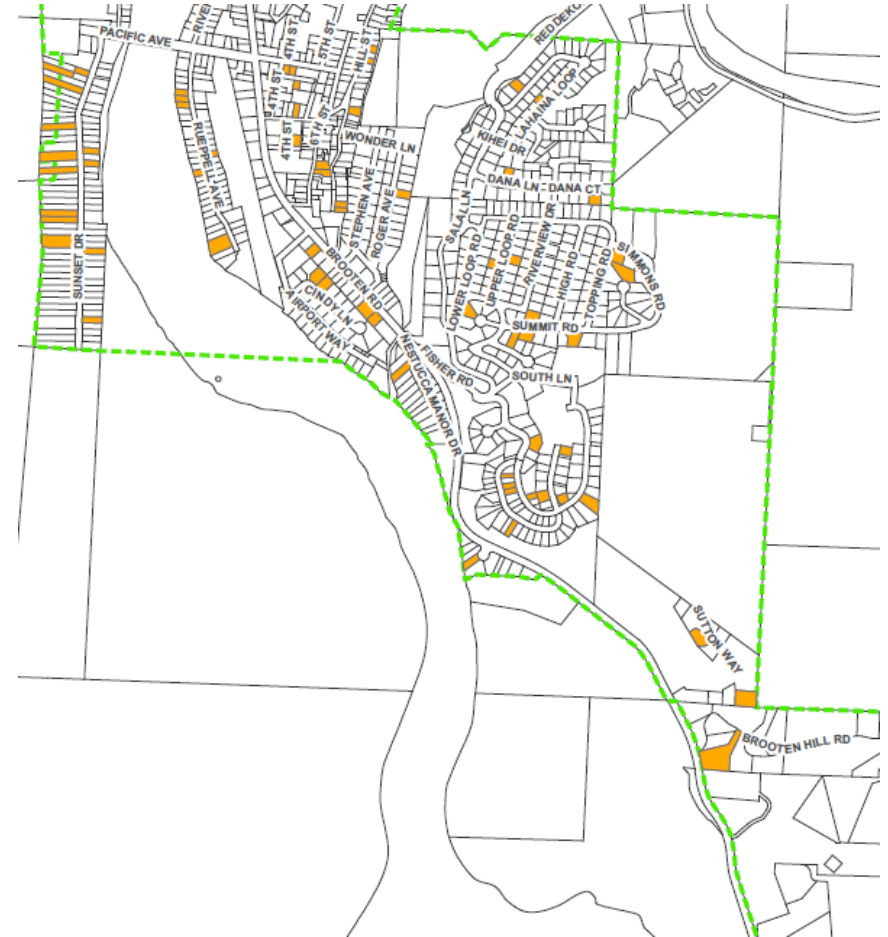
328

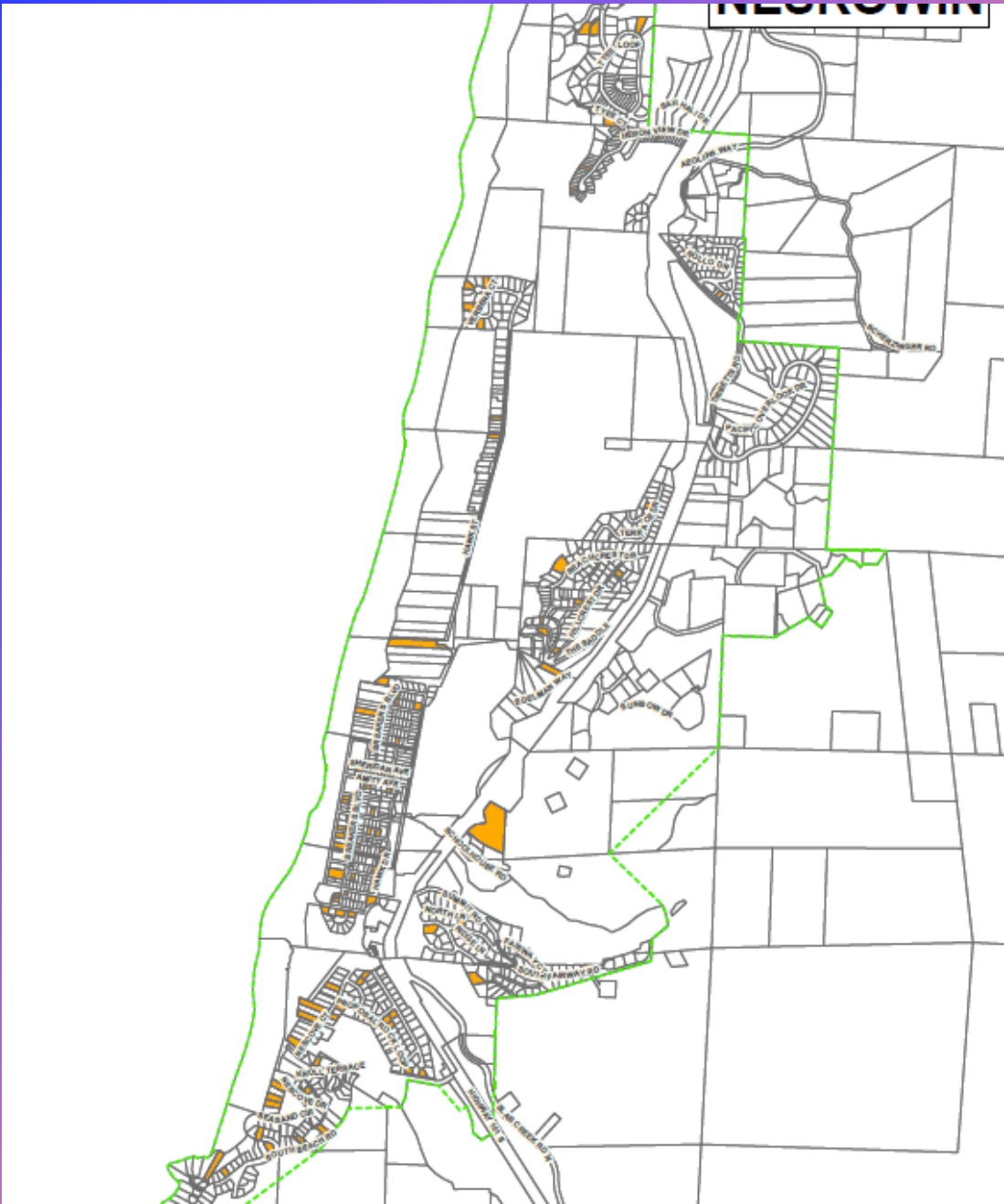
COMPARISON BY LOCATION

NORTH PACIFIC AVE. BRIDGE



SOUTH PACIFIC AVE. BRIDGE





NESKOWIN

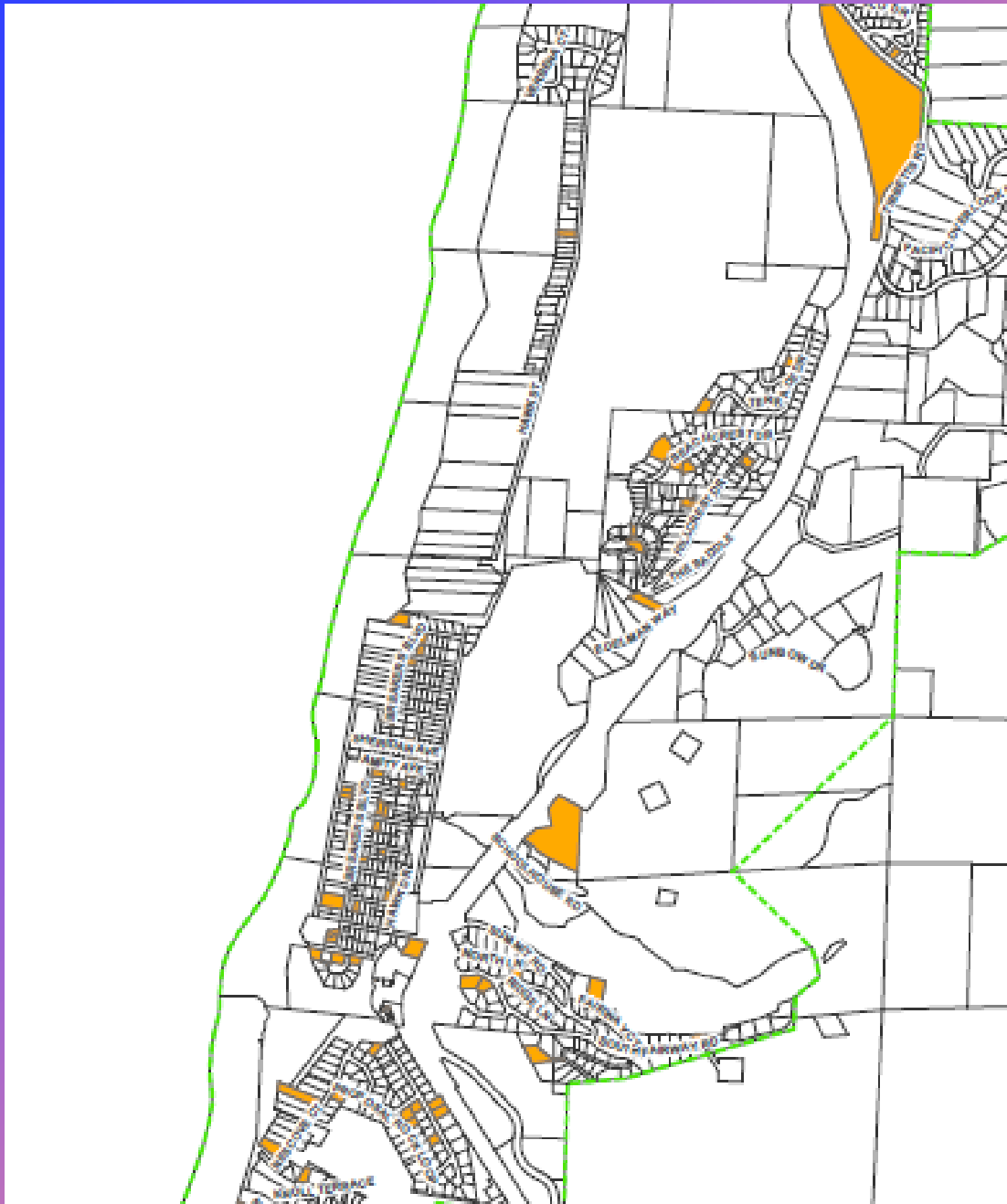
16%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

