

Janell Dixon	May 1	Rockaway	Several STRs and no problems with visitors, good instruction from STR hosts so guests know where to put trash and access beach, can't say the same for a few full time residents here, residents feel entitled, don't assume all neighborhood issues are caused by guests from out of town
Brian Johnson	May 1	Rockaway	Without an STR permit, we would have to sell our home, love our place at the beach, rely on partial income, ample parking, never a complaint from neighbors, we are homeowners who play by the rules
Dave Vandehey	May 1	Neskowin	Purchased a vacant lot in Neskowin with plans to build home to share with others with STR, can't afford as personal vacation home only with no rental income, now we may never build because we may not get a permit, risky position, these are vacation/tourist destinations, if the full time residents don't like that, then they have chosen the wrong place to live, Oregon coast not reserved for those who can afford their a place of their own, we may sell our lot, probably at a loss, because it's not worth as much given the new STR restrictions, focus on better enforcement of current regulations, not adding new, not well thought out new restrictions
Gabriele Schuster	May 1	Nehalem	350 sq ft house - planning on retiring there in 4 years, rent in the meantime to only 2 people, quiet guests, new STR rules too restrictive, one size fits all does not work, my guests have complained about a full time resident playing loud music and burning garbage, supports extending rules to full time residents, if these new rules go into effect I will shut down my rental with the result of not promoting tourism at the coast, local businesses will suffer
Dan Myers	May 1	Pacific City	Reasonable regulations, simple rules, TC not transparent about how many complaints received, county may be creating a nightmare for the county and current STR owners, new regime of rules, staff to enforce it, bulk up costs, burden the county without making a meaningful difference for residents, support fees but why not fees to large hotels and large commercial properties, why new names for permits, county is creating a whole new structure to solve a problem that doesn't exist, supports targeted fixes, reducing and restricting STRs may make traffic and headaches from visitors with no good options to stay locally, shorter visits, spend less

Bob Arthur Taylor	May 1	Tierra Del Mar	5th generation PC, area has dramatically changed over time, consider that STR owners have a vested interest to be good neighbors, livability concerns stem from day tippers, support private security company to monitor STRs, fair & reasonable to grandfather in pre-pause denial cases when building, those cases have negligible impact, but owners face serious financial hardships
Paula O'Gorman	May 1	Tierra Del Mar	20+ years renting, no problems, need rental income to purchase, please do not pass any restrictions on our ability to rent our home
Cathi Hardwood	May 2	Pacific City	4th generation, STR permit since 2016, never a complaint, concerned about permit being replaced with a registration certificate
Lindley Leahy	May 2	Neskowin	Operator of Willamette Coast Ride, rent 5-7 condos at a time for clients, frequent Neskowin Trading Post & Cafe, these conveniences in small towns like Neskowin would not be here year round if it weren't for the tourists that support them heavily in high season, support reasonable & common sense regulations, STRs important to beach accessibility
Bill Ruecker	May 2	Visitor	Prefers STRs to hotels, do not support revisions, economic damages, huge liabilities and loss of tourist dollars, land use, proposed damage clause for decreased value could cost millions for TC, tax base will suffer, no special rules beyond fees and licensing should be required, complaints must be dealt with uniformly through TC
Carolyn Kinsley	May 2	Neahkahnie	Concerned that STR street signs will make residential areas look commercial, supports discreet but visible signage at entrance door, wants to be able to remove signage when family in residence, Neahkahnie deliberately has larger lots, no street lights, no sidewalks, no STR signs
Roberta Lindenfelser	May 2	Neskowin	Studio condo in family for decades, part-time community members, provide income to those who live/work full time in the area, only 1 problem in years of renting, committed to being a benefit to the community, decisions based on data, not squeaky wheels, blanket rules based on Neahkahnie complaints will cause widespread collateral negative effects on the rest of the county, please enforce existing regulations, transferability, vital part of coastal economy,

			regulating STRs out of existence or severely limiting them is not the solution, currently most STR owners are private citizens, lets work together
Tillamook Chamber of Commerce Justin Aufdermauer	May 3	Tillamook County	Support removing cap & density limits from Ordinance #84, allow proper assessment of the new regulatory and enforcement measures being imposed and the economic impact to be adequately assessed while ensuring enhanced livability for TC residents, 1% cap above current STR levels allows for extremely limited growth as it does not keep up with economic factors, so limiting that it will establish a stagnant economy that will damage the quality of life, 1% increase will choke out many small businesses that rely on tourism, due to severity of this decision, urge consideration of increasing allowance to 2% annual increase each July, collecting data, 3 year sunset clause as protection for economic growth, TC coming out of an unprecedented, pandemic induced, flood of visitation that is bound to level out due to economic downturn we are seeing nationwide, implementing overly restrictive policy without economic evaluation is poor policy making and inevitably will be fraught with unintended consequences
Justin Leahy	May 3	Neskowin	Support STR permits - excellent area for tourists and tax dollars
Lindsey Boccia	May 3	Netarts	Invested in permits with intention to obtain STR, already reduced plans to offset rising construction costs, ask to be one of the 1%, no other way to recoup all our costs, read 1000 pages of Tillamook comprehensive plan with plans to increase access for people to enjoy natural value, non-STR owners should have equal rules
Lindsey Boccia	Feb 15	Netarts	Comments not included previously, very upset, \$34k spent all for a home that is now too expensive to build with no STR option, permit sitting on your desk has since expired, if new policy too restrictive we will be forced to sell
Sharon Babkes	May 2	Unknown	If and when pause is lifted, please grant new permits based on order of COI receipt, serious financial hardship, I've had occupancy since Aug 2022 and struggled to finance this home, strain on my family, turned into a nightmare
Nicole Ralston	May 3	Pacific City	We continue to post these public comments, without it seeming that anyone

			is reading them, our voices are not being heard, specifically harming one small group, simply not true about a grace period, 1% plan is worrisome, we are all going to be fighting for a spot in line, it seems we may be permanently shut out of ever obtaining a permit, we took vacant land and made it beautiful, paying thousands in property taxes and cannot afford mortgage without renting part time
Gina Burton	May 3	Nedonna	Before imposing restrictions on responsible owners, please do your research to determine how effective your decisions will be to our community etc...
Florin Dragu	May 3	Neahkahnie	Concerned about 1%, historically 2nd homes, not for a few rich people, seems very selfish, traffic, noise, and number of people is increasing everywhere, day trippers create more traffic, noise, parking, supports limiting the number of STRs a single owner or owner of multiple LLCs can have, sensible rules without stopping new STRs
Desiree Mac	May 4	Nedonna	5 yr STR owner, rules wildly one-sided, family history Rockaway, rent to afford and share, invested a lot, stigmatized, demonized by disgruntled locals, need concrete complaint data, vs full-time complaints, locals don't park in their own driveways, hypocritical, privacy concerns for signage & if for safety then all homes need, noise issues are from long term renters, unrented properties not maintained, STRs deserve more credit, punish those who don't obey, family photos included, we are a law and rule abiding family trying to make memories & share our beach home
Carol Herzog x2	May 4	Pacific City Seawatch	Supports reasonable rule changes, many offered without good data, HOA allows STRs, HOA tracks complaints, all complaints were parking related to homeowners, TC overreacting, expensive and protracted litigation, infringe on owners property rights, land use, illegal taking
Penny Erickson	May 4	Pacific City	Flawed process, over planning, over correcting by creating rules not substantiated by data or facts, unintended consequences, lawsuits, manage problems that actually occur, use TLT to hire an enforcement officer, revoke permits for breaking rules rather than punish all STR owners, ensure full-time residents are good neighbors too, economic benefits

James Jim Hall Hawk Creek Cafe	May 3	Neskowin	1% cap, home & business owners, unreasonable to limit how we may use our home, illegal infringing on our property rights, very concerned for long term health and viability of our business if STR growth is limited, serious negative impact on annual sales revenue, winter recession, shoulder season sales revenues insufficient to cover operating expenses, make up with strong summer season primarily result of tourist activity, offer full time employee benefits, constrain our ability to maintain and grow, may need to shutter during some or all shoulder season to remain viable, we are only full service dining in Neskowin, urge not to adopt heavy handed restrictions at this time
Zach Clement	May 4	Unknown	Caught in process of building when moratorium was forced, supports exception for those in process of building, lack of empathy from BOCC, carve out room in upcoming regulations by allowing permit growth before new regulations
Lloyd & Linda Hayne x2	May 4	Avalon West Oceanside	Supports reasonable changes, no compelling data suggesting an overhaul is needed, meeting current building codes painful and expensive, harassment component to discourage legitimate use of property, no complaints in last 10 years of STR use, TC diverse environment, appalled at efforts to twist the ordinance into something it is not to skirt the protections afforded to homeowners by state land use and constitutionally protected property rights, licensing will result in expensive and lengthy litigation, compensation is ludicrous, won't stand up in court
Jennifer Akiyama	May 4	Neahkahnie	Support current regulations, disagree with county's attempt to remove land use, support collection of data and enforcement of current regulations, and transferability, not certificates, Neahkahnie homeowners since 1957, renting since 1970s, low flow water efforts, support local, very few hotels, affordable accommodations important to keep coast accessible
Pete Stone x2	May 3	Nedonna	2 issues need attention: 1. Noise - simply absurd, non STR neighbors have no noise limits, references Marion County's noise ordinance, call logs, minimal extra work for sheriff, 2. Septic, STRs already permitted for septic, DEQ inspection every year requirement is excessive and punitive, supports reasonable and equitable rules for all

Justin Jones	May 8	Neskowin	Nesk C commercial - exempt from density & caps
Alan McRobert x4	May 4	Netarts	Detailed DO feedback, 2021 building codes prohibit requirement for 2021 code, closet no impact on health, safety, welfare, invalidates present STR permits, limiting transfers unduly harms owners, parking size retroactive not legal, 60 days for major repairs is impossible
Rachael Winters	May 8	Pacific City	Incredibly discouraged, vacant home sitting empty, not allowed grace period for license, concerned about 1%, waiting patiently, excluded for a year
William Hibbitts	May 8	Neahkahnie	8485 Treasure Rock Rd parcel, bought with plan to rent and discussed with TC about regulations and asked if TC would change rules about STR and she said, "No way! The county makes too much money on STRs to do away with the program" - purchased, and feels mislead, could be financial burden and loss, can I build LTR with STR? During covid the locals didn't sustain the local businesses, TC you can only eat the golden goose once - then it's gone
John & Maria Meyer	May 5	Neahkahnie	Need complete data, vocal & spirited group in Neahkahnie with legit concerns, but far outweigh comments from the rest of the county, no complaints about their STR or neighboring STRs, historical role of STRs need to be recognized, caps and transfers need to be protected by grandfathering, enforce current regulations before adding new, concerns for permits being replaced with RCs, reference CA coastal commission, economic role of tourism, vital for public beach access, balance, caps 1% with room for growth, current permits transferable, grandfathering, community wide dark skies, reasonable distance limits new permits, reference Clatsop ballot measure, helping small cluster or people with money and means makes their gates a little higher
Shiara Powell	May 4	Pacific City	Reassured by county prior to buying, surprise freeze on new permits, specifically excluded from grace periods, treating our family like a faceless corporation, current permit holders benefit the most, grandfather in those who had intent of applying for STR permit
Emily Draper	May 5	Oceanside	Concerns about additional work for building inspector, planning, zoning staff,

			and sheriff, prefer county enforce existing rules, no existing STR permit should be in jeopardy, all grandfathered per requirements at time of licensure, legal battles, compensation claims, appeals, measure 49, existing STRs - 12 months for major repairs, no caps and buffers for existing, parking grandfathered with smaller spaces, allow musical instruments, contact person 24/7 within 30 minutes unreasonable - only apply to problem STRs with multiple complaints
Margaret Page x2	May 6	Realtors TC Board	Supports responsible STR use, but restricted or banned, significant harm to local economy, pause has already lowered sale prices by as much as 7%, National Association of Realtors Initiatives Analysis legal land use attorneys: Impairs the right of private property owners to STR, mandatory inspections, unfairly impose onerous occupancy, noise, quiet hour, parking regulations on STRs vs non-STRs, requiring a person to respond places them at risk of physical harm, and arguably requires private citizens to perform what should be a public policing function... renting one's home is a core right of property ownership, not a privilege, ADU prohibition contrary to private property ownership, lack of warrant for inspection vulnerable to challenge under Fourth Amendment, Unconstitutional Conditions Doctrine by withholding STR certificate unless the owner consents to a warrantless inspection, no rationale for imposing more demanding rules on STRs - county should adopt general regulations rather than singling out STRs, forced evictions negative impact on tourism - bookings should be honored upon permit revocation unless immediate safety issue, many drafting errors and inconsistencies, building codes issue
Ty & Kelly Milford	May 8	Cape Meares	STR, all should be allowed, but the bad ones should not prevent the good from being in operation, tourism, tax revenue, home maintenance, jobs, VRs have long been a staple on the Oregon Coast, enforcement, imposed against those properties before penalizing the system as a whole
Scott Hohensee	May 8	Pacific City	Concern about inordinate amount of subjective decision making power that will be vested in the STR administrator, music & conversation at respectful levels should not be prohibited, too heavy and cumbersome with pitfalls

			intentionally placed to catch STR owners in positions of non-compliance
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Lynn Tone

From: Kathy Oullette <kathyoullette@gmail.com>
Sent: Thursday, June 8, 2023 5:22 PM
To: Lynn Tone
Subject: EXTERNAL: STR Ordinance communications / written testimony

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

Sorry I cannot attend, hopefully you can get this filed for me - thank you!

Public comments regarding STR ordinances and livability in Neskowin with high STR percentage

We retired here 9 years ago. We have been impacted by STR activity in relation to garbage control, traffic, parking issues, noise and fireworks which was fairly nonexistent when we moved here. We have multiple STR's in our concentrated neighborhood where other homes are either lived in full time or owned as full time family vacation property. Some homes appear to rent (regular traffic with different vehicles) and are unsigned. After time you know the families that own or regularly come. The STR business impact has changed the neighborhood. It's a nuisance to have new visitors day to day or week to week. You often end up providing directions, address speed violators, monitor parking and garbage within the neighborhood properties that are STR's. With these considerations we support a percentage cap as a required assessment within neighborhood communities to limit the number of STRs in each community.

Density limits with CAP - IN FAVOR!

We strongly believe that NO Transfers of permits/licenses should be grandfathered for ANY STR. This requires a process where licenses are managed until filled to a percentage cap. Why is our home determined to have a lesser value if it does not have a transferable permit? Why is Tillamook County 'creating value' to property based on a permit/license holder? This is an unfair situation for those without permits and Tillamook County should remove the condolence that creates this unfair leverage and eliminate transfers in all cases. Should I buy a permit to increase my home value when it is for sale???

No Transfers period - IN FAVOR!

We desire a community to engage in local activity that benefits all who live here and are personally invested in their homes and neighbors. When part time vacations are here, they are here to vacation and use the properties how they want. We heard many people say they want to retire here after STR activity to fund their home when the time comes. What they do not recognize is that they will be impacted by the same lack of community investment of vacationers and STR owners that do not share in community involvement. People that buy 'FOR PROFIT' business aspects should be treated like a business with increased guidelines. Businesses do not belong in our neighborhoods. We understand the single beach home owner, living the dream, having to rent to make ends meet. Single families making a beach investment is great, get a permit, rent as you can. But permits are not guaranteed. If you can't afford it, then sell it - it's that simple. Allow our neighborhoods to be collective quiet locations of nature and beauty, not party homes that take over neighbors rights and disrupt day to day life.

Family over Business - IN FAVOR!

Kathy & Russell Oullette
Neskowin Oregon

To: Tillamook Board of County Commissioners
Tillamook County Community Development
publiccomments@co.tillamook.or.us
mfbell@co.tillamook.or.us
dyamamoto@co.tillamook.or.us
eskaar@co.tillamook.or.us
sabsher@co.tillamook.or.us

From: Michael Smith
34040 Ocean, Pacific City Oregon 97135
Short Term Rental Owner

Re: Support for all comments and legal concerns submitted by Oregon Coast Hosts

My name is Michael Smith and I am Short Term Rental Owner. I wish to put on the record all of the comments and legal concerns Oregon Coast Hosts have made in the past regarding Short Term Rentals. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

Our family has owned this property since 2015. We bought the ocean front lot in 2015. We completed the home in 2016. Upon Certificate of occupancy I obtained an STR permit. This STR permit has continually been valid..

These are my top 3 general concerns:

- Replacement of current permits with licenses
- Restrictions on transferring property with the STR permit intact are unlawful
- Oregon's beaches are public, and restricting STRs will limit public to access the beach, especially in areas with no hotels

These are my top 3 operational specific concerns:

- Buffers are a problematic and inherently inconsistent tool: if STRs are a nuisance to permanent residents, and one street is all STRs, isn't it better that STRs only have negative effects on other STRs?
- Noise: Tillamook County needs a noise ordinance. Prohibiting "other noise" during quiet hours beyond property boundaries is unreasonable and inequitably punitive. Examples: AC unit running, car pulling into a driveway, a guest sneezing, a baby crying, etc. Reasonable decibel guidelines are needed so that the regulations are clear and fair.
- The maximum occupancy fails to account for unique, over-sized properties where short term rental is the bona fide "highest and best" use.

I support fair and balanced STR regulations. Balancing the historic seasonal home ownership of our community with property rights and livability can be done with evidence-based regulations and enforcement. To truly impact livability, the rules regarding top nuisance concerns need to apply equally to all homeowners and residents.

Sincerely,

Michael Smith

Lynn Tone

From: Public Comments
Sent: Tuesday, June 13, 2023 1:46 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STRs & Oregon Coast Hosts

From: john meyer <jkmsf@outlook.com>
Sent: Tuesday, June 13, 2023 1:39 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STRs & Oregon Coast Hosts

[**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 Board of County Commissioners,

We support Oregon Coast Hosts and their efforts to preserve property rights in Tillamook County. They care about our communities and have done a wonderful job of bringing the vacation rental community in Tillamook County together.

Thank you,
John and Maria Meyer
8015 Neahkahnie Rd
Nehalem

To: Tillamook Board of County Commissioners
Tillamook County Community Development
publiccomments@co.tillamook.or.us
mfbell@co.tillamook.or.us
dyamamoto@co.tillamook.or.us
eskaar@co.tillamook.or.us
sabsher@co.tillamook.or.us

From: Mark Gibbs
1041 S Castle Lane, Tillamook, OR 97141
Tillamook County Homeowner without an active STR permit

Re: Support for all comments and legal concerns submitted by Oregon Coast Hosts

My name is Mark Gibbs and I am Tillamook County Homeowner with an active STR permit. Many issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

My family has owned this property since 2018. It has always been our dream to own a home at the beach. To make this dream possible we purchased a home with a rental permit to help with the costs until we can some day utilize our home on a full time basis.

These are my top 3 general concerns:

- Replacement of current permits with licenses
- Restrictions on transferring property with the STR permit intact are unlawful
- State building code prohibits forcing historic buildings to "come up to code"

These are my top 3 operational specific concerns:

- 24/7 Contact Person - The immediate response requirement is unreasonable; even first-responders (Fire, Sheriff and Ambulance) cannot respond that quickly every time. \$100 charge to change contact person will discourage frequent changes, which are necessary due to 24/7 requirements. An online registration which allows owners or property managers to login and update the contact person in real time is an ideal solution that can be integrated with Granicus.
- Parking requirements are onerous, our home was the second built on our street and does not have a garage or dedicated driveway. Often our primary parking space is occupied by other households. The requirements for on street parking approvals by the county are not something that we feel we can meet when we can't even guarantee a space for ourselves.
- Item 7 under section .050 Section A "Notice to Neighbors" is an unreasonable rule that is intrusive to our personal business. While it is important to be a good neighbor in all instances, sharing specific information related to our property and how we choose to operate it is not the business of our neighbors.

I support fair and balanced STR regulations, as proposed the current regulations are not fair and balanced, they are overburdensome and designed to force the will of the county onto individual property owners and infringe upon our property rights. Balancing the historic seasonal home ownership of our community with property rights and livability can be done with evidence-based regulations and enforcement. To truly impact livability, the rules regarding top nuisance concerns need to apply equally to all homeowners and residents.

Sincerely, Mark Gibbs

To: Tillamook Board of County Commissioners
Tillamook County Community Development
publiccomments@co.tillamook.or.us
mfbell@co.tillamook.or.us
dyamamoto@co.tillamook.or.us
eskaar@co.tillamook.or.us
sabsher@co.tillamook.or.us

From: Heather Weigler
5575 NW 4th Street, Tillamook, OR 97141
Short Term Rental Owner

Re: Support for all comments and legal concerns submitted by Oregon Coast Hosts

My name is Heather Weigler and I am Short Term Rental Owner. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

My family has owned this property since 1977. This home has been in my husband's family since he was a baby, and we want to be able to give our children the same magical experience of the Oregon coast he has growing up. Having a well managed short term rental allows us to do that while sharing that joy with other families while making sure the property is well maintained and looked after. .

These are my top 3 general concerns:

- Replacement of current permits with licenses
- Restrictions on transferring property with the STR permit intact are unlawful
- Property owners cannot lose property rights solely based on conduct of someone else.

These are my top 3 operational specific concerns:

- Requiring either a closet or clothing organizer is outside the scope of STR regulations.
- Requiring an annual septic inspection is excessive and cost prohibitive.
- Revocation for 3 or more verified violations of ANY local ordinance, state or federal regulation within a 12-month period

I support fair and balanced STR regulations. Balancing the historic seasonal home ownership of our community with property rights and livability can be done with evidence-based regulations and enforcement. To truly impact livability, the rules regarding top nuisance concerns need to apply equally to all homeowners and residents.

Sincerely,

Heather Weigler

Lynn Tone

From: Public Comments
Sent: Tuesday, June 13, 2023 1:46 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STRs & Oregon Coast Hosts

From: Laurie Balzer <searchingwoman52@hotmail.com>
Sent: Tuesday, June 13, 2023 1:19 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STRs & Oregon Coast Hosts

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Tillamook Board of County Commissioners,
I support Oregon Coast Hosts and their efforts to preserve property rights in Tillamook County.
Thank you, Laurie Balzer, Pacific City Heights
Sent from Mail for Windows

Lynn Tone

From: Public Comments
Sent: Tuesday, June 13, 2023 2:15 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for Comments and Legal Concerns of Oregon Coast Hosts

From: john meyer <jkmsf@outlook.com>
Sent: Tuesday, June 13, 2023 2:09 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for Comments and Legal Concerns of Oregon Coast Hosts

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To: Tillamook Board of County Commissioners
Tillamook County Community Development
publiccomments@co.tillamook.or.us
mfbell@co.tillamook.or.us
dyamamoto@co.tillamook.or.us
eskaar@co.tillamook.or.us
sabsher@co.tillamook.or.us

From: John and Maria Meyer
8015 Neahkahnle Rd
Short Term Rental Owners

Re: Support for all comments and legal concerns submitted by Oregon Coast Hosts

My name is John Meyer and my wife and I own a vacation rental in Neahkahnle. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

We have owned this property since 2017. Our family has been coming to the Oregon coast since the 1940's. Our vacation rental is a second home to us, our four children and six grandchildren and friends of our family spend a good part of the year visiting. .

These are my top 3 general concerns:

- Restrictions on transferring property with the STR permit intact are unlawful
- Oregon's beaches are public, and restricting STRs will limit public to access the beach, especially in areas with no hotels
- Any classification of STRs as commercial or business use is not accurate - STRs are residential use.

These are our top 3 operational specific concerns:

- 24/7 Contact Person - The immediate response requirement is unreasonable; even first-responders (Fire, Sheriff and Ambulance) cannot respond that quickly every time. \$100 charge to change contact person will discourage frequent changes, which are necessary due to 24/7 requirements. An online registration which allows owners or property managers to login and update the contact person in real time is an ideal solution that can be integrated with Granicus.
- Exterior Signs - Requiring expiration dates on exterior signage is wasteful as it will necessitate new signage annually, may violate HOA rules, may invite vandalism and trespassing, especially in places where the home is not visible at all from the public right of way.
- Provision is needed to protect STRs from harassment via unfounded complaints.

We support fair and balanced STR regulations. Balancing the historic seasonal home ownership of our community with property rights and livability can be done with evidence-based regulations and enforcement. To truly impact livability, the rules regarding top nuisance concerns need to apply equally to all homeowners and residents.

Sincerely,

John and Maria Meyer

Lynn Tone

From: Public Comments
Sent: Tuesday, June 13, 2023 2:16 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Tillamook County Ordinance 84 - Short Term Rental Ordinance Revision

From: MARCO SERELL <twovalve@comcast.net>
Sent: Tuesday, June 13, 2023 2:04 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Tillamook County Ordinance 84 - Short Term Rental Ordinance Revision

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

June 13, 2023

VIA E-MAIL

Tillamook County Board of Commissioners
201 Laurel Avenue
Tillamook, OR 97141
Email: publiccomments@co.tillamook.or.us

Re: Tillamook County Ordinance 84 – Short Term Rental Ordinance Revision

Dear Commissioners:

Thank you for the opportunity to comment on the Ordinance 84 Short Term Rental Ordinance (STR) revisions. We are offering comment as we are concerned about the pending revision of the STR regulations and the potential taking away of our STR use and resulting loss of income.

We are long term residents of the Portland area and the owners of a home located in the Horizon View Hills area of Neskowin. We have owned the home for 50 years and have been operating as a Short Term Rental for about 15 years, renting about 90 nights per year to help offset the cost of owning and maintaining the home. We have never had a complaint.

Our concerns:

1. We reject the premise to the revised Ordinance, stating “that the transient rental of dwelling units has the potential to be incompatible with the residential neighborhoods in which they are situated and to have a damaging impact on the livability of those neighborhoods” as described in Section .020 Purpose and Scope. We question the County’s reasoning and evidence of this conclusion. We were among the first to build a home in the Horizon View Hills neighborhood. We contribute to our Horizon View Hills Roads association and do everything we can to be a good neighbor. We are not aware of any outstanding negative issues with short term

rentals in our neighborhood. Additionally, we believe that there is a benefit of STRs supporting the local economy. We remember a time before STRs, when businesses would shutter all through the winter into spring.

2. The proposed revision of Ordinance 84 is much more prescriptive than the Ordinance 84, Amendment 1 that it replaces. Some of the new requirements seem overly burdensome (i.e., additional building and septic systems inspections, parking requirements, 30-minute local representative) and the overall tone of the proposed Ordinance seems to discourage short term rentals. Based on this, the new requirements could potentially compromise our ability to operate an STR either by non-compliance or by increased expenses.
3. Taking away our ability to operate an STR will result in loss of supplemental income. This income is important to us as we are retired and live on Social Security and personal savings. Without the income from the renting of our home, it will make it difficult for us to afford.

So, in summary, don't take away our ability to make STR income and jeopardize the ongoing ownership of our beach home.

Sincerely,

Marco Serell and Laurie Serell-Homan
Owners of 42805 Sundown Way, Neskowin, OR 97149

Lynn Tone

From: Melissa Jenck
Sent: Tuesday, June 13, 2023 2:28 PM
To: Lynn Tone
Subject: FW: EXTERNAL: Tillamook County Revised Short Term Rental Ordinance 84

Lynn,

I'm not sure if you are collecting testimony, but here it is.



Melissa Jenck (she/her) | CFM, Senior Planner
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3301
mjenck@co.tillamook.or.us

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The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/gov/ComDev/> to access the appointment scheduler portal.

From: Lloyd Lindley <lloydlindleyasla@gmail.com>
Sent: Tuesday, June 13, 2023 11:46 AM
To: Sarah Absher <sabsher@co.tillamook.or.us>; Melissa Jenck <mjenck@co.tillamook.or.us>
Subject: EXTERNAL: Tillamook County Revised Short Term Rental Ordinance 84

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

STR Revised Ordinance 84 BOCC Testimony June 13, 2023

Lloyd Lindley
8085 Kahnle Trail Loop
Nehalem, OR 97131

Full Time Resident
Oregon Pioneer Family, 1849 Oregon Trail
Urban Designer for 30 years
Transportation, Economic Development, and Public Spaces
Fellow Emeritus American Society of Landscape Architects
Past member of American Planning Association
Past Chair Portland Design Commission
Past Member Portland Forestry Commission

Madam Chair and Commissioners

Director Absher

Thank you for the hard work behind Tillamook County Revised Short Term Rental Ordinance 84

What we are seeing today is the evolution of commercial uses in Single Family Residential zones. Houses that are on contiguous properties under a single ownership and managed by commercial operators are behaving like boutique hotels and small motels that look like and act like Commercial uses. Commercial uses are not allowed in residential zones. During my career I prepared economic development strategies for commercial development. The formula is similar. A property owner/developer hires an architecture and financial team to prepare feasibility and an operator to advise and upon completion operate a property. STR's are investment properties unlike single family occupancy or B&B's. They are, in general, owned, advertised and operated as commercial overnight accommodations.

According to Oregon Coast Host, the ratio of operator managed houses in small coastal neighborhoods meets the criteria that defines a "commercial resort." The infrastructure to serve single family development in our neighborhoods and communities is not sized or has the capacity to meet the demands of a "resort community."

That all said, it is incumbent upon the County to uphold the intent of residential neighborhoods and communities to preserve their livability and sustainability. It is a slippery slope to enable workarounds that turn 4 to 8 bedroom houses into de facto boutique hotels. Again, I appreciate the work put into Ordinance 84. I'm asking that the Planning Commission adopt the following 4 points:

1. Adopt one time, no greater than 1 percent cap with no increases or annual increases contingent upon the outcome of the "Community by Community" public STR planning process.
2. Allow only a one time license transfer for existing STR's.
3. From adoption of revised Ordinance 84, issue 1 STR license per owner, per property in a community or neighborhood until such time that the "Community-by-Community" public STR planning process is completed.

4. Prepare an evaluation of infrastructure capacity to accommodate STR occupancies for fire, life, safety, and infrastructure resources.

I encourage you to incorporate the above 4 points, and vote yes in support of Tillamook County Revised STR Ordinance 84.

Thank you

To: Tillamook Board of County Commissioners
Tillamook County Community Development
publiccomments@co.tillamook.or.us
mfbell@co.tillamook.or.us
dyamamoto@co.tillamook.or.us
eskaar@co.tillamook.or.us
sabsher@co.tillamook.or.us

From: Misty Kjemperud
26605 David Street, Rockaway Beach (Nedonna)
Tillamook County Property Owner with a STR Permit

Re: Support for all comments and legal concerns submitted by Oregon Coast Hosts

My name is Misty Kjemperud, I originally moved to Rockaway Beach back in the 60's and graduated from Neah-Kah-Nie High. Due to my desire to relocate to Rockaway in the future, I purchased property in Tillamook County in December of 2021.

I was part of the Tillamook County workforce while I lived here and I feel for the employers who are struggling to acquire labor these days. I too encountered these issues in another small tourist town where housing became an issue. It's not solely due to the STR's allowed in the area, as they bring the cash flow for many of the businesses that exist due to tourism, but a compilation of reasons which I believe are more of an issue than what the STR's are being blamed for. One being low income housing with disabled or elderly residents, residents taking up housing who refuse or are unable to work, and due to the working age requirement nowadays. Students back then were the backbone to the operation of many of the businesses... and most of us lived with our parents who owned their homes or occupied long term rentals.

I applied and was approved for a STR permit prior to the cut off period last July. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

My family has owned this property since 2021. We purchased our beach home to share with family and friends, and wanted the option to rent it out when we are not enjoying it or until we retire and make this our primary home. We've gone through the process of getting the STR permit, but due to all the turmoil we've decided to hold off. We've never received final paperwork, but did receive an incorrect invoice from the county for more than what we applied for. I asked for it to be corrected based on our application but was told I would have to submit a change request, which I refused to do as it was not our error. Personally, I don't have faith in the County to properly set new guidelines for the STR program... and the changes are unnecessary in my opinion.

We have a full time neighbor, who is a homeowner, running an unlicensed business out of his home. This has created extra road traffic, people turning around in our driveway, parking vehicles out front of our property, and it looks terrible as though a hoarder lives there. Add to that, three yelping dogs and two cats who like to visit our sand yard to do their duty. I wouldn't feel comfortable charging someone to rent our home simply because of those neighbors. I would like to make sure that everyone abides by the ordinance of the City/County, and have all of it be enforced.

These are my top 3 general concerns:

- Property owners should not lose property rights.
- Restrictions of STR's may bring more long term rentals which will not be supported by "pride of ownership" and will deteriorate the neighborhood.
- Restrictions of STR's will bring more section 8 housing with occupants who are unable or refuse to work, which defeats the purpose of trying to gain additional rentals for employees.

These are my top 3 operational specific concerns:

- If the BOCC will be setting the permit fees, then any annual increase from the current level should be limited to a maximum of 5%, and STR inspection fees should not be priced higher than other building inspections - This is outlined in the current STR ordinance, and has been removed.
- Exterior Signs - Requiring expiration dates on exterior signage is wasteful as it will necessitate new signage annually, may violate HOA rules, may invite vandalism and trespassing, especially in places where the home is not visible at all from the public right of way.
- How often will the STR rules and regulations be changed if the County attempts to appease those who are against STR's. I would bet that many of those who oppose STR's now, enjoyed those STR's here in the past... and I'm sure they have enjoyed STR's in other localities in their time.

I support fair and balanced STR regulations. Balancing the historic seasonal home ownership of our community with property rights and livability can be done with evidence-based regulations and enforcement. To truly impact livability, the rules regarding top nuisance concerns need to apply equally to all homeowners and residents.

Sincerely,

Misty Kjemperud

Lynn Tone

From: Public Comments
Sent: Tuesday, June 13, 2023 2:45 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR in Tillamook County

From: Bert Berney <bberney@comcast.net>
Sent: Tuesday, June 13, 2023 2:45 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR in Tillamook County

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

To: Tillamook Board of County Commissioners

Tillamook County Community Development

publiccomments@co.tillamook.or.us

mfbell@co.tillamook.or.us

dyamamoto@co.tillamook.or.us

eskaar@co.tillamook.or.us

sabscher@co.tillamook.or.us

From: Bertram Berney

5695 Fifth St NW Cape Meares OR 97149

Short Term Rental Owner

Re: Support for all comments and legal concerns submitted by Oregon Coast Hosts

My name is Bertram Berney and I am a Short Term Rental Owner. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

My family has owned this property since 2022. The appeal of coastal property is not only our use but to introduce our friends from the East Coast how wonderful Tillamook County is!.

These are my top 3 general concerns:

- Replacement of current permits with licenses
- Restrictions on growth aimed at existing permit holders are unlawful
- Vacation rentals have always been allowed in Tillamook County

These are my top 3 operational specific concerns:

- Requiring either a closet or clothing organizer is outside the scope of STR regulations.
- 24/7 Contact Person - The immediate response requirement is unreasonable; even first-responders (Fire, Sheriff and Ambulance) cannot respond that quickly every time. \$100 charge to change contact person will discourage frequent changes, which are necessary due to 24/7 requirements. An online registration which allows owners or property managers to login and update the contact person in real time is an ideal solution that can be integrated with Granicus.
- More than 60 day allowance is needed for major repairs flagged at reinspection - Suggest owners have one (1) full year to complete major repairs, or have applied for a building, structural, plumbing, mechanical, or electrical permit within 60 days.

I support fair and balanced STR regulations. Balancing the historic seasonal home ownership of our community with property rights and livability can be done with evidence-based regulations and enforcement. To truly impact livability, the rules regarding top nuisance concerns need to apply equally to all homeowners and residents.

Sincerely,

Bertram Berney

Lynn Tone

From: Public Comments
Sent: Tuesday, June 13, 2023 2:58 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STRs & Oregon Coast Hosts

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

From: Jami Gresham <jamigresham@gmail.com>
Sent: Tuesday, June 13, 2023 2:49 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STRs & Oregon Coast Hosts

[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 Board of County Commissioners, I support Oregon Coast Hosts and their efforts to preserve property rights in Tillamook County.
Thank you,

Jami

To: Tillamook County Commissioners and Community Development Staff

From: Dave Holt, resident of Neahkahnie, Oregon

June 13, 2023

Good evening.

I would like to thank the Commissioners and the Community Development staff for the work they have been doing around this challenging situation. I also appreciate the opportunity to share a few of my thoughts on the new STR ordinance for Tillamook County.

I would like to focus my remarks on three topics – **Enforcement, Emergency Preparedness and Transferability.**

The County needs to be sure that they are collecting sufficient STR fees to fully cover the “hidden” costs for adequate STR enforcement and emergency prep supplies for our STR visitors. The County will need to be sure that these STR fees include the funding of proper **management** of both enforcement and emergency prep program for our STR visitors. Currently, enforcement is the responsibility of the county sheriff’s department, of which there are two sheriffs to oversee the entire unincorporated Tillamook County. We shouldn’t expect our under-staffed sheriffs’ department to be the solution for STR regulations enforcement.

Currently, any costs related to STR enforcement and emergency preparedness are part of the hidden costs that are being borne by property owners at large and not by revenues coming directly from the STR industry.

Lastly, I would like to state that I believe that any transferability of STR licenses under the new ordinance would be unfair. Extending the future transferability of these licenses under the new ordinance creates an **inequitable** situation for homeowners in our county who currently **do not** have an STR license and the additional value that it provides in terms of resale. Having a license to rent your home on a short-term basis appears to be a profitable business which should be rewarding enough.

Thank you for your time.

Alain & Lisa Briand
1945 Spyglass Ct
Netarts, Oregon 97143

June 5, 2023

Tillamook County Commission
201 Laurel Ave
Tillamook, Oregon 97141

Subject: Proposed Changes to Short Term Rental Regulations

Dear Members of the Tillamook County Commission,

We, have been proud owners of a short-term rental property located at 1945 Spyglass Ct in Netarts, Oregon, for the past four years. This property was purchased as our vacation home after years of saving and planning and we offer it for rent as an STR through Vacasa in order to offset our cost of ownership. We are writing this letter to express our deep concerns and opposition to the proposed changes to the Short Term Rental Regulations in Tillamook County.

While we understand the need for regulations to ensure the responsible operation of short-term rentals, we believe that certain aspects of the proposed changes are impractical and impose unnecessary burdens on property owners. We participated in the advisory meetings, which showed the possibility for fair & reasonable updates to the STR policies. We would, however, like to highlight the following points of contention:

1. Requiring renters to park off-street: We recognize the importance of addressing parking concerns; however, the proposed regulation would place an unfair burden on property owners. As owners, we cannot restrict the use of public streets for parking. Our home has 4 parking spaces that we ask each renter to use.
2. Requiring immediate response to complaint calls: While we are committed to addressing any legitimate concerns from our guests, demanding an immediate response to complaint calls is unreasonable. Property owners or our designated management company, we may not always be available or within close proximity to the rental property. A reasonable response time should be considered, taking into account the nature of the complaint.
3. Requiring expiration date on exterior signage: Mandating an expiration date on exterior signage would necessitate annual expenditures from property owners. This requirement places an undue financial burden on us without significant justification. If the signage is well-maintained and not causing any inconvenience or harm, it should not be subject to an arbitrary expiration date.
4. Changing from permits to business licenses: We strongly object to changing the requirement from permits (for an allowed use) to business licenses (with no land use rights). This change would effectively eliminate the land use rights that all permit holders currently enjoy, which are

guaranteed under state law. It is essential to protect the rights of property owners and ensure fair treatment under the law. Understand that this is our second home, not a business for us.

5. Permit Transferability is also a great concern. A new law that tries to limit or prohibit transfers of an existing nonconforming use is not allowed by state law. The county is offering current permit holders just one single transfer which is absolutely insufficient. Many homes have historical use as STRs (including ours), and if permits are limited, then not having the ability to be an STR will undoubtedly negatively impact our future sale value. Please consider exceptions for Legal transfers between family members, LLCs, trusts, etc...

We respectfully request that the Tillamook County Commission reconsider these proposed changes and engage in a dialogue with short-term rental property owners to develop regulations that are fair, practical, and uphold our rights as property owners. We are more than willing to work collaboratively towards finding balanced solutions that address community concerns without unduly burdening property owners. We fear that some of the currently proposed changes would be too restrictive and would eventually jeopardize our ability to support and maintain our family's vacation home.

Thank you for your attention to this matter. We trust that you will carefully consider our concerns and take them into account during the decision-making process. We look forward to a fair resolution that maintains the vitality of the short-term rental industry while respecting the rights of property owners.

Sincerely,

Alain & Lisa Briand

Lynn Tone

From: Donald Truxillo <donald.truxillo@gmail.com>
Sent: Tuesday, June 6, 2023 3:21 PM
To: Lynn Tone
Subject: EXTERNAL: In support of the draft ordinance to restrict STRs in Neahkahnie

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

Hello,

I am writing in support of the ordinance that would put the limits and restrictions on STRs in Neahkahnie.

This is important to the sustainability and quality of life in Neahkahnie,

Best regards,

Donald Truxillo

Joseph Long

8250 Hillcrest Rd.,

Neahkahnie 97131

Lynn Tone

From: Dave Benz <dave.r.benz@icloud.com>
Sent: Wednesday, June 7, 2023 10:24 AM
To: Lynn Tone; Sarah Absher
Subject: EXTERNAL: Proposed Ordinance STR Tillamook County Public Comment from Owner

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

June 7, 2023

Dear Sarah, Lynn and Commissioners,

8194 Nehalem Road
Tillamook County
Nehalem (Neahkanie), Oregon

My name is David Benz and with my wife Jean we own and have a STR renewed Permit.

We are appreciative of all the time, planning and public forum the Tillamook STR committee has performed!

As homeowners we value the Neahkanie Neighborhood our home is located and we sincerely without any reservation respect all our neighbors!

We have followed every rule to use our home for our family, friends and renters, including weekly garbage pickup in a large rubbish can which has a lid that closes with a bungee. We have a local landscaper, replaced our roof last August by hiring a local contractor, and employ VACASA in Manzanita, a Professional Management Company who has local residents clean and performs maintenance on our home. We have specific marked parking for everyone who uses our home, a sign with local contact and phone number beside the front door, a Tsunami Map and our STR permit framed and mounted in our entry.

We can honestly state that as a result of Covid in 2020 the desire to "get-away" outdoors, of not just county residents, rather citizens from Portland and other interior towns, and cities far surpassed anyones expectations, and much of the beach and ocean use, was by people coming just for the day.

This anomaly of increased extremely high demand use, caused greater use of cars parking on along the beach, and traffic!

The carrot over effect continued into 2021 and since then the nights rented has slowed.

We object to any change from a STR Permit to a License, as we purchased our home considering the use of it, specifically as a place to relax ourselves, and the ability to offset operational costs, but having a Permit to rent, which we have done both for long term and short term renters.

With a local Manzanita Attorney Sarah Smyth-Mcintosh, we registered our Neahkanie house as an LLC, ONLY for insurance purposes, in the event someone was injured on our property, including workers we hire. Some local residents are mistaken in

Thinking that our home is a corporation, and we had/have no intention of being an LLC for any other reason than insurance purposes.

We are with this note stating that we with Cost Hosts and other owners will be a **Plaintiff**, in changes which affect our ability to use our home as was intended by us, and approved by Tillamook County.

Thanks again for all the work you have done, and we appreciate the opportunity its to voice our thoughts!

Sincere Personal Regards,

David & Jean Benz

4516 77th Ave Ct NW

Gig Harbor, WA 98335

C-253 514 5244

Dave.r.benz@gmail.com Jeanbenz@gmail.com

Lynn Tone

From: Dave Benz <dave.r.benz@icloud.com>
Sent: Wednesday, June 7, 2023 10:24 AM
To: Lynn Tone; Sarah Absher
Subject: EXTERNAL: Proposed Ordinance STR Tillamook County Public Comment from Owner

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June 7, 2023

Dear Sarah, Lynn and Commissioners,

8194 Nehalem Road
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Nehalem (Neahkanie), Oregon

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We are with this note stating that we with Cost Hosts and other owners will be a **Plaintiff**, in changes which affect our ability to use our home as was intended by us, and approved by Tillamook County.

Thanks again for all the work you have done, and we appreciate the opportunity its to voice our thoughts!

Sincere Personal Regards,

David & Jean Benz

4516 77th Ave Ct NW

Gig Harbor, WA 98335

C-253 514 5244

Dave.r.benz@gmail.com Jeanbenz@gmail.com

Lynn Tone

From: Public Comments
Sent: Wednesday, June 7, 2023 3:43 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Comments Opposed to revisions to the Short Term Rentals Draft Ordinance in Tillamook county

From: Pam Statz <pamstatz@gmail.com>
Sent: Wednesday, June 7, 2023 11:38 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Cc: jcasegraham@gmail.com
Subject: EXTERNAL: Comments Opposed to revisions to the Short Term Rentals Draft Ordinance in Tillamook county

[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 Board of Commissioners & STR Advisory Committee,

I'm writing in support of Short Term Rentals in Tillamook county. I am opposed to the revisions to the STR Draft Ordinance.

My husband and I own an STR on Neahkahnie Mountain at 8180 Nehalem Rd, Nehalem, OR 97131. Our neighborhood has several STRs and is historically an area dominated by seasonal homes.

I'd like to address several issues of the STR Draft Ordinance:

Changing the regulation of short term rentals from a permit to a license and restricting transferability
- It is unclear how this will directly impact our property rights in regards to land use laws and our property value. Will Tillamook County take this into consideration when reassessing property tax bills?

Requiring renters to park off-street

- How will this be enforced? Will Tillamook county be recording the license plates, makes and models of every car owned by every renter and have police officers monitoring street parking?

Requiring immediate response to phone call

- What exactly does immediate mean? Will a call back within minutes still mean a violation against the STR owner? This is excessive since three violations equal revocation of a license and a potentially massive financial impact on homeowners.

Requiring exterior lighting to direct downwards

- Replacing exterior lighting is an excessive cost. Why aren't non STRs being held to the same standard?

Requiring expiration date on exterior signage

- This is an excessive cost and it is very questionable on how it could be enforced. Why not simply make this information publicly available at <https://www.co.tillamook.or.us?>

Requiring in-person response within 20? or is it 30 minutes?

- This places homeowners and STR managers in potentially dangerous situations. This is particularly troubling since Tillamook county seeks to cut six TCSO Deputy positions in the recent proposed budget for 2023. This also places a greater burden on STR owners than even for ambulance emergency response the county which permits 10% of call response to exceed 20 minutes – setting a higher expectation for short term rental owners to respond to noise complaints than they do response to life-threatening injuries.

Fee no less than \$100 to change Contact Person

- This is an excessive cost. STR management companies often have turnover in staff. Our main contact has changed three times in the last two years.

We take our duties as homeowners very seriously. The safety of the community and our guests is our number one priority. We allow only two cars to park on the property and are diligent about keeping the landscaping neat, and the house well maintained. We are active members of the Neahkahnie community. We employ local residents including Vacasa staff (formerly Sunset Vacation Rentals) who manage the property, Mark McCorkle Construction, and Hood Landscapes. When we are visiting we support the local economy by frequenting stores and restaurants in Manzanita, Nehalem and Wheeler. We sign petitions and work to affect slower traffic speeds on our street, we pick up garbage on the beaches, and we make an effort to know and engage with our neighbors. My family couldn't afford the joys of living in a place like Neahkahnie Mountain without being able to offer our home as an STR. Our home is meant to be enjoyed and I would hate to have it sit empty between our visits. Having renters, many of whom are repeat guests, helps us keep track of maintenance issues and needed repairs that we might miss if our home were only occupied occasionally.

Please consider families like mine when addressing the final version of the STR ordinance.

Pam Statz & Justin Graham
8180 Nehalem Rd, Nehalem, OR 97131

--
Pamela Statz

pamstatz@gmail.com

pamelastatz.com

415.577.9149

..... / .. / - .. / - ..

Lynn Tone

From: Public Comments
Sent: Wednesday, June 7, 2023 3:43 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Public Comment

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

From: Tara <riverhousehome@gmail.com>
Sent: Wednesday, June 7, 2023 12:57 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR Public Comment

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

Our primary residence for the last 10 years is Falcon Cove in North Tillamook County. We have at least 6 STRs immediately around us and can honestly say that we have never felt the need to complain to the county. We have periodically been annoyed by day tourists that park their cars in areas not designated for parking but we think that goes with living close to beach paths.

Our home is an approved STR. We are not currently renting it but may someday need to move closer to medical facilities, so our goal is to rent it then to help cover expenses while keeping it in the family.

We question the assertion that STRs use more water than permanent full time residents as justification for reducing STRs. We object to signage on our property if we aren't currently renting. It seems a privacy issue. We object to the ordinance being revised to license rather than permit because it appears to reduce property owner rights. We feel that if we chose to sell our property the STR permit should transfer with ownership.

We hope that our comments will be considered when the commissioners evaluate the ordinance.

Thank you,
Tara & John Erben
44925 Tide Ave
Arch Cape, OR. (Mailing address)
509 440-1778
Sent from my iPhone

Lynn Tone

From: Elaine <ejhanby@nehalem.tel.net>
Sent: Thursday, June 8, 2023 8:02 AM
To: Lynn Tone
Cc: Sarah Absher
Subject: EXTERNAL: Draft STR Ordinance Public Hearing June 13

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

To County Commissioners, Erin Skaar, Mary Faith Bell, David Yamamoto, Director Sarah Absher,

RE: Draft STR Ordinance Public Hearing

As a full time residents/taxpayers, we are fully aware of the upcoming public hearing on the draft STR ordinance. We are also aware of the strong opposition to the measure by STR owners and operators. It surprises no one that owners and operators wish to continue their "business as usual" and have mounted a vigorous, clamorous opposition to regulations that they heretofore have not been required to meet.

The opposition comes in spite of recognized needs for controlling the STR business in unincorporated parts of Tillamook County. It is blind to the damage already inflicted to the current and future livability of Tillamook County. It is blind to foreseeing an environment that is sensitive to preserving the beauty and attractiveness of Tillamook for permanent residents and, as well, for visitors seeking a recreational destination.

We encourage Tillamook County administration to transcend the clamor of those opposing regulation of STR's. We support you to look to the long-range future of County residents - the folks who have lived here a long time and will continue to enhance the economy, culture and well-being of the County.

We are grateful to the administrators and the STR Committee for their notable effort on this subject. Thank you for your time and attention to this vitally important matter.

Respectfully submitted,

Elaine & John Hanby
7785 Twana Trace
Nehalem, OR 97131

Chair Skaar, Vice-Chair Bell, Commissioner Yamamoto, Director Absher

I am a full-time resident of Neahkahnie. Please consider the following comments regarding the STR Ordinance draft dated June 6, 2023. While I do not agree with several of the proposals in the present draft, it is a great improvement over the current Ordinance 84. Director Absher and Mr. Kearns deserve a great deal of credit for the progress that has been made.

Before addressing specific provisions, I would like to emphasize the importance of easy public access to STR licensing information as well as transparency in enforcement of possible Ordinance violations. A publicly accessible database containing licensing information like that currently used by Manzanita could be a model.

Manzanita's database provides:

- STR address
- Contact Name
- Contact Phone
- Maximum Occupancy

Adding complaint information with resolution action for each SRT would enable a community to monitor the County's effectiveness in dealing with STR issues.

.030 Z: Definition of "Short-Term Rental": The current language seems internally inconsistent. In the first sentence, it states "...consecutive period less than 30 days per month...". In the penultimate sentence the term is "...a rental period of 30 or few nights." One includes 30 while the other does not.

Also, why include "per month" since the 30 day/night period could bridge two months.

.070 D. 1. b: On street parking is a significant issue in Neahkahnie and many other communities. There should be an opportunity for the community to provide input before any on-street parking is approved. Will these spaces be specifically identified in connection with a specific STR? How will community members know if there is a violation?

.080 C. The cap on occupancy should be 10 people, not 13 (children should be considered people even in the context of STRs) and certainly not 17. Indemnity aside, the County should consider the safety of transient visitors in setting occupancy limits. It is unrealistic to think that 14 "people" plus 3 children can safely evacuate a smoke filled, unfamiliar, single-family residence on a dark night.

.100 B 1-3: For full public transparency, complaints should be set forth in an updated database easily accessible by the public. This database should include the record of response required under paragraph 3 of this section.

.110: All licensed STRs should have to comply with certain new regulations such as daytime noise. While there may be some updated regulations that would require extensive modifications to the existing STR structure (hopefully not relating to safety) that would be excluded, updated regulations that relate to the transient guests, such as daytime noise, should not be excluded.

.140: To assure transparency, notice regarding County action for a particular STR should be provided to the affected community in addition to what might be basically hidden in the public notice section of the Tillamook Headlight Herald. Notice should at least be provided in the database referenced above. Preferably, the STR owner should be required to provide notice of a hearing concerning violations to those residents within a certain distance from the STR. A prospective STR owner is required to provide notice to neighbors under provision .050 A 7 so notice regarding a violation hearing should be similarly required. This would permit the attendance of interest people at hearings concerning violations in their neighborhood.

Finally, it is disappointing that:

1. There is no limitation on the number STRs that an entity can operate in a neighborhood. This is important to limit the investment community in overwhelming a neighborhood.
2. There is no specific requirement concerning nighttime lights. Having a "dark sky" requirement is important for enjoying the full impact of a coast sky. Many STRs keep lights on all night.

Respectfully submitted,
David Boone
Daveboone01@gmail.com

Lynn Tone

From: Public Comments
Sent: Thursday, June 8, 2023 7:49 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Ordinance Review

From: John Pierce <johnp@xsspecialty.com>
Sent: Wednesday, June 7, 2023 6:16 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR Ordinance Review

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

As a current STR permit holder at 37770 18th St in the Manzanita UGB, I'd like to express my concerns regarding the possible changes to the way in which we have historically been authorized to operate by virtue of the county's approval.

Regardless of the many issues related to Covid we managed to complete our house in 2022 with the intent of using the proceeds to aid in our children's college tuition and eventually move into the house full time. The proposed overhaul to the current system will have a profoundly detrimental effect on our ability to recognize either of these goals.

1. It baffles me why the county, with its vast resources and mission of promoting health and safety and economic stability would bring in outside counsel who's infamously recognized as being anti-STR. My assumption is the county has very diligent and professional inside counsel but for some reason chose to take a divisive path.
2. I hope the council pays particular attention to addendum M of the packet supplied by Sarah. Addendum M recognizes the inability of the county to police noise and offers a seemingly balanced solution. The vagueness of the noise definitions in the draft are specifically addressed. What's unreasonable to one person may not be to another and that becomes a very subjective issue. Allowing a neighbor to file generic noise complaints without some kind of counterbalance in place to protect the permit holder from undue penalties creates an unfair burden on both current and future operators. One member of the STR Committee offered a solution which mirrors Clatsop County wording but that was left out of the final draft. I suggest that be added as a stop gap and communicated to people who use noise as a way to potentially suspend a permit simply because they don't like STRs.
3. Addendum M also revises some specific square footage requirements for bedrooms allowing two individuals. The county building department reversed their earlier recommendation regarding this issue yet those reconsiderations were not included in the final draft. The county agrees that a room sleeping two individuals does not need 50 sq ft per person. Please amend this.

What the county is proposing is a vast overhaul of an imperfect system that quantitatively works for the vast majority of county residents. I'm certainly not saying there isn't room to improve but how are we, as STR operators, supposed to stop people from parking in the public right of way. I'm sure we all recognize we're obliged to the grace of public works regardless of where we may be spending the night.

Life and safety - yes! Common sense - yes!

Limiting my ability to transfer more than one time - no. Removing and/or impacting our current property rights in any form - no.

We all strive to be good neighbors and we encourage the fine folks who spend their money in our shops and restaurants to act as such, but we shouldn't be held to higher standards than our non STR neighbors. If a home can legally sell on the market in its current condition why tell them they have the burden of being held to revised building codes simply because they wish to rent to a family for less than 30 days. If that same home were to become a long term rental would you have them adhere to the new building code as well?

Fairness - yes. Clarity - yes.

I believe there are compromises to be had and life and safety are public duties. Changing from permits, limiting transfers, imposing new codes, imposing penalties for vaguely defined infractions, caps and distance limitations, requiring owners to defend and hold harmless the county are all excessive and place an undue burden on our rights as they currently exist as approved and recognized by the county.

Perhaps the county should have concentrated on improving what currently works, start with the good, and then addressing what needs to be tweaked instead of reinventing the wheel. Do what's equitable for all without feeling the need to justify the draft ordinance for the sake of having to justify something.

This may well be an expensive lesson in civic mismanagement for the county and residents.

John Pierce

Lynn Tone

From: Public Comments
Sent: Thursday, June 8, 2023 7:49 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Fw: Please Support STRs & Tourism in our Coastal Communities with Balanced Regulations - Do Not Repeal Ordinance #84

From: Steve <swoods.home@aol.com>
Sent: Wednesday, June 7, 2023 5:35 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Fw: Please Support STRs & Tourism in our Coastal Communities with Balanced Regulations - Do Not Repeal Ordinance #84

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

----- Forwarded Message -----

From: Steve <swoods.home@aol.com>
To: publiccomments@co.tillamook.or.us <publiccomments@co.tillamook.or.us>
Sent: Sunday, February 12, 2023 at 09:58:30 PM PST
Subject: Please Support STRs & Tourism in our Coastal Communities with Balanced Regulations - Do Not Repeal Ordinance #84

Tillamook Board of County Commissioners & STR Advisory Committee,

To our Leaders,

I encourage you to reconsider your new regulations concerning Short Term Rentals.

I recently enjoyed my 70th birthday at an STR in Neskowin. We had brothers, nephews, high school friends and a friend from my first job. In all there were 16 of us. Under your new rules this wouldn't be possible (limit of 10 plus 2) for total occupancy. Some of our people are single so we used all 9 bedrooms to sleep everyone. We were all together in one place and enjoyed each others company and told a lot of old stories. Where else could we do such a gathering? The local Motel wouldn't work for us. Could we find two houses side by side and rent both? Maybe but the chances are not great. I believe we are not the only groups who like to gather every few years and catch up on life.

I question who came up with the 250' limit for STR's, and is it 250' in all directions which means it's really 500' from one to the other? Did they consider the village portion of Neskowin which has much higher density and much smaller lots? If lot's are 50' does this mean no other STR for 5 lot's to the north, south, east, and west would be approved? That's an awful lot of homes that would be eliminated from just one approved STR.

How does one make plans when the rules change every 5 years? Even at my advanced age I tend to think beyond 5 years when making major financial decisions such as a home purchase. I know there are already people who are rethinking what they are going to build or if they will build at all based on your new proposals.

How is this going to impact your communities when the contractor, builder, cabinet maker, and all the rest find there is no longer any employment to be had near their home? This will not only curtail new people from moving into the area but will force others to move out.

Are we chasing a problem that doesn't exist? Do we really have that many problems with STR's? In the last year I would like to know how many complaints the county actually received. Did some of those come from the same people again and again just because they don't like STR's? The discussions I have listened to indicate there are actually very few complaints that reach the county. Correct me if I am wrong. Is it 20, 200 or 2,000? I don't believe I have ever heard an actual number put on it.

I have noticed a lot of the letters to the county seem to mention the same issues as though a group was directing the responses to the county. I find it very strange that many of those concerns are the same ones mentioned to Lincoln county in their request for community input. I also believe that much of this is coming from the small group of people who live here full time. Do they have different property rights than I do? Does their opinion count more somehow than the STR and vacation/second home people? I wasn't aware of any difference in either the US or State Constitution.

As I understand it Tillamook County receives far more revenue from the STR's than from hotels and motels at this time. In addition the revenue from STR's is growing while the hotel and motel revenue is declining. Is this due to the internet and the ease today in finding a full home to rent at a price which isn't much higher than a single room in a motel? Today when I travel I tend to stay in STR's by choice and for many reasons. Do you really believe VRBO, VACASA, AIRB&B and others are going to go away or that the desire to visit the coast is going to decline? I think that ultimately the internet and the demand will win this battle.

If the county should adopt these new restrictive regulations on STR's they might as well quit spending dollars to promote tourism. Why would you advertise to create demand for something that you don't have the supply to fulfill? Under these new regulations the supply will dwindle quickly once the first 5 years is up.

I have lived in Oregon all of my life and I hate to see so many infringements being placed upon us with such little understanding of the long term impact. As an example do we really need a rule telling us how we have to shield our outside lighting? Can't we just go talk with our neighbors and work it out? Will you be regulating the size of the light bulbs next?

Thank you for taking the time to consider my thoughts. I apologize for taking so much of your valuable time but I hope you will give strong consideration to my comments.

Sincerely,

Stephen R. Woods

Lynn Tone

From: Public Comments
Sent: Thursday, June 8, 2023 7:49 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Public Comments for STR BOCC Meeting June 13th 2023

From: Pete Stone <psphoto@comcast.net>
Sent: Wednesday, June 7, 2023 4:15 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Public Comments for STR BOCC Meeting June 13th 2023

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

To the BOCC:

My name is Pete Stone, I am an STR owner in Nedonna Beach (have been for over 10 years with no complaints), and these are my views, and don't represent any other group or organization.

SUBJECT: The new proposed Draft Ordinance #84

TITLE: The Good, The Bad, and The Ugly....

#1: "A Horse by another Name"

Calling the new DO (Draft Ordinance) a "License" rather than a Permit doesn't change it into something it's not.

And....saying it's not Land Use ("No Nonconforming Status Conferred") won't mean that...in the eyes of the law....LUBA will see it the County's way.

If there's a legal challenge, the Courts, and or LUBA, will look at what this Draft Ordinance really IS....not what it **says** it is.

Looks like a Duck, Quacks like a Duck.....

So....for **existing Permit holders**, the new DO should **continue** to be described as a **Permit**.

That means that **full transferability of permits** should remain upon property transfer or sale (**Do restaurants or bars or hotels lose their ability to operate simply due to such a transfer of ownership, even if they are in full compliance with OLCC and health and safety laws?**).

It's not the responsibility of the County to **disallow a previously permitted nonconforming use**, despite they're being others who want to compete as STR owners.

This is nothing more than **interference in the property rental market** that should be outside the purview of the County.

A **reasonable Cap** system for **FUTURE STR** permits, if flexible enough to handle Tourism growth and demand for overnight accommodation seems a **more reasoned approach**....possibly a **2% cap on top of current STR levels** in the County or identified Communities, with a **review after 3 years** to see if Tourist demand is being accommodated.

Tourism spending has historically been **growing at 3%** in the County, so **much less** than that simply won't keep up with demand and be a **drag on job growth and economic development**.

#2: "Sorry you built that...cuz we're not letting you use it"

There are a handful of STR homes (**Estate Homes with 5+ bedrooms**) that should be allowed to be reviewed separately in terms of allowable occupancy, parking, etc.

These homes are few in number, but are **unique enough in character and size** that the Department of Community Development should be able to assess them separately to see if allowable Ordinance limits regarding **occupancy and parking can be exceeded** safely to provide multifamily accommodation in the County.

If so....a "**variance**" should be provided, as many cities and counties do for special situations.

#3: "To Have and to Hold Harmless"

The "Executed and Hold Harmless Agreement" is **overly broad**, and despite claims by Sarah Absher, appears on only one other type of permit application seen on the Tillamook County Department of Community Development forms (I know....I looked!).....the one for a **Temporary Use Permit**, which makes sense, **since such use may involve County property**. Why do STR owners need to indemnify the County....don't you have your own liability insurance?

In addition to what I've said here.....I believe this Hold Harmless agreement is **preempted** by the State Tort Claims Act ORS 30.260.

#4: " Help!....I Really Need Somebody..."

The plan to have a **Hotline** serviced by Granicus is a good idea.....and they should **collect data** about every call.

Response times should be measured **based on the time that Granicus contacts an owner** or listed responsible party for a particular STR.

30 mins seems reasonable for a call to respond to a complaint (Tier 1 or 2...see below).....except in rare situations where no cell service is available (e.g. Tillamook to Portland Hwy 6) temporarily.

A **time of 30-45 mins** also seems reasonable for an **in person** response if a call doesn't solve the issue (Tier 1 only, Tier 2 should allow 2 hours max for an in person response, since they aren't urgent), so that would be a **total of 1-1.25 hours to correct a complaint (if a call doesn't solve the problem)**. The County should consider **possible allowances** for road closures, weather, electrical failure (common event here!), and **give some flexibility here**.

Emergency services in the county often can't respond within a guaranteed 30 minute window of time....so STRs should not have to be held to a higher standard.

There are quite a few issues concerning complaints here that have **not been well thought out**, however.....

Will Granicus call the complaining party back?

How will a **complaint be verified**?

Should the County include language that would require some form of **documentation** of a complaint? (cellphone recording with time stamp?)

What if the guest is **off property** (i.e. a loud beach party) when a complaint ensues?

Should all complaints require the same "rapid response?" Obviously an over occupancy frat party at 2:00am should require a rapid response, but should a small bag of trash left next to a garbage can require it? **Should minor violations be treated the same?**

I believe there should be Tier 1 and Tier 2 level complaints. Different complaints require different response times.

Tier 1 would be disturbances from 10:00pm to 7:00am: Sustained noise, over occupancy, wild parties, significant overflow parking, etc.

Tier 2 would be daytime minor issues: dog barking, excess garbage next to can, 1 car or less parked incorrectly, etc.

Also.....there should be language allowing for **more than one contact person** for response. An owner might want to be the phone contact, but have **someone else locally be the in-person respondent.**

Property Management companies may have different people on call at different times.....especially since **no single "respondent" actually works 24/7.** There needs to be flexibility for this.....perhaps a **primary and secondary contact**, as well as an allowance for a Property Management company to assign internally a particular contact person depending on their timetable.

Additionally, the fee (\$100) for simply changing the name of the "Contact Person" seems arbitrary and excessive.

#5: "You could hear a pin drop..."

Noise is a tricky one, especially since the County doesn't currently have a noise Ordinance. Any regulation in this regard has to **allow for "reasonable" noise.....**such as a few people having a BBQ on the deck, children playing in the sand and laughing, a family having a few drinks watching the sunset. All things that EVERYONE should be able to enjoy during **daytime hours.**

Between 10:00pm and 7:00am, more stringent rules are needed.

Unfortunately, the DO has gone overboard here, saying **"there shall be no amplified music or other noise during quiet hours that can be heard beyond the property lines".**

The problem with this is that people often arrive late to check in, or return after an evening dinner out after 10:00pm. The very fact that a car drives on to my property on my gravel driveway, and the opening and closing of car doors **creates some noise, means they would be in violation of this Ordinance!**

My neighbor lives right next to me, and would certainly hear these activities if they were standing on their deck! The words that need to be added are **SUSTAINED NOISE..... not a few brief unavoidable sounds.** Many STR properties are right next to other properties, so the standard should be fair and reasonable.

Frankly, the County should look at the regulations adopted by Marion County for ALL residents in Unincorporated areas.....See:

<https://www.co.marion.or.us/SO/Operations/CodeEnforcement/Documents/noise1.pdf>

Here's their standards: **" Generally speaking, maximum sound levels are 55 dBA during the day and 45dBA at night for residential noise".**

There's a reliable and **free App** for both iPhones, and Android Phones to **measure sound levels** from the National Institute of Occupational Safety and Health (NIOSH) called the NIOSH Sound Level Meter that's available for those who need to document unreasonable sound levels....and **it saves and produces documentation** of time and place of a particular recording.

There's also WiFi connected devices to monitor on-property sound levels if needed....such as Minut or NoiseAware.....which could be good for previously "problem" properties.

See:

#6: "Hey! You can't park there!"

The County really should have done a survey on **available parking** at STR properties to see just how **diverse** each parking situation really is! Some properties barely have enough parking for a couple of cars on property, **some could park a whole assortment of cars**, boats, trailers....whatever!

Having maximum limits on vehicles seems unfair without an actual parking availability review.

Reasonable minimums for on-property parking based on accommodation levels seems good, but asking STR owners to enforce on-street parking limits seems absurd.....**how can we enforce ANYTHING people do once they are off property?**

We can REQUEST they park according to what the County wants, but until we get deputized by the Sheriff, really can't make any enforceable demands on guests staying with us. It would certainly seem **unfair for daytrippers and locals to be allowed to park on street, but not STR guests.**

The better way to address this is with **good signage with time limits** for parking (2 hour, no overnight, etc), that way everyone is treated fairly with this limited "resource".

#7 "You can't flush your problems away"

Quite simply, unless the County can show that STRs have more issues with their septic systems than other residential dwellings, **the rules should be the same for all** in terms of inspections, permitting, etc. If a property was built and approved with an allowable occupancy level, and their STR permit doesn't exceed that level, then the effective septic system permit and inspection standard should still apply. There **shouldn't be an arbitrary new higher standard based on zero data**, and no identifiable level of failure here. This is a classic case of a **solution in search of a problem**. If the County decides to enforce higher septic system standards, they should apply to ALL residential dwellings, not just STRs.

#8: "Sign? What Sign?"

Here's the standard for readability of signage from a distance:

" A good rule of thumb is that **for every 10' between your reader and your signage, add 1" to the height of your letters** . A 1" tall character can easily be read by most people from a distance of 10', but **from 40' away, you will need your type to be at least 4" tall for optimal readability.**"

My house sits approximately 100 feet back from the road. According to this readability standard, the 5 or so lines of information required would **need a sign at least 4.5 FEET in height to be readable from the road right of way** if attached to my house! Do we really need signage...with all this info, including the property address, since the house number is already required separately to be "prominently displayed" on the outside of the property and visible from the road right of way?

Either STR owners are going to have to attach signs **4x5 FEET** in size to their properties, or go with smaller free standing signs on their front lawns, that may very well get knocked or blown over.

A better compromise would be to only require the following:

Contact Name: John Smith (Optional ph#)

Permit XXX-XXXX

County STR Hotline: 800-555-1212

I guarantee any neighbor who is calling in a complaint KNOWS the general address the property has, and **only needs the house number** to fully identify the property in question.

And... **why is the permit expiration date needed?** What purpose does it serve for a complaint? The County, having issued the Permit, certainly knows if a permit is current. Would Granicus, or whoever else handles the hotline, need that information? I can think of **no situation** where it could be a determining factor, except if someone who no longer rented left the sign up with an out of date permit listed.

That would seem counterproductive to all involved! If someone was trying to rent "under the radar"....I would think they wouldn't have a "fake" or incorrect sign out at all! The sign compliance officer already know the addresses (and presumably permit numbers and exp. dates) of STRs they are going to check....t **hey don't need a sign** to find them.

There are a few other issues with the current Draft Ordinance, but these are the one's that have stood out for me.

I do hope the BOCC looks at the issues mentioned here carefully, and **considers all aspects of possible "UNINTENDED CONSEQUENCES" going forward.**

Thanks,

Pete Stone
11354 NW Placido Ct
Portland, Or. 97229

tel: 503-740-6170
[email: psphoto@comcast.net](mailto:psphoto@comcast.net)

Lynn Tone

From: Public Comments
Sent: Friday, June 9, 2023 9:57 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR permits.

From: Robyn STURGIS <rybyns@hotmail.com>
Sent: Thursday, June 8, 2023 4:50 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR permits.

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

Hello,

My family built a house in the Kiwanda Shores neighborhood at the beginning of covid. We intentionally picked this neighborhood due to the number of short-term rentals. We knew we would need to rent our home as well. My husband and I have invested time and money into an area of the coast that we love. When building we did everything we were supposed to do to comply with the rules and regulations. Now those rules and regulations are being changed. My main area of concern is removing our short-term rental permit and reissuing us a license. I believe that because we have held a permit that we should be able to keep our permit. It is unfair to retroactively change our status and take away our rights as homeowners. I also believe that the houses currently under construction or the homes that have had their permits put on "paus," should be able to receive permits also. I understand that change happens and am not against fair and just regulations but removing permits should not be part of that process.

Thank you,
Robyn Sturgis

Lynn Tone

From: Public Comments
Sent: Friday, June 9, 2023 9:57 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Attn: County Commissioners - STR ordinance revision comments

From: Scott Hohensee <hohenseescott@gmail.com>
Sent: Thursday, June 8, 2023 5:15 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Attn: County Commissioners - STR ordinance revision comments

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Tillamook County Commission
STR Comments
6/8/23

Erin Skaar
Mary Faith Bell
David Yamamoto

Please find copied below my comments to the STR advisory committee which are also pertinent to your discussion regarding adoption of the proposed replacement STR Ordinance.

Regards,

Scott Hohensee

Tillamook County STVR Comments1
11/6/2022

In January of 2020 my wife and I (Robyn Sturgis and Scott Hohensee) purchased an undeveloped lot in Kiwanda Shores. Over the course of the following year we built a vacation home for friends and family. To afford such a home depends on funds generated from short term vacation rentals. I will address motivations and goals in the next round of comments but I would first like to present a look at our initial and ongoing financial involvement in Tillamook County.

Initial Investment - \$413832

First Year Property Expenses (taxes, fees, ins, etc.) - \$8165

First Year Kiwanda Coastal Properties Management Costs - \$14225

First Year non property related expenditures (food, gas, recreation, etc.) - \$2562

That is a total first year investment of \$438784 in Tillamook County. Assuming no future cost fluctuations, we will have a continued yearly input of approximately \$25000 into the local economy from my family alone. That yearly input does not include the additional spending from our STVR guests. As stated above our ability to afford the home and our contributions to the local economy depend on STVR income. Please don't create additional STVR rules and fees that jeopardize our ability to keep the home and its contribution to the local economy.

Regards,

Scott Hohensee

Tillamook County STR Comments2
1/9/2023

Tillamook County STR Advisory Committee,

I understand that one of the complaints regarding STRs is that faceless, out of town corporations own and operate them with only profit in mind. I do not know the statistics regarding corporate ownership of STRs in Tillamook County. However, I do know that my family's STR is a vacation home built by us for friends and family to enjoy. It is made viable by the STR income.

Appended are an image of my daughter and I building the home as well as an image of the first vacation with her grandparents at the home. Please don't enact additional rules/regulations/fees that jeopardize our ability to keep and maintain the home.

Regards,

Scott Hohensee

Tillamook County STR Comments3
2/14/23
Tillamook County STR Advisory Committee,

I would like to make 3 comments regarding the proposed replacement STR ordinance from 1/9/23. The first and most important is that the proposed ordinance, by limiting renewals to a five year period, is penalizing people like myself who have invested time, effort, money and love in Tillamook County. Secondly and thirdly, the proposed ordinance is conflating STR regulation with long term housing solutions and building codes.

Please do not include in any modification to Ordinance 84 or replacement STR ordinance a limit on how long current STR permit holders may renew their permits. Everyone who currently holds a permit has made

decisions based on the current rules and changing the rules for the current permit holders will unfairly undermine our long term plans.

As to the conflation of STR regulation with long term housing, my home is located in Kiwanda Shores where at last count there were only 2 permanent residents. All other homes are vacation homes some of which double as STRs. Removing the STRs from Kiwanda Shores will not likely result in the affected properties becoming long term housing for local residents as this would preclude their use as vacation homes for the owners. This situation would most likely occur throughout high demand areas everywhere in the county.

As to the conflation of STR regulation and building codes, the building codes already provide for allowable room sizes, parking, fire access, etc. Violations are not unique to STRs and should be addressed through code compliance for all residences throughout the county.

Regards,

Scott Hohensee

Tillamook County STR Comments5
5/8/23

Tillamook County STR Advisory Committee,

I have two comments and one observation on the latest proposed STR ordinance. My first comment concerns the inordinate amount of subjective decision making power that will be vested in the STR Administrator. The following sections in the ordinance allow for unchecked, discretionary administrative rule making: .020.G, .050.A.10, .100.C.2, .110.C.2, .130.C.4, .130.C.5. Please remove from the proposed ordinance such concentrated, uncoded power.

My second comment regards .080.F which precludes STR guests from making any noise outside the domicile. Music and conversations occurring at respectful levels should not be prohibited. Please remove or modify this requirement in the proposed ordinance such that guests may enjoy themselves.

My observation regarding the proposed STR ordinance is that it is top heavy and cumbersome with pitfalls intentionally placed to catch STR owners in positions of non compliance. Several new administrators and multiple new procedures will be required to fully implement the proposed ordinance. Could not this expenditure in time and money be better spent by enforcing the current ordinance?

Regards,

Scott Hohensee

Lynn Tone

From: Public Comments
Sent: Friday, June 9, 2023 1:59 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Comments for STR Advisory Meeting | June 13, 2023

From: GREGORY MILLER <ggmphoto@charter.net>
Sent: Friday, June 9, 2023 11:55 AM
To: Lynn Tone <ltone@co.tillamook.or.us>; Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Comments for STR Advisory Meeting | June 13, 2023

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

Dear Tillamook County STR Advisory Committee,

My wife and I are full-time residents and registered voters living in Neskowin.

We want to thank the committee for providing possible amendments to manage the saturation of STRs and adding necessary regulations to the existing Ordinance. We feel it is imperative that the County support a livability mandate that is acceptable to all who reside next to or are in close proximity to multiple STR properties.

I cannot stress how critical it is for the county to approve a cap of 20% on licenses. If you exclude multi-family properties, such as condominiums, then that number should drop to 15%. As it is, Neskowin is saturated with too many STRs. It is ridiculous and unnecessary to increase that number.

It is surprising that so many STR owners are supporting higher cap limits. Rental dollars will only stretch so far. The more rentals... the more competition for that revenue stream. Even the proposed 1% increase of new licenses would place added stress to County resources that can't effectively enforce current regulations, let alone new ones.

Please consider my concerns in your decisions.

Sincerely,

Gregory Miller

June 8, 2023

To: Tillamook County Board of Commissioners

Subject: Proposed Amendments to Ordinance 84 for the Regulation of STRs

WE SUPPORT: STR License Caps; Occupancy Limits; Elimination of License Transferability; Enforcement Funding; Parking Limits; Contact Requirements

We want to thank the Tillamook County Board of Commissioners for the pause in permitting more short term rentals (STRs) in recognition of community concerns, livability impacts and inadequate ordinances and regulations, as stated in the findings of your Order #22-033.

We are especially grateful as we in Neahkahnie have been a target for expanding STR development that has spiraled out of control. What's happening now is much different than the part time rentals and tourism that have long been vital to our community. The recent increase in STRs is fracturing the balance between residences and rentals. Our neighbors are disappearing from our neighborhood.

We regret that your sole direction that the STR 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.”

was ignored by the majority of the committee members who instead decided to organize into an STR owner group. They hired legal counsel, public relations consultants and lobbyists and mounted a well funded campaign against doing the very thing with which you tasked them. Unfortunately very few members stayed committed to working per your direction. We hope you take the committee recommendations with a large grain of salt.

Neahkahnie is a small residential area without commercial zones, at the end of a road that branches into a web of narrow, dead end streets with minimal parking. The residences are mostly older and small to medium-sized, designed for single families of 2, 4, 6, possibly 8. Water is supplied by a spring fed community system. Our homes, streets and water supply were not designed to support the numbers of STRs and the STR occupancy limits that already have been approved, such as 10, 12, 14, 17, 18 and 20 occupants.

For years a number of these homes were periodically rented, causing little concern or impact on livability and public safety. We had some long-term renters as neighbors. Now that has radically changed. What was once a private residence for rent has evolved into a commercial motel like space, regularly occupied and frequently turned over. On Treasure Rocks Road alone, a short street with a few dead end off shoots, at least 20 STRs are approved for a total of 180 occupants, simply too much for any neighborhood.

To protect public safety and livability in Neahkahnie, the county needs to:

1. Establish a **CAP ON # OF STR LICENSES** in Neahkahnie and a means to manage STR concentration. We have too many STRs for a neighborhood designed solely for single family residential living. Our livability is plummeting and our infrastructure is overwhelmed. The total needs to be lowered from today's numbers.
2. Establish common sense **MAXIMUM OCCUPANCY LIMITS** to be compatible with a single family residential community. Single family homes are rarely designed for as many as 8. The committee turned this section into tortured language aimed at cramming as many people into a house as possible, which is one of the biggest problems in our community.
 - adopt a simple commonly used definition of **bedroom** and do not allow other rooms to become bedrooms;
 - allow only **2 extra children** occupants up to **5 years old**. 12 year olds take up as much space as adults and are independent enough to walk to the beach on their own.
3. Eliminate the **TRANSFERABILITY OF LICENSES** and **SET ONE LICENSE PER OWNER LIMIT** to help gradually lower the density

within some areas, give all homeowners the opportunity to get a STR license, level the playing field for property values, and discourage corporations and investors with no concern for the community.

4. Provide **ADEQUATE FUNDING AND ENFORCEMENT TOOLS** enabling the county to do its job. STR fees need to be set at a level that fully funds county staff enforcement personnel and tools.
5. Establish **PARKING LIMITS, NOISE AND GARBAGE STANDARDS** for STRs. We support requiring **all parking to be onsite**. Our partially paved streets are barely wide enough for 2 vehicles to pass and already very narrow for emergency vehicles. We support the draft garbage and noise standards.
6. Establish **CONTACT AND POSTING REQUIREMENTS**. We support having clearly posted information that can be read from the street, a contact person who can be on site quickly, and a well publicized 24/7 county STR Hotline.

Residential livability can be preserved with STRs when residential and STR impacts are comparable and compatible. STR issues can be managed and have been addressed meaningfully in many jurisdictions throughout Oregon, including Cannon Beach immediately to our north and Manzanita right next door. Without comparable STR approaches, the Neahkahnie residential area will continue to be the target of STR investors.

In Neahkahnie 20% of our residences already are permitted STRs, so does it make sense to propose to cap the number of STRs at this level, let alone higher than it is now? We used to be a residential community of full-time homeowners, part-time owners with occasional renters as well as long-term renters. We've evolved now into a community of absent part-time owners with outside managed income properties and no long-term rentals. We're losing our sense of community with neighbors being replaced by commercial transients. Your stated goal of addressing community concerns and mitigating livability issues cannot be met with the current concentration of STRs and the high occupancy rates in Neahkahnie.

Thank you for considering our comments.

Sincerely,

Mike Woodin

Amy Bell

37635 Beulah Reed Road

Lynn Tone

From: Public Comments
Sent: Friday, June 9, 2023 9:56 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Public Comment- Proposed Ordinance #84 - Bedroom square footage for historic cottages

From: Susan Schomburg <susan@schomburggallery.com>
Sent: Thursday, June 8, 2023 9:57 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Public Comment- Proposed Ordinance #84 - Bedroom square footage for historic cottages

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June 8, 2023

To: The Tillamook Board of County Commissioners & Ms. Sarah Absher

Re: Proposed Ordinance #84 - Amendment #2

My parents built a 2 bedroom, 1 bath cottage in the Neskowin Village in the late 1960s. The cottage was modeled after a Japanese tea house and is less than 600 square feet.

From the 1970s through the early 2000s, when my parents were not using their cottage, they rented it short-term to others by advertising in The Sunday Oregonian. In 2018, I was fortunate to inherit the cottage, and I received an STR permit in 2021.

In viewing Page 3 of the proposed Ordinance 84 draft, I am concerned about the following clause in the definition of a "bedroom."

"A minimum of 70 square feet of floor space and not less than 7 feet in any horizontal dimension"

I got out my measuring tape ... and learned that my bedroom floor spaces, not including the closets, pencil out to 7 feet 10 inches by 8 feet 9.5 inches. Converting the feet to inches, results in 94 inches by 105.5 inches or 9917 square inches ... which is **68.86 square feet** (9917 square inches / 144 square inches).

Based on the proposed ordinance draft, my cottage would no longer qualify as a short term rental, despite having been a historical vacation rental for decades. Both of my bedrooms have full sliding glass doors onto a deck that allow for immediate egress to the outdoors.

The staff report indicates that the purpose of the minimum square footage for bedrooms is to ensure closets are not converted to bedrooms. This scenario is clearly not the case with my cottage, and is an example of an unintended consequence of an arbitrary regulation.

I respectfully ask that you please consider removing any minimum square footage requirement from the bedroom definition, so that historic cottages that otherwise meet the safety requirements will not have their ongoing use as an STR eliminated.

Thank you for your consideration.

Susan Schomburg
4360 Hillsboro Avenue
Neskowin, OR 97149

Lynn Tone

From: Kathy Oullette <kathyoullette@gmail.com>
Sent: Thursday, June 8, 2023 5:22 PM
To: Lynn Tone
Subject: EXTERNAL: STR Ordinance communications / written testimony

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

Sorry I cannot attend, hopefully you can get this filed for me - thank you!

Public comments regarding STR ordinances and livability in Neskowin with high STR percentage

We retired here 9 years ago. We have been impacted by STR activity in relation to garbage control, traffic, parking issues, noise and fireworks which was fairly nonexistent when we moved here. We have multiple STR's in our concentrated neighborhood where other homes are either lived in full time or owned as full time family vacation property. Some homes appear to rent (regular traffic with different vehicles) and are unsigned. After time you know the families that own or regularly come. The STR business impact has changed the neighborhood. It's a nuisance to have new visitors day to day or week to week. You often end up providing directions, address speed violators, monitor parking and garbage within the neighborhood properties that are STR's. With these considerations we support a percentage cap as a required assessment within neighborhood communities to limit the number of STRs in each community.

Density limits with CAP - IN FAVOR!

We strongly believe that NO Transfers of permits/licenses should be grandfathered for ANY STR. This requires a process where licenses are managed until filled to a percentage cap. Why is our home determined to have a lesser value if it does not have a transferable permit? Why is Tillamook County 'creating value' to property based on a permit/license holder? This is an unfair situation for those without permits and Tillamook County should remove the condolence that creates this unfair leverage and eliminate transfers in all cases. Should I buy a permit to increase my home value when it is for sale???

No Transfers period - IN FAVOR!

We desire a community to engage in local activity that benefits all who live here and are personally invested in their homes and neighbors. When part time vacations are here, they are here to vacation and use the properties how they want. We heard many people say they want to retire here after STR activity to fund their home when the time comes. What they do not recognize is that they will be impacted by the same lack of community investment of vacationers and STR owners that do not share in community involvement. People that buy 'FOR PROFIT' business aspects should be treated like a business with increased guidelines. Businesses do not belong in our neighborhoods. We understand the single beach home owner, living the dream, having to rent to make ends meet. Single families making a beach investment is great, get a permit, rent as you can. But permits are not guaranteed. If you can't afford it, then sell it - it's that simple. Allow our neighborhoods to be collective quiet locations of nature and beauty, not party homes that take over neighbors rights and disrupt day to day life.

Family over Business - IN FAVOR!

Kathy & Russell Oullette
Neskowin Oregon

5/18/23

To: Tillamook County Commissioners & Tillamook STR Committee
RE: Oceanside Residential Plan & STR's

In the community of Oceanside, there's been a conversation occurring over the last 10-15 years about the changing nature of our unincorporated residential community. People are moving to Tillamook County and will continue to do so. Retirement, business and tourism are on the rise and well. Regardless if a person has purchased an Oceanside property for an investment or for part or permanent residence there's a big question here. If not addressed comprehensively and equitably, access to housing will become a more severe and problematic situation as we move forward.

What is it we want our Oceanside residential community to grow into?

The residents and property owners in Oceanside had a part in creating designate zoning, guided by Tillamook County for most all unincorporated communities back in the early 1990's. In Oceanside, our residential areas were zoned as Low Density R-1 and later Resort Zoning was added. Part of low density zoning included the acknowledgment that Oceanside streets were less than standard (not two lane) and lots were smaller in the 'village' area.

The 2011 Vacation Rental ordinance added a mix to the residential zone. Both Terresea and The Capes (with minor exceptions) did not allow for vacation rentals.

What is it we want our community to grow into?

We feel the need to preserve some residential nature and provide homes to people who will live full and part time here.

As Tillamook County is making a final review, taking into consideration comments from all of us- community members, workers, business owners, renters and property owners on the issue of growth, we here on Sunset Avenue support the need for a cap on the number of STR's in Oceanside. Vacation rentals are well represented here, we're seeing a tipping point occurring where some of the 19% STR's now sit vacant. We do support keeping the existing STR's but we support a percentage,

20% at most is reasonable in our small village. It could be different in a larger community with wide streets, a commercial hub and available parking. We see so many day visitors from the Portland area that, that alone fills up our downtown area in summer. Oceanside is not Pacific City is not Cloverdale. We look forward to further discussions in individual communities.

Along with that, on street parking allowances will work only if particular notice is made, given the width and safety many of our Oceanside village streets allow for, exemplified on Portland Avenue. The overflow onto Sunset Avenue is subject to on street parking that is already being used. By walking the neighborhood, one understands this.

Thank you for your work on the issue,

From properties on of Sunset Avenue in Oceanside-

Signed,

Gil Wiggin, 1280 Sunset Ave., resident, business operator

Paul Peterson, 1340 Sunset Ave., owner, resident

**Deborah Sposito 5475 AsterSt., owner, vacation rental
and adjoining Sunset Ave. property**

Clark Holloway 5475 Portland Ave., owner, resident

Kris Woolpert, 1535 Sunset Ave., long term renter, business owner

Stephen Smith 1560 Sunset Ave., owner, vacation rental

**Kathie Norris 1655 Sunset Ave. owner, resident
and adjoining streets-**

Carol Kearns, owner Bed & Breakfast, resident

Lynn Tone

From: Public Comments
Sent: Thursday, June 8, 2023 2:12 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR proposal

From: Marcia LaPierre <marciatlaw@gmail.com>
Sent: Thursday, June 8, 2023 1:45 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR proposal

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

Dear Tillamook County Commission,

I just reviewed the proposed "update" to the short term rental rules applicable to homeowners in the county. After the shock settled, I started to wonder why such extreme changes are being considered and how these actions are permissible?

My house is on the beach in the Kiwanda Shores community. In 2015, when we took the risk on this property, it was an undeveloped hill of sand. But my husband and I desperately wanted that location to be our retirement home and an incentive for our three children to move to the area from California. We knew that the only way we could afford it was to rent it just enough to balance the costs.

We threw EVERYTHING into building our dream home. Since achieving our building goal, we have been ideal citizens. We have complied with every single county and home owner association requirement. We have obtained a rental permit. We, not every resident, just the beachfront owners, pay for maintaining the sand. We pay to plant hillside grass and plants (that have blown away for decades and continue to do so.) We pay for utility costs that have quadrupled. We respond to any and all neighborhood complaints (which total one in seven years, and it wasn't about renters.) We also rent as few days as possible to enable us to pay a portion of the mortgage. Taking away our freedom to rent our house and renew our permit essentially takes away our land use rights.

Not only were we successful in building our dream retirement home, but also in convincing our children to move. Currently, my husband and I live within 20 minutes of each of our children and his parents- all of whom left California at our bequest. We need the rental income from our beach house to be able to remain near our family. Without it, we are left with a major dilemma: give up the beach house and lose our retirement dream; or give up our Ridgefield home and lose contact with our family who moved to be near us? (Assuming that we could actually move to Pacific City given that my husband is still working in California and has to fly down there twice a month.)

The changes you are attempting to adopt will financially destroy us and hurt my family situation. The proposed changes threaten the life we built around our beach home, invade our property rights and seem unjust and unconstitutional.

Another question that I cannot answer is how our permits can be reclassified as "licenses"? Is it an excuse to act so aggressively? As I understand it, permits affecting land ownership are extremely different from a license. That makes perfect sense. A driver's license does not give the State the right to dictate what type of car we own, what upgrades it must have or to whom we can rent it. Licenses apply to controlling an owner's actions. Permits relate to land use, and the Constitution limits how far a permit can go before it becomes a taking. This proposed amendment is clearly threatening to take away our property.

My final point is personal. I was diagnosed with a very rare cancer in 2006. I was told that I had two to five years, no more. I fought with everything I had and beat it into remission, at severe costs. Five years ago, it came back and I am currently in the midst of a new battle. My beach front home is my inspiration, my sanctuary, a true life saver. If you do as planned, you are not only threatening my family, but also my sanctuary as I battle for life. Therefore, I beg you to give great thought to what you're doing, why you're doing it, who will gain from it and what you are forcing innocent people to lose.

Thank you for your consideration,

Marcia LaPierre
34130 Ocean Drive
Pacific City, Oregon

Sent from my iPhone



David J. Petersen
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June 8, 2023

VIA E-MAIL

Tillamook County Board of Commissioners
201 Laurel Avenue
Tillamook, OR 97141

Email: ltone@co.tillamook.or.us; publiccomments@co.tillamook.or.us

Re: Tillamook County Ordinance 84 Revisions

Dear Commissioners:

The undersigned represent Oregon Coast Hosts ("OCH"), a community grass roots organization that advocates for fair short term rental ("STR") regulation in unincorporated Tillamook County. On behalf of our client, we have reviewed the Short Term Rental Advisory Committee Report dated May 23, 2023 ("STRAC Report") which includes a proposed rewrite of County Ordinance No. 84 (Exhibit A to the STRAC Report). Both the analysis in the STRAC Report and the text of the proposed ordinance itself suffer from at least **nine** legal deficiencies:¹

1. The proposed ordinance would violate property rights under ORS 215.130(5) by eliminating permits and restricting transfers, and would constitute an unlawful taking of private property without compensation.

2. The County has failed to provide proper notice of the pending proceedings.

3. The proposed ordinance improperly subjects STRs to different building code standards than the state building code.

4. Language in the proposed ordinance requiring STR owners to indemnify the County is overbroad and is preempted by the Oregon Tort Claims Act.

5. The factual findings in the draft ordinance are not supported by substantial evidence in the record.

¹ We actually raise more than fifteen legal problems when you include sub-issues discussed in this letter. While we have raised each of these issues at least once and sometimes repeatedly to the County's chosen counsel, none have been addressed in the STRAC Report or the draft ordinance. So we are forced one last time to raise all of the issues to show the Board and the public how far afield the draft ordinance is from a legal standpoint and to hopefully avoid subsequent legal proceedings, while at the same time preserving these issues for a potential appeal.

6. The proposal to adopt community-specific STR caps by Board order at a later time is unlawful.

7. The proposed ordinance improperly singles out STRs for livability regulations that should apply to the community as a whole.

8. The proposed ordinance would illegally discriminate against renters and owners of STRs.

9. Other miscellaneous issues including various undefined terms or other vagaries in the ordinance rendering certain items confusing, conflicting, misleading and unconstitutionally vague.

This letter discusses each of those deficiencies in turn, and we urge the Board to rectify these issues before adopting any revised ordinance.

1. The proposed ordinance would violate property rights and would constitute an unlawful taking of private property without compensation.

a. The proposed ordinance would violate ORS 215.130(5) regarding legal nonconforming uses.

A nonconforming use is a lawful use of land that is later rendered nonconforming by limitations imposed after the use came into existence. Tillamook County Land Use Ordinance ("LUO") 7.0120(1)(a); *Rogue Advocates v. Board of Comm. of Jackson County*, 277 Or App 651, 654 (2016). Under state law, counties are required to allow nonconforming uses of land to continue. ORS 215.130(5). The statute exists to prevent unconstitutional taking of property. *Bergford v. Clack. Co/Trans. Serv.*, 15 Or App 362, 367 (1973). It is also just common sense fairness, as for many families a modest investment in a single family dwelling reflects the majority of their life savings and may be critical to that family's retirement plan.² It does not matter whether the mechanism to violate the state statute is a land use ordinance, a licensing ordinance, a board order or resolution; such action by a county is an unlawful land use decision.

Historically, Tillamook County has always allowed vacation rentals and short-term stays in residential structures as a use of land permitted outright, without regard to the length of stay or the characteristics of the users (i.e. owners, guests or renters).³ While the County has not historically given express permission to short-term stays

² According to a 2022 study by the Tillamook Coast Visitors Association, the median annual **gross** rental income from a STR in Tillamook County averaged only \$28,884 between 2019 and 2021, and that average is likely inflated by atypical higher gross income in 2021 due to the pandemic.

³ See e.g. Tillamook County Ordinance 69, the first County ordinance regulating vacation rentals, which expressly states that (as of 2009) "short term rentals [] are not presently regulated."

either, the LUO contains no language to the effect that any use not expressly allowed is prohibited. This history is consistent with Tillamook County's character as a community with a substantial number of second homes. If short-term use of a home were unlawful, 40% of homeowners could be cited for a zoning code violation,⁴ but to our knowledge no short-term use of a Tillamook County residence has ever been cited for violating zoning code.

In *Briggs v. Lincoln County* and *Cammann v. Lincoln County*, LUBA 2021-118/2022-030, a ballot measure seeking to invalidate legal nonconforming STR permits in Lincoln County was determined to be a land use decision and was invalidated for violating ORS 215.130(5). Like the Lincoln County ballot measure, proposed revised Ordinance 84 would substantively violate ORS 215.130(5) in at least five separate ways.

1. It unlawfully attempts to convert property rights to something other than property rights, an attempt that was ruled unlawful by LUBA in *Briggs* and *Cammann* and which would violate the takings clauses of the U.S. and Oregon Constitutions.

2. It attempts to illegally restrict transfers of existing STR permits to one transfer, but ORS 215.130(5) requires counties to allow legal nonconforming uses to transfer to new owners indefinitely.

3. It illegally purports to require structural updates to residential buildings beyond that which is legally permitted for nonconforming structures. See LUO 7.020(3).

4. It improperly attempts to restrict vacation rental use by purporting to curtail the scope of operations that existing STR permit holders are entitled to continue, such as occupancy limits.

5. While growth limitation tools like caps and buffers have been deferred, and "phase out" provisions are currently not under consideration, if those concepts were applied to existing nonconforming uses they would similarly be unlawful.

Drafting tricks like changing "permits" to "licenses," or claiming that land use decisions are not land use decisions, are just window dressing. What matters is the substance of a new ordinance rather than labels or disclaimers, and substantively the proposed ordinance has the same flaws as the unlawful Lincoln County ballot measure. If appealed to LUBA, this proposed ordinance will suffer the same fate.

⁴ See <https://www.census.gov/quickfacts/fact/table/tillamookcountyoregon/PST045222> comparing 19,058 housing units with 11,381 households, 40% of housing units in Tillamook County are not occupied by full-time residents.

Accordingly, each of these flaws should be substantively rectified before any revised ordinance is adopted.

- b. State law prohibits the County from replacing use permits with business licenses.*

The proposed ordinance purports to end land use rights and replace the existing land use permitting scheme with a business licensing system for which no land use rights would be recognized. As discussed above, this approach is futile when applied retroactively to existing permit holders and those with vested rights to a land use permit, because *ending* a land use right is the very process that triggers the protections of ORS 215.130 for nonconforming uses.

Since the inception of STR regulation in Tillamook County, issuance of STR permits and the adoption or amendment of a STR regulatory scheme have been "land use decisions" as defined in ORS 197.015(10), and no amount of drafting trickery can change that. Such actions also are land use decisions because they have a significant impact on present or future uses of land. *Billington v. Polk County*, 299 Or 471, 478-79 (1985). The County cannot now retroactively disclaim its prior land use decisions by replacing them with a business license for existing permit holders. To do so would violate state law, including as discussed in *Morgan v. Jackson County*, 290 Or App 111 (2018) (the right to continue a nonconforming use, protected by ORS 215.130(5), could not be interrupted by a business licensing lapse).

Here, the proposed ordinance creates the very fact pattern that the Court of Appeals found to be offensive and impermissible in *Morgan*. As only one of many examples, Sections .050(A)(2) and .080(J) require the property owner to hire or employ a local representative who must be available 24 hours a day, 7 days a week and respond immediately to complaints, including arrival to the property within 30 minutes, or the property owner suffers a violation. A violation can, in turn and regardless of the merit of the underlying complaint, lead to revocation of the STR license under Section .130(C). Thus a licensing lapse caused by a local contact's oversight in filing paperwork or temporary inability to answer the phone, could mean a permanent loss of property rights of the owner without following the abandonment/cessation requirements of ORS 215.130 and LUO Article VII. For an owner to lose nonconforming land use rights in such a context would be a clear violation of ORS 215.130 and the reasoning of *Morgan* that the legislature could not possibly have intended such a result. Accordingly, any language in the proposed ordinance that threatens loss of an existing STR permit for reasons outside the context of state law on legal nonconforming uses, exceeds the County's authority and would be invalid.

c. The proposed ordinance impairs certain property owners' vested rights.

The proposed ordinance also violates the vested rights of some County property owners who purchased land in reliance on the existing STR regulation scheme and took steps to implement that use, but were denied the opportunity to obtain a permit before the proposed changes to the regulatory scheme are complete. Those owners have vested rights and are nevertheless be entitled to a permit under the old system. *Clackamas County v. Holmes*, 265 Or 193, 198 (1973).

d. The proposed ordinance violates state law limitations on terminating nonconforming use rights.

As discussed above, legal nonconforming uses must be allowed to continue without conditions. However, nonconforming uses may terminate due to nonuse, and counties may establish a time frame after which an unused legal nonconforming use is abandoned. ORS 215.130(7)(a). In Tillamook County, the abandonment period is one year with more relaxed standards if the owner has a medical or family medical leave or illness. LUO 7.020(6). Nonconforming uses may be lost or limited in other specific circumstances as well, such as full destruction of the structure. LUO 7.020(8). Here, however, the proposed ordinance contains provisions that would terminate existing STR permits in circumstances beyond those allowed by the LUO and state law. See e.g. Section .130(C)(1) in which actions as minor as a simple "failure to renew" can result in immediate revocation of a STR permit. That must be changed or the ordinance will fail on appeal to LUBA.

2. The County has failed to provide proper notice of the pending proceedings.

ORS 215.503, also known as Measure 56, requires that for any ordinance in which the governing body proposes to rezone property, prior notice of the hearings on the ordinance must be given to all landowners whose property is proposed for rezoning. In addition, LUO 10.090(1) expressly requires that in Tillamook County, notice of Type IV legislative land use decisions must comply with ORS 215.503. A "rezoning" occurs when, among other things, the governing body "adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone." ORS 215.503(9)(b). As discussed above in Part 1, the proposed revised Ordinance 84 does exactly that.

The notice required by Measure 56 is in addition to the notice required by ORS 215.223(1) and must be given at least 20 and not more than 40 days before the first hearing on the ordinance. ORS 215.503(4). The notice must meet specific informational and formatting requirements. ORS 215.503(5). In this case, the first hearing on revised Ordinance 84 took place on May 30, 2023. Accordingly, the County was obligated to give notice meeting the requirements of ORS 215.503(5) and

LUO 10.090(1) to all potentially affected landowners no later than May 10, 2023, but no such notice was given. And, since the proposal would amend existing land use regulations, advance notice to DLCD was also required, but not given. ORS 197.610(1).

The failure to give the required notices is not merely a technicality. Many property owners throughout the County either hold STR permits or own property that would be eligible for a STR permit under current law. Without adequate notice, these owners' property rights will be substantially and adversely affected by the proposed rezoning of their property without their knowledge. Measure 56 exists precisely to ensure that property owners affected by a potential rezoning have advance notice of the effort and an opportunity to participate in the process. Thus, the County's failure to give the required notices resulted in substantial prejudice to those not notified. Any adoption of a revised ordinance without first giving proper notice will be invalid.

3. The proposed ordinance improperly subjects STRs to different building code standards than the state building code.

The County cannot subject STR operators to different building code standards than the state building code, unless expressly authorized by the state. ORS 445.040(1). The state building code bars local government from requiring upgrades to existing structures to meet code changes just because the code has changed (see e.g. 2021 Oregon Residential Specialty Code (ORSC), Section R102.7). Language in Section .070(C) and .090(A) of the draft ordinance requiring automatic periodic upgrades of STRs to meet new building code standards, even in the absence of a proposed alteration of the structure, is unlawful and would not be enforceable.

4. Language in the proposed ordinance requiring STR owners to indemnify the County is overbroad and is preempted by the Oregon Tort Claims Act.

Section .060(A)(10) of the draft ordinance requires an executed indemnification and hold harmless agreement as part of an application for a STR permit. The agreement would require the STR property owner to indemnify and defend the County against claims "accrued as a result of, or arising, out of the [o]wner's actions or inaction in the operation, occupancy, use, and/or maintenance of the property."

This indemnity obligation is overbroad and preempted by the state Tort Claims Act (ORS 30.260 *et seq.*). The Tort Claims Act provides the exclusive remedy for persons aggrieved by the torts of public actors. ORS 30.265(2). As part of that exclusive remedy, the County is obligated to defend and indemnify any public actor against tort claims, groundless or otherwise, arising out of the actor's action or failure to act in the performance of their public duty. ORS 30.285(1).

Given this, the language of Section .060(A)(10) suffers from two fatal flaws. First, the language could require a STR property owner to defend and indemnify the County or its officers, employees and agents for the County parties' action or failure to act, to the extent such action or failure to act was related to that owner's STR. This would violate both the exclusive remedy and mandatory defense and indemnity obligations of the Tort Claims Act. Second, the obligation to indemnify in Section .060(A)(1) is not limited to claims arising out of violations of Ordinance 84 by the property owner. Instead, it would also extend to acts or inaction that fully comply with the ordinance, but nonetheless trigger a claim against the County. Under ORS 30.285(1), the County cannot shift even groundless claims to third parties.

5. The factual findings in the draft ordinance are not supported by substantial evidence in the record.

Legislative land use decisions must be supported by an adequate factual base, which means that the decision must be supported by substantial evidence upon which a reasonable decision maker would rely to support its conclusions. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372, 378, *aff'd* 130 Or App 406 (1994). The decision must also explain why it complies with applicable statewide land use planning goals. *Von Lubken v. Hood River County*, 22 Or LUBA 307, 314 (1991).

The proposed ordinance complies with neither of these requirements. Specifically with respect to the adequate factual base requirement, Section .020(B) states:

With the adoption of these regulations, the County finds that the transient rental of dwelling units has the potential to be incompatible with the residential neighborhoods in which they are situated and to have a damaging impact on the livability of those neighborhoods. Therefore, special regulation of dwelling units used for short-term rental, transient or vacation occupancy, is necessary to ensure these uses will be compatible with surrounding residential neighborhoods and will not materially alter the livability of the neighborhoods in which they are located.

The record lacks substantial evidence in the record to support these findings. To the contrary, the vast majority of evidence in the record only supports the opposite conclusion. Here are just a few examples of the abundant evidence in the record that the benefits of STRs to the community are great, and the impacts negligible:

- Data on complaints made to the County regarding STRs from 2019 to 2023 shows that other than signage violations, only 32 complaints were made (and

only 9 violations confirmed) County-wide over four-plus years.⁵ It is not reasonable to conclude that STRs are incompatible with residential neighborhoods based on a five-year average of two violations per year across 1,209 permitted units.⁶

- The evidence shows that STRs also do not negatively affect housing availability. STRs actually *alleviate* housing demand for seasonal populations by allowing different families to use one home during different, successive time periods. Curtailing such “infill of time” will increase demand and will require building an increased number of mostly empty second homes. Also, Clatsop County's May 18, 2022 Short-Term Rental Data Report concluded that there is “not a correlation” between STR permits and housing prices in Clatsop County. There is no evidence upon which to conclude that the effect is different in Tillamook County, and to the extent that second-home ownership creates housing scarcity, it is a consequence of all second-home ownership, not just STRs.⁷
- STRs provide significant economic benefits in the form of local wages and revenue to local businesses. Data compiled by the County shows that STRs in the County supported 112 employees with an average wage of \$22.41 per hour in 2022, and that STR owners spend money with local service providers including home maintenance, landscaping, security and the like.⁸ STR renters also bring significant dollars to the County in the form of spending at local restaurants and other businesses.
- STR owners pay transient lodging tax (“TLT”), generating about \$40,000,000 in revenue for Tillamook County between 2014 and 2022, which was about 70% of total County TLT revenues for that time period.⁹ This is crucial revenue to the County that it is able to use to benefit the community as a whole, including residential neighborhoods.

Section .020(B) also contains several internal inconsistencies that render the proposed findings inadequate to support the ordinance. It specifically states twice

⁵ E-mail from Joel Stevens, Tillamook County Counsel's Office, May 25, 2023.

⁶ The record shows that there were 1,209 active STR permits in Tillamook County as of February 21, 2023. In 2009, the County estimated that about 2,400 homes in the County were used for vacation rentals, twice the amount that have STR permits today. Ord. 69, Exh A, paragraph (a)(C). So any claim that STRs have “exploded” since 2009 is demonstrably false.

⁷ See Tillamook County Comprehensive Plan Goal 10 Housing Element, p. 25 (https://www.co.tillamook.or.us/sites/default/files/fileattachments/community_development/page/8832/goal_10_housing_element_800_oc.pdf); see also 2019 Housing Needs Analysis, pp. 9-10.

⁸ 2022 Tillamook County Short Term Vacation Rental Management company data.

⁹ Tillamook County Community Development Department data as of February 8, 2023.

that transient rental of dwelling units can be incompatible with "*residential neighborhoods*." The findings do not even attempt to justify regulation of STRs in commercial zones, yet the ordinance would apply equally in commercial zones. Also, the finding includes "transient or vacation occupancy" of dwelling units among the uses that could be incompatible with residential neighborhoods, yet the ordinance only regulates STRs. Second homes occupied by their owners for brief stays or lent to others for no compensation are also "transient and vacation occupancy," yet this ordinance makes no effort to regulate those uses.

These findings also directly contradict and are incompatible with the Goal 10 Housing Element of the County Comprehensive Plan (see footnote 7), which defines both seasonal and permanent residents and part of the community of residential neighborhoods, and requires the County to plan for and accommodate housing to meet the needs of both populations.

There is no factual basis in the record for concluding that "transient or vacation occupancy" for compensation has the potential to be incompatible with residential neighborhoods, but the same occupancy for no compensation does not. In short, the entire revised ordinance lacks a substantial evidentiary foundation. Rather, the available evidence indicates that the concerns that justify the revised ordinance are unfounded. Further regulation of STRs seems to be a solution in search of a problem, based on the available evidence.

6. The proposal to adopt community-specific STR caps and other growth management tools by Board order outside the scope of these proceedings is unlawful.

All legislative land use decisions must be made by ordinance, not board order, resolution or administrative decision. ORS 215.503(2). The proposed revision of Ordinance 84 is a land use decision, and since the later establishment of caps on STRs would amend or apply that ordinance, it would similarly be a land use decision. Accordingly, deferring the setting of caps to a proceeding other than via an ordinance (as proposed in the STRAC Report and Section .040(C) of the proposed ordinance) and without giving the required notices as discussed above in Part 2, would violate state law and deny affected property owners' due process.

7. The proposed ordinance improperly singles out STRs for livability regulations that should apply to the community as a whole.

As discussed above in Part 5, the proposed ordinance distinguishes between "transient or vacation occupancy" for compensation and not for compensation and elects to regulate only occupancy for compensation, with no adequate factual basis for the distinction. As a consequence, STRs are unfairly singled out for livability regulations that would be more effective and fair if applied equally to all dwelling

units, not just STRs. Examples in the proposed ordinance of such regulations include maximum occupancy, minimum parking requirements, restrictions on use of on-street parking, noise regulation, quiet hours, trash service regulations and periodic septic system inspections. In each of these areas, the livability of Tillamook County's communities would be improved if all dwelling units were required to meet the same standards. There is no reasonable justification for singling out only STRs and not requiring the same of their neighbors.

8. The proposed ordinance would illegally discriminate against renters and owners of STRs.

The proposed ordinance attempts to unlawfully discriminate against renters and owners of STRs, by subjecting them to disparate standards compared to other owners and renters who don't pay compensation. In doing so, the proposed ordinance goes against public policy and infringes upon the constitutional right of renters and STR owners to receive equal privileges and immunities, without any adequate factual basis for doing so. See *Planned Parenthood Ass'n, Inc. v. Department of Human Resources of State of Oregon*, 63 Or App 41 (1983), *aff'd* 297 Or 562 (1984)¹⁰; see also *Tirpak v. Borough of Point Pleasant Beach Board of Adjustment*, 457 N.J. Super 447 (Law Div. 2018).¹¹

9. Other miscellaneous issues.

OCH has numerous other concerns with the language of the proposed ordinance, some of which make the ordinance unconstitutionally vague.

- The terms "established neighborhood" and "established owner-occupied neighborhood" are not defined, yet the ordinance concludes that STRs have a potential negative impact on such neighborhoods. Without defining these terms, this conclusion cannot be evaluated based on the evidence and instead becomes wholly subjective and speculative.
- The term "Hosted Homeshare" is undefined and confusing.
- The definitions of "Owner" and "Transfer" in Section .030 are both over- and under-inclusive. A property can have more than one owner, and those owners

¹⁰ In *Planned Parenthood Ass'n, Inc.*, the Oregon Court of Appeals held that an administrative rule limiting state assistance for medically necessary abortions violated the privileges and immunities clause of the state constitution, in part because indigent pregnant women were treated different from each other based solely on whether their medically necessary service involved abortion.

¹¹ In *Tirpak*, the court held that municipality's deed restriction limiting owner of two-family residence from renting out more than one of the two units was unenforceable, stating that it discriminated against people based on their economic status as tenants "for no other reason than stereotypes regarding those who choose to rent as opposed to own."

can transfer partial interests in the property, but neither definition accounts for that. Also, while the definition of Transfer excludes transfers upon death, divorce, marriage or inheritance, it does not (but should) also exclude similar non-transactional transfers such as distributions from a trust to its beneficiaries or from a corporate entity to its members, partners or shareholders.

- Complaints regarding STRs should not constitute violations of the ordinance unless and until the complaints are verified and not cured within the applicable cure period. The last sentence of Section .100(B)(2) suggests that complaints not resolved within 30 minutes of receipt constitute an ordinance violation, regardless of merit. This improperly assumes that all complaints have merit and denies STR owners due process.¹²
- Several of the violation and revocation provisions are so vague as to be unconstitutional. “Legislation that imposes a penalty or sanction for past conduct is unconstitutionally vague if it fails to provide notice of the conduct it prohibits and allows a prosecutor, jury or judge to decide what conduct is prohibited.” *Pre-Hosp. Med. Servs., Inc. v. Malheur County*, 134 Or App 481, 491 (1995) (applying constitutional vagueness analysis to a county ordinance). The proposed ordinance is similarly unconstitutional imposing penalties in the form of loss of constitutionally-protected property rights without due process based on conduct of another. *Morgan, supra*.
- Tillamook County has consistently referred neighbor disputes to community mediation programs, which can mediate neighbor dispute at no cost or at low cost.¹³ It would be much more efficient, cost effective, and likely to give both parties a lasting peace to treat neighbor disputes with STRs in like fashion.