874

SHORT-TERM RENTALS

138



NESKOWIN

20%

DWELLINGS

908

SHORT-TERM RENTALS

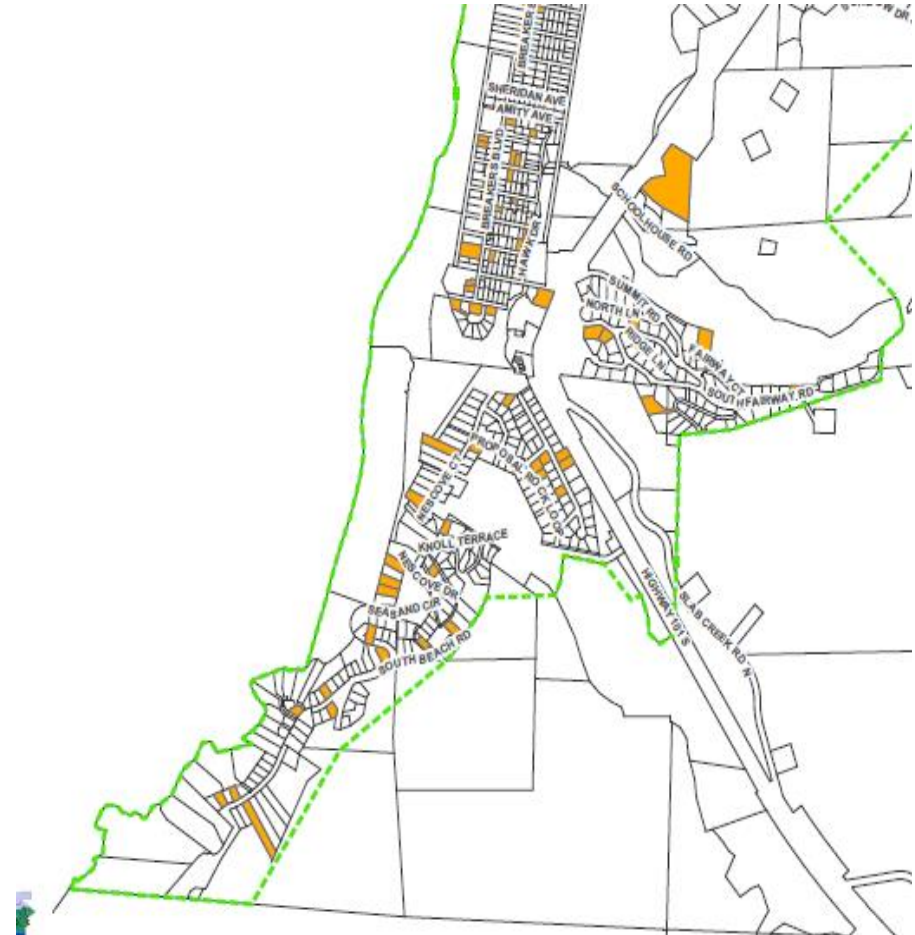
184

COMPARISON BY LOCATION

NORTH NESKOWIN



SOUTH NESKOWIN



NEAHKAHNIE



**AUGUST
2021**

**OCTOBER
2022**

69

84



BARVIEW TWIN ROCKS WATSECO

**AUGUST
2021**

**OCTOBER
2022**

37

39



OCEANSIDE

FALL 2018	AUGUST 2021	OCTOBER 2022
95	109	132

NETARTS

FALL 2018	AUGUST 2021	OCTOBER 2022
65	75	103





CAPE MEARES

**AUGUST
2021**

27

**OCTOBER
2022**

34



TIERRA DEL MAR

**AUGUST
2021**

**OCTOBER
2022**

NA

53

PACIFIC CITY WOODS

FALL
2018

226

AUGUST
2021

278

OCTOBER
2022

328





NESKOWIN

FALL 2018	AUGUST 2021	OCTOBER 2022
103	138	184

DWELLINGS IN COMMUNITIES

COMMUNITY	NEAHKAHNIE	BARIVEW/TWIN ROCKS/WATSECO	OCEANSIDE	NETARTS
2021	385/392	234/246	672/688	609/733
2022	409	254	692	757
NEW	17	8	4	24

COMMUNITY	CAPE MEARES	TIERRA DEL MAR	PACIFIC CITY/WOODS	NESKOWIN
2021	205/230	NA	1288/1366	874/888
2022	234	235	1392	908
NEW	24	NA	26	20



QUESTIONS & COMMENTS

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Regulating Short Term Rentals, Establishing Standards and Fees, Providing for a Permit, and Creating Penalties for Violations of This Ordinance)
ORDINANCE #84
Amendment #2

The Board of Commissioners for Tillamook County ORDAINS as follows:

Section 1. Title

This Ordinance shall be known as the "Tillamook County Short Term Rental Ordinance" and may be cited and pleaded as such and shall be cited herein as "this Ordinance", or by any reference to a section or subsection of this Ordinance.

Section 2. Authority

This Ordinance is enacted pursuant to ORS 203.035.

Section 3. Purpose

- (a) The purpose of this Ordinance is to regulate short term rentals in order to enhance public safety and livability within Tillamook County.

Section 4. Applicability

This Ordinance shall apply within the unincorporated areas of Tillamook County, including areas within urban growth boundaries, but shall not apply within the boundaries of any incorporated City. This Ordinance does not apply to Bed and Breakfasts or travelers accommodations for which a state license has been granted under Oregon Administrative Rule, Chapter 333, Division 29.

Section 5. Definitions

- (a) For the purpose of this Ordinance, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory and the term "this Ordinance" shall be deemed to include all amendments hereafter made to this Ordinance.

- (b) The following definitions apply to this Ordinance:

(A) ~~(A)~~ "Contact Person". The owner or if designated on the application for a permit, the agent of the owner, authorized to act for the owner. "Contact Person" shall be person identified on contact signage posted at the front entrance of the property.

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(B) "Contact Signage".--Add definition here? Purpose, minimum size requirements, font size?

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(C) "Cooking Facility". Cooking stove, hot plate, range hood, microwave oven or similar facility.

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(DB) "Dwelling Unit". A lawfully established dwelling unit comprised of one (1) or more rooms occupied, designed or intended for occupancy as separate living quarters that contains cooking facilities and containsing three (3)-two (2) or more of the following:

- Refrigeration
- ~~Cooking facility (including cooking stove, hot plate, range hood, microwave oven or similar facility)~~
- Dishwashing machine
- Sink intended for meal preparation (not including a wet bar)
- Garbage disposal
- Toilet

(EG) "Maximum Occupancy". Create definition that establishes maximum number of persons permitted to occupy the dwelling- either for purposes of sleeping or in general for how many persons may be allowed to occupy the dwelling at any given time. Establish a maximum number of persons. Add exception for persons younger than 2 years of age or establish an age where exception applies.

(F) "Onsite Wastewater Treatment System". Means any existing treatment and dispersal system of residential wastewater.

(GD) "Owner". The owner or owners of a ~~short-term~~short-term rental.

(HE) "Permit". A ~~Short Term~~Short-Term Rental Permit.

(IF) "Person". Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.

- (JG) "Rental". An agreement granting the use of a dwelling unit to a person. Use of a dwelling unit by a recorded owner or other person or persons without monetary consideration shall not be considered to be a rental under this Ordinance.
- (KH) "Rented". The use of a dwelling unit granted to a person in exchange for monetary consideration.
- (LI) "Renter". A person who rents a ~~short term~~short-term rental.
- (MJ) "Serious Fire or Life Safety Risk." A building code or ordinance violation involving those 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.
- (NK) "Short Term Rental". A lawfully established dwelling unit (~~including any accessory guest house on the same property~~) that is rented to any person on a ~~day to day~~day-to-day basis for a consecutive period of 30 days or less during the year. No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles as defined in the Tillamook County Land Use Ordinance, in conjunction with the short-term rental is permitted.
- (OL) "Sleeping Area". A room ~~or other space~~ within a dwelling unit designed, ~~intended or used~~ for sleeping. Tents and recreational vehicles shall not be considered a sleeping area.

Section 6. Standards

- (a) All ~~short term~~short-term rentals shall comply with the following standards. Any owner, contact person, or renter who violates any standards, or allows any standards to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other County Ordinance or State law.:
- (A) The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time and there shall be no unreasonable noise disruptive to neighbors during this time. ~~Renters who violate this standard may be issued a citation and be subject to a fine pursuant to this Ordinance.~~

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(B) The contact person shall notify every renter, in writing, of the quiet times. ~~The owner may be fined for violations under this Ordinance.~~

(C) The contact person shall attempt to contact a renter by phone or in person within twenty (20) minutes of delivery of any complaint concerning the conduct of a renter.