Thank you for your consideration of these comments. OCH is optimistic that after consideration of all of the evidence and testimony, the Board will adopt a conservative approach to STR regulation that honors both existing property rights and the expectations of those interrupted by the STR permit moratorium, while at the same time imposing regulations on future permits that reasonably address the valid concerns of the community. But if this draft ordinance is passed without significant changes to address the points in this letter, our client will appeal and the proposed ordinance will be struck down as illegal for the reasons detailed above. Pursuing it without substantial revisions is foolhardy and waste of everyone's time

¹² This issue appears to have been addressed in the revised draft ordinance submitted by the STRAC on June 6, 2023. OCH nonetheless preserves this objection in the event the language is changed further before adoption of a final revised ordinance.

¹³ See <https://www.ycmediation.org/about-ycm/> and Board Resolution #R-17-004 (participating in state program for community mediation).

Tillamook County Board of Commissioners
June 8, 2023
Page 12

and resources, including County taxpayers who will have to fund the County's defense that it will undoubtedly lose.

Attached to this letter please find copies of the following documents and other evidence referenced herein. The Goal 10 Housing Element is part of the County Comprehensive Plan and is available online at the link in footnote 7.

Exhibit A 2022 Study, Tillamook Coast Visitors Association
Exhibit B E-mail from Joel Stevens, Tillamook County Counsel's Office, May 25, 2023
Exhibit C Tillamook County 2019 Housing Needs Analysis
Exhibit D Tillamook County Short Term Vacation Rental Management Company Data, 2022
Exhibit E Tillamook County Community Development Department Data, February 8, 2023
Exhibit F Clatsop County's May 18, 2022 Short-Term Rental Data Report (excluding appendices)

Please enter this letter and its attachments into the record in this matter.

Sincerely,



David J. Petersen



Danny Newman



Heather Brann

DJP/DN/HB/djp
Attachments

cc: OCH Board of Directors
William Sargent
Daniel Kearns

043463\00002\16286029v3

EXHIBIT A

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

A photograph of a living room interior. In the foreground, a large, light-colored sectional sofa is visible. In the background, there is a fireplace with a stone surround and a wooden mantel. A flat-screen TV is mounted on the wall above the fireplace. To the right of the fireplace, there is a small table with a potted plant. Large windows with wooden frames and blinds are on the right side of the room, offering a view of greenery outside. A coffee table is in the center of the room.

Tillamook Coast
Visitors Association

Visit Tillamook Coast

TLT TOTALS: 2019 to Q2, 2022

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

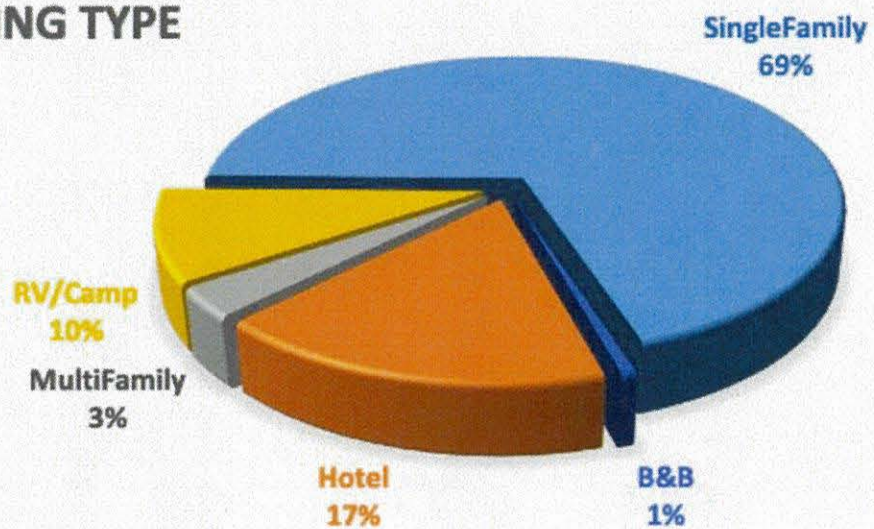
2019			2020		2021		2022	
	YoY			YoY		YoY		YoY
\$698,966	+17%	Q1	\$583,432	-17%	\$1,502,805	+157%	\$1,557,739	+3% + \$54,934
\$1,144,806	+13%	Q2	\$622,199	-48%	\$2,078,561	+233%	\$1,996,974	-4% - \$81,587
\$1,943,681	+11%	Q3	\$2,262,693	+16%	\$2,781,602	+20%		
\$709,038	+12%	Q4	\$1,241,553	+75%	\$1,219,407	-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
Room tax goes to general budget	Any rise in room tax subject to state law of 70/30 split	County implements 10% transient lodging tax; cities raise their tax to 9%
<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>1.5% state increase - Travel Oregon</p>

*example

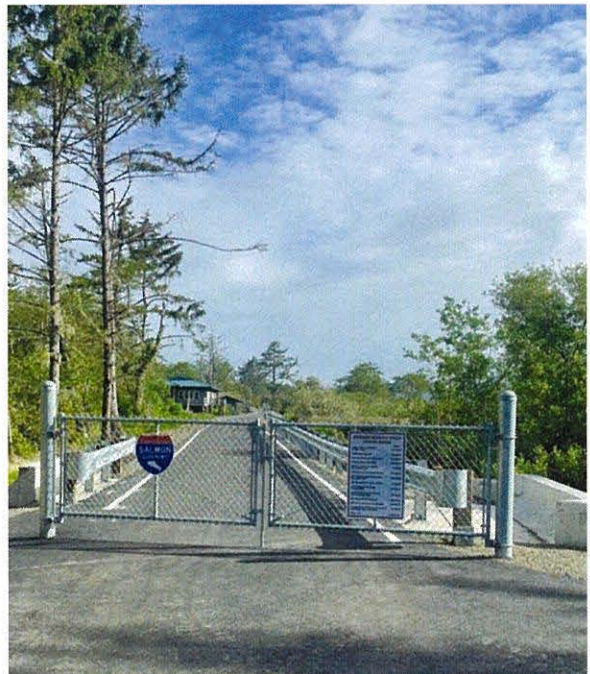
HOW TLT IS USED

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

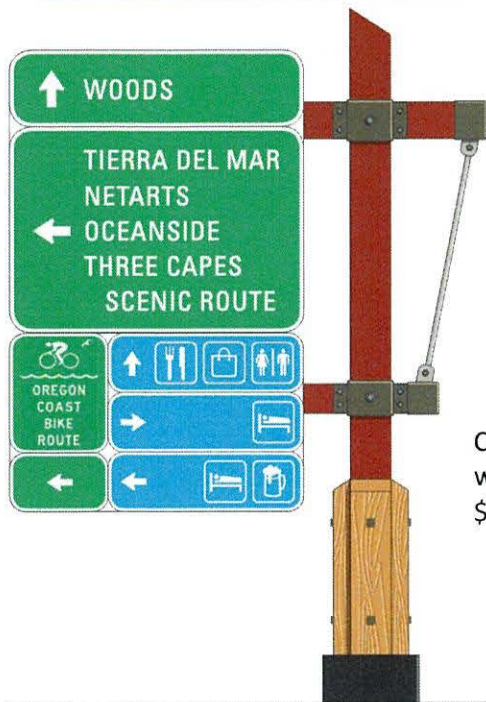
HOW TLT IS USED



	<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



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

Tsunami Signage
\$40,000 (so far)



HOW TLT IS USED

Port of Garibaldi
\$204,000



Restrooms
and kiosk

Event tent



Dock

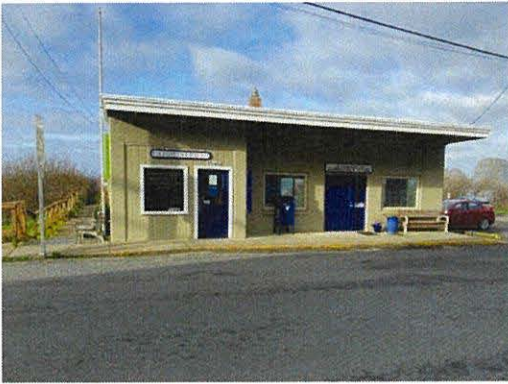


HOW TLT IS USED

\$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

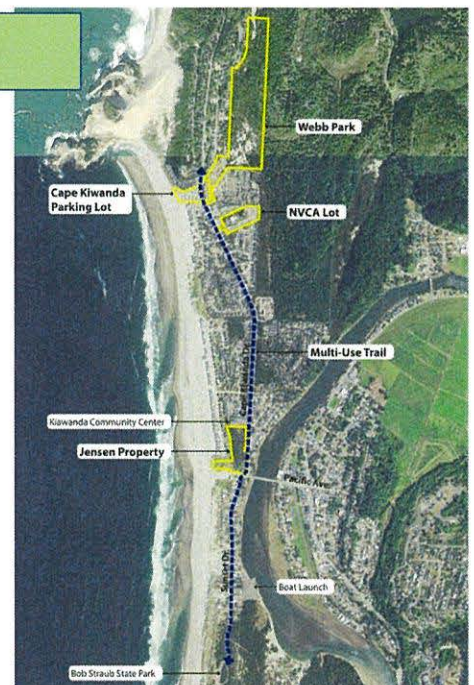


HOW TLT IS USED

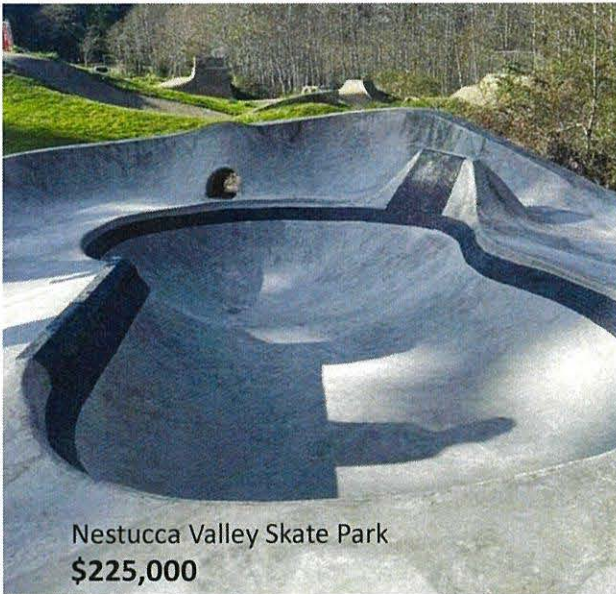


Cape Kiwanda
beach access
\$132,659

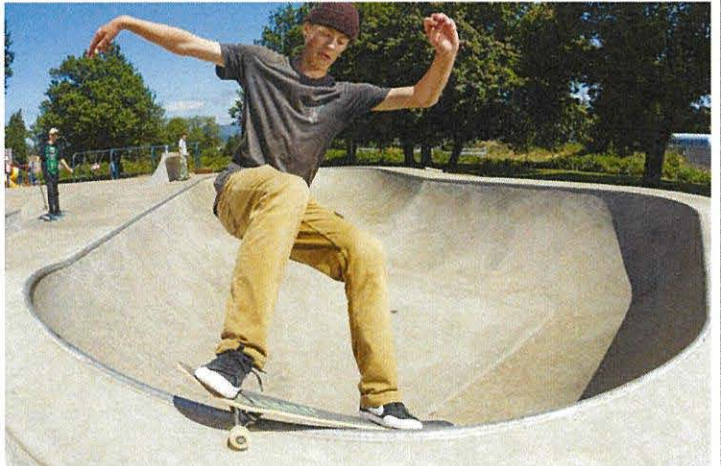
Kiwanda
Corridor
Project
\$3,600,000 –
purchase of
Jensen
property and
planning



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

A solid green square with a thin black border, containing the text 'Future of STRs?'.

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

EXHIBIT B

Response To Records Request

From: Joel Stevens (jstevens@co.tillamook.or.us)

To: vwcathy1959@yahoo.com

Cc: countycounsel@co.tillamook.or.us

Date: Thursday, May 25, 2023 at 09:37 AM PDT

Ms. Hendrix,

Below please find some additional data compiled by the Department of Community Development. They inform me that this is what they have been able to compile at this time.

I believe this constitutes a complete response to your request.

Sincerely,

Joel



Joel W. Stevens | County Counsel
TILLAMOOK COUNTY
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-1805
jstevens@co.tillamook.or.us

*****CONFIDENTIALITY NOTICE*****

This e-mail contains information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

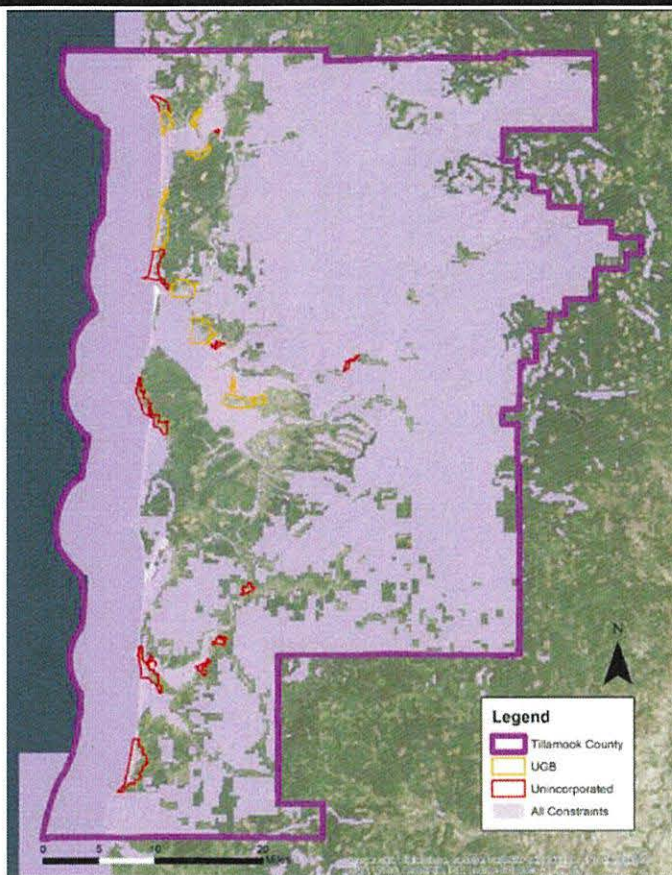
	2019	2020	2021	2022	2023	Total
Signage Violations	0	185	157	83	64	489
Violations	0	0	0	1	8	9
Complaints	1	8	13	5	5	32

EXHIBIT C



Tillamook County

Housing Needs Analysis



Tillamook County



Netarts



Pacific City - Woods



Neskowin



Cottage



Cottage Court



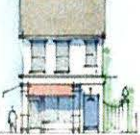
Duplex



Multiplex



Townhome



Live Work

December 27, 2019

ACKNOWLEDGEMENTS

This work is made possible through input provided by County staff and the Tillamook County Housing Commission. We specifically recognize and appreciate the time and attention dedicated to this work by the following participants.

Tillamook County

David Yamamoto (Tillamook County Commission Chair)

Bill Baertlein, (Tillamook County Commission Vice Chair, Liaison to County Housing Commission)

Mary Faith Bell (Tillamook County Commissioner)

Sarah Absher (Tillamook County Community Development Director)

Jake Davis (Tillamook County, Housing Coordinator)

Tillamook County Housing Commission

Cami Aufdermauer (at-Large)

Sarah Beaubien (Major Employer)

Tim Borman (at-Large)

Mis Carlson-Swanson (Non-Profit)

Kari Fleisher (at-Large)

Ed Gallagher (at-Large)

Kris Lachenmeier (Major Employer)

Barbara McLaughlin (North County)

Gale Ousele (South County)

Erin Skaar (Non-Profit)

Mayor Suzanne Weber (City of Tillamook)

John Southgate, Strategic Partner, Project Coordinator

Interviews and Work sessions

During the course of this assignment, FCS GROUP collected information gleaned from the following property owners, business owners, developers, and local planning commissions. We sincerely thank these individuals and collective bodies for sharing their time and attention.

- Todd Bouchard, developer/local resident
- Julie Garver, Director, Innovative Housing, Inc. (nonprofit housing developer)
- Thomas Kemper, nonprofit housing developer
- Jeff Schons and Mary Jones, Pacific City property owners/developers/business owners
- Paul Wyntergreen, City of Tillamook, City Manager
- Manzanita City Planning Commission
- Bay City Planning Commission

Project Consultants

FCS GROUP

Todd Chase, AICP, LEED ^{AP}, Principal/Project Manager

Timothy Wood, Project Consultant/Economist

Zech Hazel, Analyst

Cascadia Partners

Alex Steinberger, Partner

Alex Joyce, Managing Partner

Victor Tran, Associate

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Section I. INTRODUCTION

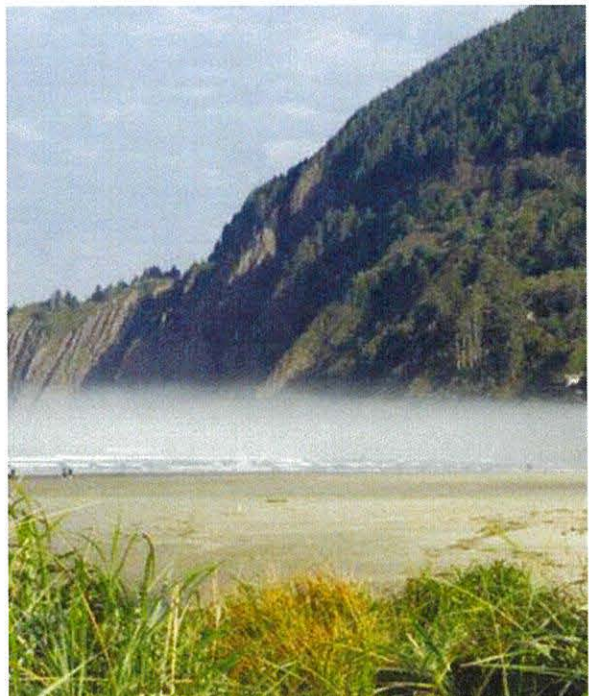
Tillamook County is widely known for its dramatic coastline, misty beaches and award winning dairy and seafood products. Tillamook County is located along the breathtaking northern Oregon Coast within 50 miles from the Portland and Salem metro regions.

Like many coastal communities, portions of Tillamook County are experiencing strong housing demand by part-time seasonal residents, especially in coastal “resort” communities. Over the past decade, new housing production has not nearly kept pace with the demand generated by permanent residents and seasonal home owners. With the majority of its housing, now controlled by part-time residents, vacancy rates have plunged to near zero and rents/prices have increased to record levels. This has led to a severe housing affordability challenge that is exacerbated by: environmental flood zone and agricultural land use constraints; limited vacant land area with adequate water, sewer and roadway infrastructure; and a growing service economy with limited family wage job opportunities.

These challenges continue to mount as employers struggle to fill job positions since workers are faced with very limited housing choices.

The Tillamook Housing Needs Analysis (HNA) is being conducted to ensure that the County can plan for coordinated housing growth in line with community preferences and market forces. The HNA includes the following:

- A determination of 20-year housing needs based upon long-term growth forecast of demand by permanent and seasonal population increases.
- An analysis of buildable vacant, part-vacant and re-developable land inventory (BLI) for land that’s planned to accommodate housing.
- Identification of new housing goals, objectives, and policy actions that address housing opportunities.



Section II. MARKET TRENDS AND FORECASTS

This section of the HNA includes a forecast of housing needed to accommodate expected year round and seasonal population growth for Tillamook County. The housing needs forecast represents a 20-year projection from the base year (2019) through year 2039. These technical findings are also consistent with the State of Oregon requirements for determining housing needs per Oregon land use planning Goals 10 and 14, OAR Chapter 660, Division 8, and applicable provision of ORS 197.295 to 197.314 and 197.475 to 197.490, except where noted.

II.A. METHODOLOGY

The methodology for forecasting housing needs for Tillamook County considers a mix of demographic and socio-economic trends, housing market characteristics and long-range population growth projections. Population is a primary determinate for household formations—which in-turn drives housing need. Given the significance of coastal tourism and visitation, the demand for second homes and short-term rentals is also an important determinate in understanding future housing needs.

County-wide population, households, income and housing characteristics are described in this section using available data provided by reliable sources, such as the U.S. Census Bureau (Census and American Community Survey), the U.S. Department of Housing and Urban Development (HUD), Oregon Department of Housing and Community Services, Portland State University (PSU) and Tillamook County's Planning and Community Development department. Where trends and forecasts are provided by an identified data source, FCS GROUP has included extrapolations or interpolations of the data to arrive at a base year (2019 estimate) and forecast year (2039 projection).

The housing need forecast translates population growth into households and households into housing need by dwelling type, tenancy (owner vs. renter) and affordability level.

II.B. DEMOGRAPHICS AND SOCIO-ECONOMICS

Population

Since the year 2000, Tillamook County's permanent year-round population (including local cities) increased 8.6%, from 24,262 residents in 2000 to 26,348 in 2019. Population within Tillamook County is projected to increase to 29,284 over the next 20 years (0.5% avg. annual growth rate).

As population increases, the demand for all types of housing will increase. This HNA supports long-range planning focused on expanding the local housing inventory to accommodate baseline population growth.

Population Growth Forecast in AGR Tillamook County, Oregon, 2019-2039
Source: Portland State University Population Research Center

0.50%

Tillamook County

1.05%

Oregon

The long-range population forecast prepared by PSU's Population Research Center (PRC) expects 2,936 additional people to be added to Tillamook County by year 2039. This equates to an annual average growth rate (AGR) of 0.5%. Baseline population growth forecasts for Tillamook County and its incorporated areas is shown below in **Exhibit 2.1**.

Exhibit 2.1 Population Growth Forecast

	Estimate 2019	Forecast 2039	Proj. Change 20 Years	Proj. AGR (2019-2039)
Oregon	4,209,177	4,954,640	745,463	0.8%
Tillamook County	26,348	29,284	2,936	0.5%
Bay City	1,448	1,796	348	1.1%
Garibaldi	802	875	73	0.4%
Manzanita	910	1,209	299	1.4%
Nehalem	1,272	1,642	370	1.3%
Rockaway Beach	1,590	1,862	272	0.8%
Tillamook	5,643	6,439	796	0.7%
Wheeler	415	486	72	0.8%
Unincorporated	14,261	14,971	710	0.2%

Source: Portland State Population Research Center, 2017 estimate; 2017-2040 forecast, interpolated by FCS GROUP.

Compiled by FCS Group. AGR = average annual growth rate.

*Populations are based on Urban Growth Boundary

Tillamook County has a relatively older population in comparison to the Oregon average. In Tillamook County, nearly 24% of the population is 65 or older, compared to 16% for Oregon as a whole. The median age of residents in Tillamook County was 48 in 2017, compared with the State average of 39.2.

Median Age, Tillamook County, Oregon, 2017

Source: U.S. Census Bureau, 2013-2017 American Community Survey, compiled by FCS Group

48.0

Tillamook County

39.2

Oregon

Tillamook County's average household size is 2.41 people per occupied household, which is slightly less than the statewide average of 2.5.

Average Number of People per Unit, Tillamook County, Oregon, 2017

Source: U.S. Census Bureau, 2013-2017 American Community Survey, compiled by FCS Group

2.41

Tillamook County

2.5

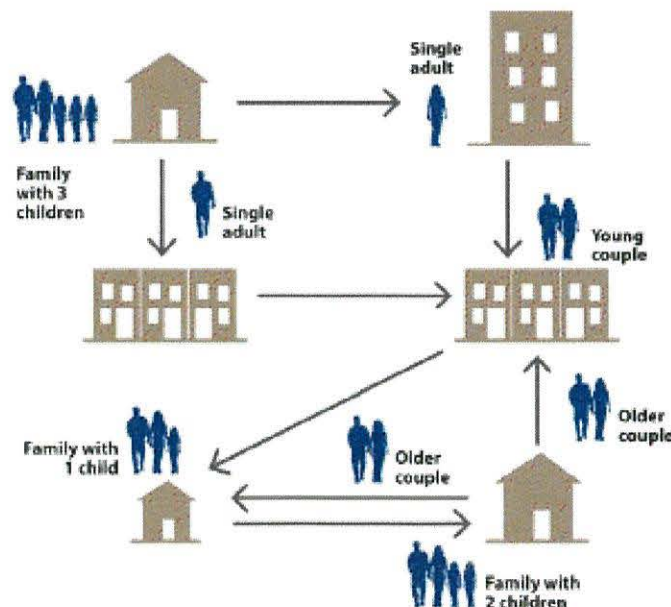
Oregon

Factors Affecting Housing Demand

There is a clear linkage between demographic characteristics and housing choice. As shown in the figure below, housing needs change over a person's lifetime. Other factors that influence housing include:

- Homeownership rates increase as income rises.
- Single family detached homes are the preferred housing choice as income rises.
- Renters usually have lower incomes than owners and are much more likely to choose multifamily housing options (such as apartments or plexes) over single-family housing.
- Very low-income households (those earning less than 50% of the median family income) are most at-risk for becoming homeless if their economic situation worsens.
- The housing available to households earning between 50% and 120% of the median family income is crucial to middle-income residents, and is often referred to "missing middle" housing stock or "workforce housing."
- Seasonal housing demand by part time residents will continue to occur primarily in coastal communities that provide access to recreational areas and services.

Housing Life Cycle



Key definitions:

“Households” consist of all people that occupy a housing unit.

“Family” is a group two or more people (one of whom is the householder) related by birth, marriage, or adoption and residing together.

The relationship between demographic changes and housing needs can be used to forecast future housing needs. Three main demographic changes affecting housing in Tillamook County include:

Generational Cohorts

As people age, their housing requirements change with time. **Exhibit 2.2** summarizes the current (2017) distribution of major generational cohorts of people living in Tillamook County.

Greatest/Silent Generation (those born before 1925 to 1945)

This includes retirees better than age 74, who were raised during the Great Depression, Word War I or World War II. This cohort currently accounted for 9% of the county’s population in 2017. As they reach their 80s some move into assisted living facilities with convenient health care services and transit access. Meanwhile, others will leave the county to be closer to family or medical services.

Baby Boom Generation (those born 1946 to 1964)

Baby boomers (currently age 55 to 74) accounted for 32% of Tillamook County residents in 2017. The boomer population segment has been growing more rapidly than the other cohorts over the past 10 years and many are now entering their retirement years. Boomers usually prefer to “age in place” but may downsize or move in with family members, sometimes opting to reside in accessory dwellings off the main house.

Generation X (born early 1965 to 1980)

Gen X (currently includes people between age 39 to 54) accounted for 17% of Tillamook County residents in 2017. GenX households often include families with children, and many prefer to live in single family detached dwellings at various price points.

Millennials (born early 1980s to early 2000s)

Millennials (currently in their twenties or thirties) accounted for 21% of Tillamook County residents in 2017. Younger millennials tend to rent as they establish their careers and/or payback student loans. Working millennials often become first-time homebuyers, opting to purchase smaller single-family detached homes or townhomes.

Generation Z (born mid-2000s or later)

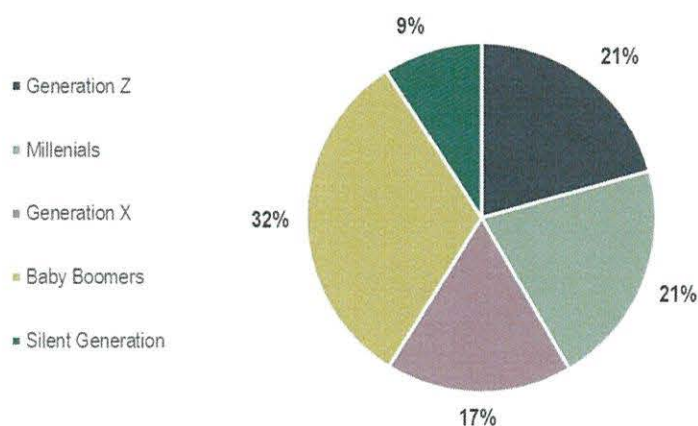
GenZ includes residents age 19 or less, which accounted for 21% of Tillamook County residents in 2017. This segment mostly includes children living with Gen Xers or Millennials.

Families with Children living at home

This category includes a subset of Baby Boomers, Gen Xers and millennials. Taken as a whole, this category constitutes a significant proportion of Tillamook County's population; and is expected to increase moderately over the next two decades. Families prefer to live in a variety of housing types (detached homes or townhomes/plexes) at price points commensurate with their family income.

Exhibit 2.2

Population Share by Generational Cohort, Tillamook County, 2013-2017



Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates (Table B25105)

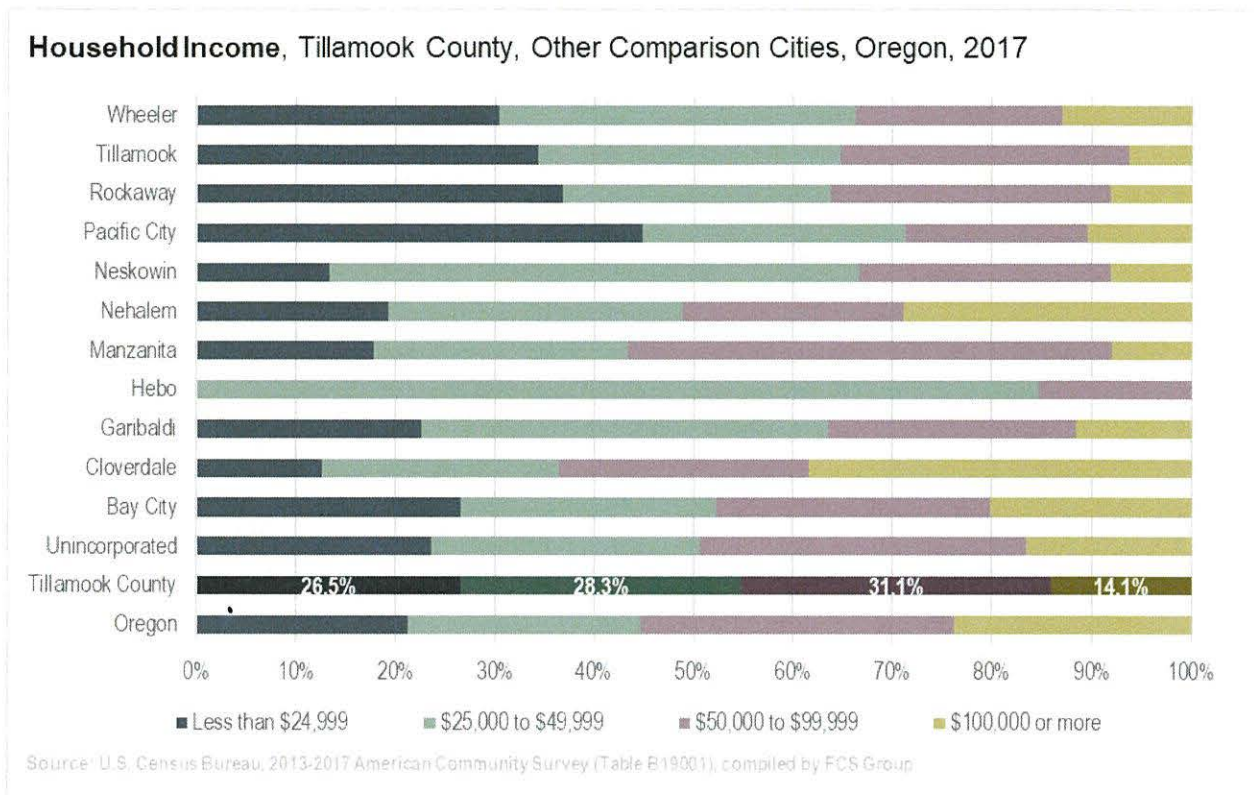
Income Characteristics

The median household income in Tillamook County (\$45,061) is well below incomes observed statewide in Oregon (\$56,119).

As shown in **Exhibit 2.3**, Tillamook County in comparison with Oregon, has a higher share of low-income residents (earning less than \$30,000), and a lower share of middle- and upper-income residents (those earning more than \$50,000). Countywide incomes vary significantly between communities, with Hebo, Pacific City, Rockaway and City of Tillamook residents having relatively lower incomes compared with Manzanita and Nehalem.

It should be noted that this analysis focuses on local cities and Census Defined Places, since those are the communities for which comparative data are available. There are additional small communities in Tillamook county, such as Oceanside, Netarts and Beaver, which do not have readily available statistics. While such small communities are vital, they are referenced here within the unincorporated county area.

Exhibit 2.3



II.C. EXISTING HOUSING CHARACTERISTICS

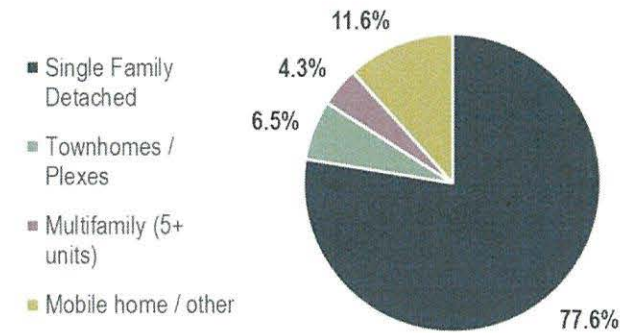
An analysis of historical development trends and local housing market dynamics provides insight regarding how the housing market functions. Findings indicate that changes in demographic and socio-economic patterns over the next two decades will result in a shift in housing demand from what is now predominantly single-family detached housing to wider mix of housing types.

Housing Inventory and tenancy

The existing housing stock in Tillamook County is dominated by single family detached (low density development) which accounts for just over three-fourths of the inventory. This is well above the state average of 63.7%. Mobile homes/other housing types comprise the remaining 11.6% of the inventory. Townhomes/plexes (medium density development) accounts for 6.5% of the inventory. Multifamily apartments and condos (with more than 5 units per structure) currently comprise only 4.3% of the inventory (see **Exhibit 2.4**).

Exhibit 2.4

Households by Housing Type, Tillamook County, 2017

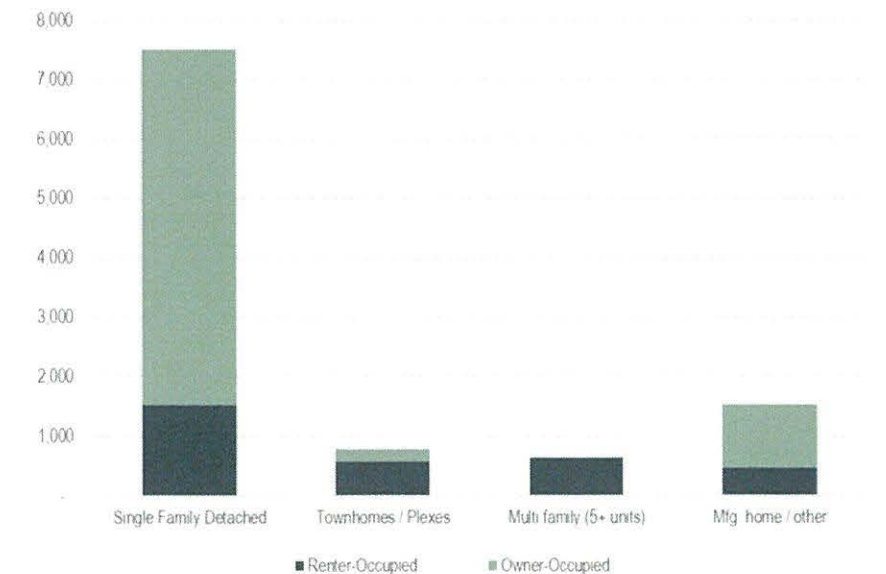


Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-year Estimates

The overall housing tenancy in Tillamook County mirrors the Oregon statewide average, with 69% of the permanent residents owning their homes, and the remaining 31% renting. As shown in **Exhibit 2.5**, most homeowners reside in single family detached homes or mobile homes (including manufactured housing). Renters occupy all types of housing, and constitute the majority of demand for townhomes/plexes and multifamily apartments.

Exhibit 2.5

Tenancy by Type of Housing, Tillamook County, 2017



Source: U.S. Census Bureau, 2013-2017 American Community Survey (Table B25032); compiled by FCS Group

Seasonal Housing Inventory and Vacancy Rates

The prior housing study that was prepared for Tillamook County, *Creating a Healthy Housing Market for Tillamook County*, March 2017 (by CZB), noted that the housing market in Tillamook County has two distinct parts. There is a **coastal market** with strong demand from upper-income households, investors, second home buyers and retirees. And there is an **interior market** concentrated largely around Tillamook and other inland communities, such as Bay City. This market has a relatively older and less expensive housing inventory, which is more attainable to local residents. The demand for both seasonal housing and year-round non-seasonal demand is rising, as indicated in **Exhibit 2.6**.

Of Tillamook County's 18,789 total housing units, 44%, were classified as having "seasonal ownership" in 2017, up from 38% in 2010, according to the U.S. Census American Community Survey.

Exhibit 2.6



The seasonal housing inventory varies significantly by location, with the City of Tillamook, Bay City and Cloverdale having the lowest rates of seasonal homeownership and coastal resort areas such as Rockaway Beach and Manzanita having the highest levels at 74% and 87%, respectively.

As shown below in **Exhibit 2.7**, the vacancy rates for non-seasonal (year round rental housing) is well below 1% in all areas and near zero in Cloverdale, Gribaldi, Hebo, Nehalem, Neskowin and Wheeler. In comparison, the statewide average housing vacancy rate was 9.3% in 2017.

Exhibit 2.7 Vacancy Rates by Housing Type

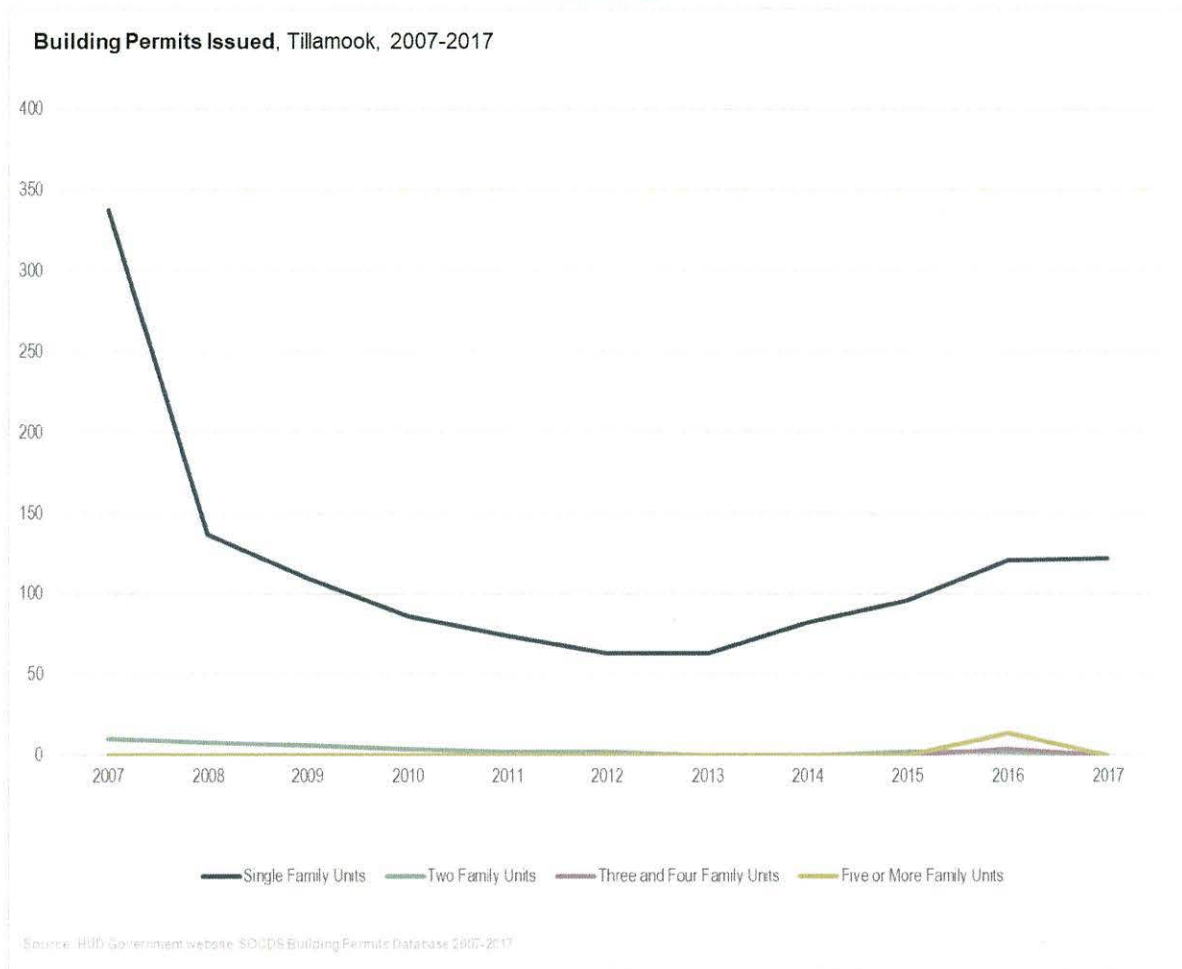


Housing Construction Permitting Activity

During the past decade new housing construction in Tillamook County has been dominated by single family housing. Despite falling sharply following the recession, the county has issued an average of 117 single family permits annually for new construction since 2007. Issuance of new permits has picked up since its low of 2013 (**Exhibit 2.8**).

Housing production has not nearly kept up with the pace of demand. Between 2007 and 2017, about 120 new dwellings were added throughout Tillamook County annually with the vast majority as second homes. Most new housing construction has occurred in coastal “resort” towns, such as Manzanita, Neskowin, Pacific City and Rockaway Beach, where 66%-80% of the total housing stock is now owned by part-time residents. During this same time frame, it is estimated that about 80-90 existing dwelling units were converted to seasonal units or short-term vacation rentals each year. As such, the permanent year-round housing inventory in Tillamook County has been decreasing at a time when nearly 60 households were moving into the county each year.

Exhibit 2.8



Housing Affordability

The median home price in Tillamook County was approximately \$323,000 (2019, 1st Q), which is slightly below the median home price in Oregon as a whole. As shown in **Exhibit 2.9**, year-over-year, home prices in Tillamook County increased by 12.2% from \$288,000 in 2018 to \$323,000 in 2019.



In general, home values declined following the Great Recession (2009 to 2014), then began a steady ascent. In Tillamook County, it is estimated that median home prices have increased by over 40%

between 2014 and 2019. During this same time frame, median household income levels in Tillamook County increased only 21%; thereby creating a major housing affordability challenge.

Based on active home listings and average sales over the past two years in Tillamook County, there is less than a three month supply of homes priced under \$300,000; and only a four to five month inventory of homes priced \$300,000 to \$500,000. For comparison, a healthy housing market is considered to have a six month housing inventory.

Exhibit 2.9

Homes Sales and Inventory, Tillamook County

Sales Price Level	Recent Sales (past 2 years)	Avg. Sales Per Month (past 2 years)	Current Listings	Remaining Inventory (months)
Sales Price Level				
Less than \$100,000	175	7.3	4	0.5
\$100,000 to \$199,999	384	16.0	27	1.7
\$200,000 to \$299,999	556	23.2	61	2.6
\$300,000 to \$399,999	421	17.5	70	4.0
\$400,000 to \$499,999	270	11.3	57	5.1
\$500,000 or more	298	12.4	124	10.0
Total	2,104	88		

Source: Zillow.com; analysis by FCS 9/3/19.

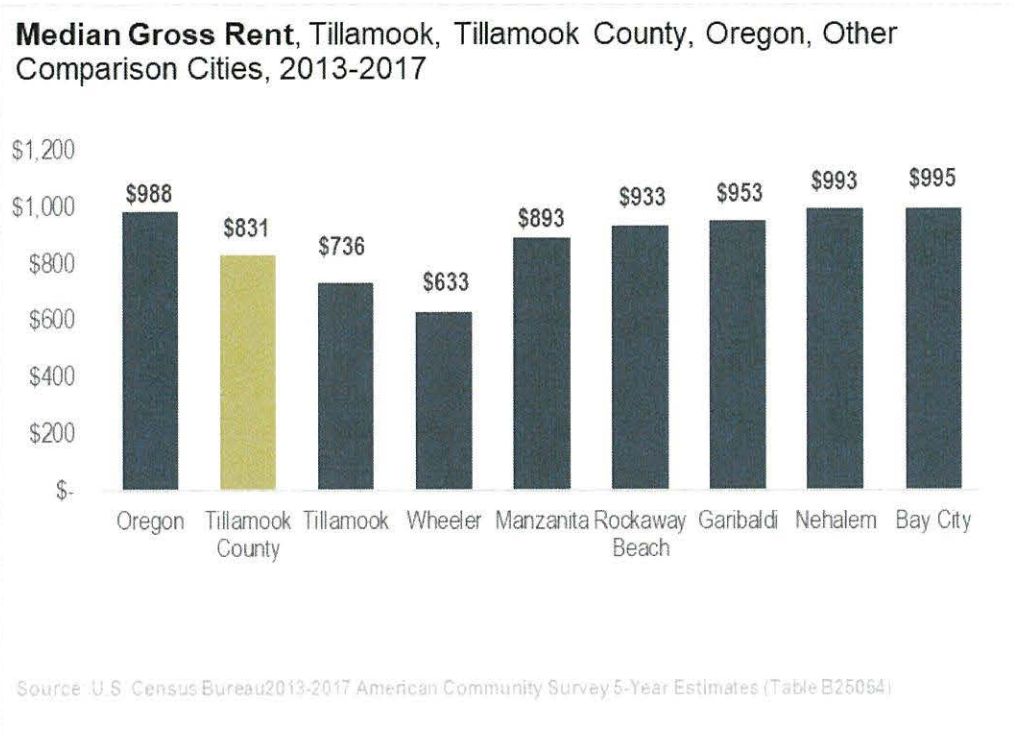
Median Home Price Sales Trends in Select Markets

	Aug-18	Aug-19	Change %
Tillamook County	\$288,000	\$323,000	12.2%
Bay City	\$213,000	\$244,000	14.6%
Nehalem	\$372,000	\$415,000	11.6%
Neskowin	\$425,000	\$457,000	7.5%
Pacific City	\$292,000	\$323,000	10.6%
Rockaway Beach	\$255,000	\$294,000	15.3%
Tillamook City	\$251,000	\$283,000	12.7%

Source: Zillow.com; analysis by FCS Group 1/24/18.

Median rents are also slightly lower in Tillamook County compared with the Oregon statewide average. However, in many communities within Tillamook County, rents are now on par with or have surpassed the statewide average (**Exhibit 2.10**).

Exhibit 2.10

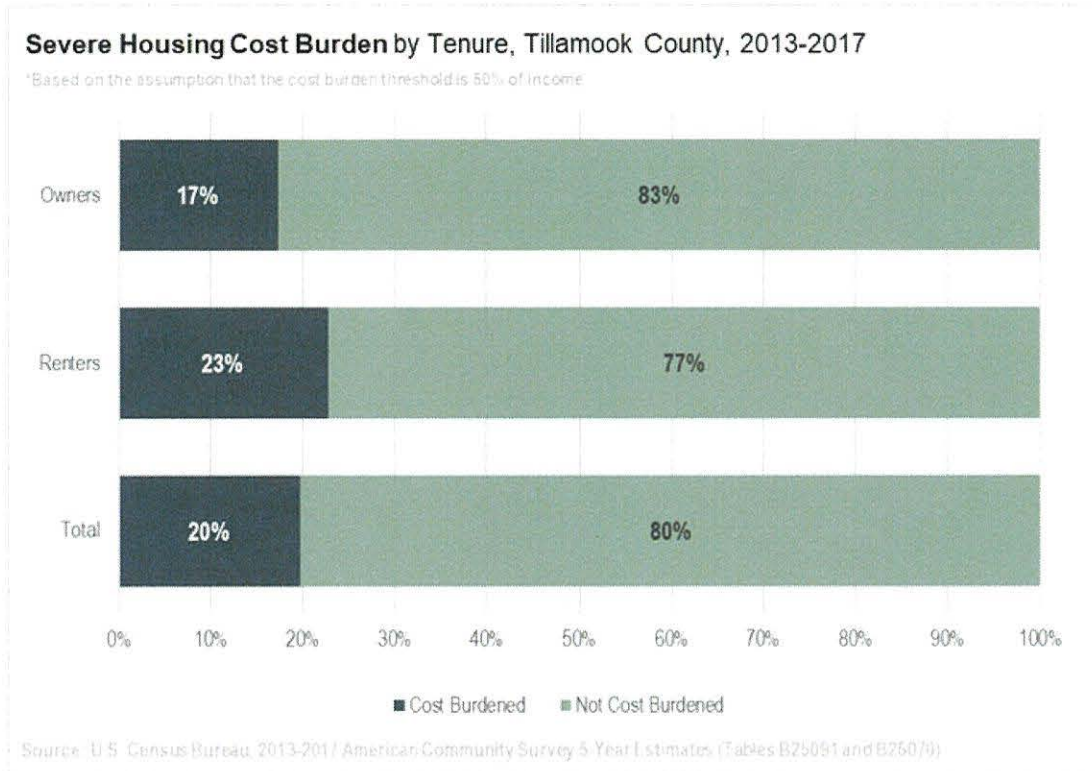


Housing Cost Burdens

According to the U.S. Housing and Urban Development (HUD) standards, households are considered “cost burdened” if they pay over 30% of their income on housing. Households are “severely cost burdened” if they pay over 50% of their income on housing.

Despite relatively low housing costs, the fact that there limited numbers of family wage jobs makes finding attainably priced housing difficult for many residents. Approximately 23% of the renters and 17% of the owners in Tillamook County are severely cost burdened (see **Exhibit 2.11**).

Exhibit 2.11



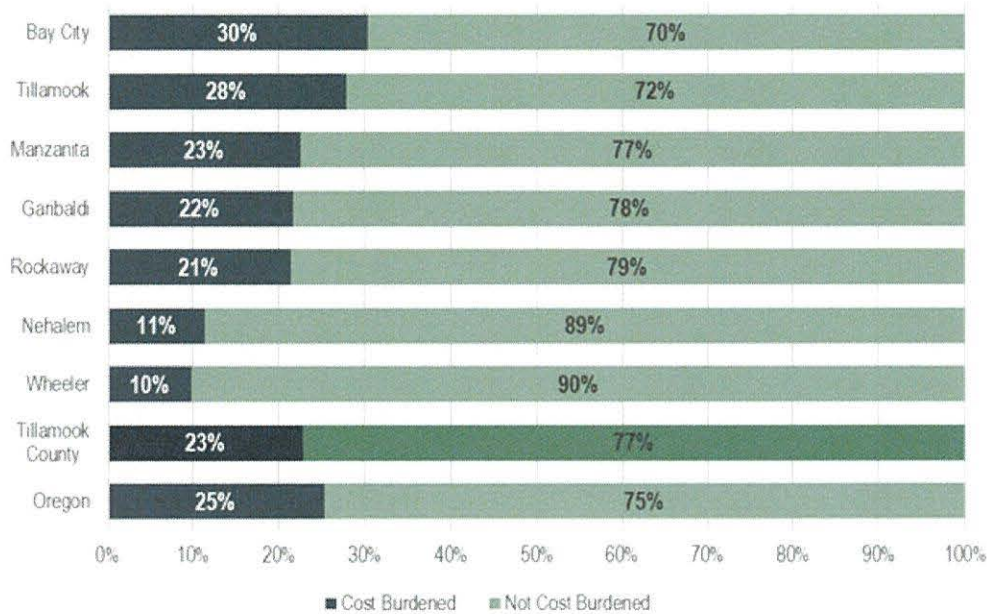
Severe rent burdens vary widely between local areas. For example, Wheeler faces severe rent burden rates of just 10%, while 30% of Bay City renters are severely rent burdened (see **Exhibit 2.12**).

Exhibit 2.13 further illustrates the link between lower incomes and housing cost burdens. Over 80% of households earning less than \$20,000 were cost burdened in Tillamook County. In fact, almost 60% of households earning less than \$50,000 are paying more than 30% of their income in housing costs.

Exhibit 2.12

Severe Rent Cost Burden, Tillamook County, Oregon, Other Comparison Cities, 2013-2017

*Based on the assumption that the housing cost burden threshold is 50% of income

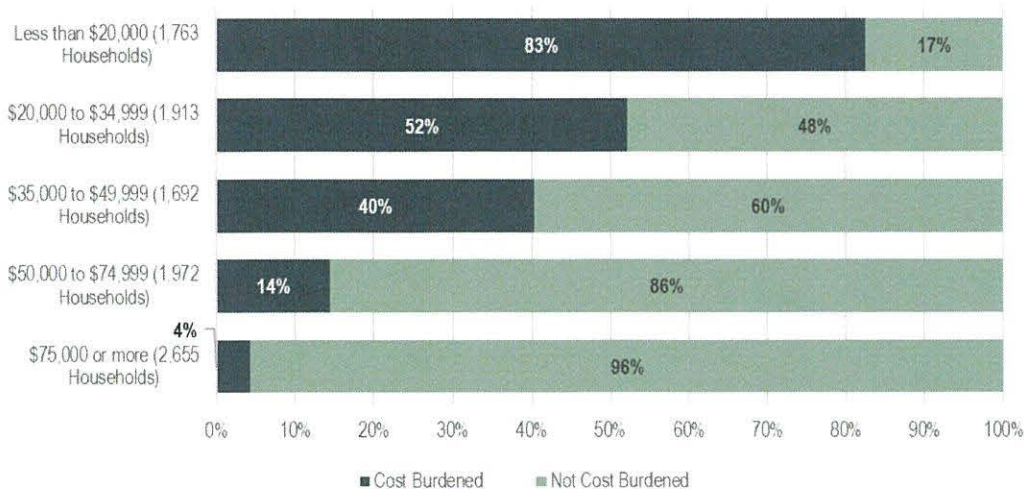


Source: 2013-2017 American Community Survey 5-Year Estimates (Tables B25091 and B25070)

Exhibit 2.13

Housing Cost Burden by Income, Tillamook County, 2013-2017

*Based on the HUD assumption that the cost burden threshold is 30% of income



Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates (Tables S2503)

Workforce Housing Demand

Representatives from local businesses, school districts, hospitals and emergency service sectors (e.g., police and fire districts) have voiced concern over the lack of attainable housing for their employees. Many workers now travel very long distances to jobs in Tillamook County. According to U.S. Census stats, **almost one in four workers in Tillamook County commute greater than 50 miles each way (100 miles per day); which is double the statewide average.** Nearly one in three local workers now reside outside Tillamook County.

Note: These findings are based on U.S. Census On-the-Map Longitudinal Employer-Household Dynamics (LEHD) data which are based on tabulated and modeled administrative employer survey data, which are subject to error. The Quarterly Workforce Indicators (QWI), LEHD Origin-Destination Employment Statistics (LODES), Job-to-Job Flows (J2J), and Post-Secondary Employment Outcomes (PSEO) are available online for public use.

Because the estimates are not derived from a probability-based sample, no sampling error measures are applicable. While no direct measurement of these joint effects has been obtained, precautionary steps are taken in all phases of collection and processing to minimize the impact of nonsampling errors.

As indicated in **Exhibit 2.14**, FCS GROUP has documented market gaps in Tillamook County's available housing inventory. Conversion of homes to seasonal and vacation rentals, low vacancy rates, and inadequate housing construction levels result in market gaps that can only be corrected by supply additions. Based on relatively low market capture rates, as of year 2017, there is a housing gap of approximately 406 units for housing units needed for moderate income households at 50% to 120% of the area median family income (MFI) level.

In addition, there is also a significant market gap for government assisted housing available to households earning less than 50% of the MFI level. This analysis indicates that the market gap for rental housing at this price point equates to over 600 dwellings. In light of inadequate levels of state and federal housing grants, we have assumed a 33% market capture rate or approximately 200 units of low income housing demand is needed at this time.

Exhibit 2.14 Existing Housing Market Gaps, Tillamook County

Current Housing Market Gap for Housing at 50% to 120% MFI or higher, Tillamook County

		Total Dwelling Units	Rental Units	Owner Units
Existing Workers in Tillamook County	9,476			
Long Distance commuters (over 100 miles per day)	2,030			
Market Demand Sensitivity Analysis				
Low Capture Rate	15%	305	152	152
Midpoint Capture Rate	20%	406	203	203
High Capture Rate	25%	508	254	254

Based on U.S. Census Bureau, On-The-Map data for Tillamook County, 2017.

Current Market gap for Housing at less than 50% MFI, Tillamook County

Affordable Monthly Rent Costs *	Current # of Renter-Occupied Households	Estimated Available Rental Units at this rent level	Housing (Gap) or Surplus	Capture Rate for Analysis	Housing Needed (units)
Less than \$500	1,139	528	(611)	33%	202

Source: U.S. Census Bureau, American Community Survey, 2017. * Assumes 30% of income towards rent.

This analysis conservatively assumes that the level of near-term pent up market demand could support development of over 400 units of rental housing, with about half needed for households in the 50% to 120% of the MFI level for Tillamook County.

II.D. FUTURE HOUSING NEEDS

The methodology includes three housing forecast scenarios which were reviewed and discussed by the Housing Committee. They include:

Scenario A Baseline Forecast

Scenario B Baseline + Workforce Housing Forecast

Scenario C Policy Scenario as modified version of Scenario 2

Scenario D Midpoint of low and high growth forecasts

Scenario A: Baseline Housing Demand Forecast

The future (20 year) housing forecast for Tillamook County takes into account the population and socioeconomic and housing characteristics described earlier.

The baseline forecast applies the long term population forecast by Portland State University, and assumes that current household size, group quarters demand, vacancy rates and seasonal housing rates remain constant. With the baseline forecast, Tillamook County is projected to add 2,936 people which will require 2,305 new dwellings over the next 20 years. If the future housing demand is distributed within Tillamook County based on the current housing mix, the 20-year housing demand in the unincorporated areas would equate to 510 dwellings, and the various incorporated area UGBs would need to accommodate the remaining 1,795 housing unit (see **Exhibit 2.15**).

Exhibit 2.15 Scenario A Baseline Forecast

Baseline Housing Demand Forecast, Tillamook County, 2019-2039

	Net New Population ¹	Group Quarters Share	Group Quarters Pop. ²	Avg. HH Size ²	Occupied Dwellings ²	Seasonal & Vacancy Rate ²	Seasonal & Vacant Dwellings	Total Dwelling Need (excl. group quarters)
Unincorporated areas	707	2.6%	18.4	2.41	286	44.0%	225	510
Tillamook UGB	796	0.88%	7.0	2.47	319	8.5%	30	349
Nehalem UGB	370	0.00%	-	3.43	108	25.0%	36	144
Bay City UGB	348	0.00%	-	3.43	101	14.6%	17	119
Manzanita UGB	299	0.00%	-	3.43	87	86.6%	562	649
Rockaway Beach UGB	272	0.00%	-	2.27	120	73.7%	336	456
Garibaldi UGB	73	0.75%	0.5	2.62	28	31.8%	13	41
Wheeler UGB	72	1.45%	1.0	2.62	27	29.4%	11	38
Total	2,936	0.9%	27		1,076	53.3%	1,229	2,305

Notes: ¹ population forecast from PSU Population Research Center, interpolated by FCS GROUP; ² based on 2017 ACS. Numbers may not add due to rounding.

Scenario B: Baseline + Workforce Housing Forecast

This scenario includes the baseline housing forecast based on future growth along with a capture of a portion of the current market gap for workforce housing.

As discussed earlier in this report, there is a demonstrated “market gap” for workforce housing in Tillamook County. In this scenario, it is assumed that the overall housing demand over the next 20 years equates to the baseline demand described in Scenario A plus an additional 400 units of pent up demand for rental housing. This would include approximately 200 units of moderate income rental housing attainable to households earning 50% to 120% of the MFI; and another 200 units for households earning less than 50% of the MFI level.

This forecast scenario assumes that the majority of the housing production would occur in communities that can provide water and sanitary sewer service, with capacity that can be increased as needed to accommodate new housing development. As shown in **Exhibit 2.16**, the housing forecast under Scenario B equates to 2,730 dwelling units over 20 years.

Exhibit 2.16 Baseline + Workforce Housing Forecast Scenario B

	Demand Dist. (Scenario A)	Demand Dist. (Scenario B)	Pent Up Rental Workforce Housing Need (units)	Baseline Housing Need (Scenario A)	Total Housing Need (Scenario B)
Tillamook UGB	15%	25%	106	349	455
Nehalem UGB	6%	5%	21	144	165
Bay City UGB	5%	5%	21	119	140
Manzanita UGB	28%	10%	43	649	691
Rockaway Beach UGB	20%	10%	43	456	499
Garibaldi UGB	2%	5%	21	41	62
Wheeler UGB	2%	5%	21	38	59
Subtotal UGBs	78%	65%	276	1,795	2,071
Unincorporated areas	22%	35%	149	510	659
Total Dwelling Units	100%	100%	425	2,305	2,730

Scenario C: Coordinated Policy Forecast

This scenario assumes that same level of overall Countywide housing demand as with Scenario B, but takes into account the fact that many of the coastal communities may have achieved market prices for land and housing that is out of reach for most residents. Small cities and resort communities in Tillamook County may not be capable of accommodating all of the potential market demand. Limiting factors may include inadequate infrastructure (particularly sewer) and environmental risks associated with developing housing in floodways, floodplains and tsunami hazard areas.

As shown in **Exhibit 2.17**, with this scenario it is assumed that the share of housing demand that will be accommodated within incorporated cities is 59% of total demand, down from about three quarters of total demand in the prior scenarios. Hence, the level of demand that would need to be addressed within unincorporated portions of Tillamook County would increase to 41% of the Countywide housing demand, compared with 22% to 24% in Scenarios A and B.

Exhibit 2.17 Housing Market Share by Scenario

	Demand Dist. (Scenario A)	Demand Dist. (Scenario B)	Demand Dist. (Scenario C)	Total Housing Need (Scenario C)
Tillamook UGB	15%	17%	30%	819
Nehalem UGB	6%	6%	5%	137
Bay City UGB	5%	5%	5%	137
Manzanita UGB	28%	25%	5%	137
Rockaway Beach UGB	20%	18%	10%	273
Garibaldi UGB	2%	2%	2%	55
Wheeler UGB	2%	2%	2%	55
Subtotal UGBs	78%	76%	59%	1,611
Unincorporated areas	22%	24%	41%	1,119
Total Dwelling Units	100%	100%	100%	2,730

Comparison of Housing Forecast Scenarios

These findings indicate that the future housing market in Tillamook County is expected to remain strong, barring natural disasters or global or national economic downturns. Population increases due largely to second home investors will likely account for just over half of the future housing demand. In order for housing prices and rents to be attainable to households at 120% or less of the local median income level for the County (\$45,060), for sale housing would need to be priced at \$299,000 or less and rentals priced at \$1,352 or less (per month for 2 bedroom unit). For additional analysis of housing affordability levels, please refer to **Appendix A**.

Exhibit 2.18 provides a comparison of the housing demand within local areas for each of the three forecast scenarios. The findings indicate a low and high range of housing needs along with a mid-point demand forecast, which is referred to as Scenario D.

Exhibit 2.18

Tillamook County 20-year Housing Forecast Scenarios (dwelling units)			
	Scenario A	Scenario B	Scenario C
Tillamook UGB	349	455	819
Nehalem UGB	144	165	137
Bay City UGB	119	140	137
Manzanita UGB	649	691	137
Rockaway Beach UGB	456	499	273
Garibaldi UGB	41	62	55
Wheeler UGB	38	59	55
Subtotal UGBs	1,795	2,071	1,611
Unincorporated areas	510	659	1,119
Total Dwelling Units	2,305	2,730	2,730

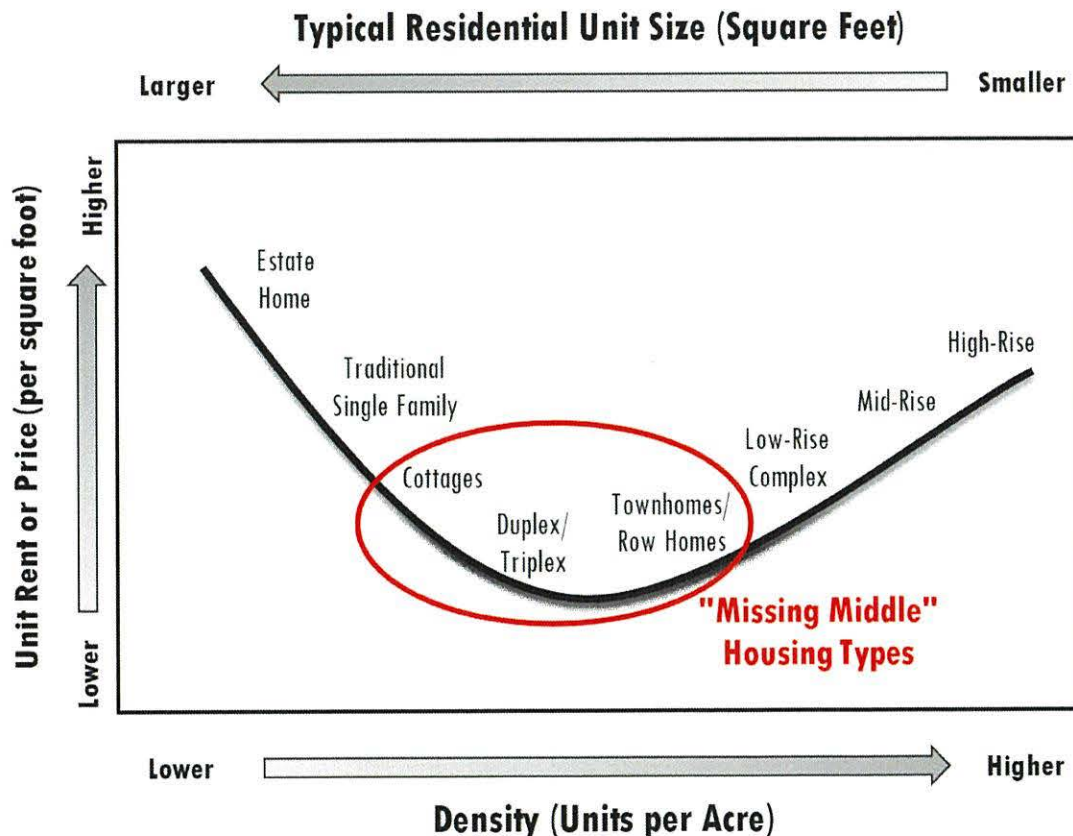
	Low	High	Midpoint (Scenario D)
Tillamook UGB	349	819	584
Nehalem UGB	137	165	151
Bay City UGB	137	140	138
Manzanita UGB	137	691	414
Rockaway Beach UGB	273	499	386
Garibaldi UGB	55	62	58
Wheeler UGB	55	59	57
Subtotal UGBs	1,141	2,435	1,788
Unincorporated areas	510	1,119	815
Total Dwelling Units	1,651	3,554	2,603

Source: prior exhibits.

Projected Needs by Housing Type

In light of the current housing affordability challenges, the future demand for attainably priced housing within Tillamook County will need to increase measurably in the future. This would require development of affordable “missing middle” housing types, such as market rate and government assisted plexes, townhomes and apartments as well as cottage homes, manufactured homes and accessory dwelling units (ADUs). As shown in **Exhibit 2.19**, these housing types can be delivered at a lower cost and rent level per square foot than other housing types.

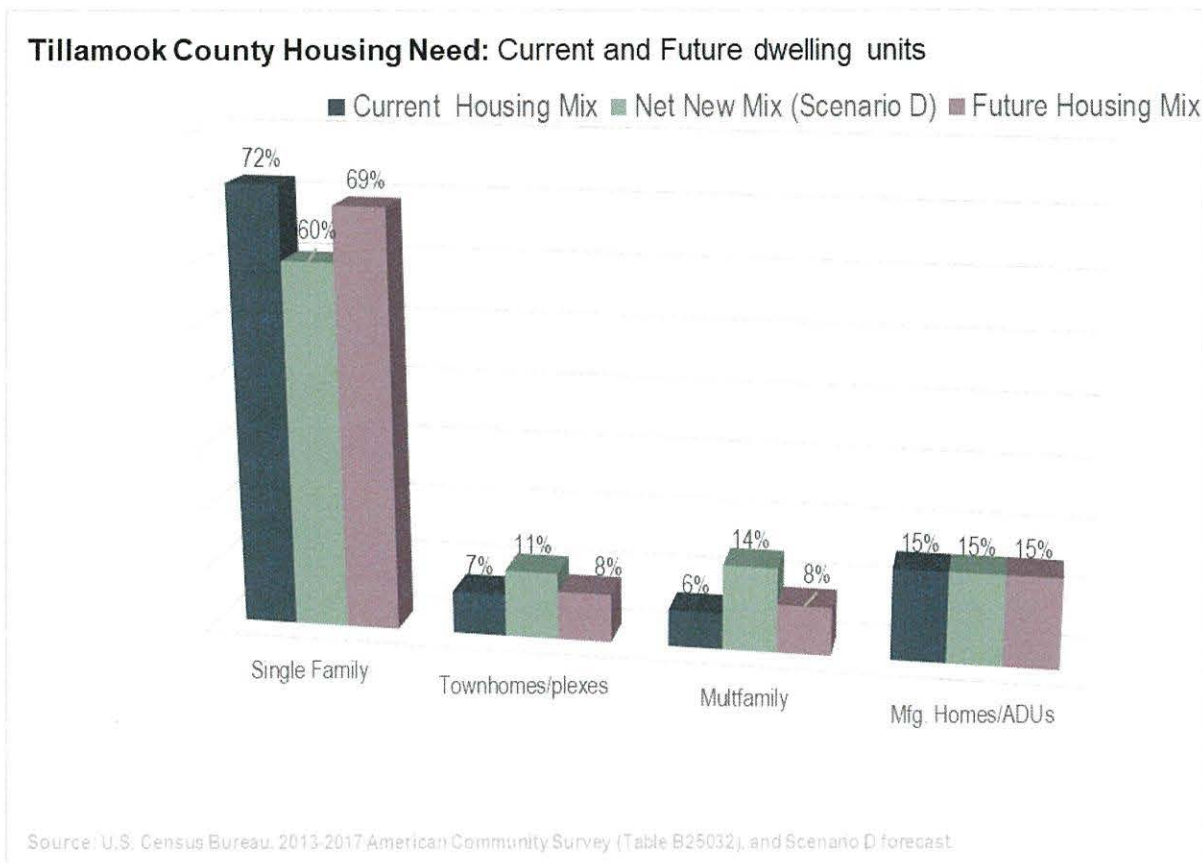
Exhibit 2.19



The forecasted housing mix that addresses future demand will likely consist of: 1,562 single-family detached homes (including cottage homes), 286 townhomes/duplexes/ADUs, 364 multifamily housing units and 390 manufactured housing units (see **Exhibit 2.20**). There will also be some “group quarters” housing demand for about 30 additional residents that will require shared living arrangements (such as congregate care or interim housing).

The graph below juxtaposes the housing mix in Tillamook County today compared with the projected mix of units to be added in the next twenty years and the overall housing mix observed in the county after twenty years. As shown in **Exhibit 2.21**, the Policy Scenario D would increase the overall share of multifamily, townhomes, and plexes in comparison to the current mix. The share of single family detached housing would decline and the share of manufactured housing would remain relatively constant.

Exhibit 2.20



At midpoint of the forecast scenarios (Scenario D), the net new housing need is expected to consist of: 1,796 owner-occupied dwellings and 807 renter-occupied dwellings. As shown in **Exhibit 2.21**, the types of housing that is most suited to meet qualifying income levels for home ownership vary by family income level. The owner and rental housing forecast that's suited to meet qualifying income levels is shown below

Exhibit 2.21 Current and Future Housing Mix, Scenario D

	Current Housing Mix	Net New Housing Mix (Policy Scenario C)	Future Housing Mix
Single Family	72%	60%	69%
Townhomes/Plexes	7%	11%	8%
Multi family	6%	14%	8%
Mfg. home / other	15%	15%	15%
Total	100%	100%	100%

	Current Housing Mix	Net New Housing Mix (Policy Scenario C)	Future Housing Mix
Single Family	7,501	1,562	9,063
Townhomes/Plexes	781	286	1,067
Multi family	641	364	1,005
Mfg. home / other	1,531	390	1,921
Total	10,454	2,603	13,057

Source: prior exhibits.

As we consider the demand for housing by affordability level, the vast majority of housing demand needs will be from households at 120% or below of the Median Family Income level for Tillamook County (see **Exhibit 2.22**).

For additional analysis regarding housing affordability price points for owner occupied and renter occupied housing please refer to **Appendix A**.

Exhibit 2.22 Forecasted Housing Demand by Affordability (Scenario D)

Approximate Attainable Home Price*	Owner-Occupied	Renter-Occupied	Total	Dist. %	Attainable Housing Products
Upper (120% or more of MFI)	790	166	956	36.7%	Standard Homes, Townhomes, Condos
Upper Middle (80% to 120% of MFI)	647	135	782	30.0%	Small Homes, Townhomes, Apartments
Lower Middle (50% to 80% of MFI)	269	163	433	16.6%	ADUs, Townhomes, Mfgd. Homes.
Low (30% to 50% of MFI)	90	190	279	10.7%	Govt. Assisted Apts. & Plexes
Very Low (less than 30% of MFI)	0	153	153	5.9%	Govt. Assisted Apts.
Total	1,796	807	2,603	100.0%	

*Assumes 30% of income is used for rental or mortgage payments. Derived from Appendix A.

Projected Residential Land Needs

Using the mid-points of the housing demand forecasts, the buildable land that will be needed to accommodate planned housing production is shown in **Exhibit 2.23**. **At the midpoint of the growth forecast scenarios (Scenario D), the overall amount of residential land that will be needed within all of Tillamook County over the next 20 years equates to just over 1,340 buildable acres of land area.**

It should be noted that actual gross land needs could be much higher given the limited availability of sewer infrastructure capacity within Tillamook County.

The forecast of residential land that is needed within each local community and incorporated cities is provided below by general land use type (low, medium and high density) for discussion and policy planning purposes.

Exhibit 2.23

Tillamook County 20-year Housing Land Need Forecast at Midpoint										
	Total Housing Need (Midpoint)	Housing Mix*				Land Need (Buildable acres)				Total Land Need (buildable acres)
		Very Low Density (single family homes)	Low Density (single family and mfg. homes)	Medium Density (townhomes, plexes)	Higher Density (apartments)	Very Low Density	Low Density	Medium Density	Higher Density	
Tillamook UGB	584	-	292	124	169	-	97	21	14	132
Nehalem UGB	151	-	75	32	44	-	25	5	4	34
Bay City UGB	138	-	69	29	40	-	23	5	3	31
Manzanita UGB	414	-	207	88	120	-	69	15	10	94
Rockaway Beach UGB	386	-	193	82	112	-	64	14	9	87
Garibaldi UGB	58	-	29	12	17	-	10	2	1	13
Wheeler UGB	57	-	28	12	17	-	9	2	1	13
Subtotal UGBs	1,788	-	894	378	518	-	298	63	43	404
Unincorporated areas**	815	407	326	81	-	815	109	14	-	937
Total	2,603	407	1,220	460	518	815	407	77	43	1,341
*Assumes mix and density as follows:										
	City/Town	Unincorp.	Dwellings							
	Housing	Area	per acre							
	Mix	Mix**	(avg.)							
Very Low Density*	0%	50%	0.5							
Low Density	50%	40%	3							
Medium Density	21%	10%	6							
Higher Density	29%	0%	12							
Total	100%	100%								
Source: compiled by FCS GROUP based on midpoint of housing forecast scenarios and expected market demand.										

Section III. BUILDABLE LAND INVENTORY

This section includes a summary of the residential buildable land inventory (BLI) in Tillamook County. The focus of this 2019 BLI analysis is on the following geographic areas:

- Tillamook County, unincorporated areas outside existing urban growth boundaries (UGBs)
- Tillamook UGB
- Manzanita UGB
- Bay City UGB

In addition to these locations, this report cites findings from prior adopted plans and BLI studies to ascertain buildable lands in the following locations:

- Garibaldi UGB
- Nehalem UGB
- Rockaway Beach UGB
- Wheeler UGB

METHODOLOGY

As part of Tillamook County's Housing Needs Analysis process, an estimate of buildable lands was completed to assess the supply of available land for housing development in unincorporated areas as well as three cities that opted to update their land inventories at this time. The Buildable Lands Inventory (BLI) was completed in accordance with OAR 660-008-0005 (2) and guidance provided by the Department of Land Conservation and Development (DLCD).¹

¹ While Oregon state regulations pertaining to BLI methods apply only to UGBs of incorporated areas, the same methodology was applied to unincorporated portions of Tillamook County with one exception which was reviewed by the Housing Committee: the removal of 100-year flood zones from the vacant land inventory for unincorporated areas only. The BLIs for incorporated areas assume land within 100-year flood zones is considered to be unconstrained and buildable.

The objective of the residential BLI is to determine the amount of developable land available for future residential housing development. The steps taken to perform this analysis are as follows:

1. Create a unified environmental constraints layer. These are areas where land is unsuitable for development due to natural hazards
2. Generate the residential land base by identifying all taxlots that are zoned to allow residential development (either permitted outright or as a conditional use)
3. Subtract all environmentally constrained land from the residential land base
4. Classify land by development category (vacant, partially vacant, or redevelopable)
5. Calculate total net buildable acres by netting out land needed for public facilities such as roads and utility infrastructure and factoring a redevelopment rate for parcels deemed redevelopable

Please refer to the separate Tillamook County Residential Buildable Land Inventory reports by Cascadia Partners for additional details regarding the methodology used for each location.

ALL AREAS OF THE COUNTY

An estimate of the total buildable land for residential development is provided in **Exhibit 3.1**. The results indicate that overall there is over 3,700 acres of buildable residential land area throughout the county, with the vast majority located in unincorporated areas.

It should be noted that the term density is used to reflect the average number of housing units per buildable acre on a particular site. Density is a relative term that generally reflects the type of housing that a land use zone is planned to accommodate. Based on local construction trends and market activity in Tillamook County, the density and housing types generally fall into the following categories:

- Very Low Density: 1 dwelling per 2 acres on average. Rural development typically relies on septic systems and connections to local water systems.
- Low Density: average of 3 dwellings per acre. Typically single family detached housing or mobile homes.
- Medium Density: 6-9 dwellings per acre. May include duplexes, townhomes and small lot cottage homes.
- High Density: typically 9-18 dwellings per acre. Includes townhomes and apartments.

TILLAMOOK COUNTY (UNINCORPORATED AREAS)

Based on the BLI finding for the unincorporated portions of Tillamook County shown in **Exhibit 3.2 and Map 3.1**, approximately 2,135 acres of land are available in the residential buildable lands inventory. Not surprisingly, as most of unincorporated Tillamook County is rural, most of the land available falls under low density residential zoning (roughly 54%). Medium density residential and high density residential make up 34% and 10% of the residential buildable lands inventory

respectively. Only 2% of the residential land base is comprised of land zoned as commercial / mixed-use.

Vacant land represents by far the largest opportunity for development, comprising more than 95% of the land available in the buildable lands inventory. While less partially vacant and redevelopable land is available, the location of specific parcels are important as they may represent geographies where development is highly desired (i.e., areas close to commercial cores) or where infrastructure (water and sewer) is available.

Exhibit 3.1: Summary of Residential Buildable Lands Inventory, Unincorporated Tillamook County (acres)

Location (BLI Source)	Relative Zoned Housing Density Class				Total
	Very Low	Low	Medium	High	
County Commercial (Cascadia 2019)	30		25		54
County Residential Zones (Cascadia 2019)	1,710	286	11	11	2,017
Manzanita UGB (Cascadia 2019)		52	69	6	127
Neahkahnie (Cascadia 2019)		13	25	76	114
Nehalem (2018)		207	95	43	345
Nehalem (COG 2007)		36	94	19	149
Neskowin (Cascadia 2019)	235	158	2	0	395
Netarts (Cascadia 2019)		59	56	18	133
Oceanside (Cascadia 2019)		82	1		82
Pacific City (Cascadia 2019)	30	49	34	83	196
Tillamook UGB (Cascadia 2019)	-	-	17	45	62
Wheeler (COG 2007)		61	18		79
Total	2,004	1,001	446	302	3,753

Source: various Tillamook County and local area Buildable Land Inventory studies, as noted.

Exhibit 3.2: Residential Buildable Lands Inventory, Unincorporated Tillamook County, 2019

Housing Category	Vacant	Partially Vacant	Redevelopable	Total Buildable
Very low density Residential	1,097	27	21	1,145
Medium Density Residential	694	29	4	727
High Density Residential	205	8	1	214
Commercial / Mixed-use	45	2	1	48
Total:	2,042	66	27	2,135

Source: Tillamook County Buildable Land Inventory by Cascadia Partners et al., September 2019.

Incorporated Cities

In addition to the 2019 BLI studies by Cascadia Partners and FCS GROUP, other communities in Tillamook County have completed residential buildable land inventories (BLIs) within the last 15 years. The objective of the residential BLI is to determine the amount of developable land available for future residential housing development within the UGB. BLI highlights include the following

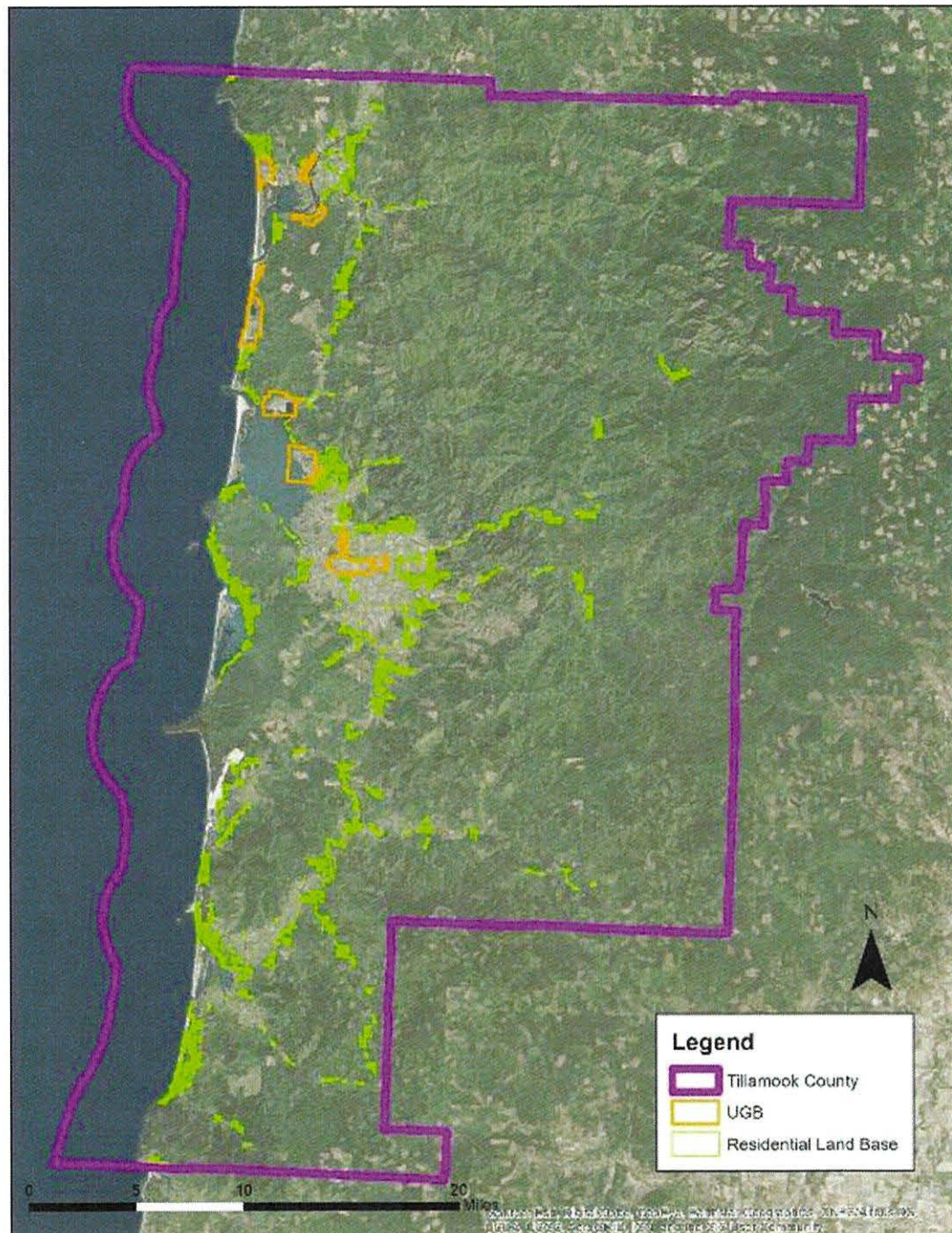
- **Tillamook:** draft findings by FCS GROUP/Cascadia Partners indicate that there is a current need for additional low- and medium-density zoned land area within the Tillamook UGB that ranges from approximately 48 to 76 acres of net buildable land area.
- **Nehalem:** according to the City of Nehalem, no residential land shortages were identified for the planning horizon (2007-2027) with an overall residential buildable land **surplus of 121.4 acres**. The City is in the process of approving a new buildable land inventory which indicates a **supply of 377.15 acres of residential land**. That BLI work is still in process.
- **Wheeler:** according to the City, no residential land shortages were identified for the planning horizon (2007-2027) with an overall residential buildable land **surplus of 66.7 acres**.
- **Rockaway Beach:** according to the City of Rockaway Beach, no residential land shortages were identified for the planning horizon (2007-2027) with an overall residential buildable land **surplus of 57 acres**.
- **Bay City:** Buildable Land Inventory is in process; however Housing Needs Analysis appears to be outdated.

- **Manzanita:** FCS/Cascadia identified a total land inventory of 122 net acres (residential zones) plus 4 acres of mixed use zoning (BLI adopted by City in Sept. 2019). This level of supply appears to be adequate for meeting the 20 year demand identified earlier in this report (94 acres at midpoint of low and high forecast scenarios).

These findings indicate the City of Tillamook may be able to justify a UGB expansion or a Comprehensive Plan amendment and with changes in zoning to allow for more housing. However, it is unlikely that other cities can do so in the near future.

In light of the significant level of housing demand outside the incorporated cities and their urban growth boundaries, and the desire to encourage more development in those locations, several local and state policy actions are identified in the next Section of this report for additional consideration.

Map 3.1 Residential Land Base, Unincorporated Tillamook County



Section IV. ACTION PLAN

POLICY RECOMMENDATIONS

This section summarizes relevant federal and state housing policies and identifies a set of Action Plan recommendations.

RECENT POLICIES

Several recent policy changes have occurred at the federal, state and regional level that may affect the future housing supply and demand in Tillamook County.

Federal Policies

Tax Cuts and Jobs Act

Passed in 2017, the Tax Cuts and Jobs Act initiates large scale federal tax reform. The reform made changes in many ways but most notable was the shift in the federal corporate tax rate, decreasing from 35% to 21%. The new tax cuts also lower most individual income tax rates, including the top marginal rate from 39.6 percent to 37 percent. The lower tax rates potentially affect Tillamook County and its municipalities because it makes tax free municipal bonds and affordable housing tax credits less attractive to investors because the relative advantage of lowering taxable income by investing in tax exempt bonds would decrease in most cases. However, with the adoption of measure 102 (see below), Oregon voters have expressed the need for investing in affordable housing bonds, and these state measures should mitigate the impact of this federal act.

Low Income Housing Tax Credits

The Low Income Housing Tax Credits program is a series of tax incentives administered by the IRS to encourage developers to construct affordable housing. Currently the program accounts for the largest source of new affordable housing in the U.S. In securing these credits, developers agree to rent out housing at an affordable level, often below market price (this is referred to as a use restriction). State agencies distribute credits to developers based on a state designed application process. These credits come in two forms, 9% (this raises about 70% of total cost) and 4% (this raises about 30% of the total cost), where 4% tax credits are often complimented with support from state bonds. In Oregon and in Tillamook County's case, Measure 102 (see below) should enable more funding of housing tax credit bonds and strengthen the effect of these tax credits on a for affordable housing development in Tillamook County.

Oregon Policies

Oregon's Statewide Housing Plan: "Breaking New Ground"

Oregon's 2018 Statewide Housing Plan is a long-term plan designed to increase housing in Oregon. The plan was researched and developed by Oregon Housing Community Services (OHCS) and its implementation will rely on OHCS in conjunction with local governments and private businesses. OHCS is Oregon's housing finance agency and as such the organization issues grants and loans to help facilitate home ownership in the state. OHCS regards housing in Oregon as a statewide crisis. Housing production has failed to keep up with Oregon's population growth therefore demand has outpaced supply, pushing up home prices. From 2000 to 2015, an additional 155,156 housing units would need to have been built throughout Oregon to keep up with demand.²

The Statewide Housing Plan calls for over 85,000 new units to be constructed for households earning below 30% of Median Family Income (MFI). The plan is outlined in six priorities and each promotes increased housing supply. Priorities include an increase housing supply that: (1) improves racial equity; (2) combats homelessness; (3) increases housing stability for families; (4) makes rent affordable; (5) proliferates homeownership; and (6) empowers rural communities. With this in mind, OHCS will triple the existing pipeline of affordable rental housing — up to 25,000 homes in the development pipeline by 2023.

The plan proposes increased access to housing through partnerships with community organizations, loans with low interest rates, better access to OHCS resources, funding grants for housing projects, improved technology, and streamlined processes with a foundation of collaboration. Implementation seems to rely on each area's ability to utilize and engage with OHCS as the plan clarifies goals and does not specify implementation policies.

Senate Bill 1533

Enacted by the 2016 Oregon Legislature, this bill aims to promote affordable housing development through local regulations and a new source of funding: the Affordable Housing Construction Excise Tax (CET). The bill allows municipalities to adopt regulations that impose conditions on development for new multifamily structures (20 units or more per project), including: requirements for the inclusions of some affordable housing; or the option of paying an in-lieu fee (construction excise tax) not to exceed \$1 per square foot of floor area for residential, and \$0.50 per square foot for nonresidential structures (with a maximum cap of \$25,000 per building or structure). For new

² Up for Growth, "Housing Underproduction in the U.S.: Economic, Fiscal and Environmental Impacts of Enabling Transit-Oriented Smart Growth to Address America's Housing Affordability Challenge," Up For Growth National Coalition, 2018, 9.

affordable housing projects, this legislation supports special incentives including: full or partial exemption of ad valorem property taxes, SDC waivers or reductions and other incentives.

Tillamook County voters soundly defeated a local CET ballot measure in 2017, and there is little appetite to pursue another CET at this time.

Measure 102: Passed by Oregon voters in November 2018

Measure 102 is intended to empower the collaborative partnerships described in Oregon's Statewide Housing Plan. Measure 102 amends the state's constitution to allow cities and counties to issue bonds for the construction of affordable housing construction without retaining 100% public ownership of the property. The goal is to allow local governments to pursue private public partnerships to better facilitate demand for housing.

KEY FINDINGS AND POLICY RECOMMENDATIONS

Based on the 20-year population growth forecasts for Tillamook County (forecasted increase of 2,936 year-round residents) and seasonal housing and demographic characteristics, **the recommended housing needs for Tillamook County requires 2,305 to 2,603 net new dwelling units.** The Tillamook County Housing Needs Analysis supports a variety of housing is needed over the next 20 years, including approximately 1,692 owner-occupied dwellings and 911 renter-occupied dwellings.

Recommended Actions

Market factors combined with limiting state and local land use policies have led to unprecedented housing challenges facing Tillamook County today. Addressing these challenges will require a coordinated effort by local and state government officials.

Vacancy rates for long-term rental units are now near zero in most communities in Tillamook County. While there is a strong and stable level of near term and long term demand for new housing construction throughout Tillamook County, there are very few local builders/developers that are focused on constructing the missing middle housing types needed for the workforce. To attract private investment and development of new workforce housing, a mix of local, state and federal policies, incentives and actions need to occur.

Local Policies and Actions

Challenge: Relatively high land and development costs in coastal areas hamper financial viability of developing attainable workforce housing for permanent residents. As a result, Tillamook County has an existing deficit for "missing middle" housing.

Tillamook County is tied for the second highest rate of economically distressed households in Oregon. Cities including Tillamook and Bay City have the highest share of severe rent burdened households at 28% and 30% of households, respectively.

To help encourage or incentivize construction of missing middle housing priced at 120% or below of the median family income levels, the County should continue to pursue state OHCS housing investment grants and work with local cities to consider the following policies:

Short-term Actions (1-2 years)

- ✓ Identify public-owned properties (excluding park/open space areas) that could be developed for a mix of housing types.
- ✓ Work with cities and sewer districts to update SDCs so that they are lower for smaller housing units than larger homes. Encourage SDC deferrals so that payments can be deferred for a period of time after building permit issuance for developments that contain deed restricted housing units.
- ✓ Consider a tax abatement program, such as the multiple-unit limited tax exemption program to promote development of affordable housing.
- ✓ Embark on a program that encourages Accessory Dwelling Units (ADUs) and “Cottage Homes” and “Tiny Home Communities” as an allowed use or conditional use within low density zones.
- ✓ Allow “lot size averaging” so that the size of individual lots in a short-plat development can vary from the zoned minimum or maximum density, in a manner that the overall development still meets average lot size requirements.
- ✓ Encouraging upper-level redevelopment and conversions in downtown Tillamook and other locations through financial assistance programs, such as use of urban renewal funds as loans.
- ✓ Tillamook County and its eligible local communities should leverage CDBG funds, state grants and bonds to help communities expand water, sewer and transportation infrastructure within areas planned for workforce housing through establishment of local improvement districts or reimbursement district programs.



Long-term Actions (2-5 years)

Challenge: locations with available sewer capacity are limited to areas such as the city of Tillamook.

- ✓ Support Tillamook UGB expansion and potential rezoning efforts that result in additional housing development opportunities. The current Tillamook UGB contains 98 acres of buildable residential land inventory, yet residential land needs are forecasted to be up to 175 acres. In light of this finding the City and County should identify ways to increase low and medium density housing development opportunities through a UGB expansion
- ✓ Work local sewer and water districts to document their current and planned capacity levels to address future housing needs and inform the county wide housing strategy.

Challenge: Tillamook County like many rural locations has a short supply of qualified residential construction workers and specialty contractors. This results in higher housing prices as construction workers and crews must be obtained from the Willamette Valley region and temporarily housed.

- ✓ Facilitate development of trade related certification programs for people interested in residential construction and trades offered by Tillamook Bay Community College and Tillamook High School in partnership with home builders and general contractors.

State Policies and Potential Actions³

Challenge: Oregon planning requirements for urban areas hamstring local cities and counties ability to create coordinated and creative housing strategies.

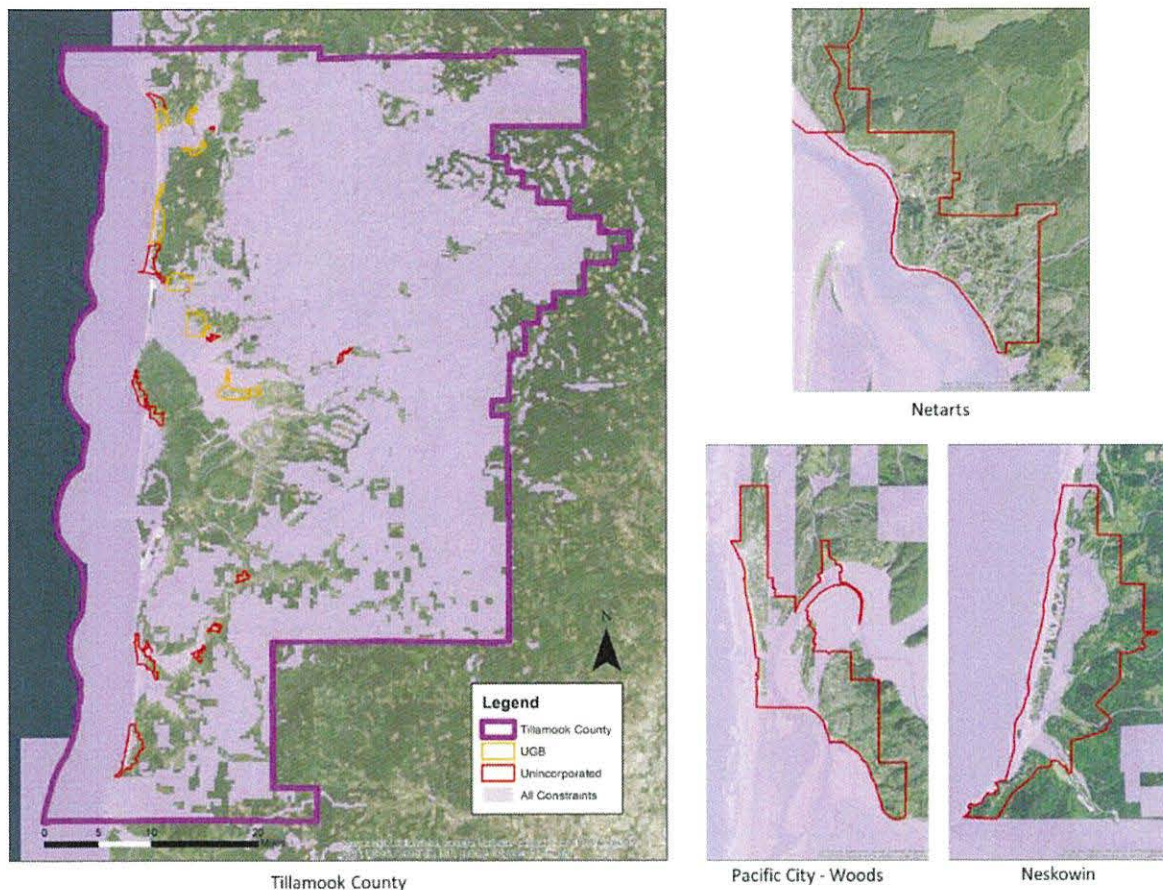
- ✓ Engage DLCD and Oregon Legislature to draft new planning guidelines for rural counties (e.g., population under 50,000) to adopt a coordinated county-wide Housing Needs Strategy. This would enable jurisdictions to prepare housing strategies that meet PSU's baseline forecasts countywide and allows for a localized allocation of housing and population (among cities and rural centers). This regional HNA approach would be intended to reflect unique market conditions and development opportunities and constraints in order to optimize the provision of more attainable housing.
- ✓ Engage DLCD and Oregon Legislature to include new state rules that allow rural development centers (outside UGBs) to rezone land for housing as long as there are adequate public facilities.

³ Input received from DLCD staff regarding current interpretation of state rules applying to local HNAs and Economic Opportunity Analysis (EOA) compliance is provided in Appendix B.

Challenge: Tillamook County has a large share of vacant lands in areas that are subject to frequent flooding and agricultural use restrictions. This restricts the amount of development that is likely to occur in rural residential zones (see **Map 3.2**).

- ✓ The County should pursue Oregon Legislature initiated amendments to the Oregon Administrative Rules to allow property owners to transfer future development rights (TDRs) from environmentally sensitive areas (such as vacant land within floodplains and tsunami hazard zones) and agricultural areas onto receiving areas that are located in communities that can provide adequate public facilities, such as roads, sewer and water services.

Map 3.2 Constrained Land Areas



APPENDIX A. HOUSING ATTAINABILITY ANALYSIS

Appendix A. Housing Attainability Analysis for Tillamook County

Median Family Income Level (2017)*		\$45,061
Market Segment by Income Level	Lower-end	Upper-End
High (120% or more of MFI)		120%
Upper Middle (80% to 120% of MFI)	80%	120%
Lower Middle (50% to 80% of MFI)	50%	80%
Low (30% to 50%)	30%	50%
Very Low (less than 30% of MFI)	30%	
Qualifying Income Level	Lower-end	Upper-End
High (120% or more of MFI)	\$54,073	or more
Upper Middle (80% to 120% of MFI)	\$36,049	\$54,073
Lower Middle (50% to 80% of MFI)	\$22,531	\$36,049
Low (30% to 50%)	\$13,518	\$22,531
Very Low (less than 30% of MFI)	\$13,518	or less
Available Annual Housing Payment (@30% of income level)	Lower-end	Upper-End
High (120% or more of MFI)	\$16,222	or more
Upper Middle (80% to 120% of MFI)	\$10,815	\$16,222
Lower Middle (50% to 80% of MFI)	\$6,759	\$10,815
Low (30% to 50%)	\$4,055	\$6,759
Very Low (less than 30% of MFI)	\$4,055	or less
Available Monthly Rent or Payment (@30% of income level)	Lower-end	Upper-End
High (120% or more of MFI)	\$1,352	or more
Upper Middle (80% to 120% of MFI)	\$901	\$1,352
Lower Middle (50% to 80% of MFI)	\$563	\$901
Low (30% to 50%)	\$338	\$563
Very Low (less than 30% of MFI)	\$338	or less
Approximate Attainable Home Price**	Lower-end	Upper-End
High (120% or more of MFI)	\$299,000	or more
Upper Middle (80% to 120% of MFI)	\$199,000	\$299,000
Lower Middle (50% to 80% of MFI)	\$104,000	\$166,000
Low (30% to 50%)	\$62,000	\$104,000
Very Low (less than 30% of MFI)	\$62,000	or less

* based on U.S. Census American Community Survey 2013-17.

** High and upper middle income levels assume 20% down payment on 30-year fixed mortgage at 5% interest.

** Lower middle and low income levels assume 0% down payment on 30-year fixed mortgage at 5% interest.

Source: Housing and Urban Development guidelines, and U.S. Census data, analysis by FCS Group

Tillamook County Owner-Occupied Housing Needs, 20-year Forecast*

Family Income Level	Upper Range of Qualifying Income	Upper Range of Home Price*	Attainable Housing Products	Estimated Distribution of Owner-Occupied Units	Projected Owner-Occupied Units Needed
Upper (120% or more of MFI)	Greater than \$54,073	Greater than \$299,000	Standard Homes	44%	790
Upper Middle (80% to 120% of MFI)	\$54,073	\$299,000	Small Homes, Townhomes	36%	647
Lower Middle (50% to 80% of MFI)	\$36,049	\$166,000	Mfgd. Homes, Plexes	15%	269
Low (30% to 50% of MFI)	\$22,531	\$104,000	Govt. Assisted	5%	90
Very Low (less than 30% of MFI)	\$13,518			0%	0
Total Dwelling Units				100%	1,796

*Assumes 30% of income is used for mortgage payment, with 5% interest, 30-year term with 20% downpayment for upper middle and high income levels, and 5% downpayment for lower income levels.

Tillamook County Renter-Occupied Housing Needs, 20-year Forecast*

Family Income Level	Upper Range of Qualifying Income	Upper Range of Monthly Rent*	Attainable Housing Products	Estimated Distribution of Units	Projected Renter-Occupied Units Needed
Upper (120% or more of MFI)	Greater than \$54,073	Greater than \$1,551	Standard Homes, Townhomes, Condos	21%	166
Upper Middle (80% to 120% of MFI)	\$54,073	\$1,551	Small Homes, Townhomes, Apartments	17%	135
Lower Middle (50% to 80% of MFI)	\$36,049	\$1,034	ADUs, Townhomes, Mfgd. Homes, Plexes, Apts.	20%	163
Low (30% to 50% of MFI)	\$22,531	\$646	Govt. Assisted Apts.	23%	190
Very Low (less than 30% of MFI)	\$13,518	\$388	Govt. Assisted Apts.	19%	153
Total Dwelling Units				100%	807

*Assumes 30% of income is used for rental payments.

APPENDIX B. DLCD STAFF INPUT

From: "Phipps, Lisa" <lisa.phipps@state.or.us>
Date: Monday, December 16, 2019 at 10:40 AM
To: Paul Wyntergreen <pwyntergreen@tillamookor.gov>
Subject: FW: HNAs and EOAs

Hi, Paul,

Here are the answers to the questions regarding the life span of a document and HNA approach. I met with Kevin Young in Salem to address these questions:

- 1) Do EOAs have a lifespan? The City of Tillamook had an EOA completed around 2013 and are now looking at updating their HNA, etc. Is it possible that a review of the EOA could show that it is still relevant (or mostly still relevant)? Would a letter just accompany that review showing it is still relevant? Or regardless, do they need to go through a full-blown process?

In 2013 it should have projected a 20-year need for employment lands. Since then, best practice would be to track what has developed since that time so they have a current understanding of their inventory of employment lands. There's no requirement for periodic updates of EOAs at this time, but what often drives a local gov. to do that is running short on land supply. The most recently adopted EOA remains valid until it is replaced by an updated EOA. There's no expiration date, but if they run out of land it becomes pretty irrelevant.

- 2) The City of Tillamook is currently having a BLI completed. I held a Planning Commission 101 workshop for the city before Thanksgiving and one of the questions that came up was whether it was acceptable to do a regional HNA? I know that 10-13 years ago, three of the cities and Tillamook County did a regional BLI and HNA with each community getting a HNA that was unique to them as well. So there was this broad overview of the area and its needs and then the community-specific HNAs were completed. Are you comfortable with this approach? Also, the commission asked about Safe Harbor and what pitfalls there might be in moving in that direction.

I think a regional HNA makes sense, as we discussed. I would not encourage use of the safe harbor methods from Div. 24. Reportedly, those have not worked that well. They created quite a bit of confusion with the recent Dallas HNA.⁴

Paul, I talked to Kevin about several different ways to approach the HNA. The first was to do an HNA just for the city, but one that included a regional overview given the City's place as the County seat and home of most of the industry. He thought that made good sense but wanted to make sure that in terms of any decisions that might come out of the HNA with this approach, that it was related to the city limits only – but that the overview could provide good context.

The second was that the City partner with the county (and other cities), to do a broader and more global HNA – however, in order for it to be of value for the City (in terms of UGBs, etc.) it would also need to include an HNA specific to the City of Tillamook (and the other cities).

Does that make sense? I did ask, that as you get closer, if we could hold a workshop for Tillamook and he said yes...if you want one!

Thanks!

Lis



Lisa M. Phipps

North Coast Regional Representative | Ocean/Coastal Services Division

Cell: 503-812-5448 | Main: 503-842-8222 ext 4004

lisa.phipps@state.or.us | www.oregon.gov/LCD

⁴ Note by T. Chase, FCS GROUP with respect to Safe Harbors. "**Safe harbor**" means an optional course of action that a local government may use to satisfy a requirement of Goal 14 (urbanization) based on projected population, and residential zoned density levels; and if the city needs to expand their urban growth boundary, a safe harbor analysis lends protections from appeals on certain elements which can cost time and money. A safe harbor approach per OAR 660-024-0040(1)-(8) is not the only way or necessarily the preferred way to comply with the requirements of a housing needs analysis. It was employed for the city of Dallas (along with other approaches) as an alternative way of looking at residential land need scenarios for the 20-year forecast. The Dallas City Council successfully adopted their HNA in December 2019 without appeal.

From: Paul Wyntergreen [mailto:pwyntergreen@tillamookor.gov]
Sent: Monday, December 16, 2019 2:11 PM
To: Phipps, Lisa <lphipps@dlcd.state.or.us>
Cc: Debbi Reeves <dreeves@tillamookor.gov>
Subject: Re: HNAs and EOAs

Thank you Lisa; this is very helpful and yes let's schedule up a workshop for February or March.

It is wonderful to see that a regional approach is a possibility. I am still a bit confused by your last couple of paragraphs; I understand that the City and the County (with other cities) would each do an HNA, but it is unclear as to whether the project demand could be allocated. Since High-premium cities at the beach will probably not produce sufficient approachable housing at rent levels that its service workers could afford, but places like Tillamook City could, is it allowable to assign additional growth allocation to certain cities if agreement is reached between communities?

Paul Wyntergreen
City Manager
City of Tillamook
210 Laurel Avenue
Tillamook, OR 97141

From: "Phipps, Lisa" <lisa.phipps@state.or.us>
Date: Friday, December 20, 2019 at 1:29 PM
To: Paul Wyntergreen <pwyntergreen@tillamookor.gov>
Cc: Debbi Reeves <dreeves@tillamookor.gov>
Subject: RE: HNAs and EOAs

Hi, Paul,

That is a great question with a good philosophical foundation. But, I am not sure that the laws have caught up with the realities of what regions like ours face. I will reach out again with the nuance described below, but my initial reaction, that while the regional approach will give people a better understanding of the how and why, the growth will still be confined to the PSU estimate for each city.

But, I will follow up.

Thanks, Lisa



Lisa M. Phipps

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EXHIBIT D

Hello, Neighbor!

Short Term Vacation Rental Direct and Indirect Economic Impacts in Tillamook County



Common Myths

"Short term vacation rentals only provide minimum wage jobs."

Total number of employees reported

112

56 Full Time; 56 Part Time

*'We currently employ 2 full-time care supervisors in Tillamook County and are looking for a seasonal part-time supervisor for the summer. **They average \$19/hr, but we also have bonuses and pay mileage.***

We manage approximately 30 homes in Tillamook County.'

STVR Property Manager

Actual Average Wage Reported

\$22.41 Hourly

Wages reported from \$18 - \$30 hour

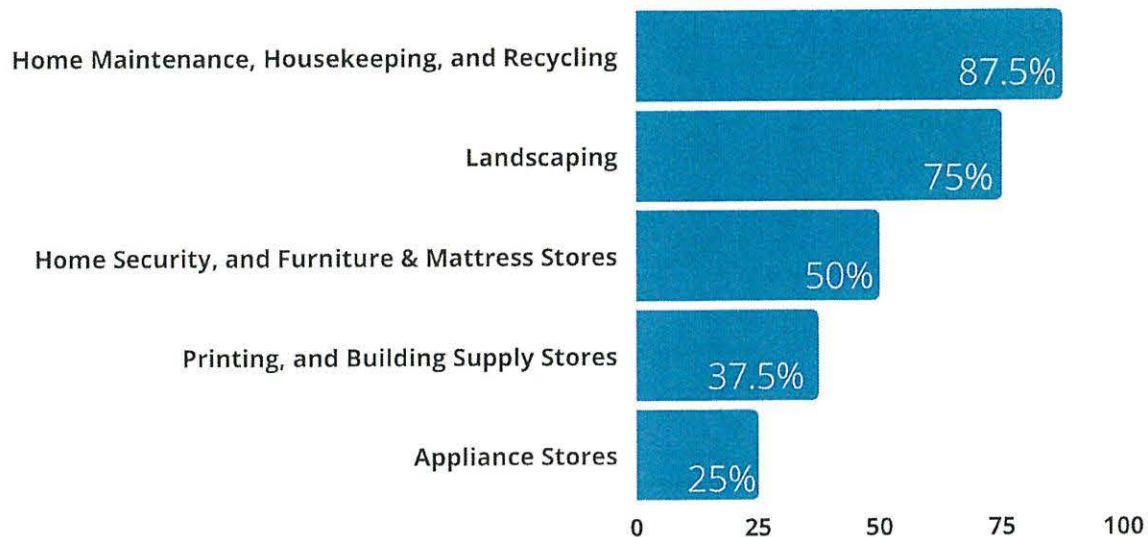
Average number of employees reported per STVR

14

Percentage of surveyed STVRs that report offering discounts and incentives to shop at local businesses

37.5%

Based on completed surveys, this is the percentage breakdown of monthly spend at local businesses:
"How much and where?"



Percentage of STVRs
that report retaining
these service providers
on monthly contract

 **37.5%**

This information was provided by Short Term Vacation Rental Management companies within Tillamook County. 24 agencies were surveyed, and 8 surveys were returned for a completion rate of 33%



EXHIBIT E

		Transient Lodging Tax (TLT) collected by Tillamook County and Year-over-Year (YoY) Plus or Minus percentage															
Year	2014	2015		2016		2017		2018		2019		2020		2021		2022	
			YoY		YoY		YoY		YoY		YoY		YoY		YoY		YoY in \$
Q1	\$271,768	\$347,583	+28%	\$372,408	+7%	\$428,548	+15%	\$592,489	+38%	Q1	\$698,966	+17%	\$583,432	-17%	\$1,502,169	+157%	\$1,560,668. + \$55,570
Q2	\$516,547	\$622,615	+21%	\$710,225	+14%	\$785,772	+11%	\$1,017,417	+29%	Q2	\$1,144,806	+13%	\$622,199	-48%	\$2,077,090	+233%	\$2,001,624 - \$80,116
Q3	\$1,175,049	\$1,374,272	+17%	\$1,463,778	+7%	\$1,573,159	+7%	\$1,748,400	+10%	Q3	\$1,943,681	+11%	\$2,262,693	+16%	\$2,780,411	+20%	\$3,013,480. + \$191,624
Q4	\$335,062	\$411,297	+23%	\$430,203	+4%	\$485,714	+10%	\$630,878	+22%	Q4	\$709,038	+12%	\$1,241,553	+75%	\$1,219,318	-2%	\$1,159,015. -\$60,303
TOTALS	\$2,298,426	\$2,755,767	+22%	\$2,976,614	+8%	\$3,273,193	10%	\$3,989,184	+25%	Total	\$4,496,491	+13%	\$4,747,449	+5%	\$7,578,988	+60%	\$7,734,787 +\$155,799
Data as of 02/08/2022 per Tillamook County Community Planning Department				TLT Collected by county: Grand Total 2014-2022: \$39,989,292 30% roads: \$11,996,787													

County-Wide Gross Lodging Receipts										
	2014	2015	2016	2017	2018		2019	2020	2021	2022
Q1	\$4,926,624	\$6,533,832	\$6,731,876	\$8,334,802	\$10,760,740	Q1	\$12,466,788	\$13,067,909	\$26,290,402	\$27,666,281 (+ \$1,375,156)
Q2	\$9,405,545	\$11,318,943	\$12,769,920	\$14,456,140	\$18,075,890	Q2	\$20,145,913	\$14,083,178	\$35,747,229	\$35,374,909 (- \$ 375,398)
Q3	\$21,529,620	\$24,642,800	\$26,516,400	\$28,988,598	\$31,126,052	Q3	\$34,587,676	\$53,149,357	\$48,470,289	\$52,664,340 (+ \$3,138,143)
Q4	\$6,369,943	\$7,381,531	\$7,941,654	\$9,226,510	\$11,239,105	Q4	\$12,387,260	\$30,008,334	\$21,643,943	\$19,753,133
Totals	\$42,231,732	\$49,877,106	\$53,959,850	\$61,006,050	\$71,201,787	Totals	\$79,587,637	\$110,308,778	\$132,151,863	\$135,458,663 YOY: +\$3,306,800
Lodging Receipts Grand Total, 2014- 2022: \$710,824,704										

EXHIBIT F



Short-Term Rental Data Report

MAY 18, 2022

PREPARED BY:

County Manager's Office | Legal Counsel | Assessment and Taxation | GIS | Community Development

SECTION 1: BACKGROUND

On April 13, 2022, your Board directed staff to collect and analyze additional data documenting the impact of short-term rental units on housing prices and availability within Clatsop County.

County Management, County Counsel, and staff from Assessment and Taxation, GIS and Community Development met on April 21 to identify what data was required and what data was accessible by staff. On April 28, staff again met to review the data that had been compiled. This information consists of documentation regarding:

- Number, location and zoning of permitted short-term rental units
- 2018 Certified Values Countywide
- Single-Family Residential Sales Countywide
- Single-Family Residential Median Values for STR and non-STR properties
- Summary of Residential Market Appreciation 2021-2022
- Clatsop County Median Income

This information is documented and discussed in further detail below.

SECTION 2: DATA

The data provided below demonstrates that there is not a correlation between the issuance of short-term rental permits and housing prices. The data illustrates that the increased housing prices have occurred and continue to occur for both short-term rental properties and non-short-term rental properties. Communities such as Cannon Beach, which has severely curtailed short-term rentals, saw the largest real market value increase between 2018 and 2021 for properties holding an STR permit. This is likely due to the value placed on what is perceived as a limited and scarce ownership opportunity, thus commanding a higher price.

SECTION 2A: NUMBER OF PERMITTED STRs

Per information from Clatsop County Assessment and Taxation, there are 177 permitted short-term rental units in unincorporated Clatsop County. This area also includes properties within the unincorporated Urban Growth Boundary (UGB) of the City of Gearhart.

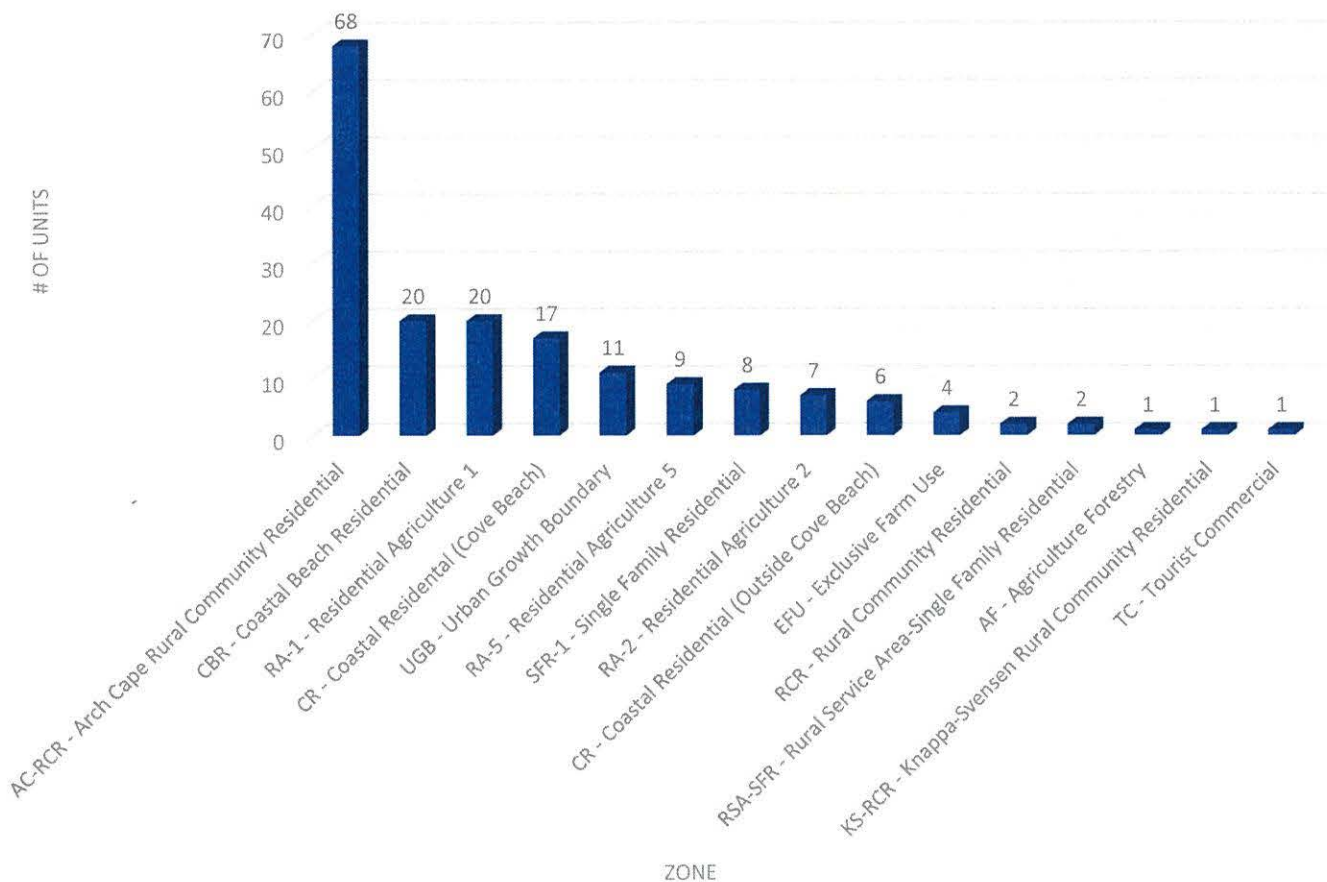
Figure 1 provides information regarding the zones where short-term rentals are located. **Figure 2** documents the annual rental activity for short-term rentals during 2021. This data shows that 67% of transient room tax accounts rented 100% of the year. Ten percent of the transient room tax account did not rent during 2021. **Figures 3-15**, below, detail the general location and numbers of short-term rental units. Sixty-eight (38.4%) of short-term rental units are located

within the Arch Cape – Rural Community Residential (AC-RCR) zone. Per Assessment and Taxation, in 2004 there were 55 transient room tax accounts with a situs city of Arch Cape. Those accounts included properties within the Arcadia Beach/Arch Cape/Cove Beach area. Per information shown on **Figures 4-6** there are currently 95 licensed short-term rentals in this same approximate area. Twenty-seven of those rental units have been continuously permitted since 2004, although they may not have been continually rented during that time.

There are 17 licensed STRs in Cove Beach, constituting 9.6% of the total number of short-term rentals within unincorporated Clatsop County. The remaining 92 short-term rental units are dispersed throughout the county, with 53 (29.9%) units located in the Clatsop Plains and 11 (6.2%) within the Gearhart UGB. It should not be surprising that the majority of STRs are located in close proximity to the Pacific Ocean, as the state’s beaches are highly desirable vacation areas.

Figure 1

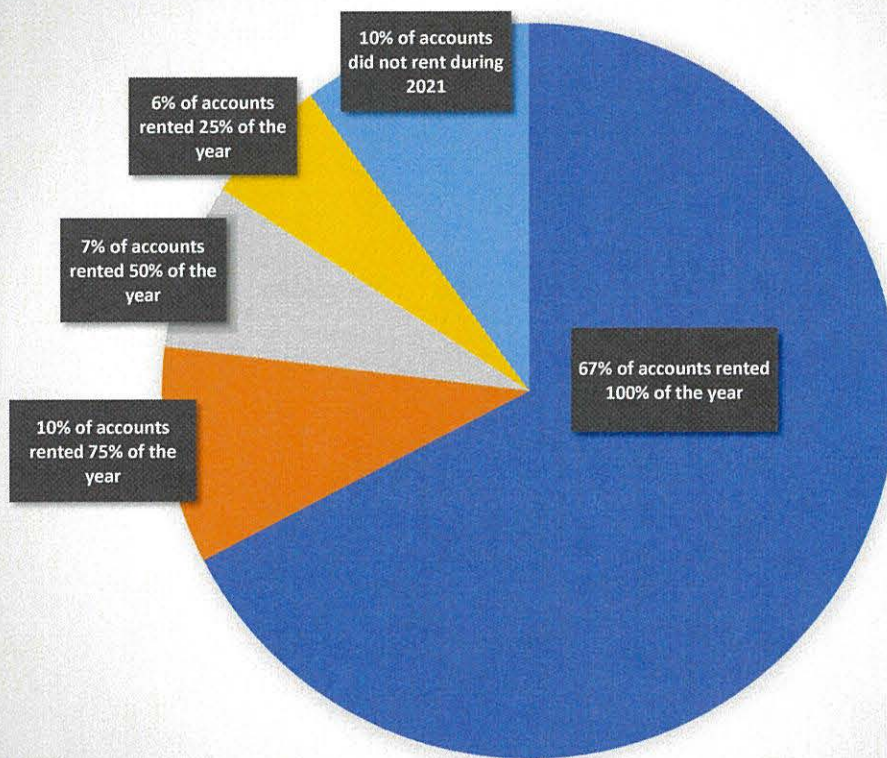
Short-Term Rentals by Zone



Source: Clatsop County GIS

Figure 2

STR Accounts Annual Rental Activity



*Percentages are based on the TRT accounts that filed returns for each Quarter in 2021

Clatsop County Short Term Rentals

Hammond
Warrenton
Astoria
Youngs Bay
Gearhart
Seaside
Cannon Beach
Tlovana Park
Ch Cape

Lower Columbia River Hwy
Youngs Bay Hwy
Lewis and Clark Hwy
Seaside Hwy
Fairy Hwy
103
26
30
302
53

Short Term Rental (177)

Clatsop County GIS Division
Prepared by Krysta Houckrecht
ghouckr@co.clatsop.or.us
503-325-8522
Wednesday, April 27, 2022

This map was produced for assessment purposes only using Clatsop County data. This data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

Figure 4

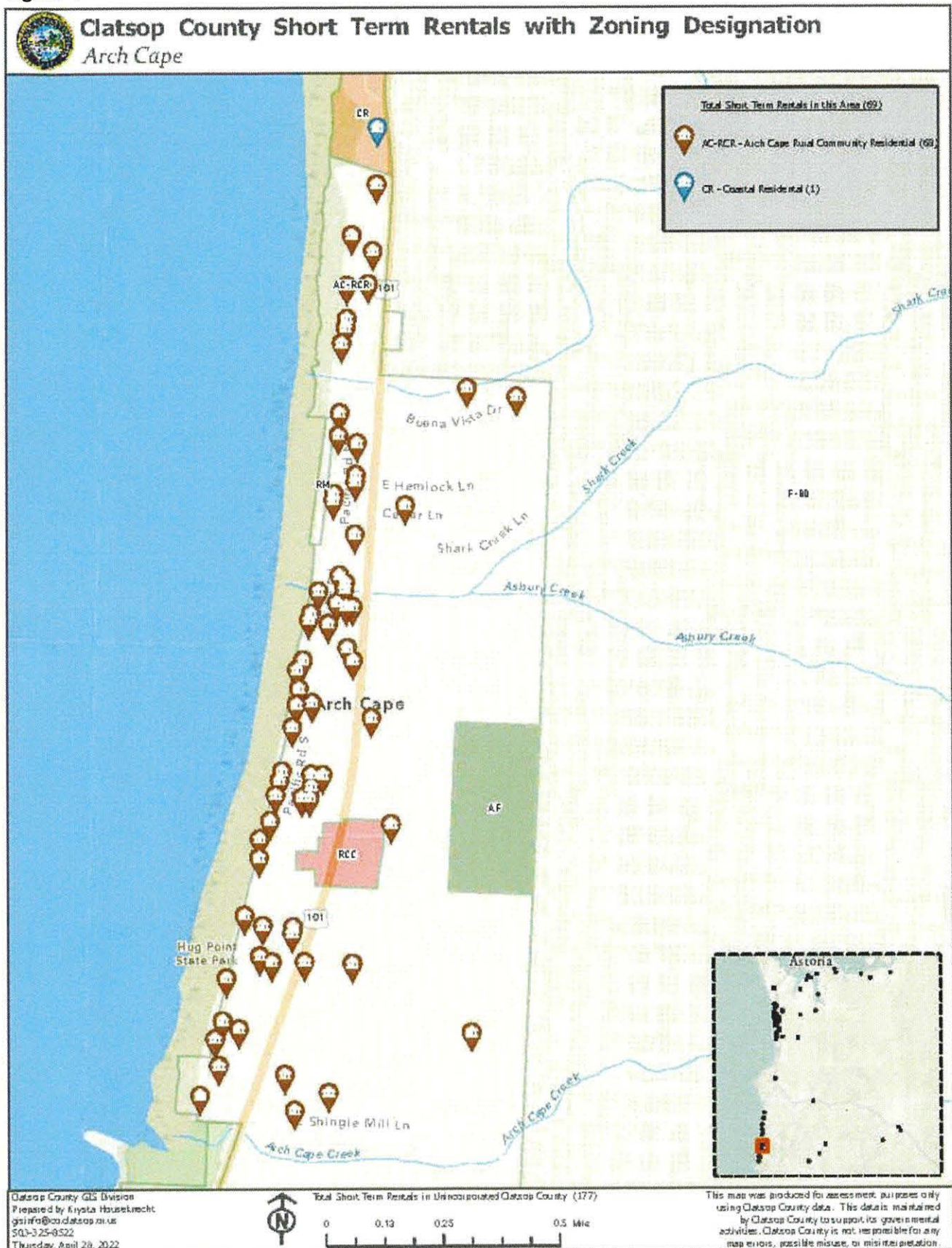


Figure 5

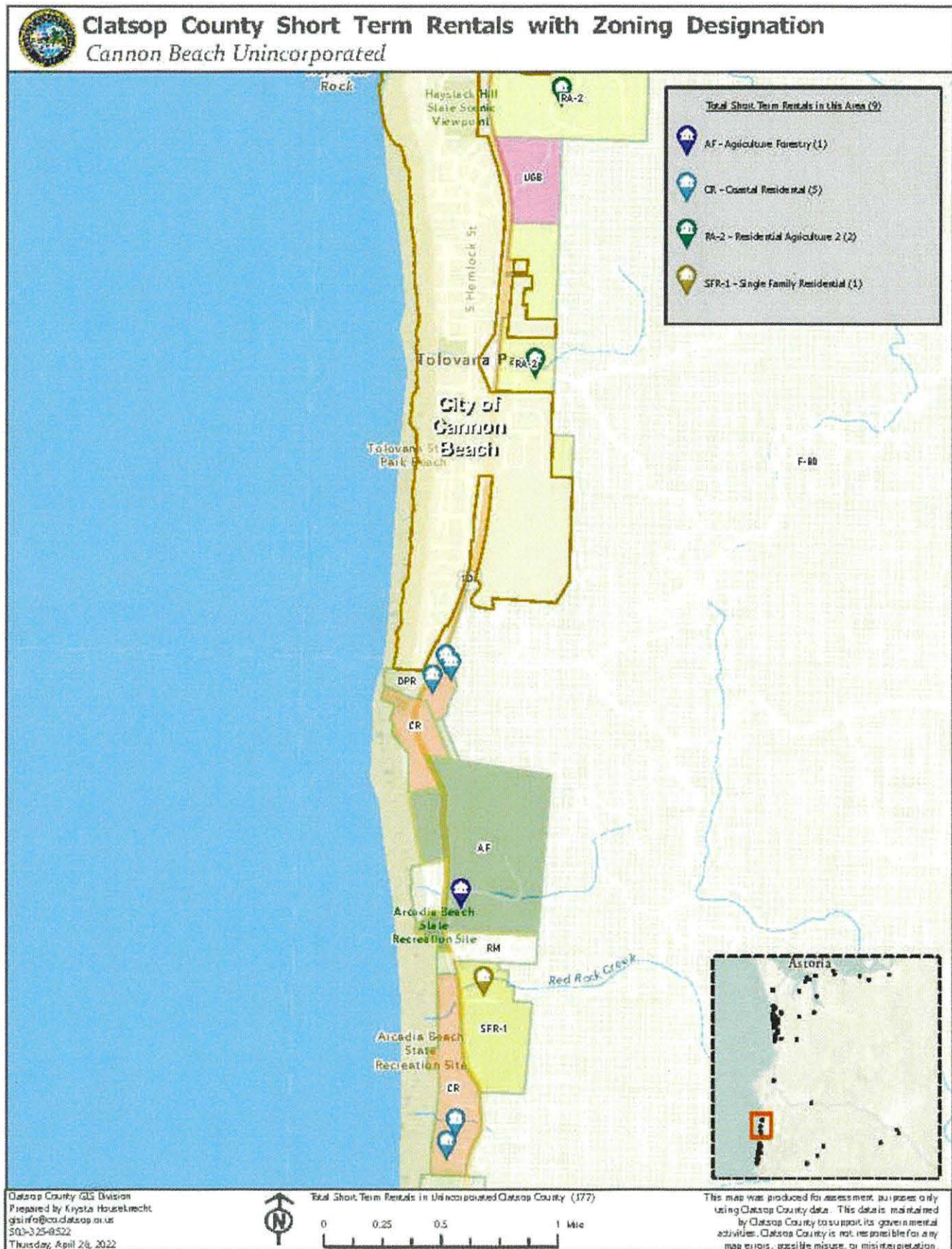


Figure 6

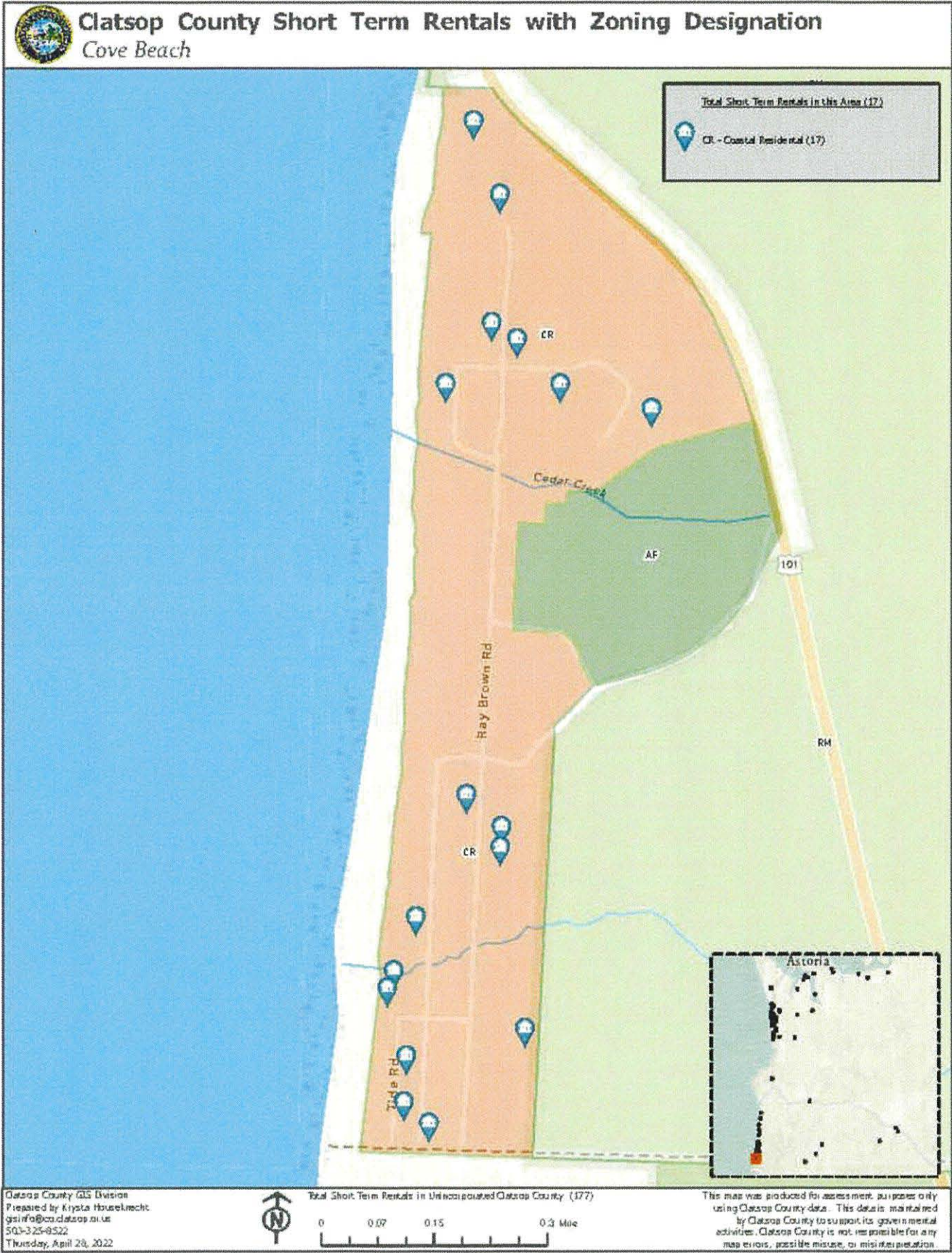


Figure 7

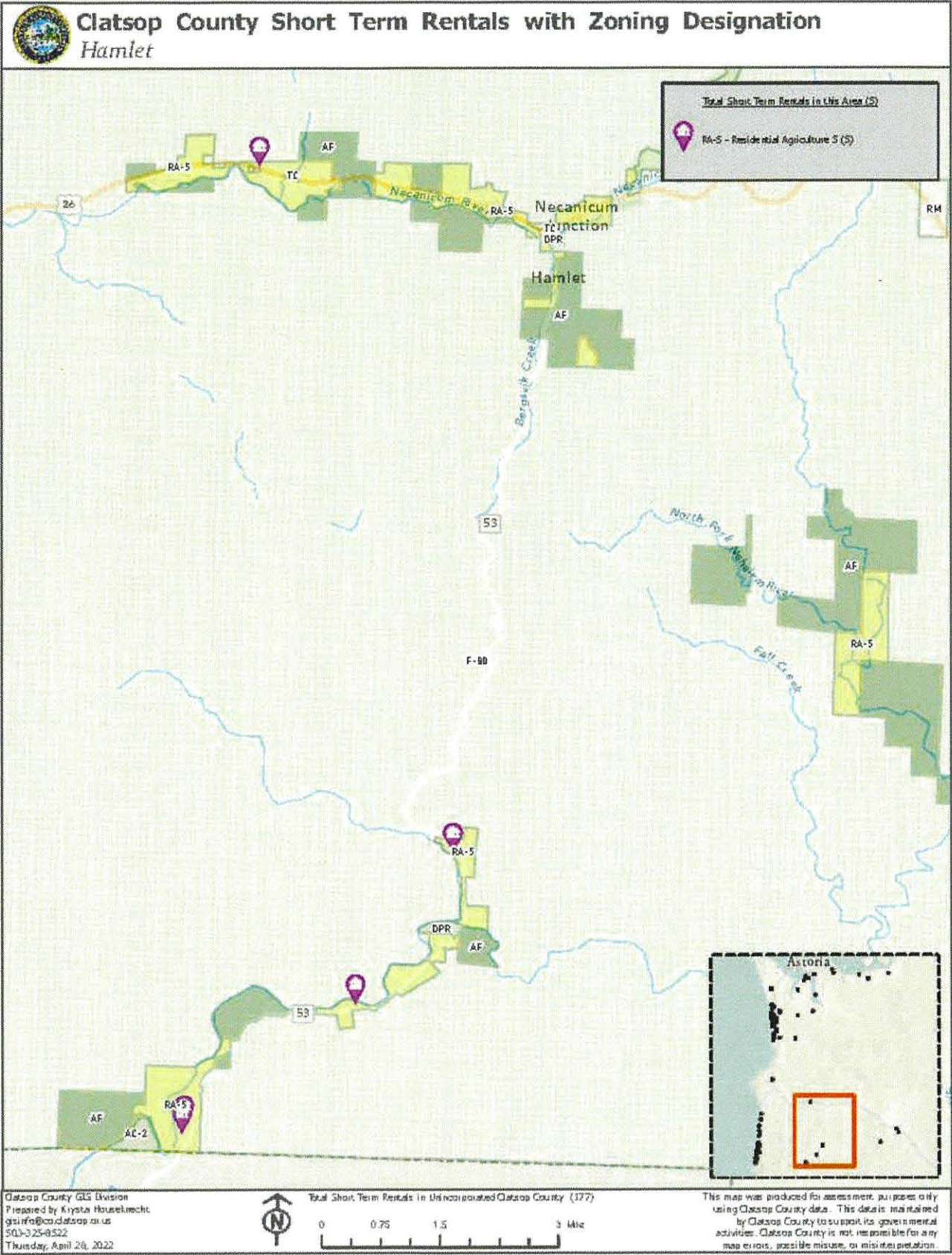


Figure 8

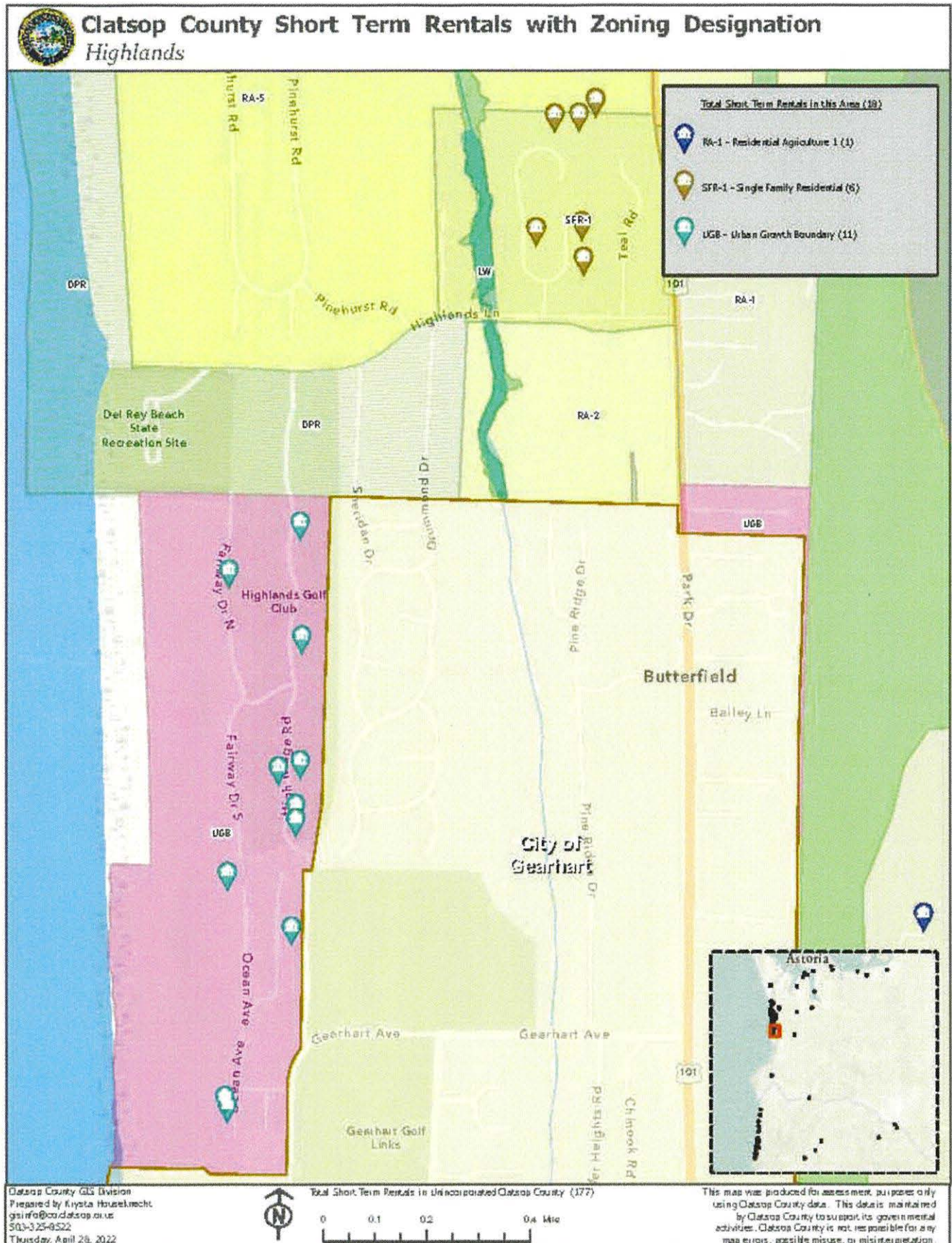


Figure 9

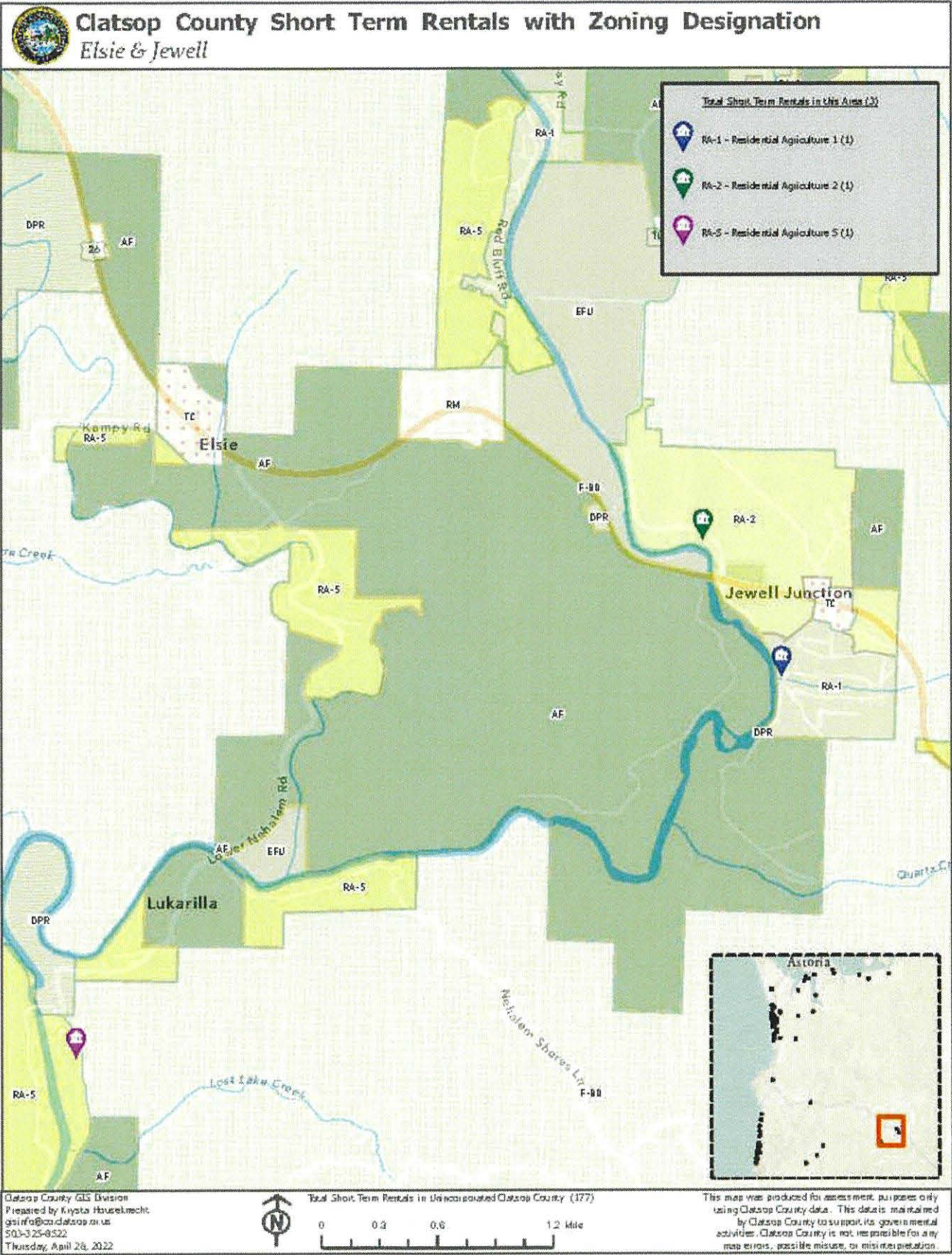


Figure 10



Figure 11

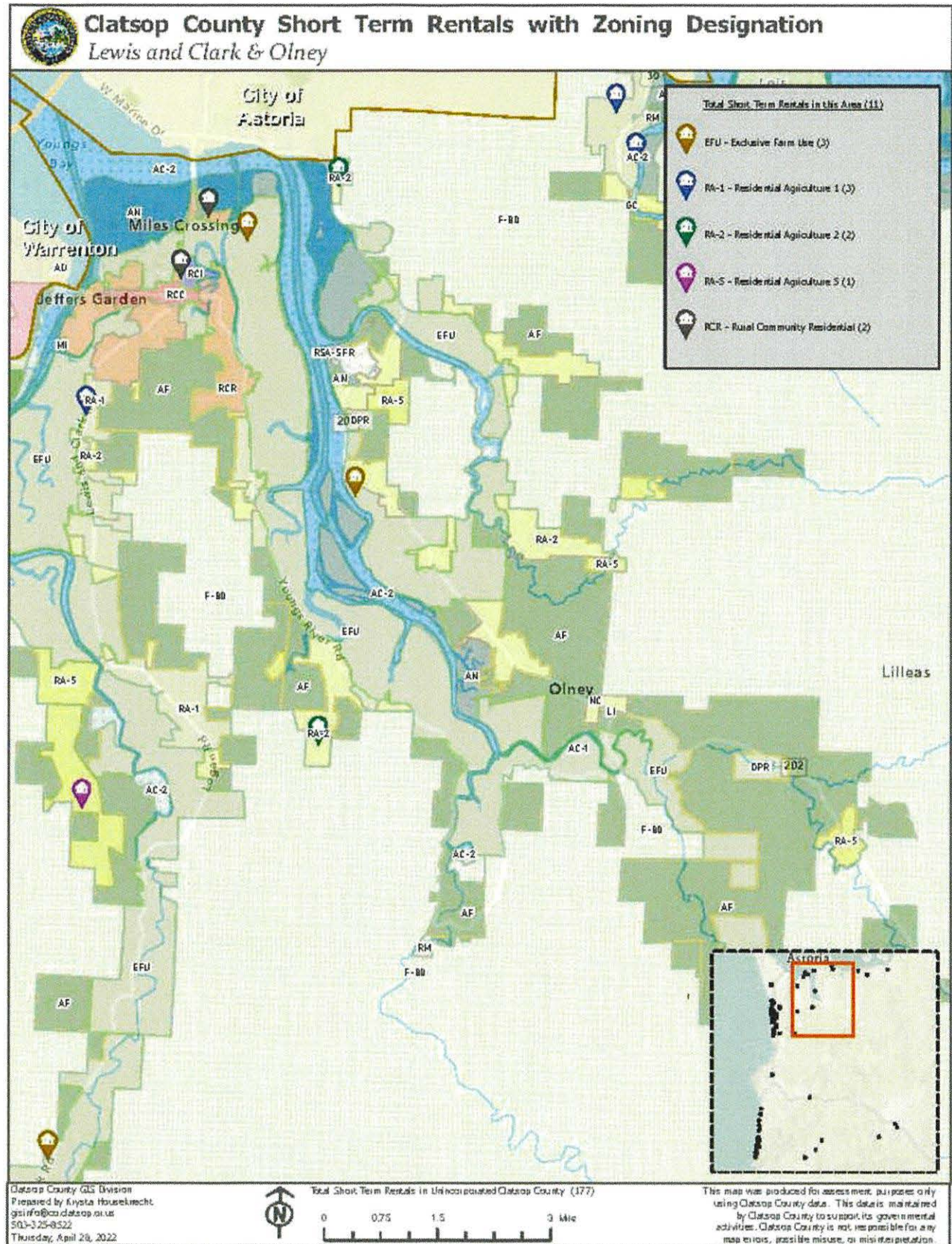


Figure 12

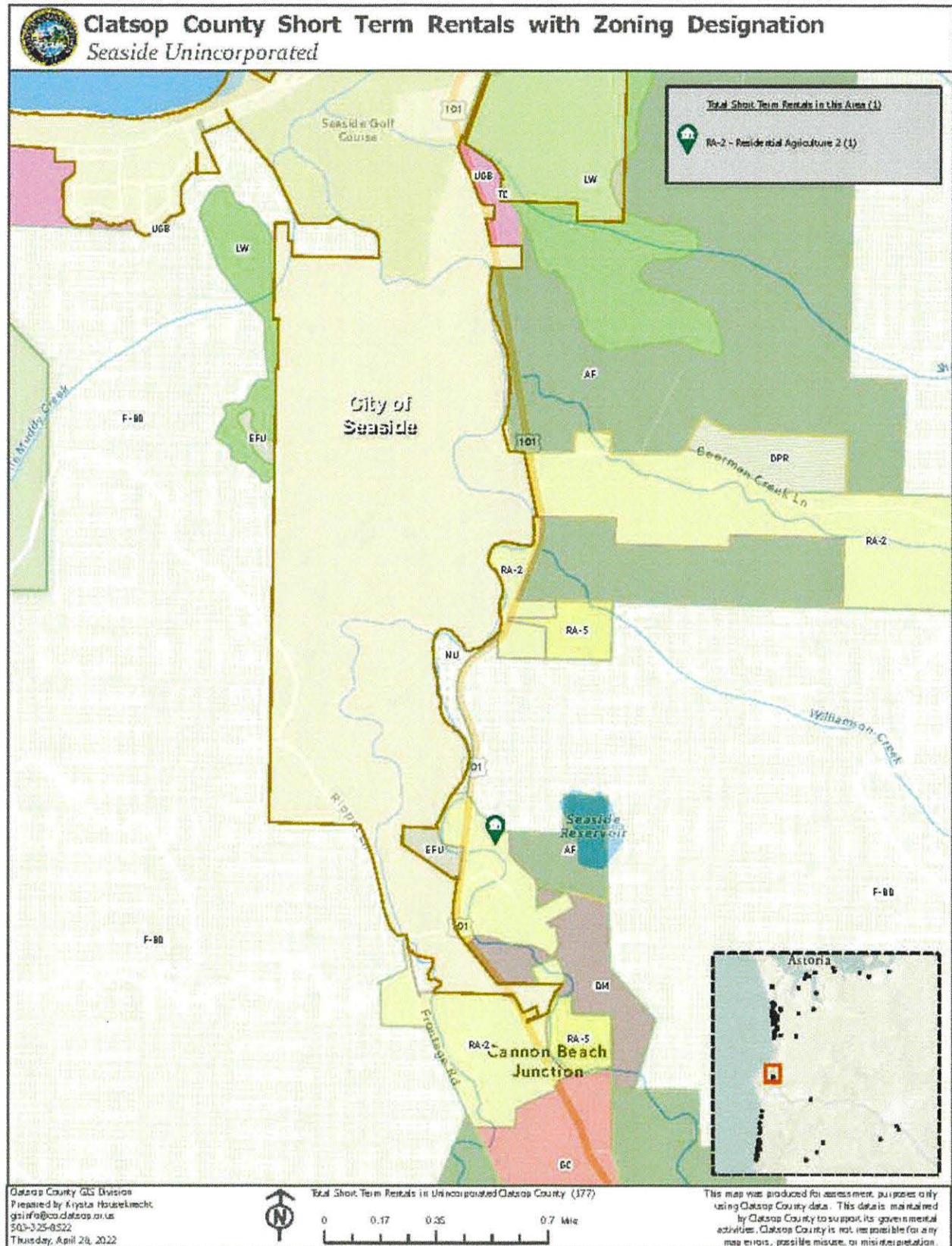


Figure 13

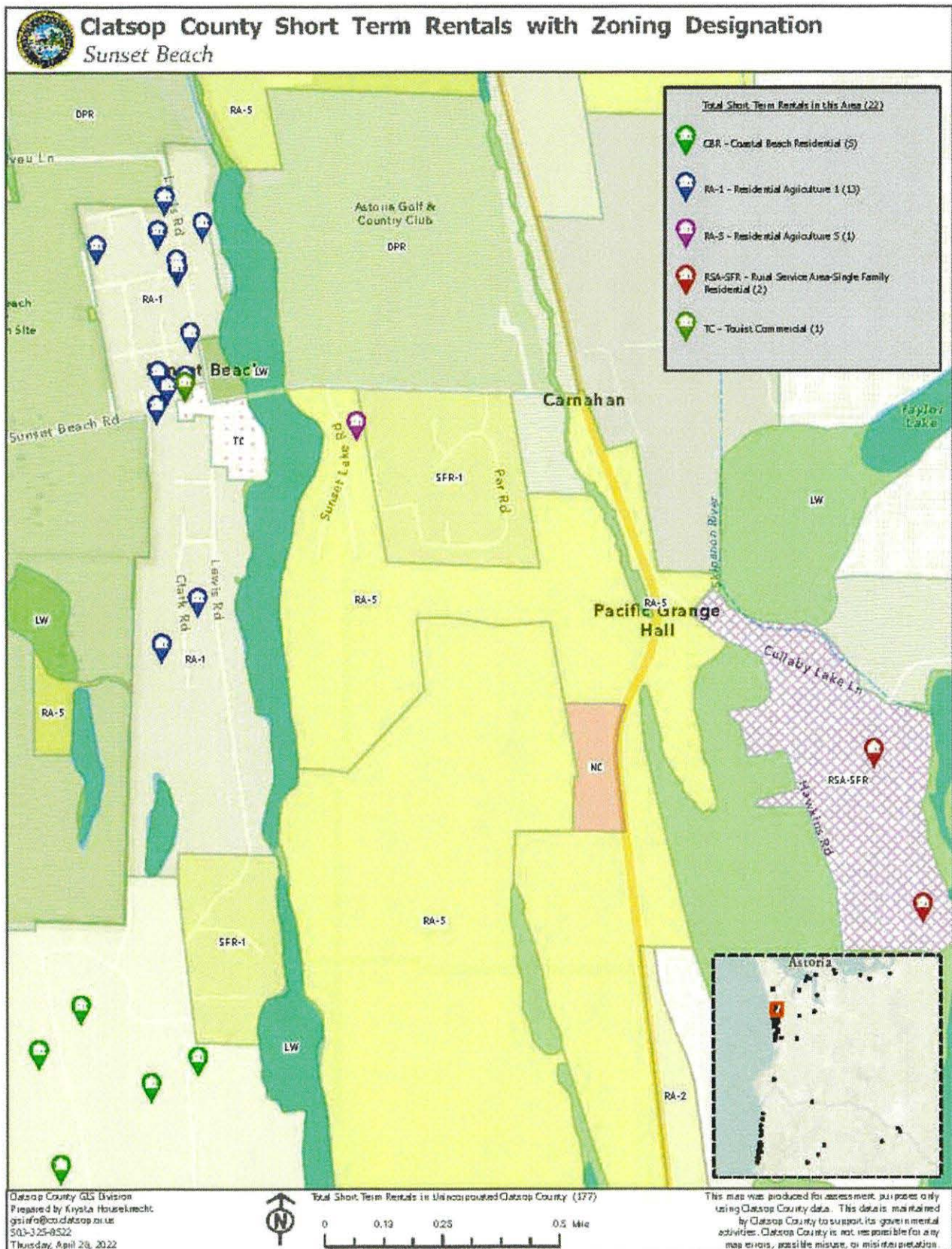
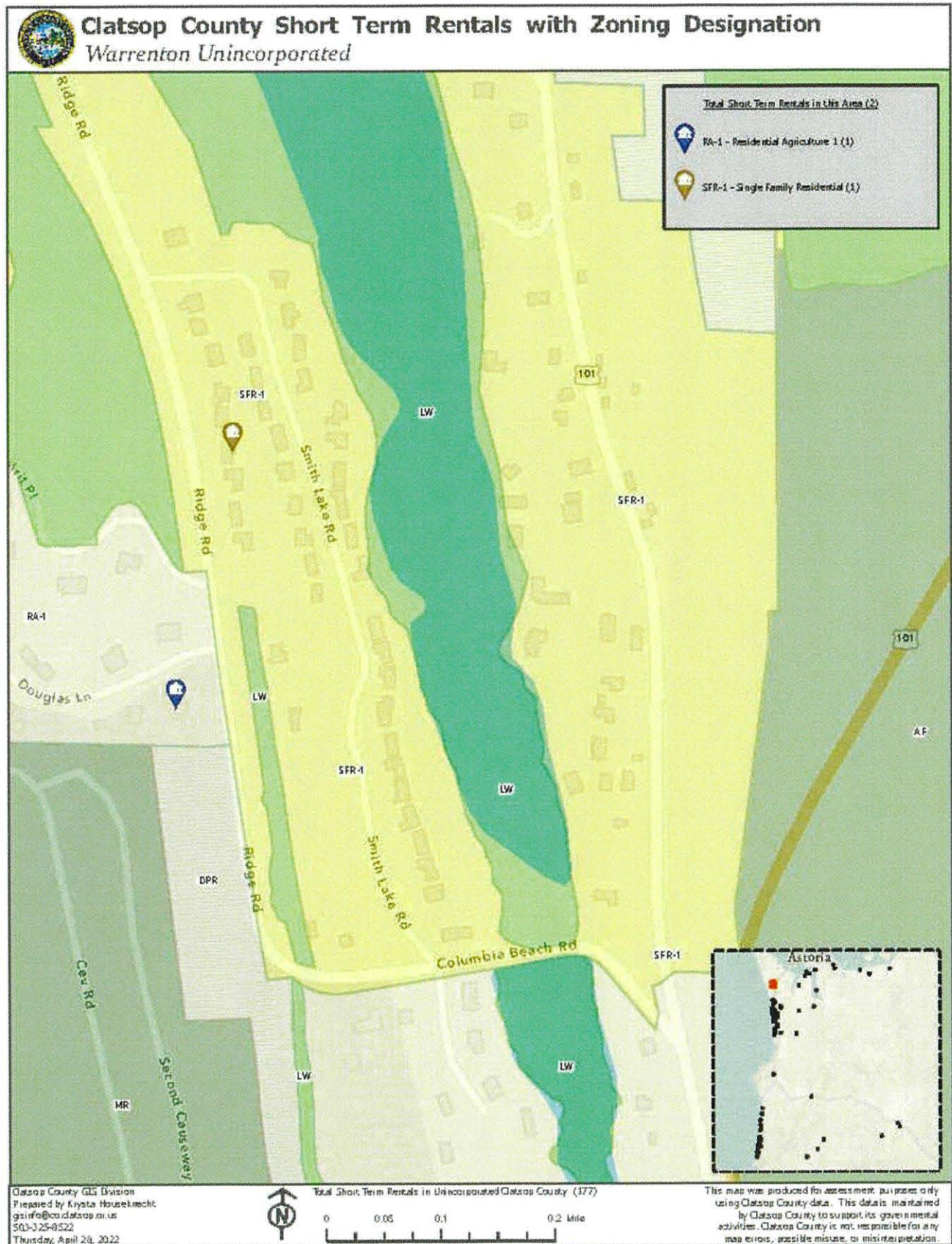


Figure 14



Figure 15



SECTION 2B: PROPERTY VALUES

Figure 16 details sales information on properties located in the Arch Cape and Cove Beach areas between January 2018 and March 2022. Overall, 12 properties with STR permits were sold during that period. Eight of those properties sold for a higher price than the Real Market Value (RMV). Conversely, 31 non-STR-permitted properties sold during that same time period. Twenty-one of those properties had a sales price higher than RMV. Sixty-seven percent of properties with STR permits were sold above RMV, while 68% of the properties without STR permits were purchased at a sale price above RMV.

Figure 17 details the sale prices of properties in unincorporated areas of Astoria, Warrenton, Gearhart, Seaside and Cannon Beach. The majority of properties sold in these areas **were not** licensed as a short-term rental (19 STR-permitted properties vs. 711 non-STR-permitted properties). Of the 730 total properties in these unincorporated areas that were sold between January 2018 and March 2022, 600 (82.2%) sold above RMV.

The average sale price of STR-permitted properties was \$765,000 with an average RMV of \$707,679. The average sale price of non-STR-permitted properties was \$647,210 with an average RMV of \$565,737. Assuming a 20% down payment on a \$647,210 home with a 30-year mortgage at a fixed rate of 3.633%, the monthly mortgage payment would be \$2,364. That total does not include insurance or taxes. To be considered “affordable” housing costs should not exceed 30% of household income. As noted in Section 2E, below, the median household income in Clatsop County is \$57,466. Based upon this median income, an “affordable” monthly rental payment, including utilities, would be \$1,436.65.

The data in Figures 16 and 17 would appear to indicate that the overall level of demand far exceeds the level of housing supply. This trend, which is occurring nationwide, has been fueled by a combination of factors including low interest rates and increased opportunities for remote work during the pandemic. The data does not demonstrate that short-term rentals have driven up housing prices or that houses are being purchased to be converted to short-term rentals.

The information provided on **Figures 18 and 19** show that single-family housing prices for properties **not** holding an STR permit have risen across the county 22-33% between 2018 and 2021. Single-family residences **with** an STR permit have risen in real market value 5-42% over that same timeframe.

Arch Cape/Cove Beach/Falcon Cove Single Family Residence Sales: Permitted STR vs. Not Permitted
01/01/2018 through 03/21/2022

Figure 16

Acct ID	Year Permitted	STR	Sale Date	Ocean- Front	Year Built	Acres	Mult. Accts Sold	Situs Address	Situs City	Total RMV	Sale Price	Sale Price % above RMV	
2899	2020	Yes	08/28/19	No	1999	0.11	No	79929 W Beach Rd	Arch Cape	522,907	445,000	-15%	4 33%
3255	2019	Yes	11/16/18	No	1995	0.57	No	79209 Ray Brown Rd	Arch Cape	646,642	565,000	-13%	
3108	2019	Yes	08/21/20	Yes	1941	0.46	Yes	79815 Ocean Point Rd	Arch Cape	893,122	850,000	-5%	
2585	2019	Yes	08/28/18	Yes	1951	0.44	No	80416 Carnahan Rd	Arch Cape	1,024,010	985,000	-4%	
3175	2018	Yes	08/06/18	No	1997	0.79	No	31912 Clatsop Ln	Arch Cape	451,140	455,000	1%	8 67%
2728	2020	Yes	05/30/19	Yes	1956	0.20	No	80192 Pacific Rd	Arch Cape	1,185,052	1,200,000	1%	
51983	2018	Yes	05/10/18	No	2008	1.01	No	31971 Clatsop Ln	Arch Cape	710,796	735,000	3%	
55259	2018	Yes	01/09/18	No	2015	0.22	No	79799 E Beach Rd	Arch Cape	358,780	390,000	9%	
3294	2018	Yes	07/15/20	No	1981	0.22	No	78986 Cove Beach Rd	Arch Cape	571,674	655,000	15%	
3251	2020	Yes	06/05/20	No	1994	0.46	Yes	79238 Ray Brown Rd	Arch Cape	663,892	775,000	17%	
3136	2019	Yes	09/28/18	No	1940	0.21	No	31912 E Shingle Mill Ln	Arch Cape	343,708	475,000	38%	
2511	2018	Yes	08/25/21	Yes	1961	1.22	No	79878 Hwy 101	Arch Cape	1,120,426	1,650,000	47%	
												2%	Median
54572	N/A	No	07/26/19	No	2007	0.30	No	32073 Cedar Ln	Arch Cape	666,152	585,000	-12%	10 32%
3212	N/A	No	03/03/21	Yes	1973	0.63	Yes	79364 Ray Brown Rd	Arch Cape	1,082,730	955,000	-12%	
2792	N/A	No	08/27/19	No	1962	0.32	No	31972 Donlon Ln	Arch Cape	423,346	375,000	-11%	
2658	N/A	No	09/18/20	No	2002	0.60	Yes	32105 Hemlock Ln	Arch Cape	691,703	649,000	-6%	
2636	N/A	No	08/22/19	No	2016	0.11	No	31983 Cedar Ln	Arch Cape	419,769	396,000	-6%	
3022	N/A	No	06/08/18	No	1962	0.23	No	79804 Fire Rock Rd	Arch Cape	346,756	328,000	-5%	
3242	N/A	No	08/19/19	Yes	1965	0.72	Yes	79084 Cove Beach Rd	Arch Cape	832,286	801,200	-4%	
2837	N/A	No	05/18/20	No	1997	0.18	No	31948 Star Mooring Ln	Arch Cape	597,125	575,000	-4%	
3271	N/A	No	01/15/21	Yes	1972	0.41	Yes	79070 Cove Beach Rd	Arch Cape	1,207,842	1,170,000	-3%	
2649	N/A	No	10/15/19	No	2007	0.22	No	32067 Hemlock Ln	Arch Cape	340,940	339,000	-1%	
2912	N/A	No	01/15/19	No	1990	0.11	No	79924 W Beach Rd	Arch Cape	473,526	489,000	3%	21 68%
2767	N/A	No	08/23/18	Yes	1957	0.16	No	80166 PACIFIC RD	Arch Cape	863,482	910,000	5%	
2696	N/A	No	11/20/18	No	1993	0.22	No	32103 Buena Vista Dr	Arch Cape	443,768	475,000	7%	
2901	N/A	No	03/29/18	No	1981	0.09	No	79917 W Beach Rd	Arch Cape	310,529	336,800	8%	
2851	N/A	No	09/25/19	Yes	1990	0.13	No	80090 Pacific Rd	Arch Cape	1,433,533	1,563,000	9%	
3023	N/A	No	05/30/18	No	1986	0.20	No	32001 E Shingle Mill Ln	Arch Cape	319,693	355,000	11%	
53450	N/A	No	03/22/19	No	1950	0.41	No	79435 E Hwy 101	Arch Cape	339,936	385,000	13%	
59438	N/A	No	07/05/18	No	2016	0.23	No	31973 Oceanview Ln	Arch Cape	524,798	595,000	13%	
2833	N/A	No	07/26/18	No	2003	0.15	No	31922 Star Mooring Ln	Arch Cape	686,425	780,000	14%	
2748	N/A	No	11/14/18	No	2006	0.09	No	80105 PACIFIC RD	Arch Cape	527,699	600,000	14%	
2740	N/A	No	02/22/19	No	1955	0.17	No	31960 Montbrechia Ln	Arch Cape	351,957	421,000	20%	
2787	N/A	No	08/06/19	No	1957	0.13	No	80149 Pacific Rd	Arch Cape	473,074	574,000	21%	
2683	N/A	No	12/28/20	No	2003	0.22	No	32088 Buena Vista Dr	Arch Cape	622,903	855,000	37%	
2814	N/A	No	06/22/21	No	1990	0.12	No	79979 Pacific Rd	Arch Cape	471,123	650,000	38%	
2577	N/A	No	12/14/20	Yes	1976	0.28	No	80424 Carnahan Rd	Arch Cape	1,086,384	1,500,000	38%	
2649	N/A	No	05/27/21	No	2007	0.22	No	32067 Hemlock Ln	Arch Cape	333,609	470,000	41%	
2643	N/A	No	09/07/21	No	1978	0.12	No	80331 Pacific Rd	Arch Cape	297,827	500,000	68%	
3039	N/A	No	07/21/21	No	1920	1.35	No	32079 E Shingle Mill Ln	Arch Cape	435,146	750,000	72%	
3118	N/A	No	04/22/21	No	1952	0.13	No	79784 East Beach Rd	Arch Cape	354,542	625,000	76%	
2665	N/A	No	05/26/21	No	1999	0.24	No	32100 Hemlock Ln	Arch Cape	331,749	605,000	82%	
3094	N/A	No	09/28/21	No	1940	0.13	No	79812 Cannon Rd	Arch Cape	247,487	451,500	82%	
												11%	Median

Clatsop County Single Family Residence Sales: Permitted STR vs. Not Permitted
01/01/2018 through 03/21/2022

Figure 17

Unincorporated Area	Permitted STR	Total Sales	Sold Below RMV		Sold Above RMV	
			# of Sales	%	# of Sales	%
Astoria	Yes	2	0	0%	2	100%
Astoria	No	318	61	19%	257	81%

Unincorporated Area	Permitted STR	Total Sales	Sold Below RMV		Sold Above RMV	
			# of Sales	%	# of Sales	%
Warrenton	Yes	8	1	13%	7	88%
Warrenton	No	250	43	17%	207	83%

Unincorporated Area	Permitted STR	Total Sales	Sold Below RMV		Sold Above RMV	
			# of Sales	%	# of Sales	%
Gearhart	Yes	8	0	0%	8	100%
Gearhart	No	78	13	17%	65	83%

Unincorporated Area	Permitted STR	Total Sales	Sold Below RMV		Sold Above RMV	
			# of Sales	%	# of Sales	%
Seaside	Yes	1	1	100%	0	0%
Seaside	No	44	6	14%	38	86%

Unincorporated Area	Permitted STR	Total Sales	Sold Below RMV		Sold Above RMV	
			# of Sales	%	# of Sales	%
Cannon Beach	Yes	0	0	0%	0	0%
Cannon Beach	No	21	5	24%	16	76%

Figure 18

Clatsop County Median Real Market Values (RMVs) and Assessed Values (AVs), 2018 and 2021

** PROPERTY TAXES ARE CALCULATED BASED ON THE ASSESSED VALUE (AV) **

		Single Family Residence Properties - NOT STR Permitted 79% of SFR Homes in the Area (325 Homes) Median Home Values					
		2018		2021			
Area		RMV	AV	RMV	% change	AV	% change
Arch Cape, Cove Beach, Falcon Cove		489,500	364,014	597,666	22%	407,473	12%
		Single Family Residence Properties - STR Permitted 21% of SFR Homes in the Area (87 Homes) Median Home Values					
		2018		2021			
Area		RMV	AV	RMV	% change	AV	% change
Arch Cape, Cove Beach, Falcon Cove		612,124	404,870	644,150	5%	439,601	9%
		Single Family Residence Properties - NOT STR Permitted 93% of SFR Homes in the Area (114 Homes) Median Home Values					
		2018		2021			
Area		RMV	AV	RMV	% change	AV	% change
Unincorporated Cannon Beach		365,101	270,759	460,622	26%	303,897	12%
		Single Family Residence Properties - STR Permitted 7% of SFR Homes in the Area (8 Homes) Median Home Values					
		2018		2021			
Area		RMV	AV	RMV	% change	AV	% change
Unincorporated Cannon Beach		557,720	348,663	791,929	42%	396,267	14%
		Single Family Residence Properties - Median Home Values					
		2018		2021			
Area		RMV	AV	RMV	% change	AV	% change
Incorporated Cannon Beach		526,533	367,111	654,932	24%	406,077	11%

Figure 19

Catsop County Median Real Market Values (RMVs) and Assessed Values (AVs), 2018 and 2021

** PROPERTY TAXES ARE CALCULATED BASED ON THE ASSESSED VALUE (AV) **

Single Family Residence Properties - NOT STR Permitted 59.6% of SFR Homes in the Area (2,306 Homes) Median Home Values						
2018		2021				
Area	RMV	AV	RMV	% change	AV	% change
Unincorporated Astoria	258,951	173,315	340,626	32%	194,830	12%
Single Family Residence Properties - STR Permitted 0.4% of SFR Homes in the Area (10 Homes) Median Home Values						
2018		2021				
Area	RMV	AV	RMV	% change	AV	% change
Unincorporated Astoria	240,357	158,489	303,433	26%	173,182	9%

Single Family Residence Properties - NOT STR Permitted 55% of SFR Homes in the Area (308 Homes) Median Home Values						
2018		2021				
Area	RMV	AV	RMV	% change	AV	% change
Unincorporated Gearhart	354,459	275,914	463,240	31%	285,103	3%
Single Family Residence Properties - STR Permitted 5% of SFR Homes in the Area (16 Homes) Median Home Values						
2018		2021				
Area	RMV	AV	RMV	% change	AV	% change
Unincorporated Gearhart	531,356	523,183	720,772	36%	573,939	10%

Single Family Residence Properties - NOT STR Permitted 97% of SFR Homes in the Area (1,158 Homes) Median Home Values						
2018		2021				
Area	RMV	AV	RMV	% change	AV	% change
Unincorporated Warrenton	299,623	219,613	398,020	33%	253,286	15%
Single Family Residence Properties - STR Permitted 3% of SFR Homes in the Area (42 Homes) Median Home Values						
2018		2021				
Area	RMV	AV	RMV	% change	AV	% change
Unincorporated Warrenton	340,263	237,559	441,556	31%	274,915	16%

Single Family Residence Properties - NOT STR Permitted 59% of SFR Homes in the Area (415 Homes) Median Home Values						
2018		2021				
Area	RMV	AV	RMV	% change	AV	% change
Unincorporated Seaside	232,554	183,020	284,394	22%	200,910	10%
Single Family Residence Properties - STR Permitted 1% of SFR Homes in the Area (6 Homes) Median Home Values						
2018		2021				
Area	RMV	AV	RMV	% change	AV	% change
Unincorporated Seaside	281,385	160,318	351,545	23%	175,180	9%

SECTION 2C: RENTAL UNIT CHARACTERISTICS (CLATSOP COUNTY AND CITIES)

The 2020 American Community Survey 5-Year Estimates for all of Clatsop County estimates an average monthly rent of \$957. **Table 1** details the number of housing units within all of Clatsop County (incorporated and unincorporated areas) and includes information regarding unit age, size and monthly rental payments. Overall, the county's housing stock is largely owner-occupied (60.7%). The majority of the housing units is comprised of single-family detached dwellings (15,606; 69%). Over fifty-eight percent of the housing stock (13,250 units) is more than 50 years old. Twenty-three percent of the housing stock is over 80 years old.

TABLE 1: RENTAL RATES AND UNIT CHARACTERISTICS

Clatsop County, Oregon (Incorporated and Unincorporated Areas)

Description	Estimate	Percent
HOUSING OCCUPANCY		
Total housing units	22,609	22,609
Occupied housing units	16,019	70.9%
Vacant housing units	6,590	29.1%
Homeowner vacancy rate	1.4%	(X)
Rental vacancy rate	3.5%	(X)
UNITS IN STRUCTURE		
Total housing units	22,609	22,609
1-unit, detached	15,606	69.0%
1-unit, attached	613	2.7%
2 units	1,218	5.4%
3 or 4 units	1,438	6.4%
5 to 9 units	655	2.9%
10 to 19 units	379	1.7%
20 or more units	1,325	5.9%
Mobile home	1,331	5.9%
Boat, RV, van, etc.	44	0.2%
YEAR STRUCTURE BUILT		
Total housing units	22,609	22,609
Built 2014 or later	690	3.1%
Built 2010 to 2013	387	1.7%
Built 2000 to 2009	2,446	10.8%
Built 1990 to 1999	3,400	15.0%
Built 1980 to 1989	2,436	10.8%
Built 1970 to 1979	3,179	14.1%
Built 1960 to 1969	1,345	5.9%
Built 1950 to 1959	1,680	7.4%
Built 1940 to 1949	1,842	8.1%

TABLE 1: RENTAL RATES AND UNIT CHARACTERISTICS		
Clatsop County, Oregon (Incorporated and Unincorporated Areas)		
Description	Estimate	Percent
Built 1939 or earlier	5,204	23.0%
ROOMS		
Total housing units	22,609	22,609
1 room	541	2.4%
2 rooms	730	3.2%
3 rooms	2,274	10.1%
4 rooms	4,027	17.8%
5 rooms	4,335	19.2%
6 rooms	4,123	18.2%
7 rooms	2,988	13.2%
8 rooms	1,714	7.6%
9 rooms or more	1,877	8.3%
Median rooms	5.4	(X)
BEDROOMS		
Total housing units	22,609	22,609
No bedroom	789	3.5%
1 bedroom	2,146	9.5%
2 bedrooms	6,751	29.9%
3 bedrooms	9,147	40.5%
4 bedrooms	3,026	13.4%
5 or more bedrooms	750	3.3%
HOUSING TENURE		
Occupied housing units	16,019	16,019
Owner-occupied	9,727	60.7%
Renter-occupied	6,292	39.3%
Average household size of owner-occupied unit	2.57	(X)
Average household size of renter-occupied unit	2.21	(X)
YEAR HOUSEHOLDER MOVED INTO UNIT		
Occupied housing units	16,019	16,019
Moved in 2019 or later	1,139	7.1%
Moved in 2015 to 2018	4,836	30.2%
Moved in 2010 to 2014	3,347	20.9%
Moved in 2000 to 2009	3,124	19.5%
Moved in 1990 to 1999	1,736	10.8%
Moved in 1989 and earlier	1,837	11.5%
VEHICLES AVAILABLE		

TABLE 1: RENTAL RATES AND UNIT CHARACTERISTICS**Clatsop County, Oregon (Incorporated and Unincorporated Areas)**

Description	Estimate	Percent
Occupied housing units	16,019	16,019
No vehicles available	1,427	8.9%
1 vehicle available	5,836	36.4%
2 vehicles available	5,388	33.6%
3 or more vehicles available	3,368	21.0%
SELECTED CHARACTERISTICS		
Occupied housing units	16,019	16,019
Lacking complete plumbing facilities	27	0.2%
Lacking complete kitchen facilities	338	2.1%
No telephone service available	212	1.3%
GROSS RENT		
Occupied units paying rent	5,868	5,868
Less than \$500	313	5.3%
\$500 to \$999	2,909	49.6%
\$1,000 to \$1,499	1,957	33.4%
\$1,500 to \$1,999	483	8.2%
\$2,000 to \$2,499	157	2.7%
\$2,500 to \$2,999	13	0.2%
\$3,000 or more	36	0.6%
Median (dollars)	957	(X)
No rent paid	424	(X)

GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPI)

Occupied units paying rent (excluding units where GRAPI cannot be computed)	5,816	5,816
Less than 15.0 percent	1,022	17.6%
15.0 to 19.9 percent	823	14.2%
20.0 to 24.9 percent	677	11.6%
25.0 to 29.9 percent	714	12.3%
30.0 to 34.9 percent	448	7.7%
35.0 percent or more	2,132	36.7%
Not computed	476	(X)

Source: 2020 ACS 5-Year Estimates

SECTION 2D: VACANT STRUCTURES

Per the 2020 Decennial Census there are 23,017 housing units within incorporated and unincorporated Clatsop County. The 177 licensed STRs in unincorporated Clatsop County represent 0.07% 0.7% of those residential units.

The 2020 Decennial Census identified 17,533 of all housing units (76.2%) as occupied, while 5,484 units (23.8%) were categorized as vacant. The 2020 American Community Survey (ACS) 5-Year Estimates estimated that 16,019 housing units in Clatsop County were occupied. The margin of error for that estimate is ± 399 units.

The Current Population Survey and Housing Vacancies and Homeownership data (CPS/HVS) compiled by the U.S. Census Bureau classifies residential dwellings as “Vacant Housing Units” if:

no one is living in it at the time of the interview, unless its occupants are only temporarily absent. In addition, a vacant unit may be one which is entirely occupied by persons who have a usual residence elsewhere. New units that are not yet occupied are classified as vacant housing units if construction has reached a point where all exterior windows and doors are installed and final usable floors are in place. Vacant units are excluded if they are exposed to the elements, that is, if the roof, walls, windows, or doors no longer protect the interior from the elements, or if there is positive evidence (such as a sign on the house or block) that the unit is to be demolished or is condemned. Also excluded are quarters being used entirely for nonresidential purposes, such as a store or an office, or quarters used for the storage of business supplies or inventory, machinery, or agricultural products. Vacant sleeping rooms in lodging houses, transient accommodations, barracks, and other quarters not defined as housing units are not included in the statistics.

Since 1990, the CPS/HVS also included year-round vacant mobile homes as part of the year-round vacant count of housing units. “Year-round units” are those intended for occupancy at any time of the year, even though they may not be in use the year round. In resort areas, a housing unit which is usually occupied on a year-round basis is considered a year-round unit. Year-round units temporarily occupied by persons with usual residence elsewhere are included with year-round vacant units.

The CPS/HVS classifies vacant units into the following categories:

- Vacant units for rent
- Vacant units for sale only
- Vacant units rented or sold (but owner/renter has not yet moved in)
- Vacant units held off the market

- Units held for occasional use:
- Units temporarily occupied by persons with usual residences elsewhere:
- Other vacant:
 - in need of or under repair/renovation
 - in probate
 - foreclosure
 - preparing to rent/sell)
 - abandoned
 - extended absence

Seasonal Vacant Units, as defined by CPS/HVS are “those intended for occupancy only during certain seasons of the year and found primarily in resort areas. Housing units held for occupancy by migratory labor employed in farm work during the crop season are tabulated as seasonable.”

SECTION 2E: CLATSOP COUNTY INCOME LEVELS AND HOUSING COSTS

Table 2 documents income levels, housing costs and percentage of housing costs for households in Clatsop County (Source: 2020 American Community Survey (ACS) 5-Year Estimates). This data includes both incorporated and unincorporated areas. The 2020 ACS 5-Year Estimates estimate the median owner-occupied housing income as \$71,644. The median renter-occupied household income, however, is \$41,225.

As defined by the U.S. Department of Housing and Urban Development, affordable housing is “housing on which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities.”

As shown on the information on Table 1, households earning less than \$35,000 are more likely to pay more than 30% of their income for housing. A household earning \$35,000 per year would be able to pay up to \$875 per month (including utilities) for an “affordable” housing unit. As also shown on Table 2, 7,649 of the estimated housing units within the County are below the \$1,000 per month price range. The remaining 8,370 units are above \$1,000 in monthly costs.

TABLE 2: HOUSING UNITS AND HOUSING COSTS
Clatsop County, Oregon

	Occupied housing units	Percent occupied housing units	Owner-occupied housing units	Percent owner-occupied housing units	Renter-occupied housing units	Percent renter-occupied housing units
Label	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate

Occupied housing units	16,019	100%	9,727	60.7%	6,292	39.3%
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HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2020 INFLATION-ADJUSTED DOLLARS)

Less than \$5,000	414	2.6%	227	2.3%	187	3.0%
\$5,000 to \$9,999	396	2.5%	100	1.0%	296	4.7%
\$10,000 to \$14,999	575	3.6%	210	2.2%	365	5.8%
\$15,000 to \$19,999	906	5.7%	320	3.3%	586	9.3%
\$20,000 to \$24,999	621	3.9%	288	3.0%	333	5.3%
\$25,000 to \$34,999	1,875	11.7%	933	9.6%	942	15.0%
\$35,000 to \$49,999	2,180	13.6%	1,119	11.5%	1,061	16.9%
\$50,000 to \$74,999	2,922	18.2%	1,891	19.4%	1,031	16.4%
\$75,000 to \$99,999	2,281	14.2%	1,472	15.1%	809	12.9%
\$100,000 to \$149,999	2,564	16.0%	1,960	20.2%	604	9.6%
\$150,000 or more	1,285	8.0%	1,207	12.4%	78	1.2%
Median household income (dollars)	57,466	57,466	71,644	71,644	41,225	41,225

MONTHLY HOUSING COSTS

Less than \$300	675	4.2%	522	5.4%	153	2.4%
\$300 to \$499	1,551	9.7%	1,391	14.3%	160	2.5%
\$500 to \$799	3,372	21.1%	1,907	19.6%	1,465	23.3%
\$800 to \$999	2,051	12.8%	607	6.2%	1,444	22.9%
\$1,000 to \$1,499	3,962	24.7%	2,005	20.6%	1,957	31.1%
\$1,500 to \$1,999	2,256	14.1%	1,773	18.2%	483	7.7%
\$2,000 to \$2,499	931	5.8%	774	8.0%	157	2.5%

TABLE 2: HOUSING UNITS AND HOUSING COSTS
Clatsop County, Oregon

	Occupied housing units	Percent occupied housing units	Owner-occupied housing units	Percent owner-occupied housing units	Renter-occupied housing units	Percent renter-occupied housing units
Label	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
\$2,500 to \$2,999	445	2.8%	432	4.4%	13	0.2%
\$3,000 or more	352	2.2%	316	3.2%	36	0.6%
No cash rent	424	2.6%	(X)	(X)	424	6.7%
Median (dollars)	1,017	1,017	1,139	1,139	957	957

MONTHLY HOUSING COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME IN THE PAST 12 MONTHS

Less than \$20,000	2,078	13.0%	791	8.1%	1,287	20.5%
Less than 20 percent	126	0.8%	83	0.9%	43	0.7%
20 to 29 percent	148	0.9%	106	1.1%	42	0.7%
30 percent or more	1,804	11.3%	602	6.2%	1,202	19.1%
\$20,000 to \$34,999	2,440	15.2%	1,221	12.6%	1,219	19.4%
Less than 20 percent	394	2.5%	368	3.8%	26	0.4%
20 to 29 percent	695	4.3%	369	3.8%	326	5.2%
30 percent or more	1,351	8.4%	484	5.0%	867	13.8%
\$35,000 to \$49,999	2,065	12.9%	1,119	11.5%	946	15.0%
Less than 20 percent	736	4.6%	568	5.8%	168	2.7%
20 to 29 percent	622	3.9%	161	1.7%	461	7.3%
30 percent or more	707	4.4%	390	4.0%	317	5.0%
\$50,000 to \$74,999	2,866	17.9%	1,891	19.4%	975	15.5%
Less than 20 percent	1,254	7.8%	870	8.9%	384	6.1%
20 to 29 percent	930	5.8%	495	5.1%	435	6.9%
30 percent or more	682	4.3%	526	5.4%	156	2.5%
\$75,000 or more	6,028	37.6%	4,639	47.7%	1,389	22.1%
Less than 20 percent	4,441	27.7%	3,217	33.1%	1,224	19.5%

TABLE 2: HOUSING UNITS AND HOUSING COSTS

Clatsop County, Oregon

	Occupied housing units	Percent occupied housing units	Owner-occupied housing units	Percent owner-occupied housing units	Renter-occupied housing units	Percent renter-occupied housing units
Label	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
20 to 29 percent	1,242	7.8%	1,115	11.5%	127	2.0%
30 percent or more	345	2.2%	307	3.2%	38	0.6%
Zero or negative income	118	0.7%	66	0.7%	52	0.8%
No cash rent	424	2.6%	(X)	(X)	424	6.7%

Source: 2020 ACS 5-Year Estimates

SECTION 2F: HOUSING NEED

The 2019 *Housing Strategies Report* identified a deficit of 1,500 housing units would be required in order to accommodate growth while allowing for a continued supply of vacation rentals.

The recently-completed Regional Housing Needs Analysis, produced by Oregon Housing and Community Services, estimates that 3,020 residential units are needed between the five incorporated cities within Clatsop County over the next 20 years.

TABLE 3: CLATSOP COUNTY INCORPORATED AREAS - NEEDED UNITS

New Units for Each of the Following:						
Median Family Income	Single-Family Detached	Single-Family Attached	Manufactured and Other	Multifamily	Total Units	% of Units
+120%	977	0	0	0	977	32.4%
80-120%	466	0	0	0	466	15.4%
50-80%	557	0	0	0	557	18.4%
30-50%	191	0	0	181	372	12.3%
0-30%	36	0	299	313	648	21.5%
Total Units	2,227	0	299	494	3,020	100%

Sources: ECONorthwest analysis; PSU, 2020-2070 Coordinated Population Forecasts; HUD, FY 2018 Income Limits; U.S. Census Bureau, 2018 ACS 1-year PUMS estimates; HUD, 2019 PIT count

SECTION 2G: 2019 HOUSING STUDY

In 2018, Clatsop County partnered with the cities of Astoria, Warrenton, Gearhart, Seaside and Cannon Beach to undertake a [housing study](#). The stated purpose of the study was to find potential solutions to the region's housing crisis.

The study analyzed the existing housing supply, housing and demographic trends, existing plans and data, including an analysis of the local governments housing goals, policies and codes. The completed document included proposals for initiatives to encourage more production of needed housing types, as well as recommendations on building partnerships and capacity-building strategies.

The final report was issued in January 2019. The 10 recommended strategies included in the report focused on five overarching findings:

- Sufficient supply, but not the right types of housing
- Focus strategies on adding the right types of supply
- Control commercial use of residential land
- Use available residential land efficiently
- Focus on workforce housing

The study has never been formally accepted by the Board of Clatsop County Commissioners and no action has been taken by the Board on recommendations forwarded by the Planning Commission.



TILLAMOOK COUNTY BOARD OF COMMISSIONERS NOTICE OF MEETING AGENDAS

BOARD OF COMMISSIONERS

Erin D. Skaar, Chair
eskaar@co.tillamook.or.us

Mary Faith Bell, Vice-Chair
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David Yamamoto, Commissioner
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CONTACT

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COMMUNITY UPDATE MEETING

Tuesday, June 6, 2023 at 8:00 a.m.

Teleconference and KTIL-FM at 95.9

BOARD MEETING

Wednesday, June 7, 2023 at 9:00 a.m.

Board of Commissioners' Meeting Room 106

County Courthouse, Teleconference, and Live Video at tctvonline.com

JOIN THE BOARD OF COMMISSIONERS' MEETINGS

The board is committed to community participation and provides opportunity for public attendance during meetings via in-person and teleconference.

- **Community Update Meetings: Tuesdays at 8:00 a.m.**
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Radio: KTIL-FM at 95.9
- **Board Meetings: Wednesdays at 9:00 a.m.**
 - County Courthouse: Board of Commissioners' Meeting Room 106, 201 Laurel Avenue, Tillamook
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Live Video: tctvonline.com

MEETING INFORMATION AND RULES

- Matters for discussion and consideration by the board shall be placed on an agenda prepared by the staff and approved by the board chair. Any commissioner may request items on the agenda.
- Public hearings are formal proceedings publicized through a special public notice issued to media and others. Public hearings held by the board are to provide the board an opportunity to hear from the public about a specific topic. Public hearings are therefore different regarding audience participation at board meetings.
- Commissioners shall be addressed by their title followed by their last name.
- Commissioners shall obtain approval from the chair before speaking or asking questions of staff, presenters, and public. As a courtesy, the chair shall allow an opportunity, by the commissioner who has the floor, to ask immediate follow-up questions.
- A majority of the board shall constitute a quorum and be necessary for the transaction of business.
- All board meeting notices are publicized in accordance with public meeting laws.
- All board meetings shall commence with the Pledge of Allegiance.
- The chair will utilize the gavel as needed to maintain order, commence and adjourn meetings, and signal approval of motions.
- The board reserves the right to recess to executive session as may be required at any time during these meetings, pursuant to ORS 192.660(1).
- The courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing visual, or manual impairments who wish to participate in the meeting, contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

PUBLIC COMMENT

- Providing public comment is an opportunity for constituents to be heard and express their views to the board.
- The board allows public comment at board meetings during the public comment period designated on the agenda.
- Comments are limited to one per person and per agenda item.
- Comments must be related to the agenda item(s) previously registered to comment on.
- The allotted time for public comments is two minutes per person; this time may not be allotted to another speaker. The chair may, at their sole discretion, further limit or expand the amount of time.
- The public comment opportunity is not a discussion, debate, or dialogue between the speaker and the board, which may or may not respond.
- Members of the public do not have the right to disrupt the meeting; the board may prohibit demonstrations such as booing, hissing, or clapping.
- Remarks containing hate speech, profanity, obscenity, name calling or personal attacks, defamation to a person, people, or organization, or other remarks the board deems inappropriate will not be allowed.
- Failure to follow all rules and procedures may result in not being able to provide public comment and/or being removed from the meeting.

In-Person Procedures

- Sign in before the meeting begins and indicate your desire to provide public comment and which agenda item you would like to comment on. When your name is announced, please come forward to the table placed in front of the dais and for the record, first identify yourself, area of residence, and organization represented, if any.

Virtual Procedures

- Register by sending an email to publiccomments@co.tillamook.or.us by 12:00 p.m. on the Tuesday prior to the board meeting. The email must contain all of the following information:
 - Full name, area of residence, and phone number.
 - Agenda item(s), you wish to comment on.
- Once registered, and before the start of the meeting, board staff will email a Microsoft Teams meeting link.
- When logged in to the meeting you must remain muted with your camera off until your name is called, then you unmute and turn on your camera.
- The chair may require those providing virtual comment to turn on their camera while providing comment or testimony.

Written Procedures

- Written comments may be mailed to 201 Laurel Avenue, Tillamook, Oregon 97141 or emailed to: publiccomments@co.tillamook.or.us.
- Written comments received by 12:00 p.m. on the Tuesday prior to the board meeting will be distributed to the board and posted online. All written comments submitted become part of the permanent public meeting record.

AGENDAS

COMMUNITY UPDATE

CALL TO ORDER: Tuesday, June 6, 2023 8:00 a.m.

1. Welcome and Board of Commissioners' Roll Call
2. Adventist Health Tillamook
3. Coastal Caucus
4. Tillamook County Community Health Center
5. Nehalem Bay Health Center & Pharmacy
6. Tillamook Family Counseling Center
7. Sheriff's Office
8. Emergency Management
9. Oregon Department of Transportation
10. Board of Commissioners
11. Cities
 - a. Manzanita
 - b. Nehalem
 - c. Wheeler
 - d. Rockaway Beach
 - e. Garibaldi
 - f. Bay City
 - g. Tillamook
 - h. South County

ADJOURN

MEETING

CALL TO ORDER: Wednesday, June 7, 2023 9:00 a.m.

1. Welcome & Request to Sign Guest List
2. Pledge of Allegiance
3. Public Comment
4. Non-Agenda Items

LEGISLATIVE – ADMINISTRATIVE

5. Discussion and Consideration of a [Commercial Lease Renewal with Tracy S. Arthur and Todd R. Riggert](#) for Property Located at 805 Ivy Avenue, Suite B, Tillamook, Oregon 97141/Marlene Putman, Administrator, Health and Human Services Department
6. Discussion and Consideration of a [First Amendment to Oregon Health Authority Intergovernmental Agreement #170665](#) for Environmental Health Services/Marlene Putman, Administrator, Health and Human Services Department
7. Discussion and Consideration of an [Eighth Amendment to the Oregon Health Authority 2022 Intergovernmental Agreement #173148](#) for the Financing of Community Mental Health, Addiction Treatment, Recovery, and Prevention, and Problem Gambling Services/Frank Hanna Williams, Executive Director, Tillamook Family Counseling Center
8. Discussion and Consideration of an [Order in the Matter of Amending the Fee Schedule for the Building Division](#) of the Department of Community Development/Sarah Absher, Director, Department of Community Development
9. Discussion and Consideration of an [Order in the Matter of Amending the Conditions of Approval for "Cougar Ridge" Subdivision](#), Formerly Known as "Second Addition to Avalon Heights", a 58-Lot Subdivision on a Property Located Within the Unincorporated Community of Oceanside, Accessed Via Highland Drive and Grand Avenue, County Local Access Roads, and is Designated as Tax Lot 200 of Section 30DC, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. (Tentative Subdivision Plat Approval Includes Approval of Geologic Hazard Report #851-21-000202-PLNG)/Sarah Absher, Director, Department of Community Development
10. Discussion and Consideration of a Personnel Requisition for a Returning Retired Employee, 150 Days-On Call Administrative Specialist in the Health and Human Services Department/Jodi Wilson, Director, Human Resources Department
11. Discussion and Consideration of an [Order in the Matter of Designating a Newspaper](#) for the Publication of the 2023 Tillamook County Property Tax Foreclosure List/William K. Sargent, County Counsel

12. Discussion and Consideration of a [Professional Services Agreement with McKinstry Essention LLC](#) for a Comprehensive Facility and Energy Assessment, and Space Planning Project/Rachel Hagerty, Chief of Staff
13. Board Concerns
14. Board Announcements

ADJOURN

OTHER MEETINGS AND ANNOUNCEMENTS

The Commissioners will attend a Solid Waste Budget Committee Supplemental Budget meeting on **Monday, June 5, 2023** at **11:00 a.m.** to discuss the proposed supplemental budget for the Solid Waste Service District for fiscal year 2022-2023. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. Public comments can be submitted to publiccomments@co.tillamook.or.us. This is a meeting where deliberation of the Budget Committee will take place. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

The Commissioners will attend a Tillamook County Budget Committee Supplemental Budget meeting on **Monday, June 5, 2023** at **12:30 p.m.** to discuss the proposed supplemental budget for fiscal year 2022-2023. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. Public comments can be submitted to publiccomments@co.tillamook.or.us. This is a meeting where deliberation of the Budget Committee will take place. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

The Commissioners will attend a Tillamook County Budget Committee Budget meeting continuation on **Monday, June 5, 2023** at **1:00 p.m.** to discuss the budget for fiscal year 2023-2024. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. Public comments can be submitted to publiccomments@co.tillamook.or.us. This is a meeting where deliberation of the Budget Committee will take place. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

The Commissioners will hold a Board Briefing on **Wednesday, June 7, 2023** at **2:00 p.m.** to discuss weekly Commissioner updates. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

The Commissioners will attend the second of two public hearings on **Tuesday, June 13, 2023** at **5:30 p.m.** to consider proposed amendments to Tillamook County Ordinance #84 for the regulation of short-term rentals in Unincorporated Tillamook County. Public hearings will be held at the Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 887 242 77#.



Land of Cheese, Trees and Ocean Breeze

MEMO

Date: June 6, 2023
To: Tillamook County Board of Commissioners
From: Sarah Absher, CFM, Director
Subject: June 13, 2023, Public Hearing Materials for Second Reading of Ordinance 84

Included with this memorandum is an updated draft of Ordinance 84 reflecting direction to staff by the Board shared at the conclusion of the May 23, 2023, public hearing. Omissions are represented in ~~strike through~~ text. New language for Board consideration is *italicized*. Staff will be prepared to discuss the proposed amendments at the June 13, 2023, public hearing where the second reading of Ordinance 84 will take place.

Also included are copies of public comments received by the Department following the May 30, 2023, public hearing. Copies of testimony received after today will be presented to the Board at the June 13, 2023, public hearing. Copies of testimony received will also be posted on the Community Development homepage and STR Advisory Committee Page (links below).

The June 13, 2023 public hearing and second reading of proposed amendments to Ordinance 84 will begin at 5:30pm at the Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook, Oregon.

Virtual Link for Public Meetings

Microsoft Teams is utilized for this public hearing for those who wish to participate virtually. To access this link, please visit: <https://www.co.tillamook.or.us/commdev>

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

Public testimony will be taken at the June 13, 2023, public hearing and is limited to 2-minutes per person. Please email Lynn Tone, DCD Office Specialist, if you would like to provide public testimony at the June 13, 2023, hearing.

Email: ltone@co.tillamook.or.us.

Public comments can be emailed to publiccomments@co.tillamook.or.us or ltone@co.tillamook.or.us.

Access to STR Advisory Committee Page & Hearing Materials:

<https://www.co.tillamook.or.us/commdev/page/short-term-rental-advisory-committee>

The Port of Tillamook Bay Conference Center is accessible to citizens with disabilities. If special accommodations are needed for persons with hearing, visual, or manual impairments that wish to participate in the meeting, please contact 1-800-488-8280 x3423 at least 24 hours prior to the meeting so that appropriate communications assistance can be arranged.

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 License,) AMENDMENT #2
And Creating Penalties for Violations of)
This Ordinance)

010.... Title
020.... Purpose and Scope
030.... Definitions
040.... Annual Short-term Rental License Required, Basic Requirements for a License,
No Nonconforming Use Status Conferred
050.... Application and Fees
060.... Term of Annual License and Renewal
070.... Application Required and Burden for License Approval and Renewal
080.... Operational Requirements and Standards for Short-Term Rentals
090.... Additional Inspections Required
100.... Additional Requirements and Prohibitions
110.... Implementation of this Ordinance and Application to Short-Term Rentals
Licensed and Operating on the Date of its Adoption
120.... Violations
130.... Penalties
140.... Appeals of County Decisions Regarding Short-Term Rentals
150.... Severability
160.... *Effective Date*

The Board of Commissioners for Tillamook County ORDAINS as follows:

.010 Title. The provisions contained in this Ordinance are intended to authorize and regulate the short-term rental use of residential dwelling units on ~~all property~~ properties in unincorporated Tillamook County and shall be known as the Tillamook County Short Term Rental Ordinance.

- A. Repeal. Tillamook County Ordinance 84, Amendment 1 (adopted April 19, 2019) (Tillamook County Short Term Rental Ordinance) is hereby repealed in its entirety.
- B. Adoption. The following sections are hereby adopted and shall be entitled the "Tillamook County Short-Term Rental Ordinance," as set forth herein, and are collectively referred to as "this Ordinance."

.020 Purpose and Scope.

- A. This Ordinance provides reasonable and necessary regulations for the licensing of short-term rental use of residential dwelling units, the purposes of which are to:
1. Protect the health, safety and welfare of short-term and long-term renters, property owners, and neighboring property owners throughout Tillamook County.
 2. Balance the legitimate livability concerns of residential neighbors with the rights of property owners to use their property as they choose.
 3. Provide visitors to Tillamook County with reasonable opportunities and a range of short-term rental and vacation occupancy options.
 4. Recognize the need to limit short-term rentals within neighborhoods to ensure compatibility with, and livability of, established owner-occupied neighborhoods, while recognizing the benefits of short-term rentals in providing recreation and employment opportunities, as well as transitional housing and business or hospital related short stays.
 5. Protect the character of the County's established neighborhoods by limiting the number, concentration, and scale of full-time short-term rentals in residential neighborhoods.
 6. Provide funding support for County housing development initiatives to address local affordable and workforce housing needs and increase availability of housing for people who want to live/work in Tillamook County.
- B. With the adoption of these regulations, the County finds that the transient rental of dwelling units has the potential to be incompatible with the residential neighborhoods in which they are situated and to have a damaging impact on the livability of those neighborhoods. Therefore, special regulation of dwelling units used for short-term rental, transient or vacation occupancy, is necessary to ensure these uses will be compatible with surrounding residential neighborhoods and will not materially alter the livability of the neighborhoods in which they are located.
- C. A short-term rental license is revocable permission to operate a short-term rental, but only as provided in this Ordinance. A license may be terminated, revoked or not renewed if the standards of this Ordinance are not met. This Ordinance provides the administrative framework for certification and the operation of short-term rentals and provides a process by which owners can appeal County decisions related to short-term rentals.

- D. The regulations in this Ordinance are not intended to permit any violation of the provisions of any other law or regulation. Any exemptions allowed by this Ordinance shall not exempt the short-term rental from any other applicable requirement, regulation or ordinance adopted by Tillamook County.
- E. The requirements of this Ordinance are not "land use regulations" as defined in ORS 197.015 or 195.300(14). The regulations contained in this Ordinance are not intended to, nor do they, implement the Tillamook County Comprehensive Plan, the Tillamook County Land Use Ordinance, nor do they implement any of the State-wide Planning Goals.
- F. The short-term rental use of a dwelling unit does not, in itself, require a home occupation permit.
- G. *Administrative Rules.* The County's STR Administrator shall have the authority to establish administrative procedures and regulations consistent with the provisions of this Ordinance for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this Ordinance. A copy of such administrative procedures and regulations shall be on file in the Office of the County Clerk Recorder and shall be posted on the County's website. Any such administrative rules and regulations shall be binding upon any owner, operator or registrant of a short-term rental and upon the Hearings Officer under Section .140.

.030 Definitions. The following definitions shall apply to this Ordinance, its interpretation, application and enforcement; otherwise, ordinary dictionary definitions shall apply unless the context indicates otherwise.

- A. "Adoption of this Ordinance" means the date on which this Ordinance takes effect after adoption by the Board of County Commissioners.
- B. "Applicant" means an owner of a dwelling unit who applies to the County for a Short-Term Rental License.
- C. "Authorized agent" is a property management company or other entity or person who has been designated by the property owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.
- D. "Bedroom" means a room intended and permitted to be used for sleeping purposes (ORSC R202) that has all of the following attributes:
- Light, ventilation, and heating (ORSC R303.1)
 - A minimum of 70 square feet of floor space and not less than 7 feet in any horizontal dimension (ORSC R304.1).
 - An emergency escape and rescue opening (ORSC R310)

- A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
 - A smoke alarm (ORSC R314.3) where required.
 - A carbon monoxide detector (ORSC R315.3) where required.
 - All sleeping areas used as a bedroom in a short-term rental must be permitted for that use, and no areas may be converted to a bedroom without demonstration of compliance with this Ordinance.
- E. "Change of Property Ownership" means the transfer of title from one person to another.
- F. "Contact Person" means the owner or the owner's designated agent for the Short-Term Rental, authorized to act for the owner on their behalf.
- G. "County" means Tillamook County, Oregon.
- H. "County STR Administrator" means the Director of the Department of Community Development vested with authority to administer, interpret and enforce the provisions of this Ordinance, or that person's designee.
- I. "Daytime Occupancy" means the hours between 7:00am and 10:00pm. "Daytime occupants" mean the guests who may occupy a short-term rental during a daytime occupancy.
- J. "Department" means the Tillamook County Department of Community Development.
- K. "Dwelling unit" means a lawfully established single unit that provides complete independent living facilities for one or more people including permanent provisions for living, sleeping, eating, sanitation and one cooking area. "Dwelling unit" includes a single-family dwelling and a factory-built or manufactured dwelling that bears a valid certification of compliance with applicable manufactured dwelling standards. For purposes of this Ordinance, "dwelling unit" does not include an accessory dwelling unit (ADU), yurt, recreational vehicle or similar mobile structure, or motorized vehicle designed and built for temporary vacation use.
- L. "Enforcement Officer" means the Director of the Department of Community Development, County Building Official or their designee authorized to administer and enforce the County's civil ordinances and permits. Officer also includes the Tillamook County Sheriff, and the deputies and authorized representatives of these officials.
- M. "Estate Home" means a single-family dwelling with five (5) or more bedrooms.
- N. "Good Cause" for the purposes of denial, suspension, revocation, imposition of conditions, renewal and reinstatement of a Short-Term Rental License means (1) the Applicant, Owner or Contact Person has failed to comply with any of the

terms, conditions, or provisions of this Ordinance or any relevant provision of a County code, State law, or any other rule or regulation promulgated thereunder; (2) the Applicant, Owner or Contact Person has failed to comply with any special conditions placed upon the Short-Term Rental License; or (3) the Short-Term Rental has been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the Short-Term Rental is located.

- O. "Good Neighbor Policy" means a policy furnished by the County STR Administrator that summarizes general rules of conduct, consideration and respect, and includes without limitation provisions of this Ordinance applicable to or expected of guests occupying the Short-Term Rental.
- P. "Nighttime Occupancy" means overnight occupancy between the hours of 10:00pm and 7:00am the next day. "Nighttime occupants" means the guests who may occupy a short-term rental overnight.
- Q. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.
- R. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.
- S. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.
- T. "Owner" means the natural person or legal entity that owns and holds legal or equitable title to the property.
- U. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental License.
- V. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".
- W. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).
- X. "Road Right-of-Way" means a public or private way that is created to provide ingress or egress for persons to one or more properties. The terms "street", "access drive" and "highway" for the purposes of this Ordinance shall be synonymous with the term "road right-of-way".
- Y. "Serious Fire or Life Safety Risk" means 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.

- Z. "Short-Term Rental" or "STR" means the transient rental of a dwelling unit in its entirety *to any person on a day to day basis for a consecutive period of less than 30 or fewer nights days* per month but does not include a Hosted Homeshare, a bed and breakfast enterprise, hotel, motel or other types of traveler's accommodations for which a state license has been granted under Oregon Administrative Rule, Chapter 333, Division 29. Short-term rental includes advertising, offering, operating, renting, or otherwise making available or allowing any other person to make a dwelling unit available for occupancy or use a dwelling unit for a rental period of 30 or fewer nights. Short-term rental use is a type of "vacation occupancy" as defined in ORS 90.100.
- AA. "Short-Term Rental License" means the annual license required by Section .040, described in this Ordinance, and referred to as a "license."
- BB. "Short-Term Rental Hearings Officer" means the impartial judicial decision maker appointed by the Board of County Commissioners to hear and decide any alleged civil infraction under this ordinance and to render the County's final decision in any civil enforcement matter.
- CC. "Subject Property" means the property on which the short-term rental is located.
- DD. "Transfer" means a change in ownership of the property where the dwelling licensed as a Short-Term Rental is located that occurs after the effective date of this ordinance. A change in ownership does not include a change in owners on title resulting from death, divorce, marriage or inheritance.
- EE. "Transient rental" means to rent a dwelling unit for compensation on a less than a month-to-month basis.
- FF. "Daytime" means between the hours of 7:00 am to 10:00 pm.
- GG. "Overnight" means between the hours of 10:00 pm to 7:00 am the following day.
- .040 Annual Short-Term Rental License Required, Basic Requirements for a License, No Nonconforming Use Status Conferred.** No owner of property in unincorporated Tillamook County may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a Short-Term Rental License. "Advertise or offer" includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.
- A. *License Must Be Obtained and Maintained.* A Short-Term Rental License shall be obtained, maintained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. A Short-Term Rental License in unincorporated Tillamook County may be revoked for failure to operate a short-term rental in accordance with all requirements of the license or otherwise comply with the requirements of this Ordinance. It is a violation of this Ordinance to operate a short-term rental without a valid license.

- B. *No Nonconforming Status Conferred.* The fact that an owner of property or other entity may hold a license on the date of adoption of this Ordinance, does not confer a property right, land use permit, or nonconforming use status under ORS 215.130 to continue operation of a short-term rental. Operation, advertisement or offering a dwelling unit for short-term rental use, in all cases, requires a valid license.
- C. *Cap on Number of STR Licenses In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries.* The County ~~has~~ shall established a limit (*a cap*) on the number of STR Licenses that can be in effect at any one time for defined residential subareas within unincorporated Tillamook County ~~and shall establish those caps by Board Order.~~ If at the time of STR application for a new STR license there is not room within the applicable subarea cap to accommodate the new STR license, the ~~applicant~~ County will ~~return the application and be placed the applicant's name on a waiting list in order of application.~~ After that, ~~and will be contacted by the County STR Administrator will contact each STR applicant on the waiting list in order as soon as there is room within the applicable subarea cap to review the admit a new STR application.~~ The STR license application fee shall not be collected ~~if there is not room within the applicable cap to accommodate the STR; at this time,~~ however, the applicant shall pay a \$100 fee ~~for the County to place the applicant on a waitlist to be placed on a waiting list.~~

.050 License Application and Fees

- A. The applicant or authorized agent shall provide and certify the following information to be true and correct at the time of initial application and upon annual renewal of a Short-Term Rental License thereafter:
1. *Owner/Applicant Information.* Applicant's name, permanent residence address, telephone number, and the short-term rental address and telephone number.
 2. *Representative Information.* The applicant shall provide the name, working telephone number, address and email of the contact person (authorized agent) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section .070.
 3. *Site plan and floor plan.* The site plan shall be a scale drawing, which can be hand-drawn, showing property boundaries, building footprint, location and dimensions of parking spaces. The floor plan shall show in rough dimensions the locations and dimensions of all bedrooms in the dwelling unit or single-family dwelling.
 4. *Proof of Liability Insurance.*
 5. *Proof of Garbage Service.*

6. *Proof of Access.* The applicant shall provide proof of an approved road approach for the subject property from the local road authority, where applicable.
7. *Notice to Neighbors.* The applicant shall provide notice of use of a property as a short-term rental to owners of neighboring properties adjacent to the rental property. Notification can be completed by mail or distributed by hand and shall contain the address of the rental property, the number of allowed bedrooms and maximum occupancy, and the name and contact information of the owner or representative who can respond to complaints about operation of the short-term rental. A written statement confirming notice to neighbors has been completed shall be submitted to the Department prior to issuance of a Short-Term Rental License.

Upon issuance of a new Short-Term Rental License or upon receipt of notification of change of the name of the contact person and/or representative responsible for the rental, the Department of Community Development shall provide notice to all properties within 150-feet of the rental property within 30 days of issuance of a new or updated license.

8. *Documentation of Compliance with Operational Standards.* To be deemed complete, an application shall include documentation that the short-term rental meets the operational standards in Sections .080 and .100.
 9. *Transient Lodging Tax Registration.* Evidence of transient lodging tax registration with the County for the short-term rental.
 10. *Executed Indemnification and Hold Harmless Agreement.* An agreement on a form furnished by the Department of Community Development stating that the property owner agrees to indemnify, save, protect, hold harmless, and defend Tillamook County, individually and collectively, and the County's representatives, officers, officials, employees, agents and volunteers from any and all claims, demands, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising, out of the Owner's actions or inaction in the operation, occupancy, use, and/or maintenance of the property.
 11. Such other information as the County's STR Administrator deems reasonably necessary to administer this Ordinance.
- B. *Inspections.* The applicant shall specifically acknowledge and grant permission for the County's STR Administrator to perform an inspection of the short-term rental.
1. The County's STR Administrator may conduct a site visit upon receipt of an application for a Short-Term Rental License or renewal to confirm the number of bedrooms stated on the application, the number, location, availability and

usability of off-street parking spaces, and compliance with all other application and operational requirements of this Ordinance. The site visit will be coordinated with the applicant, conducted during normal business hours, and with reasonable notice.

2. The County's STR Administrator may visit and inspect the site of a short-term rental at any time during the operation of the short-term rental to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Violations of this Ordinance shall be processed in accordance with Section .120.

C. *Incomplete Application.* If a short-term rental application does not include all required information and documentation, the application will be considered incomplete and the County will notify the applicant, in writing, explaining the deficiencies. If the applicant provides the missing required information within 21 calendar days of the date of the incomplete notice, the application will be reviewed. If the applicant does not provide the required information within 21 days of notice, the application will be deemed null and void.

D. *Licensing Fees.* The fee for application for a Short-Term Rental License, ~~or license renewal or alteration of an existing license~~ shall be as established by Board Order, ~~but shall not be less than the following amounts:~~

- ~~1. Application fee of not less than \$400, consisting of an application fee and an inspection fee.~~
- ~~2. An annual renewal fee of not less than \$300.~~
- ~~3. If the property fails the initial inspection or fails the required every 3-year inspection, an additional follow-up inspection fee of \$100 is required for each follow-up inspection.~~
- ~~4. Any alteration to an existing Short-Term Rental License shall be subject to a review fee of not less than \$100. Alterations requiring a reinspection of the STR shall also be subject to a \$100 reinspection fee.~~

.060 Term of Annual License and Renewal

- A. *Term.* A Short-Term Rental License is valid for one year (12 months) and shall automatically expire if not renewed on or before the *last day of the month of the* anniversary date of each ensuing year. If the contact person (authorized agent) changes during the 12-month period, the property owner or authorized agent shall notify the County in writing of the change within thirty (30) days of the

change and provide all new contact and tax payment information. Change of contact person is an alteration to an existing Short-Term Rental License and shall be subject to a fee of not less than \$100 established by Board Order.

- B. *Transferability of STR Licenses.* Any STR License existing at the time of adoption of this Ordinance is eligible for one (1) transfer to another person or entity. The current license holder or authorized agent shall notify the STR Administrator of the change in property ownership within sixty (60) days of the change. All subsequent changes in property ownership shall require a new STR License subject to then-current ordinance provisions. STR Licenses issued after the adoption of this Ordinance are not transferable when property ownership changes.

.070 Application Required and Burden for Application Approval and License Renewal

- A. *Application Required.* Applications for a Short-Term Rental License shall be on forms provided by the County, demonstrating the application meets the standards required by this Ordinance.
- B. *Burden of Proof.* The applicant has the burden of proof to demonstrate compliance with each applicable ~~criteria~~ *requirements* for initial approval or annual renewal of the Short-Term Rental License. The ~~approval criteria~~ *applicable requirements* also operate as continuing code compliance obligations of the owner/contact person. County staff may verify evidence submitted and statements made in support of an application, and the applicant shall cooperate fully in any such inquiries. For the initial application renewal every three years thereafter, the applicant must also comply with the requirements of Subsection .090.
- C. *Responsibility.* The applicant shall certify that all information provided is correct and truthful. It is the applicant's responsibility to assure that the short-term rental is and remains in compliance with all applicable codes regarding fire, building, health and safety regulations, and all other relevant laws.
- D. *Parking.* Proof of required off-street parking shall be required as follows:
1. One (1) all-weather travel surface parking space shall be provided for every bedroom in the dwelling unit. If a garage is used to meet the parking requirement, a photo of the interior of the garage shall be submitted at the time of application and renewal to show the garage is available and large enough for vehicle parking. All required parking shall be on-site (off-street) except as follows:
 - a. Required parking may be permitted on another or different property within 500 feet of the subject property with a legally binding shared parking agreement or proof of legal parking access that remains valid

for the length of time the subject property has a Short-Term Rental License. *Off-site parking is subject to the requirements of .080(E).*

- b. Up to two (2) required parking spaces may be satisfied with on-street parking provided on-street parking is within 100-feet of the subject property boundaries and authorized by the Tillamook County Public Works Department. On-street parking spaces shall be a minimum size of 8-feet by 20-feet each, *or a lesser dimension authorized by the Tillamook County Public Works Director.* On-street parking proposals shall be reviewed by the Tillamook County Public Works Department. Written authorization of the parking spaces shall be submitted to the Department at the time of application submittal.
 - c. Designated parking is available for guests within a private development where authorization for use of parking in conjunction with a STR has been granted by the development Homeowner's Association (HOA). Written authorization from the HOA confirming use of off-site parking shall be submitted to the Department at the time of application submittal. The number and location of parking spaces authorized to be utilized in conjunction with the STR shall be included in the written authorization.
- 2. Each off-street parking space shall be a minimum of 8-feet by 16-feet and configured in a manner that ensures parking spaces are accommodated within the property boundaries.
 - 3. No STR property shall have more than six (6) parking spaces total for overnight guests. Two (2) additional parking spaces may be allowed for daytime guests. Parking shall not, under any circumstances, hinder the path of any emergency vehicle.
 - 4. Access to approved parking spaces shall be designed to limit access onto the property through the defined road approach. Alterations to the road approach for purposes of off-street parking is subject to review and approval by the local road authority.
 - 5. A parking diagram of the approved parking spaces shall be provided to renters and shall be posted in a prominent location within the short-term rental dwelling unit. The contact person shall direct renters to the parking diagram for the rental property to ensure use of off-street parking are prioritized when using the short-term rental.
- E. *Transient Lodging Tax Compliance.* The property owner shall be in compliance with Tillamook County Transient Lodging Tax Ordinances 74 (as amended) and 75 (as amended) and subject to the Tax Administrator's authority provided therein.

F. *License Approval and Annual Renewal Standards.* To receive approval, license renewal, or maintain a license, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the requirements and standards in Section .080 are satisfied.

G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental License following adoption of this Ordinance and at the time of renewal request every third year thereafter, the applicant must obtain and provide to the County evidence of the satisfactory inspections described in Section .090.

.080 Operational Requirements and Standards for Short-Term Rentals. To qualify to obtain or retain a license, the contact person and the short-term rental must comply with the following operational requirements and standards. Failure to comply could be grounds for denial, non-renewal or revocation of a Short-Term Rental License.

A. *Maximum Occupancy.* The maximum nighttime occupancy for a short-term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons. For example, a two-bedroom short-term rental is permitted a maximum nighttime occupancy of six (6) people plus up to three (3) children, age 12 or under, to occupy the short-term rental in addition to the maximum number of occupants otherwise provided in this Subsection. The number of bedrooms of a short-term rental shall be verified at the time of license renewal and upon physical inspection of the short-term rental.

B. Regardless of the number of bedrooms, the maximum nighttime occupancy of an STR shall not exceed 10 (ten) persons plus three (3) children aged twelve (12) and under.

C. The owner of an Estate Home shall be exempt from subsection (B) of this section and is allowed a maximum nighttime occupancy of up to fourteen (14) persons plus up to three (3) children, age 12 or under, to occupy the short-term rental.

D. The maximum daytime occupancy for any short-term rental shall be limited to the nighttime maximum occupancy plus six (6) additional people. For example, a two-bedroom dwelling unit is permitted for a maximum daytime occupancy of twelve (12) people.

E. *Off-street Parking Spaces Required.* One (1) off-street vehicle parking space is required per bedroom in accordance with Section .070 of this Ordinance. All of the required notices and placards required by this Ordinance shall require the renters to park on-site and to not park on the street, even if on-street parking is otherwise available. The property owner of a short-term rental may contract with owners of other property within 500 feet of the perimeter of the rental property and enter into a shared parking agreement to accommodate no more than two (2) parking spaces to satisfy this requirement. Where licensing relies on

contractual off-site parking arrangements, the property owner shall provide proof of availability in the form of a legally binding contract for the off-street parking for the duration of time the rental property has a Short-Term Rental License.

- F. *Noise.* Use of any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or device for the producing or reproducing of sound shall be done in a manner that does not result in unreasonable or unreasonably sustained noise beyond the property lines of the subject property where the short-term rental is located. Complaints of unreasonable or unreasonably sustained noise shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section .130.
- G. *Quiet Hours.* The hours of 10:00pm to 7:00am the following day are quiet hours, and there shall be no amplified music or ~~other unreasonable~~ noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property. ~~The owner or contact person shall respond to all noise complaints during quiet hours within 30 minutes of when the County's STR complaint dispatch center sends a message about a received complaint regarding the short-term rental. Noise complaints during quiet hours shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental.~~ Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.
- H. *Zoning Compliance.* The property shall be in compliance with all applicable County zoning requirements and any development permits related to the subject property. If the property owner claims any sort of non-conforming use status for any aspect of the property or structures thereon, the property owner shall obtain a nonconforming use verification for those aspects through an appropriate land use decision making process. In no event shall this Ordinance be construed as a land use or development regulation, nor does prior operation of a short-term rental give rise to a nonconforming use right under the County's land use ordinance.
- I. *No unpermitted improvements or bedrooms.* All electrical, structural, plumbing, venting, mechanical and other improvements made to a licensed short-term rental shall be fully permitted. ~~Electrical work shall be performed by a State or Oregon licensed electrician.~~ Any sleeping area used as a bedroom shall be inspected and permitted in accordance with the ~~provisions~~ requirements of this Ordinance. Areas not approved for use as a bedroom shall be locked and secured as deemed appropriate by the STR Administrator, and shall not be utilized as part of the short-term rental. Areas not approved for use as a bedroom 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 bedroom may not be used for sleeping.

- J. *Contact Information.* Each registrant shall provide the name and contact information of a contact person that will be available to be contacted about use of the short-term rental during and after business hours and on weekends (24 hours a day, 7 days a week). The contact person shall respond/answer immediately to a phone call complaint about operation of the short-term rental and must be able to arrive on site at the short-term rental within 30 minutes if a phone call is not sufficient to remedy all alleged operational problems. The registrant may change the contact person from time to time during the term of licensing, but only by revising the license information with the County at least 14 days prior to the change's effective date, except when the failure to do so is beyond the registrant's control. Failure to maintain current and correct contact information for the contact person with the County, failure of the contact person to respond immediately to a telephone call complaint, or failure to arrive at the property within 30 minutes of being summoned shall be a violation of this Ordinance.
- K. *Fire and Life Safety.* A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each annual short-term rental license application and renewal. The contact person shall be responsible for completing the fire safety checklist as part of the renewal process to ensure continued compliance. A copy of the signed fire safety checklist shall be submitted to the Department prior to issuance or renewal of a Short-Term Rental License and may require further demonstration or proof for a renewal at the County STR Administrator's discretion.
1. At least one functioning fire extinguisher shall be accessibly located within the short-term rental dwelling unit. Extinguisher must be in a visible and placed in a secured location to ensure it is accessible to renters at all times.
 2. All electrical outlets and light switches shall have face plates.
 3. The electrical panel shall have all circuits labeled.
 4. Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
 5. Smoke detectors shall be placed and maintained in each bedroom, outside each bedroom in its immediate vicinity and in each additional story and basement without a bedroom.
 6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom and within 15 feet outside of each bedroom door.
 7. All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
 8. All interior and exterior stairways with 4 or more steps and that are attached to the structure, shall be equipped with a handrail.

9. All interior and exterior guardrails, such as deck railings, shall be able to withstand a 200-pound impact force.
10. 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.
11. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties.
12. The house number shall be prominently displayed and maintained, and be visible from the ~~street~~ *road right-of-way*.

L. Emergency Escape and Rescue Openings for bedrooms:

1. For all dwelling units constructed after the adoption of this Ordinance, every bedroom shall have at least one operable emergency escape and rescue opening. Sill height shall not be more than 44 inches 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 shall be 5.7 square feet. ~~Minimum at grade floor openings shall be 5 square feet and 5.7 square feet at upper floors.~~ Minimum net clear height is 24 inches and net clear width is 20 inches. The Building Official may allow 5 square feet net clear opening at grade floor openings or below grade.
2. For all dwelling units constructed prior to the adoption of this Ordinance, every bedroom shall have at least one operable emergency escape and rescue opening that has been inspected and approved by the Tillamook County Building Official pursuant to the ~~currently adopted~~ Oregon Residential Specialty Code.