Commented [SA1]: Should be moved to different area. Not part of standards.

~~(D)~~ (D) —The name and active phone number of the contact person shall be posted so that it is visible from the outside the front entrance of the ~~short term~~ short-term rental and visible from the property boundary adjacent to the front entrance. The required signage must be a minimum of 1-foot by 1-foot in size, with letters and numbers in font size and style easily readable from the property boundary. Contact signage shall be maintained in compliance with this Ordinance in perpetuity, or until the dwelling is no longer being utilized as a ~~short term~~ short-term rental. The active phone number shall be a working number and shall not be the general reservation line for a rental company.

(E) No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles as defined in the Tillamook County Land Use Ordinance, in conjunction with the short-term rental is permitted.

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(FE) The owner shall provide covered garbage containers that can be secured in a manner acceptable to the local local franchised garbage hauler. The contact person shall notify guests that all garbage must be kept in secured containers provided for that purpose. There shall be no uncovered and unsecured accumulation of trash at any time on the exterior premises of the property or within road right-of-way. -As required by Tillamook County Ordinance #4, garbage shall be removed by the local franchised garbage hauler. Garbage shall be removed a minimum of one (1) time per week for properties renting once weekly and shall be twice (2) weekly for properties renting at least two times within a 7-day period. -a minimum of one (1) time per week unless arrangements are made with the local franchised garbage hauler to suspend or modify service during the times when the short term rental is not rented. Proof of garbage service shall be provided to the Department at the time of permit application submittal, at the time of permit transfer and at the time of permit renewal. The contact person shall provide guests with information about recycling opportunities.

- (GF) Exterior lighting shall be shielded in a manner to direct light in a downward direction on the property.
- (H) All areas not used for vehicle parking and circulation shall be completely and permanently landscaped or maintain existing natural vegetation.
- (I) At least one (1) functioning fire extinguisher shall be accessibly located within the dwelling unit.
- (JG) All plug-ins and light switches shall have face plates.
- (KH) The electrical panel shall have all circuits labeled.
- (L) Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
- (MJ) 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.
- (NK) A combination carbon monoxide/smoke detector device shall be placed and maintained on each floor of a ~~short-term~~short-term rental and within 15-feet of each sleeping area.
- (OL) All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
- (PM) 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.
- (QN) All interior and exterior guardrails, such as deck railings, must be able to withstand a ~~two-hundred-pound~~two-hundred-pound (200#) impact force.
- (RO) Emergency Escape and Rescue Openings:
- (1) For all dwelling units constructed after the effective date of this Ordinance every sleeping area shall have at least one (1) operable emergency escape and rescue opening. Sill height shall not be more than forty-four inches (44") above the floor. Openings shall open directly into a public way or to a yard or court that opens to a public way.

Minimum net clear opening at grade floor openings shall be five (5) square feet and five point seven (5.7) square feet at upper floors. Minimum net clear height is twenty-four inches (24") and net clear width is twenty inches (20").

- (2) For all dwelling units constructed prior to the effective date of this Ordinance, every sleeping area shall have at least one (1) operable emergency escape and rescue opening that complies with subsection 6(a)(O)(1) of this Section. If no such emergency escape or rescue opening exists, then an alternative may be accepted by the Tillamook County Building Official pursuant to the currently-adopted Oregon Residential Specialty Code.
 - (3) Every sleeping area in a ~~short term~~ rental that does not comply with either subsection 6(a)(O)(1) or 6(a)(O)(2) of this Section, 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 non-compliant 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 non-compliant sleeping area may not be used for sleeping.
 - (4) At any time after a permit has been granted for a ~~short term~~ rental pursuant to this Ordinance, the owner may bring a non-compliant sleeping area into compliance and upon a re-inspection and certification of compliance for such sleeping area, a new permit shall be issued that includes the increase in maximum occupancy associated with bringing a non-compliant sleeping area into compliance.
- (SP) Exterior hot tubs shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub is not available for permissive use.
- (TQ) Short Term Rental Served by Sewer: The maximum occupancy for a ~~short term~~ rental unit shall be calculated on the basis of an average of two (2) persons per sleeping area plus an additional two (2) persons. For the

purpose of maximum occupancy, those under two (2) years of age shall not be counted. Tents and recreational vehicles shall not be used to increase the number of people approved to occupy a ~~short term~~ short-term rental.

Commented [SA2]: Not sure this is effective. Maximum occupancy may be determined a different way through this process.

(UR) Short Term Rental with Onsite Sanitation: The maximum occupancy for a ~~short term~~ short-term rental unit shall not exceed the capacity of the Onsite Wastewater Treatment System. The capacity is based on the gallons per person per day. Tents and recreational vehicles shall not be used to increase the number of people approved to occupy a ~~short term~~ short-term rental.

Commented [SA3]: Maximum occupancy may need to be adjusted based upon size of onsite sanitation system.

(VS) There shall be one (1) off-street parking space available for each approved sleeping area in a ~~short term~~ short-term rental, plus one (1) additional off-street parking space. ~~Each parking space shall be a minimum of 8-feet by 20-feet and shall be oriented within the property boundaries in a manner that allows for the maneuvering of vehicles. Off-street parking shall be used if physically available. If a sufficient number of off-street parking spaces are not available for the authorized number of vehicles, then on-street shall be limited to two (2) vehicles. Parking of vehicles may include boats and trailers within designated off-street parking spaces. Parking of any vehicle, trailer for boats and all-terrain vehicles shall not, under any circumstances, hinder the path of any emergency vehicle. Trailers for boats and all-terrain vehicles may be allowed but shall not exceed the allowable on-street parking for each short term rental property. Renters may be cited and fined under existing State law or this Ordinance in the event they park illegally or park in a manner that hinders the path of an emergency vehicle.~~

Parking spaces shall have clearly-defined boundaries marked by a fence, planting or other suitable means.

Off-street parking on adjacent properties- should this be prohibited? Should a lease agreement between the owner of the rental and the property owner whose property is being utilized to satisfy off-street parking requirements be required?

(WST) ———The contact person shall notify every renter in writing of the required off-street parking ~~requirements and other parking spaces available~~ to serve the ~~short term~~ short-term rental. Language shall be included in the notice that parking shall not, under any circumstances, hinder the path of any

emergency vehicle and that renters may be cited and fined if this requirement is not adhered to.

~~(XU)~~ A house number, visible from the street, shall be maintained at all times.

~~(Y)~~ For those properties located within a tsunami inundation zone, a copy of an Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Evacuation Brochure shall be posted in a visible location as close as possible to the main entrance of the short term rental. The brochure shall be furnished by the Tillamook County Department of Community Development at the time of Short Term Rental Permit issuance and renewal.

~~(ZV)~~ The Onsite Wastewater Treatment System must be functioning as required with no discharges to the surface of the ground, surface waters or backups inside or under the structure. The Onsite Wastewater Treatment System may not be subjected to its design flow capacity in gallons per day.

~~(AA)~~ Fire pits or outside designated warming fire areas standards?

- (b) The County will provide to short term rental owners, either by direction on the County's website or by email or mail (if requested), with the Inspection Checklist in written form prior to the inspection so that the owner can determine what improvements, if any, will be needed before an inspection is scheduled. The owner shall ensure that all items on the checklist have been completed prior to the contact person calling for an inspection. All reinspections due to incomplete items will be subject to the reinspection fee described in Section 8 of this Ordinance. The County reserves the right to modify inspection requirements at the discretion of the Tillamook County Building Official to ensure compliance with fire and life safety requirements.

Section 7. Short Term Rental Permit Required and Revocation

Commented [SA4]: Needs Work

- (a) Any new short-term rental owner shall obtain a permit prior to using the dwelling unit as a short-term rental. Failure to comply with this Section shall be considered a violation that may be enforced under Section 13 of this Ordinance and subject to a fine of not less than Two Hundred Fifty Dollars (\$250) and not more than Five Hundred Dollars (\$500) per day, which must be paid prior to the issuance of a Short-Term Rental Permit. After being made aware of

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Regulating Short Term)
Rentals, Establishing Standards and) ORDINANCE #84
Fees, Providing for a Permit, and) Amendment #2
Creating Penalties for Violations of)
This Ordinance)

The Board of Commissioners for Tillamook County ORDAINS as follows:

Section 1. Title

This Ordinance shall be known as the "Tillamook County Short Term Rental Ordinance" and may be cited and pleaded as such and shall be cited herein as "this Ordinance", or by any reference to a section or subsection of this Ordinance.

Section 2. Authority

This Ordinance is enacted pursuant to ORS 203.035.

Section 3. Purpose

- (a) The purpose of this Ordinance is to regulate short term rentals in order to enhance public safety and livability within Tillamook County.

Section 4. Applicability

This Ordinance shall apply within the unincorporated areas of Tillamook County, including areas within urban growth boundaries, but shall not apply within the boundaries of any incorporated City. This Ordinance does not apply to Bed and Breakfasts or travelers accommodations for which a state license has been granted under Oregon Administrative Rule, Chapter 333, Division 29.

Section 5. Definitions

- (a) For the purpose of this Ordinance, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory and the term "this Ordinance" shall be deemed to include all amendments hereafter made to this Ordinance.