M. *Solid Waste Collection – minimum service requirements.* The property owner shall subscribe to and pay for weekly solid waste collection service by the local franchise hauler with assisted pick-up provided by the franchise. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway, rolls it out for service, and then places it back in its original location. The owner shall provide garbage containers with securable covers in compliance with franchise requirements that ensure the collected solid waste is not susceptible to wildlife intrusion and weather elements. All placards and notices to renters shall include the requirement that renters shall dispose of all household garbage in the containers and keep them covered/secured. Garbage, recycling or any other waste products shall not be placed outside of designated carts/cans.

N. *Interior Mandatory Postings.* Mandatory postings issued by the County (or a copy thereof) for the short-term rental shall be displayed in a prominent location

within the interior of the dwelling unit adjacent to the front door. Mandatory postings include the following:

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration. The license shall include the following information:
 - a. The number of bedrooms and maximum occupancy permitted for the short-term rental;
 - b. The number of approved parking spaces;
 - c. Any required information and conditions specific to the Short-Term Rental License;
 - d. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental.
2. 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 License issuance and renewal.
3. Good Neighbor Policy and Guidelines. The property owner and contact person shall acknowledge the County's Good Neighbor Policy, and shall post them in every short-term rental.

O. Exterior Mandatory Posting. Exterior signage shall be installed outside of the dwelling unit and shall be of adequate size so that the following required information on the exterior sign is easily read from the road right-of-way:

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration;
2. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental;
3. The property address;
4. The name of the contact person (or entity) and a telephone number (optional).

P. No recreational vehicle, yurt, travel trailer, tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked

vehicle, including a recreational vehicle is permitted in conjunction with a short-term rental.

- Q. No Accessory Dwelling Unit (ADU) permitted after the date of adoption of this Ordinance shall be used as a short-term rental or in conjunction with a short-term rental.

.090 Additional Inspections Required. To merit approval of an initial (first year) Short-Term Rental License following adoption of this Ordinance and for renewal every third year thereafter, the applicant shall obtain the following inspections and a satisfactory report for each and pay any fee(s) that may be required to obtain the inspection and report:

- A. *Inspection Required.* The owner of the short-term rental dwelling unit shall obtain an inspection by the ~~County Building Inspector~~ local building inspector to inspect the dwelling unit and determine that the dwelling unit meets current requirements of the International Building Code, including compliance with applicable fire and life safety code requirements for occupancy of the dwelling unit as a short-term rental. Inspection shall also confirm there have been no unpermitted improvements, modifications or additions to the dwelling unit. The inspection and certification shall include compliance with electrical, structural, and ventilation requirements. A Short-Term Rental License shall be not issued until the short-term rental passes inspection by the County Building Inspector.
- B. *Reinspection Requirements.* In any case where an inspection is not approved by the County Building Inspector, the County Building Inspector shall allow thirty (30) days for minor repairs or sixty (60) days for major repairs, at the completion of which the owner or authorized agent must call the Tillamook County Department of Community Development for a re-inspection. The re-inspection fee adopted in the Community Development fee schedule shall apply. If the repairs identified in the original inspection are not rectified at the time of re-inspection and within the specified timeframe, the application shall be invalidated, and the property owner must reapply and pay the requisite application and inspection fees.
- C. *On-site Septic System Inspection.* Unless the dwelling unit is served by a public or community sanitary sewer system, the existing on-site wastewater treatment system (*septic system*) must be capable of handling the wastewater flows expected to be generated based on the allowed number of bedrooms in the dwelling unit and the maximum number of occupants. Demonstration of system adequacy is required at the time of STR application submittal.
1. If the system was installed more than five (5) years from the time of STR application submittal, the property owner shall obtain an Authorization Notice (AN) from the Department Onsite Wastewater Division. Included in the authorization must be information to allow a calculation of the number of

allowed bedrooms based on the capacity of the septic system. Final determination of the capacity and suitability of the septic system shall be made by the Onsite Environmental Program Manager (or their designee) and will share the determination with the County STR Administrator. An ESER (Existing System Evaluation Report) meeting these standards and conducted within five (5) years of the date of the Short-Term Rental application or renewal may be submitted to fulfill this requirement.

2. If the Onsite Environmental Program Manager identifies any deficiencies in the system, the property owner shall cure/correct the deficiencies within 60 days of the date of review of an ESER or AN, or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. A Short-Term Rental License shall not be issued under this section until after repairs are made and approved by the County. If the owner fails to cure the deficiencies within the time required, the Short-Term Rental application shall be denied.
3. The initial AN or ESER for an existing short-term rental is required in accordance with a phasing plan adopted by the County, but no later than December 31, 2024. After an initial AN or ESER is obtained, the property owner shall thereafter be required to conduct periodic maintenance of the system, undertaken by a DEQ authorized contractor, which at a minimum shall include inspection of the system (and as needed, pumping or repairs) prior to renewal of the Short-Term Rental License. The Onsite Wastewater Division is the delegated authority to determine the periodic maintenance requirements specific to the types of systems in use, including the intervals at which the maintenance will be required. These requirements shall be made available to the public, registrants/property owners and DEQ authorized contractors. The required report on maintenance shall be provided to the Onsite Waste Division for review in a format as developed by the Division. The report shall be required before the owner can renew certification of the dwelling unit.

.100 Additional Requirements and Prohibitions. The following are on-going requirements for the operation of all STRs in Unincorporated Tillamook County.

- A. *Advertising and Short-Term Rental License Registration Number.* The property owner or contact person shall put the annual registration number on all advertisements for the specific property wherever it is advertised for rent.
- B. *Complaints.*
 1. *Response to Complaints.* The contact person shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances and shall ensure to the best of their ability that the renters and guests of the short-term rental do not create unreasonable noise

disturbances, engage in disorderly conduct, or violate the provisions of local ordinances or any state law.

2. *STR Hotline.* The contact person shall respond by telephone within thirty (30) minutes to complaints from or through the Hotline and shall respond in-person within thirty (30) minutes to any additional or successive complains regarding the condition, operation, or conduct of occupants of the short-term rental. Unresolved complaints *determined by the STR Administrator to be a violation of this Ordinance* shall ~~be result in an immediate violation subject to Section .130 of this Ordinance.~~

3. *Record of Response.* The property owner or contact person shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. This record shall be made available for County inspection upon request to investigate all complaints.

C. *Inspection.* Upon application for a Short-Term Rental License, all short-term rentals shall be subject to inspection by the County STR Administrator for compliance with this section.

1. The County's STR Administrator may conduct a site visit upon an application for operation of a short-term rental to confirm the number of bedrooms (as defined by this Ordinance) stated on the application and the number, location and availability and usability of off-street parking spaces. The site visit will be coordinated with the applicant or contact person, shall be conducted during the normal business hours, and with reasonable notice.

2. The County's STR Administrator may visit and inspect the site of a short-term rental to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations shall be processed in accordance with Section .120 and the County's Civil Enforcement procedures.

D. *Specific Prohibitions.* The following activities are prohibited on the premises of a short-term rental during periods of transient rental:

1. *Events.* Events and activities that exceed maximum overnight or daytime occupancy limits.
2. Events and activities for which a Temporary Use Permit is required and has not been issued.
3. Unattended barking dogs.
4. Activities that exceed noise limitations contained in this Ordinance.

.110 Implementation of this Ordinance and Application to Short-Term Rentals Licensed on the Date of its Adoption. All new/initial Short-Term Rental Licenses issued after the date this Ordinance is adopted shall implement and comply with all provisions in this Ordinance. This section shall govern the implementation and applicability of this Ordinance to short-term rentals that are lawfully established, licensed and operating on the date of adoption of this Ordinance (Lawful Pre-Existing Short-Term Rentals).

.120 Violations. In addition to complaints related to nuisance and noise and other violations of Tillamook County Ordinances, the following conduct constitutes a violation of this Ordinance and is a civil infraction:

- A. The discovery of material misstatements or providing of false information in the application or renewal process for a Short-term Rental License.
- B. Representing, advertising or holding-out a dwelling unit as available for occupancy or rent as a short-term rental where the owner does not hold a valid Short-Term Rental License issued under this Ordinance.
- C. Advertising or renting a short-term rental in a manner that does not comply with the standards of this Ordinance.
- D. Failure to comply with the substantive or operational standards in Sections .080, .090, .100 or any conditions attached to a particular Short-Term Rental License.

.130 Penalties.

- A. In addition to the fines and revocation procedures described in this Ordinance, any person or property owner who uses, or allows the use of, or advertises, the property in violation of this Ordinance is subject to the enforcement authority of the STR Administrator.
- B. Each 24-hour period in which a dwelling unit is used, or advertised, in violation of this Ordinance or any other requirement or prohibition of the Tillamook County Code shall be considered a separate occurrence and separate violation for calculation of the following fines:
 - 1. The first occurrence of one or more violation(s) will incur a warning with no monetary penalty.
 - 2. A second occurrence of one or more violation(s) within a 12-month period is subject to a fine up to \$250 per violation.
 - 3. A third occurrence and all subsequent occurrences of violation(s) within a 12-month period shall be subject to a fine up to \$500 per violation.

C. *Revocation & Suspension.* The following actions are grounds for immediate revocation or suspension of a Short-Term Rental License and cessation of use of the dwelling unit for short-term tenancy:

1. Failure to renew a Short-Term Rental License as required by Section .060 while continuing to operate a short-term rental.
2. Three (3) or more verified violations of any local ordinance, state or federal regulation within a 12-month period.
3. The discovery of material misstatements or that the license application included false information for a Short-Term Rental License or renewal shall be grounds for immediate revocation of the license.
4. Such other violations of this Ordinance of sufficient severity in the reasonable judgment of the STR Administrator, so as to provide reasonable grounds for immediate revocation of the license.
5. Upon an emergency suspension or revocation of a Short-Term Rental License deemed necessary by the STR Administrator for public health and/or safety reasons, short-term rental activity shall cease immediately. If suspended, the short-term rental shall not be rented or used as a short-term rental until the emergency that exists has been resolved to the satisfaction of the STR Administrator.

D. *Notice of Decision, Appeal/Stay.* If the property owner is fined or a Short-Term Rental License is revoked as provided in this section, the STR Administrator shall send written notice of such action to the property owner stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The property owner may appeal the STR Administrator's decision under the procedures in Section .140.

.140 Appeals of County Decisions Regarding Short-Term Rentals. Any decision by the County approving, denying, revoking or sanctioning a Short-Term Rental License may be challenged, if at all, only pursuant to this section.

- A. *Filing Requirements – Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental License.
- B. *Authority to Decide Appeal.* The STR Hearings Officer shall be responsible for deciding all appeals under this Ordinance.
- C. *Time for Filing.* A property owner or authorized agent shall file a written notice of appeal, including a written description of the legal basis for the appeal, no later than 14 calendar days after the license application, license renewal or other determination being appealed was issued. This requirement is jurisdictional, and late filings shall not be accepted.

- D. *Fee for Appeal.* The County shall establish a fee for filing and appeal hearing of not less than \$500 under this section, payment of which shall be a jurisdictional requirement.
- E. *Procedures.* The County's STR Administrator may establish administrative procedures to implement the appeal process provided in this section, including any required forms. The STR Administrator may adopt procedures for hearings not in conflict with this section, including but not limited to time limitations on oral testimony and on written argument.
- F. *Hearing.* Within 35 days of receiving the notice of appeal, the STR Administrator shall schedule a hearing on the appeal before the STR Hearings Officer. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant.
- G. *The Record on Appeal.* The STR Hearings Officer's decision shall be based upon the record, which shall include all written documents associated with the file that is the subject of the appeal, including all Transient Lodging Tax records, and complaints about the short-term rental operation.
- H. *Standard of Review and Decision.* The STR Hearings Officer shall determine whether the County's decision was based on a preponderance of the evidence or the correct interpretation of the requirements of this Ordinance. A decision of the STR Hearings Officer shall be based on the evidence in the record and be issued in writing within 30 days after the record closes. The STR Hearings Officer may uphold the County's decision, uphold the decision with modifications or reverse the County's decision. If the STR Hearings Officer upholds a decision to revoke the Short-Term Rental License, the Hearings Officer shall order the property owner to discontinue operation of the dwelling unit as a short-term rental immediately. If the Hearings Officer reverses a decision to revoke the Short-Term Rental License, operation of the short-term rental may continue under the Short-Term Rental License.
- I. *Finality.* The STR Hearings Officer's decision shall be final on the date the decision is mailed to the appellant. The STR Hearings Officer's decision is the County's final decision on the matter and is appealable only by writ of review to Tillamook County Circuit Court.

.150 Severability. If any section, subsection or provision of this Ordinance is declared by a court of competent jurisdiction to be unlawful, preempted or unenforceable, that declaration shall not affect the validity and enforceability of the remaining sections.

.160 Effective Date

The Board of Commissioners finds that the enactment of this Ordinance is necessary for the public health, safety and general welfare, that an emergency

exists and this Ordinance Amendment shall take effect immediately upon passage by the Board of County Commissioners on the date of its adoption.

Date of First Reading: May 30, 2023.

Date of Second Reading: June 13, 2023.

ADOPTED this _____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
_____ Erin D. Skaar, Chair	_____	_____	_____/_____
_____ Mary Faith Bell, Vice Chair	_____	_____	_____/_____
_____ David Yamamoto, Commissioner	_____	_____	_____/_____

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By _____
Special Deputy

William K. Sargent, County Counsel

Public Comments
Received

May 30, 2023

to

June 6, 2023

Lynn Tone

From: Sarah Absher
Sent: Thursday, June 1, 2023 7:57 AM
To: Lynn Tone
Subject: FW: We support STR regulations

From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Wednesday, May 31, 2023 7:20 PM
To: David Yamamoto <dyamamoto@co.tillamook.or.us>
Subject: EXTERNAL: [David Yamamoto] We support STR regulations

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

Elisa Kayser Klein (elisaklein@comcast.net) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Dear Commissioner Yamamoto,
My husband Steven watched the online public hearing Tuesday night. Thank you for listening to members of the community.

We support the proposed Short-Term Rental (STR) Ordinance #84. We built our family home over 25 years ago on a vacant lot on 1st Street in the hillside community of Neahkahnie. Our house is not for rent.

Our pocket of Tillamook County is adjacent to the city of Manzanita, where there ARE restrictions on short-term rentals. Because we are just outside the city, and in unincorporated Tillamook County, our neighborhood is a local loophole for STR owners.

Over the past several years, one couple bought six houses in our area for the purpose of renting them out as STRs. Our area is not zoned commercial, but these owners are running a business—transforming our quiet residential streets into what now seems on track to become a revolving hotel district. Promotional material for these short-term rentals doesn't say these houses are in "unincorporated Tillamook County," they're marketed as "The Houses on Manzanita Beach." Here's a link: <https://www.vacationrentalsmanzanita.com/>

During some summer weekends, one house that sleeps 20 people, rents for over \$2,000 a night. By contrast, our year-round residents are not allowed to sell handmade products from their homes because we are not in a commercial zone.

The City of Manzanita has a cap on the total number of STRs within its boundaries and allows property owners just one short-term rental permit. Here is a link to the details of the comprehensive Manzanita plan: <https://ci.manzanita.or.us/short-term-rental-info/>

STR owners have a vested interest in maintaining the status quo, but times have changed, and sensible regulations aimed at livability and safety do not equate to government overreach. There's a shortage of housing in our area, so much so that restaurants have transitioned to 'take out only' and other businesses have closed because they don't have proper staffing. The need for housing is growing. Currently, the lack of regulation on STRs reduces the number of family homes which could be used, even for long-term rentals, by people who work in the area.

What could happen if Tillamook County doesn't act to inspect and regulate the safety of rental properties? The issue of safety has been raised in a public forum and if it is not taken seriously, there could be ramifications. Further, how does

our area accommodate the additional strain on utilities and public resources, particularly the increased volume of water used by STRs?

Commissioner Yamamoto, our family had the expectation that we would have neighbors in our neighborhood, not be situated in the middle of a cluster of homes for rent without occupants. That does not create community. With increased density all over the Oregon Coast, we are glad you're addressing this very important issue now.

Sincerely,
Elisa Kayser Klein
37350 First Street in Neahkahnie

Lynn Tone

From: Sarah Absher
Sent: Thursday, June 1, 2023 8:16 AM
To: Lynn Tone
Subject: Short-Term Rental Ordinance

From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Wednesday, May 31, 2023 10:49 AM
To: David Yamamoto <dyamamoto@co.tillamook.or.us>
Subject: EXTERNAL: [David Yamamoto] Short-Term Rental Ordinance

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

Lee Mercer (marne.lee.mercer@gmail.com) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

May 31, 2023

Tillamook Board of Commissioners and Short Term Rental Advisory Committee,
Commissioner Yamamoto,

Thanks for allowing me to speak last night to the Short Term Rental Advisory Committee. Here is my full testimony.

My name is Lee Mercer and my wife and I own a house at 5502 Four Sisters in Pacific City which we rent out to generate modest income in our retirement and spend time in with friends and family. My daughter from Hawaii and our granddaughter recently stayed there before our first great granddaughter was born in Tillamook last month and we were able to meet her and share their joy.

We very much agree with the need to have vacation rental owners avoid disturbing the neighborhoods of long-term residents. We also respect the need to have housing for all who need it in Tillamook County. When I previously worked at a Food Bank in Santa Cruz County, California, which fed 30,000 low-income people a month, 3,000 second homes in that coastal community, sitting empty most of the year, seemed a crime, when so many folks were homeless. And in our area of Pacific City, it seems like many more big beach houses are second homes without rental signs, and sit empty most of the year, than those which are available for short term rent.

And, as we all know, short-term rental properties are drawing thousands of tourists generating cash flow and jobs for our tourist and service industries. So, before we kill the goose that lays the golden eggs, lets make sure our short-term rental regulations remain fair and reasonable.

Thanks to this committee for many edits which have been made on the draft ordinance. It appears many of the problems in the original version have been solved. But as you finalize your work, remember that short term rental owners want to be good community members, contribute to the prosperity of our communities, pay our fees and taxes, and assure housing, employment and prosperity for all who need it in Tillamook County.

A couple of issues-

It seemed like limiting the number of children to 2 or 3 in a rental was very odd. My wife and I would like to see more kids for the grandkids to play with in a community than some of the adults we might get as renters.

Also- sending out a bunch of fliers by mail or at the door annually to all neighbors within 250 feet of the house seems a bit much.

Also, the response time of 30 minutes for any possible complaint by neighbors about rental tenants, 3 violations of which in a year could generate sanctions, seems like more than you would require of a hotel or restaurant serving the public.

But again, thanks for your diligent work on this ordinance.

Lee Mercer and Laurie Chadwick
Silverton, OR

Lynn Tone

From: Public Comments
Sent: Thursday, June 1, 2023 4:04 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Re: Tillamook County Short Term Rental Pause

From: Lindsey Boccia <lindsey.boccia@gmail.com>
Sent: Thursday, June 1, 2023 9:33 AM
To: Public Comments <Publiccomments@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Cc: Mary Faith Bell <mfbell@co.tillamook.or.us>; David Yamamoto <dyamamoto@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>; Rachel Hagerty <rhagerty@co.tillamook.or.us>; Isabel Gilda <igilda@co.tillamook.or.us>
Subject: EXTERNAL: Re: Tillamook County Short Term Rental Pause

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

Dear Team,

How do I make sure my testimony is heard for the upcoming June Public Hearing meeting on STR's? I don't have childcare coverage to be able to attend.

I imagine a world where you'd have to inform "regular" people pre-construction if they were approved for an STR license, because it's too risky to build without knowing the financial limitations up front and to be able to plan.

Thank you,
Lindsey Boccia
503.943.0480

On May 14, 2023, at 7:10 PM, Lindsey Boccia <lindsey.boccia@gmail.com> wrote:

Dear Councilors,

I'm asking for and need your help.

My family spent three years finding the perfect lot in Tillamook County and reading 1000 pages of tillamook County's comprehensive plan to make sure we were aligned with the County's goals. We confirmed we'd be able to rent the property once the cabin was built. It was the only way we could afford the dream. We purchased the land and spent an additional \$30,000 meeting all of the land use requirements / permit Fees that Tillamook county wanted us to go through to get our permit.

Once the permit was finally in hand (pre pandemic) two things happened: 1.) pandemic pricing doubled the estimate of the home we had permitted, pricing us out of our own permit. We had to scale down

plans to a modular unit 40 x 14. 2.) after we spent years / our savings , tillamook County formed this committee to limit STR's.

We have a family of four - My husband and I both work and we have good jobs. However, the cost of our primary house, daycare, groceries, saving for college etc. etc. make it almost unattainable to own the little cabin unless we rent it when we're not there.

Some of the people that are complaining about STR's within the committee process make it sound a lot more like class warfare and generational wealth vs the rest of us.

The Irony of it : We actually just returned from spring break for five days at the beach. It's almost equally unaffordable to rent. We spent most of our savings for that year on a rental home . The people next to us owned their house. They had a giant party, had dogs pooping near our rental grass, fire smoke blowing into our rental etc. There are poorly behaved "owners" as well.

We need to know we will have the same rights to rent our property as when we purchased the Land and paid the county fees for our permit, and did everything \$\$\$ (geotech etc) the county asked of us in land use diligence that slowed us down. It is the only way we can recoup what we have lost. Can we please insert a clause for people to obtain rental permit if they already owned land and building permit and have incurred the financial Burden to pursue their plan?

Can you please help us?

Thank you,
Lindsey Boccia
503.943.0480

May 31, 2023

Chair Skaar, Vice-Chair Bell, Commissioner Yamamoto, Director Absher

Please consider the following comments as supplemental to my testimony at the BOCC Ordinance 84 hearing on May 30, 2023.

I am a full-time resident of Neahkahnie. As a member of the community, I am a Commissioner on the Neahkahnie Water District Board of Commissioners and member of the board of directors for the Nehalem Bay Health Center & Pharmacy. I am also a CERT and have a HAM license. In the past I was on the board of directors of the Emergency Volunteer Corps of Nehalem Bay and taught the water, sanitation & hygiene class offered by EVCNB. This is a typical level of community involvement for people who consider themselves a part of the community.

In addressing the issue of appropriate regulation of the Short-Term Rental Industry, the County faces a challenging balancing issue. On the one hand, the County has become dependent on revenue from the STR industry. On the other hand, the significant livability issues created by unchecked growth of the STR industry have been well documented in comments to the STR Advisory Committee. Additionally, as discussed in more detail below an unchecked STR industry presents a very significant hidden financial burden on each community.

INCREASE IN LICENSED STRs IN NEAHKAHNIE

From 2018, the last time the County considered Ordinance 84, to the present, the number of licensed STRs in Neahkahnie has increased by 50%. From 2010 when Ordinance 84 went into effect to date, the number has increase by more than 230%. At this point the number of licensed STRs in Neahkahnie is about 85% of the current full-time residences and is over 21% of the total water hookups. One STR owner has enough advertised bed space to sleep one-quarter of the full-time residents of Neahkahnie.

HIDDEN COSTS OF STR INDUSTRY

The Neahkahnie Water District was formed in 1967 to primarily serve single family residences. There have always been tourists and rental units in Neahkahnie. However, in recent years, the rapidly increasing number of transient lodgers has created a significant strain on our water service.

Neahkahnie depends on 4 springs for its water supply. The amount of water supplied by these springs changes significantly from the wet winter months to the peak tourist season in the summer. For example, in 2016 the total water output of the springs went from 637 gallons per minute in February to 13 gallons per minute in September. One of these springs has gone dry in summer months. The seasonal variation in production of these springs over several years is shown in **Exhibit #1**.

In the July/August period in 2022 (peak tourist season & lowest water supply), licensed STRs representing 21% of Neahkahnie water hookups used 28% of the water billed by Neahkahnie's water district. The median STR used 42% more water than the median full-

time residence. The top 20% of the STR users used 41% of the total water used by STRs. In other words, the large occupancy STRs use a substantial amount of the water used by STRs in Neahkahnie. This is directly related to the STR occupancy levels permitted by the County. A comparison of water used by full-time and part-time residents and licensed STRs from late 2018 through early 2023 is shown in **Exhibit #2**.

A graph showing the seasonal changes in water billed, i.e. water demand, in the year 2022 is shown in **Exhibit #3**. There was more than a 170% increase in water demand from the winter months to the peak tourist season. Water supply and treatment facilities must be of such a scale as to handle a greater demand than needed by only full and part-time residents. This is a clear example of the hidden infrastructure costs communities face in dealing with the STR and tourist industry.

Water districts are not the only entities that have to deal with increased demand due to larger numbers of tourists in our area. Waste treatment facilities must treat the larger water/waste throughput from visitors. Also importantly, first responders have to respond to emergency calls from visitors which can impact the response time for emergency calls from full and part-time residents.

As you consider proposed changes to Ordinance 84 particularly with respect to increasing the number of licensed STRs, I would ask that the Commissioners carefully consider not only the revenue provided but the actual cost of the STR industry, both to the County and especially to the individual communities.

STR IMPACT ON COMMUNITIES

All the communities in Tillamook County, and the County itself, require active volunteers to function. In fact, many of the attractions that draw tourists to our area are staffed by volunteers, e.g. the Hoffman Center in Manzanita. Many first responders in north Tillamook County that visitors (and residents) need in an emergency are volunteers. While some part-time residents are active volunteers, most volunteers are full-time residents. I know of no absent STR owner and certainly no transient lodger who provides any such volunteer services.

The proliferation of STRs has not only removed structures that could be homes to full or part-time residents, it has also created a neighborhood environment where potential full-time residents do not want to buy. Realtors active in Neahkahnie have reported that potential buyers have required that no STR be close to a house they would consider. There is a tipping point of STR saturation at which neighborhoods no longer become desirable for potential full-time residents to live or buy. This is another hidden cost of the STR industry.

EMERGENCY PREPAREDNESS

The STR industry (as well as the State & County) is encouraging tourists to come to the coast without providing adequate resources for their care in the event of an emergency. At least in Neahkahnie, many if not most of the licensed STRs are in the evacuation zone. After a tsunami, these structures will be destroyed and those occupants who reach safety will have no shelter, water or food. In such an event as well as other significant emergencies, these STR occupants currently depend on community residents for care. This is another hidden

cost of the STR industry that is not being addressed by the County (or the State). At the very least, an STR should be required to have an approved Go-Bag for each occupant.

TAXPAYERS SHOULD NOT SUBSIDIZE STRs

Regulations without adequate enforcement are worthless. However, taxpayers should not have to subsidize the enforcement of STR regulations. Adequate enforcement will require dedicated personnel employed by the County whose sole function is to inspect STRs as well as respond to and document serious complaints of STR violations. The full cost of adequate enforcement should be borne by the STR industry, not the County taxpayer.

Hopefully the County will institute a transparent process in which all the County's expenditures associated with the STR industry will be set forth along with the revenues collected. Providing a clear assessment of the costs vs revenue of the STR industry is critical in monitoring the true cost vs benefit of the STR industry.

Respectfully submitted,
David Boone
Daveboone01@gmail.com

Exhibit #1

Production of Springs In Gallons Per Minute

2011, 2012, 2013, 2014, 2015...

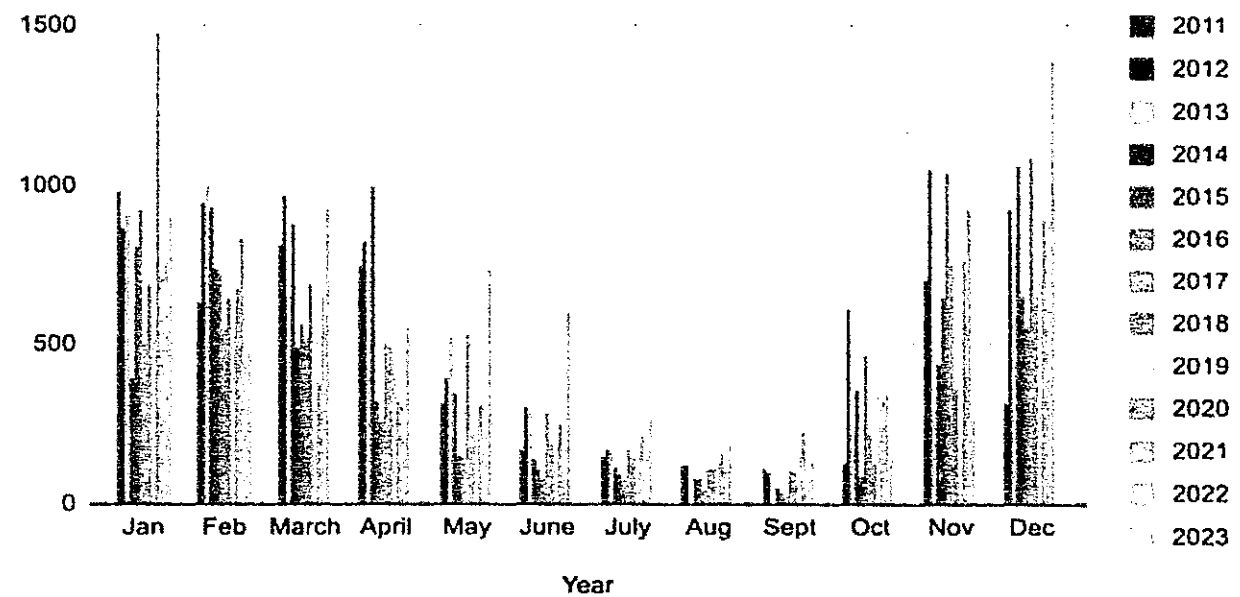


Exhibit #2

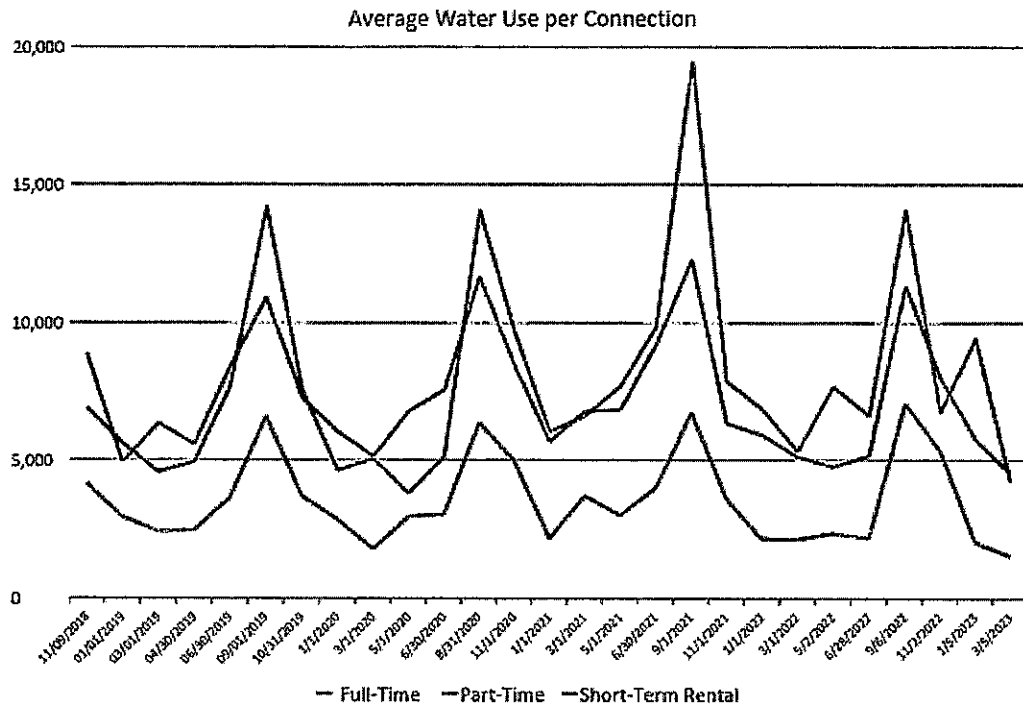
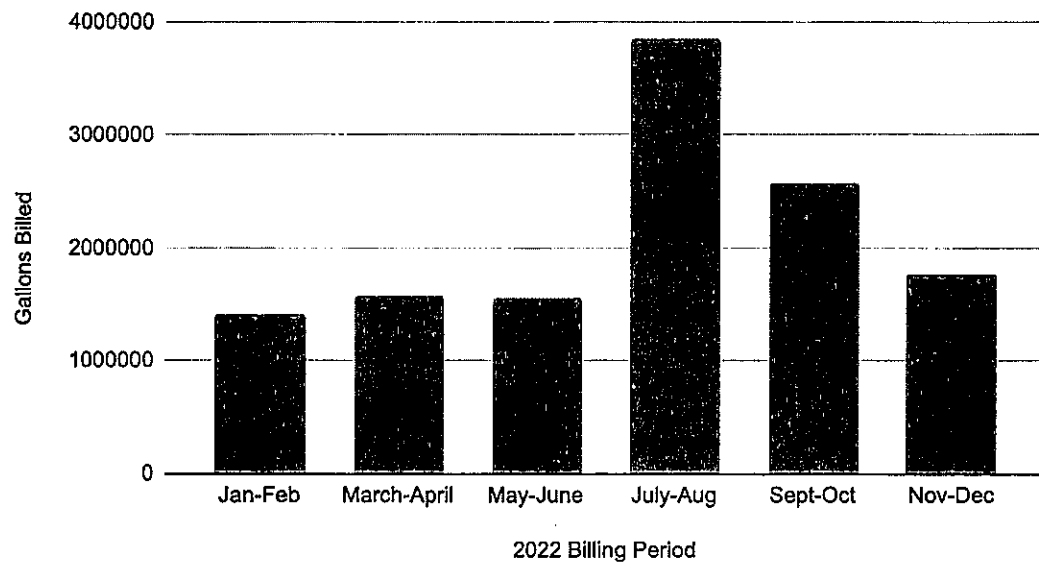


Exhibit #3

Gallons Billed vs. 2022 Billing Period



Lynn Tone

From: Sarah Absher
Sent: Wednesday, May 31, 2023 9:34 AM
To: Lynn Tone
Subject: Letter to County Commissioners by Margret page / Rebuttal

From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Tuesday, May 30, 2023 4:33 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: [Sarah Absher] Letter to County Commissioners by Margret page / Rebuttal

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

Corey + Meadow Davis (meadowandcorey@gmail.com) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Tillamook County Board of Commissioners and Sarah Absher,

We are real estate brokers in Tillamook county. Meadow was number one broker on the North Coast in 2022 an 2019 and we want to make sure that you know that not all brokers are aligned with the opinions of Margaret Page in her past or recent letters on this topic. Her opinion certainly does not represent any of the brokers we regularly work with concerning her stance on the STR issue. And just because the letter head says TBOR, does not mean that all the brokers are in lock step with these penned opinions. As brokers of note, without records of ethics violations and disciplinary actions, we thought we should speak up. We feel that regulating STR's in residential zones is a good idea. Manzanita has done this very successfully for decades and it has worked well for all parties and for protecting property values. Case in point, Manzanita property values. Gearhart made STR's completely illegal and their property values went up! That is not our position, we believe that Manzanita is a good model, STR's by %. It's is proven to work, it's predictable and it clearly maintains parody with the needs of investors looking to protect both income and property values. Thank you for doing the hard work in a needlessly contentious time.

Corey + Meadow Davis

▪

Lynn Tone

From: Chris <gracestrand@gmail.com>
Sent: Tuesday, May 30, 2023 8:42 PM
To: Lynn Tone
Subject: EXTERNAL: STRS comments , final draft

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

To the Commissioners and STR Committee,

I've read the final draft three times so far and am curious to find specifics for our Neahkanie unincorporated neighborhood- the cap for STRS and protections for our water supply specifically. And quality of life.

Something that has embedded in my memory is that Manzanita as a lower cap than Neahkanie. While Manzanita has a public park, restaurants, shops, sidewalks and public parking and a local police department, Neahkanie has none of those amenities. We have historically been a residential neighborhood with an average of 2 occupancy in its homes with no infrastructure to support the current load of STRS let alone increase the increase proposed.

After reviewing all of the STRS and their occupancies on the map of Neahkanie, the purposed ordinance is specific about parking, our crumbling roads with no sidewalks or shoulders have their own ideas about parking particularly for those with 10-18 occupancy numbers. The volunteer fire department has one access road to Middle and Upper Neahkanie to deal with emergencies specifically fire. It is hardly likely the fire department and emergency services will grow to meet this cap that is being recommended.

My strong belief is that Neahkanie should have a STR cap equal to or less than Manzanita's 17.5%.

I am a widow who has been in the neighborhood for more than 35 years. The safety and sureness of Neahkanie is something not many areas have. It erodes every time multiple carloads and cars pile in to our dead end roads. Illegal fireworks have proliferated even as they are outlawed. Manzanita police department does not attend to the calls reporting illegal fireworks. The wildlife, birds, pets and Vietnam war veterans with PTSD are left unaddressed because it's just for a few days. The fire hazard is profound, protection is not possible with our current volunteer fire department size.

My next concern is the transfer of licenses upon sale of a property. Prohibiting of the transfer of STR licenses is needed in fairness to other property owners who want to apply for one of the limited number of licenses, to allow residents currently living next to STRS to perhaps enjoy a next door neighbor again, and to stall or eliminate property inflation for those currently holding a license. We see now enhanced property values and marketability for a select few that increases taxes for all.

'Many of us believe that the current excessive level of STRs in NKN has and continues to erode the very fabric of our community. We are blessed to live in a location with some of the most beautiful scenery in the world. However, it isn't the scenery that makes this place my beloved home. It's the strong sense of community I experience here ... neighbors supporting neighbors and residents devoting their time and talents to improve the livability and sustainability of our small community. For generations NKN residents have enjoyed wonderful neighborhoods, but neighborhoods exist only when there are neighbors. Over the past few years more and more of us are living next door to a constantly changing parade of strangers.

Based on publicly available information the estimated average occupancy of NKN STR's is ten compared to the average for other NKN residences of two occupants. Our limited resources are being stressed by the excessive number of packed STRs. NKN Water District data shows that on average STRs use significantly more water than residents. This is particularly problematic during the dry summer season when rental occupancy is at its peak and the output of our springs are at their lowest. Our amazingly dedicated volunteer fire department has faced an exponential increase in the number of calls over the past several years as Tillamook County has become more and more reliant on tourism as a primary revenue source. At the same time the fire department, like many other organizations, struggles to keep staff and volunteer positions filled.'

STR licenses should be limited to one per owner (whether an individual or a corporate entity) to dissuade investors and for fairness to others since the revised ordinance will likely include a cap on available licenses. This restriction has worked well in managing STR growth in Manzanita. For example, the same owner who currently owns and operates 5 beach-front NKN STRs (with occupancies ranging from 4 to 20) has only one STR in Manzanita (here's her website <https://www.vacationrentalsmanzanita.com/>).

The definition of "bedroom" should be consistent with a common sense understanding of the term bedroom, e.g., the definition applicable to residential real estate listings. The term bedroom should not be broadened, as the Committee recommends, to include any area with or without walls intended for sleeping purposes, e.g., a sleeper couch or futon in a living room or den.

This is especially important because STR occupancy is set by the number of bedrooms. Expanding the definition permits STR owners to continue to excessively pack what are intended as single family homes, leading to more people, more cars and more issues. For example using the Committee's proposed definition of bedroom and occupancy limits, a STR with only one actual bedroom plus a sleeper couch and "clothing storage unit" in a 100 sq ft living room could be rented for occupancy by 6 adults and 3 twelve year olds. Community livability requires STR occupancies to be reasonable. This is not reasonable.

The definition of "owner" must include the following statement as originally presented by Director Absher: "If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership, trust or similar entity, all persons who own an interest in that business shall be considered an owner for purposes of this Ordinance." This language is necessary to hold business entities to the same requirements as individuals and to enforce rules such as a limit on license transfers or a limit on the number of licenses per owner. Commissioner Skaar's suggested exclusion of inheritance from the definition of "transfer" should be limited to inheritance by family members given that the stated purpose of this exclusion is to protect family ownership of vacation homes.

The County has taken steps to improve the STR complaint system, but without a strong enforcement program it's just a stack of complaints. Enforcement requires proof of violation. In the past it's been left to community residents to try to prove violations resulting in a he said/she said standoff and no penalties. It is the County's responsibility, not ours, to enforce the STR program it created. The County needs to use TLT dollars or impose an enforcement fee on STR owners to employ enforcement officers to serve in each area with a significant number of STRs to respond quickly and serve as the County's witness for enforcement proceedings. Manzanita has budgeted for an enforcement officer. Does the Manzanita enforcement officer serve Neahkahnie or just Manzanita as the police officer does?

STRs have been a hot topic for 38 years that I am aware of. Metastatic. The creep is insidious and mold like. I hope my analogy is not too hideous and vivid, that it is not lost.

Please add my comments and concerns to the reading list for Committee and Commissioners as well all involved of adding public comment regarding STRs.

Sincerely,
Chris Strand
Neahkanie

May 30, 2023

Tillamook Board of Supervisors and Short Term Rental Advisory Committee,

Thanks for allowing me to speak briefly tonight to the Short Term Rental Advisory Committee.

My name is Lee Mercer and my wife and I own a house at 5502 Four Sisters in Pacific City which we rent out to generate modest income in our retirement and spend time in with friends and family. My daughter from Hawaii and our granddaughter recently stayed there before our first **great** granddaughter was born in Tillamook last month and we were able to meet her and share their joy.

We very much agree with the need to have vacation rental owners avoid disturbing the neighborhoods of long-term residents. We also respect the need to have housing for all who need it in Tillamook County. When I previously worked at a Food Bank in Santa Cruz County, California, which fed 30,000 low-income people a month, 3,000 second homes in that coastal community, sitting empty most of the year, seemed a crime, when so many folks were homeless. And in our area of Pacific City, it seems like many more big beach houses are second homes without rental signs, and sit empty most of the year, than those which are available for short term rent.

And, as we all know, short-term rental properties are drawing thousands of tourists generating cash flow and jobs for our tourist and service industries. So, before we kill the goose that lays the golden eggs, lets make sure our short-term rental regulations remain fair and reasonable.

Thanks to this committee for many edits which have been made on the draft ordinance. It appears many of the problems in the original version have been solved. But as you finalize your work, remember that short term rental owners want to be good community members, contribute to the prosperity of our communities, pay our fees and taxes, and assure housing, employment and prosperity for all who need it in Tillamook County.

A couple of issues-

It seemed like limiting the number of children to 2 or 3 in a rental was very odd. My wife and I would like to see more kids for the grandkids to play with in a community than some of the adults we might get as renters.

Also- sending out a bunch of fliers by mail or at the door annually to all neighbors within 250 feet of the house seems a bit much.

Also, the response time of 30 minutes for any possible complaint by neighbors about rental tenants, 3 violations of which in a year could generate sanctions, seems like more than you would require of a hotel or restaurant serving the public.

But again, thanks for your diligent work on this ordinance.

Lee Mercer and Laurie Chadwick
Silverton, OR

Lynn Tone

From: Public Comments
Sent: Monday, June 5, 2023 8:05 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Regulation of Short-term Rentals

From: Will Glasgow <wjgpx@hotmail.com>
Sent: Saturday, June 3, 2023 2:00 PM
To: ltone@co.tillamook.or.us; Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Regulation of Short-term Rentals

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

To Whom It May Concern:

I have been an owner of a house in Neskowin (49400 Nescove Ct.) for over 40 years. With the advent of short-term rentals, I have seen the look and feel of our neighborhood change dramatically, for the worse. Specifically, the number of people, cars and traffic resulting from short-term rentals have made this single-family residential area—which had been quiet and somewhat secluded being south of Neskowin Creek and north of Cascade Head—feel much more like the area north of the creek which contains numerous motels, restaurant/stores and a public beach access.

I want to whole-heartedly endorse your draft ordinance as a balanced and reasonable way to respect the historical rights and expectations of residents living in a single family neighborhood with the desires of others to generate income from their properties. While I would have personally favored even more restrictive provisions, I appreciate your efforts to accommodate a wide variety of interests. I therefore would hope you would make no further liberalizing changes to the draft ordinance and adopt it as drafted.

Very truly yours,

William Glasgow

Lynn Tone

From: Public Comments
Sent: Monday, June 5, 2023 8:05 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR propo9sed regulations

From: Beth Redman <redman.beth@yahoo.com>
Sent: Sunday, June 4, 2023 5:56 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR propo9sed regulations

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

RE: 19340 Steelhead Lane, Hebo, Oregon 97122

To Whom This May Concern:

For me it has been a family tradition to have grandparents with a vacation home to enjoy family time, peace and respite. Now I am grandma and after mom passed on Veteran's day 2017, and my brother and I inherited her and dad's estate, I so much love the Oregon coast that I bought a place outside of Hebo and I put my love and energy into making it our new vacations home.

A great part of making this dream a reality to afford and keep it going and maintained is the income from vacation renters. Without the ability to share my home as a STR, it would stay vacant much of the time.

The trouble with the proposed rules that Tillamook County proposes is that it makes it very hard to keep it going as a STR. The proposed rules like requiring immediate response to a phone call or complaint could put a person in danger having to confront someone. I believe the complaints should be addressed by the county sheriff who is trained to deal with such situations. As a permitted STR owner I believe that our permit fees and the tax revenue paid to the county should cover such circumstances.

Too many regulations add up to too much costs for an owner of an STR. For example, paying for a septic system inspection on an annual basis is cost prohibitive. Every 5 years would be more reasonable.

I believe that it is a property right to operate an STR. I dislike the threat of having our permits turned into licenses.

There are so many things that Tillamook County is trying to regulate it is making it prohibitive to run my business.

Another important consideration is all the revenue generated to local business from tourists that visit the coast. Also there is the revenue from the owners who spend time at their vacation homes with purchases to improve the homes and property and maintenance revenue paid to contractors and cleaning staff. Makes jobs and brings in money to the county.

Thank you for considering my comments.

Sincerely, Beth Redman

Lynn Tone

From: Merle Wallis <nkndude@gmail.com>
Sent: Sunday, June 4, 2023 12:35 PM
To: Lynn Tone
Subject: EXTERNAL: Short term rentals

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

I have written several times to support a cap on short term rentals. We built our Neahkahnie home in 1994 and we are full time residents and registered voters in Tillamook County.

We value highly the sense of community and living in an area with respect for neighbors.

Some rentals are inevitable. We are opposed to rentals by companies that buy up home and are never owner occupied.

A lack of rules will result in our neighborhood being destroyed by thoughtless transients.

There must be a cap on rentals and rules for renters to limit cars, trash, noise, etc.

Merle Wallis
8305 Treasure Rock Road

Sent from my iPhone

Lynn Tone

From: Chris Silkowski <csilkowski@gmail.com>
Sent: Sunday, June 4, 2023 12:47 PM
To: Lynn Tone
Cc: Sarah Absher
Subject: EXTERNAL: STR public hearing

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

Dear Ms. Tone

My wife and I have lived in Neskowin since 2018 after building a home on a lot we purchased in 2005. We moved to the area for quality of life and continue to work remotely from home. Prior to moving to Neskowin, we owned a home in Lincoln City that we rented out as a part-time short-term rental.

I have a conflict that prevents me from attending the hearing on June 13th, however, I would like to voice my appreciation for Ms. Absher and the Commissioners for attempting to address the issues caused by the recent influx of short-term rentals along the coastal communities.

The draft ordinance provides a good balance between STR properties and non-STR properties and enhances livability for full-time residents. Although I would have liked to have seen a cap on the number of days an STR is rented (like what we were subject to in Lincoln City), I feel that the draft ordinance can be used as a model for other communities across the country that are impacted by STRs.

Thank you for your time and your continued efforts on this important matter.

Best regards,
Chris Silkowski

Lynn Tone

From: Davensue_163 <davensue_163@comcast.net>
Sent: Monday, June 5, 2023 4:25 PM
To: Lynn Tone
Subject: EXTERNAL: Feed for the June 13 STR hearing

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

My name is David Williams. I am married to Susan Williams. Susan's father first visited Neahkahnie in the 1930s. He designed and built a summer cabin in the early 1950s. At that time there were very few cabins. It was mostly sheep meadow. The cabin he built became what we call "The Beach House"

Susan, her sister Margaret, and their mother Evelyn spent most of their summers there as they were growing up.

Since then, "The Beach House" was remodeled by Margaret and Bill Barss, the current owners.

Over the years, many other structures built in those early days have evolved into remodeled, full-time residences, and comfortable second homes for people, who desire, quiet, peaceful, and simple living.

Short term rentals like anything else can be good or bad. I think owners of beach houses have every right to rent them out to provide extra' income for themselves. This has been done over the decades with seemingly little negative impact. That's because its scale has been limited.

Left unchecked in favorable economic times (low interest rates with lots of expendable income), STR numbers have grown and they have become unacceptable to Neahkahnie's livability. For example, the five beach houses now under STR contracts, all along the prettiest part of the Oregon coast, now owned by one absentee owners.

Neahkahnie is not a resort.

However, I can imagine a resort, much like you might see along the Hawaiian coast along Neahkahnie beach. If I can imagine it, so can a developer.

STR should only be allowed for property owners who live in and care for their homes, and not absentee owners, who may own multiple properties and are in it only for the money.

The whole character of the community will change if we allow monied interests to manage our community.

We need strict regulations that limit the number of STRs and their density, insure compliance with building codes, and address impacts on parking, potable water, sewer, etc.

We should also limit to one the number of STR's any one person can hold. We should also require that STR's not be held by corporations, but only be held by single individuals or families

Times are very good now for owners to make lots of money renting out homes to people who want to experience living on the coast. What will happen when times are not so good and STR units sit empty, perhaps for long periods of time.

I truly believe it is in our best interest to limit STR units to individuals only, at a scale that does not impact in any significant way Neahkahnie's way of life.

Lynn Tone

From: Jacki Hinton <hintonjacki56@gmail.com>
Sent: Monday, June 5, 2023 7:31 PM
To: Lynn Tone
Subject: EXTERNAL: Comments re June 13th BOCC STR Hearing

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

Chair Skaar, Vice-Chair Bell, Commissioner Yamamoto and Director Absher,

My name is Jacki Hinton. I am a full-time Neahkahnie resident and an active member of my community. I have followed the STR ordinance revision process closely, including attending all but two of the Advisory Committee meetings (and for those missed I listened to the recordings). This is matter of great importance to me and my community, as is evidenced by our high level of participation over the past year and a half.

I like many Neahkahnie residents chose to live here because I want to live in a community of neighbors where a commitment to community service and support of one another are part of the local culture. When purchasing our home over eight years ago, we relied on Neahkahnie's zoning, establishing it as a single-family residential community. Yes, there were a few STRs, many of which had been renting for years.

By mid-2022 Neahkahnie STR levels had shot up so high that our once quiet community now constitutes a "resort community" according to a recent Oregon Coast Host published statement. Just to be clear this would be a "resort community" with no public services (not even a portable public restroom), no designated public parking areas, no shops, no restaurants and very limited access to law enforcement services. It would also be a "resort community" with scant infrastructure. Our extremely winding and narrow roads are poorly maintained. Our public drinking water is sourced from local area natural springs which rely on rainfall. Consider how challenging it must be for our community of about 200 residents to manage the 24/7 impact of approximately 830 transient lodgers. This simply is not sustainable.

Manzanita, our immediate neighbor to the south, adopted a 17.5% cap on STRs 20 years ago. They work hard to try to maintain a balance between tourism and community livability. Given the absence of any public services, Neahkahnie STR occupants head to Manzanita adding to their parking issues and overcrowding of their small businesses.

Although our community already has an excessive number of STRs, I urge you to adopt the proposed STR cap of 1% over existing STR levels for each community pending completion of Director Absher's community-by-community assessment. Our Neahkahnie community looks forward to meeting with Director Absher to evaluate our unique needs and concerns more thoroughly.

I encourage you to prohibit STR license transfers for all licenses issued after the pause is lifted. I also support the proposed exception for existing STR licensees to be allowed one transfer of their STR license.

I strongly support adding a provision to the proposed ordinance to limit owners to only one STR license within a community. This limitation helps to discourage investors from buying multiple properties for the sole purpose of operating them as STR businesses. Currently in Neahkahnie a single out-of-state investor owns and operates five ocean front STRs. How can this be differentiated from a hotel or motel operation? Is it fair to allow someone to hold multiple STR licenses if availability is limited by a cap?

Lastly, I fully support Jerry Keene's position as stated in his May 26th "*STR Committee Reflections*" regarding "*Perpetual Corporate STR Licenses*". The STR ordinance definition of "owner" should be revised to specifically include corporate

ownership. I also support Jerry's position on daytime noise. It is a common issue which can and should be addressed as Jerry suggests.

I want to take this opportunity to thank the members of the Advisory Committee and Lynn Tone for their dedication and hours of service throughout this long and arduous process.

I have been in awe of Director Absher's professionalism and outstanding facilitation skills over the past 18 months. I am grateful that she has chosen to devote her considerable talents to Tillamook County and its communities.

Respectfully submitted,

Jacki Hinton

Lynn Tone

From: Megan Liz Cole <meganliz@nehalemtnet.net>
Sent: Monday, June 5, 2023 7:52 PM
To: Lynn Tone
Subject: EXTERNAL: Comments re BOCC STR Hearing

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

To: Chair Skaar, Vice-chair Bell, Commissioner Yamamoto, Director Absher
From: Liz Cole, Nehalem OR

I generally support the May 27, 2023 draft of revisions to Ordinance 84, but there are some aspects that I would like to see modified, even though these revisions are a significant improvement over the current Ordinance 84.

My comments on specific issues are:

1. New licenses should be limited to one per person regardless of the type of or level of ownership.
2. I strongly support no transfer of new STR licenses. Although I oppose any transfer, I also believe existing licenses should absolutely be limited to one transfer.
3. Current occupancy levels create safety issues as well livability issues in a neighborhood. There should be no more than 10 people allowed, regardless of age and regardless of house size.
4. There needs to be a reasonable cap on the level of STRs in a neighborhood. The number of STRs in Neahkahnie is currently too high and the proposal to raise it even further will make a bad problem even worse. In my view a target level of 15% is appropriate.
5. Noise is a problem and there should be limits during nighttime, but also during the day. Having criteria that noise is excessive if it can be heard (and recorded) within a neighboring residence seems workable.
6. Most communities depend on full-time resident volunteers to function. We need new residents who want to be a part of and actively contribute to the community. Realistically, who wants to buy a home and live next to a high turnover short-term rental?

Thank you for your attention, and for your efforts in this important matter.

Sincerely,
Liz Cole
Nehalem, Oregon

Lynn Tone

From: Sarah Absher
Sent: Monday, June 5, 2023 8:03 PM
To: Lynn Tone
Subject: Fwd: Key Principles
Attachments: Key.Principles.OCH.pdf

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: Oregon Coast Hosts <oregoncoasthosts@gmail.com>
Sent: Monday, June 5, 2023 6:24:54 PM
To: Erin Skaar <eskaar@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>; David Yamamoto <dyamamoto@co.tillamook.or.us>; Mary Faith Bell <mfbell@co.tillamook.or.us>
Cc: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Key Principles

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

Greetings Commissioners,

Please consider reviewing the attached Key Principles from Oregon Coast Hosts, which are being shared as public comment. Our Board of Directors believes this document is a concise summary of many public comments that have been made with vital feedback to the proposed draft. As the current draft is tweaked in preparation for the next version, we encourage thoughtful review of these ideas in the spirit of collaboration.

Thank you,
Hillary Gibson, President
Oregon Coast Hosts

**TILLAMOOK COUNTY SHORT-TERM RENTAL (STR) ORDINANCE #84
KEY PRINCIPLES
OREGON COAST HOSTS**

As Tillamook County continues to discuss updating the rules and regulations for Ordinance #84, Oregon Coast Hosts would like to share our general feedback on the draft proposal, share data, and provide some alternative ideas for consideration by the Board of County Commissioners.

Current STR Permits may not legally be changed to Licenses. Tillamook County may make this change going forward, but not retroactively. A solution is two types of permits. This idea is provided as a starting point on the following page, and more refinement and collaboration is needed to dial in a balanced and legal path forward.

Background

STR Violations Reported by Tillamook County - May 25, 2023

STR violations 2019	0
STR violations 2020	0
STR violations 2021	0
STR violations 2022	1
STR violations 2023	8

During the above time period, spanning more than four years, there was a total of 9 violations and 32 complaints.

10 total 9-1-1 calls to STRs were identified from 2020 & 2021 out of approximately 800 disturbance calls. It is unknown if the 911 calls were linked to guests, owners, neighbors, or trespassers at the STR addresses.

In Tillamook County, no STR has ever had a permit revoked for having three strikes.

In May 2022, at the Short-Term Rental Advisory Committee meeting, Sarah Absher noted the low number of complaint calls to the county and explained that the reasoning was due to contact signage working as an effective means to promote communication among neighbors, and that most STR owners and managers were very good at taking care of problems immediately.

77% of all public comments citing STR concerns or support for the restrictive draft are from a single community, with only 7% of the STR permits throughout unincorporated Tillamook County. During 16+ months of written public comment many communities submitted zero concerns for increased STR growth or nuisances: Barview, Bay City, Beaver, Cape Meares, Cloverdale, Falcon Cove, Hebo, Nedonna Beach, Otis, Rockaway Beach, Tierra del Mar, Watseco, and Winema. This disproportionate distribution of public comments shows a significant disparity from a single community, and there is valid concern that one community's efforts to strictly regulate STRs could impact the entire county.

93% of homeowners with STR permits have only one single permit in Tillamook County. Anecdotal information regarding a high rate of corporate ownership is not supported by the STR permit list.

Unlike Clatsop & Lincoln Counties, Tillamook County has only 782 hotel rooms. We are highly reliant on STRs to provide accommodations for visitors. STRs collect & remit approximately 70% of the transient lodging taxes (TLT), which totaled nearly \$40 million for 2014-2022.

Oregon Coast Hosts has serious concerns regarding the proposed draft ordinance. We support Tillamook County being at the forefront of STR regulations, instead of following in the misguided footsteps of others. The following categories contain feedback on STR regulations and reflect consensus from the Board of Directors for Oregon Coast Hosts and may not represent the views of all homeowners.

GREEN LIGHT - STRONG SUPPORT

STRs are allowed as an outright use in residential zones under the Land Use Ordinance. Any modifications to that outright use, must be appropriately reflected in the Land Use Ordinance, and cannot impair nonconforming use rights of existing STR permit holders under state law.

Any STR with an active permit at any time in 2022, and any newly constructed STR with a certificate of occupancy issued in 2022 or 2023, may have an active STR Permit and continue to operate under Ordinance #84 - Amendment #1 as long as three (3) conditions are met:

- *The STR Permit must be renewed annually or transferred to new owner within 60 days of sale*
- *The STR may not increase maximum occupancy.*
- *The STR meets requirements in Ord #84 - Amendment #1*

STR Permits originally approved prior to July 1, 2023 have legal land use rights which run with the land and may continue after a sale and transfer to a new owner until the STR Permit is either closed by an Owner or revoked by the County. If the property is sold, the new owner has sixty (60) days from the date of closing to file for transfer for continued use of STR Permit.

STR Licenses approved after July 1, 2023 are specific to the property owner, are not transferable, and automatically become void with the sale of the property.
STR Licenses fall under new regulations in Ord #84 - Amendment #2.

- STR Permits have continued transferability as required by state law
- STR Permits may not be replaced with Licenses
- Requirement for all STRs to meet building codes *at time of construction or remodeling* per code
- Parking Space minimum requirement 8 feet x 16 feet
- Minimum parking requirement of 1 space per STR & total number determined simply by available spaces
- Maximum 8 off-street parking spaces per STR for overnight guests + 2 daytime guest parking spaces
- Online STR database & online complaint form in addition to Granicus Hotline
- Contact Person 24/7 response within 30 minutes of any STR-related complaint (in-person not required)
- Bedroom: A room intended and permitted to be used for sleeping purposes that has the following attributes:
 - a) Light
 - b) Ventilation
 - c) Heat
 - d) Emergency escape and rescue opening
 - e) Smoke alarm
 - f) Carbon monoxide detector within 15 ft of a bedroom door
 - g) Exterior Emergency Escape Egress
- Enforcement - Hold visitors and permit holders accountable to rules & regulations
- Community Equity - Hold all residents to the same standards for noise, parking, garbage, and lighting
- Good Neighbor Guidelines - *Hello, Neighbor!* for all neighbors
- STRs in commercial zones should be exempt from inclusion in any potential percentage cap limit

YELLOW LIGHT - CONSIDER WITH CAUTION

- **Percentage Caps:** *[note: 51% of polled homeowners with STR permits do not support any percentage cap]* OCH has concerns about any percentage cap which could result in elimination of property rights for approximately 75%-80% of homeowners in Coastal Zone communities where historical use of visitor lodging is significant and both homeowners and landowners have vested rights.
- As an organization, we understand the desire for a reasonable set of "growth management" tools. If the BOCC feels it is absolutely necessary to manage growth of STRs, then we can support a cap allowing 2% annual STR increase per community with a three year sunset clause.
- **Maximum Occupancy:** 2 per bedroom + 2 extra, capped at 16 total maximum occupancy (over age 5) & exemptions allowed for unique properties on a case-by-case basis.
- **Noise prohibitions for STRs only** - need a county noise ordinance in residential areas for all homes, residents and visitors to truly impact livability - proposed daytime limits are unreasonable and vague.
- **Estate Home Classification** - arbitrary parking & occupancy limits - Homes with 5+ bedrooms cater to multigenerational families and are an important category of accommodation which are few in number.
- **Exterior lighting required in downward direction**- needs to apply to all homes to truly impact livability.

RED LIGHT - STRONG CONCERNS - TOP 5 CONCERNS IN BOLD

- **Grandfather** current homeowners with STR Permits: 99% of polled homeowners with STR Permits support being grandfathered in under Ordinance #84 - Amendment #1
- **Transferability** of STR permits: 80% of polled homeowners with STR permits support transferability in all cases and it is not legal to restrict transferability of current STR permits
- **Property Rights:** The ability to offer short-term stays is an important stick in the bundle of property rights
- **Distance Limits:** 96% of homeowners with STR permits do not support any distance or density limit
- **Percentage Caps:** 51% of homeowners with STR permits do not support any type of percentage cap
- **Percentage Caps:** Any cap under the current level which would result in loss of a permit is not legal
- **Percentage Caps:** A limit to 1% increase over current levels may limit economic growth & property rights
- Requiring renters to park off-street - owners can't restrict use of parking on public streets (.080 E)
- Requiring immediate response to phone call - immediate is unreasonable (.080 J)
- Requiring exterior lighting to direct downwards - lighting is a safety feature (.080 K #11)
- Requiring expiration date on exterior signage - necessitates annual expenditure (.080 O #1)
- Requiring all STRs to meet *current* building codes - undue burden (.090 A)
- Requiring all STRs with septic tanks to have an annual inspection - 5 years is ideal (.090 C #3)
- Requiring minimum bedroom sizes larger than some currently permitted bedrooms (.030 D)
- Requiring in-person response - faster than sheriff & safety risk better handled by law enforcement (.080 J)
- Limiting parking to 6 cars off-street - previously *required* up to 10 for large homes (.070 D #3)
- Fee no less than \$100 to change Contact Person - financial barrier to compliance (.060 A)
- Any classification of STRs as business or commercial use is rejected - STRs are residential
- Requiring closets or clothing storage in all bedrooms - arbitrary regulation
- Replacement of current STR Permit with License - loss of property rights
- Requiring STR Permit holders to have rental activity annually - need exemptions for construction, long-term renting, and personal extenuating circumstances
- Executed Indemnification and Hold Harmless Agreement - Defense of Tillamook County is an overreach
- Unresolved complaint resulting in immediate violation - needs to be a *valid* complaint to be a violation

ADDITIONAL IDEAS OUTSIDE OF AN STR ORDINANCE

- County wide noise ordinance in residential areas
- County wide recycling program with TLT funds for all community members
- Online STR registry with contact info ([Bend, Oregon](#))
- Online complaint link ([Couer d'Alene, Idaho](#))
- 1 full year of Granicus STR Hotline data on violations before sweeping regulatory changes
- STR liaisons in each community to bridge the gap between residents and STRs
- Retain language acknowledging Tillamook County does not have franchised garbage service in all areas
- Regulation addressing poor guest behavior with fines and/or requirement to vacate enforced by Sheriff
- Regulation addressing false complaints
- Neighborhood mediation requirement for repeat offenders or repeat complainants
- Digital template for exterior signage provided by the county as an option for owners to customize & print
- Work with the Tillamook County Public Works Director on signage for "No Parking" areas or permits
- Transient Lodging Tax - Redistribution of additional funds which exceed the original dollar amount of the 30% earmarked for roads for individual communities at a set percentage to spend however they'd like on community improvements, recycling programs, and enforcement officers
- Transient Lodging Tax - Allocate funds from the 70% earmarked for tourism towards workforce housing for workers in the tourism industry
- Dark Skies Initiative for consideration by various communities & not an STR regulation
- County Incentive Program: Lease to Locals ([Sedona, Arizona](#))
- County Voluntary Deed Restriction Program ([Vail InDeed - Colorado](#))

Lynn Tone

From: Sarah Johnson <sarahaveryjohnson@gmail.com>
Sent: Tuesday, June 6, 2023 9:18 AM
To: Lynn Tone
Subject: EXTERNAL: proposed STR ordinance 84

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

To the Commissioners: I am a long-time resident of Neahkahnie, living on property purchased by my parents in 1960. In recent years, the volume of short-term rental homes in this community has become staggering, with a negative impact on our water system, our roads, and our safety and livability. While I appreciate that population growth is a simple factor of modern life, I firmly believe that there must be regulation of the growth in communities that simply are not designed to support the demands of an additional itinerant population. I have read the proposed amendments to STR ordinance 84. While it is not perfect, it is a reasonable and honest effort to restrain the short term rental explosion in my community. I urge your approval. Thank you. Sarah Avery Johnson

Sarah Avery Johnson
37395 Second Street
Nehalem
503-799-3063

June 5, 2023

Chair Skaar, Vice-Chair Bell, Commissioner Yamamoto, Director Absher

I am a full-time resident of Neahkahnie. I offer the following comments for consideration in addition to my previously submitted comments.

First, I wish to say I agree with the comments made by Jerry Keene in his May 26, 2023, submission to the BOCC. Regarding noise, some in the STR industry have objected to being singled out. As a full-time resident, I would be happy to have the noise regulations apply to everyone, daytime & "quiet time".

I strongly concur with Mr. Keene's observations regarding ownership of an STR.

I am not sure of the appropriate composition of a dedicated ordinance enforcement group but, without adequate enforcement, the BOCC's work on regulations will be largely useless.

My one difference with Mr. Keene's comments is with respect to the composition of the STR Advisory Committee. In my view it was heavily stacked in favor of the STR Industry. I do agree that the Commissioners should carefully consider the survey information to get a better picture of what the communities regard as appropriate STR regulations.

Comments on specific sections of the proposed Ordinance 84:

1. **0.030 CC.DD:** "inheritance" should be limited to legal family members, i.e., consistent with the "divorce, marriage" language. An LLC should not be able to inherit an STR license.
2. **0.050 A.10:** The County's hold harmless will be ineffective if the STR has limited assets. I would think the County would want proof of insurance, e.g., \$2,000,000 as part of the license requirement.
3. **0.060 B:** I strongly support limits on transferability. While I don't like the proposed one transfer for existing licenses, I understand why the County may determine it must do that. Without such a limit on transfers for existing licenses, the County will have created a monopoly. However, I see no basis for any further transfer. Also, I strongly support the proposed language of no transfer for new licenses. Otherwise, there will no hope in decreasing the excessive number of STR licenses that currently exist in some communities.
4. **0.080 "occupancy":** While the proposed language is an improvement over the current situation, the number of permitted occupants is still too high for houses built as single-family residences. Having 13-17 people in such a residence I submit does not meet the "safety" obligation of the County. It is unrealistic to think that many people could safely evacuate a smoke filled, unfamiliar space at night. A more realistic number is no more than 10 people regardless of age or house size.

5. **0.130 Penalties:** Small fines will simply be a cost of doing business for the larger STRs. It is important to have the "hot line" that records complaints. It is equally important to have dedicated County personnel who investigate and "verify" the complaint. Members of the community should not have to be the prosecutors & witnesses to enforce STR violations.

Thank you for your consideration.

Respectfully Submitted,
David Boone
Daveboone01@gmail.com

Lynn Tone

From: Sue Williams <suendave_163@comcast.net>
Sent: Monday, June 5, 2023 12:35 PM
To: Lynn Tone
Subject: EXTERNAL: Neahkahnie Short Term Rentals

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

I have written multiple emails with my concerns about the impact of short term rentals on our Neahkahnie community and the negative results that we see. Our sense of community is being eroded. Instead of having this sense community we are turning into a place where houses are purchased for the sole purpose of providing income for the buyer and we no longer have neighbors. We are not zoned for business purposes and yet, STR rentals fit this bill.

We need to limit the number of STR's in general and limit the number of houses that one person can rent out. One person should be able to rent one house, not multiple houses. Manzanita has a cap of 17.5 % STRs. We are currently at 22%. This needs to be dialed back to at least the same level as Manzanita. We also need to be mindful of the impact that these houses that can sleep 10-20 people have on our limited water resources as well as the impact of car parking and noise.

I am a long time Neahkahnie resident and have seen many changes over the half century (or more) that I have been a home owner. Most changes have been beneficial to the community. The STR issues mentioned above are detrimental. We need legal support to address these issues. Please help us.

Susan Ritz Williams
37450 3rd St.
Neahkahnie

Sent from my iPad

Lynn Tone

From: Steve Stewart <drdemento.stew@gmail.com>
Sent: Friday, June 2, 2023 10:52 AM
To: Lynn Tone
Cc: Tom Prehoditch
Subject: EXTERNAL: STR Ordinance Revision.

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

Dear Commissioners,

In regard to the upcoming vote you will be making regarding the proposed STR Ordinance Revision I would like to enter the following comments. I am a Neskowin homeowner currently surrounded on three sides by STR houses and have experienced first hand the associated problems of noise, garbage, traffic, parking and poor monitoring and response to these issues. I applaud the proposed revisions as a positive step toward mitigating these expanding problems. I would point out the disproportionate representation of the vocal minority of persons and businesses who oppose these restrictions. Current density of STR permits in Neskowin is around 20%, yet a vast majority of your input comes from this self interested group.

Your endorsement of these revisions will be greatly appreciated by those of us who have to live with the consequences of this currently poorly operating system.

Thank you for your consideration,
S.R. StewartMD

Sent from my iPad

Lynn Tone

From: John <bktail@comcast.net>
Sent: Tuesday, May 30, 2023 5:39 PM
To: Lynn Tone
Subject: EXTERNAL: Short term rentals

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

Lynn
I have a short term rental on lilac st in Oceanside.. I got false accusations for fireworks last year! How are complaints going to be verified?!? Property rights is very important to Me.
Thanks, John C.
Get [Outlook for iOS](#)

Lynn Tone

From: Donald Truxillo <donald.truxillo@gmail.com>
Sent: Tuesday, June 6, 2023 3:21 PM
To: Lynn Tone
Subject: EXTERNAL: In support of the draft ordinance to restrict STRs in Neahkahnie

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

Hello,

I am writing in support of the ordinance that would put the limits and restrictions on STRs in Neahkahnie.

This is important to the sustainability and quality of life in Neahkahnie,

Best regards,

Donald Truxillo

Joseph Long

8250 Hillcrest Rd.,

Neahkahnie 97131

Lynn Tone

From: Public Comments
Sent: Tuesday, June 6, 2023 2:49 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Ordinance #84

From: Seth Prickett <sethprickett@gmail.com>
Sent: Monday, June 5, 2023 10:23 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR Ordinance #84

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

Dear Tillamook County Commissioners,

Thank you for all your hard work on this ordinance and for your public service. I apologize for not getting my testimony in sooner. I own 25930 David Ave which is a short term rental in the Nedonna Beach neighborhood. I am concerned with a number of items in your proposed short term rental ordinance. The most top of mind for me is the annual septic tank inspection requirement (.090 C #3) and requiring all STRs to meet current building codes (.090 A). The property on David Ave overall has fewer occupants than if it were rented out long term. There are many days that the property is not rented out and the majority of stays are for less than 4 people. The usage of the septic system is less than if it were a permanent residence or long term rental so the annual requirement is discriminatory and poses an undue burden. Requiring STRs to meet current building codes also seems discriminatory since it is not required for long term rentals either. Why would the STR requirement be any different? There are a number of other items in the ordinance that I am concerned about but I wanted to highlight these two specifically.

If the current draft ordinance is passed, I would need to reconsider if keeping the property as a STR makes sense financially as well as my time and effort. There is a lot of work that goes into the upkeep of an STR on the coast. Cleaning fees, management, repairs and yard maintenance can really add up. I believe last year the cost of all these things was over \$25,000 which went to local jobs. If the ordinance were to pass I may sell the property but, because I was lucky enough to own before the recent boom in prices and have a low interest loan, the more likely option would be to turn it into a vacation home just for my family. I imagine a lot of other owners are in the same boat.

Respectfully,

Seth Prickett

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TILLAMOOK COUNTY BOARD OF COMMISSIONERS NOTICE OF MEETING AGENDAS

BOARD OF COMMISSIONERS

Erin D. Skaar, Chair
eskaar@co.tillamook.or.us

Mary Faith Bell, Vice-Chair
mfbell@co.tillamook.or.us

David Yamamoto, Commissioner
dyamamoto@co.tillamook.or.us

CONTACT

Tillamook County Courthouse
201 Laurel Avenue
Tillamook, Oregon 97141
503.842.3403
www.co.tillamook.or.us

COMMUNITY UPDATE MEETING

Tuesday, May 30, 2023 at 8:00 a.m.
Teleconference and KTIL-FM at 95.9

BOARD MEETING

Wednesday, May 31, 2023 at 9:00 a.m.
Board of Commissioners' Meeting Room 106
County Courthouse, Teleconference, and Live Video at tctvonline.com

JOIN THE BOARD OF COMMISSIONERS' MEETINGS

The board is committed to community participation and provides opportunity for public attendance during meetings via in-person and teleconference.

- **Community Update Meetings: Tuesdays at 8:00 a.m.**
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Radio: KTIL-FM at 95.9
- **Board Meetings: Wednesdays at 9:00 a.m.**
 - County Courthouse: Board of Commissioners' Meeting Room 106, 201 Laurel Avenue, Tillamook
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Live Video: tctvonline.com

MEETING INFORMATION AND RULES

- Matters for discussion and consideration by the board shall be placed on an agenda prepared by the staff and approved by the board chair. Any commissioner may request items on the agenda.
- Public hearings are formal proceedings publicized through a special public notice issued to media and others. Public hearings held by the board are to provide the board an opportunity to hear from the public about a specific topic. Public hearings are therefore different regarding audience participation at board meetings.
- Commissioners shall be addressed by their title followed by their last name.
- Commissioners shall obtain approval from the chair before speaking or asking questions of staff, presenters, and public. As a courtesy, the chair shall allow an opportunity, by the commissioner who has the floor, to ask immediate follow-up questions.
- A majority of the board shall constitute a quorum and be necessary for the transaction of business.
- All board meeting notices are publicized in accordance with public meeting laws.
- All board meetings shall commence with the Pledge of Allegiance.
- The chair will utilize the gavel as needed to maintain order, commence and adjourn meetings, and signal approval of motions.
- The board reserves the right to recess to executive session as may be required at any time during these meetings, pursuant to ORS 192.660(1).
- The courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing visual, or manual impairments who wish to participate in the meeting, contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

PUBLIC COMMENT

- Providing public comment is an opportunity for constituents to be heard and express their views to the board.
- The board allows public comment at board meetings during the public comment period designated on the agenda.
- Comments are limited to one per person and per agenda item.
- Comments must be related to the agenda item(s) previously registered to comment on.
- The allotted time for public comments is two minutes per person; this time may not be allotted to another speaker. The chair may, at their sole discretion, further limit or expand the amount of time.
- The public comment opportunity is not a discussion, debate, or dialogue between the speaker and the board, which may or may not respond.
- Members of the public do not have the right to disrupt the meeting; the board may prohibit demonstrations such as booing, hissing, or clapping.
- Remarks containing hate speech, profanity, obscenity, name calling or personal attacks, defamation to a person, people, or organization, or other remarks the board deems inappropriate will not be allowed.
- Failure to follow all rules and procedures may result in not being able to provide public comment and/or being removed from the meeting.

In-Person Procedures

- Sign in before the meeting begins and indicate your desire to provide public comment and which agenda item you would like to comment on. When your name is announced, please come forward to the table placed in front of the dais and for the record, first identify yourself, area of residence, and organization represented, if any.

Virtual Procedures

- Register by sending an email to publiccomments@co.tillamook.or.us by 12:00 p.m. on the Tuesday prior to the board meeting. The email must contain all of the following information:
 - Full name, area of residence, and phone number.
 - Agenda item(s), you wish to comment on.
- Once registered, and before the start of the meeting, board staff will email a Microsoft Teams meeting link.
- When logged in to the meeting you must remain muted with your camera off until your name is called, then you unmute and turn on your camera.
- The chair may require those providing virtual comment to turn on their camera while providing comment or testimony.

Written Procedures

- Written comments may be mailed to 201 Laurel Avenue, Tillamook, Oregon 97141 or emailed to: publiccomments@co.tillamook.or.us.
- Written comments received by 12:00 p.m. on the Tuesday prior to the board meeting will be distributed to the board and posted online. All written comments submitted become part of the permanent public meeting record.

AGENDAS

COMMUNITY UPDATE

CALL TO ORDER: Tuesday, May 30, 2023 8:00 a.m.

1. Welcome and Board of Commissioners' Roll Call
2. Adventist Health Tillamook
3. Coastal Caucus
4. Tillamook County Community Health Center
5. Nehalem Bay Health Center & Pharmacy
6. Tillamook Family Counseling Center
7. Sheriff's Office
8. Emergency Management
9. Board of Commissioners
10. Cities
 - a. Manzanita
 - b. Nehalem
 - c. Wheeler
 - d. Rockaway Beach
 - e. Garibaldi
 - f. Bay City
 - g. Tillamook
 - h. South County

ADJOURN

MEETING

CALL TO ORDER: Wednesday, May 31, 2023 9:00 a.m.

1. Welcome & Request to Sign Guest List
2. Pledge of Allegiance
3. Public Comment
4. Non-Agenda Items

LEGISLATIVE – ADMINISTRATIVE

5. Discussion and Consideration of a [Lease Agreement with Community Action Resource Enterprises, Inc. \(CARE\)](#) for County Owned Real Property Located at Township 1S, Range 9W, Section 30BC, Tax Lots 1200 and 1300, Tillamook, Oregon, for the Use of a Shelter Program/Dusti Linnell, Chair, CARE Board of Directors; Nicole Vertner, Administrative Director of Business Development, Adventist Health Tillamook; Rachel Hagerty, Chief of Staff
6. Discussion and Consideration of an [Order in the Matter of Amending Fees Charged by the Tillamook County Sheriff's Office](#) for Document Processing Services/Matt Kelly, Undersheriff, Sheriff's Office
7. Discussion and Consideration of a [Resolution in the Matter of Proclaiming June as "Celebrate Local Food Month" in Tillamook County, Oregon](#)/Lauren Sorg, Executive Director, Food Roots
8. Discussion and Consideration of an [Order in the Matter of Declaring Juneteenth as a Tillamook County Holiday](#)/Jodi Wilson, Director, Human Resources Department
9. Discussion and Consideration of a [Request for Initiation of Legislative Text Amendment Process and Enrollment of 82nd Legislative Assembly 2023 Regular Session](#) Enrolled Senate Bill 644/Sarah Absher, Director, Department of Community Development
10. Discussion and Consideration of a [Right of Way Vacation for a Portion of R.O. Richards Road West in Beaver, Oregon](#)/Jasper Lind, Engineering Technician, Public Works
11. Discussion and Consideration of an [Order in the Matter of Assessing Costs for the Abatement of the Solid Waste Violation at 22250 East Beaver Creek Road](#), Cloverdale, Tillamook County, Oregon, 3S-9W-16-1200/David McCall, Solid Waste Program Manager, Public Works
12. Discussion and Consideration of a [Novation Agreement from Jennifer Hedden to Jonathon Hedden for a Tax Land Installment Contract](#), Tillamook County Clerk Document #2021-003685/Rachel Hagerty, Chief of Staff
13. Discussion and Consideration of a [Letter of Intent to Purchase Real Property from Fourth Generation Investments LLC](#) for Tax Foreclosed County Owned Property Previously Offered at the February 13, 2023 Land Sale Auction, Parcel #15, Township 1N, Range 10W, Section 5AB, Tax Lot 1000/Rachel Hagerty, Chief of Staff

10:00 a.m.

14. **Public Hearing:** Concerning a "Second Addition to Avalon Heights" also referred to as "Cougar Ridge Subdivision," a 58-lot subdivision on a property located within the Unincorporated Community of Oceanside. The subject property is accessed via Highland Drive and Grand Avenue, both County local access roads, and designated as Tax Lot 200 of Section 30DC, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Land use decisions for this tentatively approved subdivision are identified as #851-21-000095-PLNG, #851-21-000202-PLNG and #851-21-000309-PLNG/Sarah Absher, Director, Department of Community Development
15. Discussion and Consideration of Approval of a "Second Addition to Avalon Heights" also referred to as "Cougar Ridge Subdivision", a 58-lot subdivision on a property located within the Unincorporated Community of Oceanside. The subject property is accessed via Highland Drive and Grand Avenue, both County local access roads, and designated as Tax Lot 200 of Section 30DC, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon/Sarah Absher, Director, Department of Community Development
16. Board Concerns
17. Board Announcements

ADJOURN

OTHER MEETINGS AND ANNOUNCEMENTS

Memorial Day is an observed holiday for the County and the Oregon State Circuit Court. All the County offices in the Tillamook County Courthouse and the Tillamook County Library, administrative offices in the Jail and Justice Facility, Public Works Department, Department of Community Development, Surveyor's Office, and the Health and Human Services Department and clinics, and the State Circuit Court, will be **CLOSED** on **Monday, May 29, 2023**.

The Commissioners will attend two public hearings on **Tuesday, May 30, 2023 at 5:30 p.m.**, and **Tuesday, June 13, 2023 at 5:30 p.m.** to consider proposed amendments to Tillamook County Ordinance #84 for the regulation of short-term rentals in Unincorporated Tillamook County. Public hearings will be held at the Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook Oregon. The teleconference number is 1-971-254-3149, Conference ID: 887 242 77#.

The Commissioners will hold a Board Briefing on **Wednesday, May 31, 2023 at 2:00 p.m.** to discuss weekly Commissioner updates. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

The Commissioners will attend a Solid Waste Budget Committee Supplemental Budget meeting on **Monday, June 5, 2023 at 11:00 a.m.** to discuss the proposed supplemental budget for the Solid Waste Service District for fiscal year 2022-2023. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. Public comments can be submitted to publiccomments@co.tillamook.or.us. This is a meeting where deliberation of the Budget Committee will take place. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

The Commissioners will attend a Tillamook County Budget Committee Supplemental Budget meeting on **Monday, June 5, 2023** at **12:30 p.m.** to discuss the proposed supplemental budget for fiscal year 2022-2023. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. Public comments can be submitted to publiccomments@co.tillamook.or.us. This is a meeting where deliberation of the Budget Committee will take place. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

The Commissioners will attend a Tillamook County Budget Committee Budget meeting continuation on **Monday, June 5, 2023** at **1:00 p.m.** to discuss the budget for fiscal year 2023-2024. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. Public comments can be submitted to publiccomments@co.tillamook.or.us. This is a meeting where deliberation of the Budget Committee will take place. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

May 30, 2023 BOCC STR HEARING

PUBLIC COMMENT SIGN UP

PLEASE PRINT FULL NAME

✓	John Meyer	
✓	Tom Prehoditch	Tom Prehoditch
✓	Barbara Triplett	Barbara Triplett
✓	Dan Hendrix	
✓	Nathan Powell	
✓	Justin Jones	
✓	Cathy Hendrix	
✓	Pete Stone	
✓	Brenda Huffstutler	
✓	Tyler Porter	
✓	Cathy Jo Lundquist	
✓	Lee Mercer - VIRTUAL	
✓	April Yungen	April Yungen
✓	Robert Govender-Towle	
✓	Peter Birch	
✓	Hillary Gibson	
✓	Mandy Mock	
✓	Annie Bishop	Annie Bishop
✓	Pete Peterson	
✓	Michael Cook	
✓	Mark Shifflett	
✓	Michael Smith	
✓	Dean Porter	
✓	Kristopher Grytten	
✓	Scott Horner	
✓	David Boone	
✓	Justin Baxter	
✓	Robert Hakes	
✓	Mary Kay Campbell	
✓	Jamie Rea	Jamie Rea
✓	John Stevenson	
✓	Nanette Stevenson	
✓	Dana Vandecoeving	
✓	Zach Clement	
✓	Kathleen Stanco	
✓	Nancy Nordland - VIRTUAL	Nancy Nordland
✓	Susan Peterson - VIRTUAL	
✓	Roy Zurbrugg	
✓	Karen Dahlhoff	
✓	Jerry Keene	
✓	LAURIE KOVACK.	
✓	Heath Campbell	
✓	Carmen Koepke	
✓	PETE PETERSON	

May 30, 2023 BOCC STR HEARING

PUBLIC COMMENT SIGN UP

PLEASE PRINT FULL NAME

✓ ROUSEL Phillips
✓ RON BOWRE
✓ Michael Smith
Kris Woolpert

Lynn Tone

From: Jerry Keene <jerrykeene1@gmail.com>
Sent: Friday, May 26, 2023 8:35 AM
To: Sarah Absher; Lynn Tone
Subject: EXTERNAL: STR Committee Reflections (Revised)

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

Sarah and Lynn -

I rushed to draft my reflections statement yesterday in the airport while waiting for a connecting flight on my return from a month away from home. Upon reviewing it today, I found one embarrassing typo and also realized I had also omitted an issue of particular importance to me (funding STR code enforcement from Operator Dues earmarked for "public safety"). Below is a revised statement. I realize we agreed on a Thursday deadline, but I wonder if I might still prevail upon you to substitute the email below for my original.

Jerry Keene

Commissioners and Director Absher:

Thank you for the chance to continue serving on the STR Advisory Committee during the past year-and-a-half. It was time well-spent, which is not always true of such committees. It was also a welcome opportunity to apply the information and insights I gained from the 2017-2018 committee work as well as the Oceanside STR community town halls and surveys that our CAC conducted. Please accept this as my "reflection statement" on the experience.

COMMITTEE LOGISTICS

1. **Size.** When Director Absher proposed to more than double the size of this committee, I publicly objected that the number of participants would hinder or obstruct its ability to function as a working group. I would like to acknowledge that this did not happen. It turned out that Sarah's impressive skills as a facilitator were up to the task, especially when matched with Commissioner Skaar's occasional and judicious efforts to clarify and reinforce the boundaries/guardrails of our assignment. Likewise, the thought that went into recruiting or selecting suitable Committee members paid off in terms of work ethic and a commitment to use our time well. That said, the number of new participants did significantly extend the time needed for meetings devoted entirely to "background" and "orientation" presentations. That ended up compressing and truncating the Committee's substantive policy discussions and negotiations in the latter meetings (see below).

2. **Time Planning/Communication.** It became clear to me early on that the deliberate pace of the orientation sessions in the first year of our meetings would prevent the Committee from fully exploring substantive issues that we had identified in our "checklist" before expiration of the STR "pause." I assumed this was just as clear to Sarah and the BOCC, and that there would eventually be a move to extend the pause while we completed our work. That assumption was wrong. Instead, at the same time the Committee first received a proposed ordinance draft (I believe it was in late March or early April), we were informed that all work on it must be completed by late May. That came as a surprise to me and, I believe, to the other Committee members. We were then led through a whirlwind review of both the major and minor revisions at what was often a breakneck. Even though the Committee voluntarily scheduled extra sessions

and extended our work hours during them, I believe the speed and atmosphere of urgency thereafter compromised the quality of the discussions of some issues and prevented any discussion at all of others. In the future, I recommend more clearly communicating such critical deadlines earlier in the process.

3. Facilities and Staff Support. I cannot say enough good things about the professional, thorough and conscientious effort that Sarah, Lynn Tone and other staff members put into supporting the Committee in terms of arranging facilities, providing and posting documentary packets, and facilitating our exposure to public comment. We wanted for little, and when we asked for more, it was readily provided.

SUBSTANCE

4. Committee Votes vs. Surveys. The Committee's discussions encompassed issues that ranged from practical to philosophical. On practical issues that pertained more to STR capacity (including occupancy, parking and "bedrooms"), life/health/safety, enforcement and signage or neighborhood notice, we were usually able to find trade-offs or "split the difference" to reach consensus. On policy issues, however, the Committee members more often squared off and dug in, producing close votes or multiple pluralities instead of majorities. Such issues included transferability, caps, density standards, "use it or lose it" and related issues.

I would caution the BOCC that close votes on those issues did not necessarily reflect or correlate to equally mixed positions by the public. *Instead, they reflected the County's successful effort to achieve a numerical balance of the philosophical differences in the Committee's make-up.* On such issues, I urge the BOCC will compare these close votes to the community sentiment on such issues reflected in the community surveys from Oceanside, Neskowin and other communities, which were conducted and submitted as public comment. A lot of care went into these surveys, and they yielded information that was credible, objective and surprisingly nuanced. More importantly, they often revealed that community sentiment on issues such as caps and transferability was much less "mixed" or "balanced" than the close Committee votes on such issues might otherwise suggest.

5. Perpetual Corporate STR Licenses. The Committee approached the issue of "ownership" early in the policy discussions, determining that both natural persons and legal entities (trusts, LLCs and corporations) might "own" STR licenses. I objected that unlimited corporate ownership opened the door to perpetual corporate licenses and would create incentives to acquire clusters of multiple properties under a single corporate owner. I also indicated that this would become more apparent when we addressed "transferability." The committee nevertheless voted to recommend the current definition, and I went along in hopes I could communicate these concerns more effectively in the context of the subsequent "transferability" discussions.

We did not return to "transferability" until the last few meetings, and several members indicated they had not realized the full significance of the "owner" definitions when voted on earlier. I also attempted to return to the issue of unrestricted corporate ownership, but the pressure we faced to "move on" impelled Sarah to block further discussion as something that had already been debated and decided.

I urge the BOCC to delve deeper into this issue during the hearings. Perpetual corporate ownership is at odds with the concept of privately owned or "family" STRs that shaped the committee's discussions. On the other hand, they are at heart of the objections being raised by the Oregon Restaurant and Lodging Association's objections to what it terms "hotels" being developed in the middle of residential areas. I will offer more on this concern along with proposed solutions during public comments.

6. Don't Toss in the Towel on Daytime Noise. Despite a contrary vote by the Committee, Director Absher's Staff Report recommends that the ordinance omit *anyrule* proscribing daytime noise by STR visitors based on what it deems "impossible" enforcement issues. That is not a headline the BOCC should rush to make as a matter of STR-community relations. Intrusive noise is one of the leading concerns expressed in nearly every STR survey from every community.

Regardless of whether it can be enforced against determined violators, the presence of such a rule would at minimum afford STR managers a tool to cite when contacting visitors about complaints. Conversely, the absence of any rule or limit will their hands in situations where merely pointing it out would prompt courteous compliance in most situations. These are not hypothetical considerations. I myself have lodged a complaint about loud daytime music being played by STR visitors on an open deck across the street from my home at 9 p.m. When I contacted the STR manager to complain, she responded that "quiet hours are not until 10 p.m." but that she would relay my complaint to the visitors by phone. In response, the visitors promptly TURNED UP THE VOLUME until 10 p.m., when they turned it off. The absence of a daytime noise rule obviated any response to this.

As for the enforceability dilemma, the draft ordinance itself contains the solution. Director Absher has recommended a rule banning any noise audible beyond STR boundaries during quiet hours. The rationale is that such violations can be recorded and preserved where needed. The same principle applies to daytime noise. I recognize, however, that the standard she has approved for Quiet Hours might be overbroad in daytime situations, That is easily rectified. I strongly urge that noise during the daytime be deemed a violation if it is **"audible inside the complainant's residence."** That is the level of noise most likely (and legitimately) to prompt complaints. More importantly, it would be even easier to record (presumably with a mobile device) than outside noise - where ambient noise would interfere. Including such a rule would both respect the Committee's vote to address daytime noise and Director Absher's concern for adopting a rule that cannot practically be enforced.

7. Code Enforcement ("Courtesy Corps")

When Director Absher invited Committee members to submit our priority issues at the beginning of our meetings, I proposed staffing a sort of dispatch/"courtesy patrol" to respond to complaints about STR visitor misconduct. I suggested that it would be appropriate to fund it by diverting some part of the STR Operator Fees revenue currently earmarked for "public safety." This was in response to then-recent statements by the Sheriff's office that it would not use such revenue for that purpose. In May 2023, the Committee devoted a meeting to complaints and enforcement. Before that meeting, I submitted a written proposal reiterating my previous suggestion. The Committee never again returned to the subject when I again raised my proposal at the final Committee meeting. Director Absher indicated that she had begun to explore the idea internally but was hindered by public employee union considerations among others. I accepted this but still believe the idea would have benefited from Committee discussion and consideration. I am raising it again now to mark and elevate the issue as one for future consideration.

Once again, I would like to thank the BOCC for allowing me to participate on this Committee, and to thank Director Absher and her staff for facilitating such participation in a way that made it meaningful.

Sincerely,

Jerry Keene
STR Member - Central County
Vice President and Past President - Oceanside Neighborhood Association

Lynn Tone

From: Candice & Gregory Miller <gandcm@gmail.com>
Sent: Friday, May 26, 2023 11:23 AM
To: Public Comments; Lynn Tone; Sarah Absher
Subject: EXTERNAL: Comments for May 30 STR Advisory Committee Meeting

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

Dear Tillamook County STR Advisory Committee,

After reviewing the latest draft of the proposed STR Ordinance, we feel it is vital that the committee and County stay on track and focus on regulations that will control the number of STRs in our communities and support a livability mandate that is acceptable to all who reside next to or are in close proximity to multiple STR properties.

To limit the saturation of STR permits, the Committee should include the following into the new Ordinance:

1. To qualify for a permit, an STR must be rented a minimum of 30 days per year.
2. Allow **no transfers** of permits on a property sale.. A change of title due to death, divorce, marriage or inheritance are exempted.
3. To reduce the number of boutique hotels and corporate ownership, a person, group or entity will only be allowed to have 1 STR permit.

Cap Limits:

If the County decides to exclude commercial properties, such as condominiums, the cap limit should not exceed 15-18% on single family homes. An overall total of private STRs plus the commercial properties would easily put the percentages in Neskowin at 20%. It is unnecessary to allow an additional 1% for 2023. The only parties who would want an increase are those who are on a wait list and probably should not have purchased/built a second home that they cannot financially support without turning it into an STR. We hate to be blunt, but that is the reality.

Density Cap Limits:

This may have to be achieved over time. STR properties should not exceed 20% on any given street.

Parking:

Day parking should be equal to overnight parking unless there is verified public parking spaces for 2 additional vehicles. This should be enforced on a neighborhood by neighborhood basis. In Neskowin, south beach, there is no public parking. All the roads are private. Therefore, daytime and overnight parking limits should be the same.

Max Occupancy Limits:

Only two per bedroom, plus up to 3 children, age 12 or under. So called "sleeping areas" should no longer be counted for occupancy. Daytime max limits of plus 6, as long as there is adequate parking. If not, then the daytime max limit should be reduced to 4.

The County should not be swayed by non-resident STR owners, business owners and realtors. They're concern for helping the community and providing a place for visiting families to come and enjoy their properties is a smoke screen to conceal their mandate to generate income. It is surprising that current STR owners are supporting higher cap limits. Rental dollars will only stretch so far. The more rentals... the more competition for that revenue stream. It is also important to consider that increasing the number of STRs, even by just 1% is going to put added stress on county resources to enforce current and new regulations, which they are woefully understaffed to do now.

There are numerous comments from STR owners who believe they should be able to do whatever they want with their properties. Our argument is that there are rules and regulations that registered Tillamook County voters want enforced and amendments made to the current Ordinance that should supersede any priorities that non-resident STR owners (outsiders) have to maintain and sustain their rental income revenue. Many owners rarely stay more than 40 days out of the year. We have made numerous concessions to the STR community. It is now their turn to reciprocate and let full-time residents determine and work with the County on how our neighborhoods should be developed and maintained.

Sincerely,

Candice and Gregory Miller
Neskowin

OREGON COAST HOSTS

May 29, 2023

To: Tillamook Board of County Commissioners
Sarah Absher, Tillamook County Community Development Director

Re: Board Order for Potential 1% Growth Management STR Community Caps

Oregon Coast Hosts advocates for local vacation rentals, promotion of tourism benefits, preservation of property rights, and protection of access to the Oregon Coast for everyone.

We have been participating throughout this public process by submitting oral and written public comments as well as surveys. We have repeatedly raised concerns about the draft ordinance regarding both minor issues in the draft and substantial legal concerns.

We are writing today to specifically address the subject of caps on STR growth that has had much debate and discussion in the last several meetings by the STR Advisory Committee.

We would like to affirm our Policy Recommendations:

- Adopt evidence-based & balanced regulations, backed by enforcement
- Allow current STR permit holders to maintain permits - Do not replace with an "STR License"
- Preserve transfer rights for current STR permit holders as required by state law
- Adopt a growth management cap allowing 2% annual STR increase per community with a 3 year sunset clause

As an organization, we understand the desire for a reasonable set of "growth management" tools. While we have concerns about any percentage cap which could result in elimination of property rights for approximately 75%-80% of homeowners in Coastal Zone communities, if the BOCC feels it is absolutely necessary to manage growth of STRs, then we can support a cap allowing 2% annual STR increase per community with a three year sunset clause.

2% annual growth management with 3 year sunset is also supported by:

**Tillamook Chamber of Commerce
Tillamook Coast Visitors Association**



Any type of growth management percentage cap is not supported by the Tillamook Board of REALTORS and we share their pledge to defend property rights.

Oregon Coast Hosts encourages Tillamook County to accept the offered assistance from the Tillamook Coast Visitors Association to develop a strengthened enforcement plan which would help alleviate the burden on neighbors to enforce Ordinance #84. Balanced regulations with effective enforcement are the key to moving forward. Holding select owners accountable for any violation is preferable to over-regulating the entire pool of highly compliant homes with STR permits and eliminating fundamental property rights.

In closing, thank you all for navigating through this thorny issue. We continue our goal of working in the spirit of collaboration and cooperation, as we share mutual goals for a meaningful compromise on this complex issue.

Rob Govender-Towle
Oregon Coast Hosts - Board Member

Hello,

I would like to introduce myself; my name is Gina Melise and I have a house in Pacific City I purchased in 2019. I am a first-generation college graduate from Linfield University, and I have been practicing nursing since 2009. I have worked with the state of Oregon Department of Corrections for 13 years. I work and live in Portland since 1995. I purchased my house in Pacific city dreaming of retiring in the beautiful community of Pacific City someday in the future.

When I purchased my house, built in 1995, I remodeled the house with my friend who is a carpenter by trade. We both put in hard wood flooring and tiling replacing all the Berber carpeting which I am very proud of myself as a single middle-aged woman to be physically able to accomplish this magnificent modern improvement. I take pride in my business I have created. I go to Pacific city about 4-5 times a year when I am able to take time off my full-time nursing job. I do home improvements on every trip. I painted the garage door last year. This month I stained the deck and maintained the outdoor furniture.

I take tremendous amount of pride in my community of Pacific City and Tillamook County. I want to support the economy with my LLC rental business and bring positive orderly city planning that benefits commerce and residents. I care about the future of the community in Pacific City and Tillamook County and believe it is vital we plan for the future mindfully.

I respect the community and want to improve the economy yet keep the peaceful natural environment that everyone enjoys intact and not disturbed. I believe having vacation rentals in Tillamook and Pacific City is very advantageous. Renters will dine in restaurants, shop at grocery stores and other businesses. This will strengthen the local economy. Putting restrictions on rentals in Tillamook County will negatively affect businesses and people's livelihoods. Tillamook and Pacific City are mainly middle class or working-class residents, such as myself, that rely on income from our businesses or rentals to afford the increase cost of housing and upkeep.

I'm reminded of the time I was buying my house in Pacific City and went to The Pelican Pub. The waiter's first question to me was, "Where are you from?". I found this an odd first question, so I asked, "Why are you asking me this question?". He happily pulled out a map of the United States on a piece of paper folded from his back pocket and told me he keeps track of all the visitors to The Pelican Pub in Pacific City. He does this monthly and adds it to his bigger world map on a wall at his house. He mentioned there are often visitors from other countries as well. I was so impressed; I knew that buying my house in Pacific City was the right thing for me to do for my future and for my rental business. I rent my house through Meredith Lodging while I work to financially support the business in Portland. Renting my house allows me to afford the upkeep, utilities, taxes, and mortgage that otherwise would be impossible to accomplish. This story of all the visitors to Pacific City is putting Pacific City on the map as a vacation destination for people around the world to enjoy our beautiful natural surroundings: The Pacific Coast, The Three Capes, outdoor recreation, dining, State Parks, and the glorious mountains, and trees, the list continues.

I hope I have made my viewpoint clear. I understand change is inevitable, but I support conscious cautious decisions made that can accommodate both sides of the argument without harming members of Pacific City and Tillamook Community livelihoods. Thank you.

Sincerely, Gina M Melise

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 8:14 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Comments for May 30 STR Advisory Committee Meeting

From: Candice & Gregory Miller <gandcm@gmail.com>
Sent: Friday, May 26, 2023 11:23 AM
To: Public Comments <publiccomments@co.tillamook.or.us>; Lynn Tone <ltone@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Comments for May 30 STR Advisory Committee Meeting

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Dear Tillamook County STR Advisory Committee,

After reviewing the latest draft of the proposed STR Ordinance, we feel it is vital that the committee and County stay on track and focus on regulations that will control the number of STRs in our communities and support a livability mandate that is acceptable to all who reside next to or are in close proximity to multiple STR properties.

To limit the saturation of STR permits, the Committee should include the following into the new Ordinance:

1. To qualify for a permit, an STR must be rented a minimum of 30 days per year.
2. Allow **no transfers** of permits on a property sale.. A change of title due to death, divorce, marriage or inheritance are exempted.
3. To reduce the number of boutique hotels and corporate ownership, a person, group or entity will only be allowed to have **1** STR permit.

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This may have to be achieved over time. STR properties should not exceed 20% on any given street.

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The County should not be swayed by non-resident STR owners, business owners and realtors. They're concern for helping the community and providing a place for visiting families to come and enjoy their properties is a smoke screen to conceal their mandate to generate income. It is surprising that current STR owners are supporting higher cap limits. Rental dollars will only stretch so far. The more rentals... the more competition for that revenue stream. It is also important to consider that increasing the number of STRs, even by just 1% is going to put added stress on county resources to enforce current and new regulations, which they are woefully understaffed to do now.

There are numerous comments from STR owners who believe they should be able to do whatever they want with their properties. Our argument is that there are rules and regulations that **registered** Tillamook County voters want enforced and amendments made to the current Ordinance that should supersede any priorities that non-resident STR owners (outsiders) have to maintain and sustain their rental income revenue. Many owners rarely stay more than 40 days out of the year. We have made numerous concessions to the STR community. It is now their turn to reciprocate and let full-time residents determine and work with the County on how our neighborhoods should be developed and maintained.

Sincerely,

Candice and Gregory Miller
Neskowin

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 8:15 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

From: Pete Stone <psphoto@comcast.net>
Sent: Friday, May 26, 2023 2:53 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs

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

Public Comment regarding Short Term Rentals in Unincorporated Tillamook County:

My name is Pete Stone and my family and I have been sharing our second home as an STR in Nedonna Beach for over 10 years, accommodating hundreds of visitors over that period, and creating many happy memories.

In review of the proposed Ordinance #84 revisions, I have the following concerns.....

It seems that the Tillamook BOCC has quite a challenge facing them.
In updating Ordinance 84, the BOCC is tasked with balancing the following issues:

STRs provide over 70% of overnight tourist accommodations in Unincorporated Tillamook County. STRs also provide not only significant tax and fee revenue for the County, but by providing overnight stays, support a large number of jobs directly in a variety of businesses such as restaurants, grocery stores, boat charters, and other local retailers, etc. There are also those businesses that directly cater to STR owners and management companies, such as cleaning services, appliance sales & repair, yard maintenance, and general contractors.

The BOCC also has to consider that with increased demand for overnight accommodations, occasional problems have arisen such as overflow parking, late night noise, excessive garbage, over occupancy, etc. It would seem that any new rules regarding these sorts of issues should apply to all.....not just STRs

One would hope that a balance could be achieved with these 2 competing forces by allowing for some managed growth for STRs that would allow for the continued demand in tourism at the coast that isn't going away, while creating a set of rules and regulations that would directly address the issues mentioned above. One would hope that these regulations would be balanced so as not to be unduly burdensome on owners, and be based on data and facts.

In terms of managing growth, as Tillamook County's own tourism association, Chamber of Commerce, and the STR industry group Oregon Coast Hosts and others have suggested, a 2% cap on growth for STRs, with a review after 3 years, would provide a balanced approach that would accommodate growing demand, estimated to be around 3% per year, and provide the opportunity for adjustment after a reasonable period of time.

Tom McCall's 1967 Oregon Beach bill that provides access to all should be respected both in spirit and practice here, and any excessive limit on overnight accommodation in the County could be seen as an unfair limit on such access.

In terms of dealing with neighborhood concerns with STRs, a reasonable complaint system for those times when issues arise, such as a 24/7 hotline, along with both phone and in-person required response seems like an effective tool to put in place. Most issues, I believe, would be rectified via a phone call made within 30 mins of notification, but in those situations where an in-person response was necessary, allowing at a minimum an additional 30 mins seems reasonable, considering the size of the County.

Additionally, reasonable rules regarding on and off street parking seem smart, with the understanding that hosts can only request guests park appropriately, as we have no enforcement ability off property. Street parking issues have occurred even in areas with little to no STRs, so signage and local enforcement of parking rules are needed as well, especially in the busy Summer months where many visitors are "day trippers" and park in any available spots.

Noise is another concern, and the new Draft proposal seems a well reasoned approach, acknowledging that people like to have some enjoyment listening to music or engaging with friends in the daytime, but putting a limit on such activities during nighttime hours. These rules should, of course, be enforced for all residents of the County, and the BOCC would be smart to review Marion County's Noise Ordinance, which seems wisely crafted.

All STRs should be required to have appropriate garbage service during times of occupancy, with capacity for any excessive trash at all times in secure containers. All guests should be required to use the provided containers exclusively, with no excess trash placed outside of them.

Lastly, limits on occupancy that conform to what building permits allowed at time of construction seem reasonable, as well as adhering to State building code law, and without data showing that current allowed levels have been problematic, current permit occupancy levels should be allowed to remain in place.

Unfortunately, the current draft proposal has also become a grab bag full of unnecessary restrictions with little to no basis in fact.

There are new rules about bedroom size and what storage facilities they contain, rules about septic inspections that only apply to STRs, rules about home improvements and who can do them, rules about how many times an STR license could be transferred, despite years of successful and safe operation.....to name but a few.

This seems like a case of classic regulatory overreach in the sense that solutions are being proposed for problems that simply don't exist.

Have there been problems with bedroom size and storage? Have STR septic systems been problematic? Were minor home improvements troublesome?

In terms of transferability, why wouldn't the county want a well run and trouble free STR that has been successfully accommodating tourists not to be able to continue? Do popular restaurants and other businesses lose their license to operate simply because ownership transfers, and others want to compete in the same County?

Limiting transferability also ignores the fact that STR bookings are often made months in advance, and would potentially be highly disruptive for future guests who thought they had booked a summer stay for their family, only to find out the due to a property sale (and loss of STR license), they now had nowhere to stay. This simply makes no rational sense, and could damage Tillamook County's reputation as a great tourist destination.

I do hope that the BOCC carefully considers all these issues and concerns and makes adjustments in the proposed draft that both support the economically important tourism industry here, as well as address any legitimate concerns that have been put forward.

These views are strictly my own, and do not reflect the opinion of any other group or organization.

Thanks,
Pete Stone
Nedonna Beach, Oregon

Pete Stone
11354 NW Placido Ct
Portland, Or. 97229

tel: 503-740-6170
[email: psphoto@comcast.net](mailto:psphoto@comcast.net)



Date: May 27, 2023

To: The Tillamook Board of County Commissioners & Ms. Sarah Absher

From: The Tillamook County Board of Realtors

Re: Proposed Ordinance #84

The Tillamook County Board of Realtors would like to inform the Board of Commissioners of our position on the proposed Ordinance for Short Terms Rentals that has recently been made available for public perusal & comment.

Realtors are passionate about property rights. We believe in home ownership & the bundle of rights & obligations that are conferred with title. A very basic & long-standing right is the right to rent one's property to others.

We Realtors feel the issues that seem to have promulgated this desire to limit the ability of second homeowners being able to rent their property for periods of less than 30 days while leaving time for the owner to enjoy it will not be solved with this proposed Ordinance. Dealing with unruly visitors is an enforcement issue, not a land use issue. And no matter what semantics are included in the proposal, it is a land use ordinance.

Limiting the number of short-term rental licenses that may be issued by the County annually will hurt our economy in multiple ways. First, it will affect home sales in many markets. Many buyers buy a second home with the intention of making it their full-time retirement home within a decade. Without the opportunity to offset some of the costs of owning a second home until retirement, many folks will wait until their actual retirement. Second, second homes remaining vacant for appreciable periods of time are an invitation to vandals, break-ins, squatters & other crime. Third, it will cost jobs. It seems disingenuous to limit economic growth in any sector, & especially in such a significant one as tourism, by some arbitrary cap or limit on new permits, but that in effect is what this proposed Ordinance will do in Tillamook County.

In short, although we understand some people feel the "livability" of their neighborhoods has been impacted by the increasing popularity of visitors vacationing at the Coast in a home rather than a hotel or campground, we feel the parking, noise management & waste disposal problems should be addressed by enforcing our existing laws.

Margaret Page, President

Tillamook County Board of Realtors

margaret@coast-pros.com

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 8:15 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Tillamook County Realtors Comment regarding STR's
Attachments: Letter to Commissioners 5.27.23.docx; Letter to Commissioners 5.27.23.pdf

From: tillamookbor@gmail.com <tillamookbor@gmail.com>
Sent: Saturday, May 27, 2023 3:12 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Tillamook County Realtors Comment regarding STR's

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Margaret Page

President
Tillamook County Board of Realtors
503-842-0101
Margaret@coast-pros.com

Response is also attached in word and pdf form.

/



Date: May 27, 2023

To: The Tillamook Board of County Commissioners & Ms. Sarah Absher

From: The Tillamook County Board of Realtors

Re: Proposed Ordinance #84

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Margaret Page, President

Tillamook County Board of Realtors

margaret@coast-pros.com

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 8:15 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Hoping to avoid Collateral damage?

From: Erin Skaar <eskaar@co.tillamook.or.us>
Sent: Sunday, May 28, 2023 4:45 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: Fwd: EXTERNAL: Hoping to avoid Collateral damage?

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From: Bob Taylor <bob@materialcg.com>
Sent: Friday, May 26, 2023 12:19:39 PM
To: Erin Skaar <eskaar@co.tillamook.or.us>
Subject: EXTERNAL: Hoping to avoid Collateral damage?

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

Dear Commissioner Skaar, I hope you can find a minute in your busy day to allow me to express my appreciation for the bigger picture questions related to STR regulations review which you must decide on, based on a variety of viewpoints/perspectives.

Whatever changes may be implemented, ***I'm hoping for your compassion and consideration of the plight of a relatively few families (including mine), whom have been caught in the crossfire of the pause and potentially will suffer very serious hardship.*** Our situation is very similar to those who were in escrow prior to the pause and those individuals and families were protected with the recognition they had made a purchase based on what was permitted at the time they decided to make their purchase.

I purchased our property in Tierra Del Mar 20 years ago and over the years, and eventually signed and paid our contractor back in 2021 (1 year before the pause), to proceed with permits and a build. We did so, with a plan and sufficient funds to commit to building our vacation home which we eventually plan to retire to, our efforts were not for speculation, rather years of hard work and planning. We signed our purchase agreement one year earlier than the pause, and paid for permitting, septic installation and other infrastructure, plus began the home build. We did this based on our plan to be able to fund the loan payments from vacation rentals (which we also signed up for)

We had no idea of any potential that rulings would change, even we were issued all the appropriate permits based on the rules in place at the time. Furthermore, the building process has taken much longer than we expected and I'm being told we are unable to obtain an STR permit.

I hope that you can see it as fair and reasonable to grandfather in the relatively very few families (mine included), who had already committed to purchasing our homes and obtained building permits, based on the rules in place when

we did. I believe collectively such relatively few cases would have a negligible impact on the overall rental percentages (and/or pending caps). Barring being exempted, this small group (myself included) will face serious financial hardships and may be forced to sell our home when completed, at a time in which it's next to impossible to sell (and risk losing significant personal savings & investment).

My family and I would be deeply grateful to enable our pending STR application to be permitted prior (or in conjunction) with the adopted modifications which may be approved.

Pacific City is dear to my heart, my family is 5th generation of living full time or part time in Pacific City and I commercial fished out of Pacific City and Garibaldi in the 70's & 80's – hence, I am very familiar with how the area has dramatically changed over this time. Not just myself, but I am confident STR owners in general have a vested interest to be good neighbors & generally make serious efforts to ensure their neighbors are not disturbed and is actually helping support local businesses and employment in the community and generating important revenues which can help support much needed and worthy local programs.

Thank You for your consideration, Arthur Taylor; 6075 Coates Ave, Tierra Del Mar Beach

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 8:16 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Public Comment regarding Ordinance #84

From: BONNIE MCDOWELL <chiroqueen704@msn.com>
Sent: Sunday, May 28, 2023 8:40 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Public Comment regarding Ordinance #84

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

County Commissioners,

I ask that your updates to the current ordinance on short term rentals be equitable to owners, community members and vacationers to Tillamook County's beautiful coast. Updates should be evidence-based and backed by enforcement.

My husband and I own a townhouse in Shorepine Village. The Village is well suited for short term rentals, with small vacation-like homes. We have our own HOA and therefore do not need much regulation by the county.

We bought our home 3 years ago with the intention of spending a long weekend a month there, which we have been able to do. We eat out, shop at the library thrift store, cycle, kayak, take long walks on the beach and climb up Cape Kiwanda. We have two grown daughters in the area, who also take advantage of this second home. We love that we can share this special place with them and their families. By the way, we have not had a single complaint about our home.

We use local contractors for repairs, use local managers and spend money when we are there. When we're not there, we appreciate that we can share our home with other vacationers, who in turn spend money in the community. Our home is not affordable for most long term renters and we want to continue to use it. If we could not rent it short term, it would sit vacant more, thereby generating less revenue for the community.

I see the proposed ordinance as being too restrictive. Examples:

1. Current STR permit holders should be able to maintain our permits and not have them replaced by licenses, which would take away our current land use rights.
2. Current STR permit holders should be allowed transfer rights as required by state law.
3. Noise codes should not be at a higher standard than any other residents in the county.

4. Requiring response to a complaint in 20 minutes is onerous. Our manager lives 30 minutes away.
5. Requiring STRs to be held to current building codes could be very costly and unnecessary.
6. I suggest that you adopt a growth management cap allowing 2% annual STR increase per community with 3 year sunset while the county works through Phase 2 with individual communities to set caps.

I sincerely thank you for listening to me and hope that you will update the ordinance equitably.

Bonnie McDowell and Phil Zapf
6045 Beachcomber Lane
Pacific City

OREGON COAST HOSTS
TILLAMOOK COUNTY SHORT-TERM RENTAL (STR) ORDINANCE #84

Issue Summary

Tillamook County is considering changes to Ordinance #84, which governs STRs in unincorporated areas (approximately 1,200 STRs). An STR Advisory Committee composed of various community representatives has been meeting monthly since early 2022 to discuss recommendations to the Board of County Commissioners. Key issues include enforcement, growth management, personal property rights, historical nature of vacation homes, public access to the Oregon Coast, and livability concerns such as noise, parking and garbage.

Evidence-Based Balanced Regulations & Enforcement

Regulations need to be balanced and evidence-based to have their intended impact and mitigate unintended consequences on STRs that have been successfully operating as good neighbors. Community Development recently reported only nine non-signage violations county-wide for the years 2019 (0), 2020 (0), 2021 (0), 2022 (1), and 2023 (8). Incomplete data may lead to any regulatory changes missing their intended goals, and this trend shows the County is possibly making improved efforts to enforce the current ordinance. Much of the harm attributed to STRs may be, in fact, from "day trippers" and other visitors who are not staying in STRs. Proactive enforcement by the County is a vital component to hold rule-breakers accountable, and to lighten the responsibility on neighbors to file complaints.

Property Rights

Our neighbors in both Clatsop and Lincoln Counties are attempting to regulate STRs and are facing community discord, ballot measures, and litigation. We do not need to follow the same path. Tillamook County can shine on its own by being a model of STR regulations that are balanced, legal, and support local economic growth. Permit transferability and grandfathering of regulations outside of health & fire safety are legal rights. Eliminating all current STR permits and replacing them with licenses is an improper attempt to avoid land use law.

Historic Seasonal Home Ownership

Many of our communities are defined as coastal resort areas due to high rates of seasonal home ownership, and have historically been welcoming visitors for over 100 years. Many homeowners have STR permits to help offset costs of coastal home ownership. STR regulations must recognize the reality of STR ownership and that the overwhelming majority are private versus corporate ownership. The vast majority of homeowners with STR permits have only one single permit in Tillamook County (93%). Historically, in alignment with the Oregon Beach Bill, public beach access is prioritized over gate-keeping our coastal communities. STRs play a vital role in providing accommodations for visitors due to the limited number of hotel rooms in Tillamook County, and STRs help preserve public coastal access.

Economic Impacts

Visitors and homeowners with STR permits have both played significant roles in our local economy by patronizing a wide array of local businesses, in addition to contributing via the Transient Lodging Taxes (\$40M since 2014). TLT comprises a significant amount of Tillamook County's annual budget. A comprehensive economic impact study of STRs, in addition to TLT, is necessary to evaluate the impact of limiting growth or reducing STRs through regulatory changes including meeting of current building code requirements and various regulatory tools to reduce occupancy.

Not In My Backyard

Public comments show a widely disproportionate number of comments from a single community, yet Ordinance #84 encompasses all of our unincorporated communities. A tally of written public comments from May 2022 through May 15, 2023 shows that 77% of the comments in support of the draft proposal or expressing livability concerns are from Neahkahnie, while Neahkahnie has only 7% of the total number of STR permits in Tillamook County. Additionally, overall written public comments show higher than a 2-to-1 ratio in favor of maintaining STRs.

Policy Recommendations

- Adopt evidence-based & balanced regulations, backed by enforcement
- Allow current STR permit holders to maintain permits - Do not replace with an "STR License"
- Preserve transfer rights for current STR permit holders as required by state law
- Adopt a growth management cap allowing 2% annual STR increase per community with a 3 year sunset clause

Oregon Coast Hosts

We support Tillamook County being at the forefront of STR regulations, instead of following in the misguided footsteps of others. We can be leaders and serve as a model of how to use lodging taxes to provide additional financial resources towards enforcement, which has been a steadfast recommendation through the years by STR Advisory Committee members. We can welcome visitors to the Oregon Coast who support our economy, while balancing the priorities of all property owners in Tillamook County.

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 8:16 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Tillamook BOCC Public Hearings May 30th - Public Comments

From: Mark Shifflett <mjshifflett@comcast.net>
Sent: Monday, May 29, 2023 8:01 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Tillamook BOCC Public Hearings May 30th - Public 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.]

My name is Mark Shifflett , and have a small condo in Neskowin with an STR permit . I was lucky enough to invest and remodel the condo so we could rent it as an affordable way for other families to enjoy the Oregon Coast , and eventually retire along the Oregon Coast - I currently reside in Beaverton with my wife Janice and my daughter Carmen , and as a family we have stayed and traveled throughout the beautiful Oregon Coast for decades . Without STR's available year round, and up and down the coast we would have never experienced all the wonders of this spectacular coastline weather it was in the summer or the dead of winter – I am originally from the East Coast and not all the beaches are accessible to the public – The beauty of the Oregon Beach Bill in 67 , to provide public access to the beaches for recreational use is why Oregon is special and unique . Limiting the amount of days a person can rent out their STR would impact people with the desire to visit Tillamook County . I have a deep connection to Tillamook County and love the fact that couples, families can come and boost the local economy by enjoying the restaurants and stores , and meet all the friendly people that live in the area , by going to our condo . I also believe that the transferability of a permit , and I want to stress , Permit , not a license, so I can hand this property down to my Daughter, so she and her family can enjoy the Oregon coast for years to come . I also have concerns about the possible building code requirements for STR's only , and not being required for the rest of the county – I believe all STR owners actually have a more vested interest in being good neighbors – they want their guests to return to their properties , and have the community welcome them back . I am talking to you today because I want to find a Short term rental approach that works for everyone .

Thank you , Mark Shifflett

Neskowin Resort Condo Owner

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 10:51 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

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

From: Kelly <sholesclan@comcast.net>
Sent: Tuesday, May 30, 2023 10:30 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs

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

Hello

We are current STR owners in the Neskowin Resort complex. Below are our comments.

- 1) Neskowin Resort and Proposal Rock have always been commercial hotel/condo-tel. They have no impact on full time homeowners other than to support the community with our taxes and the money spent by our guests. These units should not be part of any new regulations that pertain to how close STR's are, parking (covered by our HOA), garbage (covered by our HOA) etc
- 2) Neskowin has always been a vacation destination and most of the properties were built as such including the single family residences that families and friends used. If you bought a property here and don't like all the rentals - that's on you for not doing your due diligence
- 3) My rentals are down 43% over PRE-covid numbers. I suspect the complaints were brought on by the covid era increase which is over. It is a reaction to something that is not happening anymore.
- 4) Individual issues should be addressed as they come up for both STR's AND full time homeowners. There is not a need to over regulate for a few issues.
- 5) Any parking or garbage regulations should be for all single family homes not just STR's
- 6) What you are proposing in limiting STR's is land use regulation and I am confident the courts will agree. We were only able to buy our place by being able to rent it out. We are a middle class family that wanted to have a place to make memories with our kids and extended family. We love being able to share our affordable place with young families.
- 7) Limiting STR's will impact the property value of ALL homes in Neskowin as purchasers will either not be able to get a permit or it will be unclear if they can.

What you are doing is over zealous. Fixing small issues with a sledgehammer. Hopefully you have the ability to take a more nuanced approach that allows families to continue to enjoy Neskowin as has been its history.

Randy and Kelly Sholes
Neskowin Resort unit owners

Sent from my iPhone

Jim Bartels
503.314.6557
bartels.jim@gmail.com
13390 SW RIVER ROAD
HILLSBORO OR 97123
May 20, 2023



Sarah Absher, Director
Tillamook County Community Development

Re: Request to not renew STR permit/certificate for 7250 Saghalie Ln., Pacific City

Dear Ms. Absher:

We, Mary Jo and Jim Bartels, Caroline and Elvis Lloyd, and Jeff Morrow, own 3 of the 5 homes on Saghalie Lane in Pacific City. The Lloyd's are full time residents. A fourth home is owned by persons who winter elsewhere. The fifth home is the STR at 7250 Saghalie about which we have communicated previously. We understand the STR permit/certificate for 7250 expires in June. We request that it not be renewed because the owners and rental managers have demonstrated that they will not follow the rules or conditions for the STR, have placed the burden of reporting their many violations and seeking enforcement on us, and now threatened to sue at least one of us in a transparent, and in our opinion a bad faith, attempt to intimidate us if we continue to report their violations to the County. They have degraded the livability of the neighborhood, demonstrated unwillingness to respect the conditions and rules governing their STR permit/certificate, and should not be renewed.

We have already documented for the County the misrepresentations in the initial application for the STR permit for this house and the many parking violations after the permit/certificate was issued. The violations continued after the revised permit/certificate was issued. For months after the revised permit was issued Meredith's listing for the house stated there was parking for three vehicles in front of the garage, despite the clear limitation of two vehicles in front set out in the permit. The listing was not changed until the agent was called out for it. Parking in violation of the 2 vehicles outside the garage limit has continued numerous times, and been reported to Meredith. Rather than comply with the revised permit/certificate, these investors chose to threaten to sue their neighbors in what, in our opinion, is a transparent attempt to intimidate us from exercising our right and obligations to report their violations to the County. A copy of their attorney's letter to the Lloyds is enclosed. As you can see, the allegations are boilerplate and vague. They seem to claim that reporting the misrepresentations in the application and providing the documentation of the many parking violations, as your office requested, are somehow "tortious interference". And the only trespass issue we know of is one raised by the survey of their property the investors got, which, if accurate, shows a part of their house encroaches onto a neighbors property. We could go on

about how meritless the letter is, but it's intent to try to prevent enforcement of the County's ordinance and permit/certificate is clear.

In short, the letter is just another example of why their permit should not be renewed. Their double digit violations in less than a year far exceed the threshold for non-renewal. Their apparent disrespect for the County's rules and their effort to prevent the neighbors from reporting their violations and asking the county to enforce the rules should not be rewarded by renewal.

If you would like more information please let us know.

**Jim and Mary Jo Bartels
Elvis and Caroline Lloyd
Jeff Morrow**

**cc: Commissioner David Yamamoto
County Counsel Joel Stevens**

Encl. Ltr to Lloyds



Paul Balmer
Paul.Balmer@tonkon.com

503.802.5745 direct
503.221.1440 main

May 8, 2023

VIA CERTIFIED MAIL AND MAIL FIRST CLASS

Elvis and Caroline Lloyd
7265 Saghalie Lane
Pacific City, OR 97112

Re: Cease and Desist Unlawful Interference

Dear Mr. and Mrs. Lloyd:

This firm represents Dean Sanderson and Jacob Justen, the owners of the neighboring property at 7250 Saghalie Lane, Pacific City, OR 97112 (the "Property"). If you are represented by an attorney, please provide this letter to them and ask that they contact me directly.

As you know, the Property is a licensed short-term rental. Accordingly, my clients have existing contractual relationships with both Tillamook County and with the individuals who rent the Property. It is unlawful to interfere with those relationships, but you have intentionally acted to harm my clients' business interests through improper means such as trespassing, defamation, and harassment. As a direct result of your actions, my clients have lost credibility with Tillamook County, had their Property's occupancy reduced, and have had renters leave negative online reviews that explicitly mention *your* interference in their enjoyment of the Property.

Over the last several months, your unlawful conduct includes the following:

- Repeatedly making false public statements regarding use of the Property, including that renters are blocking your driveway or blocking emergency vehicle access;
- Making meritless complaints to Tillamook County;
- Illegally recording renters and visitors to the Property without their consent; and
- Repeatedly harassing and verbally assaulting renters and visitors to the Property.

Elvis and Caroline Lloyd
May 8, 2023
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The purpose of this letter is to demand that you immediately cease and desist all such behavior, including as it relates to Sanderson and Justen and their employees or agents, any individuals renting or visiting the Property, and Tillamook County officials. If you refuse to do so, my clients will not hesitate to take legal action against you, including but not limited to civil claims for tortious interference with contract, invasion of privacy, and other applicable causes of action. They also reserve the right to involve law enforcement and/or cooperate in criminal investigations if that becomes necessary.

Thank you for your prompt attention to this matter. My clients expressly reserve all rights and remedies. Please contact me should you have any questions.

Very truly yours,



Paul Balmer

PB/rm

copy: Clients

043705\00001\16209729v1

NESK-C
Where STR is
legal to be!

BOCC,
Please Exempt us from your residential land use battle.

County wide growth caps will violate
NESK-C.

A simple exemption from license caps, transfer restrictions, and distance restrictions are absolutely necessary.

The proposed rules are amazing!
We look forward to participating in the new STR program.

SECTION 3.326: NESKOWIN COMMERCIAL ZONE (Nesk C)

- (1) **PURPOSE:** The purpose of the NeskC zone is to permit a moderate level of commercial activities to serve the commercial needs of neighborhoods, rural areas, and tourist areas. Commercial uses in the NeskC zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas. Land is suitable for the NeskC zone because it:
- (a) Is needed;
 - (b) Is physically capable of being developed;
 - (c) Can obtain access to a public road without causing traffic hazards or congestion;
 - (d) Will not cause significant conflicts with nearby residential uses; and
 - (e) Has sufficient land area to accommodate off-street parking.

Justin Jones
Proposal Rock Inn Owner

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Justin Jones - VP Operations
Greener Consulting Group
303-257-6040



Tillamook County

Short Term Rental Advisory Committee Report

Board of County Commissioner Hearing Dates:
May 30, 2023, at 5:30pm and June 13, 2023, at 5:30pm

Location:
Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook, Oregon.

Report Prepared by: Sarah Absher, CFM, Director
Date: May 23, 2023

A handwritten signature in blue ink, appearing to read 'S. Absher', is written over the name 'Sarah Absher' in the 'Report Prepared by' line.

Introduction & Background: In 2009, the Tillamook County Commissioners adopted a countywide ordinance to regulate the use of private homes as short-term rentals (“STRs”) in the unincorporated areas of Tillamook County.

The Tillamook County Short Term Rental Advisory Committee (STRAC) was formed by the Tillamook County Board of Commissioners on July 18, 2018, at the request of the Department of Community Development in response to the rapid growth and increase in the number of Short-Term Rentals within the unincorporated areas of Tillamook County and in response to concerns related to short-term rentals raised by unincorporated community residents. The Board found that the significant number of short-term rental properties in the unincorporated communities of Tillamook County to be a concern to many community members and desired to establish a committee to advise and recommend solutions to issues related to short-term rental properties in the unincorporated communities of Tillamook County. Ordinance 84 was amended in 2019 to include additional regulations recommended by the STRAC. As part of this process, a list of recommended actions for further consideration by the STRAC and County included consideration of a multi-family dwelling prohibition for use as STRs, parking requirements, maximum occupancy, development of a good neighbor policy, STR permit fee increases to assist with code enforcement and

evolution of program management and consideration of establishment of caps on the number of STRs in unincorporated Tillamook County.

The STRAC was called to action again in late 2021 and was expanded for broader representation of communities and industry stakeholders (Exhibit B). The STRAC began meeting early 2022 to study livability issues and address community concerns related to STRs and tasked by the Board of County Commissioners to provide recommendations for amendments to better address these concerns and mitigate livability issues. The Board of County Commissioners also passed a temporary suspension on issuance of new short-term rental permits and processing of short-term rental applications for new permits while the County worked to identify strategies to mitigate the livability impacts of STRs in unincorporated areas of Tillamook County (Exhibit C).

Tillamook County Board Order #22-033, in the matter of temporarily suspending the processing and issuance of new Short-Term Rental Permits in Unincorporated Tillamook County, did not impact operation or activity of existing permitted STRs and did not suspend processing and issuance of transfers of existing permitted STRs.

Consideration of future action items listed in the 2018 STRAC report have also been folded into the 2022 STRAC process with the exception of the development of a good neighbor policy. Development of this policy was completed in 2021 and was a collaborative effort with the Tillamook County Visitor's Association, vacation rental management companies and members from unincorporated communities.

The public hearings have been scheduled and publicly noticed in the Tillamook Headlight Herald and posted pursuant to ORS 203.045(5). Notice of public hearings were also mailed to all licensed STR owners of record and operators. Notice of public hearings was also emailed to County CACs for membership distribution.

The STRAC process is outlined below. The proceedings for these meetings, public comments received, audio recordings of meetings and all related meeting materials can be found on the STRAC page: <https://www.co.tillamook.or.us/commdev/page/short-term-rental-advisory-committee>.

STRAC Process: The STRAC held a kick-off meeting on February 1, 2022, and continued to meet monthly through May 9, 2023. All meetings were publicly advertised and were conducted in meeting hybrid format to afford both in-person and virtual public participation. Monthly meetings were initially held at the Tillamook Library and later moved to the Port of Tillamook Bay due to the high number of in-person attendees. Notice of each meeting, meeting materials and meeting summary documents have been posted on the Community Development website under the Short-Term Rental Advisory Committee link for public access and review. These meetings have been well attended by the public and public participation has been welcomed.

Early conversations and committee engagement focused on development of a collaborative process, established committee goals, and identified community interests as well as self-interests. The outcome of this committee work is included in "Exhibit D" of this report. The committee found that many interests overlapped, including enforcement, regulation and public safety; economics, tourism and housing; as well as quality of experience for residents and guests in communities as well as value in community relationships. The top three interests of the committee were focused on community livability, enforcement and public safety (Exhibit D).

The STRAC also developed nine (9) goals. These goals are as follows:

- Develop consistency with regulations.
- Create appropriate rules and enforce them.
- Promote livability in communities.
- Support community interests.
- Develop a deeper understanding of the economic role of STRs in Tillamook County.

- Public Safety.
- Emergency Preparedness.
- Funding sources for STR program support and community livability.
- STR Operator License Fee
 - Funding for housing
 - Funding for public safety
 - Funding support for STR program.

STRAC meetings held May through October consisted of educational panels and listening sessions to better understand community livability issues, the economic role of STRs in Tillamook County and code enforcement. The May 2022 code enforcement presentation slides and complaint/violation data is included as “Exhibit E”. This presentation was later used to develop updated code enforcement procedures as reflected in the Ordinance amendments. Data collected and shared in this presentation includes a description of the nature of complaints from 2020 to summer 2022. The conclusion of the presentation was that there has not been an adequate way to collect compliant data under the current structure of the STR ordinance. Complaints are currently made directly to the STR owner or contact person and are not documented by the County. The data included in the May 2022 presentation slides include documentation of complaints made directly to the County and to 911. Violation of signage requirements continues to be the most prevalent ordinance violation (Exhibit E).

The June 2022 meeting focused on implementation of the pause with continued discussion on the enforcement section of Ordinance 84. It was concluded that a different approach to receiving, monitoring and addressing complaints was needed. The County began working with Granicus on exploration of code enforcement support services. These services are now reflected in the Ordinance draft amendments and include development of a 24/7 hotline.

Community representatives from Tillamook County unincorporated communities visited with the STRAC in July 2022. A series of questions were developed with Community Advisory Committee (CAC) Chairs in preparation for this meeting. The questions were as follows:

- *Please describe what “community livability” means to your community and/or what are the most important elements of a community that create positive “livability”?*
- *What are the most common or prevalent complaints from STR’s by community members within your community? Are these complaints widespread or limited to and frequent to specific STRs within your community?*
- *Please name two changes, modifications or additions to the program your community feels would be the most effective in helping to promote community livability?*
- *Would your community support implementation of a cap on STRs?*

Neahkahnie, Neskowin and Oceanside communities recently completed community surveys as part of this process. Surveys are found in “Exhibit F” of this report. Some of the survey results have been bifurcated to highlight differences in results between full-time residents and those residents who are not full-time residents or who own an STR.

Industry representatives met with the STRAC in September. A presentation on economic benefits of the industry was made by Nan Devlin, Executive Director, Tillamook County Visitors Association (Exhibit G). STR management company representatives also visited with the STRAC and comments on the County’s STR program were also shared by Jason Brandt, President & CEO, Oregon Restaurant Lodging Association. STR industry representatives shared best practices for operation and management of STRs, with the majority also sharing their desire for a stronger enforcement program that also supports STR owners and managers who are trying to do a good

job. Rental experiences where stronger enforcement would have better supported managers trying to address noise complaints, parking and other non-criminal activities were shared with the STRAC.

August, October, November and December 2022 meetings were focused on existing Ordinance language with discussion on establishment of caps, discussion of permit transfers, whether or not STR permits were a property right and land use matter, discussion of daytime events at STRs and discussion of whether or not STRs are considered to be a business.

Staff compiled the feedback from all meetings that took place from May 2022 through December 2022, and worked with Counsel in development of draft regulations to address community livability concerns, strengthen the County's enforcement portion of the program, and address public safety concerns. Staff presented the first of several draft amendments to the STRAC at the January 2023 public meeting. The draft amendments were developed from the following:

- Committee goals and interests
- Committee feedback in review of existing ordinance language
- Community feedback from the June STRAC meeting and community surveys
- Public comments received related to community livability issues

Two regulatory tools to address growth management of STRs in unincorporated communities were also included in the initial draft. One tool was the establishment of caps on properties within city urban growth boundaries (UGBs) and unincorporated communities. The second tool was a distance and density provision to limit the number of STRs in an area where a geographic boundary had not been established (i.e. properties outside unincorporated community boundaries and UGBs). While several growth management and reduction tools had been presented to the STRAC, the two tools included in the January 2023 draft ordinance were those most often discussed in meetings and in public comments.

STRAC meetings from February through May have focused on amendments to the draft and examination of those sections of the draft related to livability issues and community concerns related to STRs. Copies of draft amendments reflecting action taken by the STRAC can be found on the Short-Term Rental Advisory Committee page: <https://www.co.tillamook.or.us/commdev/page/short-term-rental-advisory-committee>. Copies of audio recordings of the meetings can also be found on the bottom of the page.

Draft Amendment Discussion: Ordinance 84 includes amendment proposals both to the text of the ordinance and the structure of the ordinance. The proposed restructuring of the ordinance is at the request of staff for better organization and flow. A table of contents was added for organization and easy reference to applicable sections of the ordinance. A matrix outlining the summary of amendments was provided to the STRAC at the January and February 2023 meetings, and a copy of the matrix is included as “Exhibit H” of this report. STRAC members were encouraged to utilize the “meets intent” column during their review of draft amendments in preparation for committee discussions.

Section 020: Purpose and Scope. The purpose and scope section were reviewed by the STRAC. While the language captured in the purpose statement was passed by consensus, it should be noted that some committee members felt the purpose statement should have a narrower focus on regulation of STRs. Some committee members also felt the economic value of STRs was not adequately highlighted in the purpose statement, and that language related to housing should not be included in the purpose statement.

Section 030: Definitions. Definitions were reviewed for applicability and function. Those definitions not carried out or applied to the Ordinance were removed. The STRAC spent a significant amount of time discussing definition language for a “bedroom”, “change in ownership”, “estate home”, “owner” and “transfer”. Each of these definitions is discussed in greater detail below.

The proposed definition of “bedroom” is outlined below. The STRAC is proposing that the maximum occupancy for a STR change from determination of the number “sleeping areas” to the number of bedrooms. This proposed change is driven by opinion of some STRAC members and Department staff that bedrooms are the areas in a dwelling intended for sleeping, and that areas outside of bedrooms should not be calculated into maximum occupancy of a STR. Support for calculation of maximum occupancy by bedroom is also reflected in public comments and community surveys made part of the record for these proceedings.

The proposed definition of “bedroom” is a compilation of STR regulations utilized in STR programs in Oregon and elsewhere in the nation. Input from Building Division staff in review of the Oregon Residential Specialty Code is also reflected in this definition. The STRAC supports the following definition by majority vote:

- Light, ventilation, and heating (ORSC R303.1)
- An emergency escape and rescue opening (ORSC R310)
- A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
- A smoke alarm (ORSC R314.3 item 1)
- A carbon monoxide detector (ORSC R315.3) where required.
- All sleeping areas used as a bedroom in a short-term rental must be permitted for that use, and no areas may be converted to use as a bedroom without demonstration of compliance with this Ordinance.

Committee members not in support of this definition had several concerns. Some committee members felt it was unnecessary to add the requirement for a built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit, arguing that bedrooms in older homes were not built with a closet and this requirement was too restrictive. Concerns were also expressed that the addition of a closet or clothing storage unit requirement would no longer allow lofts and other areas currently used as sleeping areas in older homes, potentially impacting maximum occupancy determinations for existing permitted STRs. Other committee members were of the opinion that a bedroom is not a bedroom without a closet feature, citing that there was too much ambiguity in reference to an armoire or similar clothing rack or clothing storage unit. Concerns were also raised that allowing for similar clothing racks or clothing storage units defeated the purpose of addressing high occupancy concerns of STRs, and that this language continued to allow higher occupancy rates where they should not be permitted.

Further review of the definition by staff included additional amendments. The definition below is a slight modification to the definition the STRAC has accepted by majority vote. Amendments are in bold:

- Light, ventilation, and heating (ORSC R303.1)
- **A minimum of 70 square feet of floor space and not less than 7 feet in any horizontal dimension (ORSC R304.1).**
- An emergency escape and rescue opening (ORSC R310)
- A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
- A smoke alarm (ORSC R314.3) **where required.**
- A carbon monoxide detector (ORSC R315.3) where required.
- All sleeping areas used as a bedroom in a short-term rental must be permitted for that use, and no areas may be converted to a bedroom without demonstration of compliance with this Ordinance.

The minimum area dimensions are recommended by Building Division staff to ensure closet areas are not converted into bedrooms. Previous versions of the draft language included a minimum area requirement for overnight occupancy, 50 square feet of floor area per person if more than one person is intended to occupy the bedroom. After further consideration by building division staff, it was concluded that the minimum 70 square foot floor space requirement establishes bedroom dimensions of 7-feet by 10-feet and could be considered adequate area for a

bedroom with occupancy of two guests. The “where required” language for a smoke alarm was also added for consistency with the “where required” language for a carbon monoxide detector.

“Change of Property Ownership”, “Owner” and “Transfer” are interrelated, and establish what constitutes a change of ownership of property where a STR License has been issued. “Change of Property Ownership” definition means *the transfer of title from one person to another*. The STRAC accepted this definition by consensus.

The STRAC spent a significant amount of time working through a definition for “owner”. The definition language included in the January draft meant, *the natural person or legal entity that owns and holds legal or equitable title to the property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership, trust or similar entity, all persons who own an interest in that business shall be considered an owner for purposes of this Ordinance*.

By STRAC majority vote, the definition of “owner” was amended to mean, *the natural person or legal entity that owns and holds legal or equitable title to the property*. This definition was modified to account for family STRs held in trust or a corporation and allow for agents or members to change without resulting in a change of ownership. While some STRAC members were satisfied with the amendments to ensure properties could remain in family ownership, other committee members were concerned that this definition would allow for corporations to hold STR permits for properties in perpetuity even though the agents and representatives for a corporation may change over time.

Similarly, the STRAC spent a significant amount of time working through a definition for “transfer”. The definition language for a “transfer” included in the January draft meant *the addition or substitution of owners not included on the original registration application, whether or not there is consideration. If multiple owners are listed on a registration certificate, individual owners may be removed from the certificate without constituting a transfer*.

By STRAC majority vote, the definition of “transfer” was amended to mean, *a change in ownership of the property where the dwelling licensed as a Short-Term Rental is located that occurs after the effective date of this ordinance. A change in ownership does not include a change in owners on title resulting from death, divorce, marriage or inheritance*. This definition was amended by majority vote to ensure continued use of a family held STR through significant life changes or inheritance that would not result in a change of ownership and potential loss of STR license should transfer of a STR license no longer be permitted.

A definition for “estate” homes was added in response to concerns about the number of occupancy of larger homes resulting in community livability issues. An “estate home” means *a single-family dwelling with five (5) or more bedrooms*. This definition is significant as it relates to maximum occupancy regulations found later in the ordinance.

Some existing definitions were slightly modified or expanded upon to better reflect meaning or intent. New definitions for “good cause”, “Good Neighbor Policy”, “Road Authority”, “road right-of-way” and “Short-Term Rental Hearings Officer” were added to the definition section of the Ordinance to support regulatory language contained in the Ordinance draft.

Section 040: Annual Short-Term Rental License Required, Basic Requirements for License, No Non-Conforming Use Status Conferred. Subsections (A) and (B) were not reviewed by the STRAC and are recommended by Counsel. Subsection (C) refers to caps and is the growth management tool recommended by the STRAC to the Board of County Commissioners. At the direction of Counsel, staff did not include percentage caps in this language. It is recommended that the cap percentages be established through a separate Board Order or Resolution. The language contained in Subsection (C) includes the process for applications that may be assigned to a waitlist if the cap percentage for a specific community or UGB has been met.

Section 050: License Application and Fees. Subsection (A) outlines existing and proposed requirements for application submittal, requiring a site plan and floor plan of the STR, updates notification procedures to neighbors, and includes the requirement for an executed indemnification and hold harmless agreement. Draft language did initially include requirement for a local contact person that was removed due to lack of support of the STRAC. It was recognized by the STRAC that there are several non-local contact persons and owners who effectively manage their STRs, and that there wasn't adequate complaint data to support the requirement for all STRs to have a local contact person.

Subsection (B) authorizes the STR Administrator or their designee to conduct a site visit and inspection of the STR at the time of initial application, license renewal or during operation of a dwelling as a STR.

Subsection (C) is new and provides a timeline for submittal of missing required information so that an application can be reviewed by the Department.

Subsection (D) contains fees for review of new applications, renewals, inspections and a fee for additional review of a STR license resulting from requested alterations to an existing license.

The STRAC reviewed the language of this section. Concerns were raised in relation to the indemnification and hold harmless agreement. Some committee members felt this requirement was excessive and given requirements for an inspection, that the County should also have responsibility should there be an issue with a STR. Staff reminded the committee that inspections are not invasive or destructive and are limited to the inspection requirements outlined in the Ordinance.

Section .060: Term of Annual License and Renewal. STR licenses are currently valid for one (1) year, and there is no proposal to change this provision. The STRAC discussed transfer of STR Licenses at great length throughout the committee process. Several hours of discussion and data to understand how many ownership transfers happen each year was evaluated by the STRAC. A copy of the ownership transfer data is included as "Exhibit I" of this report.

While many other sections under review by the STRAC were completed by consensus or strong majority vote, the topic of transferability of STR Licenses was divided with a majority vote by only one or two votes. The definitions for "ownership" and "transfer" were applied during the committee's exploration of various options for transfers (or prohibiting them all together). The committee could not reach consensus on any option and the strongest majority vote was for not allowing transfer of new STR Licenses issued after adoption of any ordinance provisions. The draft language reflects the options determined through majority vote, passing with a vote of 6 in favor and 5 opposed.

Options for transferability considered by the STRAC included the following:

- Prohibition of transfer for any STR License
- Prohibition of transfer for newly issued STR Licenses
- Allowance of 1 transfer for any STR License
- Allowance of 2 transfers for any STR License
- Allowance of 1 transfer for existing STR License
- Allowance of 2 transfers for existing STR License
- Allowance of unlimited transfers for any STR License- especially those licenses where there have been no complaints or enforcement issues.

It was also noted that consideration of limiting transfers is only relevant if a cap or growth management tool is implemented. Without implementation of a growth management tool, future transfers of STR licenses would not

need to be examined. Some committee members felt that STR Licenses should not be considered a property asset. Others felt that limiting or prohibiting transfers is denial of a property right and is a taking of right.

Section .070: Application Required and Burden for Application Approval and Renewal. Relevant additions to this section include updated parking requirements and codifies a process for review of on-street parking proposals through the Tillamook County Public Works Department in coordination with the local fire district. Draft language initially included a prohibition for on-street parking in response to community livability and public safety concerns. After further discussion with the STRAC and the Tillamook County Public Works Department, it was determined that on-street parking could continue to be allowed through a formal review process to mitigate transportation concerns.

Proposed language includes establishment of minimum parking space dimensions for off-street and on-street parking. These dimensions were determined by staff and the Tillamook County Public Works Director. STRAC members expressed concern over proposed parking area dimension requirements not previously included for review of parking spaces. Committee members were concerned that existing licensed STRs may not meet updated parking requirements at time of license renewal due to newly imposed parking space dimension requirements, risking ability for existing licenses to be renewed. It was also acknowledged that previously determined maximum occupancy limits may be reduced as a result of a reduction of parking spaces due to compliance with new parking space dimension requirements. While the majority vote of the STRAC was to implement parking space dimension requirements, it should also be noted several committee members were concerned about how these new requirements will impact on-street and off-street parking allowances for existing licensed STRs.

The updated parking requirements proposed in this section have been developed to address community livability concerns and mitigate public safety concerns. The Department does not have adequate data available at this time to determine impacts, if any, that may affect renewals of existing licensed STRs or maximum occupancy of STRs. The Department will begin an assessment of potential impacts to existing licensed STRs following adoption of ordinance language related to parking standards, and will continue to work with the Tillamook County Public Works Department and fire districts to further assess traffic issues as they relate to public safety.

Proof is required for use of a garage for parking to confirm garage space can be dedicated to meet parking requirements. Draft language also includes a proposal that a parking diagram be provided to renters and posted within a prominent location with the STR.

Existing language requires compliance with County Ordinances 74 and 75 for Transient Lodging Tax filing compliance and continues to require inspections at initial licensing and every three years. Both the STAC and Department staff evaluated the inspection timeline and find the three-year inspection timeframe is adequate. No changes to these requirements are proposed.

Section .080: Operation Requirements and Standards for Short-Term Rentals. Limitations for daytime and nighttime occupancy are established in this section. The amended definition for a “bedroom” was applied during the conversations as well as the definition for an “estate home”. Maximum occupancy for nighttime guests is two (2) persons per bedroom plus two (2) additional persons. By majority vote, the STRAC also proposes to allow for up to three (3) additional children aged 12 and under. The reason for this allowance is to offset impacts to maximum occupancy of existing STRS where sleeping areas such as lofts or dens have been used to calculate maximum occupancy. Committee members also felt this allowance encourages family occupancy and family use of STRs.

A limitation on the number of nighttime guests was established for “estate homes”, defined as a home with 5 or more bedrooms. Maximum nighttime occupancy is limited to 14 guests with an additional allowance for 3 children under the age of 12.

Data collected by the Department shows the number of rentals within various maximum occupancy categories. Data confirms the majority of licensed STRs in unincorporated Tillamook County (roughly 85%) accommodate 10 or fewer guests (Exhibit J). Data confirms at least 29 existing licensed STRs will be impacted by the proposed maximum occupancy limitation of up to 14 guests, and it is recognized that some of the 151 licensed STRs accommodating 11-15 guests may be impacted. Impacts are minimized or negated by the additional allowance of up to three (3) children aged 12 or under.

The STRAC acknowledged daytime use of a STR may include guests and daytime occupancy limits were established. Daytime and nighttime occupancy limits coincide with daytime and quiet time hours of 7:00am to 10:00pm and 10:00pm to 7:00am the next day, respectively.

The proposed language in this section was passed by either a strong majority vote or consensus. Dissenting votes were not supportive of allowing two additional persons and three children, stating that these allowances do not address existing community livability (occupancy) concerns and may increase occupancy in some STRs.

The STRAC also considered proposals for allowing exceptions to the maximum occupancy limitations for estate homes, specifically homes in remote areas or homes located on large areas of land where the size of the property mitigates offsite impacts to surrounding neighbors. This proposal was of interest to committee members and staff will continue to work with Counsel on ordinance language to allow exceptions for these properties. To date, there are no proposals developed due to challenges with development of exception criteria that do not fall within the framework of a land use decision.

Notable amendment to parking requirements is the proposal to require one (1) parking space per bedroom, an amendment to the existing one (1) space per sleeping area. Language to encourage off-street parking is included. Also included is an option to allow off-site parking for a STR within 500 feet of the licensed STR provided a shared parking agreement between the STR owner and landowner is submitted to the Department. Concerns of conversion of residential properties converted to parking lots were raised by some committee and community members. To address these concerns, staff and counsel are proposing that no more than two (2) parking spaces be allowed for off-site parking.

The STRAC also reviewed language proposals to address community livability concerns related to noise. The majority vote was achieved with incorporation of the terms “unreasonable” and “unreasonably sustained” noise. Action language was also added, requiring a 30-minute response time by the contact person to address any daytime noise complaints.

Some STRAC members expressed concerns that daytime noise regulations are difficult to enforce, and that STR properties will be held to a higher standard than other properties in the vicinity. Committee members felt that the best way to address community livability concerns related to noise was through implementation of a County noise ordinance, effective in equal enforcement to all properties in unincorporated communities. Committee members also felt that the proposed language was punitive to STR owners by inability to address noise complaints to the satisfaction to the complainant’s discretion. Staff explained current limitations on adoption and enforcement of a County-wide noise ordinance. The language for daytime noise regulations was softened to better address concerns expressed by STRAC members.

Noise prohibition language during quiet hours was also expanded from what is in the current ordinance and received a majority vote by committee members. The terms “amplified” and “unreasonable” were used in this subsection. Staff continue to work with recommendations by Counsel to better address livability concerns related to noise.

Staff and Counsel do have concerns related to enforcement of “unreasonable” and “unreasonably sustained” noise. Counsel’s thoughts on this matter are captured in a memorandum included as “Exhibit M” of this report. Staff and Counsel will be prepared to visit with the Board during the hearing proceedings.

Fire and life safety inspection requirements are outlined in subsections (K) and (L) of Section .080. Amendments to this section include a requirement for a licensed electrician to complete electrical work for dwellings used as a STR. This requirement is recommended by Building Division staff to mitigate fire and life safety risk. A standard for exterior lighting has been included to mitigate light pollution (glare) onto adjacent properties.

Solid waste collection and management provisions were reviewed by the STRAC. The STRAC considered language requirements for use of bear-proof cans to better address urban/wildlife conflicts in residential neighborhoods. It was concluded that any proposed language requirements focus on secure garbage containers so that containers remain in compliance with franchise requirements. New language has been added to require garbage containers not be left outside beyond pick-up day/time and that garbage not be placed outside of designated carts/cans. The proposed language of this section was passed by STRAC consensus.

The STRAC also agreed to the amendments related to interior and exterior posting by consensus. Mandatory posting language can be found as subsections (N) and (O). Minor amendments have been made to mandatory interior postings. Language has been added to require the County's 24/7 non-emergency number (STR Hotline) be included on the interior posting. The interior posting document is provided to the owner or contact person at the time of STR License issuance or renewal by the STR Administrator. Upon adoption of this language, the forms issued to STR owners and operators will be updated by the STR Administrator to reflect any adopted amendments.

Exterior signage is required for use of a dwelling as a STR. Ordinance 84 currently requires that exterior signage be posted for the duration of time the dwelling is licensed as a STR. Language is proposed to require exterior signage be of adequate size so that required information can be easily read from road right-of-way. Also included is a requirement that the County's 24/7 non-emergency number (STR Hotline) be included on exterior signage. Exterior signage is not furnished by the Department. Development and installation are the responsibility of the STR owner or operator. Due to various company marketing strategies and CCR standards, it was determined during the previous amendment process that development of exterior signage be the requirement of the STR owner or operator.

In addition to the exterior signage requirements, the STRAC strongly recommends an online registry of licensed STRs in unincorporated Tillamook County be posted on the Department website so neighbors and others can easily find pertinent information for licensed STRs. STRAC requests that the owner, contact person, contact information, property address, occupancy maximum and parking maximum be included in the online registry for each STR. This recommendation is in response to community member concerns of approaching STR properties or being unable to read exterior signage without entering the property.

The Department supports this request and, with Board consent, would like to move forward with development of an online registry. The registry can be maintained in-house and updated on a regular basis.

Subsections (P) and (Q) identify types of transient, non-permanent and temporary shelters prohibited from being used as a STR. This language is currently within Ordinance 84 but has been amended for further clarification. Also included is a prohibition of use of an Accessory Dwelling Unit (ADU) as a STR. This prohibition has been included in response to community concerns related to lack of available workforce housing and loss of housing due to conversion of dwellings to STRs. These prohibitions were supported by STRAC consensus.

.090: Additional Inspections Required. This section has been expanded to include specific inspection requirements for STRs served by an onsite wastewater treatment (sanitation) system. Chris Chiola, Environmental Program Manager, Tillamook County Onsite Sanitation. The STRAC supported by consensus the proposed language amendments to with modifications to clarify systems installed or repaired within the past five years were not subject to an Authorization Notice, and that an Existing System Evaluation Report could be accepted as an alternative to requiring an Authorization Notice. The language in the May 24, 2023, draft reflects the edits requested by the STRAC for this section.

.100: Additional Requirements and Prohibitions. This section has been amended to add language and directive for use of the STR Hotline, a 24/7 dispatch service under contract with Tillamook County to assist with STR complaints and violations. Response time reflects a proposed increase from 20-minutes to 30-minutes with implementation of the hotline and dispatch service. The language of this subsection requires an owner or contact person to respond and resolve the complaint or successive complaints within one-hour of the time the complaint was received by dispatch. Unresolved complaints will result in a violation of Ordinance 84.

Development of the STR Hotline and dispatch service is ongoing with a target implementation date of July 1, 2023. Department staff are working with the dispatch service and are in the testing phase of this new program element. Implementation process is close to completion.

Staff find the dispatch service is a critical element in the Department's efforts to better track and respond to STR activity-related complaints. Complaint data on record with the Department is very limited due to the current process outlined in Ordinance 84 that directs complaints to go directly to the owner or contact person of the STR. Data collection through this dispatch service is critically needed to better understand the type and nature of complaints impacting community livability in unincorporated Tillamook County. This data is also needed for consideration of future improvements to the Department's enforcement program. The amended complaint process and implementation of the STR Hotline was passed by majority vote. It should be noted that some STRAC members expressed concerns that the program has not yet been implemented and fully tested.

Subsection (D) addresses prohibition of uses of a STR. This is a newly added section developed to help address community livability concerns related to events (parties), unattended barking dogs, and other activities that may take place outside of the scope of residential use of a STR that may also impact community livability. The events language was significantly modified from the January 2023 draft through robust committee discussion and public feedback. Initial proposed language included prohibition of specific types of events such as birthday parties and wedding celebrations. After further discussion and consideration by the STRAC, it was concluded that the type of event was not necessarily the issue, rather the number of guests at the event that often attribute to community livability issues related to noise and parking.

Recognizing that some events may be able to take place at a licensed STR that fall outside of the scope of Ordinance 84, an allowance was made for events that have an approved Temporary Use Permit, issued upon land use review and approval. The provisions of this section were passed in part by majority vote and by consensus. There were some committee members who felt that the number of people allowed at an event during daytime hours should not be limited and that Ordinance 84 did not have the authority to prohibit or limit parking within public road right-of way.

.110: Implementation of this Ordinance and Application to Short-Term Rentals Licensed on the Date of it's Adoption. The majority of provisions of this section have been omitted from the January 2023 draft upon confirmation from the Board of County Commissioners that reducing the number of licensed STRs is not a desired outcome of this process. As mentioned previously in this report, the STRAC was tasked with recommendation of regulations to address community livability issues. The STRAC was also tasked with recommending one growth management tool for the STR program.

Unless the Board desires to adopt program changes with the intention to reduce the number of STRs in communities, the language in this section related to attrition is not applicable. Concerns have been raised by some STRAC members and in public comments that adoption of the proposed regulations under review are reduction tools as the proposed regulations will severely impact operation of existing STRs or result in denied renewals due to lack of ability to comply with some of the proposed regulations. Examples shared included compliance with proposed parking requirements and calculation of occupancy based on "bedrooms" as defined. Should the Board agree with

these concerns, staff recommend that language be considered for deferred compliance for existing licensed STRs. Staff and Counsel continue to work on this language and will be prepared to speak to this section at the hearing.

.120: Violations. Violation section has been expanded to include discovery of material misstatements or providing false information in the application or renewal process for a STR License. Violation of any County ordinance constitutes a violation of Ordinance 84. This includes violations of ordinances for transient lodging tax filing, management of solid waste, roads, building, planning and onsite sanitation.

.130: Penalties. This section has been updated by Counsel and staff and is a new addition to the Ordinance. The first occurrence of one or more violations is not subject to a fine. Ongoing penalties include fines of up to \$500 per violation.

Subsection (C), Revocation & Suspension, has been expanded to include discovery of material misstatements and false information provided on an application for a new STR License or renewal. Procedures for written notice of violation, citation and revocation or suspension is outlined in Subsection (D). The property owner may appeal the STR Administrator's decision under the procedures of Section .140.

.140: Appeals of County Decisions Regarding Short-Term Rentals. Section .140 was developed by Counsel and staff. This section outlines the procedures for submittal of an appeal and the appeal process. Current ordinance language requires the Board to consider and hear appeals related to STRs. The proposed process includes the Board appointment of a STR Hearings Officer to serve as judicial decision maker to hear and decide any alleged civil infraction under this ordinance and to render the County's final decision in any civil enforcement matter. Language states that a STR Hearings Officer's decision shall be final on the date the decision is mailed to the appellant and is appealable only by writ of review to Tillamook County Circuit Court.

.150: Severability. There are no substantive changes to this section. Language has been updated by Counsel.

STR Cap Proposal: The STRAC considered growth management tools at the request of the Board of Commissioners at the April 18, 2023, meeting. Committee members concluded establishment of caps was the best growth management tool moving forward, and by majority vote supported the proposal to increase the percentage of STRs in each community by 1% with direction of staff to continue working with each community to establish a cap percentage that best meets the desires of the community.

The STRAC discussed what a "balanced approach" to establishment of caps in each unincorporated community should look like. It was acknowledged that percentages should vary by community and that areas within communities primarily developed as vacation properties should be omitted or excluded from cap limitations.

Some committee members expressed concerns that any regulation making it harder for a property owner to operate a STR is a reduction tool, and that a cap system should not be considered at this time given the severity of newly proposed regulations that will negatively impact existing licensed STRs.

Other growth management tools may be incorporated into the program, however other options such as density and distance requirements would result in loss of licenses of currently STR licensed properties. The majority of committee members present for this discussion felt it was not the objective of the committee to make a recommendation to the Board that would result in a reduction of the current STR program pool.

It was also recommended that the 1% increase and cap have a sunset date of either six months, or one to two years so that reconsideration of implementation of caps can take place after additional data can be collected for each community. Data collection includes impact assessment to existing licensed STRs due to compliance with newly adopted ordinance regulations; the number of transfers; number and nature of complaints; and examination of economic impacts resulting from implementation of a cap system.

Should the Board support implementation of a cap for each unincorporated community and UGB, along with the proposal by the committee with the 1% increase in allowable number of STRs in each unincorporated community, staff will be prepared to present numbers to the Board at the May 30, 2023, hearing. Counsel has recommended that cap percentages be established through Board order or resolution when action is taken to lift the pause. Staff supports this suggestion to avoid continuous amendments to Ordinance 84 as staff continues to work with each unincorporated community and city to determine appropriate caps for each area.

Administrative Changes & Preparation for Implementation of Ordinance #84 Amendment #2

In preparation for adoption of the proposed amendments, staff is in process of updating STR application forms, checklists and other documents related to the program. Notice of adoption of regulations will be provided to all STR owners of record and known management companies. Staff is also preparing to hold informative meetings with STR owners and operators upon adoption of any new regulations so that program participants have an opportunity to ask questions regarding any program and regulation changes.

Staff are also prepared to begin working with unincorporated communities and cities on proposals for establishment of individual community and UGB area caps.

Closing Comments

I would like to personally thank committee members and community members who have given so much of their time to serve on the committee and participate in this process. Public comments shared with the committee have been extremely valuable throughout the process and are greatly appreciated. I would also like to thank panelists and guests, CACs, and County staff for their participation and assistance throughout this process.

The Short-Term Rental Advisory Committee is of great value to Tillamook County and the County's short-term rental program. I would like to request that the Short-Term Rental Committee remain a functioning committee, serving at the pleasure of the Board of County Commissioners to assist the Department in monitoring the growth of short-term rentals as well as continued review of Ordinance #84. I would like to propose that vacant positions on the committee be filled prior to a meeting in the spring of 2024, and the committee continue to meet at least once per year. Meeting on an annual basis allows for review and discussion of collected data, sharing of Department updates on the effectiveness of the program, and an opportunity to continue review of any long-term action items requested by the Board of County Commissioners.

Exhibits

- A. Ordinance 84 Draft dated May 23, 2023
- B. STRAC Board Orders
- C. STR Board Order for Implementation of Pause
- D. STRAC Presentation of Goals & Interests
- E. STRAC Code Enforcement Presentation
- F. Community Surveys
- G. STRAC Presentation by Nan Devlin, Tillamook County's Visitor's Association
- H. Ordinance Comparison of Changes Matrix
- I. Ownership Transfer Information
- J. Maximum Occupancy Information
- K. Number of Nights Rented
- L. STRAC STR Program Status Presentation
- M. Memorandum of Issues the STRAC Did Not Address or Embrace by Mr. Dan Kearns
- N. STRAC Member Reflections

- O. Public Comments Received After May 9, 2023
- P. Ordinance 84 Amendment #1 (Current Ordinance)

EXHIBIT

A

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)

010.... Title
020.... Purpose and Scope
030.... Definitions
040.... Annual Short-term Rental License Required, Basic Requirements for a License,
 No Nonconforming Use Status Conferred
050.... Application and Fees
060.... Term of Annual License and Renewal
070.... Application Required and Burden for License Approval and Renewal
080.... Operational Requirements and Standards for Short-Term Rentals
090.... Additional Inspections Required
100.... Additional Requirements and Prohibitions
110.... Implementation of this Ordinance and Application to Short-Term Rentals
 Licensed and Operating on the Date of its Adoption
120.... Violations
130.... Penalties
140.... Appeals of County Decisions Regarding Short-Term Rentals
150.... Severability

The Board of Commissioners for Tillamook County ORDAINS as follows:

.010 Title. The provisions contained in this Ordinance are intended to authorize and regulate the short-term rental use of residential dwelling units on all property in unincorporated Tillamook County and shall be known as the Tillamook County Short Term Rental Ordinance.

- A. Repeal. Tillamook County Ordinance 84, Amendment 1 (adopted April 19, 2019) (Tillamook County Short Term Rental Ordinance) is hereby repealed in its entirety.
- B. Adoption. The following sections are hereby adopted and shall be entitled the "Tillamook County Short-Term Rental Ordinance," as set forth herein, and are collectively referred to as "this Ordinance."

.020 Purpose and Scope.

- A. This Ordinance provides reasonable and necessary regulations for the licensing of short-term rental use of residential dwelling units, the purposes of which are to:
1. Protect the health, safety and welfare of short-term and long-term renters, property owners, and neighboring property owners throughout Tillamook County.
 2. Balance the legitimate livability concerns of residential neighbors with the rights of property owners to use their property as they choose.
 3. Provide visitors to Tillamook County with reasonable opportunities and a range of short-term rental and vacation occupancy options.
 4. Recognize the need to limit short-term rentals within neighborhoods to ensure compatibility with, and livability of, established owner-occupied neighborhoods, while recognizing the benefits of short-term rentals in providing recreation and employment opportunities, as well as transitional housing and business or hospital related short stays.
 5. Protect the character of the County's established neighborhoods by limiting the number, concentration, and scale of full-time short-term rentals in residential neighborhoods.
 6. Provide funding support for County housing development initiatives to address local affordable and workforce housing needs and increase availability of housing for people who want to live/work in Tillamook County.
- B. With the adoption of these regulations, the County finds that the transient rental of dwelling units has the potential to be incompatible with the residential neighborhoods in which they are situated and to have a damaging impact on the livability of those neighborhoods. Therefore, special regulation of dwelling units used for short-term rental, transient or vacation occupancy, is necessary to ensure these uses will be compatible with surrounding residential neighborhoods and will not materially alter the livability of the neighborhoods in which they are located.
- C. A short-term rental license is revocable permission to operate a short-term rental, but only as provided in this Ordinance. A license may be terminated, revoked or not renewed if the standards of this Ordinance are not met. This Ordinance provides the administrative framework for certification and the operation of short-term rentals and provides a process by which owners can appeal County decisions related to short-term rentals.
- D. The regulations in this Ordinance are not intended to permit any violation of the provisions of any other law or regulation. Any exemptions allowed by this

Ordinance shall not exempt the short-term rental from any other applicable requirement, regulation or ordinance adopted by Tillamook County.

- E. The requirements of this Ordinance are not “land use regulations” as defined in ORS 197.015 or 195.300(14). The regulations contained in this Ordinance are not intended to, nor do they, implement the Tillamook County Comprehensive Plan, the Tillamook County Land Use Ordinance, nor do they implement any of the State-wide Planning Goals.
- F. The short-term rental use of a dwelling unit does not, in itself, require a home occupation permit.
- G. *Administrative Rules.* The County’s STR Administrator shall have the authority to establish administrative procedures and regulations consistent with the provisions of this Ordinance for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this Ordinance. A copy of such administrative procedures and regulations shall be on file in the Office of the County Recorder and shall be posted on the County’s website. Any such administrative rules and regulations shall be binding upon any owner, operator or registrant of a short-term rental and upon the Hearings Officer under Section .140.

.030 Definitions. The following definitions shall apply to this Ordinance, its interpretation, application and enforcement; otherwise, ordinary dictionary definitions shall apply unless the context indicates otherwise.

- A. “Adoption of this Ordinance” means the date on which this Ordinance takes effect after adoption by the Board of County Commissioners.
- B. “Applicant” means an owner of a dwelling unit who applies to the County for a Short-Term Rental License.
- C. “Authorized agent” is a property management company or other entity or person who has been designated by the property owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.
- D. “Bedroom” means a room intended and permitted to be used for sleeping purposes (ORSC R202) that has all of the following attributes:
 - Light, ventilation, and heating (ORSC R303.1)
 - A minimum of 70 square feet of floor space and not less than 7 feet in any horizontal dimension (ORSC R304.1).
 - An emergency escape and rescue opening (ORSC R310)
 - A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
 - A smoke alarm (ORSC R314.3) where required.

- A carbon monoxide detector (ORSC R315.3) where required.
 - All sleeping areas used as a bedroom in a short-term rental must be permitted for that use, and no areas may be converted to a bedroom without demonstration of compliance with this Ordinance.
- E. "Change of Property Ownership" means the transfer of title from one person to another.
- F. "Contact Person" means the owner or the owner's designated agent for the Short-Term Rental, authorized to act for the owner on their behalf.
- G. "County" means Tillamook County, Oregon.
- H. "County STR Administrator" means the Director of the Department of Community Development vested with authority to administer, interpret and enforce the provisions of this Ordinance, or that person's designee.
- I. "Daytime Occupancy" means the hours between 7:00am and 10:00pm. "Daytime occupants" mean the guests who may occupy a short-term rental during a daytime occupancy.
- J. "Department" means the Tillamook County Department of Community Development.
- K. "Dwelling unit" means a lawfully established single unit that provides complete independent living facilities for one or more people including permanent provisions for living, sleeping, eating, sanitation and one cooking area. "Dwelling unit" includes a single-family dwelling and a factory-built or manufactured dwelling that bears a valid certification of compliance with applicable manufactured dwelling standards. For purposes of this Ordinance, "dwelling unit" does not include an accessory dwelling unit (ADU), yurt, recreational vehicle or similar mobile structure, or motorized vehicle designed and built for temporary vacation use.
- L. "Enforcement Officer" means the Director of the Department of Community Development, County Building Official or their designee authorized to administer and enforce the County's civil ordinances and permits. Officer also includes the Tillamook County Sheriff, and the deputies and authorized representatives of these officials.
- M. "Estate Home" means a single-family dwelling with five (5) or more bedrooms.
- N. "Good Cause" for the purposes of denial, suspension, revocation, imposition of conditions, renewal and reinstatement of a Short-Term Rental License means (1) the Applicant, Owner or Contact Person has failed to comply with any of the terms, conditions, or provisions of this Ordinance or any relevant provision of a County code, State law, or any other rule or regulation promulgated thereunder; (2) the Applicant, Owner or Contact Person has failed to comply with any special

conditions placed upon the Short-Term Rental License; or (3) the Short-Term Rental has been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the Short-Term Rental is located.

- O. "Good Neighbor Policy" means a policy furnished by the County STR Administrator that summarizes general rules of conduct, consideration and respect, and includes without limitation provisions of this Ordinance applicable to or expected of guests occupying the Short-Term Rental.
- P. "Nighttime Occupancy" means overnight occupancy between the hours of 10:00pm and 7:00am the next day. "Nighttime occupants" means the guests who may occupy a short-term rental overnight.
- Q. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.
- R. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.
- S. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.
- T. "Owner" means the natural person or legal entity that owns and holds legal or equitable title to the property.
- U. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental License.
- V. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".
- W. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).
- X. "Road Right-of-Way" means a public or private way that is created to provide ingress or egress for persons to one or more properties. The terms "street", "access drive" and "highway" for the purposes of this Ordinance shall be synonymous with the term "road right-of-way".
- Y. "Serious Fire or Life Safety Risk" means 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.
- Z. "Short-Term Rental" or "STR" means the transient rental of a dwelling unit in its entirety for a period of 30 or fewer nights per month but does not include a Hosted Homeshare, a bed and breakfast enterprise, hotel, motel or other types of

traveler's accommodations for which a state license has been granted under Oregon Administrative Rule, Chapter 333, Division 29. Short-term rental includes advertising, offering, operating, renting, or otherwise making available or allowing any other person to make a dwelling unit available for occupancy or use a dwelling unit for a rental period of 30 or fewer nights. Short-term rental use is a type of "vacation occupancy" as defined in ORS 90.100.

- AA. "Short-Term Rental License" means the annual license required by Section .040, described in this Ordinance, and referred to as a "license."
- BB. "Short-Term Rental Hearings Officer" means the impartial judicial decision maker appointed by the Board of County Commissioners to hear and decide any alleged civil infraction under this ordinance and to render the County's final decision in any civil enforcement matter.
- CC. "Subject Property" means the property on which the short-term rental is located.
- DD. "Transfer" means a change in ownership of the property where the dwelling licensed as a Short-Term Rental is located that occurs after the effective date of this ordinance. A change in ownership does not include a change in owners on title resulting from death, divorce, marriage or inheritance.
- EE. "Transient rental" means to rent a dwelling unit for compensation on a less than a month-to-month basis.
- FF. "Daytime" means between the hours of 7:00 am to 10:00 pm.
- GG. "Overnight" means between the hours of 10:00 pm to 7:00 am the following day.

.040 Annual Short-Term Rental License Required, Basic Requirements for a License, No Nonconforming Use Status Conferred. No owner of property in unincorporated Tillamook County may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a Short-Term Rental License. "Advertise or offer" includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.

- A. *License Must Be Obtained and Maintained.* A Short-Term Rental License shall be obtained, maintained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. A Short-Term Rental License in unincorporated Tillamook County may be revoked for failure to operate a short-term rental in accordance with all requirements of the license or otherwise comply with the requirements of this Ordinance. It is a violation of this Ordinance to operate a short-term rental without a valid license.
- B. *No Nonconforming Status Conferred.* The fact that an owner of property or other entity may hold a license on the date of adoption of this Ordinance, does not

confer a property right, land use permit, or nonconforming use status under ORS 215.130 to continue operation of a short-term rental. Operation, advertisement or offering a dwelling unit for short-term rental use, in all cases, requires a valid license.

- C. *Cap on Number of STR Licenses In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries.* The County has established a limit on the number of STR Licenses that can be in effect at any one time for defined residential subareas within unincorporated Tillamook County. If at the time of STR application for a new STR license there is not room within the applicable subarea cap to accommodate the new STR license, the applicant will be placed on a waiting list and will be contacted by the STR Administrator as soon as there is room within the applicable subarea cap to review the STR application. The STR license application fee shall not be collected at this time, however the applicant shall pay a \$100 fee for the County to place the applicant on a waitlist.

.050 License Application and Fees

- A. The applicant or authorized agent shall provide and certify the following information to be true and correct at the time of initial application and upon annual renewal of a Short-Term Rental License thereafter:
1. *Owner/Applicant Information.* Applicant's name, permanent residence address, telephone number, and the short-term rental address and telephone number.
 2. *Representative Information.* The applicant shall provide the name, working telephone number, address and email of the contact person (authorized agent) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section .070.
 3. *Site plan and floor plan.* The site plan shall be a scale drawing, which can be hand-drawn, showing property boundaries, building footprint, location and dimensions of parking spaces. The floor plan shall show in rough dimensions the locations and dimensions of all bedrooms in the dwelling unit or single-family dwelling.
 4. *Proof of Liability Insurance.*
 5. *Proof of Garbage Service.*
 6. *Proof of Access.* The applicant shall provide proof of an approved road approach for the subject property from the local road authority, where applicable.
 7. *Notice to Neighbors.* The applicant shall provide notice of use of a property as a short-term rental to owners of neighboring properties adjacent to the rental

property. Notification can be completed by mail or distributed by hand and shall contain the address of the rental property, the number of allowed bedrooms and maximum occupancy, and the name and contact information of the owner or representative who can respond to complaints about operation of the short-term rental. A written statement confirming notice to neighbors has been completed shall be submitted to the Department prior to issuance of a Short-Term Rental License.

Upon issuance of a new Short-Term Rental License or upon receipt of notification of change of the name of the contact person and/or representative responsible for the rental, the Department of Community Development shall provide notice to all properties within 150-feet of the rental property within 30 days of issuance of a new or updated license.

8. *Documentation of Compliance with Operational Standards.* To be deemed complete, an application shall include documentation that the short-term rental meets the operational standards in Sections .080 and .100.
 9. *Transient Lodging Tax Registration.* Evidence of transient lodging tax registration with the County for the short-term rental.
 10. *Executed Indemnification and Hold Harmless Agreement.* An agreement on a form furnished by the Department of Community Development stating that the property owner agrees to indemnify, save, protect, hold harmless, and defend Tillamook County, individually and collectively, and the County's representatives, officers, officials, employees, agents and volunteers from any and all claims, demands, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising, out of the Owner's actions or inaction in the operation, occupancy, use, and/or maintenance of the property.
 11. Such other information as the County's STR Administrator deems reasonably necessary to administer this Ordinance.
- B. *Inspections.* The applicant shall specifically acknowledge and grant permission for the County's STR Administrator to perform an inspection of the short-term rental.
1. The County's STR Administrator may conduct a site visit upon an application for a Short-Term Rental License or renewal to confirm the number of bedrooms stated on the application, the number, location, availability and usability of off-street parking spaces, and compliance with all other application and operational requirements of this Ordinance. The site visit will be coordinated with the applicant, conducted during normal business hours, and with reasonable notice.
 2. The County's STR Administrator may visit and inspect the site of a short-term rental at any time during the operation of the short-term rental to ensure

compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Violations of this Ordinance shall be processed in accordance with Section .120.

- C. *Incomplete Application.* If a short-term rental application does not include all required information and documentation, the application will be considered incomplete and the County will notify the applicant, in writing, explaining the deficiencies. If the applicant provides the missing required information within 21 calendar days of the date of the incomplete notice, the application will be reviewed. If the applicant does not provide the required information within 21 days of notice, the application will be deemed null and void.
- D. *Licensing Fees.* The fee for application for a Short-Term Rental License or license renewal shall be as established by resolution of the Board of Commissioners, but shall not be less than the following amounts:
1. Application fee of not less than \$400, consisting of an application fee and an inspection fee.
 2. An annual renewal fee of not less than \$300.
 3. If the property fails the initial inspection or fails the required every 3-year inspection, an additional follow-up inspection fee of \$100 is required for each follow-up inspection.
 4. Any alteration to an existing Short-Term Rental License shall be subject to a review fee of not less than \$100. Alterations requiring a reinspection of the STR shall also be subject to a \$100 reinspection fee.

.060 Term of Annual License and Renewal

- A. *Term.* A Short-Term Rental License is valid for one year (12 months) and shall automatically expire if not renewed on or before the anniversary date of each ensuing year. If the contact person (authorized agent) changes during the 12-month period, the property owner or authorized agent shall notify the County in writing of the change within thirty (30) days of the change and provide all new contact and tax payment information. Change of contact person is an alteration to an existing Short-Term Rental License and shall be subject to a fee of not less than \$100.
- B. *Transferability of STR Licenses.* Any STR License existing at the time of adoption of this Ordinance is eligible for one (1) transfer to another person or entity. The current license holder or authorized agent shall notify the STR Administrator of the change in property ownership within sixty (60) days of the change. All subsequent changes in property ownership shall require a new STR License subject to then-current ordinance provisions. STR Licenses issued after

the adoption of this Ordinance are not transferable when property ownership changes.

.070 Application Required and Burden for Application Approval and License Renewal

- A. *Application Required.* Applications for a Short-Term Rental License shall be on forms provided by the County, demonstrating the application meets the standards required by this Ordinance.
- B. *Burden of Proof.* The applicant has the burden of proof to demonstrate compliance with each applicable criterion for initial approval or annual renewal of the Short-Term Rental License. The approval criteria also operate as continuing code compliance obligations of the owner/contact person. County staff may verify evidence submitted and statements made in support of an application, and the applicant shall cooperate fully in any such inquiries. For the initial application renewal every three years thereafter, the applicant must also comply with the requirements of Subsection .090.
- C. *Responsibility.* The applicant shall certify that all information provided is correct and truthful. It is the applicant's responsibility to assure that the short-term rental is and remains in compliance with all applicable codes regarding fire, building, health and safety regulations, and all other relevant laws.
- D. *Parking.* Proof of required off-street parking shall be required as follows:
 - 1. One (1) all-weather travel surface parking space shall be provided for every bedroom in the dwelling unit. If a garage is used to meet the parking requirement, a photo of the interior of the garage shall be submitted at the time of application and renewal to show the garage is available and large enough for vehicle parking. All required parking shall be on-site (off-street) except as follows:
 - a. Required parking may be permitted on another or different property within 500 feet of the subject property with a legally binding shared parking agreement or proof of legal parking access that remains valid for the length of time the subject property has a Short-Term Rental License.
 - b. Up to two (2) required parking spaces may be satisfied with on-street parking provided on-street parking is within 100-feet of the subject property boundaries and authorized by the Tillamook County Public Works Department. On-street parking spaces shall be a minimum size of 8-feet by 20-feet each. On-street parking proposals shall be reviewed by the Tillamook County Public Works Department. Written authorization of the parking spaces shall be submitted to the Department at the time of application submittal.

- c. Designated parking is available for guests within a private development where authorization for use of parking in conjunction with a STR has been granted by the development Homeowner's Association (HOA). Written authorization from the HOA confirming use of off-site parking shall be submitted to the Department at the time of application submittal. The number and location of parking spaces authorized to be utilized in conjunction with the STR shall be included in the written authorization.
 2. Each off-street parking space shall be a minimum of 8-feet by 16-feet and configured in a manner that ensures parking spaces are accommodated within the property boundaries.
 3. No STR property shall have more than six (6) parking spaces total for overnight guests. Two (2) additional parking spaces may be allowed for daytime guests. Parking shall not, under any circumstances, hinder the path of any emergency vehicle.
 4. Access to approved parking spaces shall be designed to limit access onto the property through the defined road approach. Alterations to the road approach for purposes of off-street parking is subject to review and approval by the local road authority.
 5. A parking diagram of the approved parking spaces shall be provided to renters and shall be posted in a prominent location within the short-term rental dwelling unit. The contact person shall direct renters to the parking diagram for the rental property to ensure use of off-street parking are prioritized when using the short-term rental.
- E. *Transient Lodging Tax Compliance.* The property owner shall be in compliance with Tillamook County Transient Lodging Tax Ordinances 74 (as amended) and 75 (as amended) and subject to the Tax Administrator's authority provided therein.
- F. *License Approval and Annual Renewal Standards.* To receive approval, license renewal, or maintain a license, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the requirements and standards in Section .080 are satisfied.
- G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental License following adoption of this Ordinance and at the time of renewal request every third year thereafter, the applicant must obtain and provide to the County evidence of the satisfactory inspections described in Section .090.

.080 Operational Requirements and Standards for Short-Term Rentals. To qualify to obtain or retain a license, the contact person and the short-term rental must

comply with the following operational requirements and standards. Failure to comply could be grounds for denial, non-renewal or revocation of a Short-Term Rental License.

- A. *Maximum Occupancy.* The maximum nighttime occupancy for a short-term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons. For example, a two-bedroom short-term rental is permitted a maximum nighttime occupancy of six (6) people plus up to three (3) children, age 12 or under, to occupy the short-term rental in addition to the maximum number of occupants otherwise provided in this Subsection. The number of bedrooms of a short-term rental shall be verified at the time of license renewal and upon physical inspection of the short-term rental.
- B. Regardless of the number of bedrooms, the maximum nighttime occupancy of an STR shall not exceed 10 (ten) persons plus three (3) children aged twelve (12) and under.
- C. The owner of an Estate Home shall be exempt from subsection (B) of this section and is allowed a maximum nighttime occupancy of up to fourteen (14) persons plus up to three (3) children, age 12 or under, to occupy the short-term rental.
- D. The maximum daytime occupancy for any short-term rental shall be limited to the nighttime maximum occupancy plus six (6) additional people. For example, a two-bedroom dwelling unit is permitted for a maximum daytime occupancy of twelve (12) people.
- E. *Off-street Parking Spaces Required.* One (1) off-street vehicle parking space is required per bedroom in accordance with Section .070 of this Ordinance. All of the required notices and placards required by this Ordinance shall require the renters to park on-site and to not park on the street, even if on-street parking is otherwise available. The property owner of a short-term rental may contract with owners of other property within 500 feet of the perimeter of the rental property and enter into a shared parking agreement to accommodate no more than two (2) parking spaces to satisfy this requirement. Where licensing relies on contractual off-site parking arrangements, the property owner shall provide proof of availability in the form of a legally binding contract for the off-street parking for the duration of time the rental property has a Short-Term Rental License.
- F. *Noise.* Use of any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or device for the producing or reproducing of sound shall be done in a manner that does not result in unreasonable or unreasonably sustained noise beyond the property lines of the subject property where the short-term rental is located. Complaints of unreasonable or unreasonably sustained noise shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section .130.

- G. *Quiet Hours.* The hours of 10:00p.m. to 7:00a.m. the following day are quiet hours, and there shall be no amplified music or unreasonable noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property. Noise complaints during quiet hours shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.
- H. *Zoning Compliance.* The property shall be in compliance with all applicable County zoning requirements and any development permits related to the subject property. If the property owner claims any sort of non-conforming use status for any aspect of the property or structures thereon, the property owner shall obtain a nonconforming use verification for those aspects through an appropriate land use decision making process. In no event shall this Ordinance be construed as a land use or development regulation, nor does prior operation of a short-term rental give rise to a nonconforming use right under the County's land use ordinance.
- I. *No unpermitted improvements or bedrooms.* All electrical, structural, plumbing, venting, mechanical and other improvements made to a licensed short-term rental shall be fully permitted. Electrical work shall be performed by a State or Oregon licensed electrician. Any sleeping area used as a bedroom shall be inspected and permitted in accordance with the provisions of this Ordinance. Areas not approved for use as a bedroom shall be locked and secured as deemed appropriate by the STR Administrator, and shall not be utilized as part of the short-term rental. Areas not approved for use as a bedroom 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 bedroom may not be used for sleeping.
- J. *Contact Information.* Each registrant shall provide the name and contact information of a contact person that will be available to be contacted about use of the short-term rental during and after business hours and on weekends (24 hours a day, 7 days a week). The contact person shall respond/answer immediately to a phone call complaint about operation of the short-term rental and must be able to arrive on site at the short-term rental within 30 minutes if a phone call is not sufficient to remedy all alleged operational problems. The registrant may change the contact person from time to time during the term of licensing, but only by revising the license information with the County at least 14 days prior to the change's effective date, except when the failure to do so is beyond the registrant's control. Failure to maintain current and correct contact information for the contact person with the County, failure of the contact person to respond immediately to a telephone call complaint, or failure to arrive at the property within 30 minutes of being summoned shall be a violation of this Ordinance.
- K. *Fire and Life Safety.* A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each

annual short-term rental license application and renewal. The contact person shall be responsible for completing the fire safety checklist as part of the renewal process to ensure continued compliance. A copy of the signed fire safety checklist shall be submitted to the Department prior to issuance or renewal of a Short-Term Rental License and may require further demonstration or proof for a renewal at the County STR Administrator's discretion.

1. At least one functioning fire extinguisher shall be accessibly located within the short-term rental dwelling unit. Extinguisher must be in a visible and placed in a secured location to ensure it is accessible to renters at all times.
2. All electrical outlets and light switches shall have face plates.
3. The electrical panel shall have all circuits labeled.
4. Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
5. Smoke detectors shall be placed and maintained in each bedroom, outside each bedroom in its immediate vicinity and in each additional story and basement without a bedroom.
6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom and within 15 feet outside of each bedroom door.
7. All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
8. All interior and exterior stairways with 4 or more steps and that are attached to the structure, shall be equipped with a handrail.
9. All interior and exterior guardrails, such as deck railings, shall be able to withstand a 200-pound impact force.
10. 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.
11. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties.
12. The house number shall be prominently displayed and maintained, and be visible from the street.

L. Emergency Escape and Rescue Openings for bedrooms:

1. For all dwelling units constructed after the adoption of this Ordinance, every bedroom shall have at least one operable emergency escape and rescue opening. Sill height shall not be more than 44 inches 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 5 square feet and 5.7 square feet at upper floors. Minimum net clear height is 24 inches and net clear width is 20 inches.
2. For all dwelling units constructed prior to the adoption of this Ordinance, every bedroom shall have at least one operable emergency escape and rescue opening that has been inspected and approved by the Tillamook County Building Official pursuant to the currently-adopted Oregon Residential Specialty Code.

M. Solid Waste Collection – minimum service requirements. The property owner shall subscribe to and pay for weekly solid waste collection service by the local franchise hauler with assisted pick-up provided by the franchise. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway, rolls it out for service, and then places it back in its original location. The owner shall provide garbage containers with securable covers in compliance with franchise requirements that ensure the collected solid waste is not susceptible to wildlife intrusion and weather elements. All placards and notices to renters shall include the requirement that renters shall dispose of all household garbage in the containers and keep them covered/secured. Garbage, recycling or any other waste products shall not be placed outside of designated carts/cans.

N. Interior Mandatory Postings. Mandatory postings issued by the County (or a copy thereof) for the short-term rental shall be displayed in a prominent location within the interior of the dwelling unit adjacent to the front door. Mandatory postings include the following:.

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration. The license shall include the following information:
 - a. The number of bedrooms and maximum occupancy permitted for the short-term rental;
 - b. The number of approved parking spaces;
 - c. Any required information and conditions specific to the Short-Term Rental License;
 - d. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental.

2. 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 License issuance and renewal.
3. Good Neighbor Policy and Guidelines. The property owner and contact person shall acknowledge the County's Good Neighbor Policy, shall post them in every short-term rental.

O. Exterior Mandatory Posting. Exterior signage shall be installed outside of the dwelling unit and shall be of adequate size so that the following required information on the exterior sign is easily read from the road right-of-way:

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration;
2. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental;
3. The property address;
4. The name of the contact person (or entity) and a telephone number (optional).

P. No recreational vehicle, yurt, travel trailer, tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including a recreational vehicle is permitted in conjunction with a short-term rental.

Q. No Accessory Dwelling Unit (ADU) permitted after the date of adoption of this Ordinance shall be used as a short-term rental or in conjunction with a short-term rental.

.090 Additional Inspections Required. To merit approval of an initial (first year) Short-Term Rental License following adoption of this Ordinance and for renewal every third year thereafter, the applicant shall obtain the following inspections and a satisfactory report for each and pay any fee(s) that may be required to obtain the inspection and report:

- A. Inspection Required.* The owner of the short-term rental dwelling unit shall obtain an inspection by the local building inspector to inspect the dwelling unit and determine that the dwelling unit meets current requirements of the International Building Code, including compliance with applicable fire and life safety code requirements for occupancy of the dwelling unit as a short-term rental. Inspection shall also confirm there have been no unpermitted improvements, modifications

or additions to the dwelling unit. The inspection and certification shall include compliance with electrical, structural, and ventilation requirements. A Short-Term Rental License shall be not issued until the short-term rental passes inspection by the County Building Inspector.

- B. *Reinspection Requirements.* In any case where an inspection is not approved by the County Building Inspector, the County Building Inspector shall allow thirty (30) days for minor repairs or sixty (60) days for major repairs, at the completion of which the owner or authorized agent must call the Tillamook County Department of Community Development for a re-inspection. The re-inspection fee adopted in the Community Development fee schedule shall apply. If the repairs identified in the original inspection are not rectified at the time of re-inspection and within the specified timeframe, the application shall be invalidated, and the property owner must reapply and pay the requisite application and inspection fees.
- C. *On-site Septic System Inspection.* Unless the dwelling unit is served by a public or community sanitary sewer system, the existing on-site wastewater treatment system (system) must be capable of handling the wastewater flows expected to be generated based on the allowed number of bedrooms in the dwelling unit and the maximum number of occupants. Demonstration of system adequacy is required at the time of STR application submittal.
1. If the system was installed more than five (5) years from the time of STR application submittal, the property owner shall obtain an Authorization Notice (AN) from the Department Onsite Wastewater Division. Included in the authorization must be information to allow a calculation of the number of allowed bedrooms based on the capacity of the septic system. Final determination of the capacity and suitability of the septic system shall be made by the Onsite Environmental Program Manager (or their designee) and will share the determination with the County STR Administrator. An ESER (Existing System Evaluation Report) meeting these standards and conducted within five (5) years of the date of the Short-Term Rental application or renewal may be submitted to fulfill this requirement.
 2. If the Onsite Environmental Program Manager identifies any deficiencies in the system, the property owner shall cure/correct the deficiencies within 60 days of the date of review of an ESER or AN, or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. A Short-Term Rental License shall not be issued under this section until after repairs are made and approved by the County. If the owner fails to cure the deficiencies within the time required, the Short-Term Rental application shall be denied.
 3. The initial AN or ESER for an existing short-term rental is required in accordance with a phasing plan adopted by the County, but no later than

December 31, 2024. After an initial AN or ESER is obtained, the property owner shall thereafter be required to conduct periodic maintenance of the system, undertaken by a DEQ authorized contractor, which at a minimum shall include inspection of the system (and as needed, pumping or repairs) prior to renewal of the Short-Term Rental License. The Onsite Wastewater Division is the delegated authority to determine the periodic maintenance requirements specific to the types of systems in use, including the intervals at which the maintenance will be required. These requirements shall be made available to the public, registrants/property owners and DEQ authorized contractors. The required report on maintenance shall be provided to the Onsite Waste Division for review in a format as developed by the Division. The report shall be required before the owner can renew certification of the dwelling unit.

.100 Additional Requirements and Prohibitions. The following are on-going requirements for the operation of all STRs in Unincorporated Tillamook County.

- A. *Advertising and Short-Term Rental License Registration Number.* The property owner or contact person shall put the annual registration number on all advertisements for the specific property wherever it is advertised for rent.
- B. *Complaints.*
 - 1. *Response to Complaints.* The contact person shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances and shall ensure to the best of their ability that the renters and guests of the short-term rental do not create unreasonable noise disturbances, engage in disorderly conduct, or violate the provisions of local ordinances or any state law.
 - 2. *STR Hotline.* The contact person shall respond by telephone within thirty (30) minutes to complaints from or through the Hotline and shall respond in-person within thirty (30) minutes to any additional or successive complains regarding the condition, operation, or conduct of occupants of the short-term rental. Unresolved complaints shall result in an immediate violation of this Ordinance.
 - 2. *Record of Response.* The property owner or contact person shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. This record shall be made available for County inspection upon request to investigate all complaints.
- C. *Inspection.* Upon application for a Short-Term Rental License, all short-term rentals shall be subject to inspection by the County STR Administrator for compliance with this section.

1. The County's STR Administrator may conduct a site visit upon an application for operation of a short-term rental to confirm the number of bedrooms (as defined by this Ordinance) stated on the application and the number, location and availability and usability of off-street parking spaces. The site visit will be coordinated with the applicant or contact person, shall be conducted during the normal business hours, and with reasonable notice.
2. The County's STR Administrator may visit and inspect the site of a short-term rental to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations shall be processed in accordance with Section .120 and the County's Civil Enforcement procedures.

D. *Specific Prohibitions.* The following activities are prohibited on the premises of a short-term rental during periods of transient rental:

1. *Events.* Events and activities that exceed maximum overnight or daytime occupancy limits.
2. Events and activities for which a Temporary Use Permit is required and has not been issued.
3. Unattended barking dogs.
4. Activities that exceed noise limitations contained in this Ordinance.

.110 Implementation of this Ordinance and Application to Short-Term Rentals Licensed on the Date of its Adoption. All new/initial Short-Term Rental Licenses issued after the date this Ordinance is adopted shall implement and comply with all provisions in this Ordinance. This section shall govern the implementation and applicability of this Ordinance to short-term rentals that are lawfully established, licensed and operating on the date of adoption of this Ordinance (Lawful Pre-Existing Short-Term Rentals).

.120 Violations. In addition to complaints related to nuisance and noise and other violations of Tillamook County Ordinances, the following conduct constitutes a violation of this Ordinance and is a civil infraction:

- A. The discovery of material misstatements or providing of false information in the application or renewal process for a Short-term Rental License.
- B. Representing, advertising or holding-out a dwelling unit as available for occupancy or rent as a short-term rental where the owner does not hold a valid Short-Term Rental License issued under this Ordinance.
- C. Advertising or renting a short-term rental in a manner that does not comply with the standards of this Ordinance.

- D. Failure to comply with the substantive or operational standards in Sections .080, .090, .100 or any conditions attached to a particular Short-Term Rental License.

.130 Penalties.

- A. In addition to the fines and revocation procedures described in this Ordinance, any person or property owner who uses, or allows the use of, or advertises, the property in violation of this Ordinance is subject to the enforcement authority of the STR Administrator.
- B. Each 24-hour period in which a dwelling unit is used, or advertised, in violation of this Ordinance or any other requirement or prohibition of the Tillamook County Code shall be considered a separate occurrence and separate violation for calculation of the following fines:
1. The first occurrence of one or more violation(s) will incur a warning with no monetary penalty.
 2. A second occurrence of one or more violation(s) within a 12-month period is subject to a fine up to \$250 per violation.
 3. A third occurrence and all subsequent occurrences of violation(s) within a 12-month period shall be subject to a fine up to \$500 per violation.
- C. *Revocation & Suspension.* The following actions are grounds for immediate revocation or suspension of a Short-Term Rental License and cessation of use of the dwelling unit for short-term tenancy:
1. Failure to renew a Short-Term Rental License as required by Section .060 while continuing to operate a short-term rental.
 2. Three (3) or more verified violations of any local ordinance, state or federal regulation within a 12-month period.
 3. The discovery of material misstatements or that the license application included false information for a Short-Term Rental License or renewal shall be grounds for immediate revocation of the license.
 4. Such other violations of this Ordinance of sufficient severity in the reasonable judgment of the STR Administrator, so as to provide reasonable grounds for immediate revocation of the license.
 5. Upon an emergency suspension or revocation of a Short-Term Rental License deemed necessary by the STR Administrator for public health and/or safety reasons, short-term rental activity shall cease immediately. If suspended, the short-term rental shall not be rented or used as a short-term rental until the emergency that exists has been resolved to the satisfaction of the STR Administrator.

- D. *Notice of Decision, Appeal/Stay.* If the property owner is fined or a Short-Term Rental License is revoked as provided in this section, the STR Administrator shall send written notice of such action to the property owner stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The property owner may appeal the STR Administrator's decision under the procedures in Section .140.

.140 Appeals of County Decisions Regarding Short-Term Rentals. Any decision by the County approving, denying, revoking or sanctioning a Short-Term Rental License may be challenged, if at all, only pursuant to this section.

- A. *Filing Requirements – Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental License.
- B. *Authority to Decide Appeal.* The STR Hearings Officer shall be responsible for deciding all appeals under this Ordinance.
- C. *Time for Filing.* A property owner or authorized agent shall file a written notice of appeal, including a written description of the legal basis for the appeal, no later than 14 calendar days after the license application, license renewal or other determination being appealed was issued. This requirement is jurisdictional, and late filings shall not be accepted.
- D. *Fee for Appeal.* The County shall establish a fee for filing and appeal hearing of not less than \$500 under this section, payment of which shall be a jurisdictional requirement.
- E. *Procedures.* The County's STR Administrator may establish administrative procedures to implement the appeal process provided in this section, including any required forms. The STR Administrator may adopt procedures for hearings not in conflict with this section, including but not limited to time limitations on oral testimony and on written argument.
- F. *Hearing.* Within 35 days of receiving the notice of appeal, the STR Administrator shall schedule a hearing on the appeal before the STR Hearings Officer. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant.
- G. *The Record on Appeal.* The STR Hearings Officer's decision shall be based upon the record, which shall include all written documents associated with the file that is the subject of the appeal, including all Transient Lodging Tax records, and complaints about the short-term rental operation.
- H. *Standard of Review and Decision.* The STR Hearings Officer shall determine whether the County's decision was based on a preponderance of the evidence or the correct interpretation of the requirements of this Ordinance. A decision of the STR Hearings Officer shall be based on the evidence in the record and be issued

in writing within 30 days after the record closes. The STR Hearings Officer may uphold the County's decision, uphold the decision with modifications or reverse the County's decision. If the STR Hearings Officer upholds a decision to revoke the Short-Term Rental License, the Hearings Officer shall order the property owner to discontinue operation of the dwelling unit as a short-term rental immediately. If the Hearings Officer reverses a decision to revoke the Short-Term Rental License, operation of the short-term rental may continue under the Short-Term Rental License.

- I. *Finality.* The STR Hearings Officer's decision shall be final on the date the decision is mailed to the appellant. The STR Hearings Officer's decision is the County's final decision on the matter and is appealable only by writ of review to Tillamook County Circuit Court.

.150 Severability. If any section, subsection or provision of this Ordinance is declared by a court of competent jurisdiction to be unlawful, preempted or unenforceable, that declaration shall not affect the validity and enforceability of the remaining sections.

.160 Effective Date

This Ordinance Amendment shall take effect on the date of its adoption.

Date of First Reading: May _____, 2023.

Date of Second Reading: June _____, 2023.

ADOPTED this _____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

Erin D. Skaar, Chair

____ ____ ____/____

Mary Faith Bell, Vice Chair

____ ____ ____/____

David Yamamoto, Commissioner

____ ____ ____/____

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By _____
Special Deputy

William K. Sargent, County Counsel

EXHIBIT

B

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of the Appointment of)	ORDER
Members to the Tillamook County Short)	#22- <u>CO 7</u>
Term Rental Committee)	

This matter came before the Tillamook County Board of Commissioners on January 26, 2022 at the request of Sarah Absher, Director of the Department of Community Development. The Board of Commissioners, being fully apprised, finds as follows:

1. On March 24, 2021, the Board of Commissioners approved Board Order #21-014 establishing an eighteen (18) member Tillamook County Short Term Rental Committee.
2. There are vacancies on the Tillamook County Short Term Rental Committee and the following eight (8) community members have confirmed their desire to be appointed.
3. Mike Saxton is qualified and willing to serve on the Short-Term Rental Committee to represent south county.
4. Karen Babbitt is qualified and willing to serve on the Short-Term Rental Committee to represent the unincorporated community of Neahkahnie.
5. Terri Warren is qualified and willing to serve on the Short-Term Rental Committee to represent the unincorporated community of Oceanside.
6. Bruce Lovelin is qualified and willing to serve on the Short-Term Rental Committee to represent the unincorporated community of Netarts.
7. Hilary Gibson is qualified and willing to serve on the Short-Term Rental Committee to represent the unincorporated community of Neskowin.
8. Amy VanDyke is qualified and willing to serve on the Short-Term Rental Committee to represent north county vacation rental management companies.
9. Alexis Tate is qualified and willing to serve on the Short-Term Rental Committee to represent economic development.
10. Julie Hurliman is qualified and willing to serve on the Short-Term Rental Committee to represent the tourism industry.

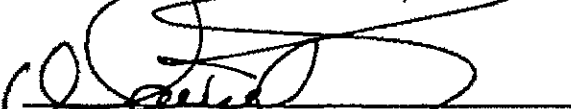
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NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

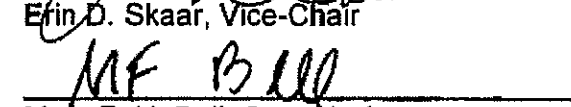
11. Mike Saxton be and is hereby appointed as a member to the Short-Term Rental Committee to represent south county.
12. Karen Babbitt be and is hereby appointed as a member to the Short-Term Rental Committee to represent the unincorporated community of Neahkahnie.
13. Terri Warren be and is hereby appointed as a member to the Short-Term Rental Committee and represents the unincorporated Community of Oceanside.
14. Bruce Lovelin be and is hereby appointed as a member to the Short-Term Rental Committee to represent the unincorporated community of Netarts.
15. Hilary Gibson be and is hereby appointed as a member to the Short-Term Rental Committee to represent the unincorporated community of Neskowin.
16. Amy VanDyke be and is hereby appointed as a member to the Short-Term Rental Committee to represent north county vacation rental management companies.
17. Alexis Tate be and is hereby appointed as a member to the Short-Term Rental Committee to represent economic development.
18. Julie Hurliman be and is hereby appointed as a member to the Short-Term Rental Committee to represents the tourism industry
19. All committee members shall serve at the pleasure of the Board of Commissioners.

Dated this 26th day of January, 2022.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON


David Yamamoto, Chair


Erin D. Skaar, Vice-Chair


Mary Faith Bell, Commissioner

Aye Nay Abstain/Absent

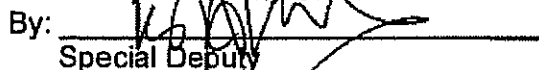
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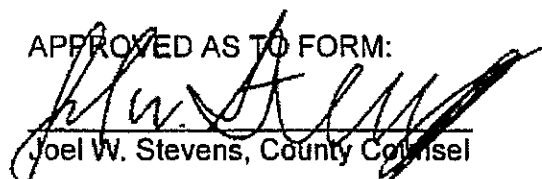
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ATTEST: Tassi O'Neil,
County Clerk

By: 
Special Deputy

APPROVED AS TO FORM:


Joel W. Stevens, County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of the Formation of the)	ORDER
Tillamook County Short-Term Rental)	#21- <u>014</u>
Committee and Repealing Order #18-)	
070)	

This matter came before the Tillamook County Board of Commissioners on March 24, 2021 at the request of Sarah Absher, Director of the Department of Community Development. The Board of Commissioners, being fully apprised of the representations of the above-named person, finds as follows:

1. The Board has found the significant number of short-term rental properties in the unincorporated communities of Tillamook County to be a concern to many community members.
2. The Board wishes to establish a committee to advise and recommend solutions to issues related to short-term rental properties in the unincorporated communities of Tillamook County.
3. The purpose of the committee shall be to provide the Board of Commissioners with recommendations of actions that can take place to help maintain a balance between short-term rentals and full-time residents in the unincorporated areas of Tillamook County.
4. This Committee shall be an eighteen (18) member committee composed of:
 - Two (2) community members from South County
 - One (1) community member each from the unincorporated communities of Neahkahnie, Barview/Twin Rocks/Watseco, Oceanside, Netarts, Pacific City/Woods, and Neskowin
 - One (1) community member from North County
 - One (1) community member from Central County
 - Three (3) members representing the vacation rental management community: one representation each from North, Central and South County
 - One (1) member representing the real estate community
 - One (1) member representing economic development
 - One (1) member representing the tourism industry
 - One (1) member representing public safety
 - One (1) member at large

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NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

5. The Tillamook County Board of Commissioners approves the formation of the Tillamook County Short-Term Rental Committee.
6. All Committee members shall serve at the pleasure of the Board of Commissioners.
7. Order #18-070 is repealed.

Dated this 24th day of March, 2021.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

MFBell
Mary Faith Bell, Chair

[Signature]
David Yamamoto, Vice-Chair

[Signature]
Erin D. Skaar, Commissioner

Aye Nay Abstain/Absent

8 /

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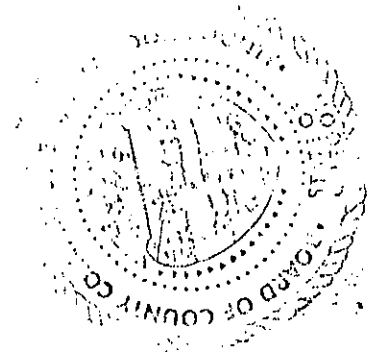
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ATTEST: Tassi O'Neil
County Clerk

By: [Signature]
Special Deputy

APPROVED AS TO FORM:

[Signature]
Joel W. Stevens, County Counsel



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of the Formation of the)
Tillamook County Short-Term Rental)
Committee and Appointment of Members)

ORDER
#18-070

FILED
JUL 18 2018
TASSI O'NEIL
COUNTY CLERK
355 p [Signature]

This matter came before the Tillamook County Board of Commissioners on July 18, 2018 at the request of Sarah Absher, Director of the Department of Community Development. The Board of Commissioners, being fully apprised of the representations of the above-named person, finds as follows:

1. The Board has found the significant number of short-term rental properties in the unincorporated communities of Tillamook County to be a concern to many community members.
2. The Board wishes to establish a committee to advise and recommend solutions to issues related to short-term rental properties in the unincorporated communities of Tillamook County.
3. The purpose of the committee shall be to provide the Board of Commissioners with recommendations of actions that can take place to help maintain a balance between short-term rentals and full-time residents in the unincorporated areas of Tillamook County.
4. This Committee shall be a nine (9) member committee composed of:
 - Two (2) community members from South County
 - One (1) community member from North County
 - One (1) community member from Central County
 - One (1) member representing the vacation rental management community
 - One (1) member representing the real estate community
 - One (1) member representing economic development
 - One (1) member representing public safety
 - One (1) member at large
5. Nanci Sheeron and Scott Nienkamp are qualified and willing to serve on the Short-Term Rental Committee as community members to represent South County.
6. Jim Haley is qualified and willing to serve on the Short-Term Rental Committee as a community member to represent North County.
7. Jerry Keene is qualified and willing to serve on the Short-Term Rental Committee as a community member to represent Central County.

8. Nicole Twigg is qualified and willing to serve on the Short-Term Rental Committee to represent the vacation rental management community.
9. Pam Zielinski is qualified and willing to serve on the Short-Term Rental Committee to represent the real estate community.
10. Aaron Palter is qualified and willing to serve on the Short-Term Rental Committee to represent economic development in Tillamook County.
11. Tim Carpenter is qualified and willing to serve on the Short-Term Rental Committee to represent public safety.
12. Gus Meyer is qualified and willing to serve on the Short-Term Rental Committee as a member at large.

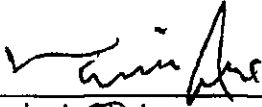
NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

13. The Tillamook County Board of Commissioners approves the formation of the Tillamook County Short-Term Rental Committee.
14. Nanci Sheeron and Scott Nienkamp be and hereby are appointed to the Short-Term Rental Committee as community members to represent South County.
15. Jim Haley be and hereby is appointed to the Short-Term Rental Committee as a community member to represent North County.
16. Jerry Keene be and hereby is appointed to the Short-Term Rental Committee as a community member to represent Central County.
17. Nicole Twigg be and hereby is appointed to the Short-Term Rental Committee to represent the vacation rental management community.
18. Pam Zielinski be and hereby is appointed to the Short-Term Rental Committee to represent the real estate community.
19. Aaron Palter be and hereby is appointed to the Short-Term Rental Committee to represent economic development.
20. Tim Carpenter be and hereby is appointed to the Short-Term Rental Committee to represent public safety.
21. Gus Meyer be and hereby is appointed to the Short-Term Rental Committee as a member at large.
22. All Committee members shall serve at the pleasure of the Board of Commissioners.

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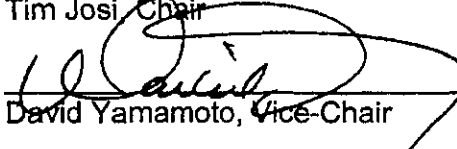
Dated this 18th day of July, 2018.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON


Tim Josi, Chair

Aye Nay Abstain/Absent

✓ /


David Yamamoto, Vice-Chair

 /

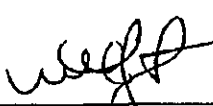

Bill Baertlein, Commissioner

✓ /

ATTEST: Tassi O'Neil
County Clerk

APPROVED AS TO FORM:

By: 
Special Deputy


William K. Sargent, County Counsel



EXHIBIT

C

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Temporarily)	ORDER
Suspending the Processing and)	#22- <u>033</u>
Issuance of New Short Term Rental)	
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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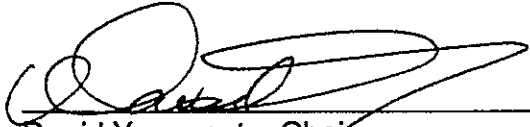
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Dated this 25th day of May, 2022.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON



David Yamamoto, Chair

Aye Nay Abstain/Absent

 P



Erin D. Skaar, Vice-Chair

 ✓

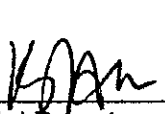



Mary Faith Bell, Commissioner

 0

ATTEST: Tassi O'Neil
County Clerk

APPROVED AS TO FORM:

By:  

Special Deputy



William K. Sargent, County Counsel



EXHIBIT

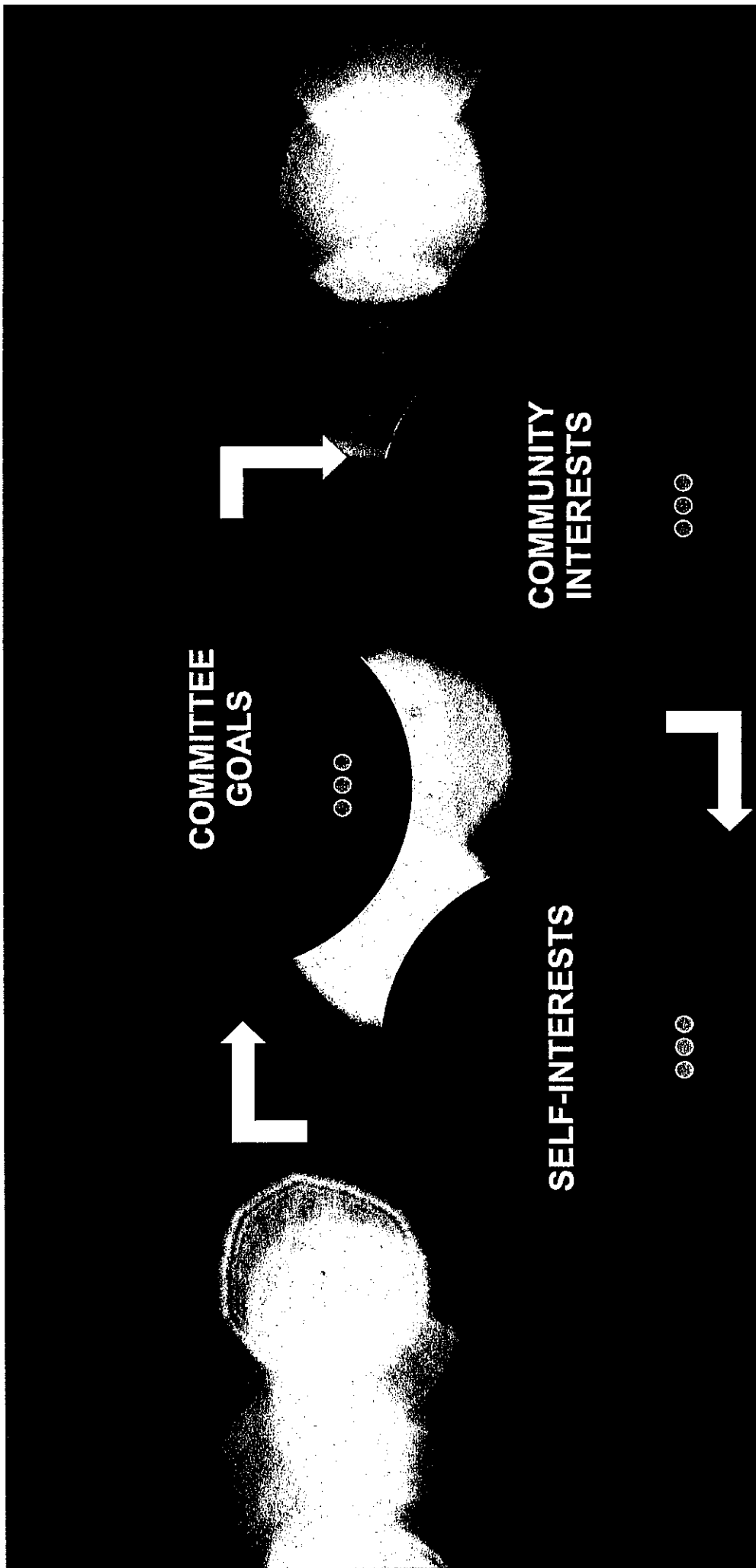
D

STR ADVISORY COMMITTEE



APRIL 5, 2022

INTERESTS ACTIVITIES



INTERESTS OF STR COMMITTEE

LIVABILITY

PUBLIC SAFETY

ECONOMICS

REGULATION

RELATIONSHIPS

PROPERTY RIGHTS

LIVABILITY- STR PROGRAM



BETTER ENFORCEMENT
OF REGULATIONS



PROGRAM CONSISTENCY



FAIR & REASONABLE
RULES



COMMUNITY
PARTICIPATION IN RULE
MAKING



STR OWNER
PARTICIPATION IN RULE
MAKING



ESTABLISH LIMITS ON #
OF STRs IN
COMMUNITIES

LIVABILITY- COMMUNITY



DEVELOP POSITIVE
RELATIONSHIPS
BETWEEN STR OWNERS
& RESIDENTS



RECONCILE COMMUNITY
CONFLICTS



PARTICIPATION IN
COMMUNITY ISSUES



COMMUNITY INPUT &
LOCALLY DRIVEN
SOLUTIONS



PRESERVATION OF
COMMUNITIES &
NEIGHBORHOODS



SUPPORT COMMUNITY
INTERESTS

LIVABILITY- COMMUNITY

2010-2011

ECONOMIC
INTEREST

PUBLIC SAFETY



EMERGENCY
PROVISIONS



SAFETY FOR VISITORS



SAFETY FOR NEIGHBORS



PARKING



ROAD QUALITY



BETTER ENFORCEMENT
FOR THOSE WHO
VIOLATE REGULATIONS

BUSINESS & ECONOMICS



TLT TECH SUPPORT



ACCESS TO AFFORDABLE
HOUSING



VACATION RENTAL IS
FAMILY BUSINESS



TLT FUNDING FOR
COMMUNITY PROJECTS &
PUBLIC SAFETY-
COMMUNITY-BASED
ALLOCATION OF
FUNDING

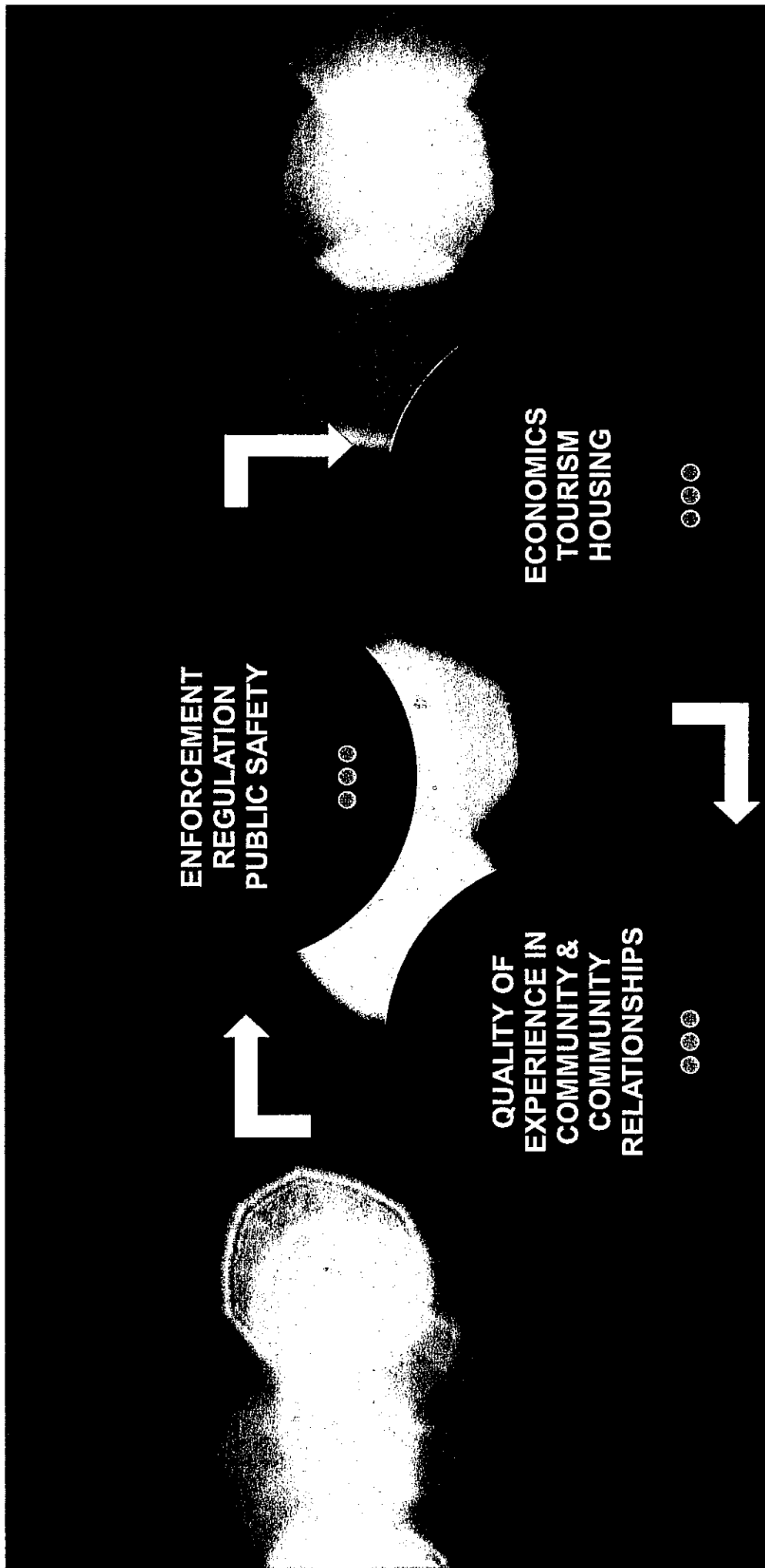


HOUSING FOR LOCAL
EMPLOYMENT



REAL ESTATE & STR
PROGRAM RELATIONSHIP

MANY INTERESTS OVERLAP





IDENTIFICATION OF COMMUNITY INTERESTS

WHAT MATTERS TO THE COMMUNITIES OR ORGANIZATIONS STR ADVISORY COMMITTEE MEMBERS REPRESENT?

Community interests

LIVABILITY

REGULATION &
ENFORCEMENT

ECONOMICS

PUBLIC
SAFETY

COMMUNITY
RELATIONSHIPS

PROPERTY
RIGHTS

WHAT MATTERS



EQUAL RESPECT FOR
LOCALS & VISITORS



COMMUNITY
PARTICIPATION IN
FORMULATION OF CAP



PARKING, NOISE & OVER-
CROWDING



PRESERVATION &
BALANCE OF PROPERTY
RIGHTS



MAKE SURE EVERYONE
FEELS WELCOME & SAFE



PUBLIC SAFETY

WHAT MATTERS

EMERGENCY
PREPAREDNESS-
DISASTER NOTIFICATION



SUPPORT OF STR
OWNERS WHO DO IT
RIGHT

BETTER CODE
ENFORCEMENT



ADDRESS COMMON
COMPLAINTS

PRESERVE PUBLIC
ACCESS TO COASTAL
COMMUNITIES



BRIDGE GAP BETWEEN
FULL-TIME RESIDENTS,
STR OWNERS & GUESTS

TOP 3 INTERESTS

ENFORCEMENT
31%

SAFETY
15%

LIVABILITY
42%

COMMITTEE GOALS

DEVELOP CONSISTENCY WITH REGULATIONS

DEVELOP A DEEPER UNDERSTANDING OF THE ECONOMIC ROLE OF STRs in TILLAMOOK COUNTY

PROMOTE LIVABILITY IN COMMUNITIES

SUPPORT COMMUNITY INTERESTS

DEVELOP A DEEPER UNDERSTANDING OF THE ECONOMIC ROLE OF STRs in TILLAMOOK COUNTY

PUBLIC SAFETY

EMERGENCY PREPAREDNESS

FUNDING SOURCES FOR STR PROGRAM
SUPPORT & COMMUNITY LIVABILITY

STR OPERATOR LICENSE FEE:

- FUNDING FOR HOUSING
- FUNDING FOR PUBLIC SAFETY
- FUNDING SUPPORT FOR STR PROGRAM

EXHIBIT

E

Short-Term Rental Program Enforcement Discussion

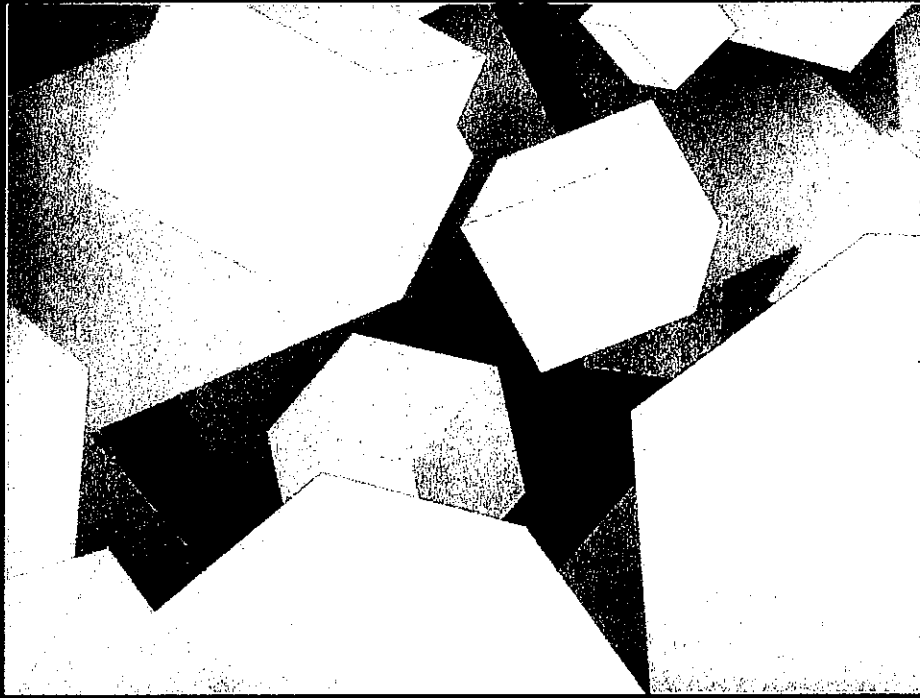
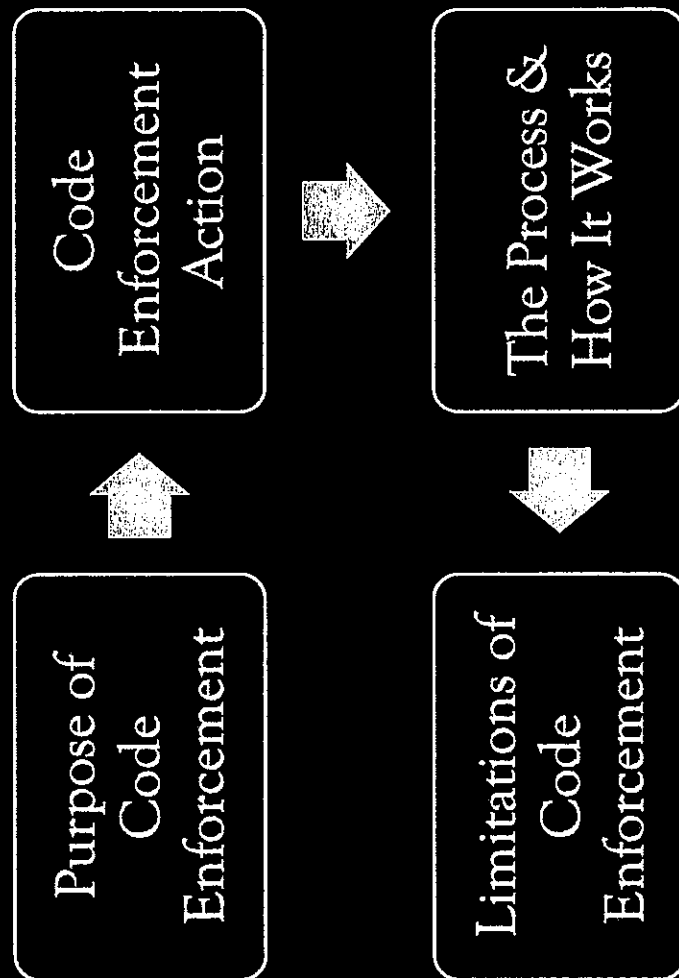
Tillamook County Sheriff Josh Brown

Tillamook County Undersheriff Kelly

Tillamook County Counsel

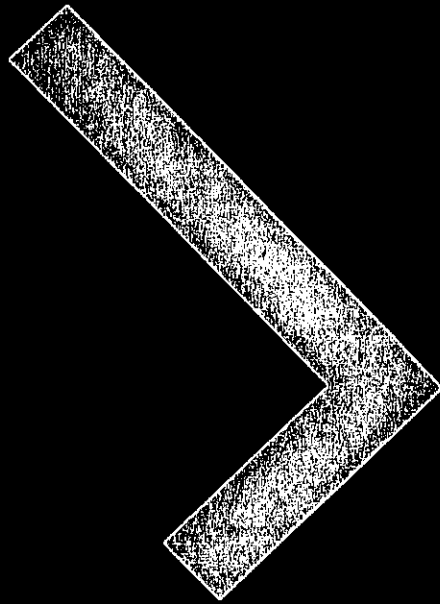
Sarah Absher, Director, Community Development

KEY AREAS OF DISCUSSION



PURPOSE
OF
CODE
ENFORCEMENT

TO PROVIDE AN
EFFICIENT AND FAIR
METHOD FOR
ENFORCING
ORDINANCES &
REGULATIONS



CODE COMPLIANCE

OUTCOME OF CODE ENFORCEMENT
ACTION

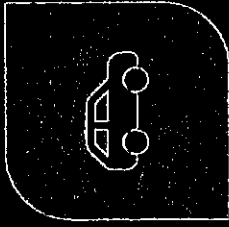
EXAMPLES OF ENFORCEMENT ACTION

VIOLATION LETTER

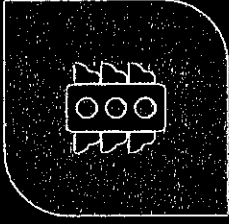
CITATION ISSUANCE

COURT or HEARING PROCEEDINGS

COMPLAINTS



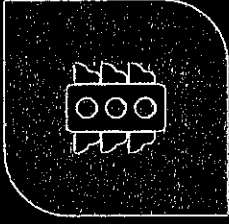
PARKING



NOISE



PET WASTE
GARBAGE



TRAFFIC

COMPLAINTS
VIOLATIONS
&
CIVIL MATTERS

PROCESS FOR COMPLAINTS

Communication
with Contact Person.