- (b) The following definitions apply to this Ordinance:

- (A) "Contact Person". The owner or if designated on the application for a permit, the agent of the owner, authorized to act for the owner. "Contact Person" shall be person identified on contact signage posted at the front entrance of the property.
- (B) "Contact Signage". *Add definition here? Purpose, minimum size requirements, font size?*
- (C) "Cooking Facility". Cooking stove, hot plate, range hood, microwave oven or similar facility.
- (D) "Dwelling Unit". A lawfully established dwelling unit comprised of one (1) or more rooms occupied, designed or intended for occupancy as separate living quarters that contains cooking facilities and contains two (2) or more of the following:
- Refrigeration
 - Dishwashing machine
 - Sink intended for meal preparation (not including a wet bar)
 - Garbage disposal
 - Toilet
- (E) "Maximum Occupancy". *Create definition that establishes maximum number of persons permitted to occupy the dwelling—either for purposes of sleeping or in general for how many persons may be allowed to occupy the dwelling at any given time. Establish a maximum number of persons. Add exception for persons younger than 2 years of age or establish an age where exception applies.*
- (F) "Onsite Wastewater Treatment System". Means any existing treatment and dispersal system of residential wastewater.
- (G) "Owner". The owner or owners of a short-term rental.
- (H) "Permit". A Short-Term Rental Permit.
- (I) "Person". Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.
- (J) "Rental". An agreement granting the use of a dwelling unit to a person. Use of a dwelling unit by a recorded owner or other person or persons without monetary consideration shall not be considered to be a rental under this Ordinance.

- (K) "Rented". The use of a dwelling unit granted to a person in exchange for monetary consideration.
- (L) "Renter". A person who rents a short-term rental.
- (M) "Serious Fire or Life Safety Risk." A building code or ordinance violation involving those 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.
- (N) "Short Term Rental". A lawfully established dwelling unit that is rented to any person on a day-to-day basis for a consecutive period of 30 days or less during the year. No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles as defined in the Tillamook County Land Use Ordinance, in conjunction with the short-term rental is permitted.
- (O) "Sleeping Area". A room within a dwelling unit designed for sleeping. Tents and recreational vehicles shall not be considered a sleeping area.

Section 6. Standards

- (a) All short-term rentals shall comply with the following standards. Any owner, contact person, or renter who violates any standards, or allows any standards to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other County Ordinance or State law.
 - (A) The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time and there shall be no unreasonable noise disruptive to neighbors during this time.
 - (B) The contact person shall notify every renter, in writing, of the quiet times.
 - (C) The contact person shall attempt to contact a renter by phone or in person within twenty (20) minutes of delivery of any complaint concerning the conduct of a renter.
 - (D) The name and active phone number of the contact person shall be posted so that it is visible from the outside the front entrance of the short-term rental and visible from the property boundary adjacent to

Commented [SA1]: Should be moved to different area. Not part of standards.

the front entrance. The required signage must be a minimum of 1-foot by 1-foot in size, with letters and numbers in font size and style easily readable from the property boundary. Contact signage shall be maintained in compliance with this Ordinance in perpetuity, or until the dwelling is no longer being utilized as a short-term rental. The active phone number shall be a working number and shall not be the general reservation line for a rental company.

- (E) No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles as defined in the Tillamook County Land Use Ordinance, in conjunction with the short-term rental is permitted.
- (F) The owner shall provide covered garbage containers that are secured in a manner acceptable to the local franchised garbage hauler. The contact person shall notify guests that all garbage must be kept in secured containers provided for that purpose. There shall be no uncovered and unsecured accumulation of trash at any time on the exterior premises of the property or within road right-of-way. As required by Tillamook County Ordinance #4, garbage shall be removed by the local franchised garbage hauler. Garbage shall be removed a minimum of one (1) time per week for properties renting once weekly and shall be twice (2) weekly for properties renting at least two times within a 7-day period. .. Proof of garbage service shall be provided to the Department at the time of permit application submittal, at the time of permit transfer and at the time of permit renewal. The contact person shall provide guests with information about recycling opportunities.
- (G) Exterior lighting shall be shielded in a manner to direct light in a downward direction on the property.
- (H) All areas not used for vehicle parking and circulation shall be completely and permanently landscaped or maintain existing natural vegetation.
- (I) At least one (1) functioning fire extinguisher shall be accessibly located within the dwelling unit.
- (J) All plug-ins and light switches shall have face plates.
- (K) The electrical panel shall have all circuits labeled.

- (L) Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
- (M) 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.
- (N) A combination carbon monoxide/smoke detector device shall be placed and maintained on each floor of a short-term rental and within 15-feet of each sleeping area.
- (O) All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
- (P) 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.
- (Q) All interior and exterior guardrails, such as deck railings, must be able to withstand a two-hundred-pound (200#) impact force.
- (R) Emergency Escape and Rescue Openings:
 - (1) For all dwelling units constructed after the effective date of this Ordinance every sleeping area shall have at least one (1) operable emergency escape and rescue opening. Sill height shall not be more than forty-four inches (44") above the floor. Openings shall open directly into a public way or to a yard or court that opens to a public way.

Minimum net clear opening at grade floor openings shall be five (5) square feet and five point seven (5.7) square feet at upper floors. Minimum net clear height is twenty-four inches (24") and net clear width is twenty inches (20").
 - (2) For all dwelling units constructed prior to the effective date of this Ordinance, every sleeping area shall have at least one (1) operable emergency escape and rescue opening that complies with subsection 6(a)(O)(1) of this Section. If no such emergency escape or rescue opening exists, then an alternative may be accepted by the Tillamook County Building Official pursuant to the currently-adopted Oregon Residential Specialty Code.

- (3) Every sleeping area in a short-term rental that does not comply with either subsection 6(a)(O)(1) or 6(a)(O)(2) of this Section, 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 non-compliant 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 non-compliant sleeping area may not be used for sleeping.
- (4) At any time after a permit has been granted for a short-term rental pursuant to this Ordinance, the owner may bring a non-compliant sleeping area into compliance and upon a re-inspection and certification of compliance for such sleeping area, a new permit shall be issued that includes the increase in maximum occupancy associated with bringing a non-compliant sleeping area into compliance.
- (S) Exterior hot tubs shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub is not available for permissive use.
- (T) Short Term Rental Served by Sewer: The maximum occupancy for a short-term rental unit shall be calculated on the basis of an average of two (2) persons per sleeping area plus an additional two (2) persons. For the purpose of maximum occupancy, those under two (2) years of age shall not be counted. Tents and recreational vehicles shall not be used to increase the number of people approved to occupy a short-term rental.
- (U) Short Term Rental with Onsite Sanitation: The maximum occupancy for a short-term rental unit shall not exceed the capacity of the Onsite Wastewater Treatment System. The capacity is based on the gallons per person per day. Tents and recreational vehicles shall not be used to increase the number of people approved to occupy a short-term rental.
- (V) There shall be one (1) off-street parking space available for each approved sleeping area in a short-term rental, plus one (1) additional off-street parking space. Each parking space shall be a minimum of 8-feet by 20-feet and shall be oriented within the property boundaries in a manner that allows for the maneuvering of vehicles. . Parking of vehicles may include boats and trailers within designated off-street parking spaces. Parking of any vehicle, trailer

Commented [SA2]: Not sure this is effective. Maximum occupancy may be determined a different way through this process.

Commented [SA3]: Maximum occupancy may need to be adjusted based upon size of onsite sanitation system.

for boats and all-terrain vehicles shall not, under any circumstances, hinder the path of any emergency vehicle. Renters may be cited and fined under existing State law or this Ordinance in the event they park illegally or park in a manner that hinders the path of an emergency vehicle.

Parking spaces shall have clearly-defined boundaries marked by a fence, planting or other suitable means.

Off-street parking on adjacent properties- should this be prohibited? Should a lease agreement between the owner of the rental and the property owner whose property is being utilized to satisfy off-street parking requirements be required?

- (WS) The contact person shall notify every renter in writing of the required off-street parking requirements to serve the short-term rental. Language shall be included in the notice that parking shall not, under any circumstances, hinder the path of any emergency vehicle and that renters may be cited and fined if this requirement is not adhered to.
- (X) A house number, visible from the street, shall be maintained at all times.
- (Y) For those properties located within a tsunami inundation zone, a copy of an Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Evacuation Brochure shall be posted in a visible location as close as possible to the main entrance of the short term rental. The brochure shall be furnished by the Tillamook County Department of Community Development at the time of Short Term Rental Permit issuance and renewal.
- (Z) The Onsite Wastewater Treatment System must be functioning as required with no discharges to the surface of the ground, surface waters or backups inside or under the structure. The Onsite Wastewater Treatment System may not be subjected to its design flow capacity in gallons per day.
- (AA) Fire pits or outside designated warming fire areas standards?
- (b) The County will provide to short term rental owners, either by direction on the County's website or by email or mail (if requested), with the Inspection Checklist in written form prior to the inspection so that the owner can determine what improvements, if any, will be needed before an inspection is scheduled. The owner shall ensure that all items on the checklist have been completed prior to the contact person calling for an inspection. All

reinspections due to incomplete items will be subject to the reinspection fee described in Section 8 of this Ordinance. The County reserves the right to modify inspection requirements at the discretion of the Tillamook County Building Official to ensure compliance with fire and life safety requirements.

DRAFT

October 4, 2022 Meeting Agenda

9:30am-11:30am

Topic	Time
Welcome & Introductions	10 minutes
September Panel Discussion	20 minutes
Review & Discussion of Draft Language Ordinance 84, dated September 13, 2022	75 minutes
Future Agenda Discussion- Request to Move November Meeting to November 8, 2022	5 minutes
Public Comment	10 minutes
Total	120 minutes

Virtual Link for Public Meetings

Microsoft Teams is utilized for Tillamook County Short-Term Rental Advisory Committee Meetings. To access this link, please visit: <https://www.co.tillamook.or.us/commdev>

Call in: 1-971-254-3149, Conference ID: 887 242 77#

My name is Shelia Clark and I appreciate the opportunity to share suggestions as Tillamook County evaluates the STR ordinance. I also want to thank everyone that has volunteered their time on these committees to make our communities a better place to work, live and play.

My Husband and I live in Florence, OR where I am a licensed Realtor serving the Oregon Coast and Willamette Valley. We also own a beach cottage in Neskowin Village where we spend half our time each month.

We began our personal experience with STRs several years ago where we owned and managed several STRs in Seaside for ourselves and family. During this time we were fortunate enough to work alongside a exceptional mngt co who had strict rules and quick to respond to issues. We learned a lot!

In my profession I have also helped several clients with their STR search/purchase and sale which led to navigating and learning various city and county STR ordinances throughout Oregon.

In Neskowin with 2 STRs across the street we too have had all the experiences as most. However trying to deal with a local mngt co was the exact opposite experience we had with the quality company in Seaside. When we called about their out of control renters we were sternly told to just call the Sheriff .

This was a stark contrast to previous mngt cos I had worked with and quickly learned this local company didn't really care, they were not held accountable, took no responsibility and it was my problem not theirs. I believe its this mindset that has gotten us to where we are today.

STRs have become a hot topic for many communities, leading to further restrictions and regulations on property owners which is not going to resolve this problem. With the consistent and escalating complaints of STRS such as noise, garbage, parking, and sometimes a complete disregard for other property owners and our neighborhoods, my question is why are the management companies not held accountable for their guests in this ordinance?

I just recently learned about these groups and committees and havent had enough time to read all the documents or watch videos, but as far as I can see in the ordinance and many others, management companies are left out of this conversation. I think this is a critical component to resolving this issue, not further

restrictions on property owners .

From my recent experience, the companies book the guests, charge their credit card and look the other way. I know there are good companies and not all companies act in this manner, but this is what happens with this mindset.

They should be held accountable for the actions of their guests which can only happen with an addition to the ordinance resulting in penalties that actually affect these companies. This is a critical part of their job or should be– to assure the neighborhood is not terrorized, rules and regulations are followed and swift/appropriate action is taken if needed.

Equally, the owner of the STR should be as responsible and I feel that the county needs stricter regulations and fines for STR owners and mngt companies alike. I would think this would be a huge motivator! - Let them police their guests as opposed to neighborhoods.

These issues should not be left at the feet of local law enforcement. The county, at this point does not need to hire “STR enforcement” and take on additional costs before tighter regulations that penalize both the property owner and brings management companies into the fold to be equally held responsible are enacted.

Rental Limit: Rental days should not be limited to 100 days. This is penalizing everyone for the lack over over site of guests from a few mngt cos and STR owners. Many people invest in STRs for addtl income, retirement or just the ability to own a home at the beach. The rules simply need to be enforced, and a strong ordinance requiring mngt cos involvement would

Parking: There should be no “on street” parking offered to STRs to qualify for their permit. It should be restricted to the actual parking space available on the property of the STR which is common for most communities. I can only speak for Neskowin but parking and street space is already a huge issue. We can barely drive down the streets as is and to add to STR parking would be hazardous for all.

Noise Complaints: Section 6 AA - “Renters may be issued a citation and fine” Since this is such a huge issue it should not be treated so lightly. After 1 notice there should be fines for everyone, renters, STR owners and Mngt cos alike. Again there needs to be stronger accountability and penalties for violations so people will take this seriously and take action.

I agree with a previous email dated May 3 noting section 6 AC – There is too much latitude using the statement “attempt to contact” it should state “they **will** contact the renter within 20 mins” this needs absolute wording so it is clear what is expected and action is taken. As it stands its too open ended, allows the mindset instead of “maybe I will, maybe I wont” approach and does not stress the importance of the ordinance. This wording is too casual.

Sleeping Spaces: should be noted as actual bedrooms available

We are not at all against STRs and believe everyone should have the opportunity to enjoy the beach like we do. Property owners should be able to use their property as they choose without government interference as long as it does not harm others.

I truly believe if management companies had something to loose along with STR owners in the way of fines or penalties or possibly loosing a license, we would see a huge improvement in this issue.

STR Ordinances need to be enforced:

Mngt cos are in best position to enforce the rules and need to be encouraged to be more proactive. They are in the best position to control the actions of guests. Guest who blatantly violate rules should be blacklisted from renting.

Thank you for your consideration of our suggestions. We hope are suggestions and insight has made a small contribution to a resolution.

Sincerely,

Shelia & Dennis Clark
541- 914-4472
sdclark1224@yahoo.com

Florence, OR
Neskowin, OR

Lynn Tone

From: Michael Cook <mikerusts@gmail.com>
Sent: Monday, September 12, 2022 12:09 PM
To: Lynn Tone
Cc: Neah Kahnle
Subject: EXTERNAL: Fwd: Important Short-Term Rental Advisory Committee Meeting 9/13/22 at 9:30 am

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Director Absher and Commissioner Erin Skaar

I appreciate necessary pause in STR licensing and all the attention that the county is now giving to the STR/TLT along with the support of our CAC. I'm sorry to be missing this meeting, but wanted to add to my earlier testimony below to comment on the welcome introduction of ORLA's participation. In addition to emphasizing the most challenging threat of "illegal hotels" their entry into the discussion provides an opportunity facilitate discussion on the impact of their own STR properties.

In your deliberations please consider the following:

- the need for disclosure of permitted properties to assist in local planning and enforcement
- the impacts of all STR's on emergency preparedness and related costs in order to better inform visitors, prepare properties, and provide emergency supplies via licensing requirements, fees, TLT reapportionment.
- the relationship between workforce housing planning and STR impacts by requiring periods of affordable long term rentals in the equation.

Respectfully,
Mike

Mike Cook
37335 First St.
Nehalem (Neahkahnie) 97131
503-368-3048

Subject: May 24 Board of Commissioners meeting

Date: Fri, 20 May 2022 19:39:18 -0700

From: Michael Cook <mikerusts@gmail.com>

To: publiccomments@co.tillamook.or.us

Commissioners, I'm writing to urge an immediate pause in further STR licensing to allow time for the STR advisory committee and our communities time to develop an updated process that can better address the increasing impacts of STRs. My wife and I are residents of Neahkahnie of some 20 years and been working on community emergency preparations on our street and with our adjoining neighborhoods for half that time. And, I've participated in previous Neahkahnie calls for STR restrictions urging a managed approach. I appreciate the county's original attempts at managing the impacts of rentals. But, the wave of new STR's is now a serious concern - stressing public services and our ability to meet emergency needs in a disaster. Over 1/2 of our cluster of neighborhoods here are in the inundation zone - mostly STRs and part-timers. It's important your committee have time to develop a plan with rules and charges based on cost benefit analysis that better addresses not just ongoing and emerging impacts and benefits, but the county's share of responsibility for lives in this very certain and devastating disaster.

Respectfully,
Mike

Mike Cook
37335 First St.
Nehalem (Neahkahnie) 97131
503-368-3048

Subject: May 24 Board of Commissioners meeting

Date: Fri, 20 May 2022 19:39:18 -0700

From: Michael Cook <mikerusts@gmail.com>

To: publiccomments@co.tillamook.or.us

Lynn Tone

From: Jill Carter <jcarter1217@gmail.com>
Sent: Sunday, September 11, 2022 6:41 PM
To: Sarah Absher; Lynn Tone
Subject: EXTERNAL: Short term rental ordinance / Comments

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

September 11, 2022

To: Ms. Sarah Absher

From: Darryl Carter / Neahkahnie

As you are aware, I have been on occasion heavily involved with the short term rental issue in Tillamook County. The situation is as I see it has gotten continually worse for the families living in the unincorporated areas of the county. The obvious reason is that the county has allowed the single-family zoning to no longer be meaningful. The current situation allows any home in the unincorporated communities to become a defacto motel. Homes in this program are no longer managed by the owner. It is now done by professional managers employed by corporations. Thanks to the Internet, reservations are taken and there's little or no vetting of the users. Families have no clue who is residing 12 feet from their home. This is unnerving and shouldn't be allowed in a single family zoned community. Tillamook County has commercial zoning and that is where this activity belongs.

This commercial activity also puts undue stress on community water and sewer systems designed to accommodate single families as they use significantly more of these resources. One remodeled home in Neahkahnie will now sleep 20. An architect friend advised me that a new client of his bought a home in Neahkahnie and wanted it redesigned to get the maximum number of beds. This couple is from California and want to receive maximum revenue to pay for this commercial investment. Our local realtors use this as a big selling point when trying to move a very expensive beach property.

I think the following changes should be made to the ordinance:

1. Severely limit the percentage of homes in a community that can be in the program. I think no more than 10% of a community's homes would lessen the impact of this activity. Manzanita has a cap of 17%. I think this is too high but it's better than no cap at all as we currently have.
2. Make the approval process for obtaining a rental license exactly the same as a conditional use application for a bed and breakfast. As you know, the bed-and-breakfast application also involves community input. The bed-and-breakfast also requires an on-site manager and no more than two bedrooms dedicated to the rental program. Why should short-term rentals be allowed virtually without public input or on-site management? Why should the neighbors not have a say in what goes on in their neighborhood?
3. No longer allow applications for multiple ownership. Let those currently licensed expire at the end of the new ordinance and not be renewable. This has turned into a purely commercial enterprise as opposed to families trying to recoup a mortgage payment which was the original intent.