Contact Person
Required to Respond
within 20 Minutes

Failure of Action:
Complaining Party
Reports to
Department.

Complaint is Logged.

Director Provides
Written Response
within 10 Days with
Determination
whether Complaint
is a Violation.

COMPLAINT STATISTICS	
* Civil 2020 (falls outside Ordinance Regulations)	2
* Civil 2021 (falls outside Ordinance Regulations)	1
Signage Violations in 2020	185
Signage Violations in 2021	157
Signage Violations in 2022	83
* Code Enforcement Notifications in 2020	8
* Code Enforcement Notifications in 2021	13
Code Enforcement Notifications in 2022 (to date)	2

2020 Code Enforcement Location & Amount
4 - Central County
3 - South County
1 - North County

2022 Code Enforcement Location & Amount
1 - Cental County
1 - North County

2021 Code Enforcement Location & Amount
8 - South County
3 - North County
2 - Central County

NATURE OF COMPLAINTS

CIVIL COMPLAINTS

NOISE
DOG / PET TRESPASSING
GUESTS TRESSPASSING

2020 COMPLAINTS

PARKING PREVENTING
PASSAGE OF EMERGENCY
VEHICLES
ADVERTISING EXCEEDING
OCCUPANCY ALLOWANCE
GARBAGE DEBRIS
DISTURBANCE CALLS

2021 COMPLAINTS

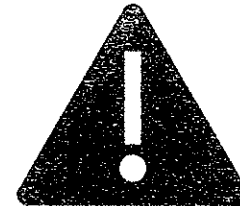
GARBAGE DEBRIS
LOCAL CONTACT RESPONSE
EXCEEDING 20 MINUTES
ADVERTISING EXCEEDING
OCCUPANCY ALLOWANCE
LAND USE VIOLATIONS
BUILDING CODE
VIOLATIONS
EXCESSIVE PARKING
PREVENTING PASSAGE OF
EMERGENCY VEHICLES
SIGNAGE NOT POSTED
DISTURBANCE CALLS

DEPARTMENT ACTIONS



Compliance

Letter Issued
Violation Remedied
Log Updated



Non-Compliance

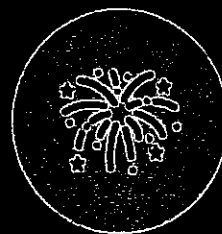
Final Warning Letter
Citation
Action

BASIS FOR ACTION



BURDEN OF
PROOF

EVIDENCE



“3 STRIKES
RULE”

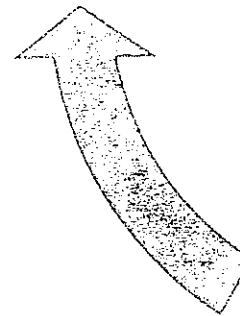
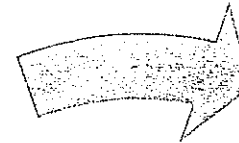


APPLICATION OF
REGULATIONS

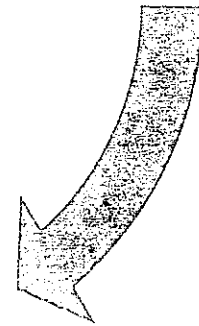
WHAT'S WORKING?

EFFECTIVE
VACATION
RENTAL
MANAGEMENT

CONTACT
PERSON
SIGNAGE



HELLO
NEIGHBOR

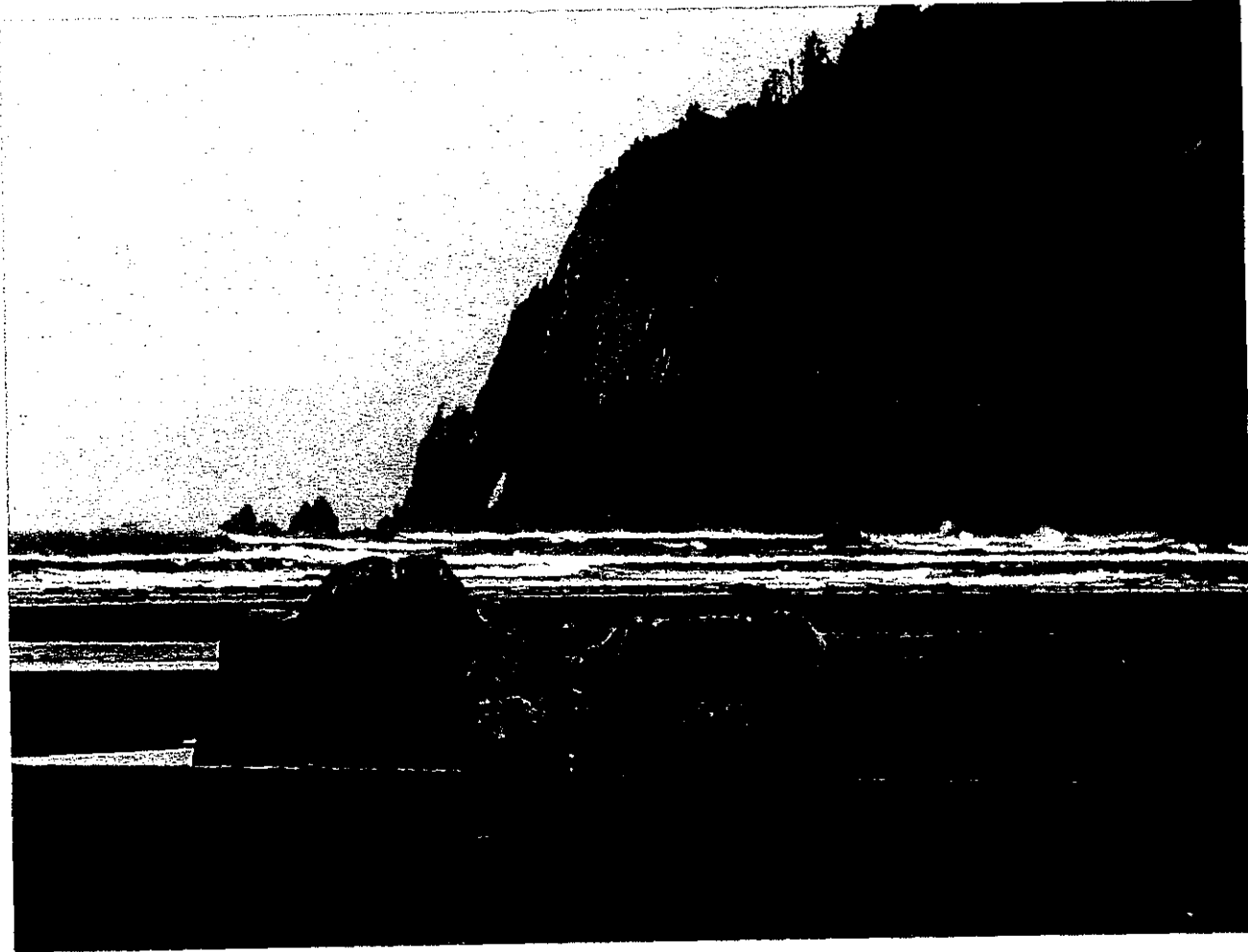


Q & A

EXHIBIT

F

Neahkahnie Community Survey



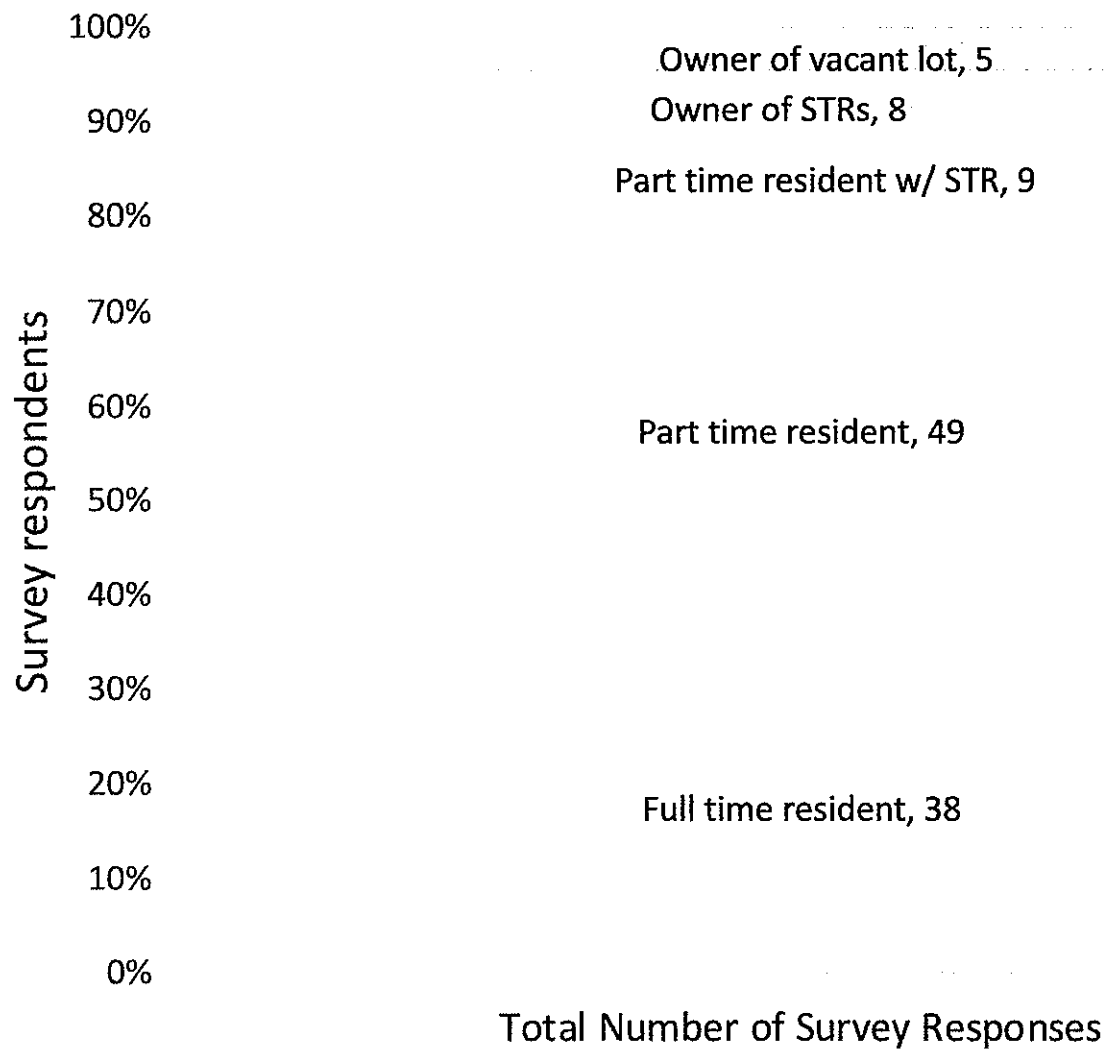
January/February 2022

Summary

- **Purpose:** This Community Survey was conducted to gather basic information regarding the Neahkahnie community, including beliefs and concerns and to test level of interest regarding formation of a Community Advisory Committee to the Tillamook County Commissioners
- **Method:** A postcard mailing was made to the entire mailing list of the Neahkahnie Water District soliciting interest and providing an email address to register for further communications. An email was sent to all those who responded to the postcard inviting participation in this survey.
- **Results:** Summary results of the survey are included in the following slides. *(Note well, this survey reflects those community members motivated to respond - i.e. it is not a statistically accurate in the scientific, quantitative sense. Thus, it is suggestive of community characteristics.)*

109 survey responses were received

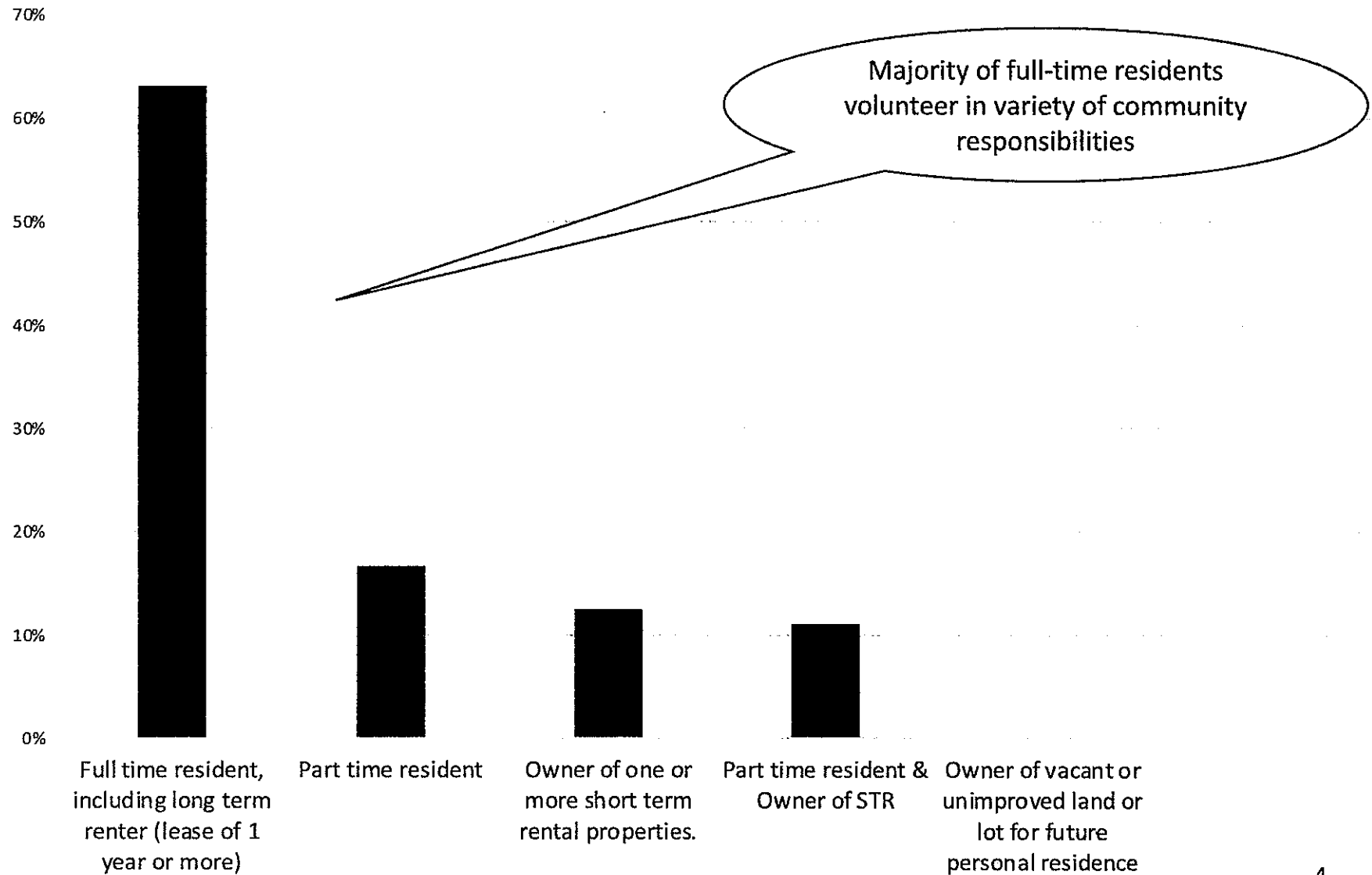
(this is a 64% response rate to the postcard mailing)



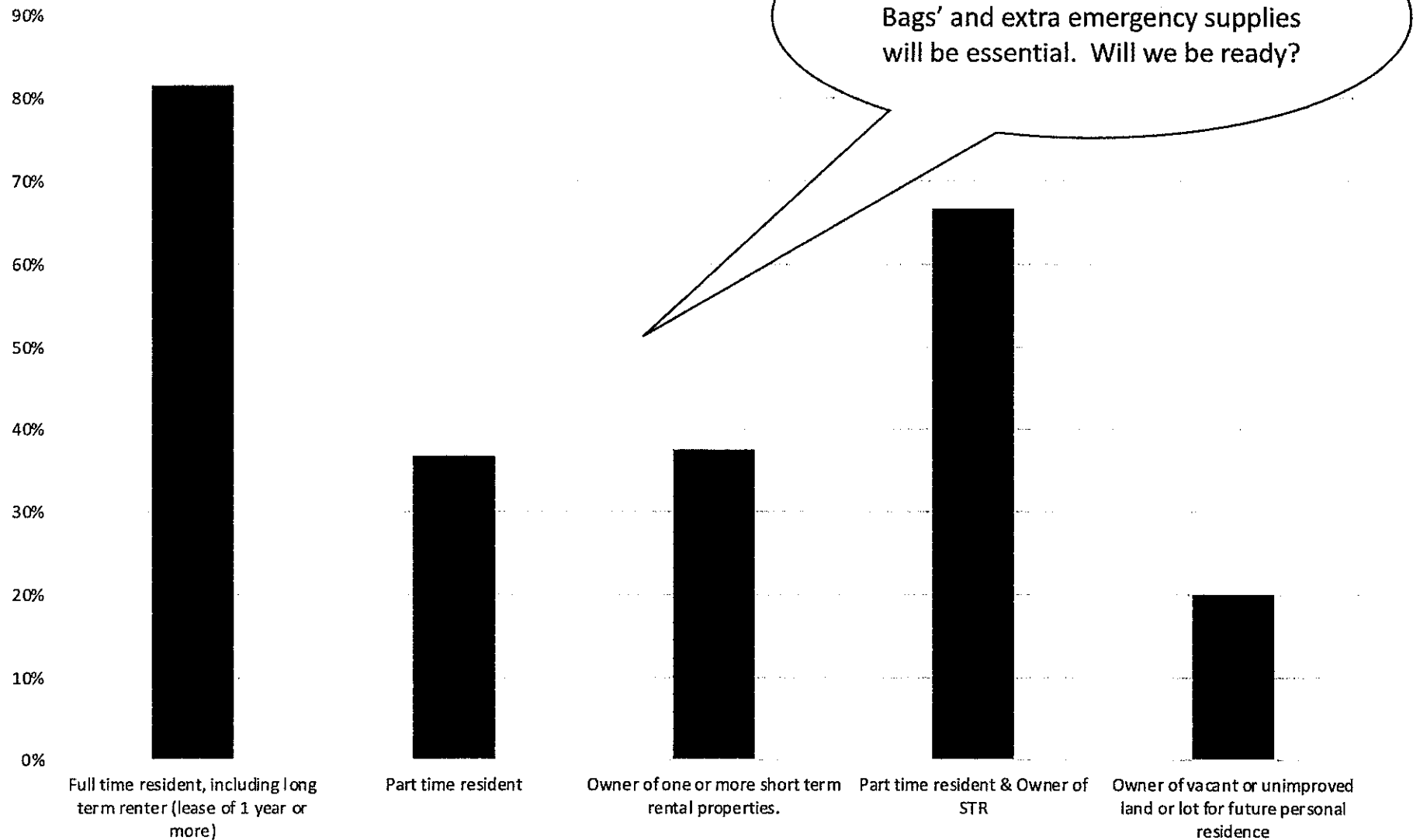
For reference, the Neahkahnie Water District estimates that:

- Short-term Rentals (STRs) = 68 water connections (14% of connections)
➤ (25% response rate)
- Part-time residents = 208 water connections (43% of connections)
➤ (23% response rate)
- Full-time residents = 102 water connections (21% of connections)
➤ (37% response rate)

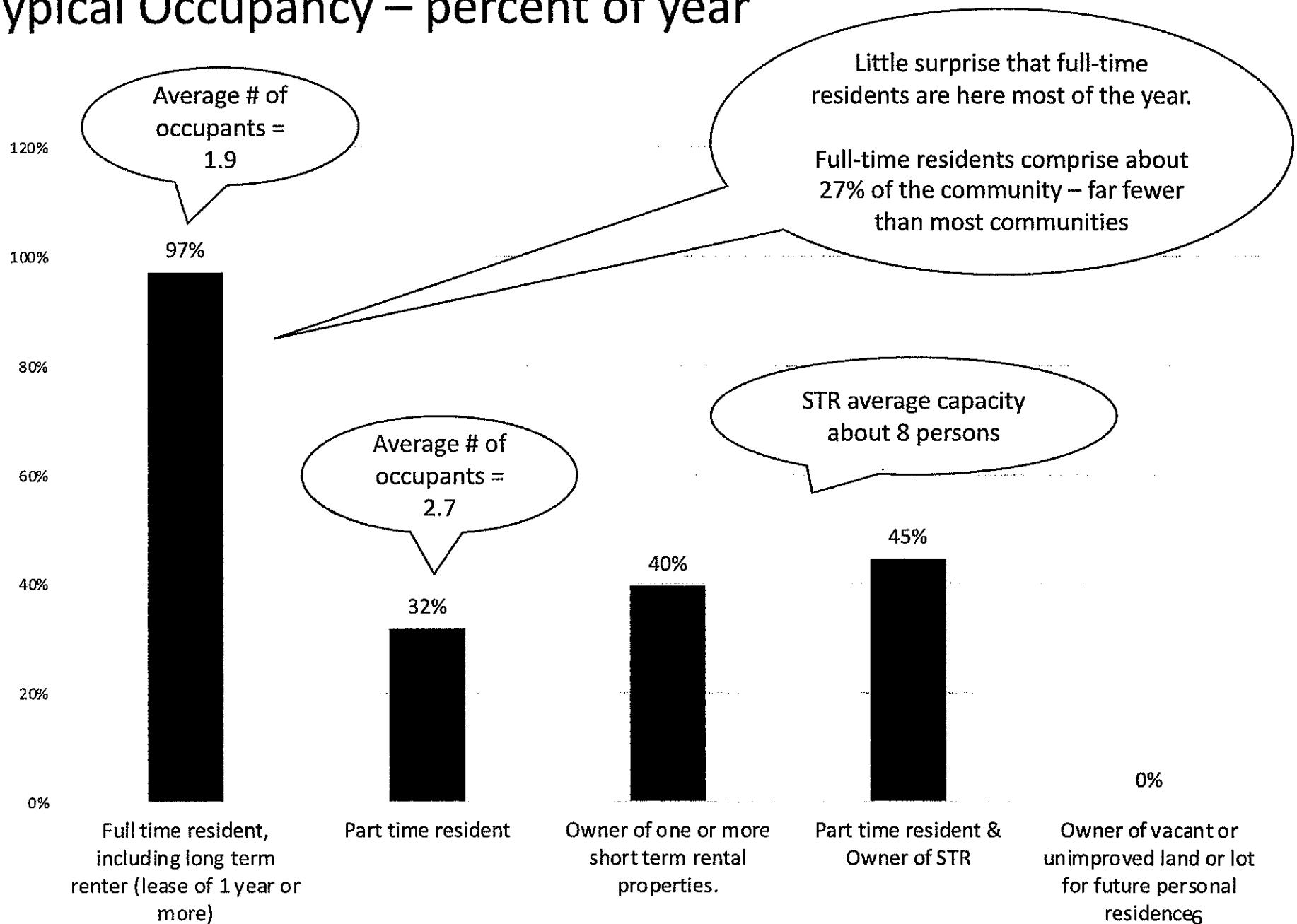
Volunteer in community?



Emergency Supplies?

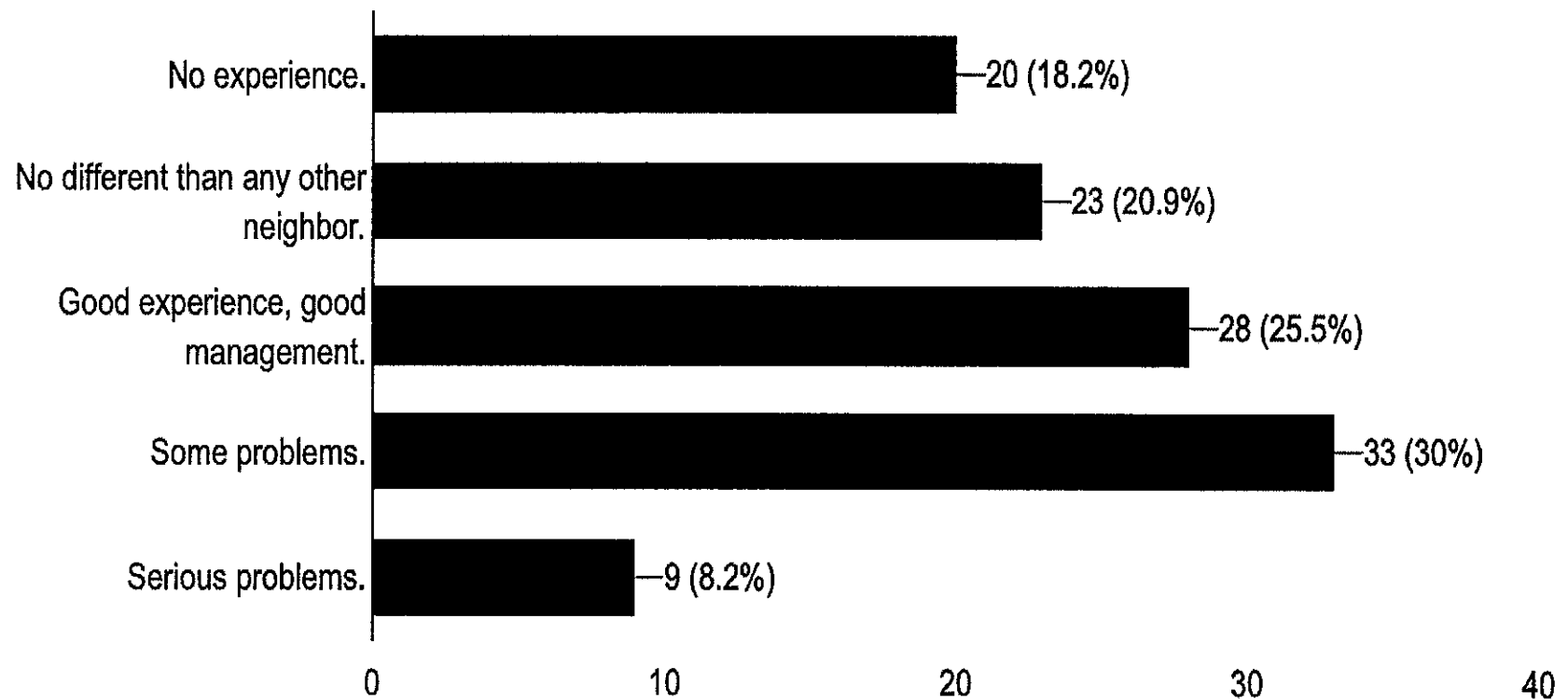


Typical Occupancy – percent of year

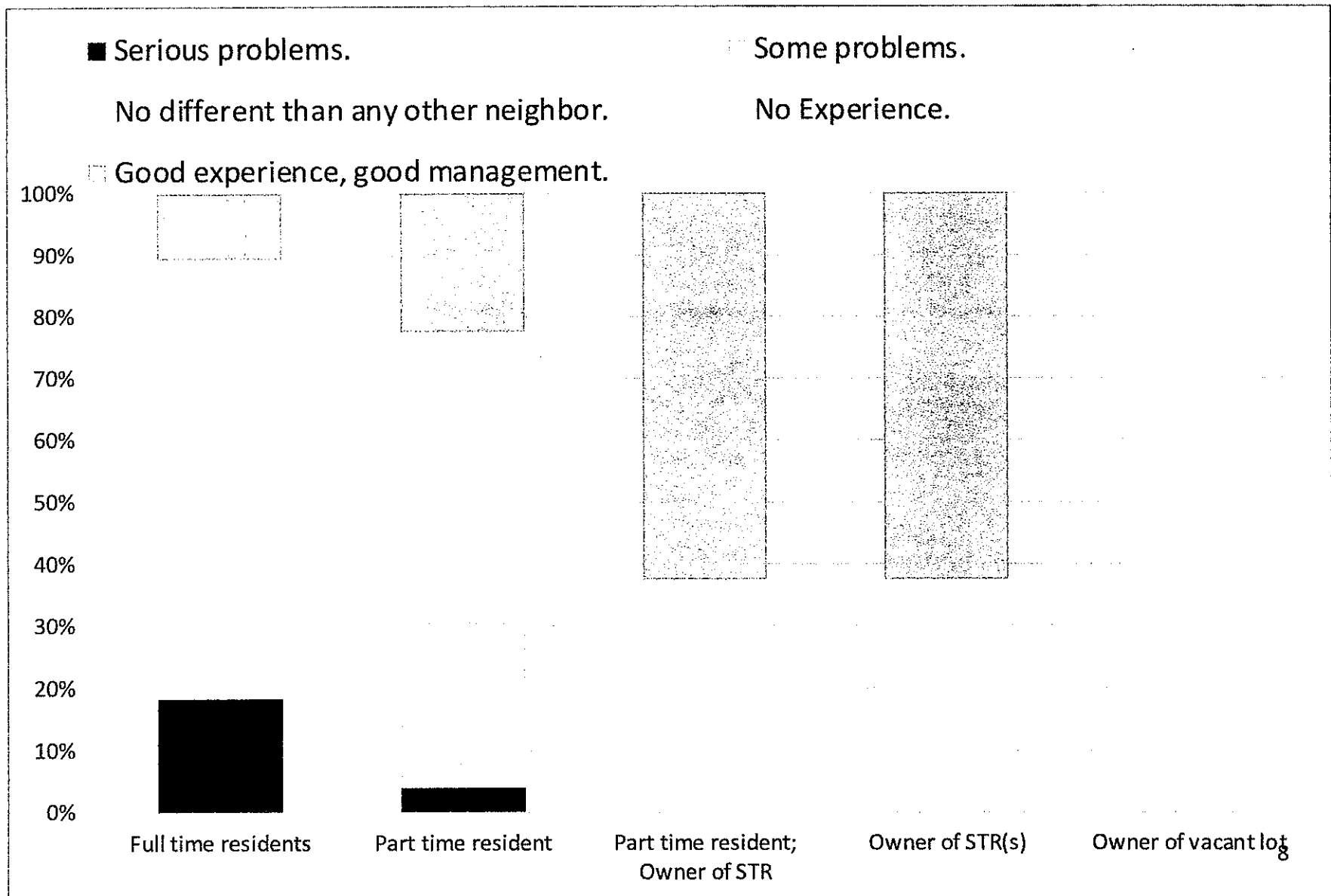


Wide variety of experiences with Short-Term Rentals (STRs)

110 responses

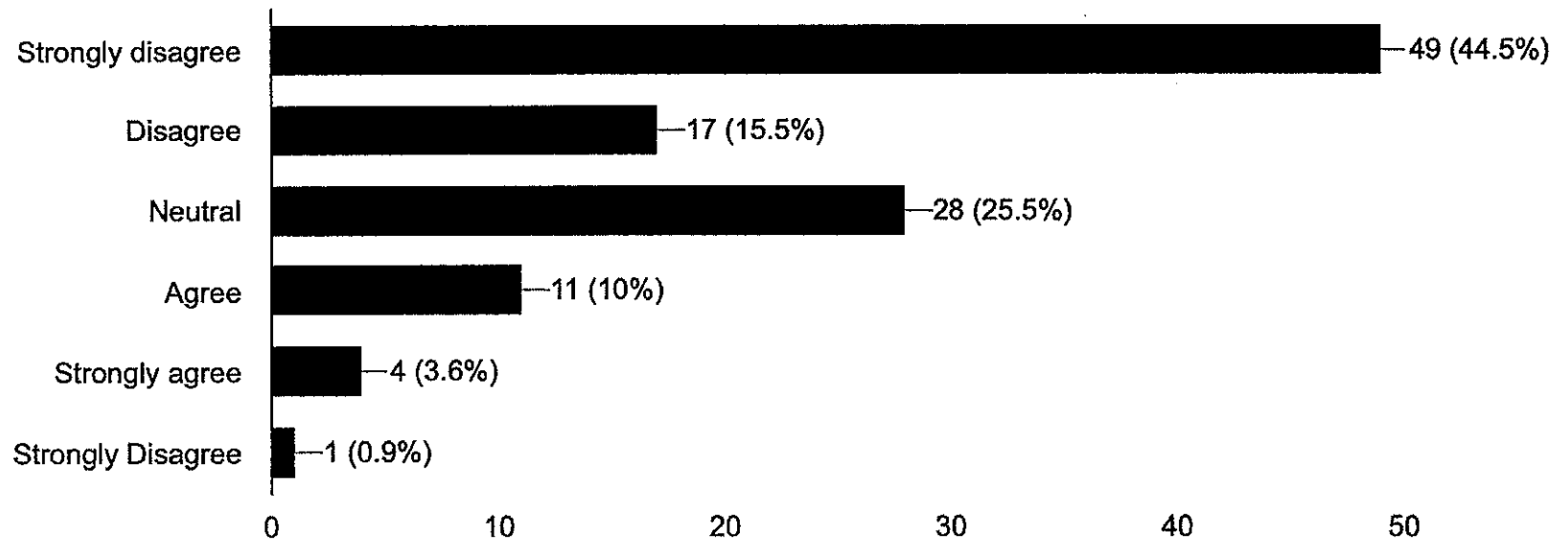


Most Full-Time residents have problems with STRs.
 Part-Time residents have mixed experience with STRs.
 Whereas STR Owners have good experiences.

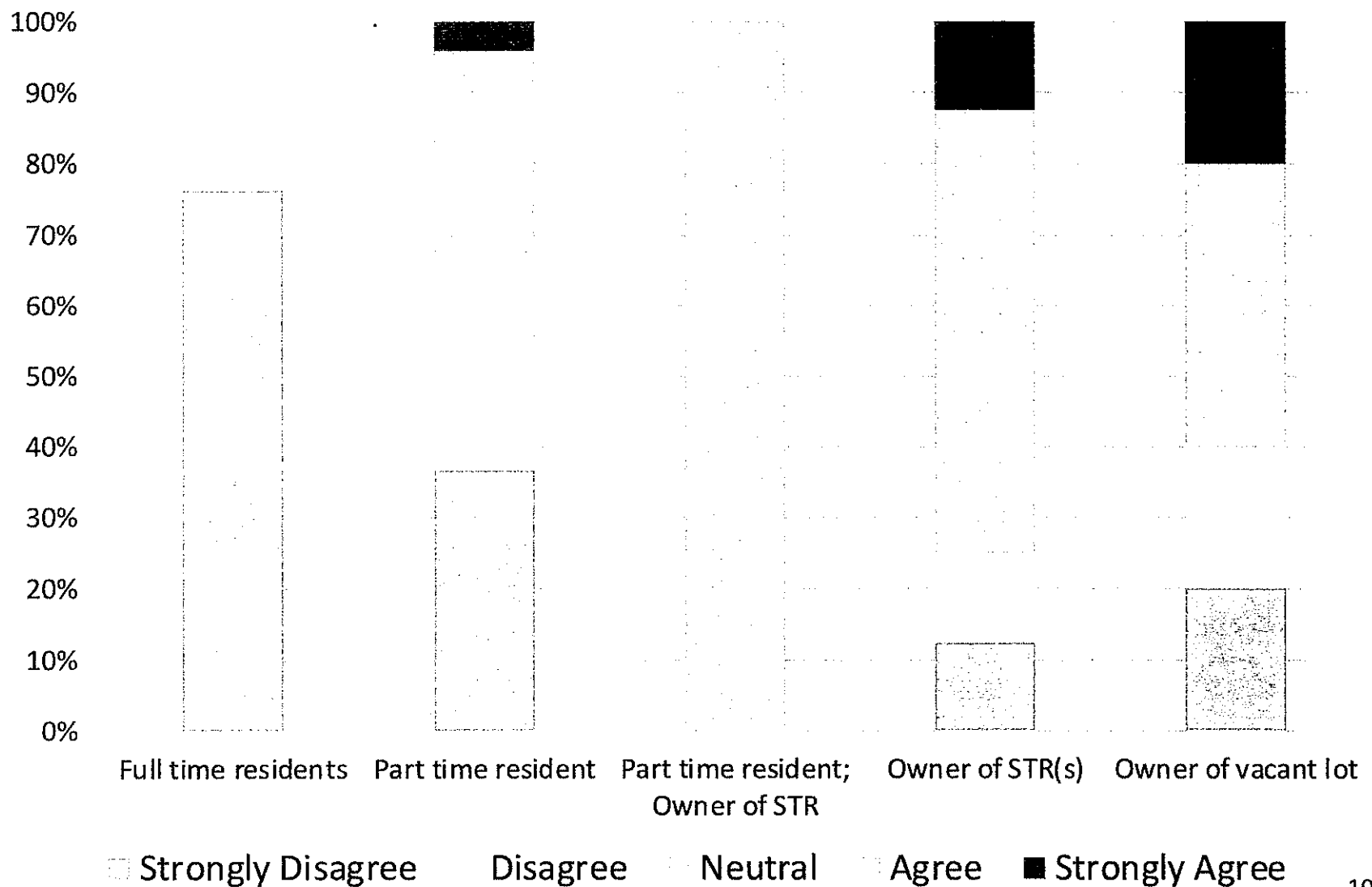


What is your opinion of the current Tillamook County policy of NO LIMIT on the number of Neahkahnie properties that can be permitted for use as short-term rentals?

110 responses



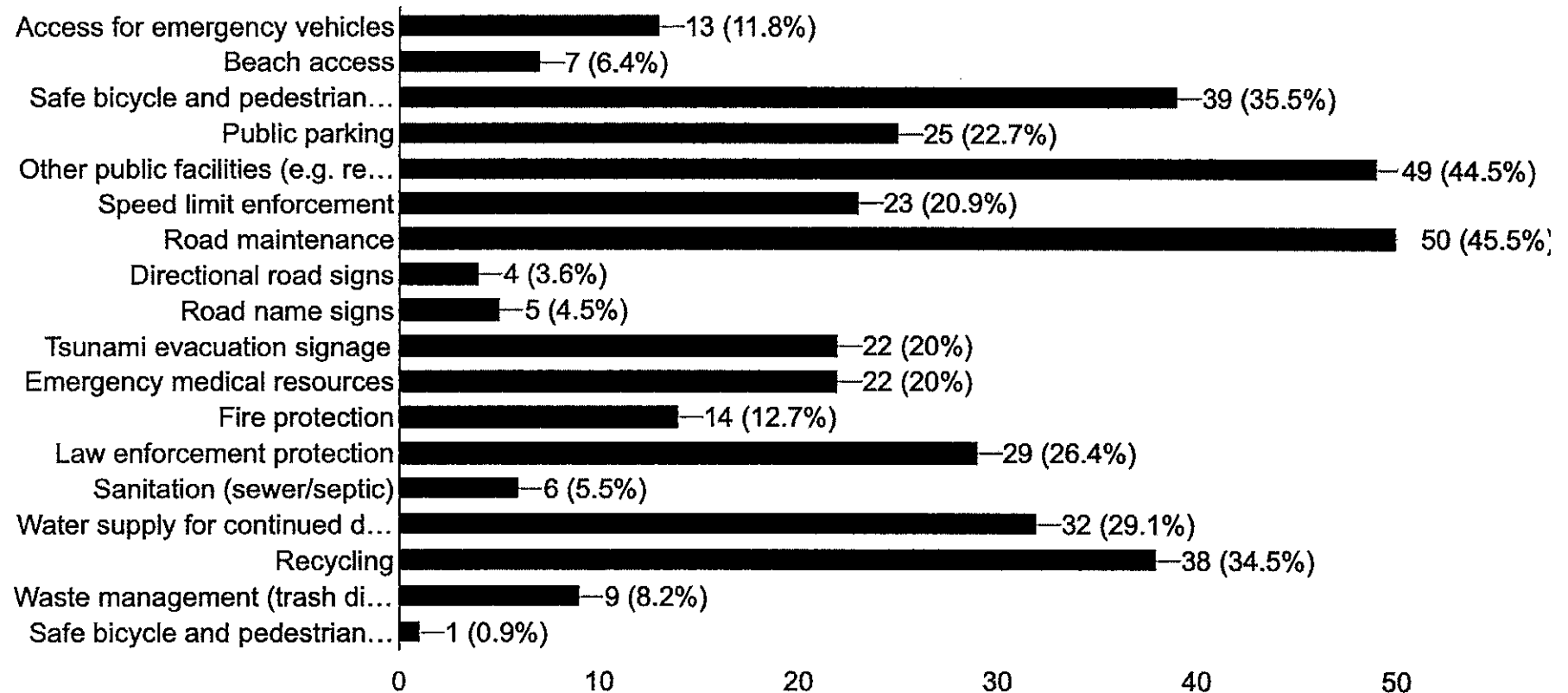
Full and Part-time residents tend to Strongly Disagree or Disagree with County 'no limit' policy on number of STRs



Concerns about services or facilities

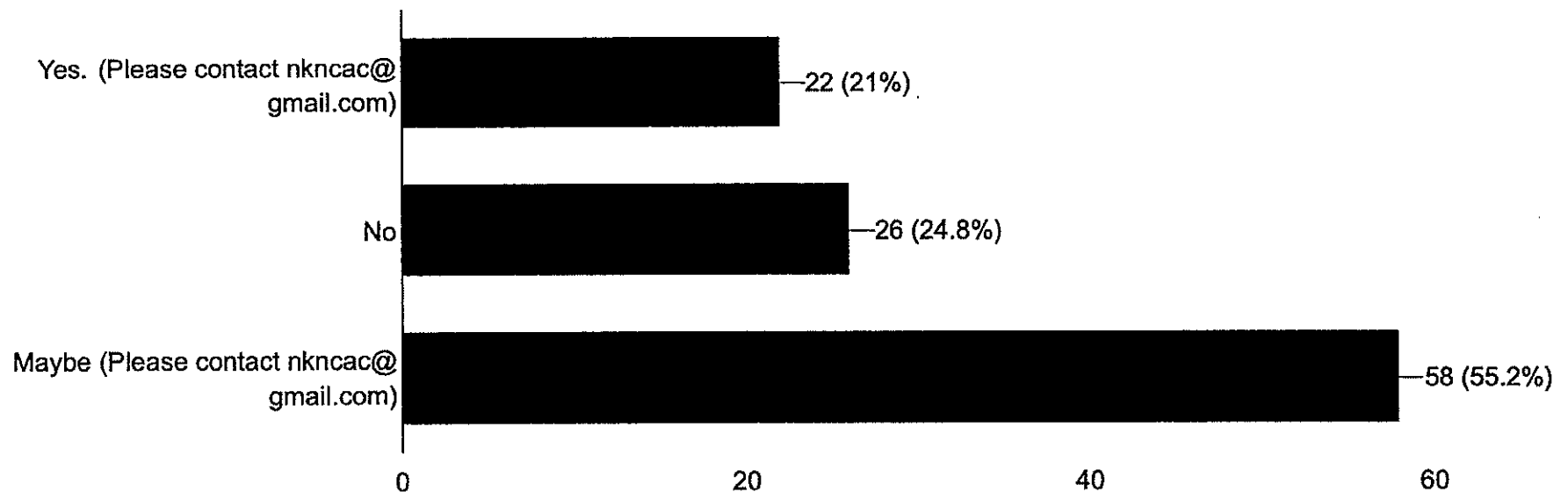
(check all that apply)

110 responses



The existing Neahkahnie Community Plan was adopted in 1998 and needs to be updated. Will you volunteer to participate in this project?

105 responses



Sampling of Comments

- The zoning in our neighborhood is zoned for single family residential. Short term Rentals require commercial zoning and should not be allowed.
- Limit number of short-term rentals. Off street parking should be mandatory for short term rentals. Limit size and capacity of short-term rentals
- Tourism is an important part of our economy and short-term rentals are a part of that. Should not allow a large development in NKN but need to manage and allow the short-term rentals.
- Parking limits not being enforced, cars blocking street at rental properties
- we support short term rentals. They make it possible for many families to experience the Oregon Coast.
- The guests from short term rentals provide tax revenue to Tillamook county and they have a positive economic impact on the whole area.
- Too many visitors at one residence. Too many cars that a property is unable to accommodate. Noise. Fireworks.
- We are concerned about a finite amount of public infrastructure (water, sewer & recycling)

In which neighborhood of Neskowin do you live, operate a business or work?

Top 10 Neighborhoods (Totalling 405 respondents):

Neskowin Village - 144

South Beach - 80

Sahhali Shores/Sahhali South - 26

Proposal Rock* - 26

Neskowin North - 21

Neskowin Crest - 19

Hawk Creek Hills - 11

Hills of Neskowin - 8

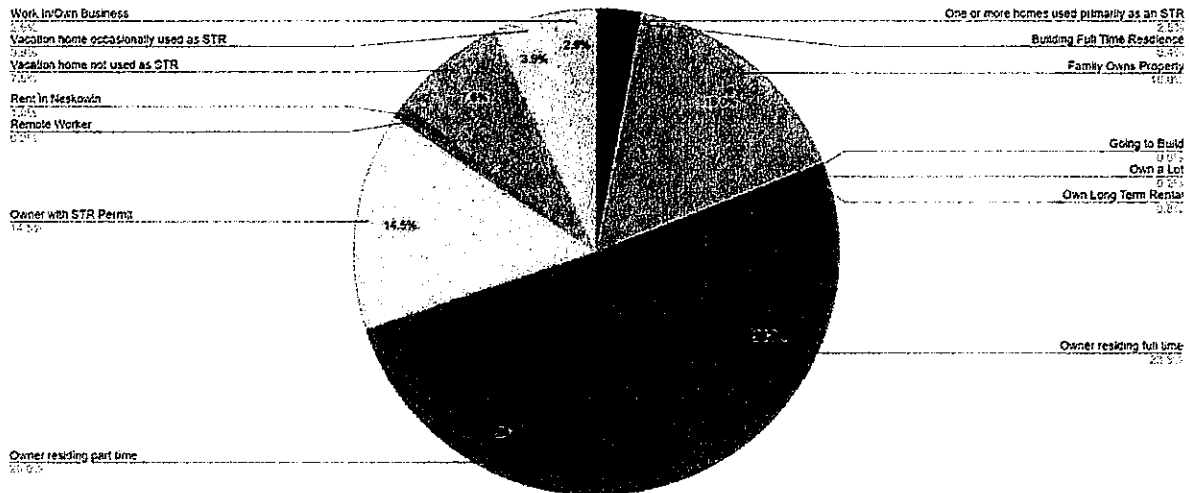
Slab Creek Road - 6

Tibbits Road - 6

Other Areas - 58

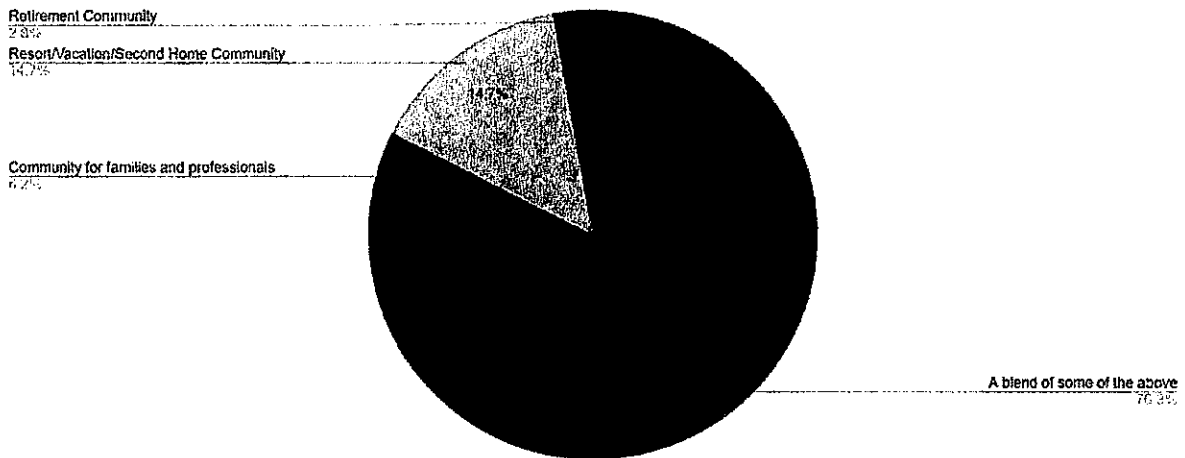
***Some possible Proposal Rock Inn respondents mixed with Proposal Rock Loop respondents**

Please select all that apply to you (Percent of 405 respondents)



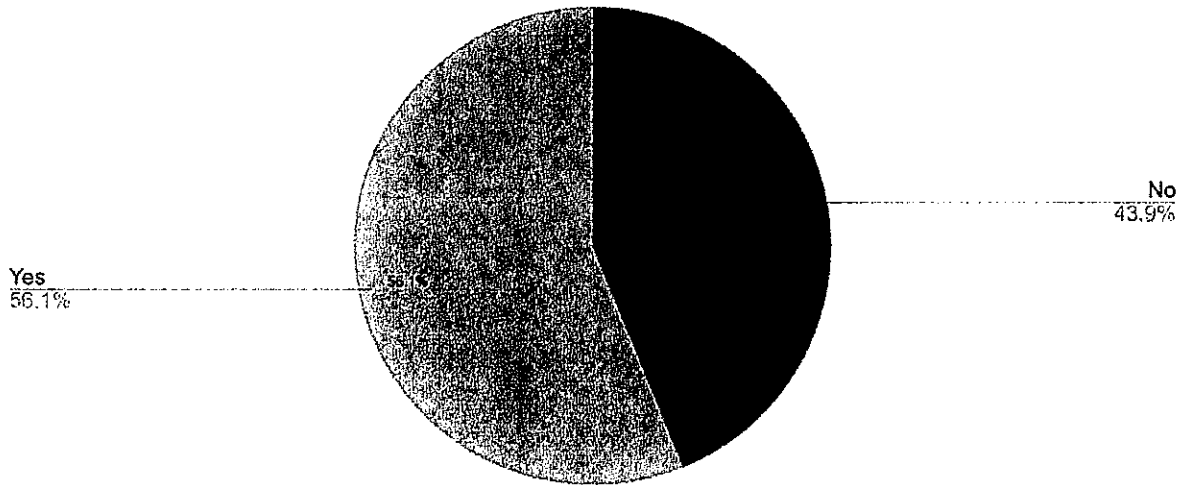
What is your relationship with Neskowin?

Describe your general impression of the Neskowin area by completing the statement, "To me, Neskowin is a/an..."



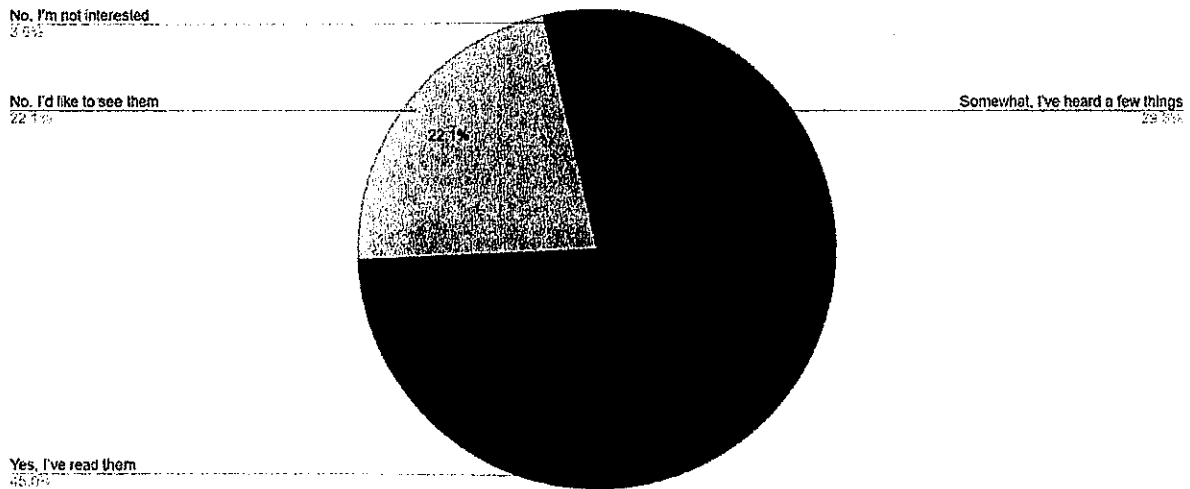
Please describe your general impression of the Neskowin area by completing the statement, 'To me, Neskowin is a/an...'

Do you use STR's when traveling?



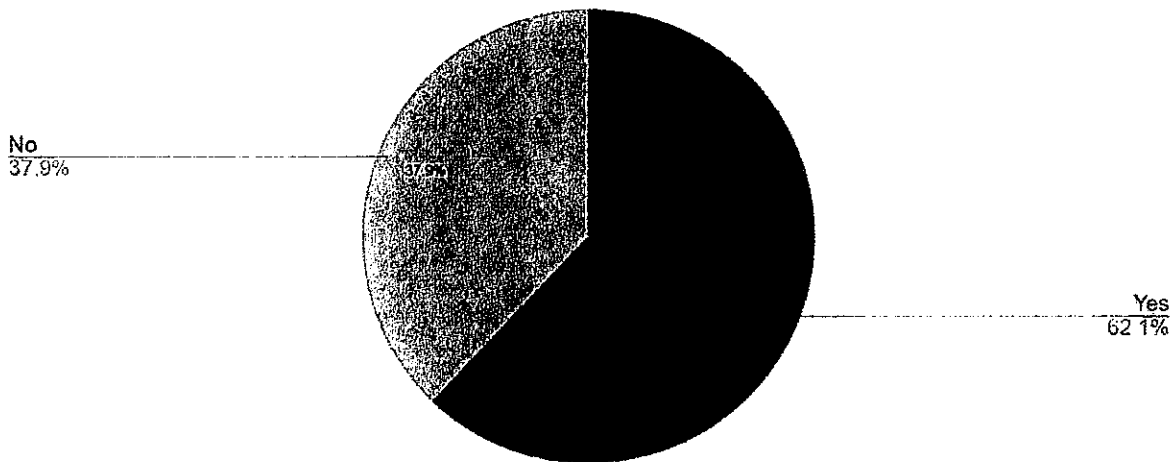
Do you use STRs while traveling?

Are you familiar with the current Tillamook County Ordinances and related policies for STR's?



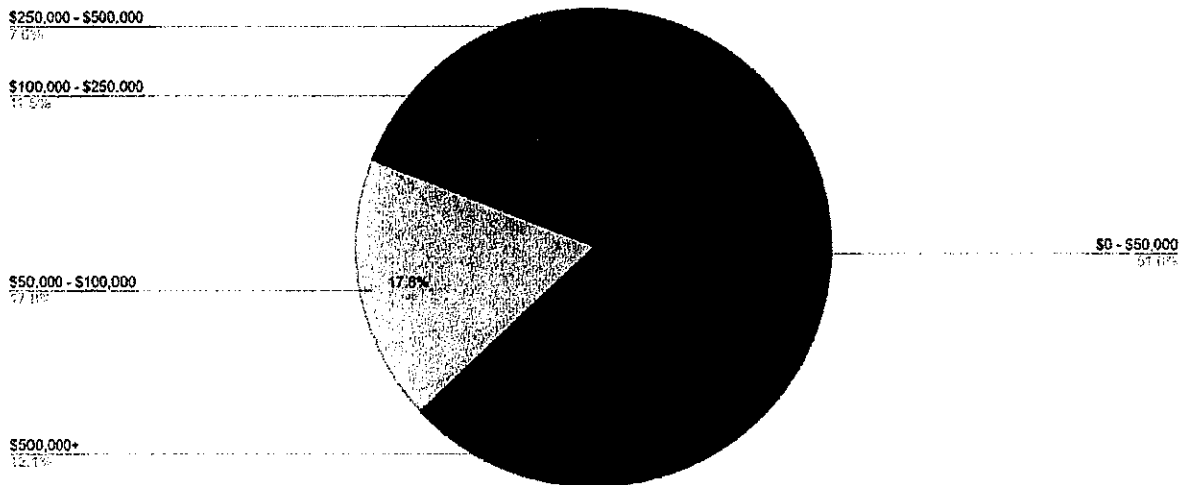
Are you familiar with the current Tillamook County Ordinances and related policies for STR's?

Are you familiar with the Transient Lodging Tax (TLT) and STR Operator Fee and the funds they generate for the community and County?



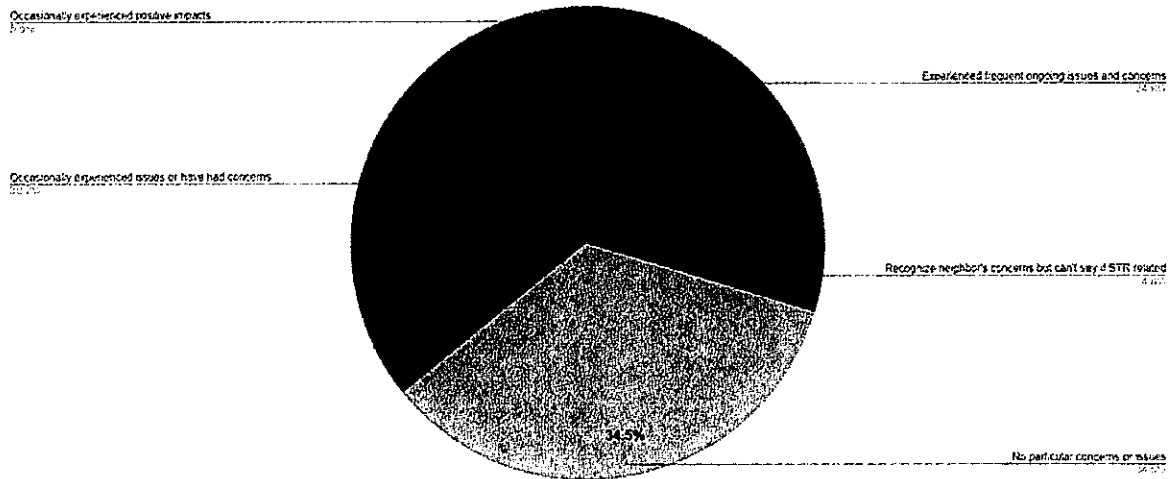
Are you familiar with the Transient Lodging Tax (TLT) and STR Operator Fee and the funds they generate for the community and County?

What dollar amount of TLT funds have been awarded for community projects in Neskowin in the last five years?



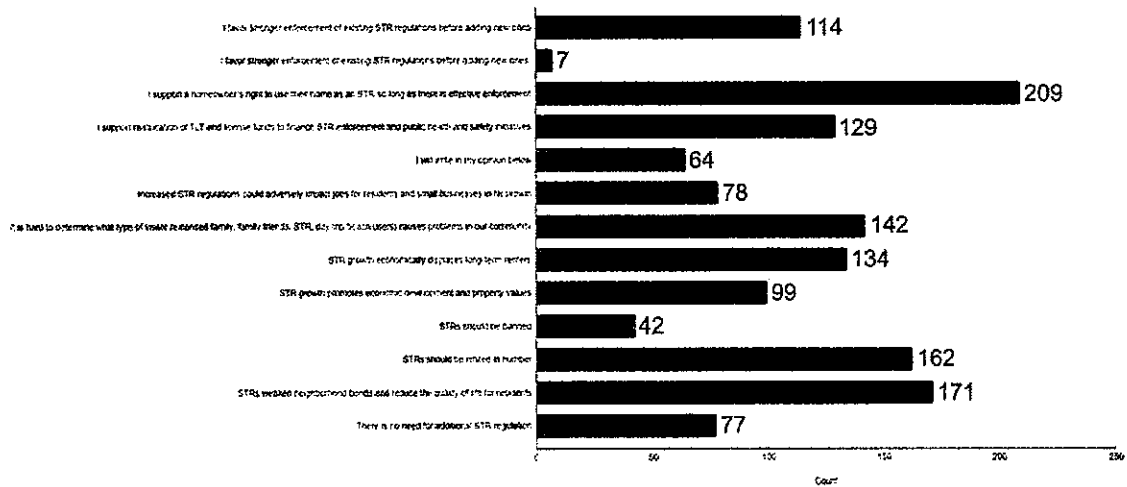
What dollar amount of TLT funds have been awarded for community projects in Neskowin in the last five years?

Which of these most accurately describes your direct experience regarding homes with STR permits in Neskowin



Which of these most accurately describes your direct experience regarding homes with STR permits in Neskowin?

Below are various views sometimes expressed in STR conversations. Select any that are consistent with your own view.



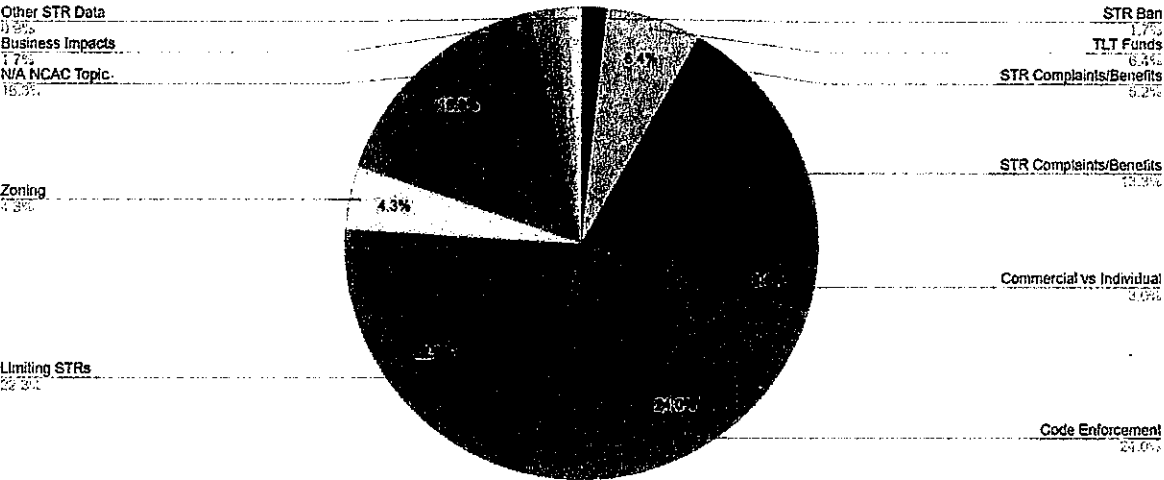
Below are various views sometimes expressed in STR conversations. Select any that are consistent with your own view.

If you have concerns about STR's in Neskowin, what are your TOP 5 concerns?

If you believe there are benefits to STR's in Neskowin, what are your TOP 5 benefits?

View fullsize

Future STR Meeting Topics



Oceanside Short Term Rental Survey

Effective **July 1, 2022**, the County Commissioners have "paused" the issuance of new short term rental licenses in unincorporated communities (including Oceanside). Here is a link to the **Order, Order Suspending STR Licensing**. The stated goal is to allow time for the county - through its existing **Short Term Rental Advisory Committee** - to "identify strategies to mitigate the livability impacts of STRs in unincorporated areas." The order also recognized the role of STRs "in supporting the tourism economy in Tillamook County." **Jerry Keene** represents Central Tillamook County on the STR Committee, and **Terri Warren** specifically represents Oceanside. * They have asked us to survey Oceansiders on a few key issues. To participate, you can simply hit "Reply," fill in the answers, and hit "Send." If that does not work, you can copy and paste the Survey containing your responses in an email addressed to **oceansidefriends@gmail.com**. Jerry and Terri will share the results (but no names) in this Newsletter and in a report to their fellow STR Advisory Committee members.

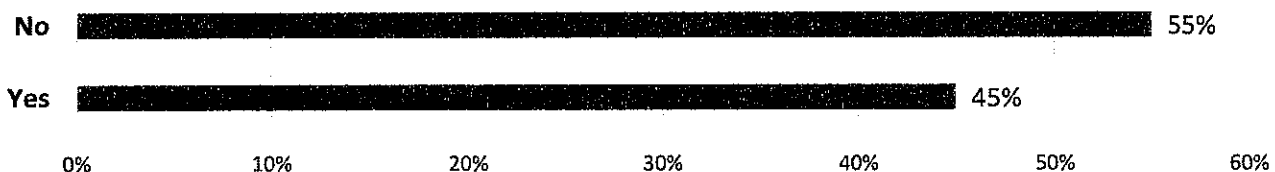
1. Do you consider yourself a full-time resident, a part-time resident, or an absentee property owner? Indicate if you are a short-term rental owner or operator as well.

Full time, part time, absentee, STR owner/operator



2. If you own or operate a STR so, do you utilize a management company?

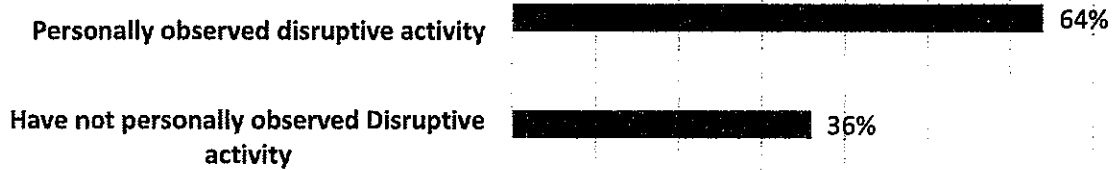
Do you utilize a management company for your short term rental?



3. Have you ever personally encountered or observed disruptive activity related to STR visitors near your property? Please describe the type of problem - for example, "noise (loud music or outside

conversations)," "inappropriate parking," "loose or unruly pets," "intrusive lighting," "trash disposal" or the like. Please also indicate if such problems are "frequent," "occasional" or "rare."

Have you personally observed disruptive behavior at a STR?

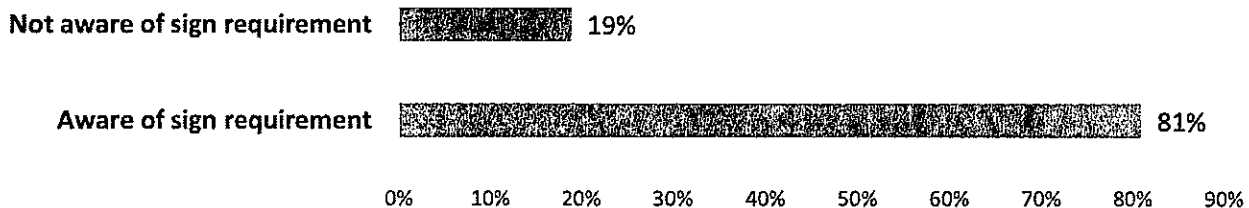


If you observed disruptive behavior, how often did that happen?

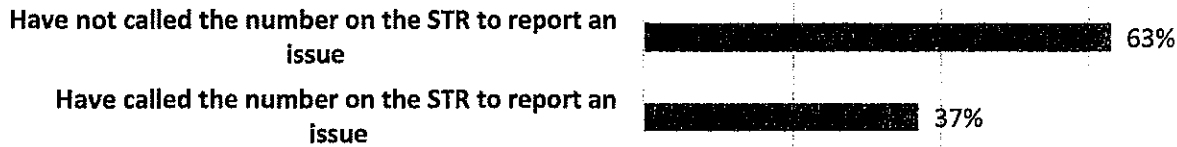


4. Were you aware that short term rentals must visibly post a "contact phone number" for complaints? If so, have you ever personally called to report a problem? Why or why not? If yes, were you satisfied or dissatisfied with the response?

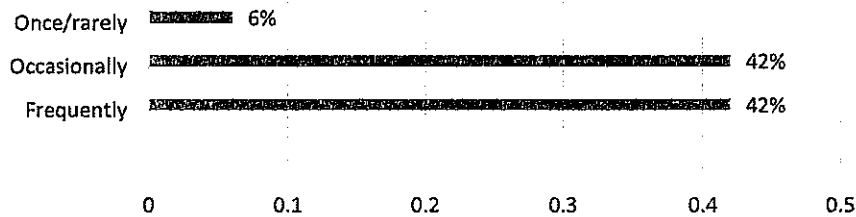
Awareness of sign requirement



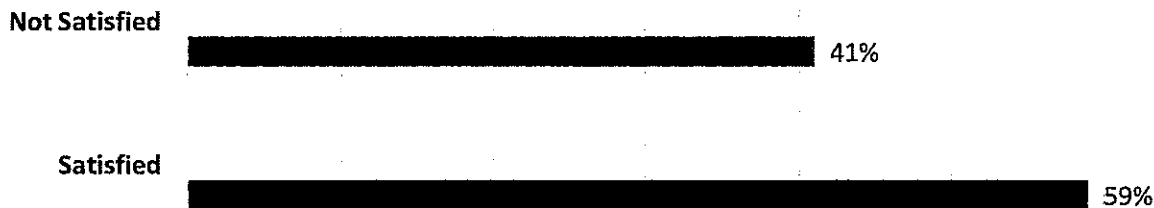
Have you called the number on a STR to report an issue?



You replied that you've used the phone numbers on the house to report an issue. What is the frequency of the calls?



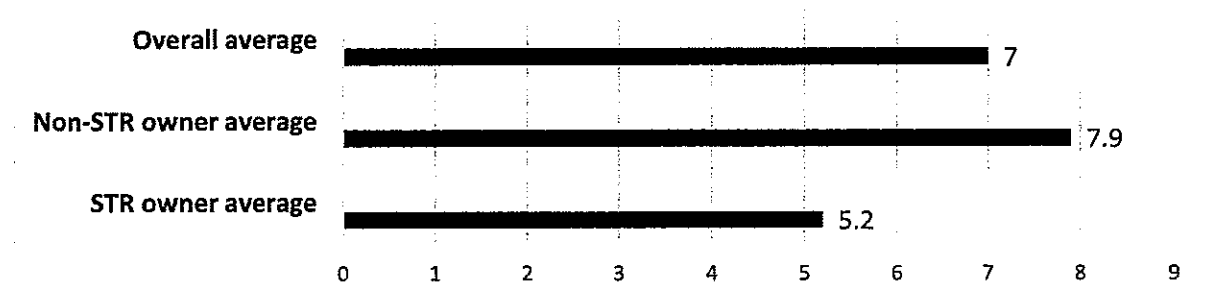
When you called the number for the STR to express your concern, were you satisfied with the result of your call or not?



5. STR issues often pit two fundamental property rights against each other. STR advocates prioritize the right to use one's property in a way that generates income and/or enhances its market value ("**marketability**"). Opponents prioritize the right to stable and livable residential neighborhoods ("**livability**"). Viewing these interests as opposite ends of a spectrum, select the number that best reflects where you would strike the balance between them. (For example, a "5" means you weigh them both equally. A "2" means you would prioritize "Marketability" much higher than "Livability" in most cases).

(Marketability) 1 2 3 4 5 6 7 8 9 10 (Livability)

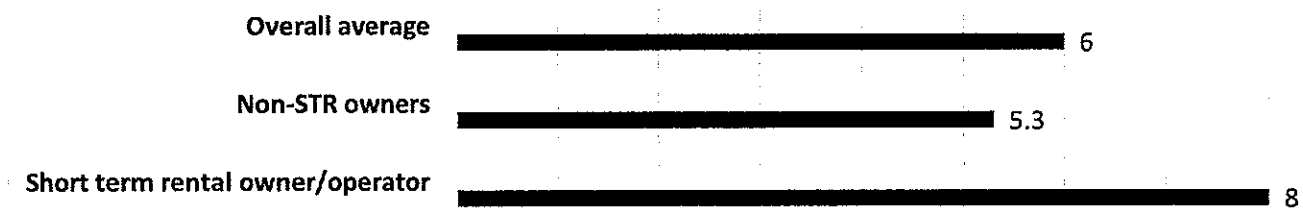
On the balance of marketability vs. Livability, short term rental
owners/operators score vs. non-STR owner score



6. Tillamook County has historically collected between \$4 million and \$7 million in tourism lodging taxes (TLT) from STR customers, of which 30% is allocated directly to county road and bridge repair/maintenance. STR Operator's also pay an annual fee, generating hundreds of thousands of dollars for workforce housing initiatives (75%) and to law enforcement (25%). How important is that information to you in formulating your view of STRs generally?

(No significance) 1 2 3 4 5 6 7 8 9 10 (Critical significance)

Importance of TLT income for the county projects and initiatives



7. Here are some alternatives being considered by the STR Committee. Please rate your support for each of them on a scale of 1 (absolutely oppose) to 5 (entirely support).

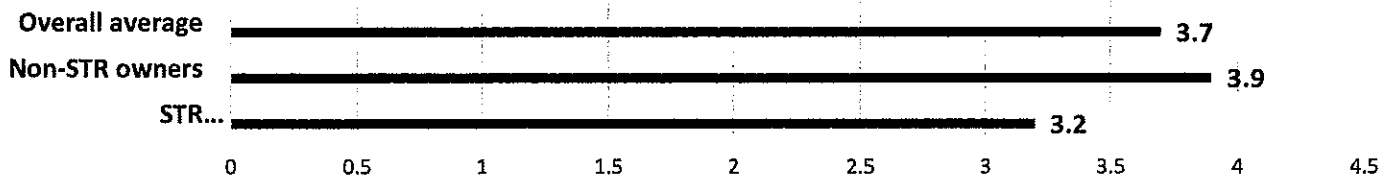
Ban and phase out all STR by owner/operator vs non-STR owners on a scale
of 1 (absolutely oppose) to 5 (entirely support)



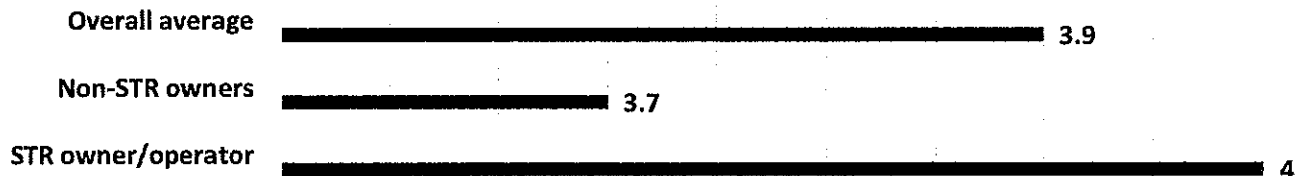
Limit an STR license to the current owner (new owners must re-apply and comply with upgraded requirements adopted since the previous license issued) by STR by owner/operator vs non-STR owners on a scale of...



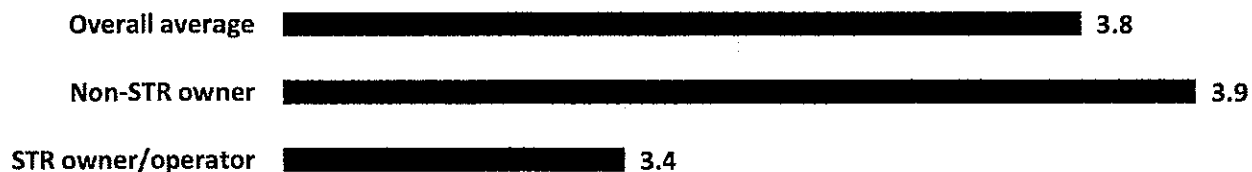
Cap the number or percentage of homes with STR licenses in each community by STR by owner/operator vs non-STR owners on a scale of 1 (absolutely oppose) to 5 (entirely support)



Use some STR tax or fee revenue to fund special enforcement personnel to respond to STR-related complaints STR by owner/operator vs non-STR owners on a scale of 1 (absolutely oppose) to 5 (entirely support)

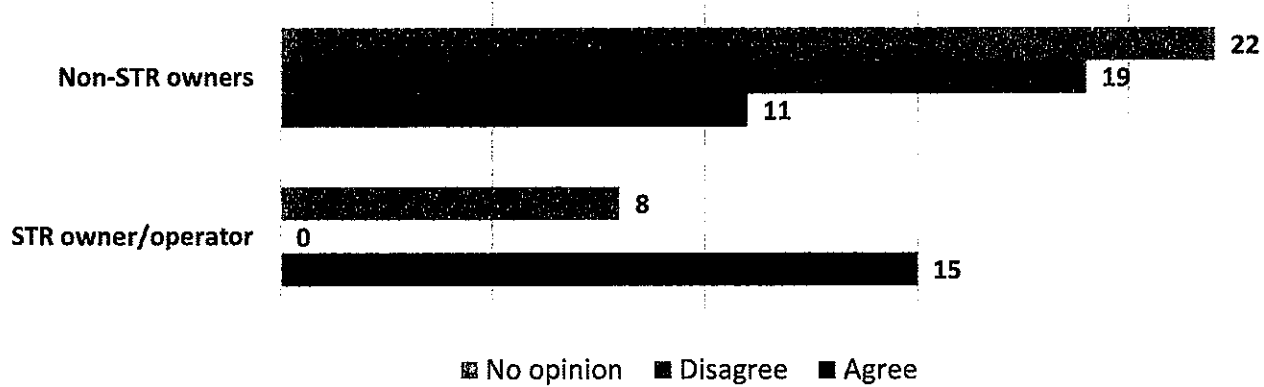


Reform current formulas to reduce the number of parked cars permitted at each STR by owner/operator vs non-STR owners on a scale of 1 (absolutely oppose) to 5 (entirely support)

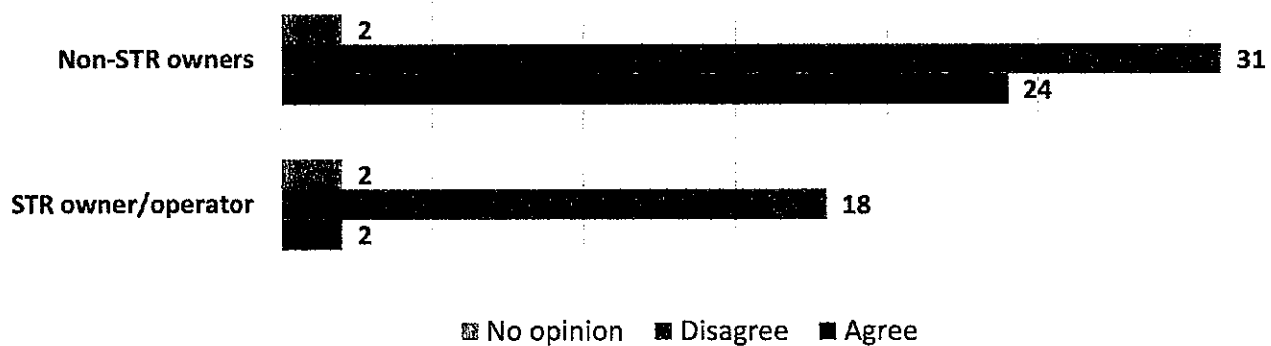


If you are willing to spend the additional time, we would appreciate your brief narrative response or reaction to each of these statements that have been offered during STR meetings.

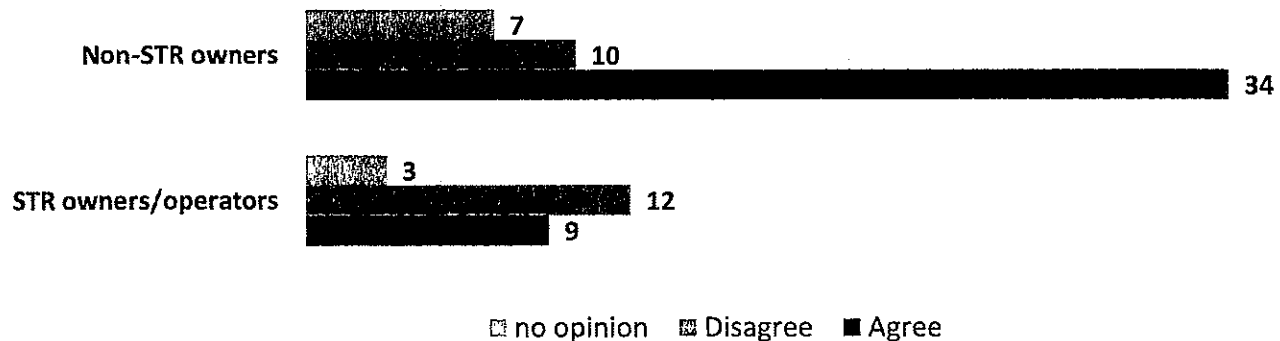
6. STR visitors are too often blamed for misconduct by day visitors or family/guests of actual owners.



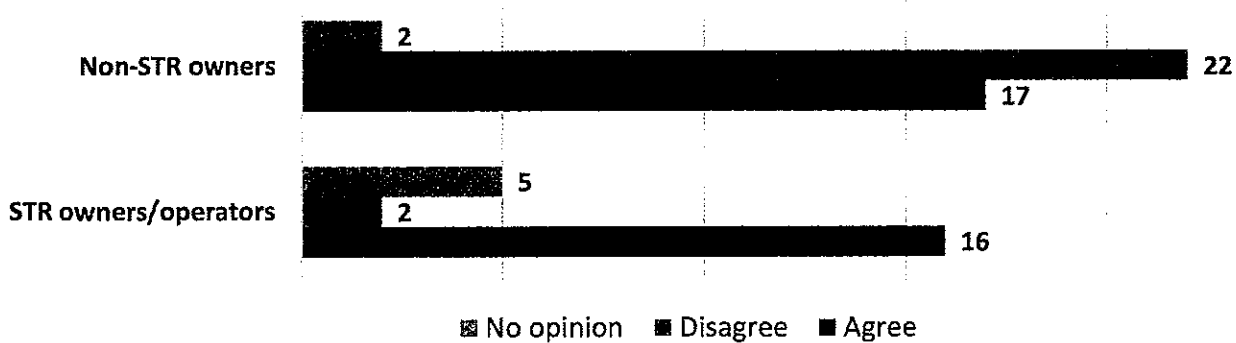
7. STRs inappropriately bring a commercial activity into residential zones



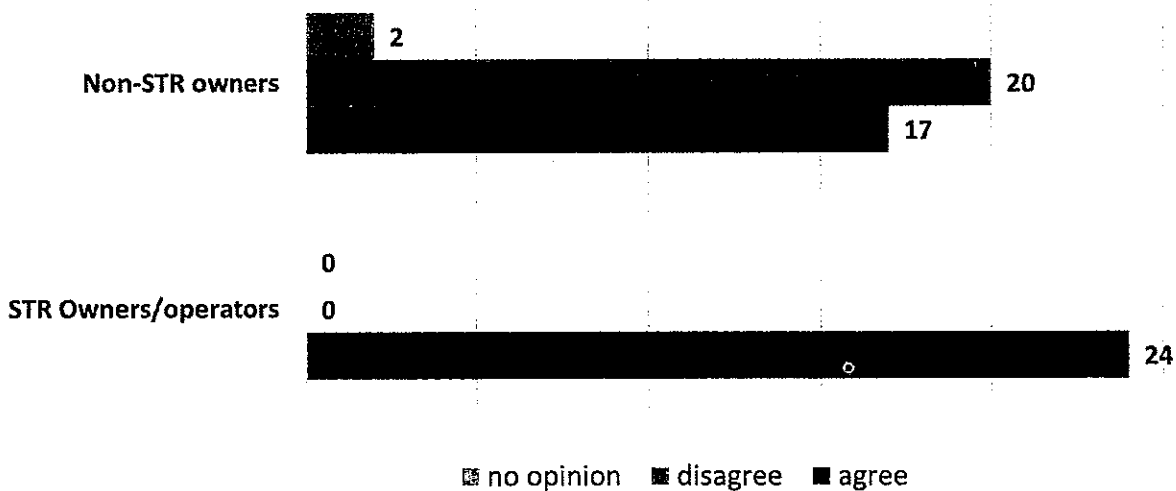
8. STRs displace long term renters or residents needed to support community resources like volunteer fire departments, crime watch efforts and neighborhood associations.



9. STR bans and caps would be less necessary if there was an adequate enforcement response when problems arise and are reported.



10. STRs are an under-appreciated but vital contributor to Tillamook County's economy and tax base.



Terri Warren, Oceanside STR Committee Representative
Jerry Keene, Central County STR Committee Representative

*Oceansider Pam Zielinski also serves on the STR Committee generally representing "Real Estate," and Netarts-Oceanside Fire Chief Tim Carpenter represents "Public Safety."

**RECOMMENDATIONS FOR UPDATING TILLAMOOK COUNTY ORDINANCE #84
SHORT-TERM RENTALS**

Neskowin Citizen Advisory Committee
STR Subcommittee

December 2022

The Neskowin Citizen Advisory Committee's Short-Term Rental Subcommittee was developed by the Neskowin Citizen Advisory Committee (NCAC) with the goal to foster communications between community members regarding Short-Term Rentals (STRs) in Neskowin. This new committee worked throughout 2022 to develop recommendations for updating rules and regulations in Tillamook County's Ordinance #84, which governs STRs throughout unincorporated areas of Tillamook County. These recommendations are specific to Neskowin. Our goal is to provide recommendations that reflect support from a variety of community members and demonstrate a balance of livability and personal property rights, while continuing our history of welcoming guests to Neskowin.

These recommendations were developed through a thoughtful combination of research, community feedback (public Zoom meetings, written submissions, communications with community members), attendance and participation in the county STR meetings, and two detailed community surveys. The goal of the first survey was to identify concerns & benefits related to STRs. The final survey's goal was to gauge opinions on priorities and proposed changes to Ordinance #84.

The final survey had 449 responses from eligible NCAC members. 165 respondents (37%) reported that they were homeowners with STR permits. 284 respondents (63%) reported they do not own a home used as an STR in Neskowin and included residents, seasonal owners, property owners, business operators/owners, and long term rental residents. It is worth noting that while 449 responses is a very good response rate, there are a number of eligible NCAC members who did not participate in the survey for whatever reason.

The recommendations from our subcommittee do not necessarily reflect the individual opinions of any STR subcommittee member, and recommendations to the county & NCAC are advisory only. Any updated rules & regulations will be voted on by the Tillamook County Board of County Commissioners. The recommendations are below, followed by a basic summary of survey data and survey results.

Neskowin Community Demographics as of October 2022 (all numbers are approximate):

908 Improved Properties - multiple owners all eligible for NCAC

426 Approximate Number of Unimproved Properties - multiple owners all eligible for NCAC

205 Residents - 2020 US Census

187 STR Permits - many granted to homes with multiple owners

85 condos, townhomes or apartments with STR permits (56 in commercial zoning)

102 stand alone homes with STR permits

RECOMMENDATIONS

- **Improved Enforcement**

There is community feedback that complaints are not adequately addressed by the county. The actual number of documented violations at STRs in Neskowin reported by Tillamook County is extremely low. Adding new rules and regulations is meaningless if they cannot be adequately enforced. Therefore, we highly recommend Tillamook County hire an enforcement officer who can work nights and weekends during the summer months to more effectively enforce Ordinance #84. A person in this role would be able to actively promote compliance and reduce the burden on the county sheriffs who are already spread thin responding to emergencies. This role will also reduce reliance on others to report perceived problems, as enforcement should not solely fall on neighbors. We consider enforcement to fall under both tourism and public safety umbrellas, and subsequently eligible for Operator Fee funds and Transient Lodging Taxes. Therefore, we recommend allocation of funds to support improved enforcement.

- **Percentage Cap**

Although there is a continuing discussion among STR subcommittee members about what the appropriate and precise percentage cap for STRs in Neskowin should be, we are in agreement in recommending that some level of a percentage cap limit on the number of STR permits issued in Neskowin be implemented. This recommendation is supported by a majority of respondents on the survey, and included a wide variance of percentage levels supported. If a percentage cap is established by the County, there is also strong support in the survey to include residentially zoned condos & townhomes in a cap (no exclusions for such dwellings in NeskR1 & NeskR3 zones). There is also community support to allow dwellings with STR permits in commercially zoned areas to be exempted from inclusion in any potential percentage cap.

- **Update “Sleeping Areas” to “Bedrooms”**

We recommend calculating maximum occupancy based on the number of “bedrooms” instead of “sleeping areas” in an STR at a rate of 2 per bedroom +2 guests overall. The majority of respondents to the survey supported this change. For the purpose of the survey, we defined a “Bedroom” as a room intended for sleeping with a door and operational exterior window egress (window minimum 44” up from the floor and minimum 24’ tall and 20’ wide). However, the Oregon Residential Specialty Code, recently amended, which is administered by the Oregon Buildings Division, and governs the construction and reconstruction of dwellings and the requirements for all habitable spaces including bedrooms, will likely require the county to refine the STR definition of a “bedroom” for purposes of occupancy. We would like to see some allowances be made that factor in some exceptions for existing studios, dwellings which include lofts, and similar dwellings, to the extent that such residences and dwellings may be somehow excluded by this definitional change. We believe this change will have a cumulative impact on at least some of the livability concerns expressed in our community. Ideally, marginally reducing the overall number of guests allowed in STRs will have an impact on lowering the overall number of cars, traffic, trash, etc.

- **Online STR Directory, Complaint Form and Exterior Signage**

We recommend an online STR directory containing the STR address, contact phone number, contact email, and maximum occupancy. To protect privacy we do not recommend an owner's name be required online with this information, but it could be optional. We believe an online directory will facilitate communication between neighbors and help resolve any potential issues more quickly than complaining via a third party. For exterior signage on site, survey results support continuing to require the name and phone number for a contact person, but no additional required information garnered majority support.

- **Parking - Max 6 Vehicles**

The STR survey did not show a majority opinion for any single parking solution. However, based on a majority of respondents desiring some increased parking limitations, and our review of considerable community feedback on this issue, our committee recommends a limit of 6 off-street parking spots per STR, and continuing to require 1 spot per "Bedroom" (not "Sleeping Area") plus 1 extra (up to 6). Requiring more spots can encourage removal of landscaping to make way for parking, and we hope that a reduction on parking spots will have a cumulative impact on lessening the number of cars in our neighborhoods and associated livability concerns.

- **Bear Resistant Trash System & Weekly Trash Pick-Up**

Consistent with the majority of survey respondents, we recommend requiring some type of bear resistant trash bin or enclosure for STRs. The survey supports requiring this for all owners in Neskowin, but we recognize Ordinance #84 is limited to STRs. We do not recommend requiring twice weekly trash pickup for STRs with two or more reservations per week. This is an undue burden and does not factor in the number of occupants or amount of trash produced. Additionally, upon checking with Nestucca Valley Sanitary Service, they indicated that they do not have the manpower nor truck capacity to do a large number of twice weekly pickups in Neskowin.

- **Dark Skies Initiative**

Survey responses supported a requirement for the exterior lights at STRs to be shielded downwards. However, factoring in the strong survey result for these types of rules to apply to all homes in Neskowin, we are instead encouraging the NCAC to consider taking steps and gathering community input for feedback on the feasibility of a Dark Skies Initiative in Neskowin.

- **Community Rules**

There was strong support for various rules for trash, parking and lights to apply equally to all homes in Neskowin, and not just STRs.

- **Increase Amount of Transient Lodging Tax (TLT) Funds Allocated to Neskowin**

There was strong community support that TLT (currently 10% of rental revenue) funds should be reallocated towards enhanced enforcement in Neskowin. Overall, our community would like to see more TLT grants awarded to support public safety and impacts of tourism directly to Neskowin. Ideally, these funds would be commensurate with the high amount of TLT our STRs generate for the community, and would be provided on an annual basis for long-term community enhancement and initiatives.

- **In-Person Response Requirement**

Consistent with the majority of survey respondents, we do not recommend a requirement for in-person response 24/7. This would require owners to either hire local property management, or hire a local person for coverage.

- **Annual Nightly Limit, Max Occupancy Limit, or Proximity/Distance Based Limits**

There are STR subcommittee members and many community members that support some or all of these limits. However, solid majorities of survey respondents did not. Therefore, as a subcommittee we do not recommend any of these types of limits at this time.

The NCAC STR Subcommittee would like to thank our community for working together to find common ground for all community members in Neskowin on what can be a generally divisive topic. We believe these recommendations encompass a fair and balanced approach to STRs in Neskowin. The recommendations recognize the challenges and respect the benefits that go hand in hand with welcoming visitors to the Oregon Coast. Thank you for your consideration.

Respectfully,

NCAC STR Subcommittee

Alex Sifford - Resident

Alexis Tate - Business Representative

Hillary Gibson - STR Owner

Roger Wicklund - STR Owner












Tom Prehoditch - Resident

Page 5: Final STR Survey Summary Slides









Page 6-19: Final STR Survey Data Slide Presentation

The slide presentation may be viewed online with optimal formatting: [STR SURVEY](#)

SUMMARY

-  **73%** • Require some type of bear resistant trash system
-  **72%** • Various rules should equally apply to all Neskowin homes
-  **72%** • Reallocate TLT funds for enhanced enforcement
-  **65%** • Online complaint form
-  **64%** • Require exterior lighting to be shielded downward
-  **59%** • Percentage cap on number of STR permits
-  **58%** • Exempt commercial zones from potential percentage cap
-  **57%** • Calculate max occupancy by "bedroom" instead of "sleeping area"
-  **56%** • Some type of additional parking limit
-  **51%** • Online directory of STR permit contact info
-  **50%** • Exterior signage include contact person & phone number

SUMMARY

-  **84%** • Ban STRs in Neskowin
-  **79%** • Different property rights based on owner's time at home
-  **64%** • Exempt condos & townhomes in residential zones from potential percentage cap
-  **61%** • Proximity or distance based limits
-  **59%** • Cap on total maximum occupancy
-  **58%** • Require some STRs to remove garbage twice weekly
-  **55%** • Limit on number of nights per year annually able to rent
-  **54%** • Require local management

NO MAJORITY RESPONSES

?

Grandfathering by Category
Transferability of STR permits
STR Permit Limits Per Person



NESKOWIN CITIZEN ADVISORY COMMITTEE

SHORT-TERM RENTAL SUBCOMMITTEE

DEC 2022
STR SURVEY RESULTS

GOAL
GATHER COMMUNITY INPUT FOR
RECOMMENDATIONS TO UPDATE ORDINANCE #84

SURVEY BACKGROUND

The STR Subcommittee is balanced with Neskowin volunteers who applied, interviewed & were selected to serve along with an invited business representative.

Alex Sifford – Resident

Alexis Tate – Business Representative

Hillary Gibson – STR Owner

Roger Wicklund – STR Owner

Tom Prehoditch – Resident

This survey had 449 eligible responses. The survey was open to all NCAC members (age 18+ people who reside in, own property in, or are a business owner or operator within the NCAC boundary or "Neskowin" zip code 97149).

All questions required an answer to provide a clean set of data for tangible information to share with the county.

Thank you to Biff Schlicting for NCAC communications & coordination of survey distribution & data.

SURVEY BACKGROUND

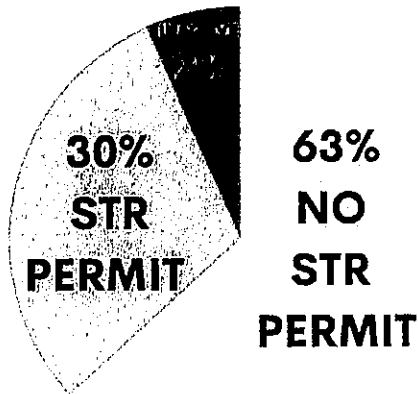
Recommendations to the county & NCAC are advisory only. Any updated rules & regulations will be voted on by Tillamook County Board of County Commissioners. This survey will provide the county with general opinions of the community.

Policies are ideally based on facts, and when the county is considering various updates to rules and regulations, we hope this community input will be a factor taken under advisement.

Feedback? Please feel free to share comments with the NCAC: info@neskowincac.org

Public Comments may be sent to Tillamook County STR Advisory Committee: publiccomments@co.tillamook.or.us

1 ARE YOU A HOME OWNER WITH AN STR PERMIT?



284 NO - I do NOT own a home used as an STR in Neskowin = 63%

135 YES - STR permit holder actively renting = 30%

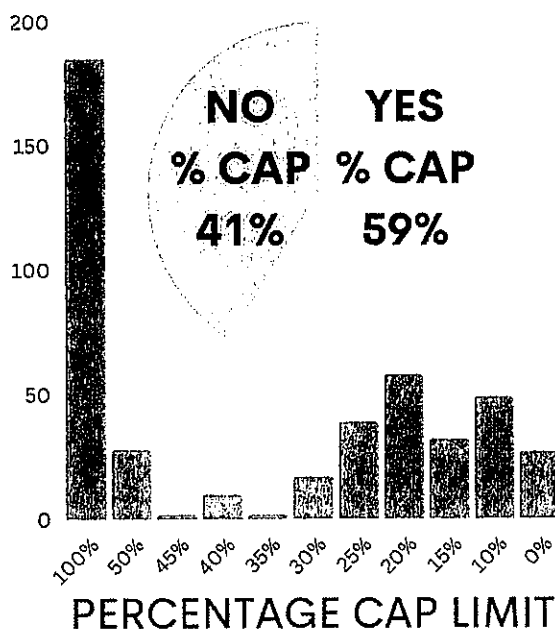
30 YES - STR permit holder NOT actively renting for any reason = 7%

284 respondents (63%) reported they do not own a home used as an STR in Neskowin

(includes residents, seasonal owners, property owners, business operators/owners, and rental residents).

165 respondents (37%) reported they were homeowners with STR permits.

2 DO YOU SUPPORT A LIMIT ON THE TOTAL NUMBER OF ALL STRS IN NESKOWIN VIA A "PERCENTAGE CAP" WHICH WOULD LIMIT STR PERMITS AT A CERTAIN PERCENTAGE OF TOTAL PROPERTIES?



264 respondents (59%) supported some level of percentage cap from 0%-50%

185 100% cap limit (no limit) = 41%

58 20% cap limit = 13%

49 10% cap limit = 11%

39 25% cap limit = 9%

32 15% cap limit = 7%

28 50% cap limit = 6%

27 0% cap limit (ban) = 6%

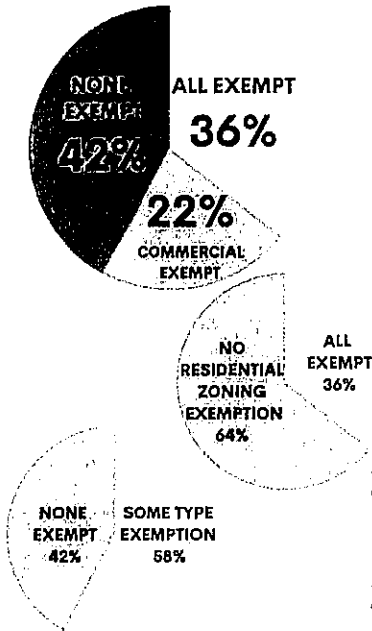
17 30% cap limit = 4%

10 40% cap limit = 2%

2 35% cap limit = .4%

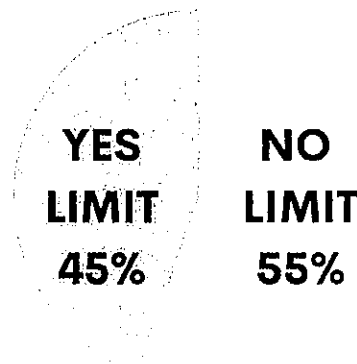
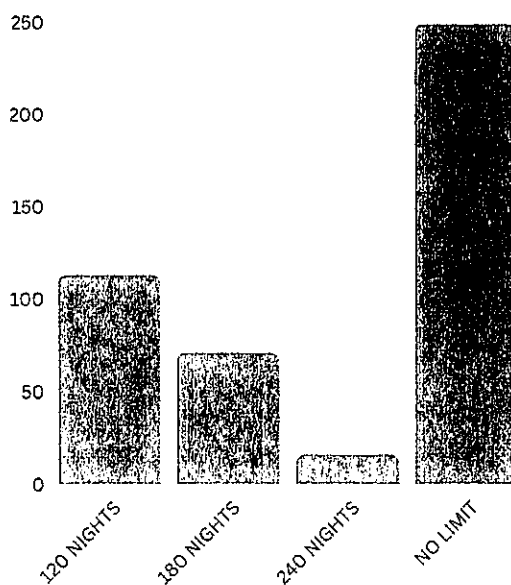
2 45% cap limit = .4%

3 IF A PERCENTAGE CAP LIMIT WERE ADDED TO ORDINANCE #84, DO YOU SUPPORT APPLYING THE LIMIT TO STAND-ALONE HOMES ONLY & EXEMPTING CONDOS, TOWNHOMES & APARTMENTS OR SIMILAR FROM CALCULATIONS FOR A PERCENTAGE CAP?



- 189** NO - include ALL STRs in calculation of a percentage cap, regardless of zoning or property type (current calculations reflect all STRs) = 42%
- 160** YES - exempt ALL condos, apartments, townhome style homes etc from a percentage cap, regardless of zoning = 36%
- 100** YES - exempt ONLY permits for STRs in NeskC Commercial zones (including but not limited to Neskowin Resort & Proposal Rock Inn). This option would NOT exclude condos in NeskR3 & NeskR1 zones from being included in potential percentage cap calculations (including but not limited to Chelan, Pine-Crest, Pacific Sands & Breakers Beach Houses) = 22%
- 289** Respondents (64%) supported no exemptions for any properties in NeskR3 & NeskR1 residential zones from potential percentage cap
- 260** Respondents (58%) supported exemption for commercially zoned properties from potential percentage cap

4 DO YOU SUPPORT A LIMIT ON THE NUMBER OF NIGHTS PER YEAR AN STR CAN BE RENTED?



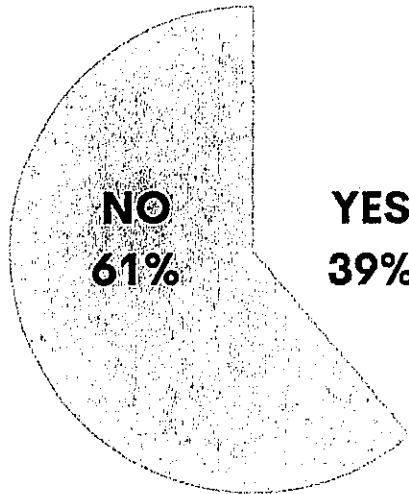
- 249** 365 NIGHTS = 55% NO LIMIT
- 113** 120 NIGHTS = 25%
- 71** 180 NIGHTS = 16%
- 16** 240 NIGHTS = 4%

NUMBER OF NIGHTS PER YEAR ALLOWED TO RENT

5

DO YOU SUPPORT DENSITY/PROXIMITY BASED LIMITS?

For example, requiring a certain distance between two STRs, or limiting percentage of STRs per area smaller than Neskowin (neighborhood, street etc.).

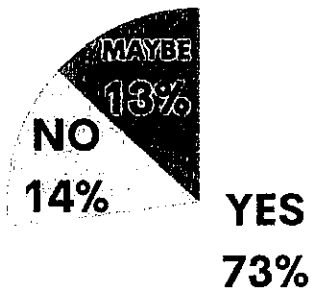


275 NO = 61%

174 YES = 39%

6

SHOULD ANY TYPE OF BEAR RESISTANT TRASH CONTAINER, BARRIER, OR ENCLOSURE BE REQUIRED AT STRS?

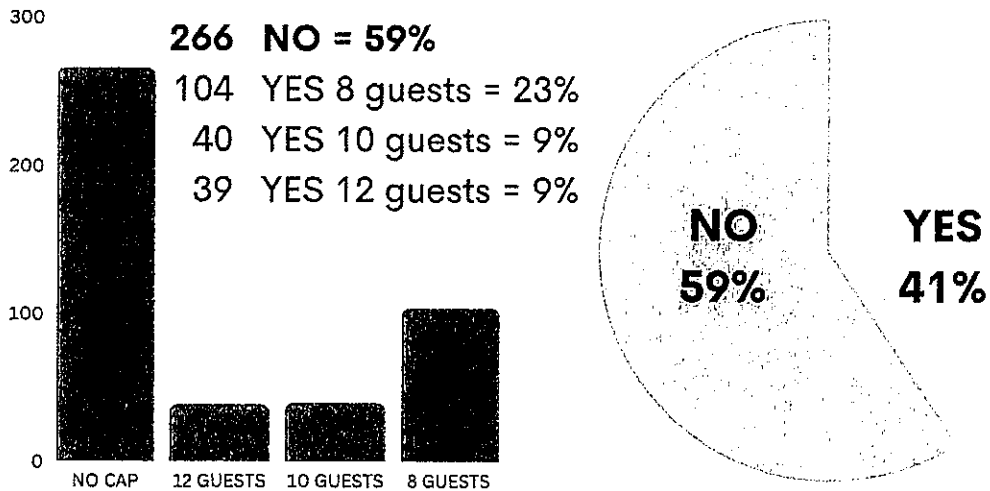


328 YES = 73%

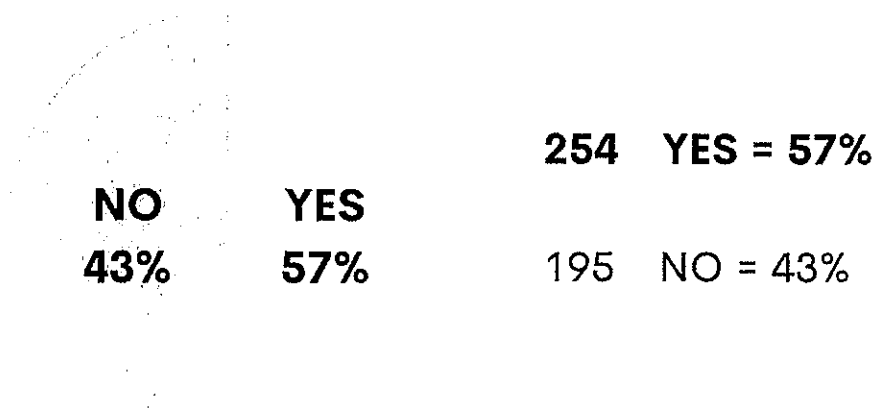
62 NO = 14%

59 Require after a certain number of trash violations annually = 13%

7 WOULD YOU SUPPORT A CAP ON TOTAL MAXIMUM OCCUPANCY PER PROPERTY WITH STR PERMIT, REGARDLESS OF NUMBER OF BEDROOMS OR SLEEPING AREAS?



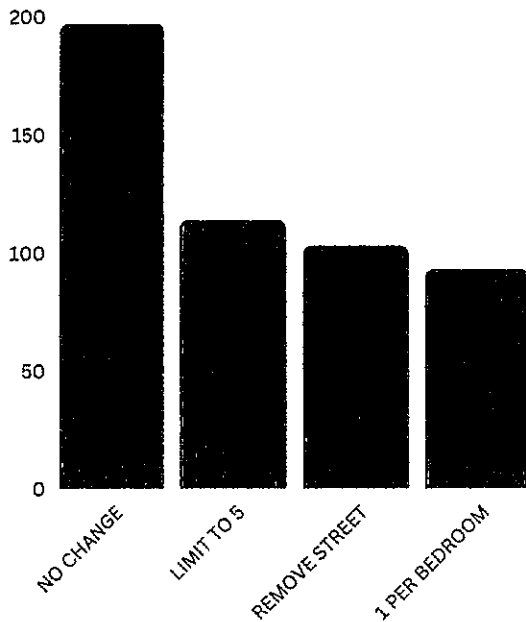
8 SHOULD MAXIMUM OCCUPANCY BE CALCULATED BASED ON "BEDROOMS" INSTEAD OF "SLEEPING AREAS" AT THE RATE OF 2 PER BEDROOM + 2 OVERALL?



9

WHICH OF THE FOLLOWING RESTRICTIONS ON PARKING DO YOU SUPPORT FOR STRS?

RESPONDENTS COULD CHOOSE MULTIPLE OPTIONS



197 NO (no change) - Require 1 parking spot per bedroom + 1 extra = 44%

114 YES - Limit parking to actual number of spots available, but no more than 5 spots total = 25%

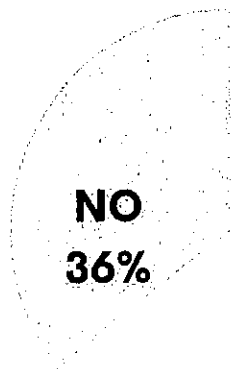
103 YES - Limit parking via removing allowance for 2 on street parking spots from permit total = 23%

93 YES - Limit parking to 1 spot per bedroom/sleeping area = 21%

252 Respondents support some type of additional parking limit = 56%

10

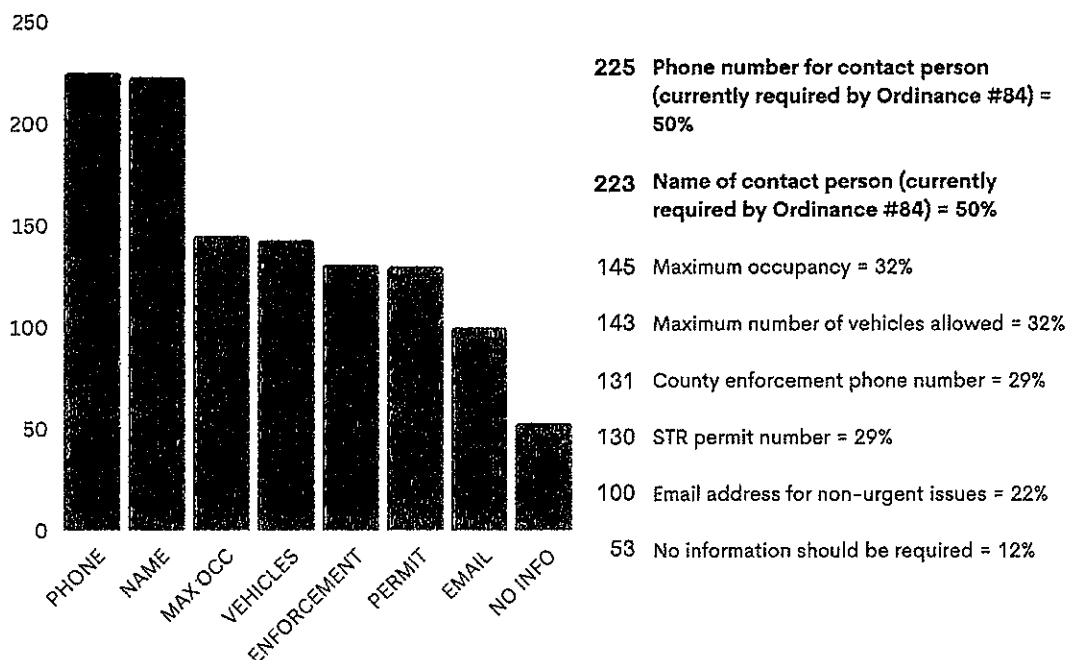
SHOULD STRS BE REQUIRED TO HAVE ANY EXTERIOR LIGHTING SHIELDED IN A MANNER TO DIRECT LIGHT IN A DOWNWARD DIRECTION ON THE PROPERTY?



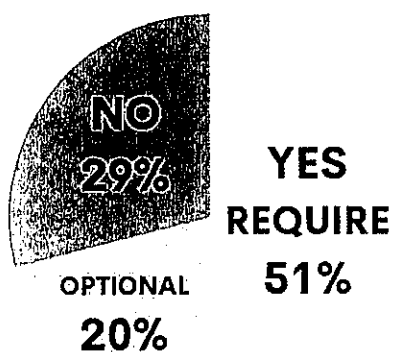
289 YES = 64%

160 NO = 36%

11 WHAT, IF ANY, ADDITIONAL INFORMATION SHOULD BE REQUIRED TO BE INCLUDED ON EXTERIOR STR SIGNAGE? RESPONDENTS COULD CHOOSE MULTIPLE OPTIONS



12 DO YOU SUPPORT TILLAMOOK COUNTY CREATING AN ONLINE DIRECTORY OF STR PERMIT CONTACT INFORMATION TO FACILITATE COMMUNICATION AMONG NEIGHBORS IN THE EVENT OF A POTENTIAL ISSUE?

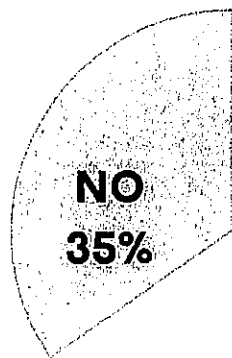


231 YES - require online directory = 51%

130 NO (no change) continue to only require contact phone number posted on property = 29%

88 YES - let owners & property managers voluntarily opt-in online directory = 20%

13 DO YOU THINK IT WOULD BE HELPFUL IF TILLAMOOK COUNTY CREATED AN ONLINE COMPLAINT FORM SPECIFICALLY FOR STRS?

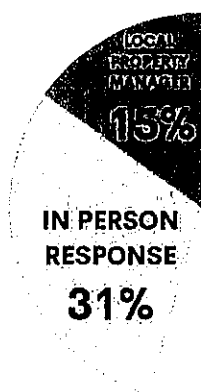


**YES
65%**

293 YES = 65%

156 NO = 35%

14 DO YOU SUPPORT REQUIRING STRS TO HAVE LOCAL REPRESENTATION (LOCAL MEANING CAN RESPOND IN-PERSON IF NEEDED WITHIN 1 HOUR, FOR EXAMPLE)?



**NO
54%**

244 NO - (no change - owners may self-manage and continue to have local contact person without requirement to respond in person) = 54%

137 YES - Require Local Response In Person 24/7 (cost variable) = 31%

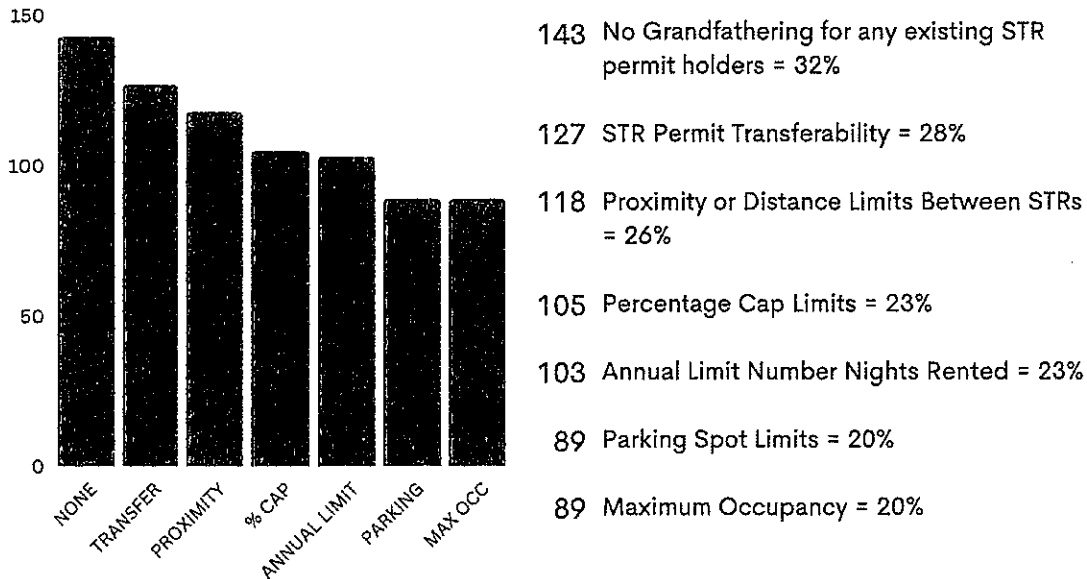
68 YES - Require Local Property Management (approximately 30% commission) = 15%

205 Total respondents (46%) supported some type of local property management requirement

15

IF CHANGES WERE MADE TO ANY FUTURE ORDINANCE, WHICH CATEGORIES WOULD YOU SUPPORT "GRANDFATHERING" FOR CURRENT STR PERMIT HOLDERS?

RESPONDENTS COULD CHOOSE MULTIPLE OPTIONS



16

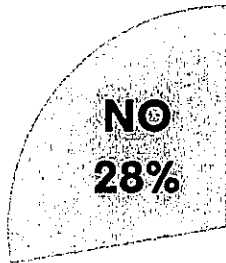
DO YOU SUPPORT A RULE REQUIRING STRS WITH 2 RESERVATIONS WITHIN A 7 DAY PERIOD TO BE REQUIRED TO REMOVE GARBAGE TWICE WEEKLY, REGARDLESS OF OCCUPANCY LIMITS?



259 NO = 58%

190 YES = 42%

17 SHOULD VARIOUS RULES FOR TRASH, PARKING, LIGHTS ETC., APPLY EQUALLY TO ALL HOMES IN NESKOWIN, OR JUST STRS?

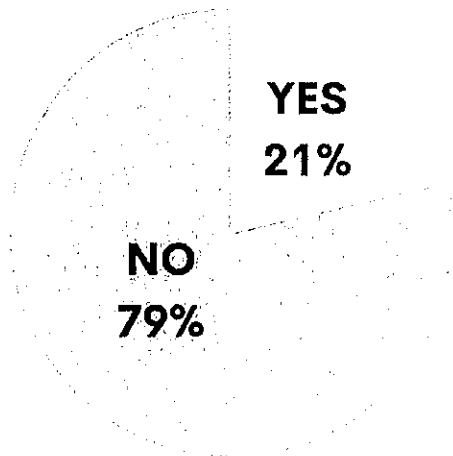


**YES
72%**

325 YES ALL HOMES = 72%

124 NO JUST STRs = 28%

18 DO YOU BELIEVE PROPERTY RIGHTS SHOULD DIFFER BASED ON THE AMOUNT OF TIME AN OWNER PERSONALLY SPENDS IN THEIR HOME?

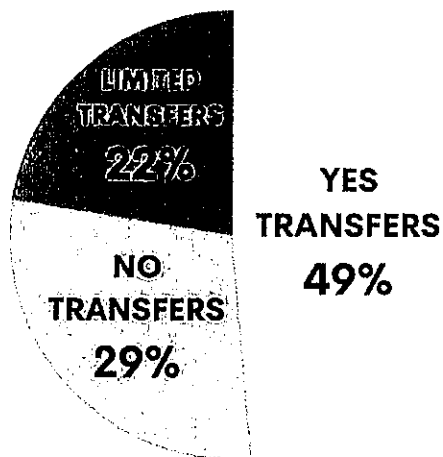


**YES
21%**

353 NO = 79%

96 YES = 21%

19 SHOULD STR PERMITS BE TRANSFERABLE?

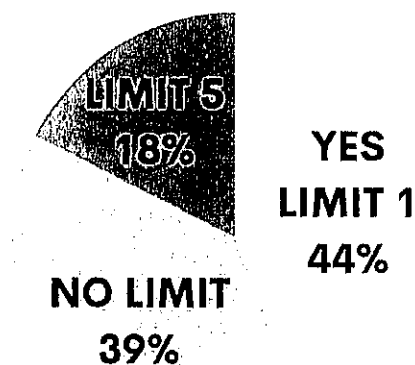


218 YES in all cases, including upon sale (no change) = 49%

130 NO in all cases, NOT transferable upon sale = 29%

101 PARTIALLY in some cases (such as family members or any "arm-in-arm" transaction where the two parties have a pre-existing personal or professional relationship) = 22%

20 GOING FORWARD, SHOULD NEW STR PERMITS BE LIMITED PER PERSON?

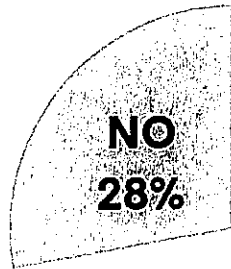


197 YES - one STR permit per person = 44%

173 NO (no change) = 39%

79 YES - no more than 5 STR permits per person = 18%

21 DO YOU SUPPORT REALLOCATION OF
ADDITIONAL TRANSIENT LODGING TAX (TLT)
FUNDS FOR ENHANCED ENFORCEMENT OF
ORDINANCE #84?



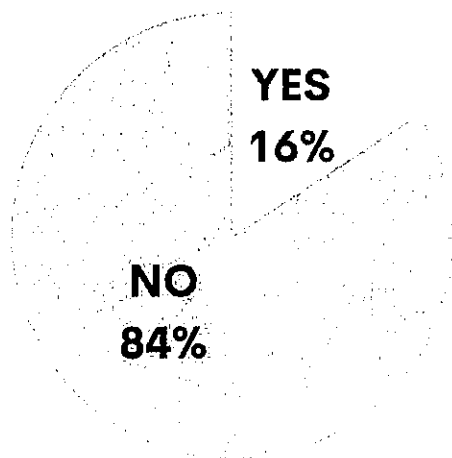
**YES
72%**

324 YES = 72%

125 NO = 28%

22

DO YOU SUPPORT BANNING STRS IN NESKOWIN?



**YES
16%**

378 NO = 84%

71 YES = 16%

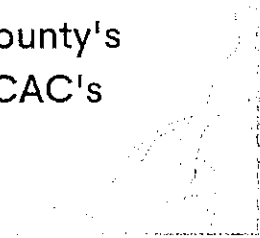


THANK YOU

Thank you everyone in the community for participating throughout this year long process. A substantial amount of valuable feedback and information has been shared and received between neighbors and the NCAC.

Our committee is thankful that our community is working together to find common ground for all home and property owners in Neskowin.

Survey results will be shared with Tillamook County's Short-Term Rental Advisory Committee & NCAC's Community Plan volunteers.



Neskowin Community Advisory Committee

December 2022 STR Survey Results

Non-STR Permit Holder Survey Responses

(Authored by the NCAC Officers*)

Respondents Answering "Yes":			Question
% of Non-Permit Holders (284)	% of Permit Holders (165)	% of Combined Responses (449)	
93%	80%	88%	Some form of Exterior signage
85%	51%	73%	Require some type of bear resistant trash system
82%	52%	71%	Online directory of STR permit contact info
80%	58%	72%	Reallocate TLT funds for enhanced enforcement
80%	36%	64%	Require exterior lighting to be shielded downward
79%	42%	65%	Online complaint form
74%	40%	61%	STR permit limits per person
74%	32%	59%	Percentage cap on number of STR permits
70%	38%	56%	Some type of additional parking limit
66%	39%	57%	Calculate max occupancy by "bedroom" instead of "sleeping area"
65%	10%	45%	Limit on number of nights per year annually able to rent
62%	89%	72%	Various rules should equally apply to all Neskowin homes
61%	21%	46%	Require local management
59%	5%	39%	Proximity or distance based limits
58%	15%	42%	Require some STRs to remove garbage twice weekly
57%	95%	71%	Some form of transferability
54%	18%	41%	Cap on total maximum occupancy
53%	93%	68%	Grandfathering by category
29%	8%	21%	Different property rights based on owner's time at home
27%	52%	36%	Exempt condos & townhomes in residential zones from potential percentage cap
27%	14%	22%	Exempt commercial zones from potential percentage cap
24%	2%	16%	Ban STRs in Neskowin

*Ran Koch-Chair, Tracey Hauth-Vice Chair, Chris Silkowski-Treasurer, Dave Benenth-Secretary

Neskowin Community Advisory Committee
December 2022 STR Survey Results
STR Permit Holder Survey Responses
 (Authored by the NCAC Officers*)

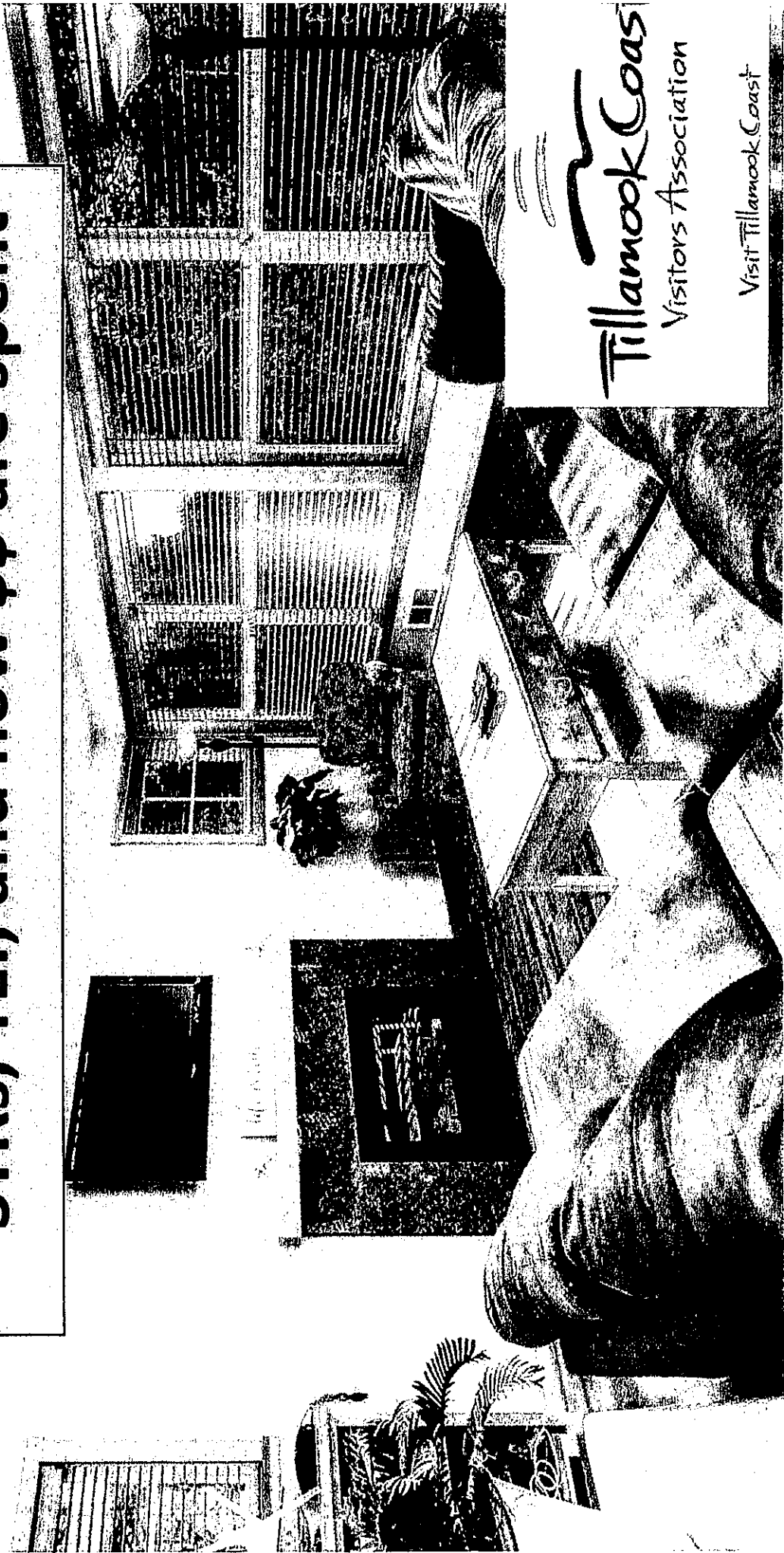
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*Ran Koch-Chair, Tracey Hauth-Vice Chair, Chris Silkowski-Treasurer, Dave Benenth-Secretary

EXHIBIT

G

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



Tillamook Coast
Visitors Association
Visit Tillamook Coast

TLT TOTALS: 2019 to Q2, 2022

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

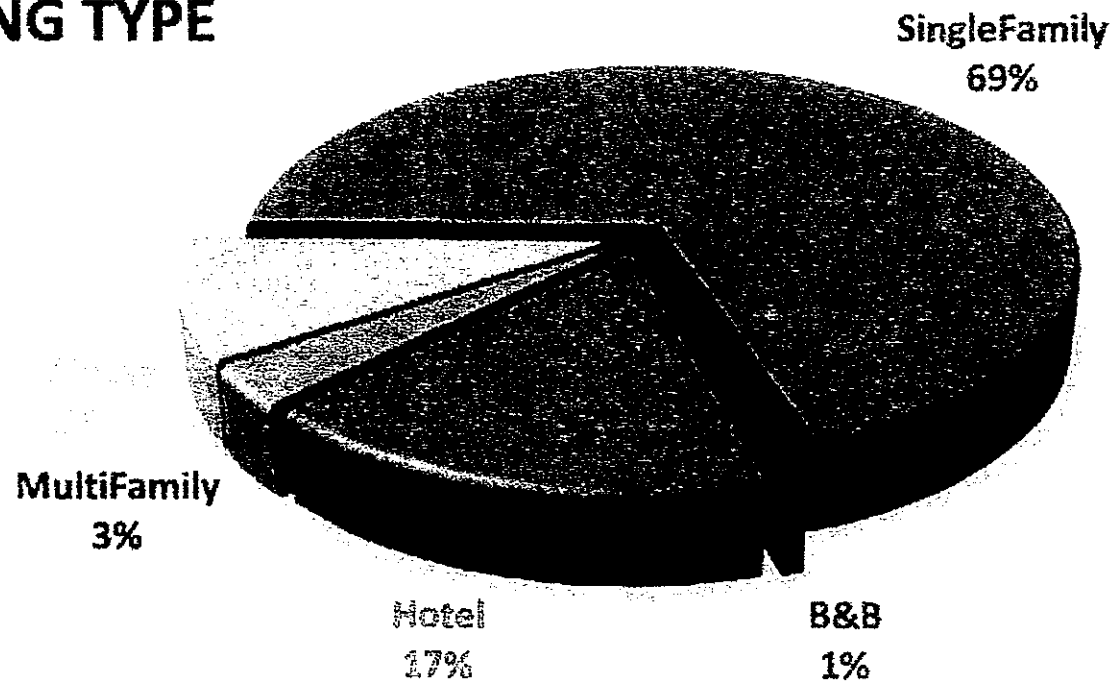
2019			2020		2021		2022	
	YoY			YoY		YoY		YoY
\$698,966	+17%	Q1	\$583,432	-17%	\$1,502,805	+157%	\$1,557,739	+3% + \$54,934
\$1,144,806	+13%	Q2	\$622,199	-48%	\$2,078,561	+233%	\$1,996,974	-4% - \$81,587
\$1,943,681	+11%	Q3	\$2,262,693	+16%	\$2,781,602	+20%		
\$709,038	+12%	Q4	\$1,241,553	+75%	\$1,219,407	-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

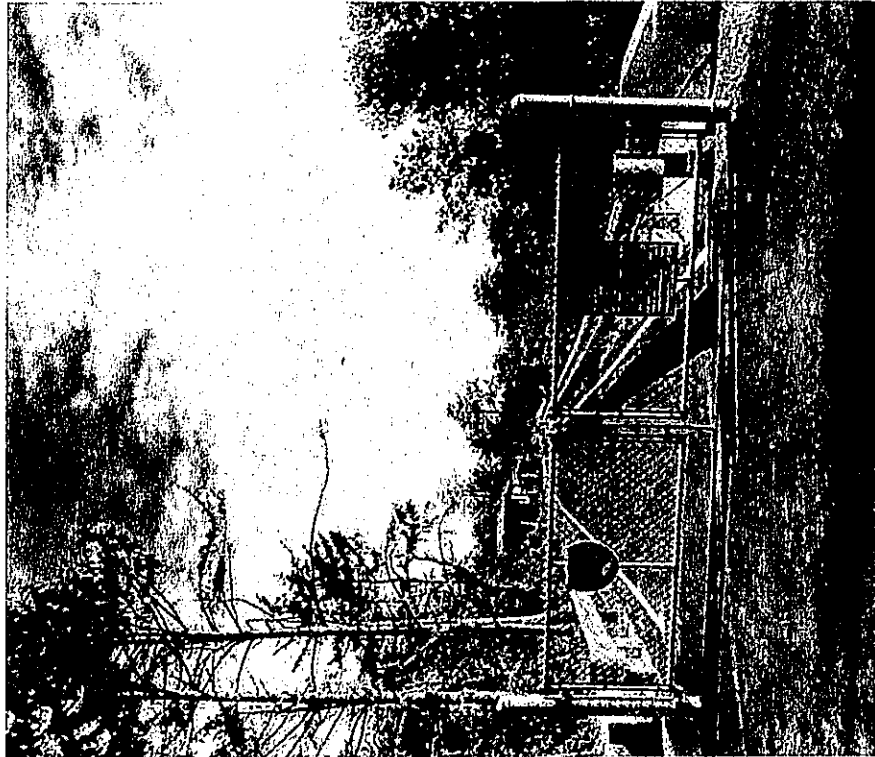
Prior to 2003	After 2003	January 1, 2014
Room tax goes to general budget	Any rise in room tax subject to state law of 70/30 split	County implements 10% transient lodging tax; cities raise their tax to 9%
<p>4% original lodging tax*</p> <p>All lodging tax goes to a city's general fund – most cities in Tillamook County had a room tax in place by the 1990s</p>	<p>4% original lodging tax*</p> <p>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*</p> <p>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>1.5% state increase - Travel Oregon</p>

*example

HOW TLT IS USED

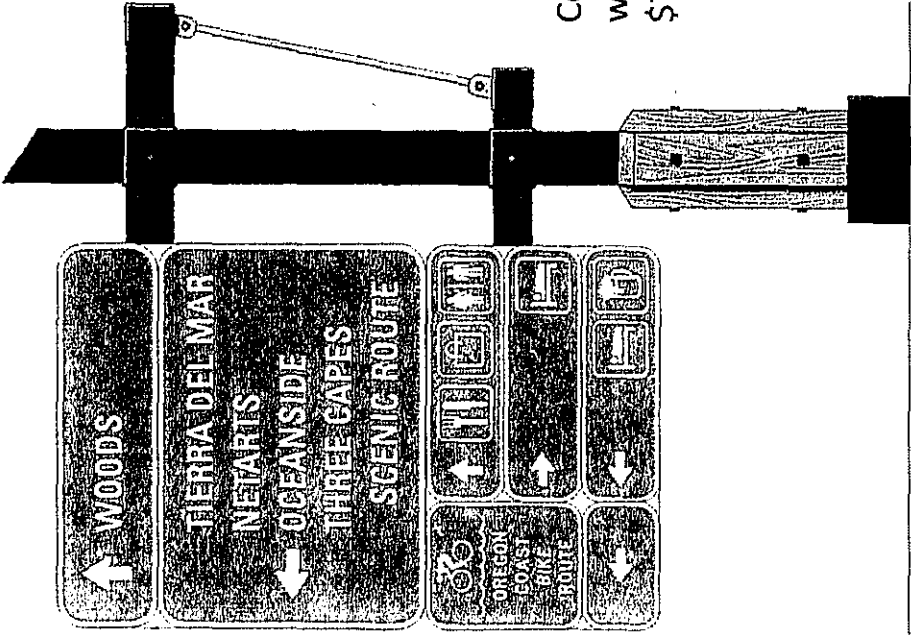
Grants	Investments	Sponsorships (TCVA)
Facilities and marketing grants	Capacity Building (examples)	Community events and programs (examples)
<p>\$5.5 million in tourism facilities grants to agencies and nonprofits</p> <p>\$950,000 in marketing grants to nonprofits and tourism businesses</p>	<p>\$5+ million</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



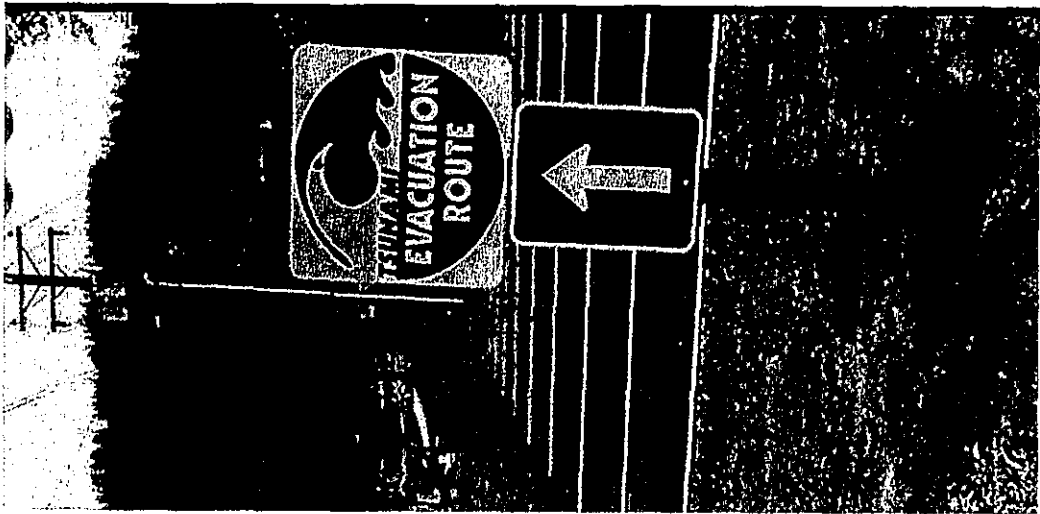
NEKOWIN EMERGENCY EGRESSES FUNDING SOURCES	
	Amount
Watson Family Land Donation for Right of Way	\$120,000.00
Community of Neskowin	\$100,000.00
North Coast Regional Solutions Team	\$150,000.00
Tillamook County Public Works	\$550,000.00
Nestucca, Neskowin & Sandlake Watersheds Council	\$7,700.00
ODPW Screening and Passage Program	\$102,200.00
USFS Salmon Superhighway Fish Passage Partnership Grant	\$38,400.00
USFS Fish and Wildlife Service (USFWS)	\$5,000.00
USEWS National Fish Passage Program (NFPF)	\$40,000.00
USEWS Pacific Marine and Estuarine Fish Partnerships (PMEP)	\$50,000.00
2019 House Bill 5050 Section 61	\$11,000,000.00
Tillamook County/Trasler's Landing Inc	\$5,500,000.00
Cooper Business Development & Research Fund Oregon State University/Trasler's	\$9,500.00
Total	\$27,300,000.00

HOW TILT IS USED



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

Tsunami Signage
\$40,000 (so far)

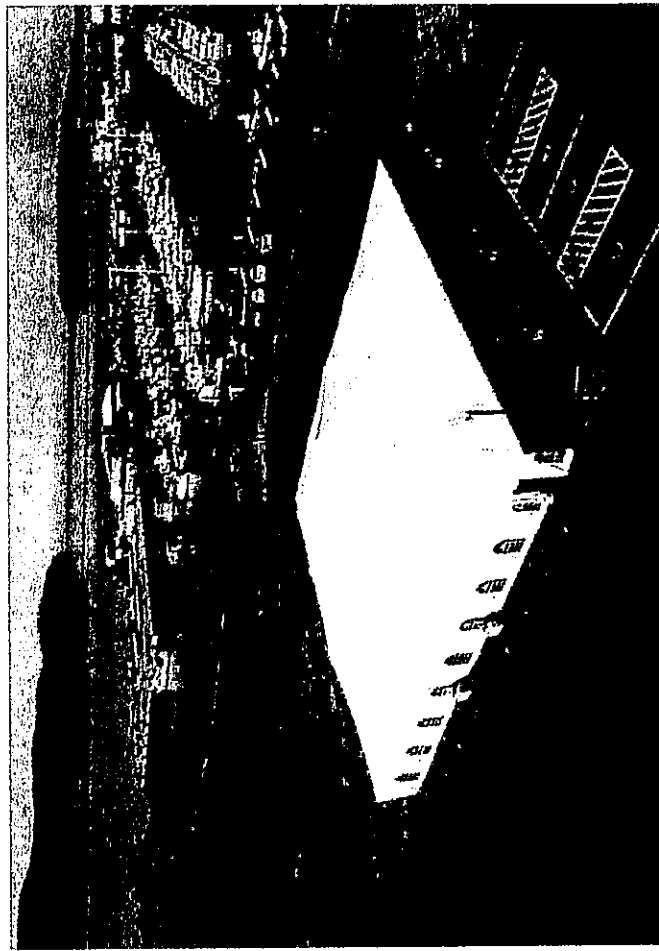


HOW TLT IS USED

Port of Garibaldi
\$204,000



Restrooms
and kiosk



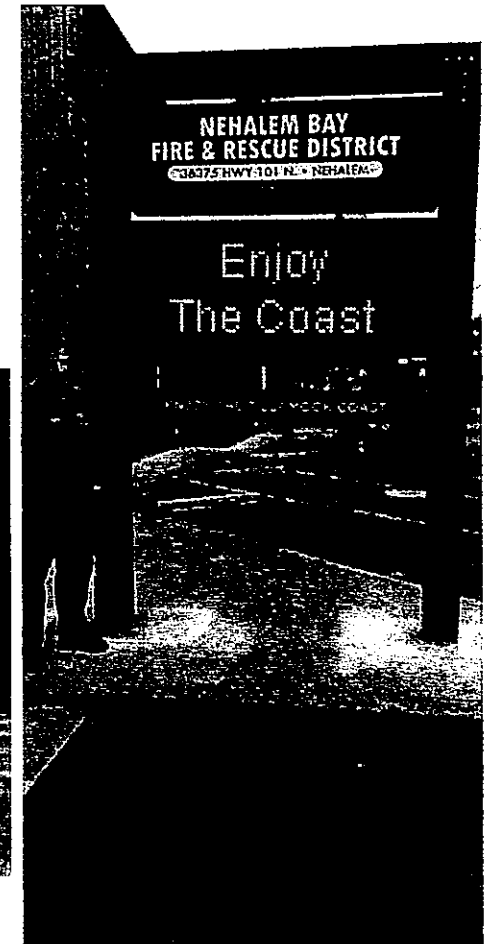
Event tent



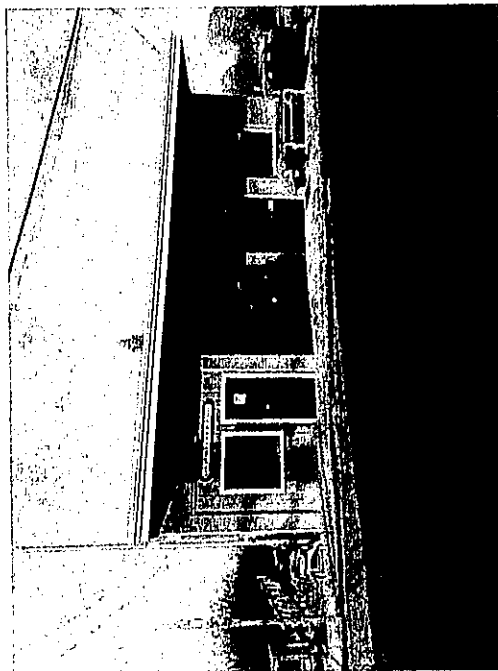
Dock

HOW TLT IS USED

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



HOW TLT IS USED

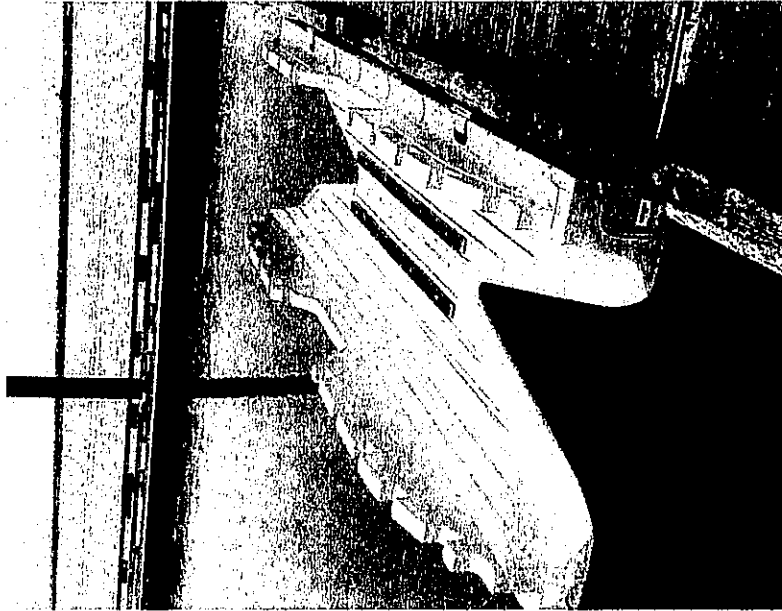


Oceanside Community
Club roof repair
\$55,000



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



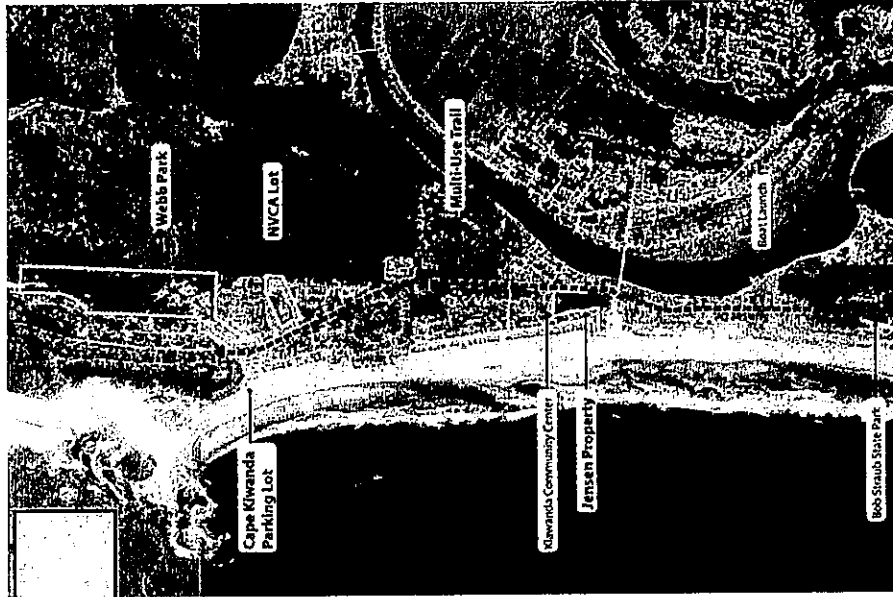
Renovation and new seating in NCRD performing arts center



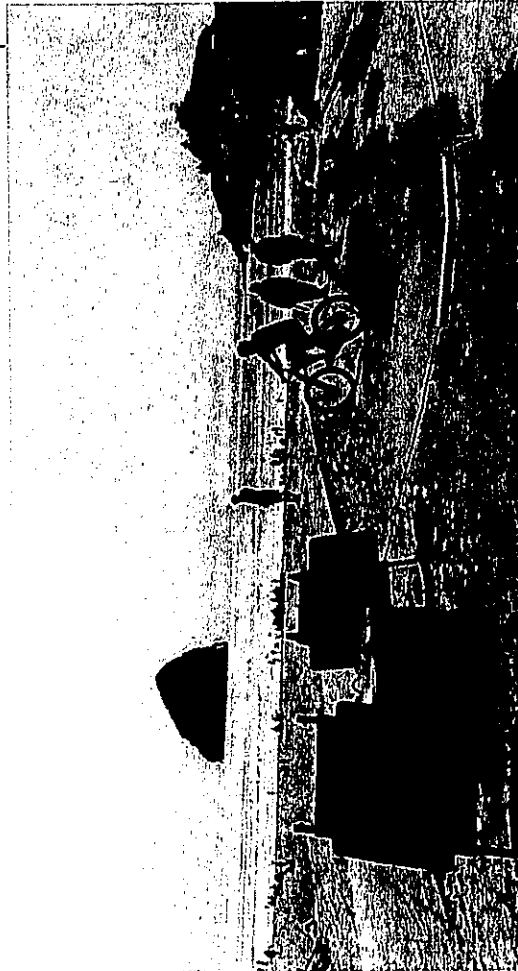
ADA bathroom and lobby remodel at NCRD



HOW TLT IS USED



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

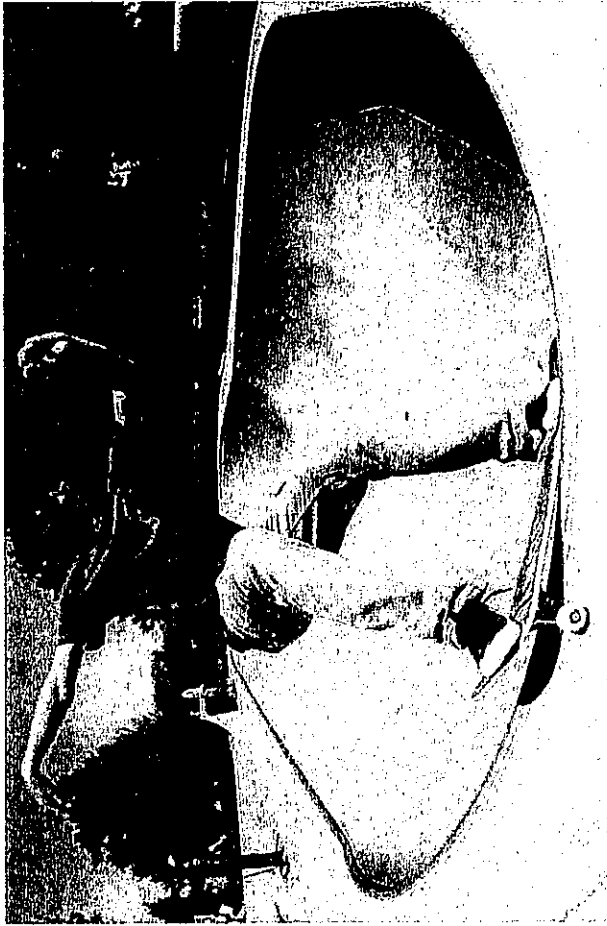


Cape Kiwanda
beach access
\$132,659

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

EXHIBIT

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SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
Section 1.	Title. "Tillamook County Short-Term Rental Ordinance"	Title. This section has been revised to clarify intent to authorize and regulate short-term rental use of residential properties in Unincorporated Tillamook County. Language includes repeal of Ordinance 84, Amendment 1 in its entirety.	Standard language. Section language is under review by legal counsel and County staff.	
Section 2.	Authority. Pursuant to ORS 203.035	Purpose and Scope. This section has been replaced to state the purpose and scope of the Short-Term Rental Ordinance. Purpose and scope description has been expanded to better reflect committee and program desires for reasonable regulation, promotion of public health, welfare and community livability.	<p>Section A. to be reviewed by STR Advisory Committee with feedback and suggestions. Purpose can be aspirational in nature and does not need to be completely data driven.</p> <p>Does Committee agree STR program and regulations have been designed to address, alleviate, solve livability issues by reducing or eliminating nuisance impacts of STRs on residential neighbors and neighborhoods?</p> <p>Does the purpose statement adequately reflect what Committee feels is the purpose of this Ordinance? Is purpose adequately upheld by regulatory language?</p> <p>Sections B-G to be reviewed by legal counsel.</p>	
Section 3.	Purpose. Purpose statement is to regulate short-term rentals in order to enhance public safety and livability within Tillamook County	Definitions. This section is now the Definitions section of the Ordinance. Definitions list has been expanded to define newly proposed terms, create new definitions and to clarify existing definitions.	Definitions added to better address community livability concerns related to occupancy limits, parking, garbage, noise, enforcement and fire/life/safety compliance. Most common nuisance complaints are related to noise,	

SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
			parking, garbage and pet waste. Definitions for fire/life/safety are under review by County staff and legal counsel.	
Section 4.	Applicability. States where Ordinance is applicable- Unincorporated areas of Tillamook County. Includes exception language for uses that do not require a Short-Term Rental Permit.	Annual Short-Term Rental Registration Certificate Required, Basic Requirements for a Registration Certificate. No Nonconforming Use Status Conferred. Subsections include requirements for obtaining registration certificate and draft example language for Caps and Density Limitations (example of implementation of two regulatory tools).	Sections A and B under review by legal counsel. Additional information related to Sections C and D will be presented by staff at the February meeting. Quantitative and qualitative impacts remain under review by County staff.	
Section 5.	Definitions. Includes definitions that are applicable to Ordinance 84, Amendment #1	Application and Fees. Lists required information for application of Short-Term Rental Registration. Includes language allowing site visit to property by County STR Administrator during application review and during operation of a Short-Term Rental. Includes process for addressing incomplete applications and establishes minimum fees for application review, inspection and alteration of existing registration certificate.	Section A. Site plan language exists in Ordinance 84 absent clarity and a requirement for a reasonable level of accurateness in the information provided to staff when reviewing a STR application. Language has been expanded to include specificity of information needed for staff to determine if standards (i.e. parking requirements) are met. Floor plan language added so that number of bedrooms can be confirmed at the time of staff review. Floor plan and site plan details can also be utilized by Department staff at the time of inspection and any reinspection(s), and can be effectively used as a point of reference for any code or ordinance violation issues. Proof of Access. Confirms property has legal access, identifies vehicle access point onto a property. Alterations of access point may be	

SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
			<p>subject to review and approval by the Tillamook County Public Works Department and local fire chief.</p> <p>Notice to Neighbors requirement proposed to be reinstated to meet communication goal between STR owners/operators and neighbors.</p> <p>Opportunity to partner with TC Visitor's Association for postcards to use for neighbor notification.</p> <p>Consideration that language be added to require new notice be given to neighbors upon transfer of STR certificate.</p> <p>Sections B-D under review by legal counsel and County staff.</p>	
Section 6.	<p>Standards. Requires compliance with standards for operation and advisement of enforcement action if standards are not complied with.</p>	<p>Terms of Annual Registration Certification and Renewal. Establishes terms for length of time and transferability.</p>	<p>Language under review by legal counsel and County staff.</p> <p>Transferability section does not limit number of times a certificate can be transferred. Requires new owner to renew and qualify according to applicable standards for renewal.</p>	
Section 7.	<p>Short-Term Rental Permit Required and Revocation. Short-Term Rental Permit Required and Revocation. Language requires compliance with Short-Term Rental requirements and contains enforcement language if requirements are not adhered to. Requires owner to obtain a short-term rental permit prior to operation of the short-term rental. Requires compliance with all other County</p>	<p>Application Required and Burden for Registration Approval and Renewal. Section outlines requirement for demonstration that application meets the standards required by this Ordinance. Establishes burden of proof to demonstrate compliance with applicable criterion. Requires certification by registrant that information provided is correct and truthful. Establishes parking standards and requires parking diagram. Requires demonstration of transient lodging tax compliance. Requires applicant to demonstrate all of the criteria</p>	<p>Sections A-C under review by legal counsel and County staff.</p> <p>Section D under review by Committee. Proposed language to address parking concerns and deficiencies in existing language. Language requiring registration approval and demonstration of compliance with operational requirements and standards in Section .080. Third-year</p>	

SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
	<p>Ordinance or State Law. Requires contact person to schedule fire and life safety inspection with County within 30-days of submittal or permit application and that inspection will be performed by County by the end of the next working day. Short-Term Rental Permit shall not be issued until rental passes inspection. Where inspection is not approved, reinspection shall occur within 30 or 60 days are determined by the Building Inspection. If repairs are not rectified at the time of re-inspection, permit application shall be invalidated. Reapplication and payment of fees is required. Includes provisions for permit renewal, billing requirements, and Department action if permit is not renewed within specified timeline. Transferability language requires property owner to provide notice of changes within 30-days. Revocation of Permit language and ability to appeal decision to the Board of County Commissioners.</p>	<p>of Section .080 are satisfied at the time of initial application and renewal. Establishes inspection requirement of rental at initial application and every third year.</p>	<p>inspection requirement already in ordinance.</p>	
Section 8.	<p>Fees Established. Establishes fees for application and renewal of a short-term rental permit. Includes language for increase of fees.</p>	<p>Operational Requirements and Standards for Short-Term Rentals. Establishes operation requirements and standards for qualification to obtain or retain short-term rental registration certificate. Requirements include maximum occupancy provisions, occupancy maximums during daytime hours, requirement for off-street parking, establishes</p>	<p>Sections A-Q: Language addresses livability issues generated by nuisance impacts of STRs in residential neighborhoods.</p> <p>Committee Review: A-G, J, M-Q</p>	

SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
		<p>quiet hours. Includes requirement for zoning compliance. Requires electrical, structural, plumbing, venting, mechanical and other improvements to a short-term rental to be completed by a licensed and duly qualified contractor. Requires contact information to be posted and includes requirements for availability of contact person. Outlines fire and life safety requirements including provisions for a fire extinguisher; electrical outlets and wall switches; GFCI receptacles; smoke detectors; carbon monoxide detection/alarm devices; fireplaces and fuel burning heat sources; stairways; guardrail requirements; emergency escape and rescue openings for bedrooms; and solid waste collection. Includes mandatory postings for rental properties. Establishes prohibitions for use of vehicles and ADUs for short-term rental use. Requires posting of Good Neighbor Policy in rentals.</p>	<p>Committee Guidance Regarding On-Street Parking Prohibition: Should a process be implemented to allow on-street parking only on a case-by-case basis where review of on-street parking proposals are reviewed by the road authority (i.e. Tillamook County Public Works) and local fire chief? Process would require on-site parking approval be obtained prior to STR application submittal. Documentation of approved parking spaces would need to accompany STR application. Site plan would have to reflect approved on-street parking spaces.</p> <p>Legal counsel and County staff reviewing H-L.</p>	
Section 9.	<p>Short-Term Rental Permit Application Requirements. Outlines application packet submittal requirements. Requirements include property owner information, certification by the County Building Official confirming inspection requirements have been met, determination of maximum occupancy and a site plan (limited to dimension and location of the available parking spaces as required by subsection 6(a)(S) of the Ordinance. Requires contact person information, proof of liability</p>	<p>Additional Inspections Required. Requires inspection at initial application and every three years thereafter. Requires inspection for compliance with building codes including applicable fire and life safety codes. Requires inspection of onsite sanitation inspection that requires either an Authorization notice of the existing system.</p>	<p>Sections A-C review by legal counsel and County staff. Required inspection language and timelines for reinspection already adopted in Ordinance. Onsite wastewater treatment language exists in Ordinance but is not specific. Proposed language specifies what is required to confirm system is functioning as required and also helps better determine system has been designed to accommodate gallons per day.</p>	

SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
	insurance, proof of garbage service and completed Transient Lodging Tax Registration Form.			
Section 10.	Continuation of a Short-Term Rental. Requires re-inspection of a short-term rental every three (3) years and establishes fee for reinspection.	Additional Requirements and Prohibitions. Establishes on-going requirements for the operation of short-term rentals in Tillamook County. Includes required information (registration number) to be included on all advertisements. Includes provisions for required response to complaints, establishes protocol for contact person response with implementation of STR hotline, includes requirements for registrant or authorized agent to maintain record of complaints, including language requiring record to be available for County inspection upon request. Establishes provisions for inspection of registered short-term rental, including directives for when inspection by County STR Administrator may occur. Establishes prohibitions for specific activities on short-term rental properties including events such as wedding ceremonies, unattended barking dogs and activities that exceed noise limitations included in the Ordinance.	<p>Section B for review by Committee. New process to receive, respond and process complaints. Section has been revised to support committee and community desire for an enhanced code enforcement process to better address livability and public safety concerns. Implementation of 24/7 hotline is currently underway. See Enforcement, Complaint, Appeal and Adjudication Process portion of supplemental document. Is the language of this section consistent with goals of the enforcement process?</p> <p>Hotline is intended to better understand and track volume of complaints and concerns generated by STRs, and assist with determination of if a violation has occurred. Hotline platform uploads evidence in real time. Intent of hotline is not to seek enforcement of complaints/concerns addressed by contact person within allotted timeframe as specified in Ordinance. Hotline process will help in meeting burden of proof in determining if an unresolved compliant is a violation of the Ordinance.</p>	

SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
			<p>Section C. Under review by legal counsel and County staff. Section gives authorization for administrator to conduct inspection of STR outside of initial and three-year inspection cycle if deemed necessary by administrator.</p> <p>Section D. Review by Committee. Event prohibition language added to address livability and nuisance concerns. Temporary use permit structure in place through land use program. Recognized event itself may not be resulting in livability/nuisance issues. Issues may be resulting from the number of people at the event rather than the event itself. Unattended barking dog language included to address community livability and nuisance concerns.</p>	
Section 11	<p>Complaints. Establishes process for lodging complaints regarding short-term rental activities. Requires complaining party to first attempt to communicate with the designated contact person for the rental. Requires 20-minute response time by contact person. Establishes process for filing complaint with the Department of Community Development, development of report, maintenance of written records and code enforcement action taken through issuance of</p>	<p>Implementation of this Ordinance and Applications to Short-Term Rentals registered and Operating on the Due Date of Its Adoption. Requires all new/initial operating licenses issued after the date this Ordinance is adopted to implement and comply with all provisions contained in Ordinance. Section governs implementation and applicability of Ordinance to short-term rentals that are lawfully established, registered and operating on the date of adoption of the Ordinance. Establishes criteria for determination of a lawful pre-existing short-term rental. Includes example language for deferred compliance of lawful pre-existing short-term rentals in relation to established caps and density limits.</p>	<p>Sections A-C. Under review by legal counsel and County staff.</p>	

SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
	citation, revocation of permit or denial of request for renewal of permit.	When operation of a short-term rental must be curtailed or eliminated as a result of the Ordinance, establishes compensation provisions and process for reasonable investment in a dwelling as a short-term rental.		
Section 12	<p>Compliance, Hearings and Arbitration. Includes revocation language for three (3) or more violations related to the same short-term rental within one (1) year. Violation includes non-payment of Transient Lodging Tax and violation of County Ordinances. Requires written notice of closure or discontinuation of a short-term rental. Establishes that failure to renew a short-term rental permit within 30-days of the permit renewal date will result in permit expiration. Re-activation is a new permit. Establishes hearing process before Board of County Commissioners. Includes arbitration process.</p>	<p>Violations. Outlines conduct that constitutes a violation of Ordinance and determines conduct to be civil infractions. Conduct includes discovery of material misstatements and providing false information at the time of initial application submittal or renewal; representing, advertising or holding-out a dwelling where a registration certificate has not been issued; advertising or renting a short-term rental in a manner that does not comply with the standards of the Ordinance; and failure to comply with substantive or operation standards or any conditions attached to a registration certificate.</p>	Sections under review by legal counsel and County staff.	
Section 13	<p>Enforcement, Penalties. Requires enforcement of Ordinance by Department. Establishes Ordinance may be enforced by Department or Tillamook County Sheriff's Office. Establishes person who issues citation shall be responsible for representing county and prosecuting the citation in court unless defendant hires attorney. If attorney is hired, Tillamook County Counsel</p>	<p>Penalties. Establishes penalties and fines per violation. Establishes that each 24-hour period in which a dwelling is used, or advertised, in violation of the Ordinance or any other requirement or prohibition of the Tillamook County Code is considered to be a separate occurrence and a separate violation for calculation of fines. Establishes provisions for revocation and suspension of a Short-Term Rental Certificate. Includes receipt by the County of three (3) or more complaints about the short-term rental within a 12-month period;</p>	<p>Sections under review by legal counsel and County staff.</p> <p>Committee review- "3-strikes" rule within the 12-month period currently in place. Does the committee feel this is adequate? Community and committee conversations on this matter have varied.</p>	

SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
	shall represent the County in court. Establishes penalties with maximum fines per day. Establishes that each day of violation is a separate offense and is separately punishable.	discovery of material misstatements and false information; and revocation or suspension of Short-Term Rental Registration Certificate due to health and safety issues. Establishes process for notification of suspension or revocation of Short-Term Rental Registration Certificate.		
Section 14.	Severability.	Appeals of County Decisions Regarding Short-Term Rentals. Any decision by the County approving, denying or revoking a Short-Term Rental Registration Certificate may be challenged. Establishes process for appeal of a decision including provisions for filing requirements; establishing a Hearings Officer as responsible party for deciding all appeals under Ordinance; provisions for time of filing; establishes fee for appeal; ability for County STR Administrator to establish administrative procedures for the appeal process; and when the hearing must take place. Establishes that appellant shall have opportunity to present evidence and argument as may be relevant at the hearing. Establishes that Hearings Officer's decision shall be based upon the record. Establishes standards for review and decision. Establishes Hearing Officer's decision is final and appealable only by writ of review to Tillamook County Circuit Court.	Under review by legal counsel and County staff.	
Section 15.	Repeal of Existing Ordinances.	Severability.	Standard Language- Under review by legal counsel and County staff.	
Section 16.	Effective Date.		Date to be inserted upon BOCC adoption of any Ordinance revisions.	

SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
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EXHIBIT

I

EXCEL TABLE OF OWNERSHIP TRANSFERS

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
JANUARY	0	0	0	1	2	5	1	2	4	2	10
FEBRUARY	1	0	0	2	3	1	2	1	3	2	5
MARCH	0	0	1	1	2	2	0	0	2	2	7
APRIL	0	0	0	1	3	3	4	2	3	4	0
MAY	0	0	0	2	2	2	2	1	2	1	
JUNE	0	0	0	5	1	2	0	4	6	0	
JULY	0	0	2	2	3	3	3	0	3	1	
AUGUST	1	0	1	1	0	1	0	3	2	2	
SEPTEMBER	0	0	0	2	0	1	0	4	2	6	
OCTOBER	0	0	1	2	0	0	1	1	0	4	
NOVEMBER	0	0	1	2	1	5	2	0	0	1	
DECEMBER	0	0	0	1	0	0	0	4	0	2	
Total	2	0	6	22	17	25	15	22	27	27	22

EXHIBIT

J

Maximum Occupancy Summary
as of 3/1/2023

<u>Maximum Occupancy</u>	<u>Number of STRs</u>
Up to 5	249
6 - 10	796
11 - 15	151
16 - 20	25
More than 20	<u>4</u>
Total	1,225

EXHIBIT

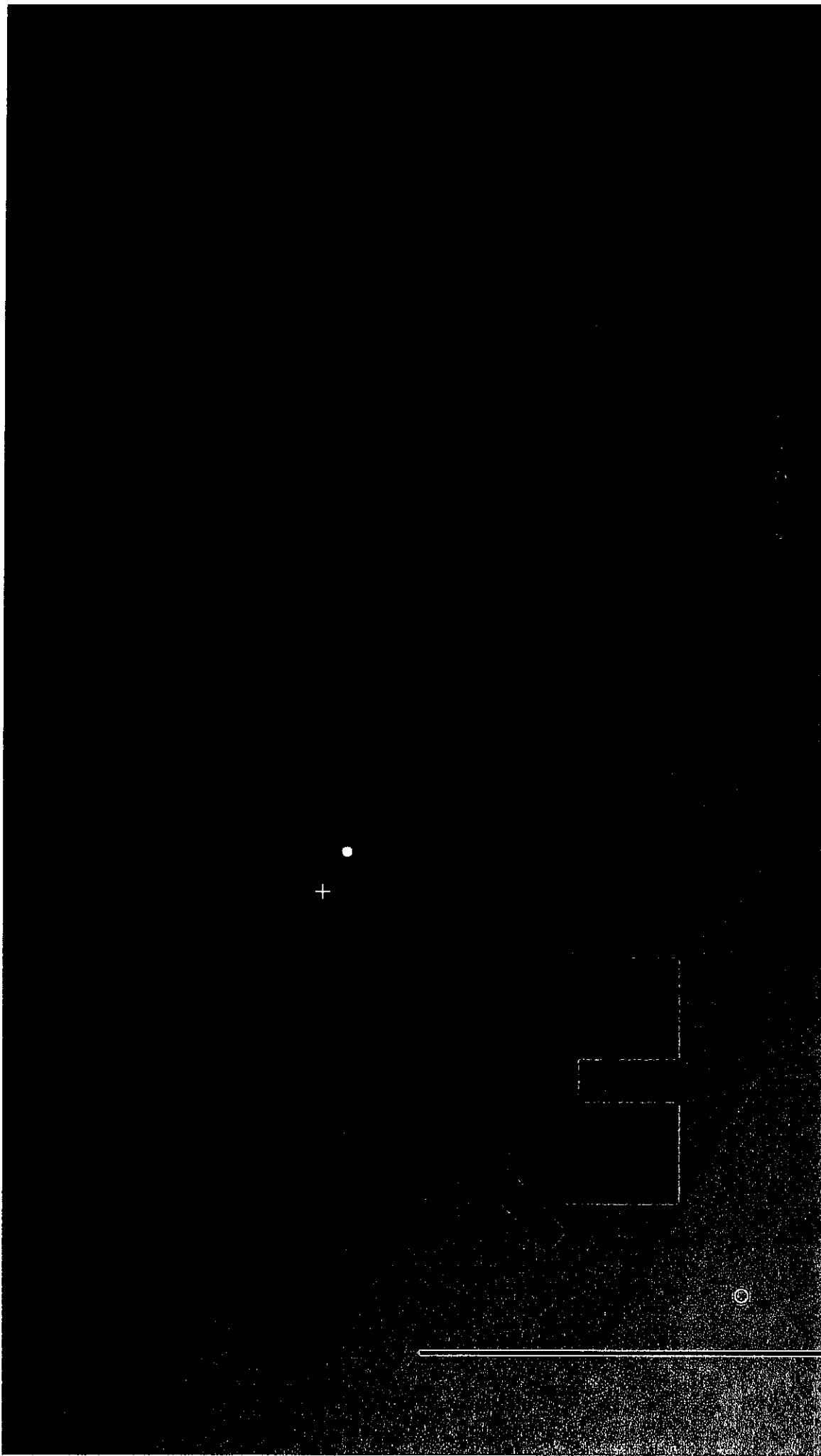
K

Estimated # STRs by # Nights Rented - CY 2022

# STRs in:	# Nights Rented					<u>Total</u>
	<u>0</u>	<u>1-29</u>	<u>30-100</u>	<u>101-200</u>	<u>201-365</u>	
Neahkahnie	11	12	12	27	22	84
Neskowin	40	21	28	50	45	184
Netarts	15	13	18	26	31	103
Oceanside	16	12	18	47	39	132
Pacific City	58	33	100	94	43	328
Tierra Del Mar	<u>11</u>	<u>5</u>	<u>13</u>	<u>12</u>	<u>9</u>	<u>50</u>
Total	151	96	189	256	189	881

EXHIBIT

L



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+ ○

100

STOCK MARKET

REASONABLE

NEAHKAHNIE

18%

RESIDENTIAL
IMPROVEMENTS AT
VALUE > \$50K

385

SHORT-TERM RENTALS

69



NEAHKAHNIE

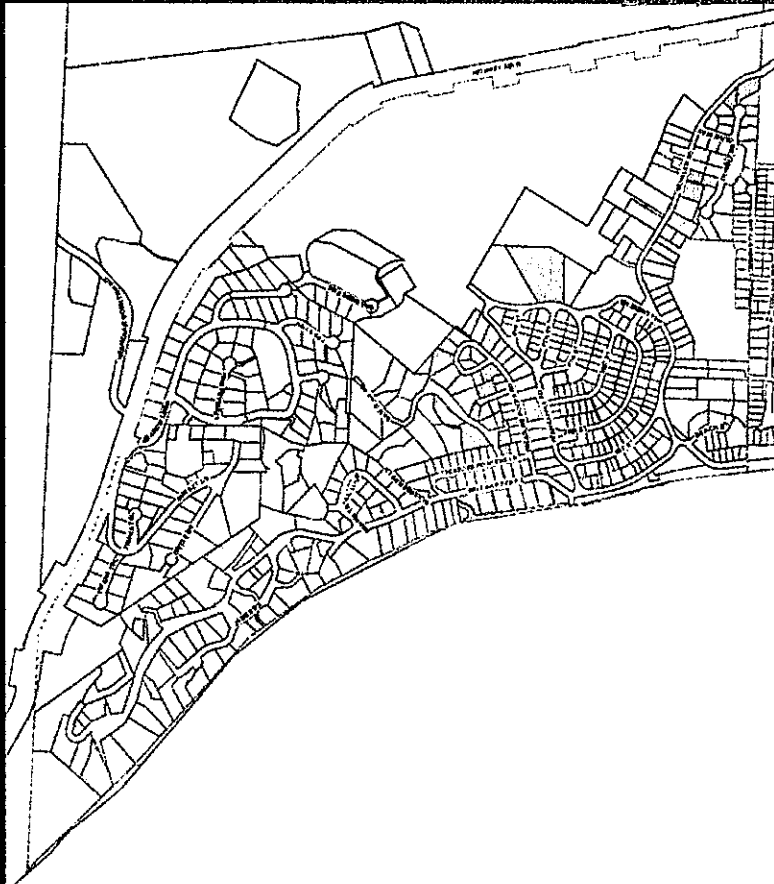
22%

DWELLINGS

409

SHORT-TERM RENTALS

84





BARVIEW
WATSECO
TWIN ROCKS

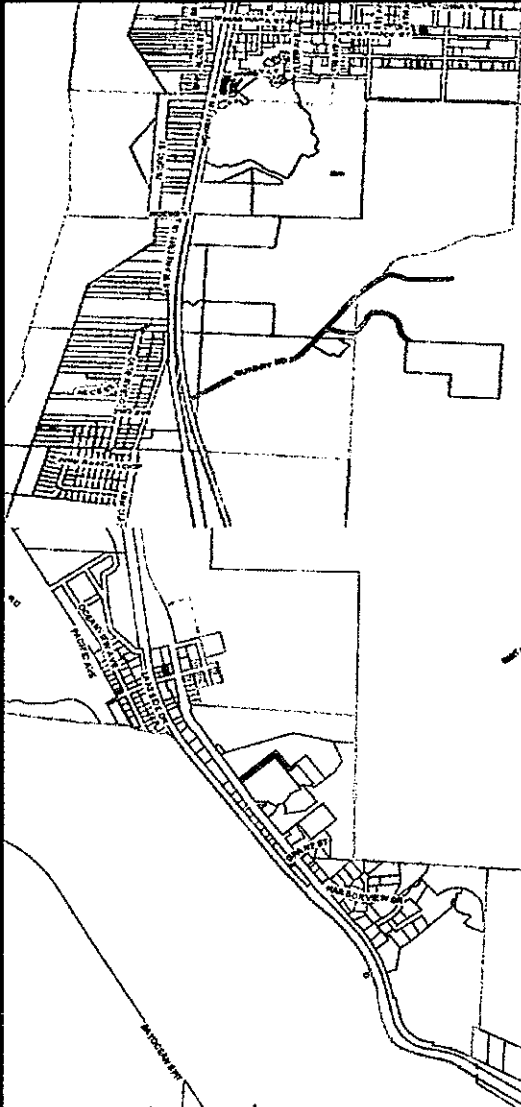
BARVIEW TWIN ROCKS WATSECO 16%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

234

SHORT-TERM RENTALS

37



BARVIEW TWIN ROCKS WATSECO 15%

DWELLINGS

254

SHORT-TERM RENTALS

39

OCEANSIDE

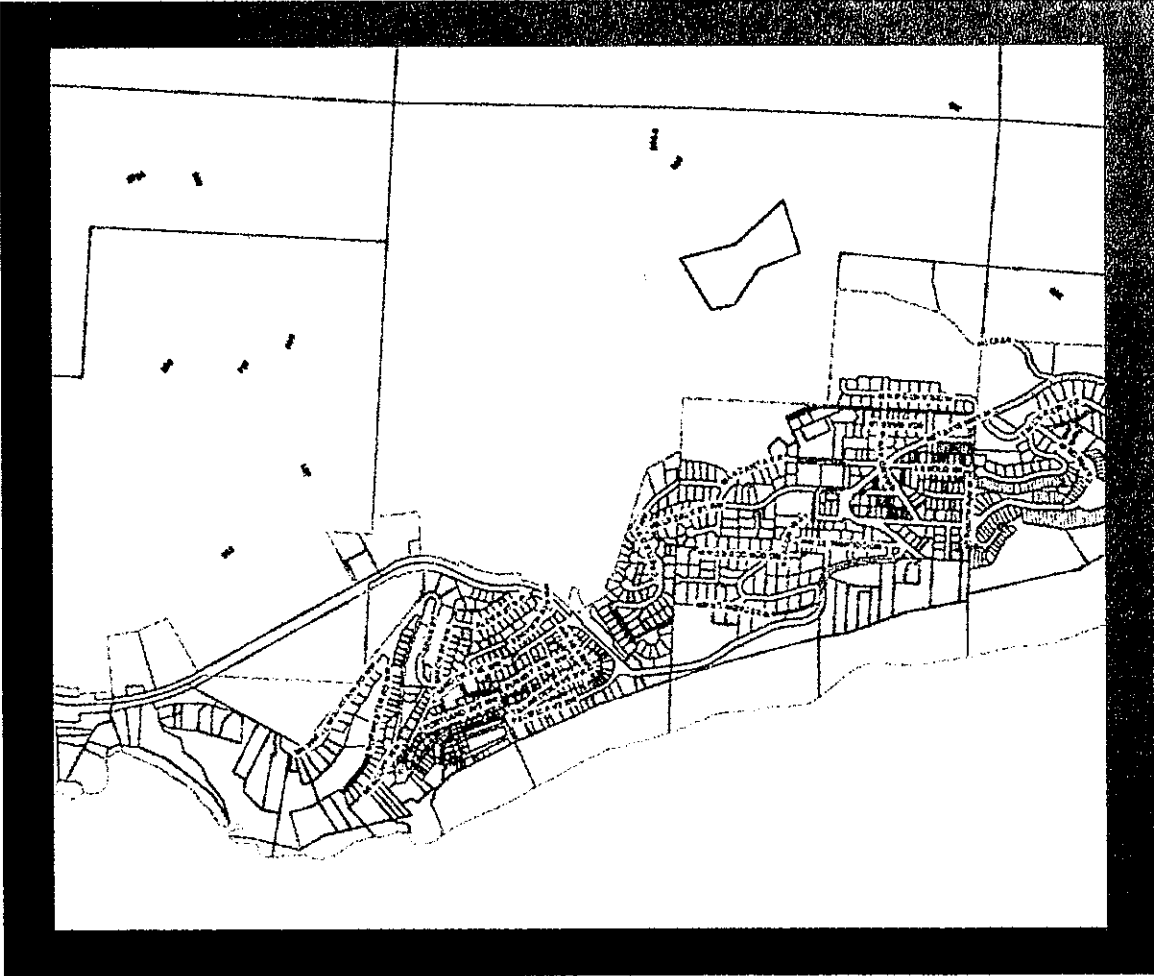
16%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

672

SHORT-TERM RENTALS

109

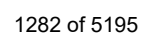


SHORT-TERM RENTALS

DWELLINGS

692

132



NETARTS

12%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

609

SHORT-TERM RENTALS

75



NETARTS

14%

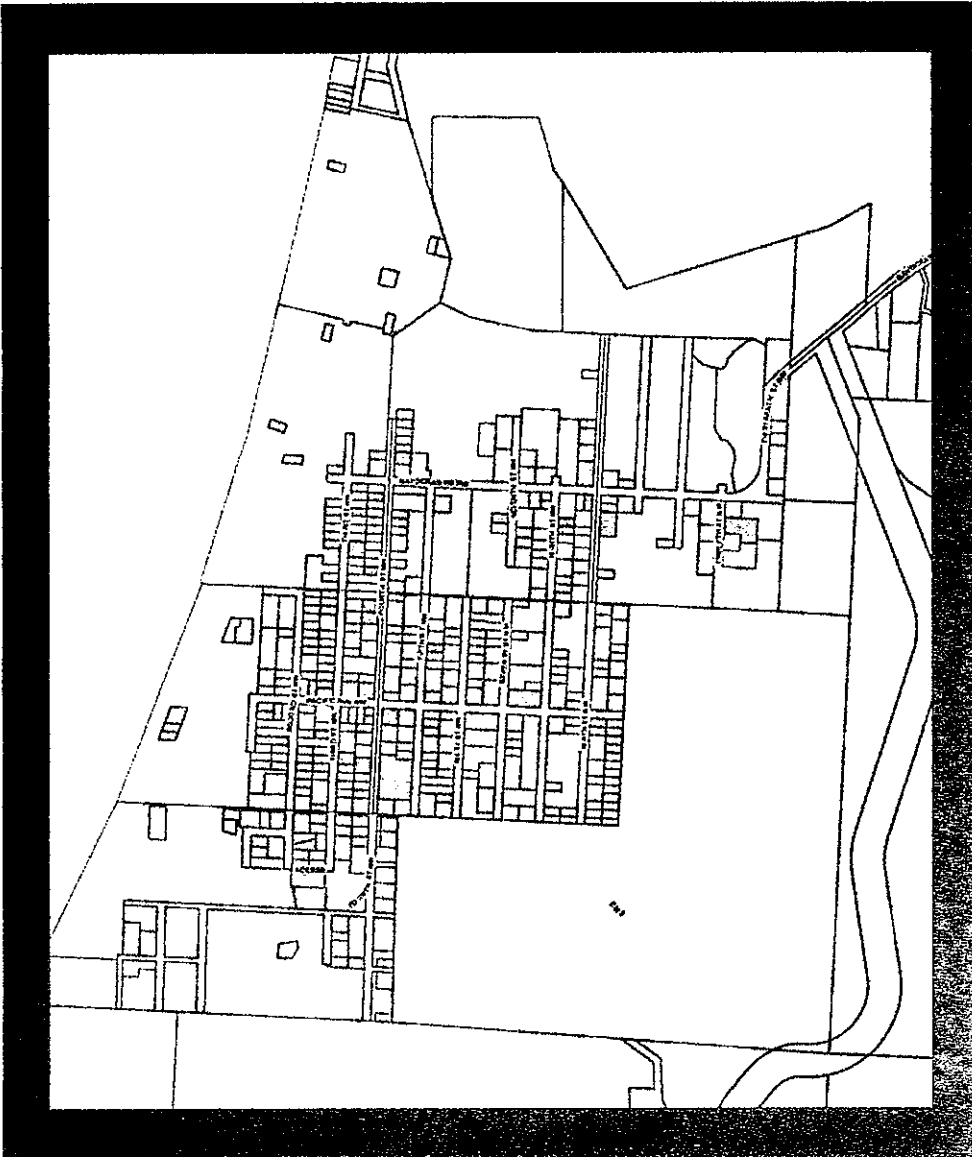
DWELLINGS

757

SHORT-TERM RENTALS

103





CAPE MEARES 13%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

205

SHORT-TERM RENTALS

27

CAPE MEARES

15%

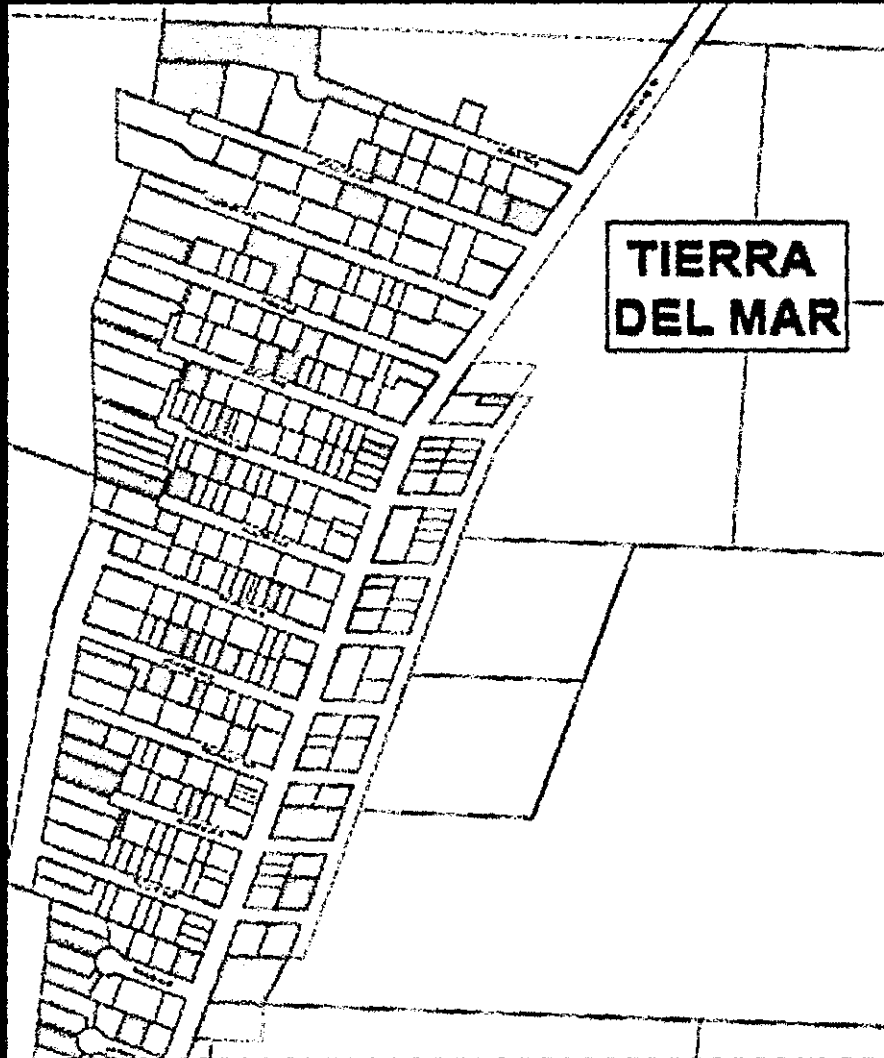
DWELLINGS

234

SHORT-TERM RENTALS

34





TIERRA DEL MAR

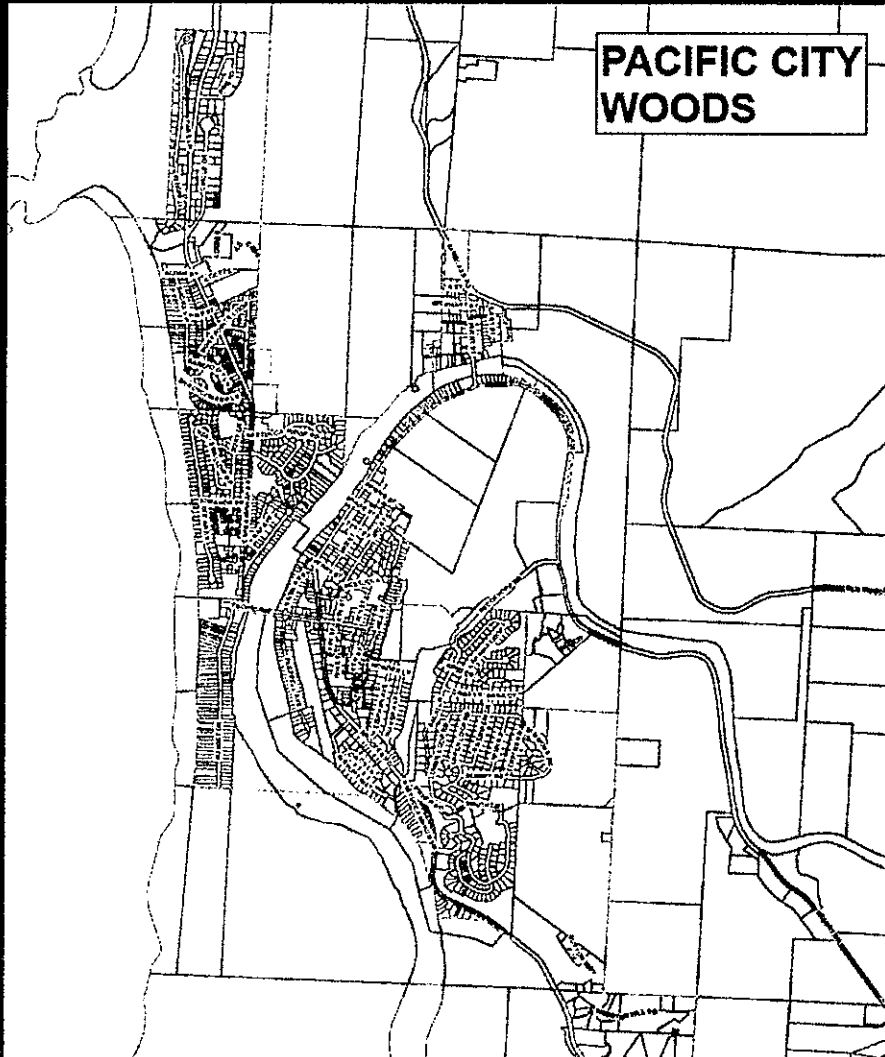
23%

DWELLINGS

235

SHORT-TERM RENTALS

53



PACIFIC CITY/WOODS

22%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

1288

SHORT-TERM RENTALS

278

PACIFIC CITY/WOODS

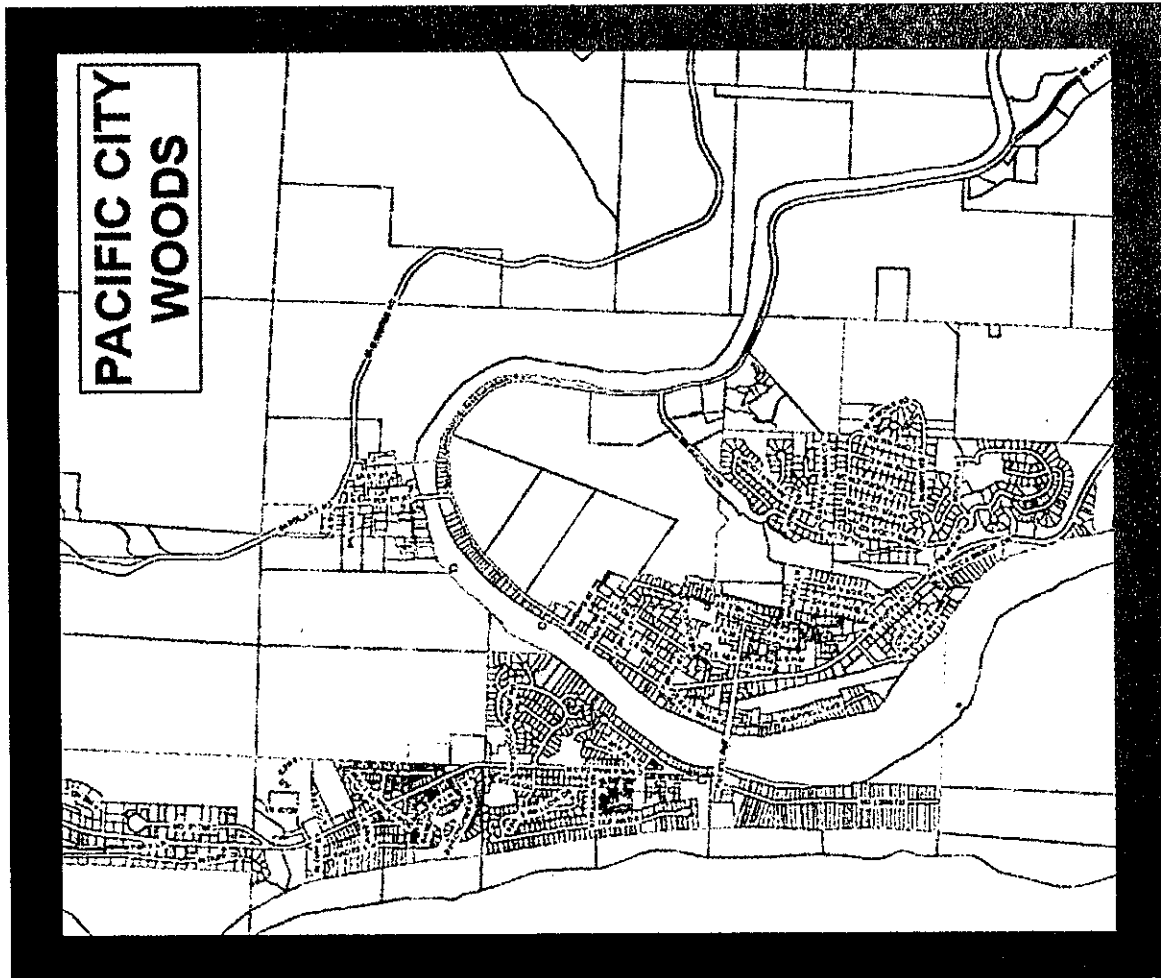
24%

DWELLINGS

1392

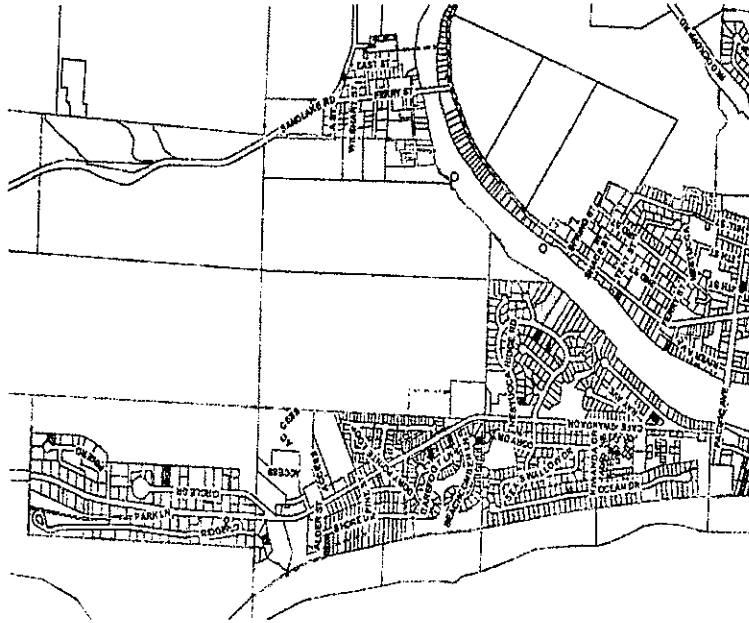
SHORT-TERM RENTALS

328

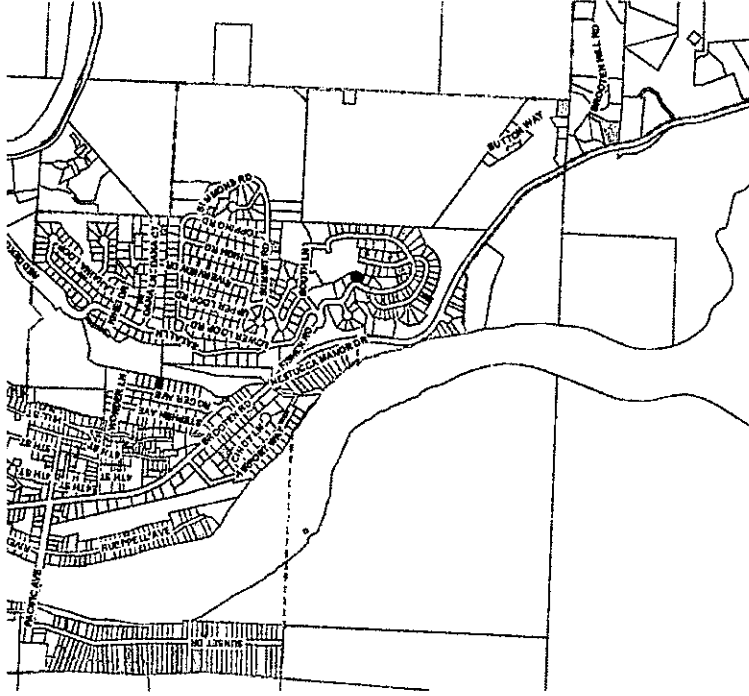


COMPARISON BY LOCATION

NORTH PACIFIC AVE. BRIDGE



SOUTH PACIFIC AVE. BRIDGE



NESKOWIN

16%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

874

SHORT-TERM RENTALS

138



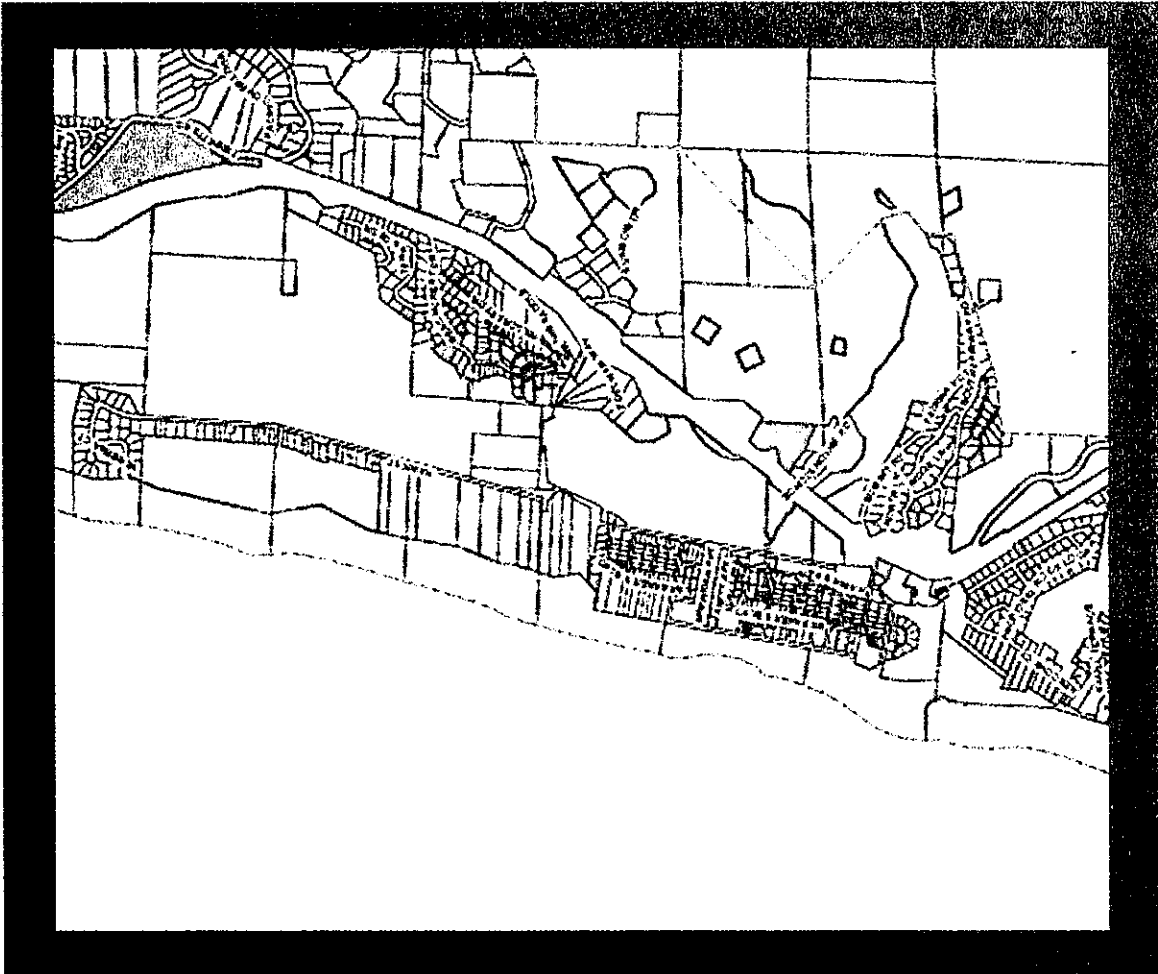
NESKOWIN 20%

DWELLINGS

908

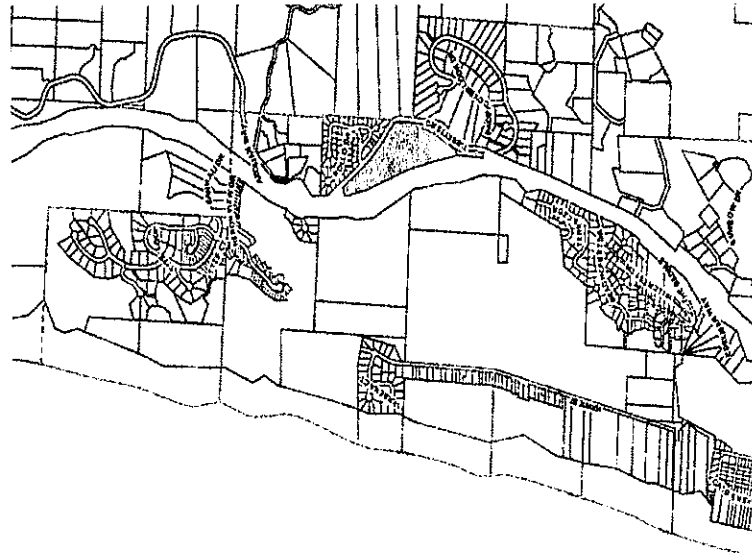
SHORT-TERM RENTALS

184



COMPARISON BY LOCATION

NORTH NESKOWIN



SOUTH NESKOWIN



+

○

•
+ ○

52
50

12
10

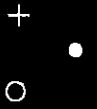
+ • ○

132

132

103

93



AUGUST
2021

OCTOBER
2022

27

34

60
150

+

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○

**FALL
2018**

**AUGUST
2021**

**OCTOBER
2022**

100

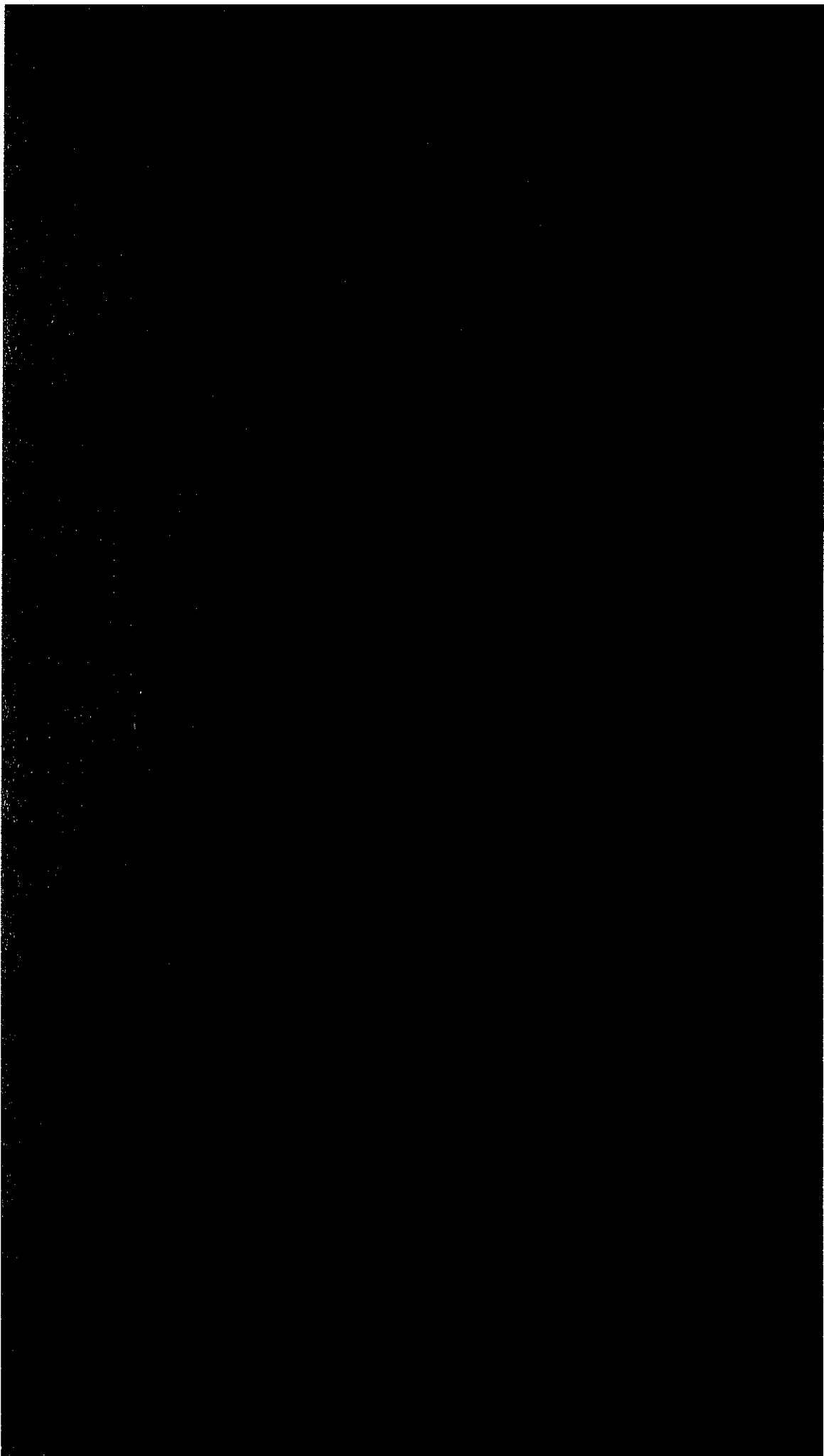
133

104

DWELLINGS IN COMMUNITIES

COMMUNITY	NEAHKAHNIE	BARIVIEW/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



EXHIBIT

M

Issues the Advisory Committee did not address or embrace.

1. **Density Limitation on STR Registration Certificates Outside of Unincorporated Community Boundaries and City Urban Growth Boundaries (i.e., RR-2 zones and other non-resource areas outside of rural communities and acknowledged UGBs)**

The Advisory Committee did not address any mechanism to limit the number of STR licenses, which was viewed as an issue reserved exclusively to the Board for consideration. The issue arises only if STRs operate in a way that causes nuisance impacts on their residential neighbors and neighborhoods, and limits on the number of STRs is the only way to reduce nuisance impacts. Put differently, if all STRs operated in perfect compliance with all nuisance and operational requirements so as to be indistinguishable from owner-occupied homes, there would be no need to limit the number of STR licenses. However, neighborhood representatives provided compelling testimony that, in fact, there is a significant nuisance impact from a large number of poorly operated and managed STRs, which indicates that some sort of limitation on STR numbers is warranted.

Several mechanisms were suggested for limiting the number of STR licenses: (1) neighborhood or subregional caps on STR licenses, (2) a density limitation that prohibits issuance or renewal of an STR license if there is another STR within 250 feet (measured from closest property line to closest property line), (3) a requirement that to qualify for an STR license the dwelling must be the owner's primary residence.

- a. Caps: The County has discussed a subregional cap system, which requires the County to define the boundaries of each rural community/neighborhood or subregion (a mapping exercise) and then set a maximum cap on the number of STR licenses that will be allowed in each subregion. The process of setting caps will require a substantial amount of public process and will likely not be easy if the cap is set below the current STR pool size. The process will be made easier if the cap is set at or above the current STR pool size. Under this system, new STR licenses can be issued, and existing licenses renewed, only if there is room under the established cap at the time the application is reviewed. Priority would be given to renewal of existing licenses over issuance of new licenses. If the Board chooses this system, staff would recommend establishing a "wait list" for STR applicants who cannot receive licenses due to the cap. As capacity opens-up under the cap, the applicant at the top of the wait list would be offered the opportunity to obtain an STR license.
- b. Density Limits. Under this system, the County will not issue or renew an STR license if, at the time of application, there is a valid and registered STR operating within 250 feet of the applicant's property. Any applicant for a new or renewed STR registration certificate that is barred due to this provision will be placed on a waiting list in order of rejection/non-renewal and will be contacted as soon as the property is no longer within 250 feet of another active STR registered property. This system would be relatively

difficult to implement because it would basically create a slow motion race to each year's STR license renewal. For example, when two homes within 250 feet of each other both have an STR license, the first to apply for renewal would be denied and lose its license, and the second one would qualify for license renewal because the first one has lost its license. If the Board chooses this system, staff would recommend some sort of phase-in process to allow existing STR license holders who fail to qualify for renewal to continue operation for a fixed period of time (5 years) and then go out of business if they still cannot meet the 250-foot density requirement.

- c. Owner Residency Requirement. Under this system, in order to qualify for license issuance or renewal, the house must be the owner's primary residence, as demonstrated by several indicators, *e.g.*, voter registration records, DMV license records. This system is relatively easy to implement and potentially allows an STR license to issue for every house in unincorporated Tillamook County. This system, however, will eliminate corporate ownership of STRs and all out-of-town second homeowners from the STR program.

All of these systems limit or reduce the number of STR licenses and create scarcity in STR licenses. If the Board selects an option for limiting the number or density of STRs, it should be aware of the current pool size and distribution of STRs in each rural community within the County. The Board should be alert to when a particular limitation program eliminates STRs from the program because that action could create legal liability for the County if not managed correctly. Any regulation that reduces the current pool size or eliminates existing STR licensees raises the possibility of legal challenges. Conversely, if the Board selects a limitation mechanism that does not shrink the current pool size or eliminate any currently operating/licensed STRs, it likely can avoid legal challenges (at least for an unconstitutional Taking).

To guard against any legal challenges and reduce the risk of losing those that are filed, the Board should consider additional provisions to phase-in restrictions that might eliminate STRs from the program. Such a so-called amortization schedule would provide several years of continued operation as a way for STR owners to recoup their so-called "investment backed expectations." This means that for those STR operators who claim to have made specific investments in their homes uniquely tailored to using the home as a short-term rental, they can recover those investments before terminating short-term rental use. Those homes would then have to convert to long-term tenancy. In reality, every investment in a house for its use as a short-term rental can also be used for a long-term rental purposes or long-term owner occupancy. As a practical matter, therefore, it is very difficult for a claimant to prove an unconstitutional Taking claim because every STR can readily be used for long-term tenancy, *i.e.*, rental for more than 30 days. The county is not a guarantor of a particular annual profit based on a business license program that requires annual renewal and does not impart a property right.

2. **"Use It or Lose It" Requirement that STRs rent a minimum 30 nights per year to qualify for STR license renewal**

This issue arose when it became apparent there is a significant number of STR licenses held but not used. These STR licenses were apparently obtained as “place holders” to enhance property value for resale in the event that a would-be house buyer wanted to use the house as an STR. These shadow licenses affect the total number of active STRs existing on the coast and negatively affect County revenue that could be derived from active STR rental. Staff suggested to the STR Advisory Committee that they consider adopting a requirement for annual renewal that the STR be rented at least 30 nights (or some similar number) each year. This is consistent with the objective of an active, well-regulated and compliant STR population that contributes TLR tax revenue and licensing fees to the County program and general fund.

The Advisory Committee decided to not adopt this license renewal requirement. STR operators wanted the flexibility to rent as frequently or infrequently as they wanted without jeopardizing their license. Neighborhood representatives recognized the significant shadow license community that did not rent much, or at all, but did not want these regulations to result in a net increase in actively rented STRs, which would be the result if the County were to purge unused STR licenses from the system. Neighborhood representatives liked the idea that many homes held STR licenses but did not use them, which lessened the impact of STRs on neighborhoods.

3. Transferability of STR licenses - majority vote was to not allow new STR licenses to be transferable, but to allow existing STR licenses to be transferred once or twice after adoption of new regulations.

Transferability is comes up in the definitions (Section 030) and the substantive regulations (Section 060):

Section 030(DD). “Transfer” means a change in ownership of the property where the dwelling licensed as a Short-Term Rental is located that occurs after the effective date of this ordinance. A change in ownership does not include a change in owners on title resulting from death, divorce, marriage or inheritance.

Section 060(B). *Transferability of STR Licenses*. Any STR License existing at the time of adoption of this Ordinance is eligible for one (1) transfer to another person or entity. The current license holder or authorized agent shall notify the STR Administrator of the change in property ownership within sixty (60) days of the change. All subsequent changes in property ownership shall require a new STR License subject to then-current ordinance provisions. STR Licenses issued after the adoption of this Ordinance are not transferable when property ownership changes.

Transferability only matters if the Board adopts STR limitations that cap the number of licenses or otherwise restrict license issuance. If anyone can apply for and obtain an initial STR license, then transferability is a non-issue. Transferability only becomes an issue if there is a barrier to new entrants to the STR license program.

Staff recommends the approach recommended by the STR Advisory Committee that new licenses issued after adoption are non-transferable. Put differently, after adoption of these new regulations anyone with an STR license who sells the property (a “transfer” as defined in the new

regulations) would not also transfer the STR license, and the new owner would have to apply for and obtain a new license.

4. STR Noise regulations – difficult to enforce generally and especially for STRs.

The STR Advisory Committee adopted a somewhat subjective noise standard that will be difficult to enforce:

Section 080(F). Noise. Use of any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or device for the producing or reproducing of sound shall be done in a manner that does not result in unreasonable or unreasonably sustained noise beyond the property lines of the subject property where the short-term rental is located. Complaints of unreasonable or unreasonably sustained noise shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.

Section 080(G). Quiet Hours. The hours of 10:00 p.m. to 7:00 a.m. the following day are quiet hours, and there shall be no amplified music or unreasonable noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property. Noise complaints during quiet hours shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.

The underlined terms in these sections are extremely subjective and make these noise provisions virtually unenforceable. Tillamook County does not have an adopted noise ordinance that sets maximum noise limits – either in measurable or quantifiable terms (decibel levels) or an objective performance standard. Even a measurable or quantifiable standard requires a properly calibrated and operated sound meter, which the county does not currently have and no one on county staff is currently qualified to operate.

Staff recommends a relatively strict STR noise limit but only during “quiet hours” (from 10 p.m. to 7:00 a.m.) that is easy to monitor, enforce, document, and prove if needed. Since no one (not STR operators/managers, STR tenants or neighbors) knows what “unreasonable noise” means, enforcement is virtually impossible. Staff recommends a prohibition of any noise (human voices, music, amplified, mechanically or electronically produced sound) that is audible at the STR property line. This standard is admittedly strict but would be easy to document with a simple audio recording on a cellphone up-loaded to the Granicus complaint hotline. Staff recommends eliminating any subjectivity or other sound limitations that make enforcement impossible so that the standard is clear to everyone.

EXHIBIT

N

Lynn Tone

From: Sarah Absher
Sent: Tuesday, May 23, 2023 4:58 PM
To: Lynn Tone
Subject: Just a few thoughts...

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

From: Karen Babbitt [REDACTED]
Sent: Monday, May 22, 2023 7:14 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Just a few thoughts...

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

Hi Sarah,

I read the draft ordinance.

I think it's a good compromise. Well done!

I was so drained after our final meeting that I took a STR break. I recommend it 😊!

I had several little comments on the draft:

1:

should the purpose of the ordinance be "for the rights of property owners to use their property as they choose" or the rights of property owners to run an STR in compliance with this ordinance...or the rights to apply for a STR license. I got to thinking that the ordinance draft language might lead to a legal loophole...hummm...maybe I should stop over thinking...is this something to check with Mr. Kearns?

2:

Example of total count for a 2 bedroom with daytime visitors states 12 as the total. It would be 15 with the 3, 12 and unders counted.

3:

Will the "Hello Neighbor" handout include "dark skies" after everyone is in for the night? I asked this before, just wanted to make sure. I've had 3 requests to tighten up the downlighting in the ordinance. We don't need this in the ordinance! Also "HN" will be available to full and part time residents, as well as STRs. Something we should all be considerate about!

We'll that's it... thank you for your calmness, smarts, ability to run a good meeting, letting everyone speak and guiding us to a finish!!!

Amen

Karen Babbitt

Sent from my iPhone

Lynn Tone

From: Sarah Absher
Sent: Tuesday, May 23, 2023 4:57 PM
To: Lynn Tone
Subject: Mike Saxton STR Committee REFLECTION statement
Attachments: Mike Saxton reflection statement.docx

From: Mike Saxton [REDACTED]
Sent: Wednesday, May 17, 2023 12:52 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Mike Saxton STR Committee REFLECTION statement

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

Hi Sarah,

Below is my reflection statement for our Short Term Rental committee. Thank you again for all your help and selecting me to represent a corner of our county. Please let me know if I should be emailing this to the commissioners or anybody else.

Mike Saxton

Dear Commissioners and Sarah,

I would like to thank Sarah Absher & Commissioner Skaar for selecting me to participate on this committee. Sarah did an amazing job guiding us on this 12 month+ journey, and allowed all views to be expressed without being interrupted or talked over by others. Every committee member was given time to express their concerns.

I fully support a healthy and efficient STR program in our county. I completely understand the benefits that the county experiences from having STRs, as did the other members of the committee. But we also all agreed that livability is the number one issue needing to be addressed when making decisions throughout the meeting agendas. I would just like to find a better balance so that families that live in residentially zoned neighborhoods can enjoy their neighborhood for what it was intended to be. Residential.

I really wanted somebody that has actually lived the reality of what several STR's in a neighborhood do to the livability of it, to be a part of the committee tasked with developing the regulations for it. I have seen the count of STRs in close proximity of our family's residence go from 2 or 3 to now 7 or 8 in just a few years. Quite honestly it's not the noise, parking, garbage or any other nuisance issue that affects our livability so much as it is all those things multiplied by the volume of STRs in our neighborhood.

STR owners and managers for the most part, don't meet or even talk to their customers. They exchange a few texts via whatever booking platform they use and their customers check themselves in and out of their properties. The burden of dealing with and interacting with their customers falls onto the families living in the neighborhoods. We are, being held responsible for reporting all bad behavior not just for 1 or 2 STRs but up to 7 or 8. 1 or 2 bad experiences doesn't bother me as much as several bad experiences spread out over the 7-8 STRs week after week. That is a burden none of us signed up for when we purchased our homes in residential zones.

All I ask of you, commissioners, to consider when reviewing our proposed amendments to Ordinance 84, is think of how we want our community neighborhoods to look like, not in just 3-5 years, but 15-20 years and beyond. Do we want neighborhoods that only host seasonal visitors for a few months of the year or healthy vibrant involved communities with residents who volunteer their time, work at local businesses and contribute to the neighborhoods that they have chosen to make their home? STR customers are not "living" in these properties short term. They are using our neighborhoods as their playgrounds for a few days and leaving. There is no sense of community in a neighborhood when different groups of people move in and out every week.

Thank you for taking the time to read my reflection statement. It is appreciated.

Mike Saxton

South County representative and Tierra del Mar resident

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Thank you for taking the time to read my reflection statement.

Mike Saxton

South County representative and Tierra del Mar resident

Lynn Tone

From: Sarah Absher
Sent: Tuesday, May 23, 2023 4:57 PM
To: Lynn Tone
Subject: FW: Reflections on the STR Advisory Committee

From: Pam Zielinski [REDACTED]
Sent: Wednesday, May 17, 2023 6:47 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: reflections on the STR Advisory Committee

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

Hi, Sarah. Thank you for all the work you put into this long effort. I will never know how you manage to do so many things so well!

Here are my reflections on the experience of participating in the STR Advisory Committee:

REALTORS pledge to defend property rights, so I was glad to be on this Advisory Committee to speak on behalf of property owners. I was disappointed, however, that the most threatening issues were taken off the table for discussion by the "advisory committee" and the committee was relegated to discussing mainly operational and procedural changes.

Oregon's 1975 Land Use goals mandate that counties plan for sufficient lodging and accommodations so visitors may recreate along the shorelands. It also requires Advisory Committees and affected citizens be involved in rulemaking. Yet despite this Committee's countless hours in meetings and reading reams of public opinion letters, the Committee's input seems secondary to a plan which was developed behind the scenes. For instance, committee members were not consulted when the Commissioners decided to implement the pause last July, an action which damaged countless homeowners and potential homeowners. And, the first draft of the revision was done without the committee's involvement.

Additionally, some committee members asked repeatedly for statistics showing the need for proposed changes, but were told the data is not currently available. Statewide Planning Goals say such data should be made available to the Committee and to the public.

It seems that the public testimony and the real opinions of the advisory committee are just window dressing to pretend the Commissioners are gathering input from potentially affected parties. The way the meetings are set up is flawed. The primary complainers are retired and have time to sit through long meetings and repeatedly offer the same testimony. People who are most negatively impacted by this effort are either out of the area and/or are the workers who cannot leave work for hours on end to attend these long daytime meetings only to get 3 minutes to talk at the end. This structure favors the privileged who have time and money to work the system. While 2/3 of the public comments are emotional outcries from people whose livelihoods are threatened by these actions, it is apparent that the decisionmakers at the county are most influenced by the vocal minority who voted the Commissioners into office. Should the Commissioners only represent voters? Shouldn't they represent the interests of all taxpayers in the county?

I will try to remain optimistic about the final outcome and will maintain an expectation that the Commissioners will hear the outcry of the people who trusted the County to honor what has been implied for so many years. I trust that the Commissioners will see the wisdom of making minor changes gradually to try and mitigate the damage they have the power to cause. I expect that the Commissioners will weigh the extent of the harm they can do with many drastic changes against the unproven possibility that their actions might improve livability for a few people who want to know who their neighbors are.

Respectfully,

Pam Zielinski
Representing Tillamook Board of REALTORS

Reflection Statement

Hillary Gibson

Tillamook County Short-Term Rental Advisory Committee

May 22, 2023

Reflection Statement

I am providing this Reflection Statement at the request of Sarah Absher, Director of Community Development for Tillamook County. I am thankful to have been selected to serve on the STR Advisory Committee since 2022. I attended every meeting as a representative for Neskowin. The County STR Advisory Committee was well-balanced, and spent significant time considering community input from all sides. This statement reflects my own personal opinion and is not intended to represent other members of the community.

Missing Information

In total we had 17 meetings from February 2022 - May 2023. In the fall of 2022, there was a shift in the tone of our meetings and in January 2023 we were presented with a proposed draft of an STR ordinance which was not entirely reflective of discussions, nor anticipated as we had already started revising the current version of Ordinance #84. From that point on our feedback was largely limited to specific topics and many concerns went unaddressed. We were routinely told more data would be forthcoming regarding economic impacts beyond TLT, data for 2022 complaints and violations, and various statistics for current permits, but much of that was not shared. It was challenging to make informed recommendations without this relevant and vital information.

Draft Ordinance

The draft ordinance being proposed was not authored by the STR Advisory Committee. We merely advised on recommendations from a limited list of topics, and some changes are reflected in the edited draft, while others are not. Commissioner Skaar's original expectation was for our committee's recommendations to be well-thought out, well-vetted, and a carefully chosen long-term solution. We were told that county's counsel, Dan Keams, would evaluate the recommendations that came out of the committee. In reality, the committee evaluated the recommendations that came from the county.

Perspective Change

Reflecting on the past sixteen months, the shift is more apparent in hindsight. At some point STRs in Tillamook County went from being the "front runners" compared to other communities, and a very vital system and great piece of the economy, to something incompatible with residential neighborhoods, having a damaging impact on livability, and in need of limits by number, concentration, and scale to protect the character of neighborhoods. STRs used to be seen as a benefit, but the proposal that owners give neighbors annual notice of STR operation appeared more like a warning than a welcome.

Well Balanced

At our first meeting it was explained that each member represented both community interests and self-interests. As a representative for Neskowin, I frequently shared community feedback and survey results, in addition to my perspective as a homeowner with an STR permit. A committee composed of members without conflict of interest would be a committee without interest in this important work. Our committee as a whole was well-balanced and this led to healthy debates and collaboration. An incredible amount of work has been invested by this group of volunteers and by the county to organize this process. The dedication of the volunteers to step up and devote significant time to this monumental task is impressive and I'd like to extend many thanks to all the volunteers and the Community Development team.

Consensus or Majority

During the past year, a couple vacancies opened up on the committee, but were not filled. Most notably, the "Tourism Industry" role was vacant upon the departure of the original representative. Further, the original intention of following a "consensus-based approach" seems to have been replaced by noting majority or minority support instead of consensus or no consensus. For example, there was not consensus to support a 1% cap over each community's current STR percentage level. Notably, the committee never voted on the draft as a whole, and only voted on select individual components.

Communication

As a homeowner with an active STR permit, I have found the lack of communication from the county to homeowners with STR permits to be insufficient regarding this ongoing process. This committee had 17 meetings before Tillamook County directly communicated plans to revise Ordinance #84 to owners of homes with STR permits. During this time frame, all STR permit holders were emailed five times with reminders to remit quarterly transient lodging taxes with no mention of the rules & regulations being updated. While not legally required, the optics of this inaction do not reflect well on Tillamook County. As a result, homeowners with STR permits have had to organize grassroots advocacy to share information.

1% Cap - Essentially a Moratorium Extension

The proposed 1% cap via board order is not currently available anywhere in writing for the community to reference and therefore make informed public comment. Several draft revisions show a strikethrough on the percentage cap section of the draft which was misleading. I've had countless owners tell me there will not be percentage caps because it was crossed out in the draft. It is my opinion that 1% is too low and will effectively renew the moratorium on new permits, with just a lucky handful being granted after waiting for a year. In an area with so many seasonal homes it is not equitable to shut out any homeowner from having an opportunity to be approved for an STR permit.

Legal Counsel


Concerns remain that Tillamook County is not receiving sound legal advice. Dan Kearns, the "neutral" counsel hired to advise the county, referred to STRs derogatorily as "Horizontal Hotels" in the public meeting on April 18, 2023. The county may be exposing itself to litigation by replacing all current STR permits with licenses, instead of simply issuing licenses to new STRs.

Facts

I encourage the BOCC to follow the facts, data, and law when deciding the future of STR regulations, versus capitulating to the disproportionate comments from one single community. The BOCC represents all county citizens, and not just voters. We have heard from homeowners throughout the county who love the Oregon Coast and are simply asking for sensible regulations.