4. These rental homes have become public accommodations. Make them subject to the disabled American disabilities act. They will be required to bring structures up to higher standards making it safer for the public to use them.

5. Raise the licensing fee very significantly so that a full-time manager and staff can be Added to your staff to manage this activity. This is a very significant business and it takes In hundreds of thousands of dollars annually. The owners should be required to pay for the staff necessary to regulate their activities.

I would further ask you to review the activities of Lincoln County in dealing with short term rentals. They have become more restrictive and in fact tried to Sunset rentals per se. I understand The court has sent this case to Luba.

I am hopeful that the commission We'll take actions that Will benefit the residents of Tillamook County as opposed to the commercial interests.

Best regards,

Darryl Carter

Lynn Tone

From: Sarah Absher
Sent: Monday, September 5, 2022 10:15 AM
To: Lynn Tone
Subject: STR PARKING COMPLAINTS

Please make copies for the STR meeting next week.

Thank You,



Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3317
sabsher@co.tillamook.or.us

From: Gus Meyer <gusmeyer9@gmail.com>
Sent: Saturday, September 3, 2022 9:15 PM
To: Erin Skaar <eskaar@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Cc: Nan TLT <nan@tillamookcoast.com>; Chris Laity <claity@co.tillamook.or.us>
Subject: EXTERNAL: STR PARKING COMPLAINTS

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Tillamook County STR Commissioner Liaison; Erin Skarr
Tillamook County CD Director; Sarah Absher

Regards: STR Related Parking Problems

My son, whom works on STR hot tubs, reaffirms my community reviews of Tillamook Unincorporated parking problems on his usual STR rounds of Central and North Tillamook County.

A number of these parking problems are caused by diminished beach accesses, wherever the ocean is within easy walking distance with limited beach access parking space .

I've noticed dogs in attendance going to the beaches from some poorly parked vehicles, most likely misidentified as STR complaints.

Thereby "*Beach Access*" is once again on the Tillamook County complaint docket.

Recall Kiwanda parking problems, as well as Cape Meares, Oceanside, Netarts, and other ocean access problems in most of Tillamook County Beach areas, including Short Sands Beach.

Life is compounded and complicated at our beaches.

Gus Meyer,
STR Committee Member

WHAT'S THE DIFFERENCE BETWEEN A HOTEL AND A COMMERCIAL SHORT TERM RENTAL (STR)?

ONE BIG THING...

CHARACTERISTICS	HOTELS	COMMERCIAL STR
Provide lodging on a nightly basis	Yes	Yes
Objective is net profit, not cost reimbursement	Yes	Yes
Accept reservations and credit card payments online	Yes	Yes
Provide housekeeping.	Yes	Yes
Advertise their businesses as “resorts”	Yes	Yes
Pay state and county transient lodging taxes	Yes	Yes
Operate in single family neighborhoods	No	Yes

STRs, TLT, and how \$\$ are spent




Tillamook Coast
Visitors Association

Visit Tillamook Coast 4751 of 5195

TLT TOTALS: 2019 to Q2, 2022

Transient Lodging Tax (TLT) collected by Tillamook County and Year-over-Year (YoY) Plus or Minus percentage

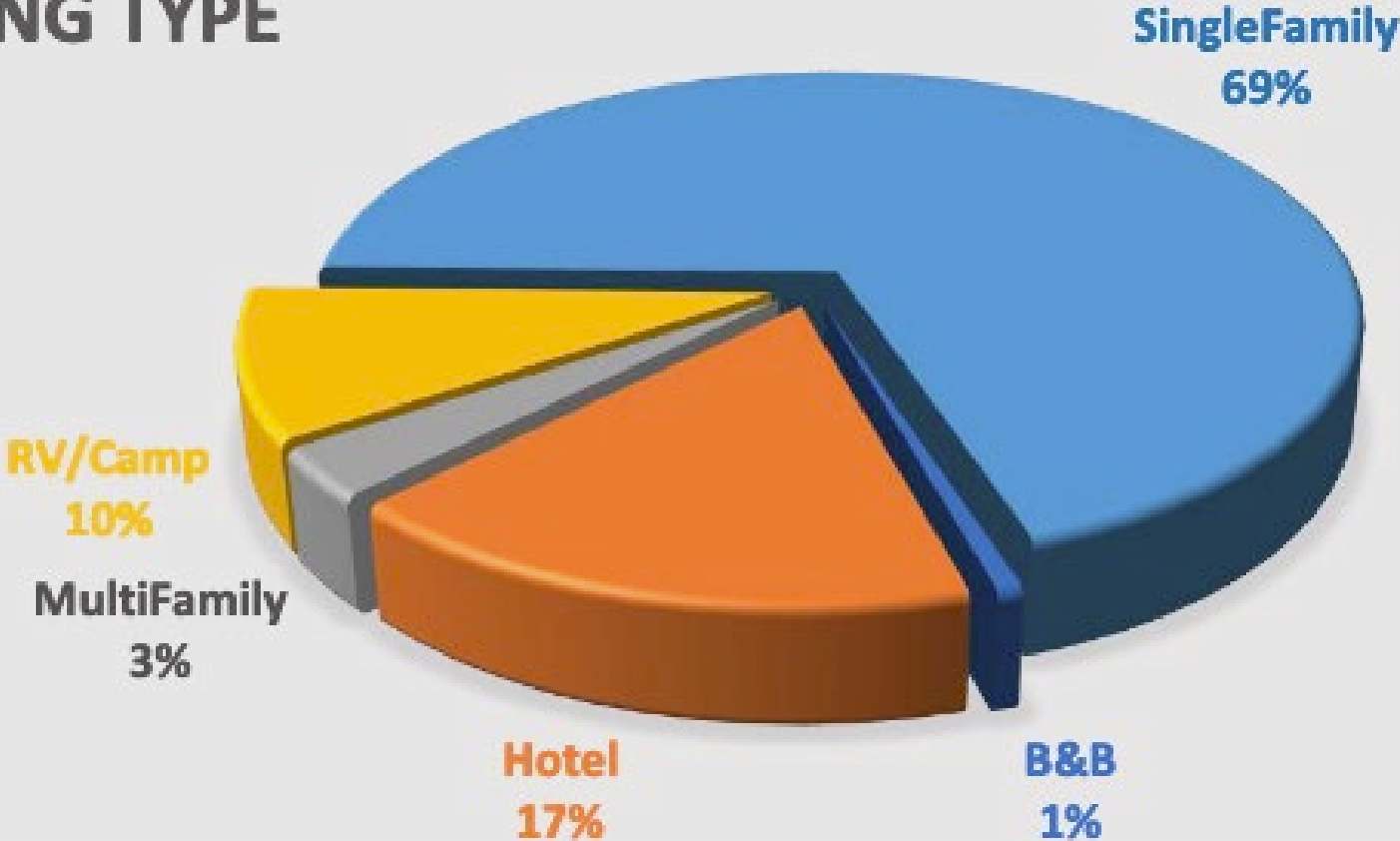
2019			2020		2021		2022	
	YoY			YoY		YoY		YoY
\$698,966	+17%	Q1	\$583,432	-17%	\$1,502,805	+157%	\$1,557,739	+3% + \$54,934
\$1,144,806	+13%	Q2	\$622,199	-48%	\$2,078,561	+233%	\$1,996,974	-4% - \$81,587
\$1,943,681	+11%	Q3	\$2,262,693	+16%	\$2,781,602	+20%		
\$709,038	+12%	Q4	\$1,241,553	+75%	\$1,219,407	-6%		
\$4,496,491	+13%	TOTAL	\$4,747,449	+5%	\$7,538,376	+60%	\$3,554,713	YOY down \$26,653

GROSS LODGING REVENUE TOTALS: 2019 to Q2, 2022

County-Wide Gross Lodging Receipts				
	2019	2020	2021	2022
Q1	\$12,466,788	\$13,067,909	\$33,728,792	\$34,994,940 + \$1,661,148
Q2	\$20,145,913	\$14,083,178	\$48,102,969	\$46,429,703 - \$1,673,266
Q3	\$34,587,676	\$53,149,357	\$65,205,193	
Q4	\$12,387,260	\$30,008,334	\$29,567,173	
Total	\$79,588,014	\$110,308,778	\$176,604,127	2022 Q1+Q2 total: \$81,424,643
				YOY difference: down \$12,118

Lodging inventory

LODGING TYPE



Lodging inventory

Households in Tillamook County*	Short Term Vacation Rentals**	Hotel rooms**	B&B Rooms**	Campsites**
Approx. 19,000	1,812 permits (from a total of 7,600 2nd homes in county)	782	35	1,232 tent sites 1,221 RV sites

*Portland State University study, 2019

**Tillamook County Community Development

STR INCOME 2019-2021

STR Gross Rental Income Per Year

	2019	2020	2021
Average	\$26,784	\$28,497	\$46,767
Maximum	\$23,120	\$273,349	\$389,872
Median	\$22,001	\$24,112	\$40,538

STR Income Levels per Unit

	2019	2020	2021
>\$200,000	3	3	16
>\$150,000	5	5	28
>\$100,000	24	59	142
>\$50,000	177	222	542
>\$25,000	523	578	500
>0 - \$25,000	799	721	378
0 (not renting)	158	195	206
Total STRs	1,707	1,783	1,812



COUNTY COLLECTIONS BY LOCATION

By Location 2021

(Rounded to nearest dollar)