Gratitude

Lastly, I'd like to extend gratitude and appreciation to everyone who has participated in this process at the county meetings. Despite the concerns mentioned in this Reflection Statement, I believe the STR Advisory Committee worked well together and everyone gave valuable feedback which impacted the ordinance draft to some degree. I am including a supplementary public comment with this Reflection Statement to provide additional information learned from my time on this committee. Thank you for taking the time to consider this feedback.



Hillary Gibson

May 22, 2023

Dear County Commissioners,

I am writing to provide a reflection of the time I spent serving on the Tillamook County Short Term Rental (STR) Committee as the Economic Development representative at the request of Director of Community Development Sarah Absher. After more than a year of service, it is clear that the County is truly at a crossroads in evaluating where and how short-term rentals are prioritized and treated in Tillamook County.

I am a relatively new Tillamook County business owner who purchased a retail store and restaurant in a location that has been in service over a **century**. I entered this process with a desire to better understand the STR program, its economic benefit to communities and with curiosity towards COVID related impacts. As a business operator, COVID impacts are still being felt with our restaurant remaining shuttered due to lack of staffing and cost of goods increases.

When I reflect on the last year and more, I have come to understand:

- visiting the Oregon Coast in a temporary way, whether through camping in tents or cabins, at second homes, RV's and more has been happening since cars made it possible. That's why there has been a store in our location for over 100 years - we are proud to continue the legacy many Tillamook County businesses have built for decades.
- vibrant small, family-owned businesses can be found up and down the coast. Many of these businesses contribute to tourism and hospitality directly such as fishing tours, restaurants, art galleries, retail stores, etc. just as those in dairy, farming, timber and others do indirectly through locally grown supplies and materials and providing services.
- there is real division in communities on the impacts of temporary housing to communities and livability for residents, most vocally from residents who live full-time in historically resort areas.

I was hopeful the Committee would be charged with evaluating real data to determine which and how many of these sentiments are true from both sides of the proverbial STR coin. Unfortunately, the timeline to do so was compressed by the County's adoption of a pause on issuance of STR permits which accelerated the Committee's work to meet a July deadline.

I would like to share some clarification points, some areas I feel were successful and some I feel are premature and or unnecessary for action at this time.

Clarification:

- Please note that the draft revision the Commissioners are being given was solely drafted by County attorney Daniel Kearns. The STR Committee did not author it nor were they made aware that the goals had shifted for the committee and an attorney was being hired.
- Entire sections of the revised ordinance were not reviewed or voted on by the Committee. This includes critical items such as:
 - There was no committee consensus that a "reduction tool" to reduce existing STR permits was favored by the Committee. Instead, the Committee was charged with selecting the best tool should there be one selected. This charge was problematic as it wasn't desired by the Committee.
 - After being directed to select a "reduction tool" after consensus for one was not reached, a majority, not consensus, selected a percentage cap.
 - The Committee did not propose the 1% cap number or the additional community engagement conversations.

- The ordinance does not include a sunset timeline for any temporary caps or measures put in place while additional community feedback is solicited. This is problematic as this process could continue on for years with the level of community division witnessed.
- The draft ordinance does not clearly document a process for who will receive future notices, who can participate and who decides any new regulations being brought to communities for further discussion.
- If the Commissioners determine they feel it is fair to change regulations for current lawful permit owners who have followed the existing ordinance complaint free (in some cases for decades), the committee did not discuss or agree on a proposed compliance timeline.
- An important position was left vacant for months when the Visit Tillamook Coast representative was not replaced. Subsequently there was no expert on the panel in the remaining 6+ months to discuss critical issues surrounding economic impact.
- No discussion was had regarding the extreme bump in activity for temporary lodging during COVID.
 - 2023 TLT data shows a stark reduction from the prior two years, this is no surprise, businesses are experiencing upwards of a 25% reduction in business as the world has opened back up.
 - The ordinance was last updated in 2019, in the four years since, more years were COVID years than not, three out of four to be exact. This has to be factored into timing of future decisions.

Success:

- At the first county meeting, Commissioner Skarr and Director Absher charged the committee with considering safety as priority number one. The revisions discussed by Committee members and in some instances provided in the latest ordinance have accomplished this goal without the need for additional reduction tools at this time:
 - implementation of a hotline for valid complaints and tracking
 - streamlined parking requirements
 - clear documentation of bedrooms vs. sleeping spaces
 - concise and direct signage and contact information updates
 - detailed noticing for neighbors
 - addition of noise parameters and policy
 - trash handling updates and revisions
- Commissioner Skarr and Director Absher selected a diverse group of Committee members with valid positions and background to debate and discuss an important issue.
- Director Absher led fruitful discussions with respect and encouraged debate and direct input.
- Commissioner Skarr was a stable presence at meetings and engaged with the Committee and staff to guide and maintain an open process.
- Community participation was present at every meeting. Though it was hard for working community members and families with young children to attend during the work day, written comments were also accepted.

Wait and See:

- Due to the lack of receipt of the majority of requests for data: housing data, historical STR data, data showing registered complaints, economic analysis, feasibility of implementing measures proposed - moving forward with reduction tools is premature. There was simply not enough time in this process or data given for Committee members to justify a broad stroke reduction tool at this stage.
- The new hotline will provide the critical data needed and this combined with the safety and livability updated in the ordinance are the appropriate first steps in a revised ordinance and one that treats all property owners equally as the Commissioners represent all property owners regardless of how they use their property.
- County staff and Mr. Kearns, not the Committee, proposed an additional 1% cap on new permits in addition to the safety and enforcement updates already included in the revision. For businesses reliant on temporary lodging for guests to give patronage to their businesses, this is a concern. Some communities such as where my business is, in Neskowin, have zero temporary lodging alternatives outside of STRs. Capping lodging is capping revenue potential growth which in turn caps jobs in many communities.

- A 1% cap for growth management combined with the proposed modifications will be reductive. The most calls I received from other business owners was directly after the April meeting when a 1% cap was discussed. Many businesses shared that this could quickly turn their businesses to seasonal only requiring workforce reduction. Others shared that coming off of COVID, this could be the final nail that closes doors permanently. I encourage the Commissioners to read the Tillamook Chamber of Commerce public comment from the May 2023 STR Committee and consider the concerns they have raised.
- Operators of lodging in Commercially Zoned areas should be exempt from this ordinance. Many have outright use through zoning and are in high traffic commercial areas, like our neighbors at the Proposal Rock Inn, who hear our and neighboring businesses delivery trucks at all hours. Many developments were built for and have always operated as temporary lodging and lack the facilities for year round residence.
- As a family-owned business, I found it concerning that a limit on transfers was included in the draft ordinance for existing permit owners, without consensus and after lengthy debate by the Committee. Utilizing lawful structures such as family trusts and LLC's for property ownership protects families through painful times such as the death of a parent but would be considered a transfer in this ordinance. This feels punitive - how could one anticipate this need in advance? If the owners remain a part of a structure that better protects their families they should not be penalized.

In summary, I thank the Commissioners for attempting a process with inclusion and opportunity for voices to be heard - you have accomplished this successfully, no small feat. It's the Commissioners turn to closely listen to each population, their concerns, and how each group weaves into the fabric of Tillamook County - after all, they represent all property owners and tax payers.

Without data, decisions can't be made. I encourage the Commissioners to consider the very real lack of data in all the core areas of concern presented. As a first step, fund positions and technology needed to truly represent all constituents and collect at least 18 months of data before considering further reduction tools not listed in the revised ordinance provided. Director Asher's department is woefully understaffed. Businesses are already battling inflation, digging out of the 3-year COVID hole, facing staffing challenges and the threat of FEMA related cost increases and inability to maintain and update infrastructure in our County. Please don't make it harder for us to keep our doors open and paychecks arriving on time.

I thank you for this opportunity.

Sincerely,



Alexis Tate
Neskowin Trading Company
Economic Representative

Reflections and Requests regarding the STR Committee:

Thank you for the opportunity to be part of the STR advisory committee as a representative for local STR managers. The process was thoughtfully organized. I especially appreciate the hours of volunteer time given by the committee members. This committee worked hard. I also wanted to thank everyone who provided public comment, written or in person.

In the beginning, I was asked what my special talent for the committee would be; it was being practical. My family-owned, local management company has been operating in Tillamook County since 1989. I understand the hard work and expertise required to effectively market and care for a beach rental. I am intimately aware of the nuances of the current STR permit process, and I work within the county's STR program daily. I have been on the two previous iterations of this committee and was engaged with the county when the first ordinance was drafted. I have a strong passion for the STR industry and enjoy helping elevate best-practices for all STRs in our area. I am thankful for sensible regulations to keep a level playing field and help keep guests safe and happy.

Meeting Tone Changes

This committee has been meeting for over a year. The beginning process was educational and collaborative. The tone, direction, and progress of our committee completely changed when the county engaged independent council, Dan Kearns. It cannot go without stating that Mr. Kearns represents very active, anti-STR citizen groups, and has legally engaged with both of our neighboring coastal counties. Although we were continuously assured of non-bias, this choice of council is pre-loaded with imbalance.

What's the Point of STRs?

Benefits of STRs were virtually exempt from the conversations apart from one meeting. Appreciation for the importance of compliant STRs and their significant benefits to the local economy was lacking. Data regarding the economic impact of STRs in Tillamook County was not provided (apart from TLT figures which support that STRs are 70% of our overnight tourism spending). The historical and cultural relevance of STRs in Tillamook County was not recognized or addressed during this committee process.

The committee lacked representation most knowledgeable of economic STR impacts. Our Tourism industry representative on the committee resigned months ago and was not replaced. Also, the North County STR representative resigned after 2 meetings, and was not replaced.

The Newest Draft: Rules, Fines, Fees

This committee's focus was rules and violations. The resulting presented ordinance is full of increased restrictions, enhanced enforcement tools, and higher fees.

From 2020-2023, fees for having an active STR have grown exponentially. In 2020 yearly renewal fees were \$250. Now, an average STR pays \$850 yearly to renew. This new draft raises fees for inspections, yearly renewals, and a new fee for management changes. As an aside, the Operator License Fee program was designed to apply to all lodging, but still only applies to STRs.

Now, there are even higher fees. And brand-new stronger rules regarding septic, lighting, diagrams, parking, hours, additional postings, advertising requirements and more. I feel that the currently presented draft of this

ordinance is a 'reduction method' in itself. With better data collection methods in place, we need to assess how stronger regulation, new enforcement tools, more complicated requirements, and much higher fees will all affect everything regarding STRs. We were also presented with data showing that many permitted STRs were very scarcely used. It is logical that with more complicated and expensive requirements, many will fall out of the program.

Public Comment Notes:

Public comment was presented from business owners throughout the county reflecting their reliance on tourism.

The vast majority of negative STR comments were from Neakahnie, where there is a lower number of STRs. While Pacific City has significantly more STRs than any community, there were much fewer negative STR comments.

Public comments were not addressed within the committee as much as I feel they should have been. I understand the process, but I appreciate the feedback and time given to consider our committee meetings. I feel public comments were disregarded as just procedural and we did not consider many repetitive themes.

Growth Management Tool?

The ordinance is glaringly missing the "growth management" tool that we were required to discuss. The absence of percentage-based permit CAPS on STRS is confusing. After following specific directions, we spent hours of committee time on this topic. I do not understand how it is omitted now. It is my understanding that there may be a 'board order' or some other rule process to enact these CAPS. I am skeptical of this process and request that public notice is given to any affected property owners in the county if a separate CAP is still planned. All property owners in Tillamook County are affected by this CAP. All homeowners previously could choose to apply for an STR permit; going forward this is no longer a choice for them. The implications of the current version of the ordinance need to be assessed before further limitations are placed.

I am very interested and skeptical of the plan to work within individual communities to determine different STR rules within each community. This sounds lengthy, complicated, and difficult to establish consensus. Leaving this so ambiguous without an end-date leaves so many landowners without answers.

Specific Ordinance Notes & Questions:

- Changing the name of the County sanctioned STR permit, to a Registration Certificate, to a License. I am not a planner, attorney, or expert in the implications of these terms, but I am certain there are implications, and they have not been fully explained.
- .010 B states that this ordinance is not a 'land use regulation'. Throughout our discussions, it was never made clear that this statement is accurate. Especially regarding neighborhood, or community-based CAPS. Established communities are defined within Tillamook County land use code.
- Parking: Why do we have to submit a photo of a garage, if the home is going to be inspected for parking anyway? This is arbitrary and extra work for CD staff.

- Noise: This Section is subjective and leaves too much to interpretation. This should be addressed by county or community noise ordinance. I can see this violation applying to construction noise, baby's crying, car doors, talking outside, etc. depending on the size of property and proximity of the neighbor.
- Garbage: Requirement of haulers to provide 'assisted pick-up' is too much. If your garbage is a mess, you'll be in violation. We already do this as a service to our owners and owners shouldn't have to double pay.
- Exterior signage changes: New proposed changes are already requiring a significant expense and change for our business. **Please remove the permit expiration date requirement from the exterior signage.** What problem does this solve? This was not discussed in committee. It is posted inside. Granicus will flag expired homes who advertise. The biggest signage challenge is our weather. Please don't make us change functional signs every year. This was not the language presented to, or vetted by the committee.
- Complaint -vs- violation: I'm still not certain when a 'complaint' becomes a violation. I suggest stronger timeline language, or 'unaddressed' be stated more frequently when the ordinance refers to complaints that could lead to violation.
- Fine complainers: We discussed and approved this in committee, but it didn't make it in. Here's the phrase from Clatsop County: Unsubstantiated Complaints and False Reporting. The County may impose a fine for filing a false complaint regarding the condition, operation, or conduct of occupants of a short-term rental or their guests. Per Section 1.11.010, Clatsop County Code, the submittal of a false complaint is a Class B violation and may be subject to fines as specified in Section 1.11.010(C).
- Transferability: The committee agreed that if CAPS are in place, there should be 2 ownership transfers. This would allow a family to change their ownership structure if needed, and still sell their home without losing the STR.
- Special exceptions: The ordinance should allow staff to make special exceptions to parking and occupancy. If a home is on acreage with designated parking for more than 6 cars, then they should be able to advertise for boats, ATV trailers, etc. This could require neighbor notice, etc. but it should be considered. We were not given data regarding how many homes currently allow more than 6 cars.

Thank you for considering my comments and again allowing me to participate in this process.

Nicole Twigg
Nicoletwigg22@gmail.com

EXHIBIT

O



May 19, 2023

To: Sarah Absher, Tillamook County Community Development and Tillamook County Commissioners
Re: STR county ordinance #84 Public Comments

Hello Sarah

After much discussion, the board of directors of Tillamook Coast Visitors Association (TCVA) wish to make a public comment about the suggested STR permit cap revisions to the STR County Ordinance #84. As a tourism destination management organization, we are committed to the three pillars of sustainable tourism: people, place and profit. This means we support community and livability, promote stewardship of our environment, and create year-round economic vitality for our tourism-based businesses.

We understand the issues surrounding "nuisance" STRs that disrupt those who live here full time (as we do), and those who wish to see limits placed on those second homes. A few of our board members have personally experienced the disruption. However, it is clear from the work of the STR committee, and the complaint calls to the county concerning problem homes, that lack of enforcement of STR ordinance rules is the biggest obstacle to livability, and perhaps the environment.

While we would like to see enforcement addressed in this ordinance review, we realize that time is running out to come up with a solution, which TCVA would be more than willing to help develop. We are committed to helping our tourism businesses thrive, and with 70% of TLT deriving from STRs, any cap on permits will threaten economic growth and businesses that rely on visitor spending.

We are realists, however, and know that having a cap on permits helps address the issues that some communities are grappling with, especially those in unincorporated areas. The suggestion of a 1% cap is too limiting, and may create a falling economy in real estate values, lack of growth in TLT that is used for much-needed destination management projects, and the health of our locally managed STR agencies that employ hundreds of people, and who work diligently to remain in compliance with STR ordinance rules.

At this time, the TCVA board is in favor of supporting a 2% annual cap as a compromise, with a review of economic impact within three years.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Nan Devlin".

Nan Devlin, Executive Director
Tillamook Coast Visitors Association
PO Box 1268 Tillamook OR 97141
503-842-2672

Sarah Absher

From: Public Comments
Sent: Wednesday, May 24, 2023 7:47 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Short Term Rental

From: ANDREA D AMICO <ANDDAMICO@msn.com>
Sent: Tuesday, May 23, 2023 7:39 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Short Term Rental

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

Dear Commissioners,
My name is Andrea D'Amico, and my family has a cabin in Netarts.
There is pros and cons to Short term rentals.

Alot of Cons to STR, but many of them have been solved thru rules and regulations. Both from the county and the rental companies. Noise, parking, max occupancy ect.

The pros to Short term rentals is economics.

When we don't use our cabin we would like to be able to rent it out. So other families can enjoy the amenities the county has to offer. With other families, brings economic benefits to restaurants, coffee shops, grocery stores unemployment rate.

Example if we come 4 times a year and go out to dinner, that is only 4 dinners for the restaurant , 4 dinners the cook provides and 4 dinners the waitress serves, ect . Compared is we rent out the other 48 weekends it adds 48 to all those previous numbers.

The boom of Short-term rentals is over, during the pandemic people couldn't travel publicly and a lot of people could work from anywhere that had wifi. Therefore, short term rentals were very popular. Now that we are getting back to normal. I don't think short term rentals will be the craz, more of an option for a vacation experience.

Short term rentals help the economy for all. And with the economy slowing down, I hope you consider the percent of short-term rentals to help the county and county businesses financially.

Thank you very much for your time
Andrea D'Amico

Lynn Tone

From: Lindsey Boccia <lindsey.boccia@gmail.com>
Sent: Monday, May 15, 2023 7:56 PM
To: Lynn Tone
Subject: EXTERNAL: Fwd: Tillamook County Short Term Rental Pause

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

Hi Lynn,

Can you please include my testimony below for the public hearing / staff report for the public hearing on short term rentals ? I won't be able to testify on the day.

Thank you,
Lindsey

Begin forwarded message:

From: Lindsey Boccia <lindsey.boccia@gmail.com>
Date: May 14, 2023 at 7:10:13 PM PDT
To: mfbell@co.tillamook.or.us, dyamamoto@co.tillamook.or.us, eskaar@co.tillamook.or.us, rhagerty@co.tillamook.or.us, igilda@co.tillamook.or.us
Subject: Tillamook County Short Term Rental Pause

Dear Councilors,

I'm asking for and need your help.

My family spent three years finding the perfect lot in Tillamook County and reading 1000 pages of tillamook County's comprehensive plan to make sure we were aligned with the County's goals. We confirmed we'd be able to rent the property once the cabin was built. It was the only way we could afford the dream. We purchased the and spent an additional \$30,000 meeting all of the land use requirements / permit Fees that Tillamook county wanted us to go through to get our permit.

Once the permit was finally in hand (pre pandemic) two things happened: 1.) pandemic pricing doubled the estimate of the home we had permitted, pricing us out of our own permit. We had to scale down plans to a modular unit 40 x 14. 2.) after we spent years / our savings , tillamook County formed this committee to limit STR's.

We have a family of four - My husband and I both work and we have good jobs. However, the cost of our primary house, daycare, groceries, saving for college etc. etc. make it almost unattainable to own the little cabin unless we rent it when we're not there.

Some of the people that are complaining about STR's within the committee process make it sound a lot more like class warfare and generational wealth vs the rest of us.

The Irony of it : We actually just returned from spring break for five days at the beach. It's almost equally unaffordable to rent. We spent most of our savings for that year on a rental home . The people next to us owned their house. They had a giant party, had dogs pooping near our rental grass, fire smoke blowing into our rental etc. There are poorly behaved "owners" as well.

We need to know we will have the same rights to rent our property as when we purchased the Land and paid the county fees for our permit, and did everything \$\$\$ (geotech etc) the county asked of us in land use diligence that slowed us down. It is the only way we can recoup what we have lost. Can we please insert a clause for people to obtain rental permit if they already owned land and building permit and have incurred the financial Burden to pursue their plan?

Can you please help us?

Thank you,
Lindsey Boccia
503.943.0480

Lynn Tone

From: Public Comments
Sent: Tuesday, May 16, 2023 10:03 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Comments

From: Mark Roberts <mandm-roberts@comcast.net>
Sent: Tuesday, May 16, 2023 9:50 AM
To: Sarah Absher <sabsher@co.tillamook.or.us>; Lynn Tone <ltone@co.tillamook.or.us>; Public Comments <publiccomments@co.tillamook.or.us>
Cc: Jacki Hinton <hintonjacki56@gmail.com>; Babbitt Karen <wcgarden@gmail.com>
Subject: EXTERNAL: STR 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.]

Sarah Absher, Director of Community Development
Commissioner Yamamoto
Commissioner Skaar
Commissioner Bell

Our coastal communities are NOT investment opportunities - they are ... or should be ... communities where people live, visit, and thrive.

Caps on the number or percentage of Short-Term Rentals (STRs) are an essential tool of 'balancing' property rights of STRs and the comparable (not inferior) rights of other property owners. (I bought my property 25-years ago with the knowledge that my neighbors would be full- or part-time members of the community - STRs are transient lodging services.) The Neahkahnie cap should be no greater than our adjacent municipality - Manzanita. Manzanita is a thriving community with a 17.5% STR cap.

Enforcement in meaningful and effective manner is essential. This includes a 24-hour complaint line managed by a third-party and signage on each permitted STR. Voluntary systems degrade to no system at all.

Bedrooms are how buildings were designed and permitted. "Sleeping areas" is a loose, easily manipulated term with no acknowledged meaning. This is a slippery slope for enforcement that the County ought to avoid.

Ownership should be clarified such that LLCs and other forms of corporate ownership are held to the same standards and expectations as any individual owner ... including when changes in ownership occur.

Permits are permits - NOT transferable to a purchaser of a property. Hopefully permits will be limited in number. As a limited resource, 'fairness' or 'equity' to new, other than the 'first-movers' that possess these permits currently, ought to be a consideration. Further, the practical effect is that 'purpose built' or 'purpose modified' structures, intended to capitalize and maximize on rental income, will be less likely.

Lastly, call me crazy ... or an economist, but I think the County is missing an important factor included in the original version of this Ordinance. That is, STR program participants ought to pay for the administration and enforcement of the program - NOT Tillamook County taxpayers. Manzanita recently conducted a fundamental 'cost of service analysis' of their STR program which yielded a near doubling of rates there. Sometimes "cost recovery" actually costs program participants more.

I appreciate the hard work that Community Development has put into this difficult and complex issue. I regret that 'lawyering up' and threats of intimidation have been part of this process.

Thank you

Mark Roberts

Lynn Tone

From: Public Comments
Sent: Monday, May 15, 2023 3:54 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Advisory Committee

From: Lauren Brennan <lauren.ernhofer@gmail.com>
Sent: Monday, May 15, 2023 3:18 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR Advisory Committee

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

Hello Advisory Committee Members,

My name is Lauren Brennan. My husband and I purchased a second home in Pacific City in November 2021. We live in Forest Grove and love spending our weekends with our four young children at the coast. When we bought the home, it was a fixer upper. We spent months ripping everything out and installing a new kitchen, new flooring, all new paint, replacing windows, restoring the deck, etc.. We put tens of thousands of dollars into the renovation to make it comfortable for our family and potential renters for years to come.

We completed renovations in September 2022. It was at this time that we realized there was a pause on STR permits. We were absolutely crushed. Even if we applied for a permit before July 1, it wouldn't have gotten approved because our home was gutted and in the middle of a renovation. So this beautiful home has been sitting empty for months with us not really knowing what to do. After contacting the county for help to potentially get grandfathered in to get a permit, we were denied again and again. This single decision of the county to pause all permits has affected my family in incredibly negative ways. We would have never purchased a property in Tillamook County had we known you would be pausing all short term rental permits. Please consider the families this decision has already affected. We are not a rich conglomerate. We are a small family who works hard to provide for their family who have taken a significant financial hit because of your decision to suspend these permits. Reinstate the permits immediately with no cap, especially in Pacific City where tourism is so prevalent and needed.

Respectfully,

Lauren Brennan

Comments to the Tillamook County Board of Commissioners

May 21, 2023

COMMENTS OF DONEG MCDONOUGH, PACIFIC CITY: CONSIDERATION OF PROPOSED CHANGES TO SHORT-TERM RENTAL RULES

Commissioner David Yamamoto
Commissioner Erin Skaar
Commissioner Mary Faith Bell
Tillamook County Board of Commissioners

Commissioners and County Staff,

My family and I have been taxpayers in Tillamook County for 12 years. We are in the process of constructing a new home in Pacific City. The County's short-term rental (STR) proposals, if enacted, would cause significant financial harm to my family, to our long-developed plans, and to the economy of Pacific City.

I encourage Commissioners to vote down any proposal that imposes a cap on the number of STR rentals. I say this not to create contention but to avoid unnecessary contention. There is an alternative option available to the Commissioners that would avoid disrupting a critical economic and social element of Pacific City and would in fact enhance it.

As you know, the staff proposal contains two components: (1) Establish an efficient and responsive enforcement program of livability rules as they apply to STRs and (2) cap STR permits.

I am recommending that the County establish an approach that implements these options sequentially, and not simultaneously. Data are not available to support taking such a drastic action as removing from the 75% of Pacific City homeowners who do not currently have an STR permit the certainty of being able to secure such a permit. The data that have been made available by the County support the STR Advisory Committee members' position that complaints involving STRs are limited, and a more functional enforcement infrastructure could proactively reduce the number of complaints as well as more satisfactorily resolve complaints when they do arise. And, **data recently compiled from Pacific City homeowners indicate that implementing a cap would be damaging to significant numbers of property owners.**

- When asked what impact on them and their family would occur if prevented from offering their home as an STR for one or more years, 71.4% of respondents stated this would have a "negative impact on them and their family." ¹

As deliberations by the STR Advisory Committee have demonstrated, if the County were to create scarcity in the availability of STR permits by capping the total number, the County would then be in need of taking a series of actions to remedy the negative consequences.

¹ "Survey of Property Owners in Kiwanda Shores Re: Potential Changes to Tillamook County's Short-term Rental (STR) Rules," Kiwanda Shores Maintenance Association, May 18, 2023, p 18.

- The County's initial draft proposed to lock-in current permit holders for five years, and then make them subject to the permit caps (and one-year STR permits) along with everyone else, which would have resulted in homeowners cycling on and off the STR program every year or so.
- To address the dysfunction this would create for current STR holders, the County opted to lock-out for an indefinite period of time homeowners who are not current STR permit holders.
 - To address the drop in income and property values for homeowners who are locked-out, presumably those locked-out would then have to petition or sue the County for financial compensation.
- And then to address the drop in property values for current STR permit holders who intend to sell their homes (and whose STR permit would expire on sale), a provision was added to enable new buyers of these properties to secure STR permits, without regard to the caps and ahead of existing County homeowners!
- Then in an attempt to compensate for creating the scarcity in STR permits, a provision was added to force current STR permit holders to give up their permits if not actively renting for a period of time. In order to hold on to their STR permits, these homeowners would have to increase the amount of rental activity beyond what they might otherwise intend to do.
 - In response to the potential consequences of this policy – whereby *more* rental activity is required than would have otherwise taken place under the issued STR permits – we can anticipate the County feeling pressure from a few to further lower the number of available STR permits.
 - Then, to impede STR permit holders from renting to relatives at a nominal rate in order to satisfy minimum rental night rules, the County might begin to regulate rental rates, such as requiring rentals to charge no-less-than the “market rate”.

Creating scarcity in STR permits, and then attempting to implement numerous measures to counter the negative consequences, is unnecessary at this time. The County has a workable alternative available to it:

- Establish an efficient and responsive enforcement program of livability rules as they apply to STRs, including removing repeat violators from the STR program; and
- If data are compiled that indicate that significant numbers of livability problems are occurring post implementation of a functional complaint mitigation program, then consider imposition of STR permit caps.

Thank you for your consideration of this testimony.

Doneg McDonough
Pacific City

May 20, 2022

Dear Board of County Commissioners,

I have submitted previous comments and participated regularly in the meetings and public input opportunities of the STR Advisory Committee. Unfortunately, the severely negative ramifications of permit caps on one particular group of Tillamook County taxpayers – existing landowners with houses currently under development – has yet to be addressed by the draft.

While I applaud the progress made by the STR Advisory Committee to recommend strengthened and clarified enforcement, I am opposed to any system of caps. Sadly, the County appears ready to impose a system of caps that will perpetuate the current reality created by last July's moratorium on new STR permits, which is a bifurcated economy of permit haves and permit have-nots. By doing so, the County will significantly distort property values, reduce competition for short-term lodging of all varieties, and drive down both tax receipts and the economic engine that comes from STRs – all without having undertaken any legitimate analysis of the economic ramifications of the draft ordinance.

Existing permit holders are proposed to be able to keep and even transfer their STR permits to new owners, and I don't begrudge them that. But the concerns of those who have been paying Tillamook County taxes for years and are actually creating jobs and income for local businesses by investing millions of dollars in new home construction, have been raised and then ignored from the very beginning of this process. We have planned and invested in our retirement home with the expectation that we would be able to rent it to defray some of our costs, just like all the existing permit holders.

If adopted as is, the draft ordinance and any parallel regulation mandating caps will undeniably damage the economic interests of everyone currently building a home with the expectation that it could sometimes be used as an STR. The draft ordinance proposes to give the fraction of us who will have a Certificate of Occupancy by the time that permit applications re-open in July 2023 "a chance" (but far from certain) to acquire an STR permit. This is by no means adequate compensation for a property right that we reasonably relied upon, and which the County is now poised to remove by fiat.

I urge you not to implement any system of caps, but that seems at this point a foregone conclusion. So failing that, I am appealing to you, once again, to consider the financial damage that the current draft would cause to your fellow taxpayers with properties currently under development. It would be easy to avoid those damages by **allowing anyone with an active building permit the option to acquire an STR permit (with the full rights of all existing permits) without going through a lottery or the potentially years-long waiting list.** Not everyone currently building will want one, but certainly they are as entitled to them as anyone who has secured an STR permit in the past – and far more entitled to them than the future non-local buyers, who will be able to secure one simply by buying an already built-and-permitted home, as proposed in the current draft.

I also propose that you **add these active building permit holders to the “base” number of allowed STR permits in each area.** Doing so would significantly reduce the frenzy (caused solely by the County’s own actions) that occurred when the STR permitting process was initially shut down, and which will predictably recur each time the STR permitting window is briefly re-opened.

Sincerely,

Zan Northrip
Pacific City

P.S. While it is depressing to need to add this – no, it would not protect my interests to rent out our home long term. We intend to use it frequently in the next several years, and permanently in the long run. If we were to rent it out on a long-term basis, it would not cover the mortgage (by a long shot), and we would need to rent someone else’s house for every visit between now and when we can become full-time residents. It would make no sense. The fact that I need to address this point underscores how useful it would have been for the County to have carried out some economic impact analysis during the preparation of the draft. I again ask that the Commissioners not act to impose caps, particularly on the basis of ungrounded assumptions and in the absence of market data.

May 19, 2023

Tillamook County Commissioners and STR Committee:

The Kiwanda Shores Maintenance Association (KSMA) sent a survey to Kiwanda Shores (KS) owners on May 7, 2023 regarding short-term rentals (STRs). We received 102 non-duplicated responses from this 1-week survey, which was a 61% response rate. This large response surprised us, as it was the first time we had reached out to our owners electronically.

The survey responses were fairly evenly distributed between STR permit holders (56.6%) and those without (43.4%). We learned that super-majorities of KS respondents hold similar opinions on virtually every topic considered. We designed the survey to allow for comments on most of the questions, which provided for a clear expression of homeowners' perspectives and situations.

- 88.9% of KS property owners believe "It is important to have the right to offer your home as an STR, either now or in the future."
- 77.3% indicated that "When you bought/built your home, the ability to rent it in the future was a factor in your decision."
- Nearly 88% believe that "STRs contribute to the local economy", and 72.7% believe that "STRs make living in Pacific City more affordable/possible."
- When asked what impact on them and their family would occur if prevented from offering their home as an STR for one or more years, 71.4% of respondents stated this would have a "negative impact on them and their family".
- 17.2% of respondents did indicate that they had "had negative experiences with short-term renters," with 13.5% of respondents indicating that they had had a complaint that was not resolved satisfactorily.

The survey respondents' narrative comments – also included in the attached report – provide rich context to the answers given to the multiple-choice questions and indicate a diversity of circumstances of Kiwanda Shores owners.

We encourage and appreciate the consideration of these findings by the Tillamook County Board of Commissioners as you review options for revising the County's STR policies.

Sincerely,

Susan Caney-Peterson
President, Kiwanda Shores Maintenance Association

Survey of Property Owners in Kiwanda Shores

Re: Potential Changes to Tillamook County's
Short-term Rental (STR) Rules

Kiwanda Shores Maintenance Association (KSMA)

May 18, 2023



Contents

- [Introduction to Survey](#)
- [Survey Background](#)
- [Survey Questions and Responses](#)
 - Q1. Do you own property in Kiwanda Shores?
 - Q2. Do you currently have an STR permit for a home(s) in Kiwanda Shores?
 - Q3. Have you ever offered your home as a Short-term Rental (STR) or anticipate you might in the future?
 - Q4. Is it important to have the right to offer your home as an STR, either now or in the future?
 - Q5. When you bought/built your home, was the ability to rent it in the future a factor in your decision?
 - Q6. Do you strongly agree with the following perceptions of STRs in Kiwanda Shores?
 - Q7. In the past year, have you had negative experiences with short-term renters visiting Kiwanda Shores?
 - Q8. Were the nuisances you may have experienced with STRs resolved satisfactorily?
 - Q9. In the past year, have you received complaints from others about your STR renters?
 - Q10. Should some portion of current rental fees go towards additional enforcement (of existing and new rules) by the County?
 - Q11. Which approach would you prefer the County to take (on STR rules)?
 - Q12. Should the number of active STR permits in Pacific City be capped annually?
 - Q13. Do you support the County establishing “sub-areas” such as Kiwanda Shores with differing percentage limits on the number of STR permits each year?
 - Q14. What impact would preventing you from offering your home as a short-term rental for one or more years have an impact on you and/or your family?
 - Q15. If the County imposes an annual limit on the number of STR permits allowed and places on a waiting list those applicants above the cap, please check all options with which you agree.
 - Q16. As an alternative to capping the number of STR permits issued annually, if the County were to implement STR restrictions, would a limit on the number of STR *rental nights* per permit be preferred to a cap on the number of STR permits?
- [Addendum to the KSMA STR Survey](#)
 - Respondent comments for questions that allowed comments



Introduction to Survey

Kiwanda Shores homeowners received an email with the following introduction, before beginning the survey. All responses were anonymous unless a homeowner chose to provide their contact information.

- The Tillamook County Board of Commissioners is considering changes to the short-term rental (STR) rules that apply to Pacific City, including Kiwanda Shores, and other unincorporated areas of Tillamook County. The potential changes to STR rules under consideration have two components:
 - The first component is designed to address livability issues associated with STRs; and
 - The second component would cap the number of STR permits allowed annually.
- The STR rule changes under consideration could have a significant impact on Kiwanda Shores property owners' ability to continue or begin to rent their home on a short-term basis.
 - *In addition to establishing "area" caps (such as for Pacific City), the County is considering establishing caps by "sub-areas" such as Kiwanda Shores with differing percentage limits on the number of STR permits each year.*
 - At present, approximately 25% of homes in *Pacific City* have STR permits, and approximately 47% of homes in Kiwanda Shores have STR permits.
- In June of 2022, the County Board of Commissioners imposed a one-year moratorium on the issuance of *new* STR permits. Under the moratorium, *existing* STR permit holders are allowed to continue to rent.
- The Tillamook County Board of Commissioners have announced that it is their intention to (1) conduct two hearings in May and June 2023, on the pending changes to STR rules; and (2) vote on the pending STR rules prior to the July 1, end of the current moratorium on the issuance of new STR permits.
- The Kiwanda Shores board of directors is conducting this survey of Kiwanda Shores owners to:
 - Help inform Kiwanda Shores owners of changes under consideration;
 - Understand the needs and thinking of Kiwanda Shores owners on these potential changes to STR rules; and
 - Communicate results of the survey to County officials, as appropriate.



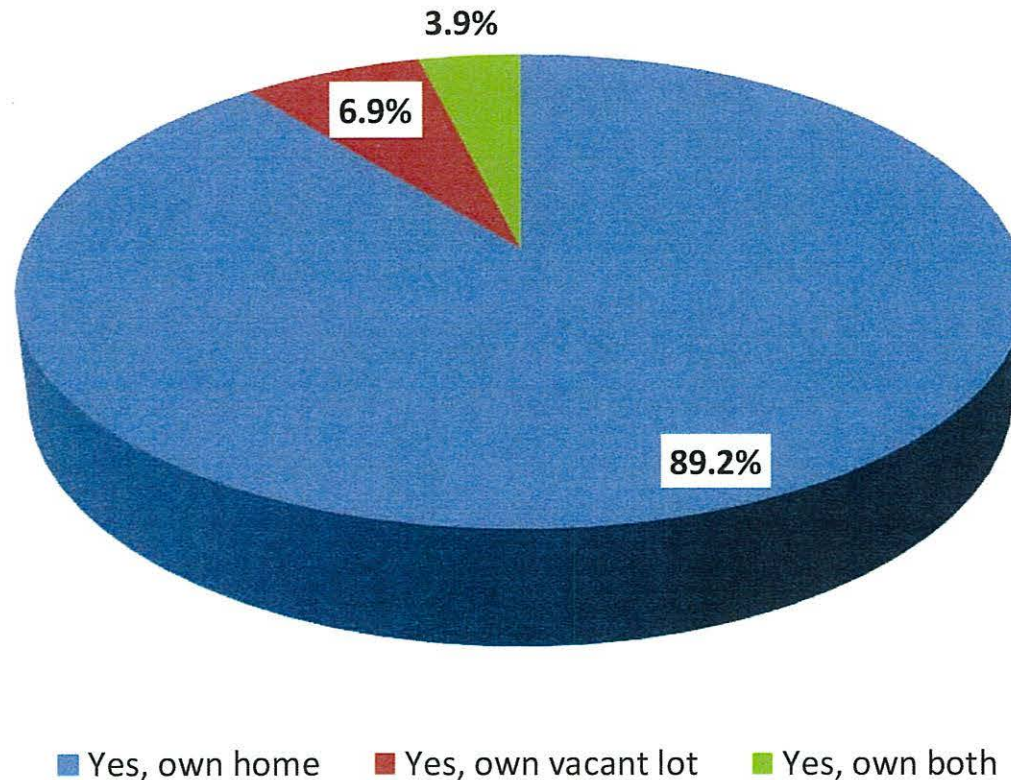
Survey Background

- The survey was sent to Kiwanda Shores (KS) owners on May 7, 2023. Not every owner has provided their email address but almost all have.
- The survey was conducted via Survey Monkey and was the first attempt to reach out electronically to property owners.
- We received a total of 102 non-duplicated responses from this 1-week survey.
 - This is a 61% response rate when compared to the total number of property owners in KS.
 - There are a total of 178 properties in KS (152 homes; 26 vacant lots).
 - 12 owners have more than one property but had one voice on the survey.
- The survey responses were fairly evenly distributed between STR permit holders (56.6%) and those without (43.4%).
 - This compares to our own internal count of 47% STR permit holders overall, where % is calculated based on homes only, not including lots.
- We learned that super-majorities of KS respondents hold similar opinions on virtually every topic considered.
 - Where there was dissent, the comments allowed for a clear expression of homeowners' perspectives and situations.



Property Ownership in Kiwanda Shores

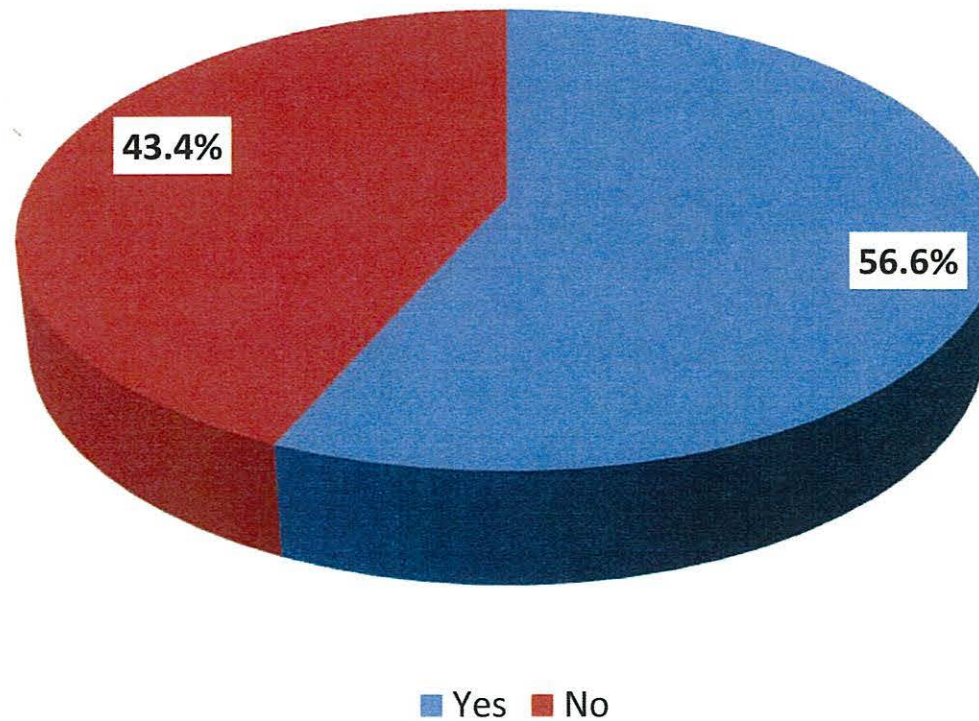
1. Do you own property in Kiwanda Shores?



The survey was sent only to homeowners but if received in error, it asked them not to continue. One reply per property was allowed. Kiwanda Shores has 178 properties (152 homes and 26 vacant lots). We received a total of 102 non-duplicated responses from this 1-week survey. This is a 61% response rate when compared to the total number of non-duplicated property owners (166) in Kiwanda Shores.

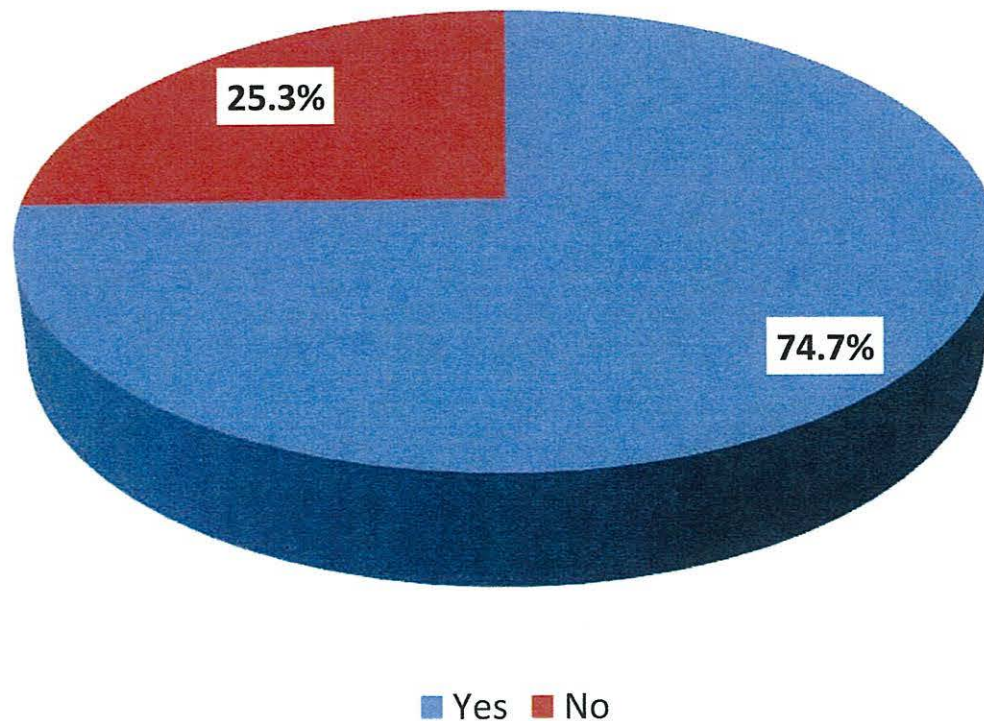
Current STR Permit Holders in Kiwanda Shores

2. Do you currently have an STR permit for a home(s) in Kiwanda Shores?



Offers of/Plans to Offer Short-Term Rentals (STRs)

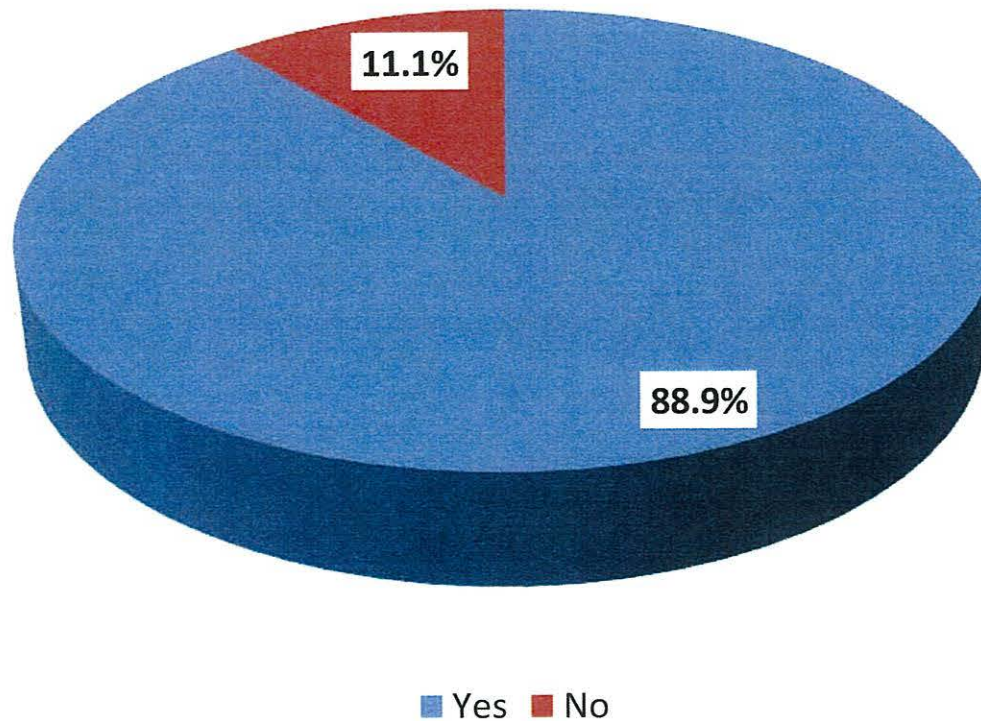
3. Have you ever offered your home as a Short-Term Rental (STR) or anticipate you might in the future?



With 56% holding an STR permit, the 18% difference here (74.7% here minus the 56.6% in previous slide) represents owners who either rented in the past and/or would like to in the future. Comments from respondents to this question are [found here](#).

Importance of Right to Offer Home as an STR

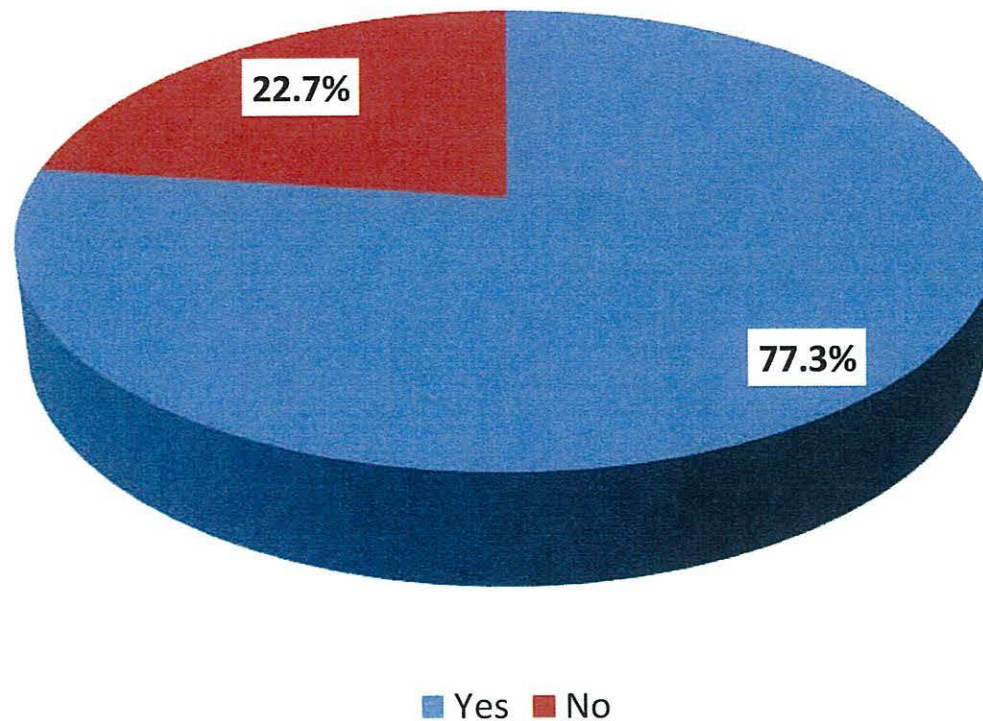
4. Is it important to have the right to offer your home as an STR, either now or in the future?



Comments from respondents to this question are [found here](#).

Impact of Ability to Rent Home in Future on Decision to Buy/Build Home

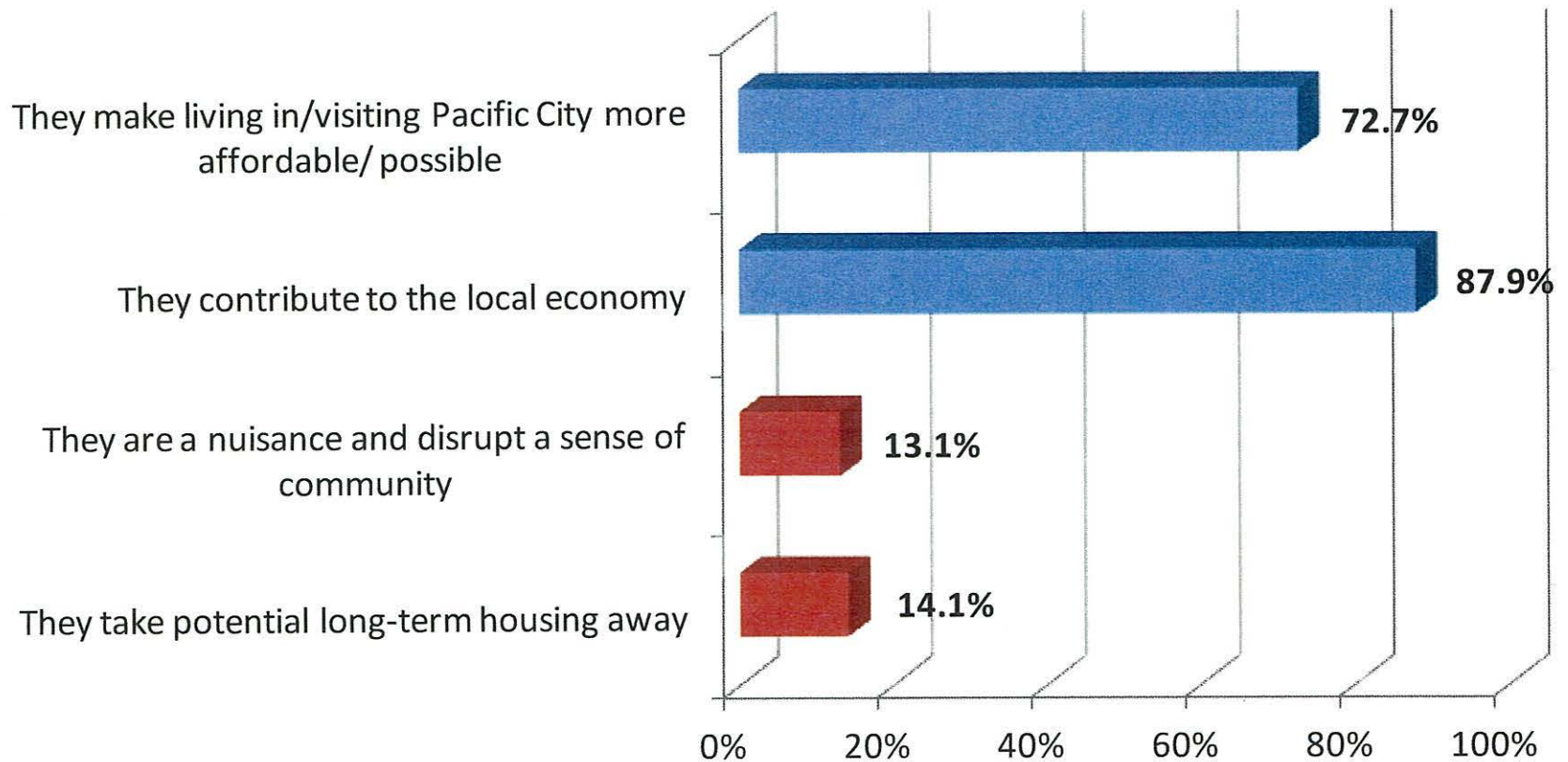
5. When you bought/built your home, was the ability to rent it in the future a factor in your decision?



Comments from respondents to this question are [found here](#).

Perceptions of STRs in Kiwanda Shores

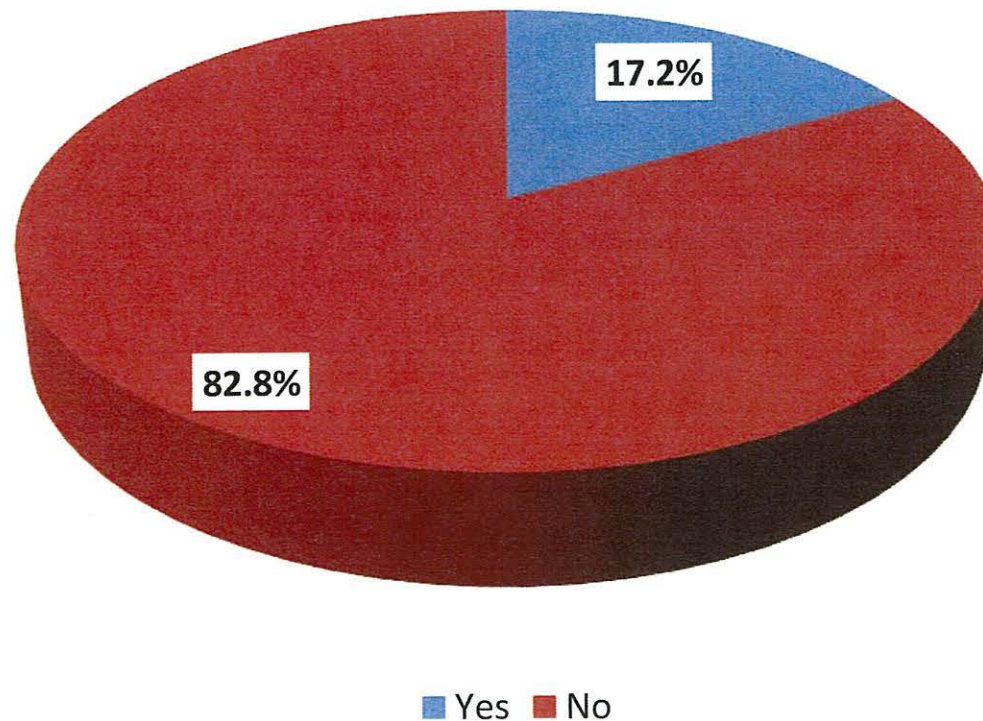
6. Do you strongly agree with the following perceptions of STRs in Kiwanda Shores? Please check all that apply.



Comments from respondents to this question are [found here](#).

Recent Negative Experiences with Renters Visiting Kiwanda Shores

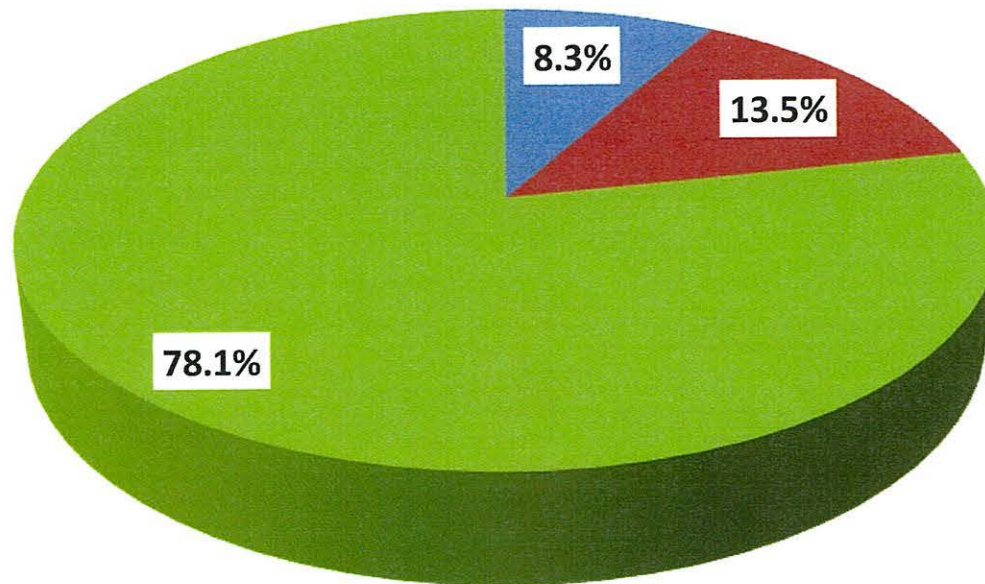
7. In the past year, have you had negative experiences with short-term renters visiting Kiwanda Shores?



Comments from respondents to this question are [found here](#).

Resolution of Nuisances Experienced with STRs

8. Were the nuisances you may have experienced with STRs resolved satisfactorily?



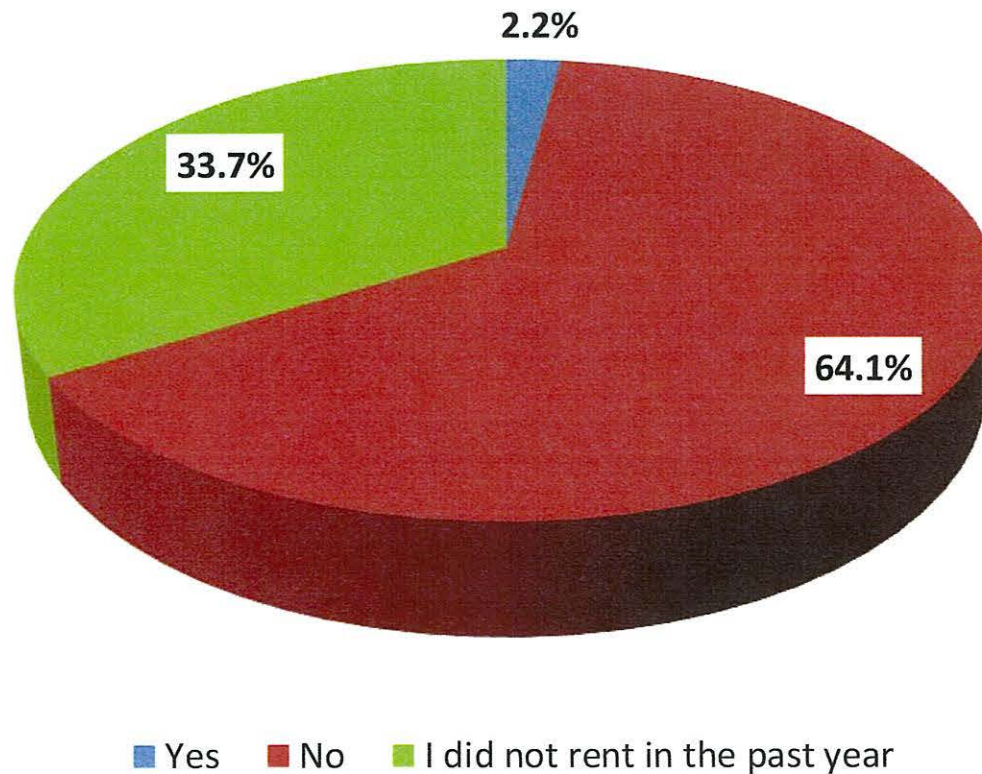
■ Yes, resolved ■ No, not resolved ■ Had no recent negative experiences with STRs



Comments from respondents to this question are [found here](#).

Complaints from Others About STR Renters

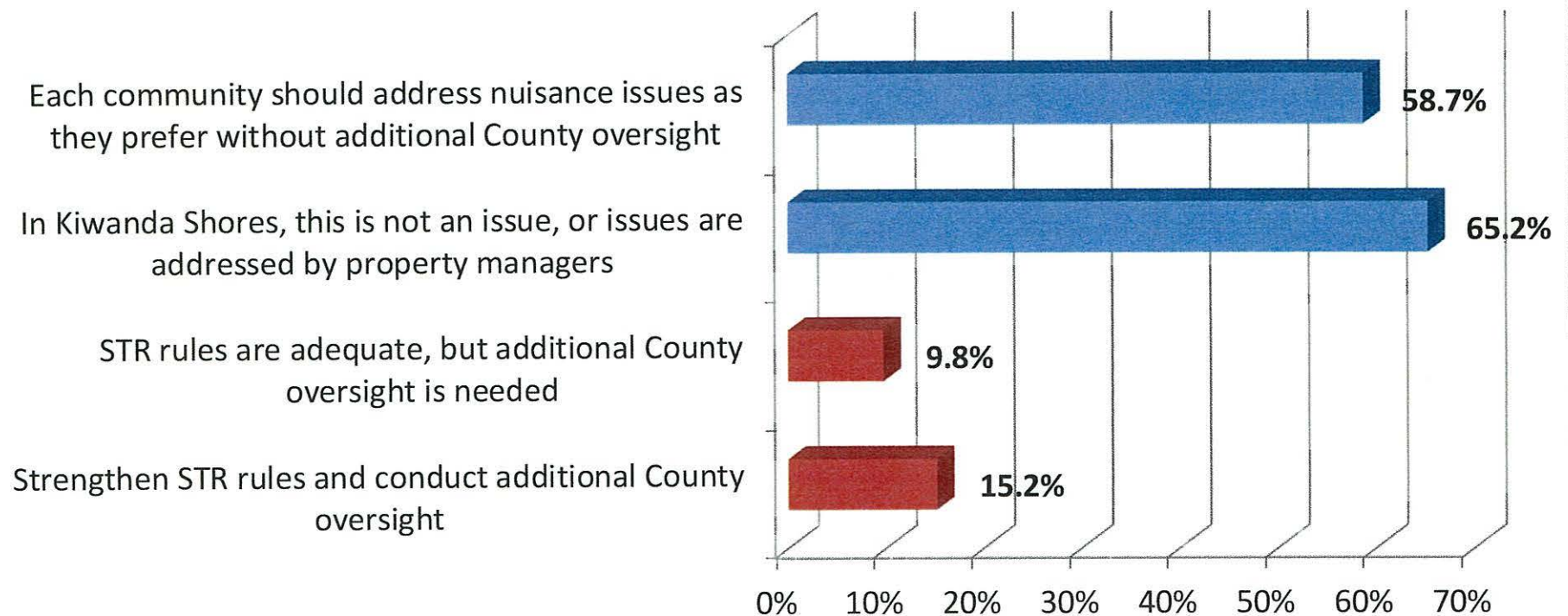
9. In the past year, have you received complaints (noise, parking, lighting, fires, trash, etc.) from others about your STR renters?



Comments from respondents to this question are [found here](#).

Use of Rental Fees for Additional Enforcement to Address Livability Issues Involving STRs

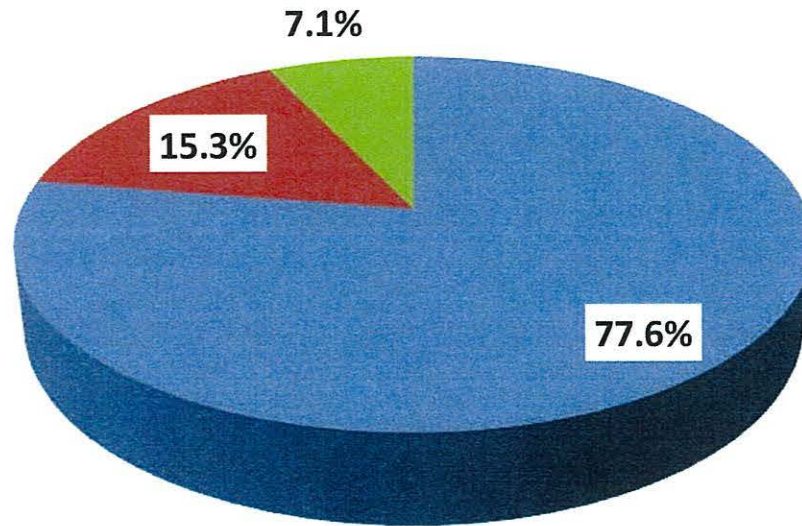
10. Should some portion of current rental fees go towards additional enforcement (of existing and new rules) by the County to address livability issues involving STRs? Please check all that apply.



Comments from respondents to this question are [found here](#).

County Approach on STR Rules

11. Which approach would you prefer the County to take (on STR rules)?



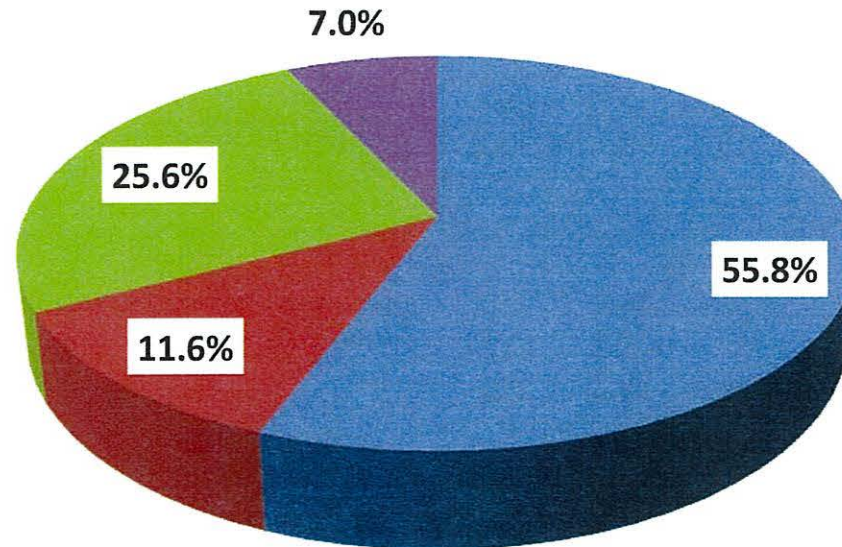
- Better enforce STR rules for livability now and wait to see if a cap on number of permits is needed
- Implement caps on STR permits now
- Better enforce STR rules AND implement caps on STR permits now



Comments from respondents to this question are [found here](#).

Cap on Annual STR Permits in Pacific City

12. Should the number of active STR permits in Pacific City be capped annually?



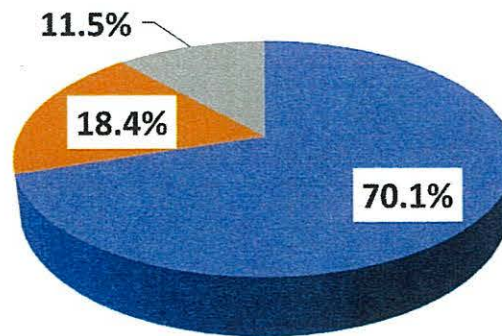
- There should be no limit on the number of short-term rentals in Pacific City
- The cap for Pacific City should be set at much higher than current levels
- The cap for Pacific City should be set at or near current levels (approximately 25% in Pacific City)
- The number of short-term rentals in Pacific City should be reduced



Comments from respondents to this question are [found here](#).

Establishment of “Sub-Areas” with Differing Limits on Annual STR Permits

13. The County is considering establishing "sub-areas" such as Kiwanda Shores with differing percentage limits on the number of STR permits each year. Do you support the County establishing:



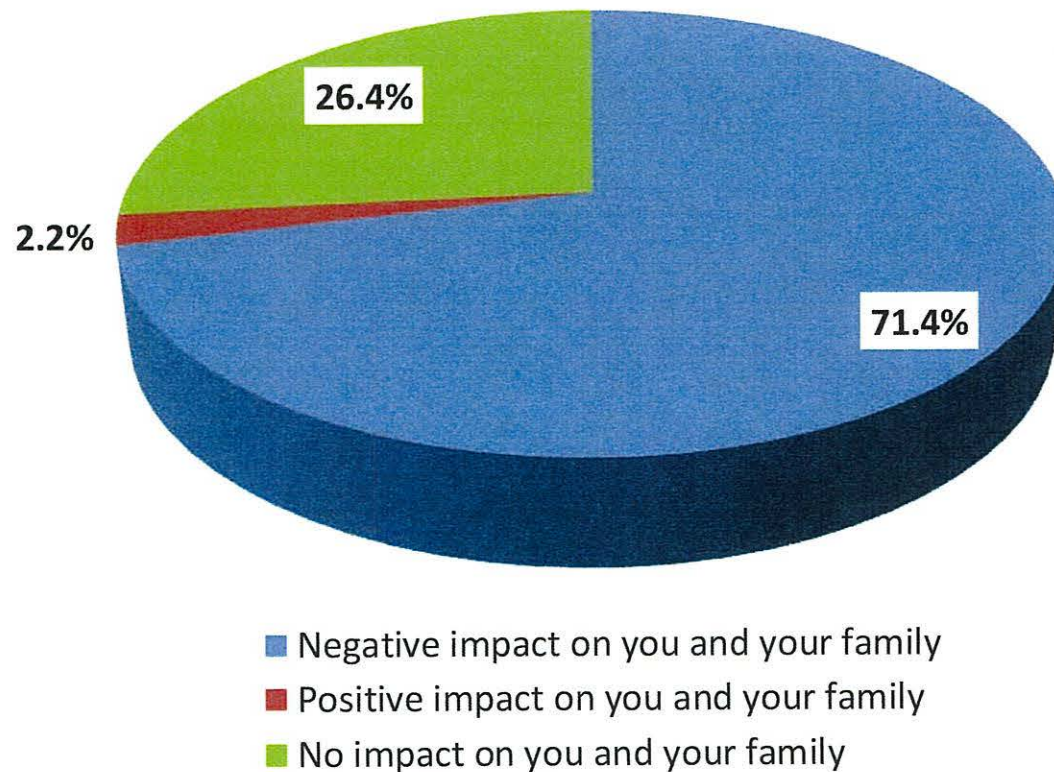
- No cap (i.e., no limit) on the number of STR permits allowed for Kiwanda Shores owners each year
- An STR permit cap for Kiwanda Shores equal to current Kiwanda Shores STR permit levels (~47%)
- An STR permit cap for Kiwanda Shores equal to the current Pacific City STR permit levels (~25%)



Comments from respondents to this question are [found here](#).

Impact of Inability to Rent Home as an STR

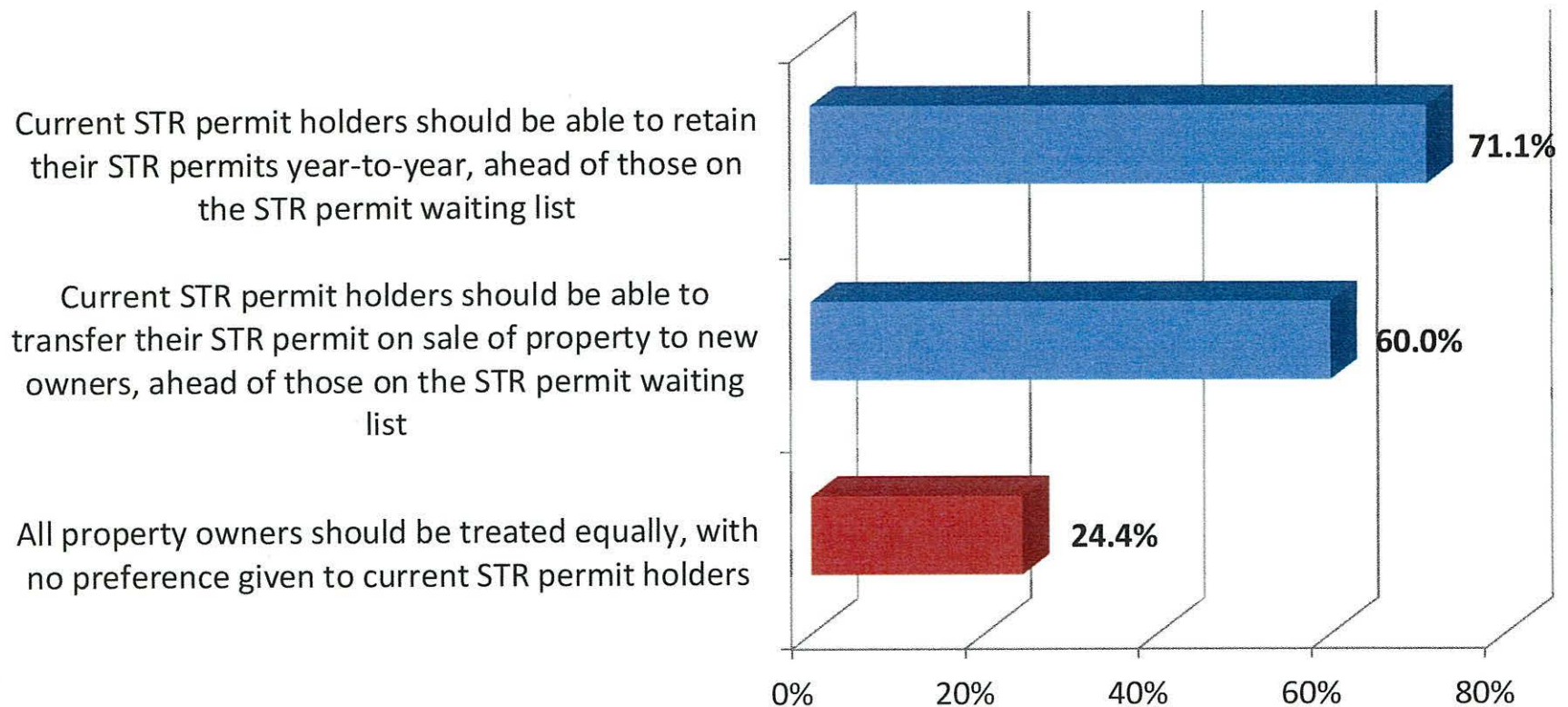
14. What impact would preventing you from offering your home as an STR for one or more years have on you and/or your family?



Comments from respondents to this question are [found here](#).

Treatment of Property Owners Under Cap on Annual STR Permits

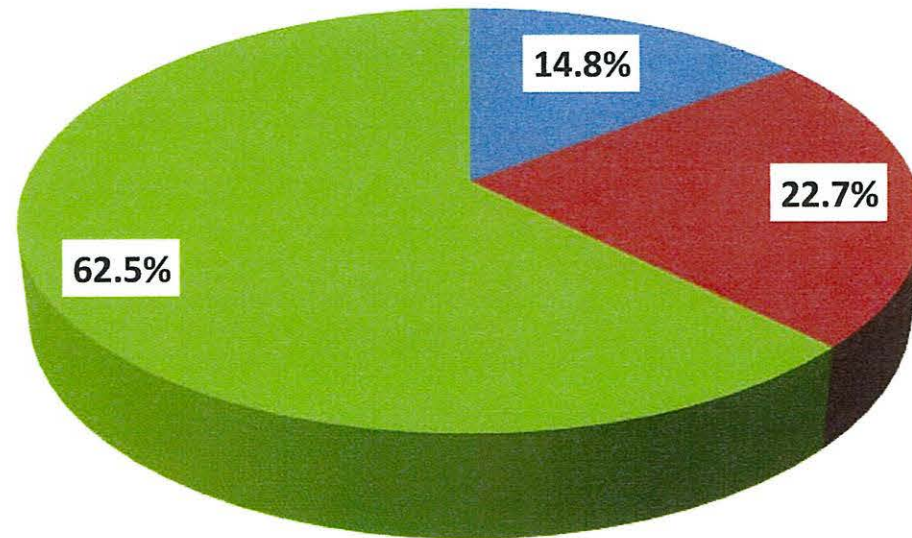
15. If the County imposes an annual limit on the number of STR permits allowed and places on a waiting list applicants who exceed the cap, please check all options with which you agree.



Comments from respondents to this question are [found here](#).

Limit on STR Rental Nights per STR Permit as Alternative to Cap on Annual Permits

16. As an alternative to capping the number of annual STR permits, would a limit on the number of STR rental nights per permit be preferred?



■ Yes ■ No ■ I do not support restrictions on number of STR rentals or number of STR rental nights



Comments from respondents to this question are [found here](#).

Addendum to the KSMA STR Survey

- Where the survey allowed for additional comments, they are enclosed here along with a snapshot of the question and results data.
- Not all questions allowed for comments.

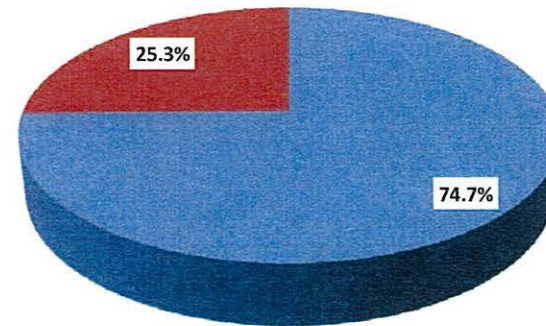


Comments on STR history and/or plans

Q3. *Have you ever offered your home as a Short-Term Rental (STR) or anticipate you might in the future?*

- Currently we do not; however, in the future we would like the option.
- We built our home as a future full-time retirement home with the intention of renting it as a short-term rental until we retire. Since the home was finished in 2016, it's been rented out approximately 100 nights per year.
- We bought it as an STR in 2019 and did an extensive remodel.
- Might build a rental unit in near future.
- Two homes.
- We consider our house our 2nd home and rent it out when we're not there.
- We purchased our home approximately 8 years ago and have been operating as a short-term rental the entire time.
- Not currently, but would like to in the future.
- I'm hoping to be able to rent my home STR.
- Hoping to get a permit this summer.

3. Have you ever offered your home as a Short-Term Rental (STR) or anticipate you might in the future?



■ Yes ■ No



Comments on STR history and/or plans, cont.

Q3. *Have you ever offered your home as a Short-Term Rental (STR) or anticipate you might in the future? (comments continued)*

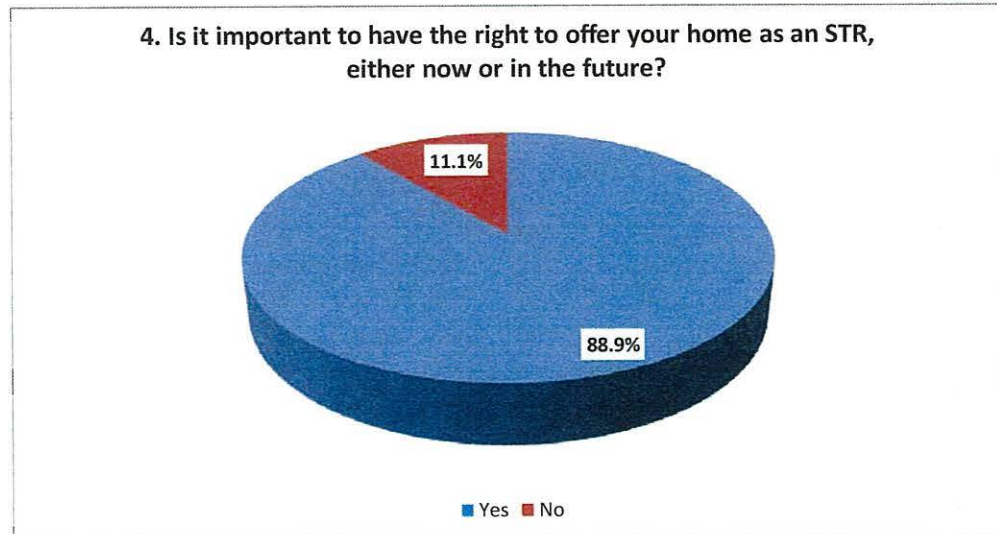
- We use it approximately 30 nights throughout the year and rent it out the balance.
- While we don't anticipate renting in the near future, if we can no longer afford it or our kids inherit it, that would be a good option then.
- We purchased our property in 2018 with the intention of renting in the future. The house was in complete disrepair and we have spent years and hundreds of thousands of dollars fixing it to make it comfortable for our family and friends as well as setting it up as a STR once all repairs are complete.
- I offer short-term rentals through Airbnb at our property.
- We had a rental permit for many years but no longer rent out for STR.
- We have rented our home for 32 years without complaints. We could not afford to keep up the cost of maintenance on an ocean front home unless we rented. We put most of our earnings back into the home.
- Purchased in 2020, transferred rental permit to our name.
- We purchased a home in 2016 as a 2nd home and rental property.
- My ability to short-term rent my home is essential to my ability to own my home there. Without that right I would be financially unable to keep my home.
- We intend to rent our home as a short-term rental once constructed, if the County doesn't rip-away our ability to rent our home as an STR.
- For all the 25 years we have owned it.
- I would like to offer my home for STR.
- Intent for future long-term rental.
- We stopped renting it about 5 years ago.
- I have not rented my home as a STR, but I anticipate I might want to in the future.
- Yes, we have a management company that cooperates with Airbnb for vacation rentals but also use the home for personal use.



Comments on right to rent, now or future

Q4. *Is it important to have the right to offer your home as an STR, either now or in the future?*

- We wouldn't be able to keep our home there if we weren't able to rent it when our family wasn't using it.
- As noted, we may need to either to cover costs at some point or for our kids to have the option to rent after they inherit.
- The only way we can justify the expense of the home and repairs is being able to rent it out in the future.
- My ability to short-term rent my home is essential to my ability to own my home there. Without that right I would be financially unable to keep my home.



- Offering STRs are crucial to our business model. We can't afford to have a second home without this income. Many guests enjoy our home and we've never had any complaints from neighbors. We pay short-term rental taxes, which provide additional revenue for the local economy. We've created a local job by employing a cleaner. The rental also helps bring tourists to the coast, and they support local businesses. STRs are vital to a strong economy at the coast in many ways.

Comments on right to rent, now or future, cont.

Q4. Is it important to have the right to offer your home as an STR, either now or in the future? (comments continued)

- We wouldn't be able to keep our home there if we weren't able to rent it when our family wasn't using it.
- As noted, we may need to either to cover costs at some point or for our kids to have the option to rent after they inherit.
- The only way we can justify the expense of the home and repairs is being able to rent it out in the future.
- My ability to short-term rent my home is essential to my ability to own my home there. Without that right I would be financially unable to keep my home.
- STR brings tourist traffic to Pacific City. I think we need to offer this more.
- We are 100% dependent on the income our home provides as a STR to afford our home.
- I agree, but I also agree that it is okay to limit STR usage, especially the total number of nights per year rented and the number of people allowed in a STR.
- Absolutely need to generate rental income, which is one of the reasons we made major remodel upgrades.
- We have an oceanfront home, and even though we don't currently rent, would like the option and it is also a great selling point for our home.

- I feel that STRs have not been beneficial to Kiwanda Shores community. STRs may have been beneficial to individuals. I am enjoying my home even less over the past 7 years due to the STR next door with excessive parking, parking on roadways, blowing trash and noise. When I have attempted to speak with offenders, there has usually an unsatisfactory response. The rental agency changes at least once a year, and I have never been notified of changes. In January, when I called the number listed to report an issue, the person answering the call denied that they had any stake with the KSMA property. I still catch renters cutting through my property. Bottom line, I feel very uncomfortable in my own home.



Comments on right to rent, now or future, cont.

Q4. Is it important to have the right to offer your home as an STR, either now or in the future? (comments continued)

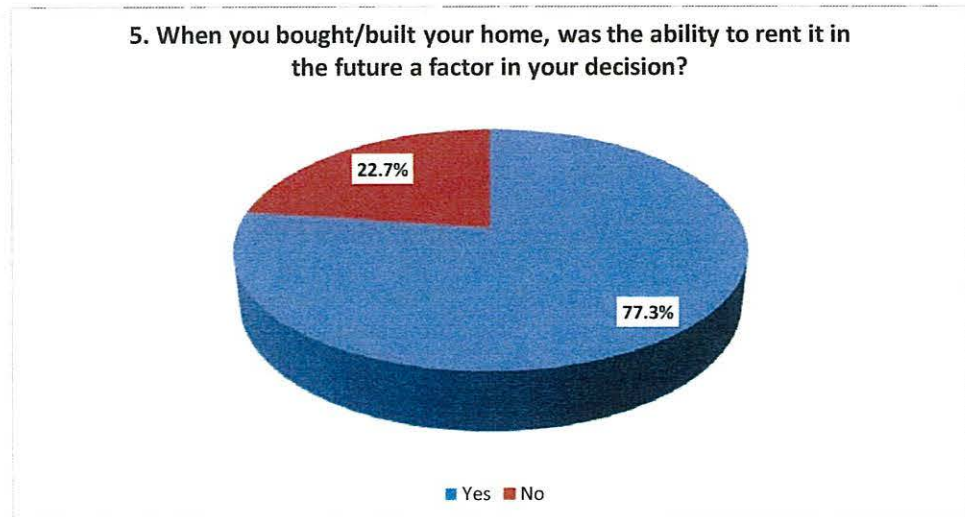
- I would have to sell it if I did not rent. Rental proceeds help me keep it up for both renters (many of them return regularly) and my family. Ocean front homes require lots of upkeep and replacement costs.
- Yes, our family relies on this income to pay for routine expenses. We could not afford a second home in Pacific City without the income. I serve as the part-time pastor to Nestucca Valley Presbyterian. I wouldn't be able to afford my home without the ability to rent.
- Having the ability to rent our home periodically as an STR is critical to our financing and maintenance of our second home.
- I would like future generations/owners to have the option.



Comments on renting as buying factor

Q5. *When you bought/built your home, was the ability to rent it in the future a factor in your decision?*

- The person who pointed us to buying in Pacific City urged us to make the investment (decades ago) and said, if we couldn't swing it in the future, we could always rent it.
- A second home is very costly. We need to be able to rent it out in order to compensate for the expense.
- We bought our home from someone who used it as a second home. An empty house didn't help the local economy in any way.
- We wouldn't have purchased the home if we weren't able to rent it.
- The sole reason for our purchase.



- Having the right to rent was a factor, but now that I understand the negative impacts in the local citizens where vacationers negatively impact their community and the rapid loss of affordable housing, I am more sympathetic to the locals' plight. The locals do not have the resources and influence to the wealthier second home homeowners.



Comments on renting as buying factor, cont.

Q5. *Is it important to have the right to offer your home as an STR, either now or in the future? (comments continued)*

- Originally we planned on renting; however, we decided against it for the current timeframe.
- We would not have bought the house if we couldn't rent it as we could not afford it without rental income. We live in NE and are there 6-8 weeks a year and hope to retire there. If the number of permits is capped and taken away from me and the other renters, then our "livelihood" is being taken away. The value of our homes is already lower just from the risk of these efforts.
- It was one of the main reasons I purchased it.
- We bought it with the sole purpose of renting it out as a short term rental, and using it for our family's enjoyment when it was not rented.
- Financial necessity in order to keep the property.
- We have been visiting Pacific City since childhood and always wanted to have a place of our own here. We didn't buy it as an STR investment property.
- It's the primary reason we could afford it.
- I did not choose to rent in the end.
- We had no idea there might be restrictions in the future.
- Being able to rent it, and seeing the prior rental history, was a major factor in our purchase of the home.
- We would not be able to afford the maintenance costs if not for the ability to rent.
- Absolutely, 100% yes!
- We were unsure when we purchased whether we would offer STR or not. Once we purchased, we decided not to rent.
- I need to offer STR and would like to use the house. Otherwise, I cannot afford the mortgage.



Comments on renting as buying factor, cont.

Q5. *Is it important to have the right to offer your home as an STR, either now or in the future? (comments continued)*

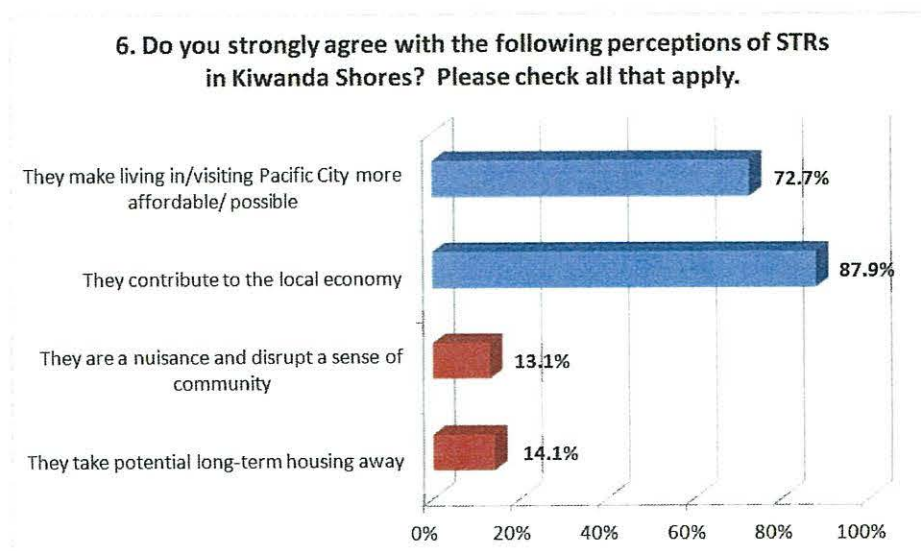
- When we bought it, we had no idea of the reality and frequency of upkeep on an ocean front home—such as sand redistribution, flooding, window replacement, deck replacement, roof replacement, appliance replacement, rust, garage door issues, sump pumps, paint, and regular upkeep.
- Bought in Kiwanda Shores instead of Cannon Beach due to ability for short-term rentals in Kiwanda Shores.
- 100%.
- Yes, it is/was always a factor. I would not buy without the property right rent out my home. It is one of the sticks in the bundle of sticks that make up real property ownership in the USA. Anything preventing me from doing so would be considered a 5th amendment taking.
- We purchased land in Kiwanda Shores 12 years ago, explicitly for the purpose of using it for our family, and, when we were not enjoying it ourselves, renting it to other families to enjoy. When we purchased the land, we believe we purchased the right to rent our future home as a long-term or short-term rental.
- We are native Oregonians who spent our life savings to fulfill our dreams of owning a home in Pacific City. While dependent on the STR income to afford it, we also take great pride in being able to share it with others, while respecting neighbors and honoring the community to keep the history and culture intact.
- I have owned my home since I built it in 2001, and since that time, it has only been used by family and friends. My children have grown up and moved out of state. I would like to use the house as a STR until they can start using it again.



Comments on perceptions of STRs

Q6. *Do you strongly agree with the following perceptions of STRs in Kiwanda Shores? Please check all that apply. (Other responses appear below.)*

- I think all of these are true for some and not others. I won't go so far as to say "nuisance," but they have definitely had an impact on the sense of community in Kiwanda Shores.
- We rent so we can own our beach home and its memories. We do not rent as a business venture.
- If STRs were taken away, they would be sold to someone looking for a second home, and an empty house does not benefit the community in any way. Crime would probably rise with empty homes and more unemployment from less tourism.



- Pacific City has blossomed in recent years and is continuing to grow thanks to tourism. Limiting or eliminating STRs will have a very negative impact on the businesses. For example, the newly re-envisioned complex with PC Candy store, apothecary, coffee shop, etc. is definitely designed for tourism ... how will these businesses survive without patrons? What will motivate other new businesses to come and enhance Pacific City if the number of renters and visitors becomes limited?



Comments on perceptions of STRs, cont.

Q6. *Do you strongly agree with the following perceptions of STRs in Kiwanda Shores? (comments continued)*

- I talk with our neighbors frequently, both those who rent out their homes, part-time residents, and full-time residents. The short term rentals don't appear to have a negative impact on their opinion of the neighborhood. Nuisances are rare.
- Exercising this fundamental property right is important to what it is to be American.
- We purchased our property with cash intended for retirement income along with periodic family vacation use and could not afford.
- They improve property values.
- STRs enable families who could otherwise not afford to purchase their own beach home the ability to experience Pacific City in a home setting. STRs also allow the "recycling" of homes to numerous families, rather than sit idle for much of the year. And, if we are not able to use the property over an extended period of time, we have the opportunity to rent the home on a long-term basis.
- Maybe, there are areas at the cove by brewery with a huge concentration of rentals with not enough parking?
- It was always hard to find a place to stay before STR market came along. Only a couple of hotels/motels, and rates were high for just a bedroom with no amenities.
- It allows my family to own vacation home and at the same time contribute to the local community. We have a very, very busy beach rental, and we contribute a lot of tax dollars to the community in the county because of it. And are happy to do so.
- Limiting short-term rental opportunities is misdirected. The Oregon coast will always be a popular tourist destination (and will continue to grow in popularity over time). When lodging is limited, a long list of other issues will rise, including traffic, parking, trash, and illegal camping.



Comments on perceptions of STRs, cont.

Q6. Do you strongly agree with the following perceptions of STRs in Kiwanda Shores? (comments continued)

- PC generates so much revenue for its local community from visitors. There is a fraction of available hotel and motel space for these visitors as there are STRs. If STRs are limited, PC's local community will greatly suffer without this community revenue. STRs are woven into this community in a major way. If visitors need to behave differently because it's disrupting locals, then management companies need to step up to that challenge and actively manage their renters. But to disallow STRs or substantially limit them only damages the local economy.
- Without the STRs in Kiwanda Shores and the neighboring areas, Pacific City would simply become another bankrupt coastal town. Losing all the "out-of-town" financial income would cripple not just the STR home owners but every local business in our small town. They already struggle enough because of seasonal foot traffic. The rate of poverty, crime, drug abuse would skyrocket as it has in other "non-tourist" towns along the Oregon coast! That type of economy would also force out many permanent local residents simply in need of a job.
- I am fine with the STR as long as renters are respectful renters. I have had some issues with people littering on in Kiwanda Shores, including not disposing of dog waste.
- Don't have enough data to answer this question intelligently.
- Most STRs are well-maintained and therefore help keep the values of surrounding properties up as well.
- Not everything can be a STR, there should be some kind of cap to ratio limit, but South County is just not a cheap place to acquire any type of property.



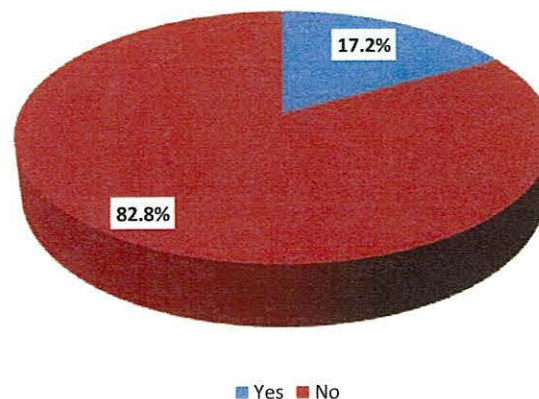
Comments on negative experiences with renters

Q7. *In the past year, have you had negative experiences with short-term renters visiting Kiwanda Shores?*

- Fireworks on the upper portion close to the freshly planted grass.
- Walking between houses to the beach.
- One home had renters whose multiple cars were parked on the street. Another had trash overflowing the bin. Rather than disturb them, I called the numbers on the signs. It was taken care of.
- 7 cars jammed in STR rental and impeding the street right of way. Blowing trash from overfull garbage. Unresponsive homeowner who has trees crossing the property line and nearly touching my house (fire hazard). Excessive noise.
- We stay at our home frequently.



7. In the past year, have you had negative experiences with short-term renters visiting Kiwanda Shores?



- Me and my family have rented in Kiwanda Shores for 21 years, either on the beachfront or in second row beach houses. We have never had a complaint against us as renters, and we have never had an issue with neighbors that a quick conversation didn't resolve.
- Trespassing
- Owners and renters keep to themselves. I haven't had any disturbances nor have I disturbed anyone.

Comments on negative experiences with renters, cont.

Q7. In the past year, have you had negative experiences with short-term renters visiting Kiwanda Shores? (comments continued)

- Inebriated lady came onto my property at night with flashlight searching for some unspecified object. She startled my son and grandkids. She departed when told to do so.
- We consistently solicit feedback from neighbors, and are diligent about ensuring guests are respectful of the neighborhood and the community. We have never once received negative feedback from neighbors.
- With exception for the 4th and Labor Day.
- Not in the past year, but prior years.
- Unfortunately most non-residents drive over the speed limit. Many residences/renters have children or pets occupying the homes. A danger to both. Quiet time is not always followed.
- Enforcement of the existing rules is an issue.
- Fires at beach access, fireworks from property, trailer and car parking on street.
- I am at the quiet south end and have six parking spots, so we haven't had problems in many years of renting.
- Issues have mostly been noise/parties and people using our trash can.
- We have never had disruptive renters, and only one time in 8 years have we experienced a neighboring STR renter who was loud.
- Walking thru my property. Parking on the street. Noise late at night. Damaging planted grasses on the dunes.
- Some homes appear to be "over-rented" with too many cars for the parking space spilling on to the road. There seem to be a lot of fires set on the upper dune. Neither of these is allowed, but doesn't appear to be monitored.



Comments on negative experiences with renters, cont.

Q7. In the past year, have you had negative experiences with short-term renters visiting Kiwanda Shores? (comments continued)

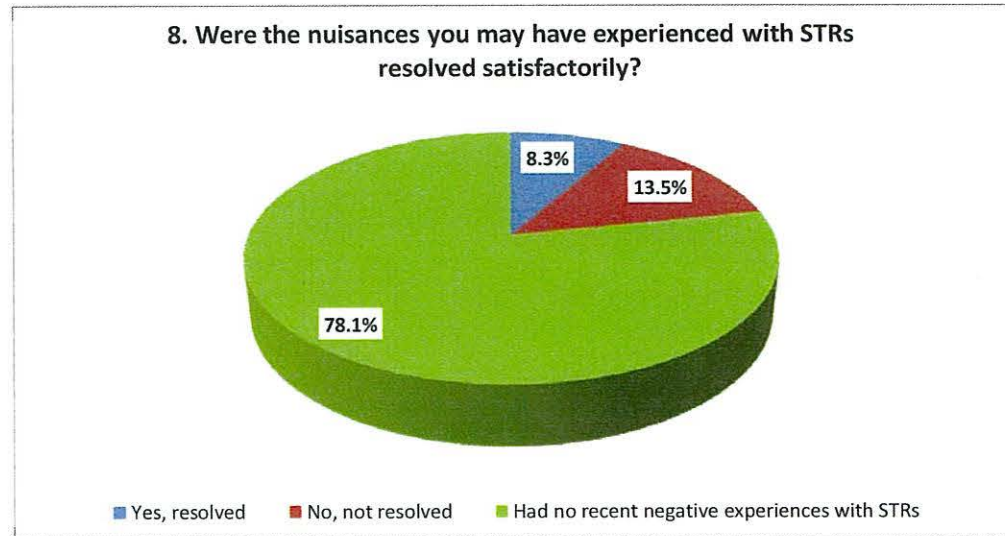
- We have 2 STR properties around our home & the renters have trespassed on our property & have violated the quiet hours (be quiet & respectful after 10 p.m. & before 8 a.m.). We have tried being neighborly & have asked the renters to shut down their parties &/or Loud music & this hasn't happened!
- Minor noise past 10 p.m., but a call to property manager stopped it in 20 mins.
- Our HOA has its own rules in place, which make STRs a pleasant experience for everyone.



Comments on resolution of STR nuisances

Q8. *Were the nuisances you may have experienced with STRs resolved satisfactorily?*

- I didn't know who to contact.
- The number I called did not correspond to the "owner" of the house.
- Some excited guests at neighboring homes, but I generally enjoy the atmosphere created by happy visitors and their families.
- If we did have an issue that could not be resolved directly with the renter, the phone numbers posted on the front of homes serves as a mechanism to contact the owner and have an issue resolved through the owner's intervention.
- Yes on the noise. Contacted short-term rental agency, and there has not been another Incident since. No on speed. Excessive speed continues to be an issue.



- Prior nuisances: parking, noise, and fires close to homes.
- An incident occurred in which a community member was involved in an altercation with renters staying at my home. The sheriff responded and identified the neighbor as the problem. The affair ended without an arrest, but the challenge was not with the STR but with our community.
- Limiting or removing STRs will destroy Pacific City's economy and tourism. This will result in an increase of poverty, violence, drug abuse, and a coastal town that will be run down and deteriorate.

Comments on resolution of STR nuisances, cont.

Q8. Were the nuisances you may have experienced with STRs resolved satisfactorily? (comments continued)

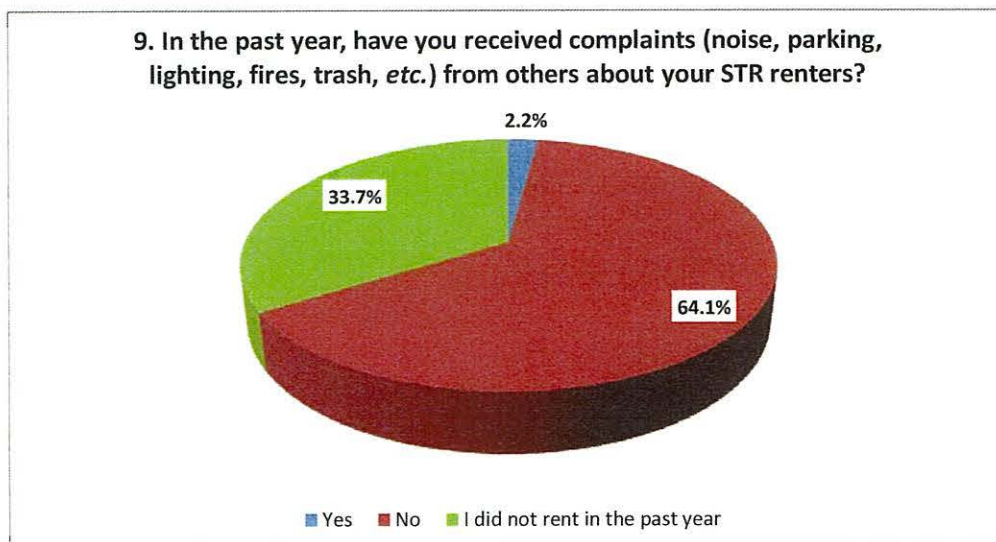
- We feel confident the County will face ongoing litigation on illegal property usage restrictions. We would hope that KSMA doesn't use the new STR regs to put even more restrictions on our property usage. We abide by the HOA regs and feel they are enough as they currently stand.
- We have 2 STR properties around our home & the renters have trespassed on our property & have violated the quiet hours (be quiet & respectful after 10 p.m. & before 8 a.m.). We have tried being neighborly & have asked the renters to shut down their parties &/or Loud music & this hasn't happened!
- Yes and no. Sometimes have to call the rental agent to get resolved. Sometimes don't bother to do so. Without proper monitoring by the agents or the association, renters who are likely unaware or don't care about the rules will not abide by them. Finally, there is trash and fire residue on the upper dune that is not always cleaned up.
- I reside in "Columbia Heights" (Pacific City). I have 2 STRs within 500 yards of my property. The couple of incidents were mostly about late night noise. Generally I found if you just contact the STR permit holder/management company, the issue seems to resolve itself immediately.



Comments on complaints to owners about renters

Q9. *In the past year, have you received complaints (noise, parking, lighting, fires, trash, etc.) from others about your STR renters?*

- Our family never received a complaint from a neighboring home about our behavior as renters, and we never had a complaint about a neighbor that couldn't be resolved with a quick discussion with them.
- No complaints to us or our management company.
- We have never had any complaints about our renters. We have a very small house with a capacity of 6.



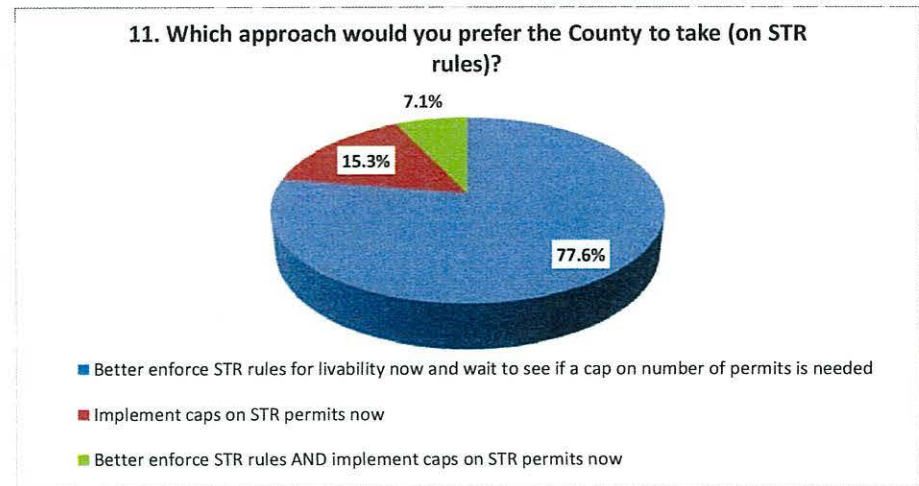
- A neighbor (who does not live in PC full-time) has pointed out that a light on the exterior of our garage is very bright when left on. We've worked with him to fix the problem, and as of our last conversation, it has been taken care of. Until he raised the issue of brightness, we thought leaving the light on would provide additional security when the house was empty.



Comments on preference for county approaches

Q11. Under the current draft revisions to STR rules, the total number of annual permits would be capped at roughly current levels. Applicants who exceed the STR cap would be placed on a waiting list and would receive a permit when a permit becomes available. (Approximately 25% of residential properties in Pacific City have STR permits.) Which approach would you prefer the County to take?

- This doesn't mean I would support additional caps; but apparently some areas need county support re livability issues.
- None of the above. This question is leading. It should be thrown out.
- Allow homeowners to solve any issues. They are closer to the problems. Additional and costly enforcement rules come with lists of frustrations!
- I understand the concerns, but would prefer no action at this time. I recommend monitoring. It is my assumption the qty. of short-term permits will start to naturally reduce due to falling vacation home revenue. The COVID rental high is over.



- Capping permits creates a supply-side shortage, which will create a market for the existing permits. As such, any home with a permit will be more valuable than an identical non-permitted home, thereby creating a disparity in home values based on permit status.
- We're not aware of any issues in Kiwanda Shorts that require better enforcement as well. The status quo is working well. Most importantly, if a change is made, all current STR permit holders should be grandfathered and be able to keep their permit.

Comments on preference for country approaches

Q11. Under the current draft revisions to STR rules, the total number of annual permits would be capped at roughly current levels. Applicants who exceed the STR cap would be placed on a waiting list and would receive a permit when a permit becomes available. (Approximately 25% of residential properties in Pacific City have STR permits.) Which approach would you prefer the County to take? (comments continued)

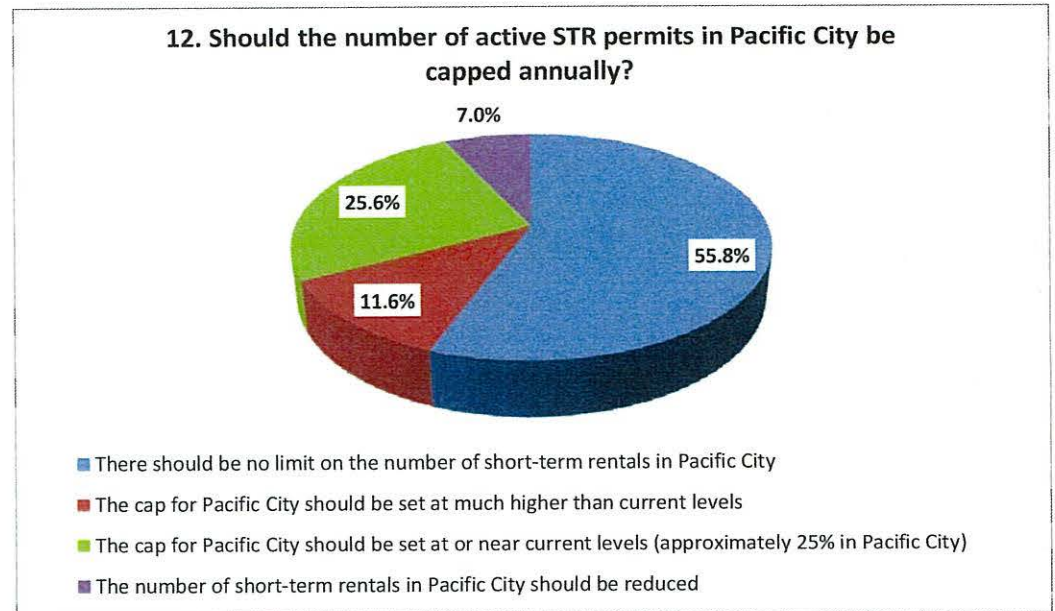
- We believe the county's strategy is to use the cap and the new restrictions to methodically over a long period of time attempt to effectively eliminate STRs and at the same time give favor to the hotel industry. We believe the county will use their new restrictions in an abusive manner.
- Limiting STR permits is a restriction on our property rights, giving an advantage in potential property value to those who already have permits or are grandfathered in.
- None of the above! Leave us property owners and our rights as property owners alone! No cap, no enforcement. The taxes, license fees, and permit fees are already an insult that has been tolerated for too long. If any further action to restrict our rights to rent is made, we will sue first for an injunction and next for damages.
- There is no data to justify the imposition of caps on the number of STR rentals. Enforce rules, gather data, and then see if an STR cap is called for.



Comments on capping STRs in Pacific City

Q12. *Should the number of active STR permits in Pacific City be capped annually?*

- We do not believe a cap is necessary at this time ... but are not opposed to it in future regulation.
- I think caps create a lot of unintended consequences and don't address some of the issues that they intend to address. They might prevent some areas becoming majority rentals, which I understand.
- Perhaps it would be better to limit the number of rental homes to one per entity.
- I recommend restricting by neighborhood, not by total percentage. I would allow Kiwanda permit without cap.
- It is every property owner's right.



- Capping the number of STR permits issued just creates scarcity, which then generates numerous unintended consequences. If we are blocked from operating periodically as an STR, it will have significant financial consequence to my family and our ability to maintain the beach home.
- No caps as long as we enforce the rules and punish bad actors.
- The market should dictate the demand and the subsequent number of permits. Limits are arbitrary and don't solve the issues associated with STRs.



Comments on capping STRs in Pacific City, cont.

Q12. Should the number of active STR permits in Pacific City be capped annually? (comments continued)

- Capping the number of STR permits issued just creates scarcity, which then generates numerous unintended consequences. If we are blocked from operating periodically as an STR, it will have significant financial consequence to my family and our ability to maintain the beach home.
- No caps as long as we enforce the rules and punish bad actors.
- The market should dictate the demand and the subsequent number of permits. Limits are arbitrary and don't solve the issues associated with STRs.
- Cap should be slightly higher than current level.
- Again, don't have enough data and haven't heard the pros and cons for each position. Would like to learn more before advocating a position.
- The market will help regulate this on its own through natural arbitration. If there are too many STRs to support the need, some homes won't get booked, and it will become too expensive for owners to pay the fees involved, and they will let their permits expire.
- More analysis may be needed to determine what a "healthy" percentage would be based upon the long-term vision/goals of this community. In my own self interest, I'd like the opportunity to obtain an STR when I decide to develop my property.
- We believe a 25% gap is too low given how the county determines geographical neighborhood boundaries. It is unfair to neighborhoods populations that are sparse.



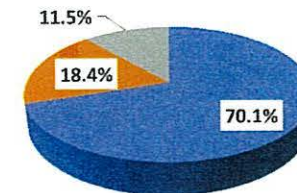
Comments on capping in Kiwanda Shores

Q13. The County is considering establishing "sub-areas" such as Kiwanda Shores with differing percentage limits on the number of STR permits each year. (Approximately 47% of property owners in Kiwanda Shores currently have STR permits.) Do you support the County establishing:

- I'm not sure I want the entire community to become STR-land. 47% is more than I would like, but I understand why owners want to help cover the costs of a second home. What I'm not in favor of is having commercial investors purchase homes specifically with year-round rental in mind (but how you restrict that is something else). Few people in Kiwanda Shores are living here year-round, and having caps or no caps won't change that.
- People should be able to use/leverage their own property as they wish. I worry that limiting/eliminating rentals will lead to "under the table" renting with less regulation and more disturbances.



13. The County is considering establishing "sub-areas" such as Kiwanda Shores with differing percentage limits on the number of STR permits each year. Do you support the County establishing:



- No cap (i.e., no limit) on the number of STR permits allowed for Kiwanda Shores owners each year
- An STR permit cap for Kiwanda Shores equal to current Kiwanda Shores STR permit levels (~47%)
- An STR permit cap for Kiwanda Shores equal to the current Pacific City STR permit levels (~25%)

- Individual owners should be able to support the cost of beach homes by sharing their home thoughtfully with renters. Emphasis should be on homeowners' rules to make that work for all.
- I think a cap on the number of nights available as a rental should be enforced. I don't support institutional ownership and using homes solely for STR revenue 365 days a year. Individual owners should be able to rent their homes for a portion of the year if they choose.