Location	Quarter				Grand Total
	2021 Q1	2021 Q2	2021 Q3	2021 Q4	
Manzanita, Nehalem, Wheeler	20,196	34,689	58,239	23,984	137,108
Rockaway Beach	17,729	32,891	59,511	20,544	130,674
Tillamook, Bay City, Garibaldi	9,457	18,466	28,897	13,865	70,685
Uninc - Cloverdale	27,036	48,747	73,670	26,660	176,113
Uninc - Garibaldi	27,337	37,690	24,358	6,124	95,508
Uninc - Manzanita	65,152	137,906	240,576	92,300	535,935
Uninc - Neskowin	57,094	109,662	208,663	72,638	448,056
Uninc - Oceanside	94,544	170,420	286,187	100,536	651,687
Uninc - Pacific City	284,722	516,682	815,540	290,394	1,907,338
Uninc - Rockaway Beach	40,370	71,366	147,970	50,702	310,408
Uninc - Tillamook	18,469	46,691	71,173	19,120	155,452
Various - Online	840,308	850,284	763,137	467,672	2,921,401
Grand Total	1,502,414	2,075,493	2,777,921	1,184,538	7,540,366

COUNTY COLLECTIONS BY LODGING TYPE

By Lodging Type 2021

Lodging Type	Quarter				Grand Total
	2021 Q1	2021 Q2	2021 Q3	2021 Q4	
B&B	6,889	14,288	21,302	9,614	52,092
Hotel	195,664	330,882	491,597	224,635	1,242,777
MultiFamily	35,108	63,348	99,412	35,598	233,466
RV/Camp	105,115	230,715	305,090	71,603	712,523
SingleFamily	1,159,640	1,436,259	1,860,520	843,089	5,299,507
Grand Total	1,502,414	2,075,493	2,777,921	1,184,538	7,540,366

TLT HISTORY AND USE: ORS 320.300

Prior to 2003	After 2003	January 1, 2014
<p>Room tax goes to general budget</p>	<p>Any rise in room tax subject to state law of 70/30 split</p>	<p>County implements 10% transient lodging tax; cities raise their tax to 9%</p>
<p>4% original lodging tax* All lodging tax goes to a city's general fund – most cities in Tillamook County had a room tax in place by the 1990s</p>	<p>4% original lodging tax* Continues to go to city's general fund</p> <p>Cities: Any increase after 2003 subject to 70/30 split: 30% goes to general budget 70% tourism facilities and/or promotions</p> <p>State adds 1.0% state tax, goes to Travel Oregon</p>	<p>4% original lodging tax* Continues to go to city's general fund</p> <p>Cities: Any increase after 2003 subject to 70/30 split: 30% goes to general budget 70% tourism facilities and/or promotions 1/10th of 10% total room tax to county</p> <p>Unincorporated: full 10% to county</p> <p>All county TLT collections: 70/30 split. 30% to roads; 70% tourism facilities and/or promotions</p>
<p>*example</p>		<p>1.5% state increase - Travel Oregon</p>

HOW TLT IS USED

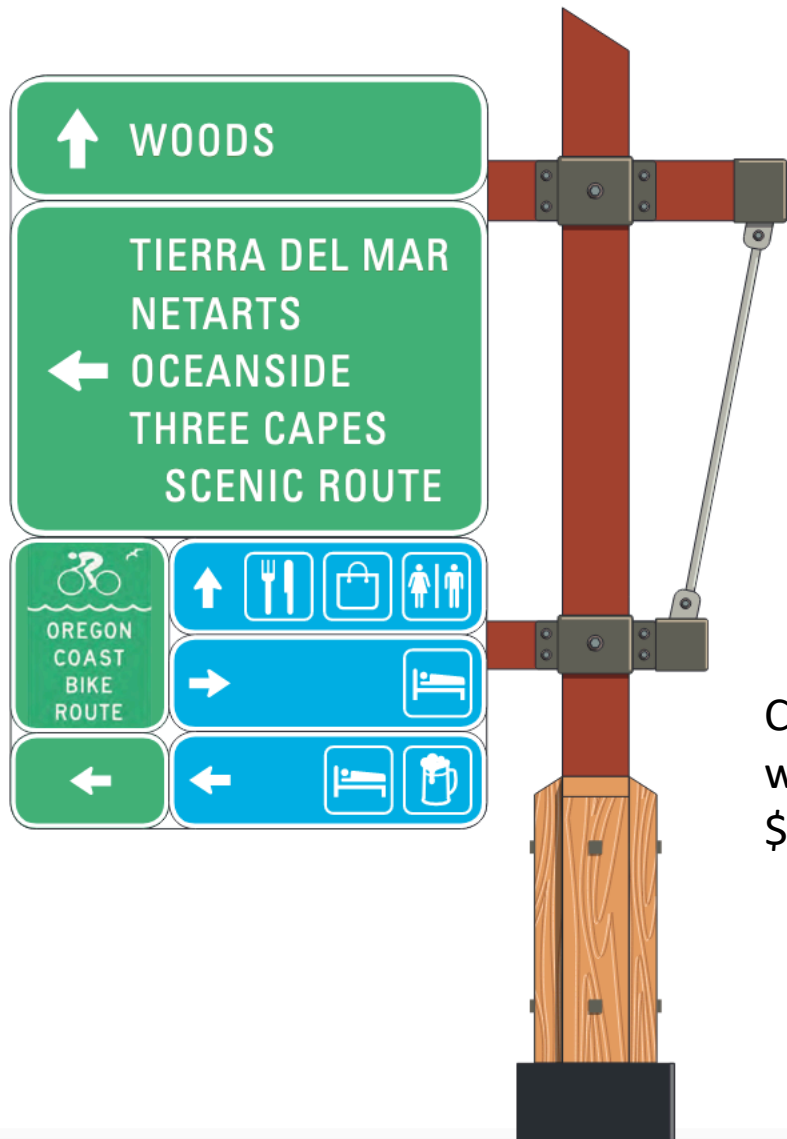
Grants	Investments	Sponsorships (TCVA)
Facilities and marketing grants	Capacity Building (examples)	Community events and programs (examples)
<p>\$5.5 million in tourism facilities grants to agencies and nonprofits</p> <p>\$950,000 in marketing grants to nonprofits and tourism businesses</p>	<p>\$5+ million</p> <ul style="list-style-type: none"> • Jenson Property in Pacific City • Development plans for Jenson • Salmonberry Trail • Tsunami, safety and emergency access • Parking, trash management, bathrooms in peak season • Fairgrounds improvements • Pioneer Museum 	<p>\$100,000</p> <ul style="list-style-type: none"> • Chamber events • Off-season community events • Scholarships for industry training • Auction items for fundraisers

HOW TLT IS USED

	<u>Amount</u>
Walton Family Land Donation for Right of Way	\$120,000.00
Community of Neskowin	\$100,000.00
North Coast Regional Solutions Team	\$150,000.00
Tillamook County Public Works	\$550,000.00
Nestucca, Neskowin & Sandlake Watersheds Council	\$7,700.00
ODFW Screening and Passage Program	\$102,200.00
USFS Salmon SuperHwy Fish Passage Partnership Grant	\$38,400.00
U.S. Fish and Wildlife Service (USFWS)	\$3,000.00
USFWS National Fish Passage Program (NFPP)	\$40,000.00
USFWS Pacific Marine and Estuarine Fish Partnership (PMEP)	\$50,000.00
2019 House Bill 5050 Section 61	\$ 1,000,000.00
Tillamook County Transient Lodging Tax	\$450,000.00
Oregon Business Development Department with Oregon State Lottery Funds	\$97,500.00
PROJECT COST	\$ 2,708,800.00



HOW TLT IS USED



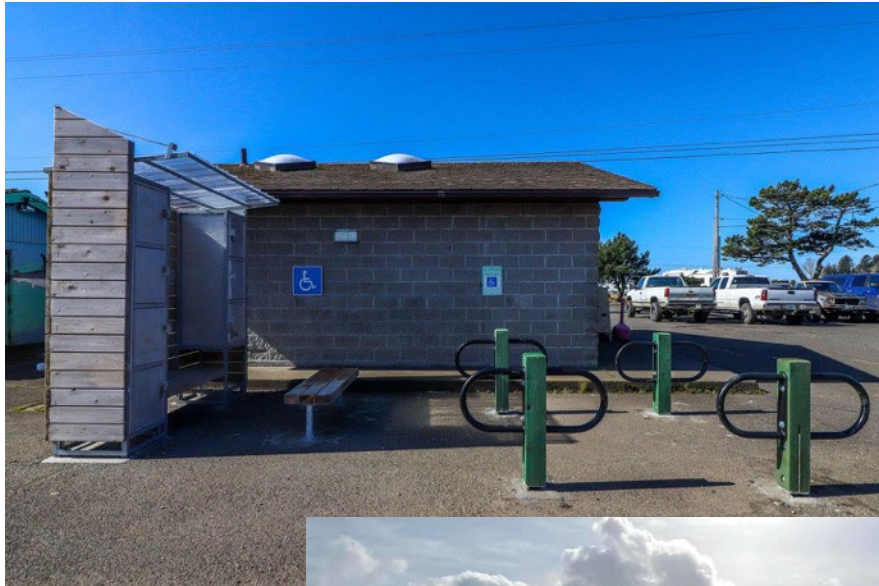
Tsunami Signage
\$40,000 (so far)

County-wide
wayfinding
\$700,000 (so far)



HOW TLT IS USED

**Port of Garibaldi
\$204,000**



Restrooms
and kiosk

Event tent



Dock



HOW TLT IS USED

\$138,000 on digital message signs at fire districts and ports



HOW TLT IS USED



Oceanside Community
Club roof repair
\$55,000



Oceanside Beach Access
\$75,000

HOW TLT IS USED



Kayak launchers (2): \$14,000



Beach wheelchairs (9): \$49,000

HOW TLT IS USED



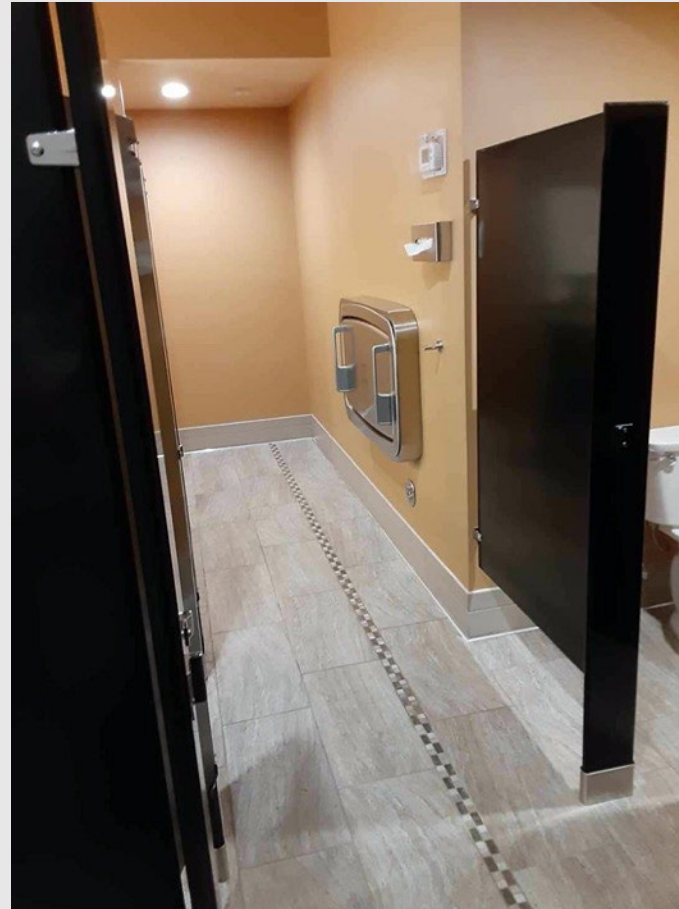
Kiawanda Community
Center addition
\$339,000

HOW TLT IS USED

\$153,000



Renovation and new seating in NCRD performing arts center



ADA bathroom and lobby remodel at NCRD



HOW TLT IS USED



Cape Kiwanda beach access
\$132,659

Kiwanda Corridor Project
\$3,600,000 – purchase of Jensen property and planning



HOW TLT IS USED



Nestucca Valley Skate Park
\$225,000



Tillamook Skate Park
\$31,450

Benefits of local STR agencies

Can respond quickly to issues – **85% compliance** in the 20-minute response rule

Local agencies have hundreds of employees, well paid, often with benefits

Local agencies are **part of the community**

Local agencies support local businesses, such as landscapers, painters, electricians, plumbers, etc.

Local agencies are generous with community requests – donations, auction items, sponsorships

Vast majority of “nuisance calls” are not STRs and/or not locally managed

Future of STRs?

If STRs were to be shut down:

- 69% of TLT would go away, as would grants, investments, infrastructure and community development by the county and TCVA
- Businesses supported by visitors would close and hundreds of people would lose their jobs
- Lawsuits would rise like king tides
- Real estate value would go down

Management of STRs is ideal:

- City of Manzanita has a cap of 17.5% of households; mostly managed by agencies with a local presence
- Rockaway Beach is researching STR cap now
- Unincorporated areas currently have no cap, but are paused

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Regulating Short Term)
Rentals, Establishing Standards and) ORDINANCE #84
Fees, Providing for a Permit, and) Amendment #2
Creating Penalties for Violations of)
This Ordinance)

The Board of Commissioners for Tillamook County ORDAINS as follows:

Section 1. Title

This Ordinance shall be known as the "Tillamook County Short Term Rental Ordinance" and may be cited and pleaded as such and shall be cited herein as "this Ordinance", or by any reference to a section or subsection of this Ordinance.

Section 2. Authority

This Ordinance is enacted pursuant to ORS 203.035.

Section 3. Purpose

- (a) The purpose of this Ordinance is to regulate short term rentals in order to enhance public safety and livability within Tillamook County.

Section 4. Applicability

This Ordinance shall apply within the unincorporated areas of Tillamook County, including areas within urban growth boundaries, but shall not apply within the boundaries of any incorporated City. This Ordinance does not apply to Bed and Breakfasts or travelers accommodations for which a state license has been granted under Oregon Administrative Rule, Chapter 333, Division 29.

Section 5. Definitions

- (a) For the purpose of this Ordinance, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory and the term "this Ordinance" shall be deemed to include all amendments hereafter made to this Ordinance.
- (b) The following definitions apply to this Ordinance:

(A) ~~(A)~~ "Contact Person". The owner or if designated on the application for a permit, the agent of the owner, authorized to act for the owner. "Contact Person" shall be person identified on contact signage posted at the front entrance of the property.

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(B) "Contact Signage".--Add definition here? Purpose, minimum size requirements, font size?

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(C) "Cooking Facility". Cooking stove, hot plate, range hood, microwave oven or similar facility.

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(DB) "Dwelling Unit". A lawfully established dwelling unit comprised of one (1) or more rooms occupied, designed or intended for occupancy as separate living quarters that contains cooking facilities and containsing three (3)-two (2) or more of the following:

- Refrigeration
- ~~Cooking facility (including cooking stove, hot plate, range hood, microwave oven or similar facility)~~
- Dishwashing machine
- Sink intended for meal preparation (not including a wet bar)
- Garbage disposal
- Toilet

(EG) "Maximum Occupancy". Create definition that establishes maximum number of persons permitted to occupy the dwelling- either for purposes of sleeping or in general for how many persons may be allowed to occupy the dwelling at any given time. Establish a maximum number of persons. Add exception for persons younger than 2 years of age or establish an age where exception applies.

(F) "Onsite Wastewater Treatment System". Means any existing treatment and dispersal system of residential wastewater.

(GD) "Owner". The owner or owners of a ~~short-term~~short-term rental.

(HE) "Permit". A ~~Short Term~~Short-Term Rental Permit.

(IF) "Person". Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.

- (JG) "Rental". An agreement granting the use of a dwelling unit to a person. Use of a dwelling unit by a recorded owner or other person or persons without monetary consideration shall not be considered to be a rental under this Ordinance.
- (KH) "Rented". The use of a dwelling unit granted to a person in exchange for monetary consideration.
- (LI) "Renter". A person who rents a ~~short term~~ short-term rental.
- (MJ) "Serious Fire or Life Safety Risk." A building code or ordinance violation involving those 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.
- (NK) "Short Term Rental". A lawfully established dwelling unit (~~including any accessory guest house on the same property~~) that is rented to any person on a ~~day to day~~ day-to-day basis for a consecutive period of 30 days or less during the year. No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles as defined in the Tillamook County Land Use Ordinance, in conjunction with the short-term rental is permitted.
- (OL) "Sleeping Area". A room ~~or other space~~ within a dwelling unit designed, ~~intended or used~~ for sleeping. Tents and recreational vehicles shall not be considered a sleeping area.

Section 6. Standards

- (a) All ~~short term~~ short-term rentals shall comply with the following standards. Any owner, contact person, or renter who violates any standards, or allows any standards to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other County Ordinance or State law.;
- (A) The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time and there shall be no unreasonable noise disruptive to neighbors during this time. ~~Renters who violate this standard may be issued a citation and be subject to a fine pursuant to this Ordinance.~~

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(B) The contact person shall notify every renter, in writing, of the quiet times. ~~The owner may be fined for violations under this Ordinance.~~

(C) The contact person shall attempt to contact a renter by phone or in person within twenty (20) minutes of delivery of any complaint concerning the conduct of a renter.

Commented [SA1]: Should be moved to different area. Not part of standards.

~~(D)~~ (D) —The name and active phone number of the contact person shall be posted so that it is visible from the outside the front entrance of the ~~short term~~short-term rental and visible from the property boundary adjacent to the front entrance. The required signage must be a minimum of 1-foot by 1-foot in size, with letters and numbers in font size and style easily readable from the property boundary. Contact signage shall be maintained in compliance with this Ordinance in perpetuity, or until the dwelling is no longer being utilized as a ~~short term~~short-term rental. The active phone number shall be a working number and shall not be the general reservation line for a rental company.

(E) No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles as defined in the Tillamook County Land Use Ordinance, in conjunction with the short-term rental is permitted.

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(FE) The owner shall provide covered garbage containers that can be secured in a manner acceptable to the local local franchised garbage hauler. The contact person shall notify guests that all garbage must be kept in secured containers provided for that purpose. There shall be no uncovered and unsecured accumulation of trash at any time on the exterior premises of the property or within road right-of-way. -As required by Tillamook County Ordinance #4, garbage shall be removed by the local franchised garbage hauler. Garbage shall be removed a minimum of one (1) time per week for properties renting once weekly and shall be twice (2) weekly for properties renting at least two times within a 7-day period. -a minimum of one (1) time per week unless arrangements are made with the local franchised garbage hauler to suspend or modify service during the times when the short term rental is not rented. Proof of garbage service shall be provided to the Department at the time of permit application submittal, at the time of permit transfer and at the time of permit renewal. The contact person shall provide guests with information about recycling opportunities.